

**REGIONAL WATER AUTHORITY
EXECUTIVE COMMITTEE AGENDA**

**April 24, 2019; 8:30 a.m.
5620 Birdcage Street, Suite 110
Citrus Heights, CA 95610
(916) 967-7692**

AGENDA

The public shall have the opportunity to directly address the Board on any item of interest before or during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker. Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Authority's Administrative Office at the address listed above. In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, please contact the Executive Director of the Authority at (916) 967-7692. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PUBLIC COMMENT:** Members of the public who wish to address the committee may do so at this time. Please keep your comments to less than three minutes
- 3. CONSENT CALENDAR**
 - a. Minutes of the March 27, 2019 Executive Committee meeting
Action: Approve the March 27, 2019 Executive Committee meeting minutes
 - b. Gilbert and Associates Contract for RWA's fiscal year 2019 audit
Action: Authorize the Interim Executive Director to contract with Gilbert and Associates to provide for professional auditing services for RWA's fiscal year 2019 audit.
- 4. ADMINISTRATIVE AND MANAGEMENT SERVICES AGREEMENT WITH SACRAMENTO GROUNDWATER AUTHORITY**
Action: Recommend RWA Board approval of amended RWA Policy 100.2
- 5. RWA BOARD MEETING SCHEDULE**
Action: Recommend RWA Board approval of amended RWA Policy 200.1
Action: Recommend RWA Board approval of proposed amended RWA Board meetings scheduled for 2019
- 6. REGIONAL WATER AUTHORITY STRATEGIC PLAN UPDATE**
Information and Discussion: Rob Swartz, Interim Executive Director

7. **SACRAMENTO REGIONAL WATER BANK, PHASE 1 – MODEL DEVELOPMENT**
Action: Approve Interim Executive Director’s proposed alternate selection process for work on model development to support analysis of the proposed Sacramento Regional Water Bank
Action: Recommend to the Board of Directors authorizing the Interim Executive Director to execute Task Orders with Woodard & Curran to begin work on model development to support analysis of the proposed Sacramento Regional Water Bank
8. **LEGISLATIVE/REGULATORY UPDATE**
Information Update: Ryan Ojakian, Legislative and Regulatory Affairs Manager
Action: Take positions on bills
Action: Ratification of budget support position taken by the Interim Executive Director
Action: Ratification of signing a coalition letter on inverse condemnation liability by the Interim Executive Director
9. **WATER EFFICIENCY PROGRAM UPDATE**
Information Presentation: Amy Talbot, Senior Project Manager
10. **RWA MAY 2, 2019 BOARD MEETING AGENDA**
Action: Approve May 2, 2019 Board meeting agenda
11. **CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS 54954.5(e) AND 54957(b)(1). PUBLIC EMPLOYEE APPOINTMENT**
Title: Executive Director
12. **EXECUTIVE DIRECTOR’S REPORT**
13. **DIRECTORS’ COMMENTS**

ADJOURNMENT

Upcoming meetings:

Upcoming Executive Committee Meetings –May 22, 2019 and June 26, 2019 at 8:30 a.m. at the RWA office

Next RWA Board of Directors' Meeting – Thursday, May 2, 2019, at 9:00 a.m. at the RWA office

The RWA Executive Committee Meeting electronic packet is available on the RWA website at <https://rwah2o.org/meetings/board-meetings/> to access and print the RWA Board electronic packet.

April 24, 2019

AGENDA ITEM 3a: CONSENT CALENDAR

Minutes of the March 27, 2019 Executive Committee meeting

Action: Approve the March 27, 2019 Executive Committee meeting minutes

1. CALL TO ORDER

Chair Schubert called the meeting of the Executive Committee to order at 8:00 a.m. Individuals in attendance are listed below:

Executive Committee Members

Ron Greenwood, Carmichael Water District
Marcus Yasutake, City of Folsom
Michelle Carrey, City of Sacramento
Debra Sedwick, Del Paso Manor Water District
Paul Schubert, Golden State Water Company
Brent Smith, Placer County Water Agency
Kerry Schmitz, Sacramento County Water Agency
Dan York, Sacramento Suburban Water District
Pam Tobin, San Juan Water District

Staff Members

Rob Swartz, Ryan Ojakian, Nancy Marrier, Amy Talbot, Cecilia Partridge and Ryan Bezerra, legal counsel.

Others in Attendance

Norm Roberts and Valerie Roberts, Roberts Consulting Group

1. CALL TO ORDER AND ROLL CALL

2. CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS 54954.5(e) AND 54957(b)(1). PUBLIC EMPLOYEE APPOINTMENT

The public portion of the meeting reconvened at 10:01 a.m.

3. PUBLIC COMMENT

None.

4. CONSENT CALENDAR

The minutes from the Executive Committee meeting held February 27, 2019

Motion/Second/Carried (M/S/C) Mr. Greenwood moved, with a second by Mr. York, to approve the consent calendar item. The motion carried by the unanimous voice vote of all directors present.

5. REGIONAL WATER RELIABILITY PLAN UPDATE

Rob Swartz, Interim Executive Director, gave an information update on the Regional Water Reliability Plan (RWRP). The draft plan was released for review by the project committee on February 26th, with comments received on March 11th. Staff and its consultant, Stantec, are in the process of making revisions to the RWRP. At its February 27th meeting, the Executive Committee recommended that RWA adopt the RWRP upon its completion.

Following the March 13th RWRP project committee meeting, one of the participants expressed that RWA should also consider conducting an environmental analysis of the RWRP under the California Environmental Quality Act (CEQA). Staff would like to discuss with the Executive Committee its recommended actions for the RWA Board with respect to the final RWRP document. Enclosed for discussion were copies of an RWA 2018 adoption resolution of the Integrated Regional Water Management Plan and an SGA 2008 adoption resolution of a Groundwater Management Plan and CEQA exemption.

Mr. Bezerra said that the reliability plan under CEQA requires that an analysis be completed based on projects that result in a commitment that may affect the environment. SGA has adopted a notice of exemption stating that this is not a project and is exempt from CEQA through the notice of exemption. Mr. Bezerra will discuss this further with Mr. Madison.

After discussion it was decided that no action would be taken at this time. An action item is expected to be brought back to the Executive Committee at the April meeting.

6. SACRAMENTO REGIONAL WATER BANK PROJECT, PHASE 1

Mr. Swartz gave an update on the Sacramento Regional Water Bank Project, Phase 1. One of the key recommendations of the Regional Water Reliability Plan is to continue planning for the establishment of the Sacramento Regional Water Bank (SWRB). Staff has worked with the RWRP Project Committee to develop a follow-on subscription based project to develop the SWRB, which will be completed in two phases. Phase 1 consists of work that is primarily associated with pre-feasibility activities. The Phase 2 scope of work and budget will be further developed during Phase 1 activities and will be focused on final feasibility determinations, including environmental analysis. Near the completion of Phase 1, the Participants will decide on commencing with Phase 2. The completion of Phase 2 is expected to result in an operational water bank, with a target completion by 2022. Phase 2 would be subject to approval of a separate Project Agreement.

Staff has completed a funding agreement that incorporates comments received by prospective participating agencies with an initial budget of \$500,000 and a not-to-exceed budget of \$600,000. The project will be funded by participants, so there will be no financial impact to RWA. The individual agencies are identified in the funding plan and each individual agency has a not-to-exceed budget.

Mr. Bezerra said that the Project Agreement is a standard agreement that RWA has done for other projects.

M/S/C Mr. Yasutake moved, with a second by Mr. Greenwood, to approve the Sacramento Regional Water Bank Project, Phase 1 Project Agreement. The motion carried by the unanimous voice vote of all directors present.

7. REGIONAL WATER AUTHORITY STRATEGIC PLAN UPDATE

Mr. Swartz reported that with completion of the Regional Water Reliability Plan, a key planning component of the RWA Strategic Plan as amended on July 13, 2017 is now complete. The RWRP included recommendations to continue planning activities to establish the Sacramento Regional Water Bank. The RWRP also included recommendations related to implementation activities for the RWRP. Staff requested discussion with the Executive Committee for recommendations to update the Strategic Plan to reflect the current state of these efforts and the process for amending the Strategic Plan with the full RWA Board. Staff is also requesting input from the Executive Committee on whether there are other portions of the current amended Strategic Plan that need updating as we go through the process.

The Water Reliability Plan is complete and is eliminated from the development portion of the plan. The Integrated Water Management is also complete and is now listed under implementation. The Sacramento Regional Water Bank is the next planning item and should be added to the plan. On the implementation side we continue to work on the Water Reliability Plan identifying funding opportunities and track projects. The suggested changes to the Strategic Plan are minimal.

The process will include bringing back an edited version to the Executive Committee in April. Based on recommendations a first draft would be presented to the RWA Board in May. Input from the full board will be incorporated into the Strategic Plan and presented to the RWA board at the July 11th meeting for adoption.

8. LEGISLATIVE/REGULATORY UPDATE

Ryan Ojakian, Legislative and Regulatory Affairs Manager, gave an update on the legislative process with budget committee hearings underway. RWA staff testified at the Assembly and Senate committees in opposition to the Governor's safe drinking water proposal, which includes a tax on water customers. Staff is closely tracking approximately 100 bills that will be heard over the next several weeks. RWA currently has a position on four bills. More information about those bills can be found on the RWA Advocacy webpage on the RWA website.
<https://rwah2o.org/programs/advocacy-program/>.

The budget committees met and discussed the Water Tax from last year. Last week AB 217 was amended with an expansion on scope and funding mechanisms, a tax and the agriculture fees that have been seen without the regulatory relief they have seen in the past. In addition to current fees paid to the State Water Board

additional fees would be required based on agency connections. ACWA has an opposed unless amended position on this bill. There is a version of a trust in the bill that was meant to replace the tax. Mr. Ojakian said that staff needs to think about all of the scenarios in terms of positioning us for future negotiations.

After discussion it was decided to keep the Oppose Unless Amended position on AB 217, change the position on AB 658 from Support to Support If Amended and change the position on AB 756 from Oppose Unless Amended to a Hard Oppose. Mr. Ojakian will prepare letters indicating our positions on the bills. He gave a brief description of each bill.

AB 60 SUPPORT IF AMENDED
AB 217 OPPOSE UNLESS AMENDED
AB 510 SUPPORT
AB 658 SUPPORT IF AMENDED
AB 756 HARD OPPOSE
AB 1204 SUPPORT
AB 1414 SUPPORT IF AMENDED
AB 1415 OPPOSE UNLESS AMENDED
SB 414 SUPPORT IF AMENDED

M/S/C Ms. Sedwick moved, with a second by Ms. Tobin, to take positions on bills AB 60, AB 217, AB 510, AB 658, AB 756, AB1204, AB 1414, AB 1415 and SB 414 with the changes as indicated above. The motion carried by the unanimous voice vote of all directors present.

Paradise Irrigation District (PID) is requesting a letter of support for their budget request. A sample letter and a copy of their letter making the budget request were included in the packet. The funding is essential to keep PID operating while Paradise recovers and rebuilds from the November 2018 Camp Fire. The budget request of \$21,693, 203, if fulfilled, would provide that assistance.

M/S/C Ms. Schmitz moved, with a second by Mr. Yasutake, to approve a Budget Request Support Letter for Paradise Irrigation District. The motion carried by the unanimous voice vote of all directors present.

9. WATER EFFICIENCY PROGRAM UPDATE

Amy Talbot, Senior Project Manager, gave a power point presentation update on the Water Efficiency Program (WEP). WEP launched the second year of its two-year public outreach campaign, Check and Save, in March. The campaign invites residents to check their yard's soil moisture before watering by using moisture meters and the "screwdriver test" as tools. Ads will be primarily in online and social media advertising. Radio ads and in-person radio interviews will supplement the visual messaging.

WEP is hosting its second Qualified Water Efficient Landscaper (QWEL) 4-week training in March and April. QWEL is a United States Environmental Protection Agency (EPA) WaterSense-labeled certification program designed for landscape professionals. The training focuses on sustainable landscape practices and

irrigation system audits. RWA is an EPA authorized organization to host QWEL trainings. Registration for the current class is full and has a waitlist. Sacramento Suburban Water District provided the training location. There is additional information on the QWEL website at www.qwel.net.

The new Powerhouse Science Center is now under construction in Sacramento. RWA sponsored two exhibits in the Water Gallery: Water Day-to-Day and Our Water Future. The anticipated opening of the Center is spring 2021.

Staff released an irrigation controller project request for proposals (RFP) this week. The project is grant funded for \$100,000 providing residents with an online portal to purchase discounted “smart” weather-based irrigation controllers, with the option of controller installation services. The RFP includes language to allow neighboring northern California regional water agencies to partner with RWA on the project. Sonoma Water and the Bay Area Water Supply & Conservation Agency (BAWSCA) were contacted and have expressed interest in the project.

Staff is considering an Imagery RFP that will be sent out in the next week to receive input. There is a project team comprised of select agencies to determine the anticipated results of the Imagery project for each agency. Project costs will be determined on how many agencies are involved and the level of work for each agency.

10. EXECUTIVE DIRECTOR’S REPORT

Integrated Regional Water Management Update – RWA staff met with the American River Basin (ARB) Integrated Regional Water Management (IRWM) Plan Advisory Committee on March 21st to review draft recommended projects for the upcoming Department of Water Resources Proposition 1 IRWM Implementation Program. Staff is seeking around \$9.4 million for approximately 10 projects. The Advisory Committee concurred with the staff draft recommendations. The next meeting of the ARB IRWM Stakeholders will be held on April 22nd, beginning at 1:00 pm, at RWA. The issue is that there is a funding area wide allocation for the entire Sacramento River Hydrologic Region. There are six IRWM groups that are trying to determine how to share the limited resources. That group has discussed a range of everyone receiving an equal share at \$4.8 million to a prorated amount. Staff is requesting \$9.4 million and negotiations continue. One project in the San Joaquin River Funding Area is included with a million dollars being set aside for that project.

Bureau of Reclamation Water Management Options Pilots Program – RWA staff received a forwarded copy from a few member agencies for a new activity and funding opportunity under the Reclamation Basin Study Program. Staff has reviewed the letter and believes that modeling for the future Phase 2 of the Sacramento Regional Water Bank could be a good candidate activity for the program. When proposed operations are shown, staff also has to prove to both the state and federal agencies that our operations won’t negatively impact them. Reclamation has been briefed and they have concerns about the impacts to the central valley project operations. Staff wants to continue to assure them that we can work out the operation issues to make sure that this is mutually beneficial and

can be seen as a partnership with reclamation. The funding is not in the form of a grant, but in the form of direct assistance, to complete the proposed activity. Staff has confirmed with Reclamation that RWA would be an eligible applicant. Staff is still gathering information to determine if it will proceed with submitting a letter of interest by the April 15 deadline. No Board action is required by Reclamation to submit the letter.

11. DIRECTORS' COMMENTS

Mr. Smith said that Placer County Water Agency invited the City of Roseville staff to their board meeting last week to provide information on the their Aquifer Storage and Recover (ASR) wells. Rich Plecker, Sean Bigley and Trevor Joseph attended the meeting and gave an information presentation. City of Roseville is actively using two wells in West Placer under a pilot program that will produce good information.

Ms. Tobin reported that San Juan Water District has a board meeting this evening.

Ms. Sedwick said that she will not be attending the next Executive Committee meeting.

Mr. York said that Sacramento Suburban Water District is in the process of conducting a water rate study to present to their board in April.

ADJOURNMENT

With no further business to come before the Executive Committee, Chair Schubert adjourned the meeting at 11:32 a.m.

By:

Chairperson

Attest:

Nancy Marrier, Board Secretary / Treasurer

April 24, 2019

AGENDA ITEM 3b: CONSENT CALENDAR

BACKGROUND:

On April 25, 2018 the RWA Executive Committee approved a contract with Gilbert and Associates for professional auditing services. The Fiscal Year 2019 audit will be the second year that RWA has contracted with Gilbert and Associates. The contract shall not exceed \$27,500 for the FY 2019 audit.

STAFF RECOMMENDATION:

Action: Authorize the Interim Executive Director to contract with Gilbert and Associates to provide for professional auditing services for RWA's fiscal year 2019 audit.

April 24, 2019

AGENDA ITEM 4: ADMINISTRATIVE AND MANAGEMENT SERVICES AGREEMENT WITH SACRAMENTO GROUNDWATER AUTHORITY

BACKGROUND:

The resolution of the CalPERS Audit of RWA, which led to establishment of a CalPERS contract with SGA necessitates changes to the Administrative and Management Services Agreement between the two Authorities to reflect that some individuals/positions are employed jointly by RWA and SGA, and that certain employment functions are carried out by RWA under the Agreement. On February 14, 2019, the SGA Board authorized its Chair to execute the agreement upon RWA approval of the amendments. Both mark-up and clean versions of the amended policy are enclosed.

STAFF RECOMMENDATION:

Action: Recommend RWA Board approval of amended RWA Policy 100.2

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : General
Policy Title : Administrative and Management Services Agreement (SGA)
Policy Number : 100.2
Date Adopted : May 14, 2002
Date Amended : September 9, 2004
May 2, 2019

AMENDED AND RESTATED AGREEMENT BETWEEN THE REGIONAL WATER AUTHORITY AND THE SACRAMENTO GROUNDWATER AUTHORITY FOR ADMINISTRATIVE AND MANAGEMENT SERVICES

This Agreement was made and entered into on the 23rd day of May, 2002, amended on the 9th day of September, 2004, and amended and restated again on May 2, 2019 by and between the Regional Water Authority (“RWA”), a joint exercise of powers authority formed under California Government Code section 6500, *et seq.* (“the Joint Powers Authority Act”), and the Sacramento Groundwater Authority (“SGA”), also a joint exercise of powers authority formed under the Joint Powers Authority Act.

Deleted: and is

RECITALS

A. RWA is a joint powers authority, formed to serve and represent regional water supply and to assist its members in protecting and enhancing the reliability, availability, affordability and quality of water resources.

B. RWA is a successor in interest to all rights and obligations of the Sacramento Metropolitan Water Authority.

C. SGA is a joint powers authority, created by the City of Citrus Heights, the City of Folsom, the City of Sacramento, and the County of Sacramento for the purpose of managing the North Area Groundwater Basin through regulatory activities and conjunctive use programs.

D. SGA is a successor in interest to all rights and obligations of the Sacramento North Area Groundwater Management Authority.

E. RWA and SGA serve many common constituents and perform numerous common functions and activities, with the objective of preserving and protecting the water supplies for present and future uses in the Sacramento region.

F. RWA and SGA are successors in interest to the *Agreement Between the Sacramento Metropolitan Water Authority and the Sacramento North Area Groundwater Management Authority Regarding Administrative Cost Sharing Arrangements*, dated July 27, 2000 (hereinafter, “2000 Cost Share Agreement”), which obligates SGA and RWA each to pay 50% of all common administrative expenses of the RWA and SGA.

G. The purpose of this agreement is to delineate an efficient and effective arrangement for administration and management of services and for ownership of assets and property common to the RWA and SGA.

AGREEMENT

1. Recitals Incorporated. The foregoing recitals are hereby incorporated by reference.

2. Definitions. Except as otherwise provided in this Article, terms used in this Agreement shall be given their common meaning.

- a. **Common Costs.** Common Costs shall include Employee Costs and costs for Goods and Services of benefit to both RWA and SGA. RWA and SGA shall each be responsible for 50% of Common Costs, unless both the RWA and SGA Boards agree in writing to a different allocation for individual Employees or specific Goods and Services. Budgets, budget items, or written agreements duly adopted and approved by the SGA and RWA Boards may be used to authorize or adjust a Common Cost and/or allocation formula.
- b. **Employees.** Employees shall include all full-time and part-time personnel and staff, ~~some of whom shall be employees of both RWA and SGA, depending on their assigned work. The allocation of shared employees between the agencies will be designated in the adopted budgets of RWA and SGA each fiscal year. RWA shall have the responsibility and obligation to recruit and recommend a selection for the position of Executive Director. Both RWA and SGA must agree on the Executive Director selection and each Board must approve the hiring of the Executive Director in a writing approved by the respective Boards.~~
- c. **Employee Costs.** Employee Costs shall include Employee salaries, benefits, allowances, health plans, vacation pay, Public Employees Retirement System participation payments, workers’ compensation insurance, and any other employment-related cost, whether set forth in an employment agreement or otherwise.
- d. **Goods and Services.** Goods and Services shall include supplies, equipment, furniture, rents, leases, clerical services, or any other

Deleted:
Deleted: and retained by RWA to act for the benefit
Deleted: All Employees shall be employees of RWA and agents of SGA. Unless expressly stated otherwise in a separate agreement, all Employees shall act for the benefit of RWA and SGA.

goods or services acquired or retained for the benefit of both RWA and SGA. Auditing services shall be included as Goods and Services, but legal and other consultants' services shall not be included as Goods and Services, unless SGA and RWA agree otherwise in writing as to specified services. Goods and Services shall be administered by RWA through contracts and agreements between RWA and Goods and Services providers, provided that the SGA Board, or a committee thereof, is consulted prior to entering into or materially modifying any such agreement or contract.

- e. **Ownership of Goods and Other Assets.** Unless otherwise specified in a writing approved by the RWA and SGA Boards, ownership of Goods and other assets acquired as a common benefit to the RWA and SGA shall be prorated between RWA and SGA in proportion to the allocation of the Common Costs for the specific Goods or assets.

3. Term. This Agreement shall remain in effect until terminated by one of the parties in writing, with thirty days notice.

4. RWA Obligations. RWA shall be responsible for recruiting and hiring Employees, contracting for Goods and Services, and paying Common Costs. RWA shall submit monthly invoices to SGA for payment of SGA's share of Common Costs.

Deleted: employing

5. SGA Obligations. SGA shall be responsible for paying RWA for SGA's share of Common Costs within 15 days of receiving an invoice from RWA.

6. Separate Financial Accounts. RWA and SGA shall maintain separate bank and financial accounts. Nothing in this Agreement shall be construed to allow either RWA or SGA to draw from or access any account of the other party.

7. Insurance.

- (a) RWA and SGA shall carry separate insurance policies sufficient to cover each entity's potential liabilities and exposures arising from their operations, except that only RWA will procure worker's compensation insurance necessary to cover all Employees as required by Labor Code section 3700 and any authorized volunteers of either party pursuant to Labor Code section 3363.5. RWA's obligation to secure workers' compensation insurance coverage for SGA's employees and authorized volunteers is authorized pursuant to Labor Code section 3602, subdivision (d) and specifically agreed to by the parties herein.
- (b) In accordance with paragraph 2.d., all insurance premiums will be considered Goods and Services, which RWA will purchase as provided in paragraph 4 of this Agreement. All insurance premium payments made by RWA on behalf of both

entities will be aggregated and SGA will pay 50% of the aggregate premiums to RWA in accordance with paragraph 5 of this Agreement.

(c) If either RWA or SGA becomes liable to any third party on a claim, judgment, arbitration award, settlement, administrative order or on any other basis ("Claim"), RWA and SGA shall be responsible for payment of such Claim as follows:

- (i) For any Claim made, brought, incurred, accepted or assessed against RWA or SGA as its sole and separate liability, the responsible entity shall pay the claim 100% from its own funds to the extent of any deductible or self-insurance, and then to the extent of the liable party's insurance coverage.
- (ii) For any Claim made, brought, incurred, accepted or assessed against both RWA and SGA as their joint and several liability in an amount no greater than the amount of each entity's insurance deductible applicable to the Claim, then RWA shall pay the Claim amount and bill SGA for 50% of that amount in accordance with paragraphs 4 and 5 of this Agreement.
- (iii) For any Claim made, brought, incurred, accepted or assessed against both RWA and SGA as their joint and several liability in excess of \$50,000, each entity would first tender such Claim to its insurance provider for coverage. If the Claim is subject to some form of adjudication, RWA and SGA will each be responsible for that portion of liability on the Claim that is apportioned to each, up to the deductible amount of any insurance, and then all liability amounts in excess of the deductible amount will be apportioned between the insurance policies as determined by RWA's and SGA's insurer(s). In no case, however, will RWA and SGA be entitled to obtain indemnification from their insurer(s) in excess of the total Claim amount.
- (iv) In any Claim that is subject to litigation and/or adjudication, RWA and SGA will first tender the Claim to their insurer(s) for a defense. If the Claim is the sole liability of one party, then the liable party shall be solely responsible for all defense costs not paid by or in excess of its insurance coverage. In cases of joint and several liability, RWA and SGA shall each pay 50% of any defense costs not paid by or in excess of their respective insurance coverage.

(d) If RWA's worker's compensation insurance does not fully cover all liability arising from covered employee or volunteer injuries within the scope of the Worker's Compensation and Insurance Act, then any excess amount of such liability shall be allocated either solely to RWA or SGA, or jointly to RWA and

SGA, according to whether the Employee was acting for RWA or SGA or both at the time that the compensable injury occurred.

8. Compliance With Laws. RWA and SGA each shall give all notices required by law and comply with all laws, ordinances, rules and regulations pertaining to the conduct of their respective businesses. RWA shall be responsible for all violations of the law in connection with the acts of RWA, and SGA shall be responsible for all violations of the law in connection with the acts of SGA.

9. Indemnification. To the fullest extent permitted by law, RWA and SGA shall indemnify and hold harmless and defend each other, their directors, officers, employees, agents and/or authorized volunteers from and against all liabilities, claims, demands, losses, damages, and costs, including reasonable attorney's fees and litigation costs of all persons in any way arising out of the decisions of the respective entities' Boards of Directors and from the performance (or actual or alleged non-performance) of RWA or SGA's duties under this Agreement, for damages to persons or property due to RWA or SGA's negligent or willful acts, errors or omissions committed. RWA and SGA shall not tender such claims to the other entity nor to its directors, officers, employees, agents and/or authorized volunteers, for defense or indemnity, except that RWA and SGA each shall defend the other and pay and satisfy any judgment, award or decree that may be rendered against the other, if any, or its directors, officers, employees, agents or authorized volunteers, in any suits, actions, or other legal or administrative proceedings, in accordance with the provisions of paragraph 7 of this Agreement.

10. 2000 Cost Share Agreement Superseded. This Agreement, as from time to time modified and amended, replaces and supersedes the 2000 Cost Share Agreement.

11. Employment Agreements Not Modified. This Agreement shall not be construed to modify or amend any employment agreement between an Employee and RWA or SGA, including the March 5, 2001 *SMWA-SNAGMA Employment Agreement with Executive Director*.

12. Entire Agreement. This writing constitutes the sole, entire, integrated and exclusive agreement between RWA and SGA regarding administration and management services, and any other contracts, agreements, terms, understandings, promises or representations not expressly set forth or referenced in this writing are null and void and of no force and effect.

13. Notices. Any notice to be given pursuant to this Agreement shall be sufficiently served if delivered personally to the Chair of the RWA or the Chair of the SGA Board of Directors, as appropriate, or if deposited in the United States Mail, regular pre-paid mail, addressed to RWA or SGA offices.

14. Successors and Assigns. This Agreement shall bind, and inure to the benefit of, the successors, assigns, heirs and legal representatives of the parties hereto.

15. Amendments. This Agreement may be amended only by a subsequent writing, approved and signed by all parties. The RWA and SGA Boards of Directors must approve any amendment to this Agreement at a public meeting. Individual RWA and SGA Board members do not have authority, express or implied, to amend, modify, waive or in any way alter this Agreement of the terms and conditions hereof.

16. Waiver. The waiver at any time by either party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

17. Construction and Interpretation. The parties agree and acknowledge that this Agreement has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of this Agreement. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

REGIONAL WATER AUTHORITY

By: _____
Chair, Board of Directors

Date: _____

SACRAMENTO GROUNDWATER AUTHORITY

By: _____
Chair, Board of Directors

Date: _____

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : General
Policy Title : Administrative and Management Services Agreement (SGA)
Policy Number : 100.2
Date Adopted : May 14, 2002
Date Amended : September 9, 2004
May 2, 2019

AMENDED AND RESTATED AGREEMENT BETWEEN THE REGIONAL WATER AUTHORITY AND THE SACRAMENTO GROUNDWATER AUTHORITY FOR ADMINISTRATIVE AND MANAGEMENT SERVICES

This Agreement was made and entered into on the 23rd day of May, 2002, amended on the 9th day of September, 2004, and amended and restated again on May 2, 2019 by and between the Regional Water Authority (“RWA”), a joint exercise of powers authority formed under California Government Code section 6500, *et seq.* (“the Joint Powers Authority Act”), and the Sacramento Groundwater Authority (“SGA”), also a joint exercise of powers authority formed under the Joint Powers Authority Act.

RECITALS

A. RWA is a joint powers authority, formed to serve and represent regional water supply and to assist its members in protecting and enhancing the reliability, availability, affordability and quality of water resources.

B. RWA is a successor in interest to all rights and obligations of the Sacramento Metropolitan Water Authority.

C. SGA is a joint powers authority, created by the City of Citrus Heights, the City of Folsom, the City of Sacramento, and the County of Sacramento for the purpose of managing the North Area Groundwater Basin through regulatory activities and conjunctive use programs.

D. SGA is a successor in interest to all rights and obligations of the Sacramento North Area Groundwater Management Authority.

E. RWA and SGA serve many common constituents and perform numerous common functions and activities, with the objective of preserving and protecting the water supplies for present and future uses in the Sacramento region.

F. RWA and SGA are successors in interest to the *Agreement Between the Sacramento Metropolitan Water Authority and the Sacramento North Area Groundwater Management Authority Regarding Administrative Cost Sharing Arrangements*, dated July 27, 2000 (hereinafter, “2000 Cost Share Agreement”), which obligates SGA and RWA each to pay 50% of all common administrative expenses of the RWA and SGA.

G. The purpose of this agreement is to delineate an efficient and effective arrangement for administration and management of services and for ownership of assets and property common to the RWA and SGA.

AGREEMENT

1. Recitals Incorporated. The foregoing recitals are hereby incorporated by reference.

2. Definitions. Except as otherwise provided in this Article, terms used in this Agreement shall be given their common meaning.

- a. Common Costs.** Common Costs shall include Employee Costs and costs for Goods and Services of benefit to both RWA and SGA. RWA and SGA shall each be responsible for 50% of Common Costs, unless both the RWA and SGA Boards agree in writing to a different allocation for individual Employees or specific Goods and Services. Budgets, budget items, or written agreements duly adopted and approved by the SGA and RWA Boards may be used to authorize or adjust a Common Cost and/or allocation formula.
- b. Employees.** Employees shall include all full-time and part-time personnel and staff, some of whom shall be employees of both RWA and SGA, depending on their assigned work. The allocation of shared employees between the agencies will be designated in the adopted budgets of RWA and SGA each fiscal year. RWA shall have the responsibility and obligation to recruit and recommend a selection for the position of Executive Director. Both RWA and SGA must agree on the Executive Director selection and each Board must approve the hiring of the Executive Director in a writing approved by the respective Boards.
- c. Employee Costs.** Employee Costs shall include Employee salaries, benefits, allowances, health plans, vacation pay, Public Employees Retirement System participation payments, workers’ compensation insurance, and any other employment-related cost, whether set forth in an employment agreement or otherwise.
- d. Goods and Services.** Goods and Services shall include supplies, equipment, furniture, rents, leases, clerical services, or any other

goods or services acquired or retained for the benefit of both RWA and SGA. Auditing services shall be included as Goods and Services, but legal and other consultants' services shall not be included as Goods and Services, unless SGA and RWA agree otherwise in writing as to specified services. Goods and Services shall be administered by RWA through contracts and agreements between RWA and Goods and Services providers, provided that the SGA Board, or a committee thereof, is consulted prior to entering into or materially modifying any such agreement or contract.

- e. **Ownership of Goods and Other Assets.** Unless otherwise specified in a writing approved by the RWA and SGA Boards, ownership of Goods and other assets acquired as a common benefit to the RWA and SGA shall be prorated between RWA and SGA in proportion to the allocation of the Common Costs for the specific Goods or assets.

3. Term. This Agreement shall remain in effect until terminated by one of the parties in writing, with thirty days notice.

4. RWA Obligations. RWA shall be responsible for recruiting and hiring Employees, contracting for Goods and Services, and paying Common Costs. RWA shall submit monthly invoices to SGA for payment of SGA's share of Common Costs.

5. SGA Obligations. SGA shall be responsible for paying RWA for SGA's share of Common Costs within 15 days of receiving an invoice from RWA.

6. Separate Financial Accounts. RWA and SGA shall maintain separate bank and financial accounts. Nothing in this Agreement shall be construed to allow either RWA or SGA to draw from or access any account of the other party.

7. Insurance.

- (a) RWA and SGA shall carry separate insurance policies sufficient to cover each entity's potential liabilities and exposures arising from their operations, except that only RWA will procure worker's compensation insurance necessary to cover all Employees as required by Labor Code section 3700 and any authorized volunteers of either party pursuant to Labor Code section 3363.5. RWA's obligation to secure workers' compensation insurance coverage for SGA's employees and authorized volunteers is authorized pursuant to Labor Code section 3602, subdivision (d) and specifically agreed to by the parties herein.
- (b) In accordance with paragraph 2.d., all insurance premiums will be considered Goods and Services, which RWA will purchase as provided in paragraph 4 of this Agreement. All insurance premium payments made by RWA on behalf of both

entities will be aggregated and SGA will pay 50% of the aggregate premiums to RWA in accordance with paragraph 5 of this Agreement.

- (c) If either RWA or SGA becomes liable to any third party on a claim, judgment, arbitration award, settlement, administrative order or on any other basis (“Claim”), RWA and SGA shall be responsible for payment of such Claim as follows:
- (i) For any Claim made, brought, incurred, accepted or assessed against RWA or SGA as its sole and separate liability, the responsible entity shall pay the claim 100% from its own funds to the extent of any deductible or self-insurance, and then to the extent of the liable party’s insurance coverage.
 - (ii) For any Claim made, brought, incurred, accepted or assessed against both RWA and SGA as their joint and several liability in an amount no greater than the amount of each entity’s insurance deductible applicable to the Claim, then RWA shall pay the Claim amount and bill SGA for 50% of that amount in accordance with paragraphs 4 and 5 of this Agreement.
 - (iii) For any Claim made, brought, incurred, accepted or assessed against both RWA and SGA as their joint and several liability in excess of \$50,000, each entity would first tender such Claim to its insurance provider for coverage. If the Claim is subject to some form of adjudication, RWA and SGA will each be responsible for that portion of liability on the Claim that is apportioned to each, up to the deductible amount of any insurance, and then all liability amounts in excess of the deductible amount will be apportioned between the insurance policies as determined by RWA’s and SGA’s insurer(s). In no case, however, will RWA and SGA be entitled to obtain indemnification from their insurer(s) in excess of the total Claim amount.
 - (iv) In any Claim that is subject to litigation and/or adjudication, RWA and SGA will first tender the Claim to their insurer(s) for a defense. If the Claim is the sole liability of one party, then the liable party shall be solely responsible for all defense costs not paid by or in excess of its insurance coverage. In cases of joint and several liability, RWA and SGA shall each pay 50% of any defense costs not paid by or in excess of their respective insurance coverage.
- (d) If RWA’s worker’s compensation insurance does not fully cover all liability arising from covered employee or volunteer injuries within the scope of the Worker’s Compensation and Insurance Act, then any excess amount of such liability shall be allocated either solely to RWA or SGA, or jointly to RWA and

SGA, according to whether the Employee was acting for RWA or SGA or both at the time that the compensable injury occurred.

8. Compliance With Laws. RWA and SGA each shall give all notices required by law and comply with all laws, ordinances, rules and regulations pertaining to the conduct of their respective businesses. RWA shall be responsible for all violations of the law in connection with the acts of RWA, and SGA shall be responsible for all violations of the law in connection with the acts of SGA.

9. Indemnification. To the fullest extent permitted by law, RWA and SGA shall indemnify and hold harmless and defend each other, their directors, officers, employees, agents and/or authorized volunteers from and against all liabilities, claims, demands, losses, damages, and costs, including reasonable attorney's fees and litigation costs of all persons in any way arising out of the decisions of the respective entities' Boards of Directors and from the performance (or actual or alleged non-performance) of RWA or SGA's duties under this Agreement, for damages to persons or property due to RWA or SGA's negligent or willful acts, errors or omissions committed. RWA and SGA shall not tender such claims to the other entity nor to its directors, officers, employees, agents and/or authorized volunteers, for defense or indemnity, except that RWA and SGA each shall defend the other and pay and satisfy any judgment, award or decree that may be rendered against the other, if any, or its directors, officers, employees, agents or authorized volunteers, in any suits, actions, or other legal or administrative proceedings, in accordance with the provisions of paragraph 7 of this Agreement.

10. 2000 Cost Share Agreement Superseded. This Agreement, as from time to time modified and amended, replaces and supersedes the 2000 Cost Share Agreement.

11. Employment Agreements Not Modified. This Agreement shall not be construed to modify or amend any employment agreement between an Employee and RWA or SGA, including the March 5, 2001 *SMWA-SNAGMA Employment Agreement with Executive Director*.

12. Entire Agreement. This writing constitutes the sole, entire, integrated and exclusive agreement between RWA and SGA regarding administration and management services, and any other contracts, agreements, terms, understandings, promises or representations not expressly set forth or referenced in this writing are null and void and of no force and effect.

13. Notices. Any notice to be given pursuant to this Agreement shall be sufficiently served if delivered personally to the Chair of the RWA or the Chair of the SGA Board of Directors, as appropriate, or if deposited in the United States Mail, regular pre-paid mail, addressed to RWA or SGA offices.

14. Successors and Assigns. This Agreement shall bind, and inure to the benefit of, the successors, assigns, heirs and legal representatives of the parties hereto.

15. Amendments. This Agreement may be amended only by a subsequent writing, approved and signed by all parties. The RWA and SGA Boards of Directors must approve any amendment to this Agreement at a public meeting. Individual RWA and SGA Board members do not have authority, express or implied, to amend, modify, waive or in any way alter this Agreement of the terms and conditions hereof.

16. Waiver. The waiver at any time by either party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

17. Construction and Interpretation. The parties agree and acknowledge that this Agreement has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of this Agreement. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

REGIONAL WATER AUTHORITY

By: _____
Chair, Board of Directors

Date: _____

SACRAMENTO GROUNDWATER AUTHORITY

By: _____
Chair, Board of Directors

Date: _____

April 24, 2019

AGENDA ITEM 5: RWA BOARD MEETING SCHEDULE

BACKGROUND:

The Brown Act generally requires that a governing board set the time, place and location of its regular meetings in a resolution, policy or other document. RWA complies through our Policy 200.1, under which RWA Board meetings generally are held on the second Thursday of every other month and begin at 9:00 a.m. Policy 200.1, Rule 3, currently and specifically states that RWA will hold its Board meetings at this date and time. Both the Brown Act and that Rule 3 authorize the Board of Directors or the Executive Committee to change the location, day, and time for regular meetings from time to time. In practice, RWA has developed a schedule for the upcoming year to avoid major meeting conflicts that is passed by the RWA Board at its first regular meeting of the calendar year. The current schedule of meetings for 2019 was passed by the RWA Board on January 10, 2019.

When the current regular meeting schedule was approved, it was unknown that the RWA Executive Director position would be vacant. The recruitment process for a replacement is currently underway, with a recommended candidate anticipated to be identified soon. One relevant aspect of the Brown Act is that it does not allow the compensation of a "local agency executive," like RWA's Executive Director, to be addressed at a special board meeting. Specifically, the relevant part of the Brown Act states:

[A] legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

The RWA Board therefore must consider any contract with an incoming Executive Director at a regular meeting that is set according to the Brown Act. Accordingly, in order to maximize the efficiency of the Executive Director recruitment, staff is proposing to: 1) amend RWA Policy 200.1 to allow for holding regular meetings of the Board more often than every other month; and 2) update the 2019 schedule for regular meetings of the RWA Board to include June 13, 2019, beginning at 10:30 a.m. These changes will allow the Board to hold, in compliance with the Brown Act, a regular meeting between the May and July meetings at which the Board can consider a contract for an incoming Executive Director and potentially conclude the Executive Director selection process as early as June 13.

The current RWA Board meeting schedule and the proposed revised meeting schedule are as follows:

April 24, 2019

Current Approved RWA Board Meeting Schedule	Proposed Amended 2019 RWA Board Meeting Schedule
March 14, 2019	March 14, 2019
May 2, 2019	May 2, 2019
	June 13, 2019, 10:30 a.m.
July 11, 2019	July 11, 2019
September 12, 2019	September 12, 2019
November 14, 2019	November 14, 2019

Both mark-up and clean versions of the amended policy are enclosed.

STAFF RECOMMENDATION:

Action: Recommend RWA Board approval of amended RWA Policy 200.1

Action: Recommend RWA Board approval of proposed amended RWA Board meetings scheduled for 2019

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors
Policy Title : Rules for Proceedings of the Board of Directors
Policy Number : 200.1
Date Adopted : September 12, 2002
Date Amended : November 4, 2004; September 13, 2012; [May 2, 2019](#)

RULES FOR PROCEEDINGS OF THE BOARD OF DIRECTORS

INTRODUCTION

These are the rules for proceedings of meetings of the Board of Directors of the Regional Water Authority (“Authority”), which are authorized by Section 17 of the Joint Exercise of Powers Agreement forming the Authority, dated July 1, 2001 (“JPA Agreement”). The purposes of these rules are to facilitate public participation during meetings of the Board, protect the rights of all Directors, and to provide a process for conducting Board meetings in an orderly and efficient manner. The provisions of the JPA Agreement, the Community Services District Law (see Section 7.a.12 of the JPA Agreement, and Government Code sections 61000, et seq.), the Brown Act (Government Code section 54950, et seq.) and any other law governing the powers and/or proceedings of the Authority will control over any inconsistent provision contained in these rules.

RULE 1 - SELECTION OF OFFICERS

The Chair and Vice-Chair of the Board will be elected by the members of the Board for a one-year term commencing immediately upon conclusion of the meeting where the election was held. The election will be held prior to January 31 each year. The procedures that the Board will follow for the election of Chair and the Vice-Chair are set forth in the “Procedures for Selection of the Executive Committee of the Board of Directors and the Chair and the Vice-Chair of the Executive Committee and the Board of Directors” (attached as **Exhibit 1**, as amended by the Board from time to time, “Election Procedures”).

The Board will by majority vote appoint, considering the recommendation of the Executive Director of the Authority, a Secretary and a Treasurer, who will serve at the pleasure of the Board. (See JPA Agreement Section 18, and Government Code sections 61002 and 61050(b).)

RULE 2 - DUTIES OF CHAIR OF BOARD

The Chair of the Board of Directors will be its presiding officer. (See JPA Agreement Section 18, and Government Code section 61043(b).) The Chair's duties will include, but not be limited to, the following: acting as the liaison between the Executive Director and the Board and the Executive Committee, calling special meetings of the Board and the Executive Committee, presiding over meetings of the Board and the Executive Committee, establishing and appointing committees of the Board and the Executive Committee (except that, the members of the Executive Committee will be appointed in accordance with the procedures set forth in the Election Procedures), and appointing representatives of the Authority to associations of which the Authority is a member. The Board will appoint representatives of the Authority to joint powers authorities of which the Authority is a member. In the Chair's absence, the Vice-Chair of the Board will perform such duties. (See JPA Agreement Section 18.)

RULE 3 - TIME AND PLACE FOR REGULAR MEETINGS

The regular meeting of the Board of Directors will be held in the boardroom of the Authority's office, 5620 Birdcage Street, Suite 110, Citrus Heights, California, or at such other locations within the Authority as designated by the Board of Directors by resolution from time to time. The dates and times of those regular meetings also will be as designated by the Board of Directors by resolution from time to time, with regular meetings generally occurring at least on the second Thursday of odd-numbered months. If a regular meeting falls on a holiday (as listed in Government Code section 6700), the meeting will be held on the day designated by the Board or the Executive Committee. (See Government Code section 54954(a).)

Deleted: Executive Committee

Deleted: , commencing at 9 a.m., or a later time specified by the Executive Committee

Deleted: The location, day and time for holding regular meetings may be changed by the Board of Directors or the Executive Committee from time to time.

RULE 4 - QUORUM REQUIREMENTS

A majority of all of the members of the Board will constitute a quorum for the transaction of business. (See JPA Agreement Section 13.)

RULE 5 - MAJORITY VOTE

A majority of all of the members of the Board will be required to approve any resolution or motion, unless a different voting requirement to approve a particular action is specified under State law or the JPA Agreement. (See JPA Agreement Section 13.)

RULE 6 - WHAT CONSTITUTES AN AFFIRMATIVE VOTE

Unless a Director is not voting because of a conflict of interest, a Director who is present will be deemed to have voted in the affirmative on a matter unless the Director votes against the measure by casting a "no" vote. An "abstain" vote will constitute an "aye" vote. (See *Dry Creek Valley Association, Inc. v. Board of Supervisors* (1977) 67 Cal.App.3d 839.) When calling for the vote on a motion, the Chair of the Board may (1) ask for the "aye" and "no" votes, or (2) ask if there is any opposition, since the remaining

Directors present will be deemed to have voted in the affirmative unless they are not voting due to a conflict of interest.

RULE 7 - CONFLICTS OF INTEREST

A member of the Board may not make, participate in making or in any way attempt to use his or her official position to influence a decision of the Board of Directors in which he or she knows or has reason to know that he or she has a financial interest. (Government Code section 87100.) Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission's [FPPC] regulations) that is distinguishable from the effect on the public generally, involving dollar amount set by FPPC regulations from time to time, on (a) a business entity in which the Director has a direct or indirect investment, in the amount specified in FPPC regulations, (b) real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations or, (c) a source of income of the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision, (d) a source of gifts to the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision, or (e) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee. An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a ten percent interest or greater. (Government Code section 87103.)

If a member of the Board believes he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be used: (a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Executive Director of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Director to discuss the potential conflict with the Executive Director before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and (c) upon a determination that a disqualifying conflict of interest exists, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists; and (2) unless the matter has been placed on the consent calendar, leave the Board room until after the discussion, vote or any other disposition of the matter has been concluded, except that the Director may speak on the matter during the time that the general public speaks on the matter. In such a case, the Board minutes will state: "Due to a potential conflict of interest, Director _____ left the boardroom and did not participate in the discussion, deliberation or vote on this matter."

RULE 8 - MOTIONS

The three steps for bringing a motion before the Board are: (a) a Director makes a motion, (b) another Director seconds the motion, and (c) the Chair states the motion. Once the motion has been stated by the Chair, it is open to formal discussion. While only one motion can be considered at a time, and a pending motion must be disposed of before any other question is considered, (a) a pending motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion (and second) "to amend" the pending motion, which is then approved by the Board, or (b) a pending motion may be tabled before it is voted on by motion (and second) made "to table," which is then approved by the Board, or (c) a pending motion may be rejected without further discussion or action by a motion (and second) "of objection to consideration," which is then approved by the Board, or (d) further discussion of a pending motion can be terminated by a motion (and second) "to call the question," which is then approved by the Board. Any Director, including the Chair, may make or second a motion.

RULE 9 - PROTECTION OF RIGHTS OF DIRECTORS

One of the primary purposes for these rules of procedure is to protect the rights of all Directors. The Chair will allow each Director a reasonable opportunity to discuss a motion, after it has been made and seconded, and before it has been voted on. The Chair can set reasonable time limits for discussion of a motion. A Director can object to a procedural ruling by the Chair by stating: "Mr./Madam Chair, I rise to a point of order." The Chair must then ask the Director to state the point of order. The Chair will then rule on the point of order. The Chair's ruling on a point of order may be appealed by a motion made and seconded to appeal the decision, which is then voted on by the Board.

In order to ensure that the Board's discussions and deliberations during a public meeting can be heard by other Board members and the public, Directors should refrain from engaging in other than oral communications on Authority matters during a Board or committee meeting (e.g., refrain from using written, electronic or telephonic communications that are not made available to other Board members and to the public).

RULE 10 - RECORD OF VOTE

Except where action is taken by the unanimous vote of all Board members present and voting, the ayes and noes taken upon the passage of all resolutions or motions will be entered upon the minutes. (See Government Code section 61045(d).)

RULE 11 - AGENDA AND AGENDA MATERIALS

The Executive Director will be responsible for preparing the agenda for regular Board meetings and meetings of the Executive Committee and other standing committees (see Government Code section 54952 and Rules 21 and 22), and having it

posted at the Authority office in a location freely accessible to the public no later than seventy-two hours before a regular meeting. The Executive Director will also be responsible for preparing the agenda for *ad hoc* advisory committee meetings. The agenda will specify the time and location of the meeting and contain a brief, general description of each item of business to be transacted or discussed at the meeting, including closed session items. (See Government Code section 54954.2.) Any member of the Board may request that the Executive Director place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting will be at noon, five working days before the meeting.

An agenda for a regular or special Board meeting will contain the following statements: (a) "The public shall have the opportunity to directly address the Board on any item of interest either before or during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker." (See Government Code section 54954.3(a).); (b) "Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Authority's Administrative Office at the address listed above." (See Government Code section 54957.5(b)(2).); and (c) "In compliance with the Americans with Disabilities Act, if you have a disability and you need a disability-related modification or accommodation to participate in this meeting, then please contact the Executive Director of the Authority. Requests must be made as early as possible, and at least one-full business day before the start of the meeting." (See Government Code section 54954.2 (a).)

Additional statements may be added to the agenda from time to time as recommended or deemed advisable by the Board Chair, Executive Director or General Counsel.

RULE 12 - REQUESTS FOR COPIES OF AGENDAS AND AGENDA MATERIALS

Any person may request the Authority to mail or electronically transmit to him or her a copy of the agenda or agenda packet for any meeting of the Board. When the Authority receives such a request, the Executive Director will transmit copies of the requested materials (except for documents that are exempt from disclosure under the Public Records Act) to the requesting party at the time that the agenda is posted or when the agenda packets are distributed to a majority of the Board members, whichever occurs first. Any request for copies of agendas or agenda packets for all Board meetings in a given year will be valid for the calendar year in which the request is submitted, and the request must be renewed after January 1 of each year in which it is to remain in effect. (Government Code section 54954.1.)

Documents that are distributed to all or a majority of the members of the Board by any person in connection with a matter subject to discussion or consideration at a regular or special meeting of the Board will be disclosable public records under the

California Public Records Act (commencing with Government Code section 6250), and will be made available upon request by a member of the public without delay, except as to documents that are exempt from disclosure under the Public Records Act. Documents that are distributed during a regular or special Board meeting that are subject to disclosure under the Public Records Act will be made available for public inspection at the meeting, if prepared by the Authority or a member of the Board, or after the meeting, if prepared by some other person. The Authority may charge a fee for responding to requests for copies of agendas, agenda packets or other documents, which fee will be limited to the Authority's copying and postage costs. (See Government Code section 54957.5(a) and (b).)

Public documents and materials that are related to an open session agenda item that are provided to the Board less than seventy-two hours before a regular meeting will be made available for public inspection and copying at the Authority's office during normal business hours. These documents also may be made available on the Authority's web site. (See Government Code section 54957.5.)

Upon request, the agenda and other documents referred to in this rule will be made available in an appropriate alternative format to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. section 12132) and the federal rules and regulations adopted in implementation thereof. (See Government Code sections 54954.1, 54954.2(a) and 54957.5(b).) The Authority will not charge a special surcharge to provide documents requested in an alternative format by a person with a disability in accordance with the Americans with Disabilities Act and its implementing regulations. (See Government Code section 54957.5(c).)

The Authority may record its meetings for the sole purpose of assisting staff with the preparation of minutes. If RWA records a meeting, it will retain the recording for at least thirty days following the meeting or Board or committee approval of the minutes, whichever occurs later, after which the recording may be erased or destroyed. The public may inspect the recording on a playback device made available by the Authority, without charge. (See Government Code section 54953.5(b).)

RULE 13 - AUTHORITY TO ACT ON MATTERS NOT ON THE AGENDA

The Board will not take action on or discuss any item not appearing on the posted agenda, except under the following conditions, in which cases the item will be publicly identified before discussion begins: (a) upon a determination by a majority of the Board that an emergency situation exists as provided in Rule 26; (b) upon a determination by a two-third vote of the Board members present at the meeting, or, if less than two-thirds of the members of the Board are present, a unanimous vote of those members present, that the need to take immediate action became apparent after the agenda was posted; or (c) the item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. (See Government Code sections 54954.2 and 54956.5.)

RULE 14 - CONSENT CALENDAR

The Executive Director may list on the agenda a "consent calendar", which will consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent calendar items might include approval of minutes, financial reports and routine resolutions. Any matter may be removed from the consent calendar and placed on the regular calendar at the request of any member of the Board. The entire consent calendar may be approved by a single motion made, seconded and approved by the Board.

RULE 15 - ORAL INFORMATIONAL REPORTS

Any member of the Board may make an oral report at a regular meeting for the purpose of informing the Board of any matter of interest to the Authority. The Board may also call on the Executive Director, Authority staff or Authority legal counsel for oral informational reports on matters not on the agenda. Unless the Board makes the determinations required under Rule 13, there will be no more than limited discussion, and no action, on matters covered in such oral reports. (See Government Code section 54954.2(a).)

RULE 16 - PUBLIC FORUM AND COMMENT

Every agenda for a regular meeting will provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and that do not appear on the agenda. This agenda item will be described substantially as follows: "Opportunity for public comment on non-agenda items." During the Public Forum, the Board may, at its discretion, not respond, briefly respond to statements made or to questions posed by the public, or ask Authority staff for clarification, refer the matter to Authority staff or ask Authority staff to report back at a future meeting. (See Government Code sections 54954.2 and 54954.3.) The Board will not take action on any matter raised during the Public Forum, unless the Board first makes the determinations set forth in Rule 13. In order to facilitate public participation during the Public Forum session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (10 minutes or less will normally be standard), and may limit the time allocated for public comment of an individual speaker (3 minutes or less will normally be standard). The Chair may declare as out of order irrelevant, repetitious or disruptive comments. (See Government Code section 54954.3.)

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. (See Government Code section 54954.3(a).)

These rules are not intended to prohibit public criticism of policies, procedures, programs or services of the Authority, or of the acts or omissions of the Board. (See Government Code section 54954.3(c).)

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this section. Nothing in this section will prohibit the Board from readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. (See Government Code section 54957.9.)

It is the general policy of the Board to refer to the Executive Director for resolution of complaints received from members of the public. If the complaint cannot be resolved, the Executive Director will place it on a meeting agenda for consideration by the Board.

RULE 17 - PUBLIC HEARINGS

The procedure for conducting public hearings during a meeting of the Board will be as follows: (a) no earlier than the time set for the public hearing, the Chair of the Board will declare the public hearing open; (b) the Chair will ask the Executive Director whether notice of the public hearing has been given in the manner required by law; (c) the Chair will ask the Executive Director whether written comments on the subject matter of the public hearing have been received; (d) the Chair will ask whether any member of the public wishes to present written or oral comments on the subject of the public hearing; (e) in its discretion, the Board may set time limits on the amount of time an individual speaker is allowed to comment orally during the public hearing; and (f) following the close of presentation of comments, the Chair will declare the public hearing closed. The Board may continue a public hearing from time to time in accordance with the procedures provided in Rule 18. (See Government Code section 54955.1.) If otherwise permitted by law, the Board may take action related to the subject matter of the public hearing after the hearing is closed.

RULE 18 - ADJOURNMENT

A meeting of the Board will be adjourned by (a) loss of a quorum, (b) by motion made, seconded and approved to adjourn the meeting, or (c) by declaration of the Chair that the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board. A regular or special meeting of the Board may also be adjourned for the purpose of continuing it to a specific day and time (a) by motion made, seconded and approved, (b) by approval of less than a quorum if a quorum is not present, or (c) by the Secretary of the Board if all members are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment to continue a meeting to another date will be conspicuously posted on or near the door of the Authority boardroom or other location where the meeting was held within twenty-four hours after the time of adjournment. (See Government Code section

54955.)

RULE 19 - SPECIAL MEETINGS

A special meeting may be called at any time by the Chair, by the Executive Committee or by a majority of the members of the Board, by delivering personally or by any other means, including mail, facsimile and electronic mail, written notice to each member and to each newspaper, radio or television station requesting notice in writing. Such notice must be received at least twenty-four hours before the time of such meeting as specified in the notice (except as to emergency meetings, in which case, the notice requirements specified in Rule 26 will be followed). Electronic mail will constitute notice of a special meeting only if the recipient confirms receipt, and it will be deemed to be received at the time of such confirmation. The call and notice must specify the time and place of the special meeting and the business to be transacted, and will include the statements specified in Rule 11. No other business will be considered at such meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Authority Secretary a written waiver of notice. Waiver may be given in person or by mail, facsimile, or electronic mail. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. The call and notice must also be posted at least twenty-four hours before the meeting in a location freely accessible to the public. (See Government Code sections 54954.3(a) and 54956.)

RULE 20 - BOARD WORKSHOP MEETINGS

From time to time, the Board may set a regular or special meeting to be conducted as a "workshop meeting," during which the Board will have the opportunity to receive presentations on and discuss matters identified on the agenda, but the Board would not normally take action on those items. Nothing in this rule is intended to prevent the Board from taking action on a matter during a workshop session if it is identified as an "action item" on the agenda for that meeting.

RULE 21 - BOARD COMMITTEES

Board committees will be composed of less than a majority of Directors, and may be either standing committees or *ad hoc* advisory committees. The Board has the following standing committee (i.e., committees with continuing subject matter jurisdiction; see Government Code section 54952): the Executive Committee. In accordance with Rule 11, standing committee meetings will be open to the public (except for authorized closed sessions), and the agenda for those meetings will be posted in the same manner as the agenda for regular Board meetings. In addition, the Chair may from time to time establish, and appoint the members of, *ad hoc* advisory committees to serve a limited or single purpose, which committees are to be dissolved once their specific task is completed. The meetings of an *ad hoc* advisory committee are not required to be open to the public, and notice of such meetings is not required to be posted. (See Government Code sections 54951 and 54952.)

Directors who are not members of a standing committee may attend a standing committee meeting only as observers, and they may not participate in the committee meeting, ask questions or sit with the committee members at the Board table. (See Government Code section 54952.2(c)(6).) Directors who are not members of an *ad hoc* committee may not attend an *ad hoc* committee meeting, unless such a meeting has been publicly noticed, in which case the same rules governing attendance at standing committee meetings described above shall apply.

RULE 22 - EXECUTIVE COMMITTEE

The Executive Committee of the Board will have the duties and authority specified in Section 10.a of the JPA Agreement, and as set forth in the "Authority Delegated to the Executive Committee" (Authority Policy 200.2, attached as **Exhibit 2**, as amended by the Board from time to time). The Executive Committee will operate according to these Rules to the extent applicable.

RULE 23 - EXECUTIVE DIRECTOR

The Executive Director of the Authority will have the duties and authority specified in Section 19 of the JPA Agreement, and as set forth in the "Authority Delegated to the Executive Director" (Authority Policy 300.1, attached as **Exhibit 3**, as amended by the Board from time to time).

RULE 24 - CLOSED SESSIONS

A closed session may be held on any subject authorized under the Brown Act. The agenda for a regular or special meeting will contain a brief, general description of the purpose of a closed session, in substantially the following form:

a. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a); _____ v. _____ [insert name of case, e.g., *Jones v. Authority*].

b. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a); case name unspecified because _____ [insert either "disclosure would jeopardize service of process" or "disclosure would jeopardize existing settlement negotiations"].

c. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(b); significant exposure to litigation involving _____ [describe].

d. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(c); consideration of initiation of litigation involving _____ [describe].

e. Public employee appointment involving _____ [insert

position(s) to be filled]; Government Code sections 54954.5(e) and 54957.

f. Public employee performance evaluation involving _____ [insert position(s) being reviewed]; Government Code sections 54954.5(e) and 54957.

g. Public employee discipline/dismissal/release; Government Code sections 54954.5(e) and 54957. [No additional information required.]

h. Conference with labor negotiator involving _____ [insert name of Authority negotiator] and _____ [insert name of employee organization involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

i. Conference with labor negotiator involving _____ [insert name of Authority negotiator] and unrepresented employee(s) in position(s) of _____ [insert position(s) of unrepresented employee(s) involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

j. Conference with real property negotiator involving _____ [insert street address or other description of property], and _____ [insert name(s) of Authority negotiator(s); Authority negotiators will negotiate with _____ [insert name of other party(ies)]. Instructions to the negotiator(s) may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8.)

k. Closed session consultation with _____ [insert the name of a law enforcement agency, and the title of the officer, or the name of an applicable agency representative and title] concerning a threat to public services or facilities, or for the assessment of the security vulnerability of public facilities. (See Government Code section 54957.)

The Board will not keep minutes of its closed sessions. (See Government Code section 54957.2.) In the closed session, the Board will consider only those matters covered in its statement of reasons for holding the closed session. (See Government Code section 54957.7.)

Before holding a closed session to consider complaints or charges against a particular employee (as distinguished from mere evaluation of performance unrelated to any specific complaint or charge), the Authority will provide twenty-four hours' advance written notice to the employee of his or her right to have the matter heard in open session. (See Government Code section 54957.)

A closed session may be held to meet with the Authority's negotiator regarding the salary and benefits of Authority officers and employees, but not including elected officials, but the Authority's available funds, funding priorities or budget will not be discussed during the closed session. (See Government Code section 54957.6.)

Following every closed session, the Board will reconvene to open session and

publicly report any action and vote during the closed session in accordance with the following guidelines:

a. For action concerning final approval of a real property purchase/sale agreement or lease, report in open session at the same meeting the action taken (including the substance of the agreement) and vote, except that, if final approval rests with another party, the report may be deferred until the other party's approval. (See Government Code section 54957.1(a)(1).)

b. Approval given to legal counsel to defend or initiate a lawsuit, or seek appellate review will be reported in open session at the public meeting during which the closed session was held. (See Government Code section 54957.1(a)(2).)

c. Approval given to legal counsel to settle pending litigation or action taken to dispose of a claim will be reported in open session as soon as the settlement or claim disposition becomes final. (See Government Code section 54957.1(a)(3) and (4).)

d. For action to appoint, employ or dismiss, accept the resignation of, or otherwise affect the employment status of an employee, the Board will report in open session at the same meeting the action taken (including identity of employee or position and any change in compensation) and vote, except that, for any dismissal or non-renewal of a contract, the report back may be deferred until the first meeting after the exhaustion of administrative remedies. (See Government Code section 54957.1(a)(5).)

e. For action concerning a labor MOU, after the MOU has been approved by both parties, the Board will report in open session the action taken and vote. (See Government Code section 54957.1(a)(6).)

The Authority will make available after a closed session to anyone who has requested them in advance, agreements or other documents approved in closed session, unless the document needs to be revised, in which case it will be provided as soon as possible. After the closed session, changes to the agreement will be orally summarized if anyone present so requests. (See Government Code section 54957.1(b).)

A Director is not authorized, without approval of the Board of Directors, to disclose information that is deemed confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required or authorized to be disclosed under the California Public Records Act. A Director is not prohibited from taking the following actions in regard to a closed session of the Board: (a) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Board, (b) expressing an opinion concerning the propriety or legality of actions taken by the Board in closed session, including disclosure of the nature and extent of the allegedly illegal

action, or (c) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (a) or (b), above, however, a Board member will first bring the matter to the attention of either the Chair of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation. A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098. (See Government Code section 54963; 76 Ops.Cal.Atty.Gen. 289 (1993) and 80 Ops.Cal.Atty.Gen. 231 (1997).)

It is within the Board's discretion to allow a Director who serves as a member of the legislative body of a member agency to disclose information obtained in a closed session that has direct financial or liability implications for that member agency to the following individuals: (1) legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency; or (2) other members of the legislative body of the member agency present in a closed session of that member agency. (See Government Code section 54956.96)

RULE 25 - MEETINGS BY TELECONFERENCE

The Board or the Executive Committee may hold meetings by teleconference. (See Government Code section 54953(b).) For purposes of this rule, "meetings by teleconference" include meetings at which one or more Board member attends and participates in the meeting by telephone, video conferencing or any other electronic means using live audio or video, or both. For any meeting by teleconference conducted by the Board, the following requirements will apply:

- a. During a meeting by teleconference, at least a quorum of the members of the Board will participate from locations within the territory of the Authority.
- b. Each teleconference location (i.e., the location from which one or more Board members attends and participates in a meeting by teleconference) will be accessible to the public.
- c. When meetings by teleconference are held by telephone, speaker phones will be used at the main meeting location and at any teleconference location where there are members of the public in attendance.
- d. All votes taken at a meeting by teleconference will be by roll call.
- e. The Board will conduct the meeting by teleconference in a manner that protects the statutory and constitutional rights of parties and the public to attend and participate in the meeting.
- f. Each teleconference location will be identified in the regular meeting agenda or special meeting notice, and the agenda or notice will state that members of

the public will have the opportunity to address the Board from any teleconference location.

g. Notice of any meeting by teleconference will be included in the meeting agenda or special meeting notice in substantially the following form:

"All or portions of this meeting will be conducted by teleconference in accordance with Government Code section 54953(b). The teleconference location(s) for the meeting are as follows: _____ . Each teleconference location is accessible to the public, and members of the public may address the Board of Directors from any teleconference location."

h. In addition to the usual notice and agenda requirements, the regular meeting agenda or special meeting notice will be posted at all teleconference locations at least seventy-two hours before regular meetings or twenty-four hours before special meetings.

RULE 26 – EMERGENCY MEETINGS

Under Government Code section 54956.5, the Authority may hold a meeting to address an emergency if a majority of the Board determines that a situation exists that involves matters upon which prompt action is necessary. An emergency situation is defined as: (1) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both; or (2) a dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both.

As a condition of holding an emergency meeting, the Board Chair or his/her designee shall provide notice of the meeting by telephone to each local newspaper of general circulation, radio station and television station that has requested notice of special meetings. For a meeting for a "non-dire emergency" (Definition 1, above), the telephone notice must be provided at least one hour prior to the emergency meeting. In the case of a meeting for a "dire emergency" (Definition 2, above), the telephone notice must be provided to the media at or near the same time as notice is given to the members of the Board. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board may meet in closed session upon approval by a two-thirds vote of the Board (or the unanimous vote of the Board if less than two-thirds are present) to discuss matters related to the emergency situation. (See Government Code sections 54956.5(c) and 54957.)

With the exception of the 24-hour notice and posting requirements and any other exceptions provided in herein, all special meeting requirements described in Rule 19 shall be applicable to an emergency meeting called pursuant to this Rule.

The draft minutes of an emergency meeting called under this Rule must be posted in a public place for a minimum of 10 days as soon after the meeting as possible, and include a list of persons who the Board Chair or his/her designee notified or attempted to notify of the meeting, if applicable, any actions taken at the meeting, and a recording of any votes taken by roll call. (See Government Code section 54956.5(e).)

RULE 27 - COMPENSATION OF DIRECTORS

The Authority does not compensate or reimburse the expenses of members of the Board of Directors. Generally, the agency that a member of the Board represents provides for compensation and reimbursement of expenses associated with representing that agency on the Board of the Authority, in accordance with the rules of that agency.

RULE 28 - AMENDMENT OF RULES

By motion made, seconded and approved, the Board in its discretion may at any meeting (a) temporarily suspend these rules in whole or in part, (b) amend these rules in whole or in part, or (c) both.

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors
Policy Title : Rules for Proceedings of the Board of Directors
Policy Number : 200.1
Date Adopted : September 12, 2002
Date Amended : November 4, 2004; September 13, 2012; May 2,
2019

RULES FOR PROCEEDINGS OF THE BOARD OF DIRECTORS

INTRODUCTION

These are the rules for proceedings of meetings of the Board of Directors of the Regional Water Authority (“Authority”), which are authorized by Section 17 of the Joint Exercise of Powers Agreement forming the Authority, dated July 1, 2001 (“JPA Agreement”). The purposes of these rules are to facilitate public participation during meetings of the Board, protect the rights of all Directors, and to provide a process for conducting Board meetings in an orderly and efficient manner. The provisions of the JPA Agreement, the Community Services District Law (see Section 7.a.12 of the JPA Agreement, and Government Code sections 61000, et seq.), the Brown Act (Government Code section 54950, et seq.) and any other law governing the powers and/or proceedings of the Authority will control over any inconsistent provision contained in these rules.

RULE 1 - SELECTION OF OFFICERS

The Chair and Vice-Chair of the Board will be elected by the members of the Board for a one-year term commencing immediately upon conclusion of the meeting where the election was held. The election will be held prior to January 31 each year. The procedures that the Board will follow for the election of Chair and the Vice-Chair are set forth in the “Procedures for Selection of the Executive Committee of the Board of Directors and the Chair and the Vice-Chair of the Executive Committee and the Board of Directors” (attached as **Exhibit 1**, as amended by the Board from time to time, “Election Procedures”).

The Board will by majority vote appoint, considering the recommendation of the Executive Director of the Authority, a Secretary and a Treasurer, who will serve at the pleasure of the Board. (See JPA Agreement Section 18, and Government Code sections 61002 and 61050(b).)

RULE 2 - DUTIES OF CHAIR OF BOARD

The Chair of the Board of Directors will be its presiding officer. (See JPA Agreement Section 18, and Government Code section 61043(b).) The Chair's duties will include, but not be limited to, the following: acting as the liaison between the Executive Director and the Board and the Executive Committee, calling special meetings of the Board and the Executive Committee, presiding over meetings of the Board and the Executive Committee, establishing and appointing committees of the Board and the Executive Committee (except that, the members of the Executive Committee will be appointed in accordance with the procedures set forth in the Election Procedures), and appointing representatives of the Authority to associations of which the Authority is a member. The Board will appoint representatives of the Authority to joint powers authorities of which the Authority is a member. In the Chair's absence, the Vice-Chair of the Board will perform such duties. (See JPA Agreement Section 18.)

RULE 3 - TIME AND PLACE FOR REGULAR MEETINGS

The regular meeting of the Board of Directors will be held in the boardroom of the Authority's office, 5620 Birdcage Street, Suite 110, Citrus Heights, California, or at such other locations within the Authority as designated by the Board of Directors by resolution from time to time. The dates and times of those regular meetings also will be as designated by the Board of Directors by resolution from time to time, with regular meetings generally occurring at least on the second Thursday of odd-numbered months. If a regular meeting falls on a holiday (as listed in Government Code section 6700), the meeting will be held on the day designated by the Board or the Executive Committee. (See Government Code section 54954(a).)

RULE 4 - QUORUM REQUIREMENTS

A majority of all of the members of the Board will constitute a quorum for the transaction of business. (See JPA Agreement Section 13.)

RULE 5 - MAJORITY VOTE

A majority of all of the members of the Board will be required to approve any resolution or motion, unless a different voting requirement to approve a particular action is specified under State law or the JPA Agreement. (See JPA Agreement Section 13.)

RULE 6 - WHAT CONSTITUTES AN AFFIRMATIVE VOTE

Unless a Director is not voting because of a conflict of interest, a Director who is present will be deemed to have voted in the affirmative on a matter unless the Director votes against the measure by casting a "no" vote. An "abstain" vote will constitute an "aye" vote. (See *Dry Creek Valley Association, Inc. v. Board of Supervisors* (1977) 67 Cal.App.3d 839.) When calling for the vote on a motion, the Chair of the Board may (1) ask for the "aye" and "no" votes, or (2) ask if there is any opposition, since the remaining

Directors present will be deemed to have voted in the affirmative unless they are not voting due to a conflict of interest.

RULE 7 - CONFLICTS OF INTEREST

A member of the Board may not make, participate in making or in any way attempt to use his or her official position to influence a decision of the Board of Directors in which he or she knows or has reason to know that he or she has a financial interest. (Government Code section 87100.) Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission's [FPPC] regulations) that is distinguishable from the effect on the public generally, involving dollar amount set by FPPC regulations from time to time, on (a) a business entity in which the Director has a direct or indirect investment, in the amount specified in FPPC regulations, (b) real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations or, (c) a source of income of the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision, (d) a source of gifts to the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision, or (e) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee. An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a ten percent interest or greater. (Government Code section 87103.)

If a member of the Board believes he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be used: (a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Executive Director of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Director to discuss the potential conflict with the Executive Director before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and (c) upon a determination that a disqualifying conflict of interest exists, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists; and (2) unless the matter has been placed on the consent calendar, leave the Board room until after the discussion, vote or any other disposition of the matter has been concluded, except that the Director may speak on the matter during the time that the general public speaks on the matter. In such a case, the Board minutes will state: "Due to a potential conflict of interest, Director _____ left the boardroom and did not participate in the discussion, deliberation or vote on this matter."

RULE 8 - MOTIONS

The three steps for bringing a motion before the Board are: (a) a Director makes a motion, (b) another Director seconds the motion, and (c) the Chair states the motion. Once the motion has been stated by the Chair, it is open to formal discussion. While only one motion can be considered at a time, and a pending motion must be disposed of before any other question is considered, (a) a pending motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion (and second) “to amend” the pending motion, which is then approved by the Board, or (b) a pending motion may be tabled before it is voted on by motion (and second) made “to table,” which is then approved by the Board, or (c) a pending motion may be rejected without further discussion or action by a motion (and second) “of objection to consideration,” which is then approved by the Board, or (d) further discussion of a pending motion can be terminated by a motion (and second) “to call the question,” which is then approved by the Board. Any Director, including the Chair, may make or second a motion.

RULE 9 - PROTECTION OF RIGHTS OF DIRECTORS

One of the primary purposes for these rules of procedure is to protect the rights of all Directors. The Chair will allow each Director a reasonable opportunity to discuss a motion, after it has been made and seconded, and before it has been voted on. The Chair can set reasonable time limits for discussion of a motion. A Director can object to a procedural ruling by the Chair by stating: “Mr./Madam Chair, I rise to a point of order.” The Chair must then ask the Director to state the point of order. The Chair will then rule on the point of order. The Chair’s ruling on a point of order may be appealed by a motion made and seconded to appeal the decision, which is then voted on by the Board.

In order to ensure that the Board’s discussions and deliberations during a public meeting can be heard by other Board members and the public, Directors should refrain from engaging in other than oral communications on Authority matters during a Board or committee meeting (e.g., refrain from using written, electronic or telephonic communications that are not made available to other Board members and to the public).

RULE 10 - RECORD OF VOTE

Except where action is taken by the unanimous vote of all Board members present and voting, the ayes and noes taken upon the passage of all resolutions or motions will be entered upon the minutes. (See Government Code section 61045(d).)

RULE 11 - AGENDA AND AGENDA MATERIALS

The Executive Director will be responsible for preparing the agenda for regular Board meetings and meetings of the Executive Committee and other standing committees (see Government Code section 54952 and Rules 21 and 22), and having it

posted at the Authority office in a location freely accessible to the public no later than seventy-two hours before a regular meeting. The Executive Director will also be responsible for preparing the agenda for *ad hoc* advisory committee meetings. The agenda will specify the time and location of the meeting and contain a brief, general description of each item of business to be transacted or discussed at the meeting, including closed session items. (See Government Code section 54954.2.) Any member of the Board may request that the Executive Director place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting will be at noon, five working days before the meeting.

An agenda for a regular or special Board meeting will contain the following statements: (a) "The public shall have the opportunity to directly address the Board on any item of interest either before or during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker." (See Government Code section 54954.3(a).); (b) "Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Authority's Administrative Office at the address listed above." (See Government Code section 54957.5(b)(2).); and (c) "In compliance with the Americans with Disabilities Act, if you have a disability and you need a disability-related modification or accommodation to participate in this meeting, then please contact the Executive Director of the Authority. Requests must be made as early as possible, and at least one-full business day before the start of the meeting." (See Government Code section 54954.2 (a).)

Additional statements may be added to the agenda from time to time as recommended or deemed advisable by the Board Chair, Executive Director or General Counsel.

RULE 12 - REQUESTS FOR COPIES OF AGENDAS AND AGENDA MATERIALS

Any person may request the Authority to mail or electronically transmit to him or her a copy of the agenda or agenda packet for any meeting of the Board. When the Authority receives such a request, the Executive Director will transmit copies of the requested materials (except for documents that are exempt from disclosure under the Public Records Act) to the requesting party at the time that the agenda is posted or when the agenda packets are distributed to a majority of the Board members, whichever occurs first. Any request for copies of agendas or agenda packets for all Board meetings in a given year will be valid for the calendar year in which the request is submitted, and the request must be renewed after January 1 of each year in which it is to remain in effect. (Government Code section 54954.1.)

Documents that are distributed to all or a majority of the members of the Board by any person in connection with a matter subject to discussion or consideration at a regular or special meeting of the Board will be disclosable public records under the

California Public Records Act (commencing with Government Code section 6250), and will be made available upon request by a member of the public without delay, except as to documents that are exempt from disclosure under the Public Records Act. Documents that are distributed during a regular or special Board meeting that are subject to disclosure under the Public Records Act will be made available for public inspection at the meeting, if prepared by the Authority or a member of the Board, or after the meeting, if prepared by some other person. The Authority may charge a fee for responding to requests for copies of agendas, agenda packets or other documents, which fee will be limited to the Authority's copying and postage costs. (See Government Code section 54957.5(a) and (b).)

Public documents and materials that are related to an open session agenda item that are provided to the Board less than seventy-two hours before a regular meeting will be made available for public inspection and copying at the Authority's office during normal business hours. These documents also may be made available on the Authority's web site. (See Government Code section 54957.5.)

Upon request, the agenda and other documents referred to in this rule will be made available in an appropriate alternative format to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. section 12132) and the federal rules and regulations adopted in implementation thereof. (See Government Code sections 54954.1, 54954.2(a) and 54957.5(b).) The Authority will not charge a special surcharge to provide documents requested in an alternative format by a person with a disability in accordance with the Americans with Disabilities Act and its implementing regulations. (See Government Code section 54957.5(c).)

The Authority may record its meetings for the sole purpose of assisting staff with the preparation of minutes. If RWA records a meeting, it will retain the recording for at least thirty days following the meeting or Board or committee approval of the minutes, whichever occurs later, after which the recording may be erased or destroyed. The public may inspect the recording on a playback device made available by the Authority, without charge. (See Government Code section 54953.5(b).)

RULE 13 - AUTHORITY TO ACT ON MATTERS NOT ON THE AGENDA

The Board will not take action on or discuss any item not appearing on the posted agenda, except under the following conditions, in which cases the item will be publicly identified before discussion begins: (a) upon a determination by a majority of the Board that an emergency situation exists as provided in Rule 26; (b) upon a determination by a two-third vote of the Board members present at the meeting, or, if less than two-thirds of the members of the Board are present, a unanimous vote of those members present, that the need to take immediate action became apparent after the agenda was posted; or (c) the item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. (See Government Code sections 54954.2 and 54956.5.)

RULE 14 - CONSENT CALENDAR

The Executive Director may list on the agenda a "consent calendar", which will consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent calendar items might include approval of minutes, financial reports and routine resolutions. Any matter may be removed from the consent calendar and placed on the regular calendar at the request of any member of the Board. The entire consent calendar may be approved by a single motion made, seconded and approved by the Board.

RULE 15 - ORAL INFORMATIONAL REPORTS

Any member of the Board may make an oral report at a regular meeting for the purpose of informing the Board of any matter of interest to the Authority. The Board may also call on the Executive Director, Authority staff or Authority legal counsel for oral informational reports on matters not on the agenda. Unless the Board makes the determinations required under Rule 13, there will be no more than limited discussion, and no action, on matters covered in such oral reports. (See Government Code section 54954.2(a).)

RULE 16 - PUBLIC FORUM AND COMMENT

Every agenda for a regular meeting will provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and that do not appear on the agenda. This agenda item will be described substantially as follows: "Opportunity for public comment on non-agenda items." During the Public Forum, the Board may, at its discretion, not respond, briefly respond to statements made or to questions posed by the public, or ask Authority staff for clarification, refer the matter to Authority staff or ask Authority staff to report back at a future meeting. (See Government Code sections 54954.2 and 54954.3.) The Board will not take action on any matter raised during the Public Forum, unless the Board first makes the determinations set forth in Rule 13. In order to facilitate public participation during the Public Forum session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (10 minutes or less will normally be standard), and may limit the time allocated for public comment of an individual speaker (3 minutes or less will normally be standard). The Chair may declare as out of order irrelevant, repetitious or disruptive comments. (See Government Code section 54954.3.)

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. (See Government Code section 54954.3(a).)

These rules are not intended to prohibit public criticism of policies, procedures, programs or services of the Authority, or of the acts or omissions of the Board. (See Government Code section 54954.3(c).)

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this section. Nothing in this section will prohibit the Board from readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. (See Government Code section 54957.9.)

It is the general policy of the Board to refer to the Executive Director for resolution of complaints received from members of the public. If the complaint cannot be resolved, the Executive Director will place it on a meeting agenda for consideration by the Board.

RULE 17 - PUBLIC HEARINGS

The procedure for conducting public hearings during a meeting of the Board will be as follows: (a) no earlier than the time set for the public hearing, the Chair of the Board will declare the public hearing open; (b) the Chair will ask the Executive Director whether notice of the public hearing has been given in the manner required by law; (c) the Chair will ask the Executive Director whether written comments on the subject matter of the public hearing have been received; (d) the Chair will ask whether any member of the public wishes to present written or oral comments on the subject of the public hearing; (e) in its discretion, the Board may set time limits on the amount of time an individual speaker is allowed to comment orally during the public hearing; and (f) following the close of presentation of comments, the Chair will declare the public hearing closed. The Board may continue a public hearing from time to time in accordance with the procedures provided in Rule 18. (See Government Code section 54955.1.) If otherwise permitted by law, the Board may take action related to the subject matter of the public hearing after the hearing is closed.

RULE 18 - ADJOURNMENT

A meeting of the Board will be adjourned by (a) loss of a quorum, (b) by motion made, seconded and approved to adjourn the meeting, or (c) by declaration of the Chair that the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board. A regular or special meeting of the Board may also be adjourned for the purpose of continuing it to a specific day and time (a) by motion made, seconded and approved, (b) by approval of less than a quorum if a quorum is not present, or (c) by the Secretary of the Board if all members are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment to continue a meeting to another date will be conspicuously posted on or near the door of the Authority boardroom or other location where the meeting was held within twenty-four hours after the time of adjournment. (See Government Code section

54955.)

RULE 19 - SPECIAL MEETINGS

A special meeting may be called at any time by the Chair, by the Executive Committee or by a majority of the members of the Board, by delivering personally or by any other means, including mail, facsimile and electronic mail, written notice to each member and to each newspaper, radio or television station requesting notice in writing. Such notice must be received at least twenty-four hours before the time of such meeting as specified in the notice (except as to emergency meetings, in which case, the notice requirements specified in Rule 26 will be followed). Electronic mail will constitute notice of a special meeting only if the recipient confirms receipt, and it will be deemed to be received at the time of such confirmation. The call and notice must specify the time and place of the special meeting and the business to be transacted, and will include the statements specified in Rule 11. No other business will be considered at such meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Authority Secretary a written waiver of notice. Waiver may be given in person or by mail, facsimile, or electronic mail. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. The call and notice must also be posted at least twenty-four hours before the meeting in a location freely accessible to the public. (See Government Code sections 54954.3(a) and 54956.)

RULE 20 - BOARD WORKSHOP MEETINGS

From time to time, the Board may set a regular or special meeting to be conducted as a “workshop meeting,” during which the Board will have the opportunity to receive presentations on and discuss matters identified on the agenda, but the Board would not normally take action on those items. Nothing in this rule is intended to prevent the Board from taking action on a matter during a workshop session if it is identified as an “action item” on the agenda for that meeting.

RULE 21 - BOARD COMMITTEES

Board committees will be composed of less than a majority of Directors, and may be either standing committees or *ad hoc* advisory committees. The Board has the following standing committee (i.e., committees with continuing subject matter jurisdiction; see Government Code section 54952): the Executive Committee. In accordance with Rule 11, standing committee meetings will be open to the public (except for authorized closed sessions), and the agenda for those meetings will be posted in the same manner as the agenda for regular Board meetings. In addition, the Chair may from time to time establish, and appoint the members of, *ad hoc* advisory committees to serve a limited or single purpose, which committees are to be dissolved once their specific task is completed. The meetings of an *ad hoc* advisory committee are not required to be open to the public, and notice of such meetings is not required to be posted. (See Government Code sections 54951 and 54952.)

Directors who are not members of a standing committee may attend a standing committee meeting only as observers, and they may not participate in the committee meeting, ask questions or sit with the committee members at the Board table. (See Government Code section 54952.2(c)(6).) Directors who are not members of an *ad hoc* committee may not attend an *ad hoc* committee meeting, unless such a meeting has been publicly noticed, in which case the same rules governing attendance at standing committee meetings described above shall apply.

RULE 22 - EXECUTIVE COMMITTEE

The Executive Committee of the Board will have the duties and authority specified in Section 10.a of the JPA Agreement, and as set forth in the "Authority Delegated to the Executive Committee" (Authority Policy 200.2, attached as **Exhibit 2**, as amended by the Board from time to time). The Executive Committee will operate according to these Rules to the extent applicable.

RULE 23 - EXECUTIVE DIRECTOR

The Executive Director of the Authority will have the duties and authority specified in Section 19 of the JPA Agreement, and as set forth in the "Authority Delegated to the Executive Director" (Authority Policy 300.1, attached as **Exhibit 3**, as amended by the Board from time to time).

RULE 24 - CLOSED SESSIONS

A closed session may be held on any subject authorized under the Brown Act. The agenda for a regular or special meeting will contain a brief, general description of the purpose of a closed session, in substantially the following form:

a. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a); _____ v. _____ [insert name of case, e.g., *Jones v. Authority*].

b. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a); case name unspecified because _____ [insert either "disclosure would jeopardize service of process" or "disclosure would jeopardize existing settlement negotiations"].

c. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(b); significant exposure to litigation involving _____ [describe].

d. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(c); consideration of initiation of litigation involving _____ [describe].

e. Public employee appointment involving _____ [insert

position(s) to be filled]; Government Code sections 54954.5(e) and 54957.

f. Public employee performance evaluation involving _____ [insert position(s) being reviewed]; Government Code sections 54954.5(e) and 54957.

g. Public employee discipline/dismissal/release; Government Code sections 54954.5(e) and 54957. [No additional information required.]

h. Conference with labor negotiator involving _____ [insert name of Authority negotiator] and _____ [insert name of employee organization involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

i. Conference with labor negotiator involving _____ [insert name of Authority negotiator] and unrepresented employee(s) in position(s) of _____ [insert position(s) of unrepresented employee(s) involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

j. Conference with real property negotiator involving _____ [insert street address or other description of property], and _____ [insert name(s) of Authority negotiator(s); Authority negotiators will negotiate with _____ [insert name of other party(ies)]. Instructions to the negotiator(s) may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8.)

k. Closed session consultation with _____ [insert the name of a law enforcement agency, and the title of the officer, or the name of an applicable agency representative and title] concerning a threat to public services or facilities, or for the assessment of the security vulnerability of public facilities. (See Government Code section 54957.)

The Board will not keep minutes of its closed sessions. (See Government Code section 54957.2.) In the closed session, the Board will consider only those matters covered in its statement of reasons for holding the closed session. (See Government Code section 54957.7.)

Before holding a closed session to consider complaints or charges against a particular employee (as distinguished from mere evaluation of performance unrelated to any specific complaint or charge), the Authority will provide twenty-four hours' advance written notice to the employee of his or her right to have the matter heard in open session. (See Government Code section 54957.)

A closed session may be held to meet with the Authority's negotiator regarding the salary and benefits of Authority officers and employees, but not including elected officials, but the Authority's available funds, funding priorities or budget will not be discussed during the closed session. (See Government Code section 54957.6.)

Following every closed session, the Board will reconvene to open session and

publicly report any action and vote during the closed session in accordance with the following guidelines:

a. For action concerning final approval of a real property purchase/sale agreement or lease, report in open session at the same meeting the action taken (including the substance of the agreement) and vote, except that, if final approval rests with another party, the report may be deferred until the other party's approval. (See Government Code section 54957.1(a)(1).)

b. Approval given to legal counsel to defend or initiate a lawsuit, or seek appellate review will be reported in open session at the public meeting during which the closed session was held. (See Government Code section 54957.1(a)(2).)

c. Approval given to legal counsel to settle pending litigation or action taken to dispose of a claim will be reported in open session as soon as the settlement or claim disposition becomes final. (See Government Code section 54957.1(a)(3) and (4).)

d. For action to appoint, employ or dismiss, accept the resignation of, or otherwise affect the employment status of an employee, the Board will report in open session at the same meeting the action taken (including identity of employee or position and any change in compensation) and vote, except that, for any dismissal or non-renewal of a contract, the report back may be deferred until the first meeting after the exhaustion of administrative remedies. (See Government Code section 54957.1(a)(5).)

e. For action concerning a labor MOU, after the MOU has been approved by both parties, the Board will report in open session the action taken and vote. (See Government Code section 54957.1(a)(6).)

The Authority will make available after a closed session to anyone who has requested them in advance, agreements or other documents approved in closed session, unless the document needs to be revised, in which case it will be provided as soon as possible. After the closed session, changes to the agreement will be orally summarized if anyone present so requests. (See Government Code section 54957.1(b).)

A Director is not authorized, without approval of the Board of Directors, to disclose information that is deemed confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required or authorized to be disclosed under the California Public Records Act. A Director is not prohibited from taking the following actions in regard to a closed session of the Board: (a) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Board, (b) expressing an opinion concerning the propriety or legality of actions taken by the Board in closed session, including disclosure of the nature and extent of the allegedly illegal

action, or (c) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (a) or (b), above, however, a Board member will first bring the matter to the attention of either the Chair of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation. A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098. (See Government Code section 54963; 76 Ops.Cal.Atty.Gen. 289 (1993) and 80 Ops.Cal.Atty.Gen. 231 (1997).)

It is within the Board's discretion to allow a Director who serves as a member of the legislative body of a member agency to disclose information obtained in a closed session that has direct financial or liability implications for that member agency to the following individuals: (1) legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency; or (2) other members of the legislative body of the member agency present in a closed session of that member agency. (See Government Code section 54956.96)

RULE 25 - MEETINGS BY TELECONFERENCE

The Board or the Executive Committee may hold meetings by teleconference. (See Government Code section 54953(b).) For purposes of this rule, "meetings by teleconference" include meetings at which one or more Board member attends and participates in the meeting by telephone, video conferencing or any other electronic means using live audio or video, or both. For any meeting by teleconference conducted by the Board, the following requirements will apply:

a. During a meeting by teleconference, at least a quorum of the members of the Board will participate from locations within the territory of the Authority.

b. Each teleconference location (i.e., the location from which one or more Board members attends and participates in a meeting by teleconference) will be accessible to the public.

c. When meetings by teleconference are held by telephone, speaker phones will be used at the main meeting location and at any teleconference location where there are members of the public in attendance.

d. All votes taken at a meeting by teleconference will be by roll call.

e. The Board will conduct the meeting by teleconference in a manner that protects the statutory and constitutional rights of parties and the public to attend and participate in the meeting.

f. Each teleconference location will be identified in the regular meeting agenda or special meeting notice, and the agenda or notice will state that members of

the public will have the opportunity to address the Board from any teleconference location.

g. Notice of any meeting by teleconference will be included in the meeting agenda or special meeting notice in substantially the following form:

"All or portions of this meeting will be conducted by teleconference in accordance with Government Code section 54953(b). The teleconference location(s) for the meeting are as follows: _____ . Each teleconference location is accessible to the public, and members of the public may address the Board of Directors from any teleconference location."

h. In addition to the usual notice and agenda requirements, the regular meeting agenda or special meeting notice will be posted at all teleconference locations at least seventy-two hours before regular meetings or twenty-four hours before special meetings.

RULE 26 – EMERGENCY MEETINGS

Under Government Code section 54956.5, the Authority may hold a meeting to address an emergency if a majority of the Board determines that a situation exists that involves matters upon which prompt action is necessary. An emergency situation is defined as: (1) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both; or (2) a dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both.

As a condition of holding an emergency meeting, the Board Chair or his/her designee shall provide notice of the meeting by telephone to each local newspaper of general circulation, radio station and television station that has requested notice of special meetings. For a meeting for a "non-dire emergency" (Definition 1, above), the telephone notice must be provided at least one hour prior to the emergency meeting. In the case of a meeting for a "dire emergency" (Definition 2, above), the telephone notice must be provided to the media at or near the same time as notice is given to the members of the Board. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board may meet in closed session upon approval by a two-thirds vote of the Board (or the unanimous vote of the Board if less than two-thirds are present) to discuss matters related to the emergency situation. (See Government Code sections 54956.5(c) and 54957.)

With the exception of the 24-hour notice and posting requirements and any other exceptions provided in herein, all special meeting requirements described in Rule 19 shall be applicable to an emergency meeting called pursuant to this Rule.

The draft minutes of an emergency meeting called under this Rule must be posted in a public place for a minimum of 10 days as soon after the meeting as possible, and include a list of persons who the Board Chair or his/her designee notified or attempted to notify of the meeting, if applicable, any actions taken at the meeting, and a recording of any votes taken by roll call. (See Government Code section 54956.5(e).)

RULE 27 - COMPENSATION OF DIRECTORS

The Authority does not compensate or reimburse the expenses of members of the Board of Directors. Generally, the agency that a member of the Board represents provides for compensation and reimbursement of expenses associated with representing that agency on the Board of the Authority, in accordance with the rules of that agency.

RULE 28 - AMENDMENT OF RULES

By motion made, seconded and approved, the Board in its discretion may at any meeting (a) temporarily suspend these rules in whole or in part, (b) amend these rules in whole or in part, or (c) both.

April 24, 2019

AGENDA ITEM 6: REGIONAL WATER AUTHORITY STRATEGIC PLAN UPDATE

BACKGROUND:

With the pending completion of the RWA Regional Water Reliability Plan (RWRP), Chair Schubert requested that we revisit the July 13, 2017 Amendments to the RWA Strategic Plan. In particular, Chair Schubert wanted the RWRP moved from a planning activity to an implementation. As the Strategic Plan amendments were adopted nearly two years ago, this is an appropriate time to more comprehensively consider an updated set of proposed amendments.

At the March 27 Executive Committee meeting, staff provided an initial set of proposed amendments (see enclosed adopted July 13, 2017 amended with draft suggested edits). At the meeting, staff was provided with a preferred update process as follows: 1) Bring the draft amendments back to the Executive Committee at its April 24, 2019 meeting for more input; 2) Bring proposed draft amendments to the full Board at its May 2, 2019 for discussion and initial input on amendments; 3) Bring the amendments back to the Executive Committee as needed for additional discussion in May and June; and 4) Bring to the full RWA Board for consideration of adoption on July 11, 2019.

STAFF RECOMMENDATION:

Information and Discussion: Rob Swartz, Interim Executive Director

AMENDMENTS TO REGIONAL WATER AUTHORITY STRATEGIC PLAN 2018+

PLANNING GOAL – Continuously improve Regional Water Management Planning that is comprehensive in scope and guides effective water resources management in the region.

Adopted by RWA Board July 11, 2019

Objective A. Continue planning to develop the Sacramento Regional Water Bank to improve water supply reliability.

1. Establish a subscription-based project to complete necessary work to establish the Water Bank.
2. Engage with state, federal, and local stakeholders to gain Water Bank acceptance.
3. Engage with potential Water Bank partners.
4. Develop updated model application to assess Water Bank operations.
5. Complete an environmental analysis to support Water Bank operations.

Objective B. Evaluate and respond to external impacts on the region’s water suppliers and operations.

1. Evaluate climate as a regional vulnerability and consider climate adaptation strategies.
2. Promote Delta solutions that protect the region’s water supplies.
3. Promote forecast informed reservoir operations that enhance water supplies while maintaining flood protection.
4. Update a regional hydrologic model, in coordination with groundwater sustainability agencies, to support regional planning and groundwater management.

Deleted: an Integrated

Deleted: 3

Deleted: 7

Deleted: D

Deleted: a

Deleted: Reliability Plan to identify the most promising regional opportunities

Deleted: Identify most promising opportunities for intra- and interregional transfers and exchanges to meet demands or environmental needs

Deleted: Evaluate regional opportunities to reduce water use

Deleted: Support interregional groundwater management and conjunctive use planning

Deleted: Support recycled water planning

Deleted: Identify most promising opportunities for shared infrastructure and resources

Deleted: Objective C. Complete a comprehensive update to the American River Basin Integrated Regional Water Management Plan.

1. Coordinate completion of a Regional Stormwater Plan for incorporation into the IRWM Plan.
2. Ensure compliance with state standards for eligibility and competitiveness for future funding.
3. Develop MOUs with adjacent IRWM groups for coordination in areas served by RWA members.

Section Break (Continuous)

AMENDMENTS TO REGIONAL WATER AUTHORITY STRATEGIC PLAN 2018+

IMPLEMENTATION GOAL– Assist members with implementing successful water resources management strategies and related programs. This includes identifying, acquiring and administering external sources of funding.

Adopted by RWA Board July 13, 2017

Objective A. Promote implementation of the Regional Water Reliability Plan (RWRP) Plan.

1. Seek funding for projects included in the RWRP and support efforts of individual entities to leverage the RWRP for funding.
2. Assist with acquiring and managing grant funding for regional projects that improve water reliability.
3. Maintain the RWRP database and make appropriate updates to the RWRP on an annual basis.

Objective B. Promote implementation of the American River Basin Integrated Regional Water Management (IRWM) Plan.

1. Seek funding for projects included in the IRWM Plan and support efforts of individual entities to leverage the IRWM Plan for funding.
2. Assist with acquiring and managing grant funding for regional projects including infrastructure, water conservation, and water reliability.
3. Maintain the IRWM database and make appropriate updates to the IRWM Plan on a quarterly basis.

Objective C. Promote improvements in water use efficiency in the region to meet future water needs and ensure compliance with applicable requirements.

1. Continue to cost effectively implement a clearly defined water efficiency program that allows members to satisfy public outreach and school education requirements for a number of purposes, including the Central Valley Improvement Act and Urban Water Management Plans.
2. Continue to track and report progress in attaining compliance with metering requirements.
3. Track individual member agency water use and assist in developing a strategy for regional compliance with state standards.
4. Lead the Water Forum water caucus in development of modifications to the Water Conservation element.

Formatted: Space Before: 0 pt

Formatted: Space Before: 0 pt

Deleted: A

Deleted: ¶

Deleted: B

DRAFT

Objective **D**, Support a lower American River Flow Management Standard that is consistent with the Water Forum co-equal goals.

Deleted: c

Objective **E**, Support water transfers among agencies (intra- and interregional) that are beneficial to the region.

Deleted: D

Objective **F**, Support programs to benefit from economies of scale in purchasing and resource sharing as opportunities present themselves.

Deleted: E

AMENDMENTS TO REGIONAL WATER AUTHORITY STRATEGIC PLAN 2018+

INFORMATION/EDUCATION GOAL – Inform and educate members and interested parties by providing a forum for discussion of issues and outreach to stakeholders.

Objective A. Educate and inform members and other interested parties on water management issues affecting the region.

1. Educate members through periodic RWA Water Workshops and updates on relevant topics.
2. Maintain a subcommittee to solicit and prioritize topics and assist in planning workshops.

Objective B. Raise RWA's profile and credibility to external audiences through outreach efforts.

1. Inform the media on water management successes in the region.
2. Inform federal, state and local elected officials on water issues and water management successes.
3. Inform the public about water supply conditions by developing talking points and compiling water shortage information throughout the year.

Objective C. Develop and maintain strong partnerships to advance RWA member interests.

1. Represent the Water Caucus in the Water Forum Successor Effort.
2. Develop and maintain partnerships with other northern California water interests and water agencies outside the RWA region.
3. Maintain partnerships with business organizations including Metro Chamber and local chambers.
4. Expand involvement in statewide organizations to convey the region's views.

Objective D. Maintain communication among members to create and implement a consistent message for RWA and the region that supports other strategic plan elements (planning, implementation and advocacy).

AMENDMENTS TO REGIONAL WATER AUTHORITY STRATEGIC PLAN 2018+

ADVOCACY GOAL - REPRESENT REGIONAL NEEDS AND CONCERNS TO POSITIVELY INFLUENCE LEGISLATIVE AND REGULATORY POLICIES AND ACTIONS. THIS INCLUDES WORKING TO PRESERVE THE WATER RIGHTS AND ENTITLEMENTS OF MEMBERS, MAINTAIN AREA OF ORIGIN PROTECTIONS, AND PROTECT AND ENSURE WATER SUPPLY RELIABILITY

Adopted by the RWA Board September 14, 2017

Objective A. Engage state and federal legislators representing the region and legislators on relevant committees to discuss an agenda for legislative action that represents a collective RWA member vision on items of regional importance

1. Annually, develop a state legislative agenda and outreach plan for the region to guide advocacy efforts.
2. Maintain a tracking system of significant water related state legislation and make the information and a summary readily available electronically to members.
3. Using priorities identified through regional planning efforts, develop and advocate for positions on federal and state funding programs.
4. Monitor and actively engage on actions of the ACWA State Legislative Committee and coordinate with other external organizations.
5. Support RWA member agency activities on federal legislation and coordinate with external organizations including ACWA, NWRA, California Water Association, and the Metro Chamber.

Objective B. Evaluate, comment and advocate on statewide water regulatory issues that may impact the region and its water supply reliability

1. Track, evaluate and respond to water quality, water conservation, water affordability and other regulatory issues that may affect members.
2. Track, evaluate and respond to the ongoing regulatory implementation of the Sustainable Groundwater Management Act.
3. Participate and coordinate with efforts of partner organizations with similar interests.

April 24, 2019

AGENDA ITEM 7: SACRAMENTO REGIONAL WATER BANK, PHASE 1 – MODEL DEVELOPMENT

BACKGROUND:

On March 27, 2019, the Executive Committee approved the agreement for the Sacramento Regional Water Bank, Phase 1 (Phase1) project. The major task of Phase 1 is to prepare the model tool for the environmental and operational analyses of the water bank. The not-to-exceed budget estimate is \$367,000, so the work requires full Board approval. The scope of the \$367,000 is to develop the model for the South American Subbasin (the North American is already being developed through SGA and the other GSAs to the north) and then run the water bank analyses for both subbasins.

The RWA Interim Executive Director proposes to use RWA Policy 300.2, Section III - Alternate Selection Process. The reasons for the use of this process include:

- Woodard & Curran has successfully performed previous modeling work for the region, including a 2007 comprehensive model update for the north area and a 2011 comprehensive update for the south area
- Woodard & Curran has acquired extensive background and working knowledge of the work to be performed by virtue of supporting the existing regional model over the entire history of RWA
- Woodard & Curran is a highly recognized authority in the field of modeling especially with respect to the proposed Integrated Water Flow Model code, including being a support contractor to the Department of Water Resources for the model code itself
- Woodward & Curran was selected by RWA's sister agency, SGA via a competitive Request for Qualifications process last year for the same sort of work in the North American Subbasin, and SGA has overseen and been happy with their work
- There is cost efficiency by developing both the North American Subbasin and South American Subbasin at the same time
- Based on my experience, \$367,000 is an appropriate not-to-exceed amount for this work
- Work must commence in the near future to complete the model by mid-2020, so work should proceed immediately upon commencement of the Sacramento Regional Water Bank, Phase 1 project
- Given that RWA members are located in both the North and South American subbasins and some RWA members' service areas actually extend into both basins, it is crucial for the water bank's development that the model for the two basins works seamlessly, so it makes sense to have the same modeling consultant for both

April 24, 2019

Action: Approve Interim Executive Director's proposed alternate selection process for work on model development to support analysis of the proposed Sacramento Regional Water Bank

Action: Recommend to the Board of Directors authorizing the Interim Executive Director to execute Task Orders with Woodard & Curran to begin work on model development to support analysis of the proposed Sacramento Regional Water Bank

April 24, 2019

AGENDA ITEM 8: LEGISLATIVE/REGULATORY UPDATE

BACKGROUND:

The legislative discussions on the Water Tax and safe drinking water continue to evolve. The Assembly continues to work on a policy that includes a water tax. There are strong indications that the Senate will not support a water tax and is developing a non-tax proposal, likely to be advanced in the budget process. The Governor is telling members he is open to any proposal that solves the problem, but may be signaling that he prefers a “hybrid” (a trust and tax) approach.

The legislative process has generally moved into its refinement phase. The points in the process that most bills are improved is in the Appropriations Committees. All bills that are going to go to Appropriations will have to have made their way there by April 26th. Staff is recommending that the Executive Committee take a position on the following two bills:

AB 296 (Cooley) would establish the Climate Innovation Grant Program to be funded through a voluntary tax check off and administered by the Strategic Growth Council in the Governor’s office.

SB 487 (Caballero) would continuously appropriate \$150 million from the General Fund to the Department of Water Resources to fund ten years of areal snow surveys.

Additionally, there are two letters the Interim Executive Director has taken action on to support a budget request for \$70 million in funding for Voluntary Agreements and request public water systems be exempt from inverse condemnation liability. Because the letters were due before the Executive Committee meeting, the RWA Interim Executive Director conferred with RWA legal counsel to determine support is consistent with RWA positions per Policy 100.5, Section IV.1.(B). Those letters are attached and are before the Executive Committee for ratification per Policy 100.5, Section IV.2.

STAFF RECOMMENDATION:

Information Presentation: Ryan Ojakian, Legislative and Regulatory Affairs Manager

Action: Take Positions on Bills

AB 296 Support

SB 487 Support

Action: Ratification of budget support position taken by the Interim Executive Director

Action: Ratification of signing a coalition letter on inverse condemnation liability by the Interim Executive Director

April 17, 2019



Paul Schubert, Chair
Kerry Schmitz, Vice
Chair

Chairman Bob Wieckowski
California Senate Budget Subcommittee 2
State Capitol
Sacramento, CA 95814

Chairman Richard Bloom
California Assembly Budget Subcommittee 3
State Capitol
Sacramento, CA 95814

Re: Support for the Natural Resources Agency Voluntary Agreements Budget Request.

Members

California American Water
Carmichael Water District
Citrus Heights Water District
Del Paso Manor Water
District
El Dorado Irrigation District
Elk Grove Water District
Fair Oaks Water District
Folsom, City of
Golden State Water
Company
Lincoln, City of
Orange Vale Water Company
Placer County Water Agency
Rancho Murieta Community
Services District
Roseville, City of
Rio Linda / Elverta
Community Water District
Sacramento, City of
Sacramento County Water
Agency
Sacramento Suburban Water
District
San Juan Water District
West Sacramento, City of
Yuba City, City of

Dear Chairman Wieckowski and Chairman Bloom:

On behalf of the Regional Water Authority (“RWA”), I am writing to express RWA’s support for the Natural Resources Agency \$70 million funding request to use Proposition 68 funds for voluntary agreements. RWA is a joint powers agency representing 21 water suppliers in Sacramento, Placer, El Dorado, Yolo, and Sutter counties.

Stakeholders in the American River Basin have firsthand experience with a successful voluntary agreement. Signed in 2000 by more than 40 water providers, environmentalists, agricultural interests, and other stakeholders, the voluntary Water Forum Agreement serves as a foundation for sustainable planning. It balances co-equal objectives to provide a reliable water supply and to preserve the fishery, wildlife, recreational, and aesthetic values of the lower American River.

The State Water Resources Control Board’s Water Quality Control Plan currently being considered consists of a flow-only approach. The proposed voluntary agreements work better as an alternative, because they allow for a comprehensive approach to benefit fisheries. Voluntary agreements have the potential to provide comprehensive and durable solutions for water supply and water quality goals to benefit both human and environmental uses.

State funding for the Voluntary Agreements is vital to implementing the proposed fully-integrated approach. As described by Department of Fish and Wildlife Director Bonham before your committee in early March, the \$70 million will be used for habitat restoration projects in the coming fiscal year. Our support for the funding is based on the expenditure of these funds being consistent with requirements in Proposition 68 and with materials submitted to the State Water Resources Control Board for their approval.

For these reasons, RWA supports the Natural Resources Agency budget request. If you, or your staff, have any questions, please contact Ryan Ojakian of RWA’s Staff at (916) 967-7692 or rojakian@rwah2o.org.

Associates

County of Placer
El Dorado County Water
Agency
Sacramento Area Flood
Control Agency
Sacramento Municipal Utility
District
Sacramento Regional County
Sanitation District

Sincerely,

Rob Swartz
Interim Executive Director

April 22, 2019

Commission on Catastrophic Wildfire Cost & Recovery
1400 Tenth Street
Sacramento, CA 95184

Submitted Via Email: wildfirecommission@opr.ca.gov

Re: Public Drinking Water Suppliers, Wildfire Liability, & Inverse Condemnation

Dear Commissioners:

The public agencies listed below sincerely appreciate the Commission on Catastrophic Wildfire Cost & Recovery (Commission) issuing a request for public comment on a range of topics related, including the fairness of the current wildfire liability regime in California. As part of your important work, we respectfully encourage the Legislature, and Governor to address the negative impact the existing wildfire liability regime has on California's public drinking water suppliers, their ratepayers, and dependability of the state's drinking water systems.

The same legal regime that has threatened the financial standing of California's major electric and gas providers – inverse condemnation – threatens the very existence of the state's public drinking water suppliers and their ability to provide safe, dependable drinking water to customers.

The dangers posed by the current application of the inverse condemnation doctrine are highlighted by the judgment against the Yorba Linda Water District ("YLWD") after the 2008 Freeway Complex Fire.¹ In this case the Superior Court determine that, "neither the Plaintiffs nor the YLWD (or any YLWD public improvement) caused the Freeway Complex Fire." Despite this, Yorba Linda Water District had to pay out nearly \$70 million because a portion of its water system was damaged by the fire, which interrupted the flow of water to the fire hydrants in one neighborhood. The Superior Court did not find that Yorba Linda Water District did anything wrong or was negligent: "The interruption of water service . . . was an accident that was not desired or intended by anyone. The service interruption was not caused by a decision of YLWD's Board of Directors." Yorba Linda Water District had "full liability" even though it was also a victim of the fire and because the fire damaged the water system.

And now this same logic is being used as the foundation of suits against other public drinking water providers, including the City of Ventura in relation to the 2017 Thomas Fire.² In this instance, the City of Ventura is being sued because portions of its water system are dependent upon electricity. When Southern California Edison was unable to provide the needed electricity during the fire, the City of Ventura was unable to pump water to some fire hydrants, which then could not be used in the firefighting efforts. As was the case with Yorba Linda Water District, the City of Ventura is not being accused of starting the fire, but because it was one of the fire's many victims.

The threat posed by this legal doctrine to California's public drinking water suppliers is significant:

¹ *Itani v. Yorba Linda Water District*.

² *Wilkinson v. Southern California Edison, Edison International, & City of Ventura*.

Inverse condemnation is an evolving exposure that may intensify in frequency, gravity, and consequence. The impact on public water systems is notably adverse because their water delivery systems align well with the liability standards imposed by this legal theory. With overwhelming financial ramifications, inverse condemnation represents an existential threat to public water systems. The situation will exacerbate should the standard of strict liability, as opposed to reasonableness, be imposed for failure of fire suppression systems during wildfires.³

These risks will be magnified if the Legislature addresses the challenges posed by the inverse condemnation doctrine for electric and gas utilities, but not the hundreds of public drinking water suppliers in California, for they could become the new reinsurers of last resort for communities ravaged by wildfires. In this instance, public agencies like ours – and our ratepayers – may be left with the financial responsibility for fires caused by someone else, and even when we are the victim of those very same fires.

To address the inequities of the current inverse condemnation and wildfire liability regime, the Commission should propose, and the Legislature should adopt, a clear and unambiguous standard that public drinking water systems are not subject to inverse condemnation liability when their facilities are unable to provide sufficient amounts of water or water pressure to prevent the spread of a fire, so long as the fire was not started by the public drinking water system. We should not wait for one or more public agencies to declare bankruptcy before addressing this significant issue.

Sincerely,

Cc: The Honorable Gavin Newsom, Governor
The Honorable Toni Atkins, Senate President Pro Tempore
The Honorable Anthony Rendon, Speaker of the Assembly
The Honorable Ben Hueso, Chair, Senate Energy Utilities & Communications Committee
The Honorable Chris Holden, Chair, Assembly Utilities & Energy Committee
The Honorable Henry Stern, Chair, Senate Natural Resources & Water Committee
The Honorable Eduardo Garcia, Chair, Assembly Water, Parks & Wildlife Committee

³ Paul Fuller, “Inverse Condemnation and Public Water Systems: A Legal Nexus of Complexity, Exposure, and Uncertainty,” Public Law Journal, Volume 41, Numbers 3 & 4, 2019.

April 24, 2019

AGENDA ITEM 9: WATER EFFICIENCY PROGRAM UPDATE

BACKGROUND:

Senate Bill 606 (SB 606) and Assembly Bill 1668 (AB 1668), also referred to as the Water Conservation Legislation, were approved by Governor Brown in May 2018. Collectively these bills will require urban retail water suppliers to comply with a water supplier level water budget starting in 2023. In the meantime, the state, water suppliers, and other interested parties are working together to create the regulations that will guide the implementation of these bills. For example, one component of the water budget is residential landscape water use. RWA, Placer County Water Agency, and the city of Folsom have been appointed to the Department of Water Resources Landscape Area Measurement Work Group to provide technical support to shape the resulting regulation. Expanded drought planning is also a part of the Water Conservation Legislation and includes the statewide standardization of water shortage contingency plans (in terms of number of stages and the associated percent reduction) for inclusion in 2020 Urban Water Management Plans. This may be a coordination opportunity for RWA with the goal of consistent water conservation actions for each stage across the region. Efforts to coordinate stage actions was undertaken in 2010 and 2015. The 2015 effort resulted in a recommended stage template, which can be found on the RWA website (<https://rwah2o.org/water-shortage-stage-workshop-summary-report/>).

Staff developed a Regional Imagery Analysis Request for Proposals (RFP) as an extension of the 2018 RWA purchase of high resolution aerial imagery for the region in coordination with the Sacramento Area Council of Governments (SACOG). The RFP project will define and calculate residential landscape water budgets for one or more pilot areas in participating water agencies' service areas with the goal of informing the development of the SB 606 and AB 1668 regulations described above. A draft RFP was distributed in early April to a subset of interested agency staff for comments. Comments will be incorporated into a final RFP draft and is planned for release in May.

The Water Efficiency Program (WEP) is partnering with the University of California Davis (UC Davis) on a SmartLandscape Project through the California Center of Urban Horticulture. This urban landscape research project will incorporate irrigation technology, irrigation design, and landscape management practices. Specifically the project will test landscape budgets versus landscape watering needs, which will provide information to inform the ongoing SB 606 and AB 1668 regulatory process. The project will begin in summer 2019 and will be a multiyear project involving a variety of manufacturers, UC Davis departments, and student workers.

WEP is also partnering with multiple water suppliers throughout the state, organized by the California Water Efficiency Partnership (CalWEP), on the development of a SB 606 and AB 1668 compliance tool. The tool is envisioned to be filled out by urban

April 24, 2019

retail water suppliers and then submitted to the state to verify compliance with the new regulations. M. Cubed and A&N Technical Services have provided a project proposal to CalWEP for a total cost of \$200,000. At this time, partnering agencies include: Western Municipal Water District, Sonoma Water, Solano County, City of Santa Barbara, Inland Empire Utilities Agency, Santa Clarita Valley Water Agency, Upper San Gabriel Valley Municipal Water District, and Municipal Water District of Orange County.

RWA staff collects monthly production (by volume by water source) and residential gallons per capita per day (R-GPCD) from each water supply every month. Staff processes the data and then distributes a monthly summary report back to suppliers. This data collection serves multiple purposes including: use in grant applications and grant reporting, inclusion in water supply planning efforts like the Reliability Plan, informing public outreach messaging, timely media response, and general information to RWA member suppliers.

STAFF RECOMMENDATION:

Information Presentation: Amy Talbot, Senior Project Manager

April 24, 2019

AGENDA ITEM 10: RWA MAY 2, 2019 BOARD MEETING AGENDA

Action: Approve May 2, 2019 Board Meeting Agenda

**REGIONAL WATER AUTHORITY
REGULAR MEETING OF THE BOARD OF DIRECTORS**

Thursday, May 2, 2019, 9:00 a.m.

5620 Birdcage Street, Suite 110

Citrus Heights, CA 95610

(916) 967-7692

AGENDA

The public shall have the opportunity to directly address the Board on any item of interest before or during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker. Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Authority's Administrative Office at the address listed above. In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, please contact the Executive Director of the Authority at (916) 967-7692. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT

3. CONSENT CALENDAR

- a. Minutes from the March 14, 2019 RWA regular board meeting
Action: Approve March 14, 2019 RWA Board meeting minutes

4. EXECUTIVE COMMITTEE REPORT AND RECOMMENDATIONS

- a. Information: Final minutes of the February 27, 2019 and March 27, 2019 Executive Committee meetings and draft minutes of the April 24, 2019 Executive Committee meeting

5. ADMINISTRATIVE AND MANAGEMENT SERVICES AGREEMENT WITH SACRAMENTO GROUNDWATER AUTHORITY UPDATE

Action: Approve amended RWA Policy 100.2

6. RWA BOARD MEETING SCHEDULE

Action: Approve amended RWA Policy 200.1

Action: Approve proposed amended RWA Board meetings scheduled for 2019

7. UPDATE ON PROPOSED VOLUNTARY AGREEMENT TO THE BAY-DELTA WATER QUALITY CONTROL PLAN

Information Update: Andy Fecko, Placer County Water Agency

8. RWA STRATEGIC PLAN UPDATE

Information and Discussion: Rob Swartz, Interim Executive Director

9. SACRAMENTO REGIONAL WATER BANK, PHASE 1 – MODEL DEVELOPMENT

Action: Authorize the Interim Executive Director to execute Task Orders with Woodard & Curran to begin work on model development to support analysis of the proposed Sacramento Regional Water Bank

**10. CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS
54954.5(e) AND 54957(b)(1). PUBLIC EMPLOYEE APPOINTMENT
Title: Executive Director**

11. EXECUTIVE DIRECTOR'S REPORT

12. DIRECTORS' COMMENTS

ADJOURNMENT

Upcoming meetings:

Next Executive Committee Meetings – Wednesday, May 22, 2019, 8:30 a.m. at the RWA office and June 26, 2019, 8:30 a.m. at the RWA office

Next RWA Board of Directors' Meetings – Thursday, June 13, 2019 10:30 a.m. at the RWA office and July 11, 2019, 9:00 a.m., at the RWA office

The RWA Board Meeting electronic packet is available on the RWA website at <https://rwah2o.org/meetings/board-meetings/> to access and print the RWA Board electronic packet.

April 24, 2019

**AGENDA ITEM 11: CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS
54954.5(e) AND 54957(b)(1). PUBLIC EMPLOYEE APPOINTMENT**

Title: Executive Director

April 24, 2019

AGENDA ITEM 12: EXECUTIVE DIRECTOR'S REPORT

APRIL 24, 2019

TO: REGIONAL WATER AUTHORITY EXECUTIVE COMMITTEE

FROM: ROB SWARTZ, INTERIM EXECUTIVE DIRECTOR

RE: EXECUTIVE DIRECTOR'S REPORT

- a. Regional Water Reliability Plan** – RWA staff is currently working with Stantec to finalize the Regional Water Reliability Plan (RWRP), with an expected completion in May 2019. The final document will be circulated to RWA member agencies to provide time for members to consider the document prior to taking RWA Board action on the RWRP on July 11, 2019.
- b. Bureau of Reclamation Water Management Options Pilot Program** – RWA responded to a funding opportunity under the Reclamation Basin Study Program (see enclosed letter). Staff believes that modeling for the future Phase 2 of the Sacramento Regional Water Bank could be a good candidate activity for the program. The funding is not in the form of a grant, but in the form of direct assistance to complete the proposed activity. No Board action was required by Reclamation to submit the letter. After initial review, the most promising letters of interest will be invited back to submit a full 20-page proposal that will be rated by a Reclamation-wide review team.
- c. RWA Outreach** –
 - a. Staff attended the April 15 Board meeting of the Rio Linda/Elverta Community Water District. Staff gave an overview of the Water Forum Agreement, and its relationship to the Regional Water Authority and the Sacramento Groundwater Authority. Staff appreciates the open and positive communication with the district and its Board.
 - b. An April RWA newsletter has been posted on-line at rwah2o.org.
 - c. Staff participated in an ACWA Integrated Regional Water Management (IRWM) Subcommittee to discuss updating ACWA's IRWM Policy Principles.
 - d. Staff participated in a small group Public Policy Institute of California (PPIC) workshop on "Water Trading, Water Banking, and Sustainable Groundwater Management" on April 19 in Sacramento.
 - e. An article on conjunctive use written by Rob Swartz and John Woodling, with substantial assistance from Christine Kohn, was published in the Spring 2019 Source magazine by the California-Nevada Section of the American Water Works Association (see enclosed article).



April 15, 2019

Mr. David van Rijn
Regional Planning Director
2800 Cottage Way MP-700
Sacramento, CA 95825

Paul Schubert, Chair
Kerry Schmitz, Vice
Chair

SUBJECT: Letter of Interest for WaterSMART Water Management Options Pilots

Members

- California American Water
- Carmichael Water District
- Citrus Heights Water District
- Del Paso Manor Water District
- El Dorado Irrigation District
- Elk Grove Water District
- Fair Oaks Water District
- Folsom, City of
- Golden State Water Company
- Lincoln, City of
- Orange Vale Water Company
- Placer County Water Agency
- Rancho Murieta Community Services District
- Roseville, City of
- Rio Linda / Elverta Community Water District
- Sacramento, City of
- Sacramento County Water Agency
- Sacramento Suburban Water District
- San Juan Water District
- West Sacramento, City of
- Yuba City, City of

Dear Mr. van Rijn:

Thank you for the opportunity to provide this letter of interest for Reclamation's WaterSMART Water Management Options Pilots initiative. The Regional Water Authority (RWA) has an interest in cost sharing with Reclamation to conduct a pilot study associated with recommended actions from the Sacramento-San Joaquin Basin Study (SSJBS). RWA was formed through a joint exercise of powers agreement (JPA) in 2001 and represents 21 water suppliers in Sacramento, Placer, El Dorado, Sutter, and Yolo counties. RWA was initially formed to support local water suppliers in implementing the landmark Sacramento Water Forum Agreement of April 2000, with its co-equal objectives to provide a reliable water supply and to preserve the fishery, wildlife, recreational, and aesthetic values of the lower American River. Through its JPA, the water suppliers explicitly authorized RWA to undertake and participate in water studies and planning on behalf of its members.

Planning Background. Beginning in 2015, RWA helped support the development of a Regional Drought Contingency Plan (RDCP) for five agencies in the North American Basin with Reclamation contracts. The RDCP was supported by a Drought Contingency Plan grant awarded by Reclamation to Placer County Water Agency. The RDCP identified the vulnerabilities associated with drought conditions and potential mitigation actions of the participants. Since 2016, RWA has led an effort to develop a Regional Water Reliability Plan (RWRP) for all of its member agencies. The RWRP expanded on the RDCP by extending the area evaluated and by considering vulnerabilities beyond those associated with hydrology (e.g., water quality problems). The RDCP was completed in 2017, and the RWRP is nearing completion in early 2019. Both planning efforts identified expanding conjunctive use operations and the establishment of a groundwater bank (Water Bank) as key mitigation measures to ensure long-term water supply reliability.

Associates

- County of Placer
- El Dorado County Water Agency
- Sacramento Area Flood Control Agency
- Sacramento Municipal Utility District
- Sacramento Regional County Sanitation District

The RWRP identifies substantial opportunities for expanding conjunctive use to increase water supply reliability under current and future climate conditions. Based on reoperating the existing potable water distribution systems in the greater Sacramento metropolitan area, the RWRP estimates that up to an additional 60,000 acre-feet of water could be recharged in wet years to the underlying groundwater basins primarily through in-lieu methods. In dry years, up to an additional 60,000 acre-feet of water could be recovered through existing groundwater wells. Furthermore, the RWRP identified facility improvements over the next decade that could increase the region's storage and recovery capacities by more than 50 percent. Despite this opportunity to increase conjunctive use, the cost associated with these different sources of supply is a major barrier to implementing a program.

During development of the RWRP, participants expressed a strong interest in developing a regional Water Bank that would allow for groundwater substitution transfers, after local needs are met, in dry years to generate revenue to overcome the financial barrier to expanded conjunctive use. Given the proximity between the groundwater basins and Folsom Reservoir, there is an interest achieving Federal recognition from Reclamation of the proposed Water Bank; this would allow for storage of CVP supplies consistent with Reclamation's Groundwater Banking Guidelines. RWA and its member agencies are currently commencing planning and analysis studies to make the Water Bank a reality by 2022.

Relation to Basin Study Management Actions. The operations associated with the proposed Water Bank would directly support three water management actions included in the SSJBS:

- *Conjunctive Groundwater Management.* Based on the RWPR analysis, regional dry year potable water supply could increase from a current groundwater supply of 36% up to 58%. Conversely, in wet years, groundwater could be reduced from a current 31% down to 14%. These significant shifts will help the region adapt to prolonged dry periods. When the region is meeting more of its demands with groundwater in dry years, more surface water is subsequently available in the American River watershed.
- *Enhanced Groundwater Recharge.* In addition to the enhanced in-lieu recharge that would result from expanded conjunctive use under a Water Bank, the region is also exploring aquifer storage and recovery (ASR) wells and areas in the region that could be favorable for recharge basins to expand direct recharge. Again, these methods are costly, so a Water Bank is critical to incentivizing action.
- *Improve Tributary Environmental Flows.* The participants in the development of the proposed Water Bank are committed to the region's Water Forum Agreement. The agreement commits to alternatives to using surface water during dry periods to improve habitat conditions on the lower American River. The Water Bank will support further decrease in surface water diversions by the region during dry conditions, which will result in improved tributary environmental flows.

Need for Pilot Study. RWA briefed managers and staff from Reclamation's Central Valley Operations, Central California Area Office, and Regional Planning on March 7, 2019 about the proposed Water Bank. Understandably, Reclamation had concern over the potential for impacts to Central Valley Project (CVP) operations when the region is storing water in wet years. However, it is critical to the successful implementation of the SSJBS's recommended actions that storage, both in this region and elsewhere, does occur in wet years. Therefore, it is imperative that the region work closely with Reclamation to identify and evaluate operations that result in mutual benefits and avoid negative impacts.

Pilot Study Approach. The proposed pilot study would begin by identifying and then implementing a process for including Reclamation in the development of Water Bank storage and recovery operations intended to provide benefits to local, state, and Federal systems. As described further in the work scope below, the pilot study would also use one of Reclamation's recent modeling tools to identify the effects of proposed Water Bank operations on a system-wide basis. The process would be iterative to refine operations to add benefits or mitigate potential impacts. This approach can serve as a model for future local and Federal cooperation and coordination in developing programs that address Basin Study water management actions that are needed to ensure successful adaptation to our climate future.

Pilot Study Scope. RWA proposes to develop a coordinating group of local, state DWR, and Reclamation to develop operational strategies that result in the intended benefits of a Water Bank. RWA also proposes to refine the CalSIM 3 model and develop a model application to support development of a federally-recognized Water Bank in the American River Basin. CalSIM 3 is being developed by Reclamation and California Department of Water Resources (DWR) as a land-use based, demand-driven CVP-State Water Project (SWP) operational model. CalSIM 3 incorporates a groundwater dynamic link library (DLL) that greatly improves the characterization of surface water and groundwater uses and stream-aquifer interaction. It improves the efficiency in Water Bank planning and evaluation without constantly incurring complex groundwater model simulations. The groundwater DLL is a surrogate for the Central Valley Integrated Water Flow Model (IWFM) developed by DWR. IWFM is the primary model used for the implementation of the Sustainable Groundwater Management Act (SGMA).

As part of the ongoing efforts in the American River Basin Study (ARBS), CalSIM 3 model was identified to be the preferred tool for the integrated planning between Reclamation and local water agencies in the American River Basin because of the emphasis on basin-scale, regional conjunctive strategies, including an adaptation portfolio for a federally-recognized Water Bank. Concurrently, RWA is developing a refined American River Basin IWFM for SGMA compliance needs and for providing additional resolution for the groundwater DLL in CalSIM 3 for the Water Bank development needs. For the ARBS, the CalSIM 3 model has been significantly improved by incorporating detailed representation and operation of water facilities in the upper watershed of the American River Basin, and by incorporating hydrology from the latest climate studies for 2050, 2070, and 2085 planning horizons.

The proposed CalSIM 3 refinement and application will build on the success of the ARBS to improve the spatial resolutions of the groundwater DLL within the American River Basin to be consistent with the refined IWFM currently under development by RWA. Working with Reclamation, RWA will also use the refined CalSIM 3 model to develop various planning scenarios to conduct a reconnaissance level assessment of the federally-recognized Water Bank. The assessment will quantify the potential benefits of a Water Bank for regional water supply reliability and for Reclamation's operation of Folsom Reservoir to meet all authorized purposes of the CVP.

Budget. The estimated total budget to facilitate the local, state, and Federal coordinating group, develop and run the IWFM model application, and develop and run planning scenarios of Water Bank operations using CalSIM 3 is \$1,280,000. RWA has committed \$780,000 to fully cover the costs of the IWFM modeling. We are seeking \$500,000 in Reclamation support to facilitate the coordinating group and complete CalSIM 3 modeling.

Thank you for your consideration. We look forward to working with Reclamation on the proposed Water Bank, which we believe will result in significant local and system-wide benefits.

Sincerely,



Robert J. Swartz
Interim Executive Director

SOURCE

CALIFORNIA-NEVADA SECTION AWWA

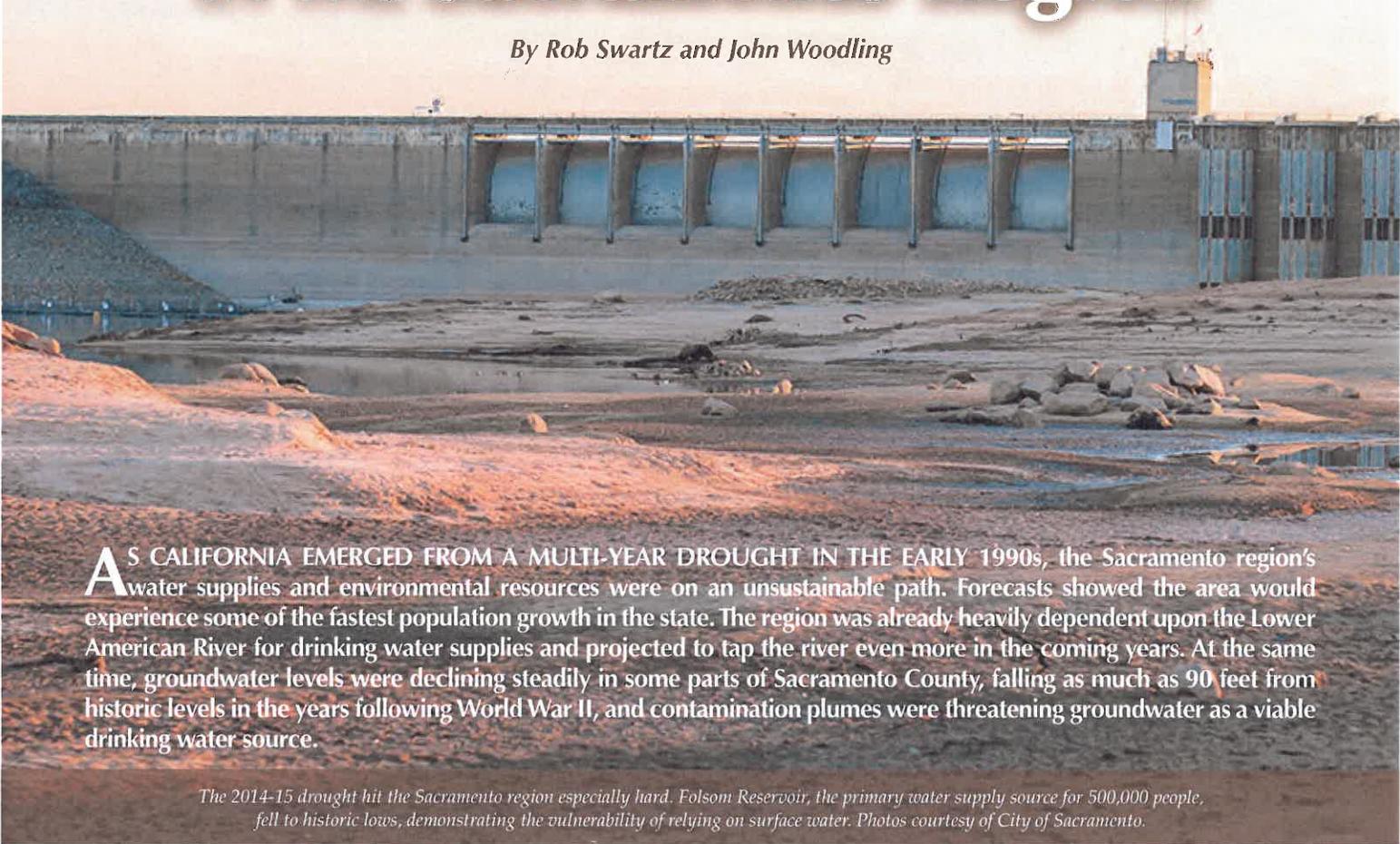
V33 • N2 • Spring 2019

Groundwater Issue

Markets, Banking,
Water Quality
... AND MORE

Conjunctive Use Builds Sustainability AND Reliability IN THE Sacramento Region

By Rob Swartz and John Woodling



AS CALIFORNIA EMERGED FROM A MULTI-YEAR DROUGHT IN THE EARLY 1990s, the Sacramento region's water supplies and environmental resources were on an unsustainable path. Forecasts showed the area would experience some of the fastest population growth in the state. The region was already heavily dependent upon the Lower American River for drinking water supplies and projected to tap the river even more in the coming years. At the same time, groundwater levels were declining steadily in some parts of Sacramento County, falling as much as 90 feet from historic levels in the years following World War II, and contamination plumes were threatening groundwater as a viable drinking water source.

The 2014-15 drought hit the Sacramento region especially hard. Folsom Reservoir, the primary water supply source for 500,000 people, fell to historic lows, demonstrating the vulnerability of relying on surface water. Photos courtesy of City of Sacramento.

From these times and conditions emerged the Water Forum, an agreement among water managers, environmentalists and other diverse stakeholders to balance the co-equal objectives of providing a reliable and safe water supply for the Sacramento region's long-term growth and economic health, and preserving the fishery, wildlife, recreational and aesthetic values of the Lower American River.

Water Forum stakeholders identified the development of a regional conjunctive use program as critical to achieving the co-equal objectives. With conjunctive use, water providers use more surface water during wet years, allowing the groundwater basin to recharge, and more groundwater during dry years, allowing more surface water to flow down the American River for fishery and wildlife.

Decades later, the Sacramento region's conjunctive use program has yielded dividends even beyond those imagined at its

formation. As local water managers embark on a new era in water reliability planning, their vision for expanding conjunctive use with groundwater banking is emerging as key to meeting the area's future water supply and environmental needs while providing benefits that extend to others statewide.

Creating the Foundation for Conjunctive Use

The Sacramento region's conjunctive use program was made possible through the formation of two joint powers agencies: the Sacramento Groundwater Authority (SGA) in 1998 to equitably and sustainably manage groundwater in the northern portion of Sacramento County and the Regional Water Authority (RWA) in 2001 to support 21 independent water suppliers serving two million people in working collaboratively to integrate their water systems.

CONJUNCTIVE USE

Extreme drought turned Folsom Reservoir's

SGA was one of the first groundwater management agencies of its kind in California, emerging 16 years before the Sustainable Groundwater Management Act (SGMA) during an era when groundwater basins were largely unregulated. Established as a joint powers authority, SGA's governance was unique at the time because it provided all groundwater users with a voice in managing the basin, including regulated water utilities and agricultural users. SGMA co-author Roger Dickinson would later cite SGA as a model for SGMA, and SGA's framework has made it possible for the Sacramento region to seamlessly and smoothly comply with California's landmark groundwater law.

RWA was established with the idea that water providers could accomplish more together than separately. The organization's mission is to help members protect and enhance the reliability, availability, affordability and quality of water resources. One of RWA's core responsibilities is bringing together diverse stakeholders through col-

The Sacramento region's water supplies come from three primary sources: surface water diverted from the American and Sacramento rivers and Folsom Reservoir, groundwater from aquifers that underlie the region and recycled water used for landscape irrigation and industrial uses. Equally important are investments in water efficiency, which help to ensure supplies continue to meet future needs.

laborative planning to identify, evaluate and prioritize water supply and water quality projects. This work has paid substantial dividends over the years, including more than \$80 million in state and federal funding for water supply planning and infrastructure.

In the years following SGA's and RWA's formations, water providers focused on making their vision for a successful conjunctive use program a reality. SGA devel-

oped a framework for how conjunctive use could function and worked with regulatory agencies and responsible parties to address threats from contamination that could undermine its success, while RWA provided an avenue for collaborative planning and funding. The region's water suppliers began to build and expand the infrastructure necessary for conjunctive use. With the support of RWA, they invested in water treatment plants, pipelines and wells to enhance the region's capacity to divert and treat surface water, increase access to groundwater and interconnect the two sources so that available water supplies could move to where they're needed.

These investments, combined with modified operations, effectively turned the groundwater basin into a large storage reservoir, allowing water providers to store an estimated 300,000 acre-feet of water in the underlying groundwater basin since the late 1990s. As a result, not only did the basin's groundwater levels stop declining, they started to gradually recover. The region's

Certified AWWA Water Audit Validation

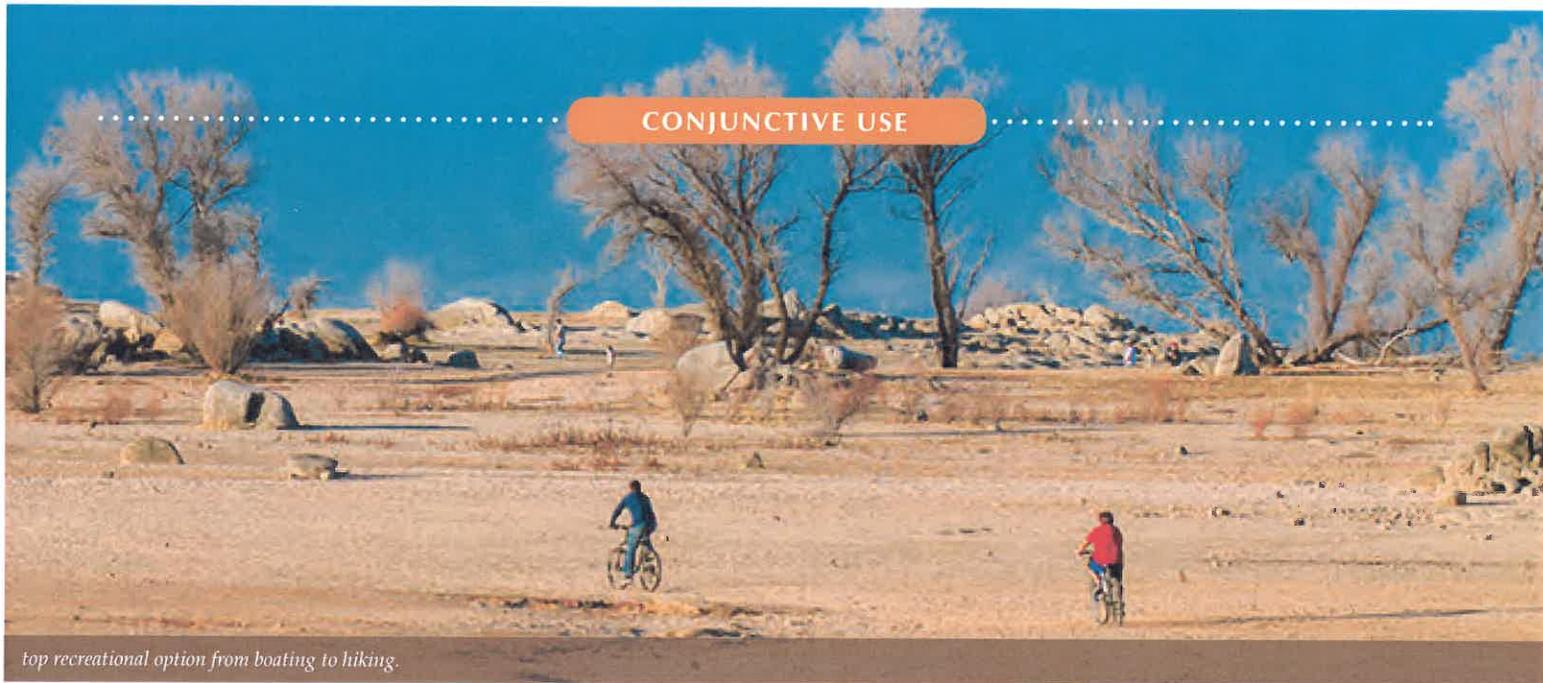
California's Senate Bill 555 requires all urban retail water suppliers to submit a completed and validated water loss audit report before **October 1st** of each year.

MC Engineering, Inc. has certified staff available to validate your water audit while providing valuable insights for related services including:

- Interpretation of Water Audit results and recommended follow-up to improve water system efficiency
- Structured meter accuracy testing and related methods for reducing Apparent Losses
- Leak detection surveys and studies aimed at reducing Real Losses
- Planning and design services for replacing aging mains and infrastructure



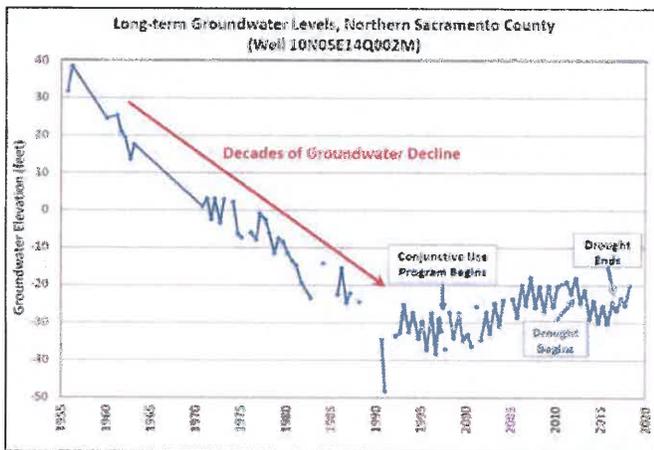
MC Engineering, Inc.
Water and Wastewater Efficiency
(916) 546-7898
mce@mc-engineers.com
www.mc-engineers.com



top recreational option from boating to hiking.

once over-drafted groundwater basin has recovered to levels that are stable and sustainable.

Figure 1. Long-term hydrograph showing past overdraft, then recovery following implementation of conjunctive use operations.



After chronic overdraft for over 40 years, implementation of conjunctive use actions has resulted in reversal of the downward water level trend. Water levels declined during California's 2014-16 drought, but recovered under wetter hydrologic conditions in 2017-18.

Tested During Drought

California's recent historic drought served to expand and deepen the region's commitment to conjunctive use and prompt a renewed focus on long-term water reliability planning.

The 2014-15 drought hit the Sacramento region especially hard. Folsom Reservoir, the primary water supply source for 500,000 people, fell to historic lows. Conditions were so dire that the U.S. Bureau of Reclamation, which operates the reservoir, installed portable pumps on barges as a standby option to continue providing water for public supply. A winter storm lifted the region out of an immediate emergency, and conjunctive use helped keep water flowing to customers and down the American River for fish and wildlife. During the drought, water providers successfully shifted to using more groundwater, using 61 percent for supplies in 2014

compared to 45 percent in 2011 (a wet year).

The region also expanded conjunctive use infrastructure during the drought with \$10 million in emergency grant funding from the California Department of Water Resources. Through RWA, water providers had identified priority projects for funding that would augment water supply and increase the region's ability to move water to areas most impacted by drought. Projects included constructing or rehabilitating groundwater wells that increased production capacity by about 15 million gallons per day (MGD), a series of interconnections to enhance the region's ability to transport water between water districts by more than 50 MGD, booster pumps

STRUCTURE. & INTEGRITY.

PITTSBURG TANK & TOWER GROUP

Since 1919

"100 years and still climbing"

CREWS AVAILABLE GLOBALLY

INSPECTIONS	REPAIR	TANKS
Wet Dry ROV In-Service Cleaning	Code Updates Paint Insulation	Elevated Ground Relocation Erection Dismantles

If you are interested in having us as your partner, feel free to contact one of our department representatives below

NEW TANKS - Rick DiZinno
(270) 826-9000 ext. 2601

EXISTING TANKS - Patrick Holtzley
(270) 826-9000 ext. 4601

WWW.PTTG.COM

CONJUNCTIVE USE

to move water to areas otherwise dependent on gravity flow from Folsom Reservoir and improvements at the region's largest surface water intakes to allow continued diversions when river flows were extremely low.

Ultimately, the drought demonstrated that the Sacramento region had developed a solid foundation for reliability and conjunctive use through SGA and RWA. But the drought also exposed new vulnerabilities and prompted a renewed look at long-term planning in a future with climate change. In the future, surface water supplies are projected to become more variable, storms will be warmer and runoff will be earlier in the season, making it more difficult to store snowmelt runoff in Folsom Reservoir for use during the long dry summers.

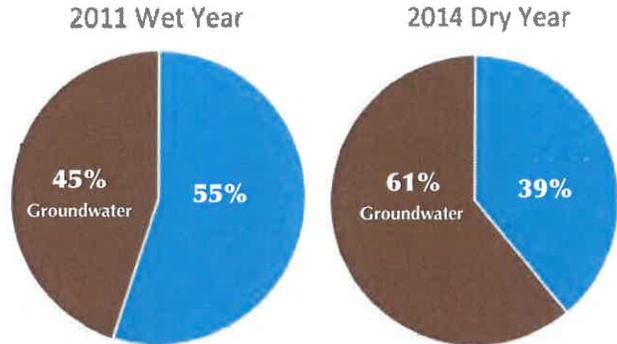
Expanding Conjunctive Use With Groundwater Banking

This year, water managers completed a Regional Water Reliability Plan to evaluate supply vulnerabilities and identify the most promising opportunities to improve long-term reliability at the water provider, community and regional levels. Chief among the plan's concepts now being explored is expanding conjunctive use by establishing a water bank in the underlying groundwater basin.

With water banking, water providers store — or bank — more water in the groundwater basin during wet years so that it is available when needed, making better use of the storage space for water already available in the aquifer. Initial estimates indicate that the basin has the potential storage capacity of nearly two million acre-feet — about twice Folsom Reservoir's storage. The best short-term opportunities exist with in-lieu recharge, expanding the

use of surface water to offset groundwater pumping that would otherwise occur.

Figure 2.



Infrastructure investments and operational changes have improved the ability to shift between surface water and groundwater depending on the year's hydrologic conditions.

The Sacramento region's water bank would be the first in California located north of the Delta, making it ideally positioned to provide substantial local and statewide benefits. The bank would provide the region with additional water for people during dry periods so that more water could flow down our rivers for fish and wildlife, as well as into the Sacramento-San Joaquin Delta and beyond to serve statewide needs. The bank also has the potential to manage water supplies in coordination with planned flood infrastructure projects and initiatives, so that flood waters can be captured during the rainy



CROSNO
CONSTRUCTION INC.
CA Lic. #835288 • NV Lic. #0067428

Wade Crosno • (805) 343-7437
Email: wade@crosnoconstruction.com



Specializing in AWWA D100 Welded Steel Water Storage Tanks

Expertise in Design, Fabrication, Field Erection, Field Coating, Tank Site Development, Coating Maintenance, Seismic and Safety Upgrades

www.crosnoconstruction.com
819 Sheridan Road, Arroyo Grande CA 93420

FORMERLY PREMIER SILICA

PIONEER SANDS

Colorado Silica Sand®

Ask for it by name!

OFFERS YOU THE FOLLOWING FEATURES:

- Washed, cleaned and dried
- 99% Quartz grains
- UC ≤ 2.5 • Rounded grains
- Precise sizing • NSF/UL Std-61 certified
- Meets AWWA A100 water well specification
- Meets AWWA B100 filtration specification

Available from our plants in: California & Texas | Wide Distributor Network
For more information visit www.pioneersands.com
ps-salesinfo@pxd.com • 800-947-7263

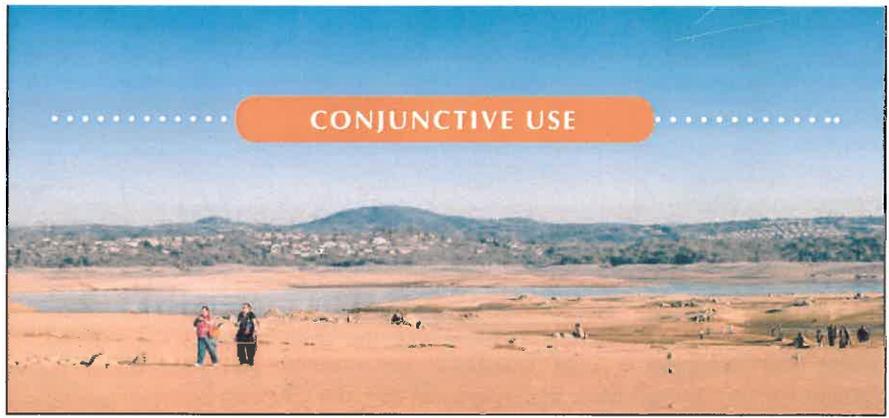
season rather than flowing to the ocean. The in-basin benefits provided by the bank will allow the region to continue to maintain sustainable groundwater basins, as required by SGMA.

The Sacramento region recently pilot tested the bank's potential through a regional groundwater substitution transfer. In 2018, RWA facilitated the transfer of 10,000 acre-feet of water from local suppliers to agricultural water users in the Central Valley. Rather than use surface water, participating water providers pumped groundwater instead, allowing their unused surface water entitlements to flow through the system to farmlands that might otherwise go unused. The revenues from such water transfers can be reinvested to further expand the region's conjunctive use facilities.

SGA developed a framework for the pilot project, creating draft operating and monitoring guidelines to ensure local water needs would be met first and that the groundwater basin would be protected. RWA facilitated the transfer with buyers and state and federal agencies. The pilot demonstrated that by adjusting operations, the region could sustainably recover banked water previously stored in the basin for use outside the region.

Just as they came together 20 years ago to develop a new framework for reliability through conjunctive use, water managers are now working to create a new framework for reliability through the water bank. This includes further defining guidelines for the bank's operations and monitoring, as well as exploring the bank's potential benefits to local and statewide reliability and the environment. Once again, the region is embarking on an ambitious project that will require years of analysis, planning and consultation with stakeholders, including those in the environmental community, other independent groundwater users and the public. Fully developing the water bank's potential also will require new investments to expand existing facilities such as new surface water diversions, water system interties between agencies, booster pumps, pipelines and additional groundwater wells to recover stored groundwater. While the future is never certain and bound to take unexpected turns, the groundwater management framework and partnership created through SGA and RWA is certain to provide a solid path. 💧

CONJUNCTIVE USE



Rob Swartz is manager of technical services for Sacramento Groundwater Authority and Regional Water Authority.



John Woodling is the executive director of Sacramento Groundwater Authority and Regional Water Authority.

GEOSCIENCE

- Groundwater Studies and Models
- Water Supply Wells
- Groundwater Consulting
- Sustainability and SGMA Compliance
- Ocean Desalination & Inland Slant Wells
- Litigation Support

The First Name in Groundwater

PO Box 220, Claremont, CA 91711 | p. (909) 451-6650 | gsswater.com

April 24, 2019

AGENDA ITEM 13: DIRECTORS' COMMENTS