REGIONAL WATER AUTHORITY
REGULAR MEETING OF THE BOARD OF DIRECTORS
Thursday, June 13, 2019, 10:30 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. The Board of Directors may consider any agenda item at any time during the meeting.

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT

3. APPOINTMENT OF TEMPORARY SECRETARY
   Action: Appoint Secretary for June 13, 2019 RWA Regular Board Meeting

4. CONSENT CALENDAR
   a. Minutes from the February 15, 2019 and May 22, 2019 RWA Special Board meetings and the May 2, 2019 RWA Regular Board meeting
   Action: Approve February 15, 2019 and May 22, 2019 Special Board meetings and the May 2, 2019 RWA Regular Board meeting minutes

5. EXECUTIVE COMMITTEE REPORT AND RECOMMENDATIONS
   a. Information: Final minutes of the March 27, 2019 and April 24, 2019 Executive Committee meetings and the April 26, 2019 and May 13, 2019 Special Executive Committee meetings

6. FILL VACANCY ON THE EXECUTIVE COMMITTEE
   Action: Fill the Vacancy on the RWA Executive Committee pursuant to Policy 200.3, Procedures for Selection of the Executive Committee

7. POLICY 400.1 APPENDIX G UPDATE
   Information Update: Rob Swartz, Interim Executive Director
   Action: Approve Amended RWA Policy 400.1, Appendix G

8. EXECUTIVE DIRECTOR’S REPORT

9. DIRECTORS’ COMMENTS

10. CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT
    (Government Code §§ 54954.5(e), 54957(b)(1))
    Title: Executive Director
11. CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS
   (Government Code §§ 54954.5(f), 54957.6)
   Agency designated representatives: Paul Schubert, Kerry Schmitz and Marcus Yasutake
   Unrepresented employee: Executive Director

12. REPORT FROM CLOSED SESSIONS

13. EXECUTIVE DIRECTOR APPOINTMENT AND EMPLOYMENT AGREEMENT
   Action: Approve Executive Director Appointment and Employment Agreement

ADJOURNMENT

Upcoming meetings:

Next Executive Committee Meetings – Wednesday, June 26, 2019, 8:30 a.m. at the RWA office and July 24, 2019, 8:30 a.m. at the RWA office.

Next RWA Board of Directors’ Meeting – Thursday, 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.
AGENDA ITEM 3: APPOINTMENT OF TEMPORARY SECRETARY

BACKGROUND:

Nancy Marrier, RWA Finance and Administrative Services Manager, is the Board appointed Secretary of RWA. Ms. Marrier is unavailable for the June 13 RWA Regular Board Meeting. In compliance with the RWA Joint Powers Authority agreement, the Interim Executive Director recommends that the Board temporarily appoint Cecilia Partridge, RWA Executive Assistant, as the RWA Secretary for the June 13 meeting.

Action: Appoint Secretary for June 13, 2019 RWA Regular Board Meeting
AGENDA ITEM 4a: CONSENT CALENDAR

Minutes from the February 15, 2019 and May 22, 2019 RWA Special Board meetings and the May 2, 2019 RWA Regular Board meeting

Action: Approve February 15, 2019 and May 22, 2019 Special Board meetings and the May 2 2019 RWA Regular Board meeting minutes
1. CALL TO ORDER

Chair Schubert called the meeting of the Board of Directors to order at 11:30 a.m. at the Regional Water Authority. Individuals in attendance are listed below:

**RWA Board Members**

- Ron Greenwood, Carmichael Water District
- Steve Nugent, Carmichael Water District
- Hilary Straus, Citrus Heights Water District
- Marcus Yasutake, City of Folsom
- Matthew Wheeler, City of Lincoln
- Dan Karleskint, City of Lincoln
- Scott Alvord, City of Roseville
- Sean Bigley, City of Roseville
- Trish Harrington, Del Paso Manor Water District
- Michael Raffety, El Dorado Irrigation District
- Tom Nelson, Elk Grove Water District
- Mark Madison, Elk Grove Water District
- Paul Schubert, Golden State Water Agency
- Jim Lemley, Orange Vale Water Company
- Joe Duran, Orange Vale Water Company
- Robert Dugan, Placer County Water Agency
- Mark Martin, Rancho Murieta Community SD
- Tim Shaw, Rio Linda/Elverta Community Water District
- Kerry Schmitz, Sacramento County Water Agency
- Dan York, Sacramento Suburban Water District
- Pam Tobin, San Juan Water District
- Paul Helliker, San Juan Water District

**RWA Associate Members**

- Brett Storey, Placer County; Ansel Lundberg, SMUD

**RWA Affiliate Members**

- Alan Driscoll, Forsgren Associates, Inc.; Charles Duncan, West Yost Associates; Vanessa Nishikawa, Stantec; Ali Taghavi, Woodard & Curran

**Staff Members**

- John Woodling, Ryan Ojakian, Rob Swartz, Nancy Marrier, Amy Talbot, Cecilia Partridge, Monica Garcia and Josh Horowitz, Legal Counsel
Others in Attendance:
Kathleen McPherson, Brett Ewart, Jim Peifer, Craig Locke, Marty Hanneman, Dave Underwood and Ted Costa

2. PUBLIC COMMENT

None.

3. EXECUTIVE DIRECTOR RECRUITMENT PROCESS AND SCHEDULE

John Woodling, Executive Director, said that a recruitment brochure will be finished by Monday, February 18th and will be posted on the RWA and SGA websites. The recruiters will be sending the brochure to targeted applicants with a goal to close the application process on March 18th. Roberts Consulting will present a screened list of candidates to the Executive Committee at their March 27, 2019 meeting. Interviews will be held the middle of April with the possibility of an Executive Director hired by June 1st.

4a. CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS 54954.5(F) AND 54957.6 CONFERENCE WITH LABOR NEGOTIATORS

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

4. REPORTS FROM CLOSED SESSIONS

It was determined that Closed Sessions were not necessary.

6. INTERIM EXECUTIVE DIRECTOR APPOINTMENT

John Woodling, Executive Director, said that the Executive Committee discussed the Interim Executive Director appointment and recommends to the Board to appoint Rob Swartz as Interim Executive Director for a period not-to-exceed four months, but that may end before then if an Executive Director is hired. The second action item is for a pay scale that represents 10 percent above the Manager of Technical Services that Rob is currently classified within. The SGA Board voted to appoint Mr. Swartz as the Interim Executive Director of SGA, which needs to be coincident with RWA in making that decision. Mr. Swartz is not a candidate for the permanent Executive Director position.

M/S/C Mr. Nugent moved, with a second by Mr. Dugan, to appoint Robert J. Swartz as Interim Executive Director for a period beginning March 1, 2019 until a new permanent Executive Director begins work or June 30, 2019, whichever comes first and to approve a pay scale of $16,704 per month for the position of Interim Executive Director and update Exhibit A of Policy 400.2, Employee Compensation accordingly. The motion carried by the unanimous voice vote of all directors present.
Adjournment

With no further business to come before the Board, Chair Schubert adjourned the meeting at 11:35 a.m.

By:

______________________________
Chairperson

Attest:

______________________________
Nancy Marrier, Board Secretary / Treasurer
1. **CALL TO ORDER**

Chair Schubert called the meeting of the Board of Directors to order at 8:30 a.m. at the Regional Water Authority. Individuals in attendance are listed below:

**RWA Board Members**

S. Audie Foster, California American Water  
Ron Greenwood, Carmichael Water District  
Steve Nugent, Carmichael Water District  
Raymond Riehle, Citrus Heights Water District  
Marcus Yasutake, City of Folsom  
Dan Karleskint, City of Lincoln  
Bruce Houdesheldt, City of Roseville  
Sean Bigley, City of Roseville  
Michelle Carrey, City of Sacramento  
Martha Guerrero, City of West Sacramento  
Debra Sedwick, Del Paso Manor Water District  
Michael Raffety, El Dorado Irrigation District  
Bruce Kamilos, Elk Grove Water District  
Mark Madison, Elk Grove Water District  
Tom Gray, Fair Oaks Water District  
Paul Schubert, Golden State Water Agency  
Brent Smith, Placer County Water Agency  
Kerry Schmitz, Sacramento County Water Agency  
Dan York, Sacramento Suburban Water District  
Pam Tobin, San Juan Water District  
Paul Helliker, San Juan Water District

**RWA Associate Members**

**RWA Affiliate Members**

**Staff Members**  
Rob Swartz, Nancy Marrier, Cecilia Partridge and Ryan Bezerra, Legal Counsel

**Others in Attendance**
2. PUBLIC COMMENT

None.

3. CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT
   (Government Code §§ 54954.5(e), 54957(b)(1))
   Title: Executive Director

4. CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS
   (Government Code, §§ 54954.5(f), 54957.6)
   Agency designated representatives: Paul Schubert, Kerry Schmitz and Marcus Yasutake
   Unrepresented employee: Executive Director

4. REPORT FROM CLOSED SESSIONS

Ms. Tobin and Ms. Guerrero entered the Closed Session at 8:34 a.m. and Mr. Houdesheldt entered the Closed Session at 8:37 a.m.

There was nothing to report from the Closed Sessions.

Adjournment

The closed session was convened at 8:33 a.m. and adjourned at 9:40 a.m. With no further business to come before the RWA Board of Directors, Chair Schubert adjourned the meeting at 9:47 a.m.

By:

________________________________________
Chairperson

Attest:

________________________________________
Nancy Marrier, Board Secretary / Treasurer
1. CALL TO ORDER

Vice Chair Schmitz called the meeting of the Board of Directors to order at 9:00 a.m. at the Regional Water Authority. Individuals in attendance are listed below:

RWA Board Members

Ron Greenwood, Carmichael Water District
Steve Nugent, Carmichael Water District
Raymond Riehle, Citrus Heights Water District
Hilary Straus, Citrus Heights Water District
Marcus Yasutake, City of Folsom
Bruce Houdesheldt, City of Roseville
Jeff S. Harris, City of Sacramento
Michelle Carrey, City of Sacramento
Ben Moody, City of Yuba City
Deb Sedwick, Del Paso Manor Water District
Michael Raffety, El Dorado Irrigation District
Mark Madison, Elk Grove Water District
Tom Gray, Fair Oaks Water District
Jim Lemley, Orange Vale Water Company
Joe Duran, Orange Vale Water Company
Brent Smith, Placer County Water Agency
Andy Fecko, Placer County Water Agency
Tim Shaw, Rio Linda/Elverta Community Water District
Kerry Schmitz, Sacramento County Water Agency
Pam Tobin, San Juan Water District

Dan York, Sacramento Suburban Water District and Paul Helliker, San Juan Water District participated via teleconference at 1901 Pennsylvania Ave. NW, Suite 700, Washington, D.C., 20006. Mr. Helliker joined the teleconference call at 9:35 a.m. during Mr. Fecko’s information update on agenda item #7.

Ryan Bezerra, legal counsel, said that there are specific Brown Act rules that are required for members to participate on a teleconference call during a board meeting. After the initial roll call, additional roll calls will only be made during the meeting if requested by a board member or a member of the public. The minutes will reflect when anyone enters or exits the board meeting.
RWA Associate Members
Ken Payne, El Dorado County Water Agency; Brett Storey, Placer County; Arthur Starkovich and Ansel Lundberg, SMUD; Jose Ramirez, SRCSD

RWA Affiliate Members
Alan Driscoll, Forsgren Associates, Inc.; Vanessa Nishikawa, Stantec; Jim Graydon, Woodard & Curran

Staff Members
Rob Swartz, Nancy Marrier, Cecilia Partridge, Monica Garcia and Ryan Bezerra, Legal Counsel

Others in Attendance:
Ted Costa, Chelsea Spier and David Wheaton

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

a. Approve Minutes of the March 14, 2019 RWA regular board meeting. To comply with the Brown Act which states that the agencies must be named specifically and recorded, the minutes were amended on page three under agenda item 5 adding the names of the agencies that voted yes and the agency that voted no for Ms. Carrey to fill the vacancy on the Executive Committee.

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

4. EXECUTIVE COMMITTEE REPORT AND RECOMMENDATIONS

a. Information: Final minutes of the February 27, 2019 and the March 27, 2019 Executive Committee meetings

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

Rob Swartz, Interim Executive Director, said that through the history of the RWA there has been a partnership with the Sacramento Groundwater Authority (SGA) with a services agreement whereby the Regional Water Authority (RWA) was the sole employer of all employees sharing staff with SGA. The resolution of a CalPERS Audit of RWA led to establishment of an SGA contract with CalPERS. That contract 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 were enclosed.

M/S/C Mr. Greenwood moved, with a second by Ms. Tobin, to approve the amended RWA Policy 100.2. The motion carried by the unanimous voice vote of all Directors present.

6. **RWA BOARD MEETING SCHEDULE**

Mr. Bezerra explained that when the current 2019 regular RWA Board 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. The Brown Act states that you cannot discuss an agency’s Executive’s salary and compensation in a special meeting; it must occur in a regular meeting. 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. The October 8, 2013 Amended and Restated Joint Exercise of Powers Agreement of RWA (JPA Agreement) states, in relevant part, “The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board.” Under current RWA Policy 200.1, Board meetings are held on the second Thursday of odd numbered months 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 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.

In order to facilitate the recruitment process and have the ability to discuss compensation for a new Executive Director the Executive Committee recommended that there needs to be a regular RWA Board meeting earlier than the regularly scheduled meeting in July, 2019. The first step is to amend the current RWA Policy 200.1 to allow for more frequent regular board meetings, and the second step is to approve a resolution setting the time and place of regular meetings of the Board of Directors for the remainder of 2019.

Staff proposed to: 1) amend RWA Policy 200.1 to specify that regular meetings will be approved through an adopting resolution of the Board to be consistent with the JPA Agreement and 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 would 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 will remain the same with the amended addition of a June 13, 2019 proposed meeting date.

M/S/C Mr. Gray moved, with a second by Mr. Nugent, to approve amended RWA Policy 200.1. The motion carried by the unanimous voice vote of all Directors present.

Mr. Houdesheldt entered the meeting.

M/S/C Ms. Tobin moved, with a second by Ms. Sedwick, to approve Resolution 2019-08 setting the time and place of regular meetings of the Board of Directors for the remainder of 2019. The motion carried by the unanimous voice vote of all Directors present.

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

Andy Fecko, Director of Strategic Affairs, with Placer County Water Agency gave an update on the regulatory program that has morphed into larger negotiations on water. In 2000, when the last update of the Bay-Delta Water Quality Control Plan (Plan) was voted on by the State Water Resources Control Board (SWRCB) they were in charge of administering ways to protect beneficial uses in the Bay-Delta. The State of California, through the SWRCB, is engaged in a process to update the Bay-Delta Water Quality Control Plan to protect beneficial uses of water in the Sacramento San Joaquin Delta. The process to review and revise water quality parameters has taken several years, culminating with a SWRCB decision on the San Joaquin river tributaries in December. A decision on the Sacramento River tributaries is planned for December 2019.

The SWRCB started a process with staff for a proposal to define an idea of how the system would be run. Staff developed the unimpaired flow proposal for both San Joaquin River and Sacramento River. The point of engineering a reservoir system in Northern California is to take water that falls in the winter and store it for when needed in the summer. The proposal has the effect of getting back to a native condition where water falls and flows out. It has the impact of not allowing you to store water or at least store less water. The State Board staff proposal was designed to put a marker to drive people to find alternative solutions. There is a system in the Delta that was partially designed for flood control. For fish to be successful they need a natural estuarine system with slow velocity, high productivity and a variation of habitat. All of these things are gone from the Delta. The water user proposal, instead of just a flow proposal, is a combination of aggressive habitat construction actions both in the Delta and in the tributaries combined with targeted flows using a variety of resources that are available to the tributaries. The
American River proposal is centered on the idea of additional groundwater substitution particularly in dry years.

American River water agencies are currently working with state and federal governments to form a cohesive package to include the individual tributary deals with consideration for the future of the habitat in the Delta. The challenge is to show that the plan is more beneficial than the State Board proposal. The planned package will include hydrodynamic modeling, water temperature modeling, flow modeling and groundwater modeling to provide documentation in an effort to convince the SWRCB to use the package of voluntary agreements as a replacement for the SWRCB proposal.

A proposal consistent with the planning that we have been doing for a storage and recovery program focuses on increasing the amount of water in the basin. In the event that we don’t have the ability to control water releases, surface water deliveries would be much more difficult and would impact the groundwater basin. We need to be on top of the importance of continuing surface water availability. The ability to store and utilize surface water are increasingly important.

Mr. Bezerra explained that unimpaired flow is what would occur with the current facilities if you didn’t divert any water and opened all the dams and just let the water flow through the system. Natural flows occurred in the central valley when there weren’t any flood control levees, towns or people. The outflows in the Delta would be nothing like what is now with unimpaired flows under natural conditions. Unimpaired flow is the current type of logic system, how would the water flow out if there was no impediment.

Vice Chair Schmitz thanked Mr. Fecko, Mr. Peifer, legal counsel and all participants for their efforts and time in representing our region and protecting our interests on the Voluntary Agreement to the Bay-Delta Water Quality Control Plan.

8. RWA STRATEGIC PLAN UPDATE

Mr. Swartz said that in 2013 the board adopted its most recent comprehensive Strategic Plan that included four major goal areas including planning, implementation, information/education and advocacy. 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. In addition, the water reliability plan has some recommendations to continue moving forward with establishing a water bank for the region.

At the April 24 Executive Committee meeting, staff provided a set of proposed amendments. At the meeting, the Executive Committee provided additional
feedback and recommended bringing the proposed amendments to the RWA Board on May 2, 2019 for additional discussion and input. Staff will then bring the proposed amendments back to the Executive Committee as needed for additional discussion in May and June. Staff will bring the proposed amendments to the full RWA Board for consideration of adoption on July 11, 2019. The intent of the limited update to the Strategic Plan is to reflect completion of the RWRP planning effort and commencement of the RWRP implementation effort, while allowing time for the transition to a new RWA Executive Director before embarking on a more comprehensive Strategic Plan update for the organization.

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

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, requiring full Board approval for the work. The scope of the $367,000 is to develop the model for the South American Subbasin and then run the water bank analyses for both subbasins.

On April 24, 2019, the Executive Committee approved the recommendation of the Interim Executive Director to use “RWA Policy 300.2, Section III - Alternate Selection Process” for securing contractor support. Woodard & Curran was selected through the alternate process because of their success in performing 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. They have acquired extensive background and have a working knowledge of the work to be performed by virtue of supporting the existing regional model over the entire history of RWA. They are 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 SGA via a competitive Request for Qualifications process last year for the same sort of work in the North American Subbasin. SGA has overseen and been pleased with their work. There is cost efficiency by developing both the North American Subbasin and South American Subbasin at the same time. The $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. RWA members are located in both the North and South American subbasins and some RWA members’ service areas extend into both basins, therefore it is crucial for the water bank’s development that the model for the two basins work seamlessly, so it makes sense to have the same modeling consultant for both.
Mr. Shaw said that the Rio Linda/Elverta Community Water District Board is in favor of the Water Bank Phase 1 and has taken action to participate and fund the project. Mr. Shaw inquired of Mr. Swartz as to his opinion of whether there is a cost savings in staying with the current consultant versus a competitive selection process where a different consultant would need to be brought up to speed. Mr. Swartz explained that a deciding factor with Woodard & Curran was their extensive experience with the existing regional model and there would be efficiency in developing the model for the North and South American subbasins at the same time.

M/S/C Ms. Tobin moved, with a second by Mr. Greenwood, to 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. The motion carried by the unanimous voice vote of all Directors present.

10. EXECUTIVE DIRECTOR’S REPORT

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.

Bureau of Reclamation Water Management Options Pilots Program – RWA responded to a funding opportunity under the Reclamation Basin Study Program. A copy of the letter was included in the packet. 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 modeling will be accomplished sometime in late 2020. The funding is not in the form of a grant, but in the form of direct assistance to complete the proposed activity. Phase 2 costs are estimated at $400,000. 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.

Grants Update – DWR has recently released its final Guidelines and Proposal Solicitation Package for the Proposition 1 Integrated Regional Water Management (IRWM) Implementation Grant Program. There is no set deadline for the application, so DWR is working with each funding area to determine the application schedule. The American River Basin IRWM is partially in the Sacramento River funding area and the San Joaquin River funding area, so RWA is coordinating with the other Regional Water Management Groups (RWMG) in each area. Based on initial discussions with the other RWMGs, RWA anticipates pursuing approximately $8.7 million in funding from this opportunity. There have been meetings to discuss how to equitably distribute the funding. Staff expects to provide more information on the recommended projects to advance in an application at the July 11, 2019 RWA Board meeting.
**RWA Outreach** – 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.

An April RWA newsletter has been posted on-line at rwah2o.org.

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. The article was included in the packet.

11. **DIRECTORS’ COMMENTS**

   Mr. Payne said that El Dorado County Water Agency is a planning agency. In a recent trip to Washington, D.C. their staff met with Reclamation to discuss the American River Basin Study and upstream storage projects. There was a lot of interest from legislators.

   Mr. Houdesheldt said that Mr. Fecko will be giving a GSA presentation at the ACWA Spring Conference. Northern California Water Agency put together an information graphic on GSAs.

   Mr. Fecko said that he is excited about the opportunity to represent the region and present at the ACWA Spring Conference on the Groundwater Bank and Sites Reservoir.

   Ms. Carrey said that the City of Sacramento has two groundwater wells that are nearing completion and will be on line beginning next year. It is anticipated that each well will produce two million gallons of water per day.

   Mr. Shaw reported that Paul Green and Brent Dills will be resigning from Rio Linda/Elverta Community Water District. Mr. Green is the agency’s SGA representative and Mr. Dills is the agency’s RWA representative.

   Mr. Starkovich mentioned that SMUD is completing their wildfire mitigation plans and will have them posted online by the end of the week. Comments on the mitigation plan will be accepted for 30 days. The next step is to take compile the comments and send out the plan for a third-party evaluation. The finished document will be updated yearly. They are finalizing their rate process with amendments to their rate charges.

   Mr. Straus said Citrus Heights Water District is working with their business partners on the water meter replacement consortium. They are finalizing reimbursement agreements on their first project that includes the advanced planning study to work
on life cycle replacements on agency meters and the potential opportunity for long
term integration.

Ms. Tobin thanked everyone who worked on the Voluntary Settlement Agreement.

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

Adjournment

The public portion of the meeting was adjourned at 10:12 a.m. with Closed Session
convening at 10:22 a.m. Closed Session was adjourned at 11:32 a.m. With no
further business to come before the RWA Board of Directors, Vice Chair Schmitz
adjourned the meeting at 11:33 a.m.

By:

________________________________________
Chairperson

Attest:

________________________________________
Nancy Marrier, Board Secretary / Treasurer
AGENDA ITEM 5a. EXECUTIVE COMMITTEE REPORT AND RECOMMENDATION

Information: Final minutes of the March 27, 2019 and April 24, 2019 Executive Committee meetings and the April 26, 2019 and May 13, 2019 Special Executive Committee meetings
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 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
1. CALL TO ORDER

Chair Schubert called the meeting of the Executive Committee to order at 8:30 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
- 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, Monica Garcia and Ryan Bezerra, legal counsel.

**Others in Attendance**
- Trevor Joseph

1. CALL TO ORDER AND ROLL CALL

Agenda item number 11 was moved after agenda item 13, but is reported in the order listed on the agenda.

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

a. The minutes from the Executive Committee meeting held March 27, 2019

b. Gilbert and Associates Contract for RWA’s fiscal year 2019 audit

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.

Motion/Second/Carried (M/S/C) Mr. Greenwood moved, with a second by Mr. York, to approve the March 27, 2019 Executive Committee meeting minutes and to authorize the Interim Executive Director to contract with Gilbert and Associates to provide for professional auditing services for RWA’s fiscal year 2019 audit. The motion carried by the unanimous voice vote of all directors present.

4. ADMINISTRATIVE AND MANAGEMENT SERVICES AGREEMENT WITH SACRAMENTO GROUNDWATER AUTHORITY

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 were enclosed in the packet.

It was noted in the policy that the RWA Executive Director shall be responsible for recruiting and hiring employees. RWA also runs the recruitment process for the Executive Director, with assistance from SGA. Once the candidates for the Executive Director have been decided, they will be presented to the RWA and SGA boards for approval. The Executive Director works for both the RWA and SGA and the costs associated with hiring the Executive Director is split between the RWA and SGA.

M/S/C Mr. Yasutake moved, with a second by Ms. Schmitz, to recommend RWA board approval of the amended RWA Policy 100.2. The motion carried by the unanimous voice vote of all directors present.

5. RWA BOARD MEETING SCHEDULE

Ryan Bezerra, legal counsel, explained that 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 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 a June 13, 2019 meeting, 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 were included in the packet.

M/S/C Mr. Greenwood moved, with a second by Ms. Schmitz, to recommend RWA board approval of amended RWA Policy 200.1. The motion carried by the unanimous voice vote of all directors present.

M/S/C Mr. Greenwood moved, with a second by Ms. Carrey, to recommend RWA board approval of proposed amended RWA Board meetings scheduled for 2019 to add a June 13, 2019 RWA regular board meeting to follow the June 13, 2019 SGA Board meeting. The motion carried by the unanimous voice vote of all directors present.

6. REGIONAL WATER AUTHORITY STRATEGIC PLAN UPDATE

Mr. Swartz said that 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 with suggested edits. It is suggested to bring proposed draft amendments to the full Board at its May 2, 2019 board meeting for discussion and initial input. If needed the amendments will be brought back to the Executive Committee as needed for additional discussion in May and June and taken to the full RWA Board for consideration of adoption on July 11, 2019.

At a recent Integrated Regional Water Management Plan meeting the concern was expressed that water should not be taken out of the river at any time. Those issues will need to be overcome to insure everyone involved that we are operating within the Water Forum Agreement so there is acceptance and approval.

The intent of the amendments is to provide for at least a year for the new Executive Director to have an opportunity to get oriented before beginning new plans.

There was discussion regarding the reliability plan and other efforts and if there is any water modeling projected to move potable water around the entire region. Mr. Swartz reported that at this time there is not a regional distribution system modeling. It is possible that in the future we get to a point with the water reliability plan and water bank, if there is interest in partnering with RWA, to consider a regional distribution system model.

7. **SACRAMENTO REGIONAL WATER BANK, PHASE 1 – MODEL DEVELOPMENT**

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 then run the water bank analyses for both subbasins. The North American is already being developed through SGA and the other GSAs to the north.

Woodard & Curran has been the modeler for the entire existence of RWA and the Water Forum process. The RWA Interim Executive Director proposes to use RWA Policy 300.2, Section III - Alternate Selection Process. The reasons to select Woodard & Curran directly include their success in performing 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. They have 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.
They are 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.

There was discussion on the funds for the project. The work will be authorized through task orders and a minimum of $250,000 must be committed from project participants before the Water Bank Project can be authorized and work can begin. To date, four project agreements have been received for in excess of $100,000.

Ms. Tobin entered the meeting.

There has been $50,000 in expenses for the development of the North American Subbasin. The entire effort is close to $800,000, with about $500,000 to do the work in the North American Subbasin. Historically, the model that we have has stopped at the county line indicating new territory for Placer County and Sutter County portions. There is cost efficiency by developing both the North American Subbasin and South American Subbasin at the same time.

M/S/C Mr. Greenwood moved, with a second by Mr. Yasutake, to approve the Interim Executive Director’s proposed alternate selection process for work on model development to support analysis of the proposed Sacramento Regional Water Bank. The motion carried by the unanimous voice vote of all directors present.

M/S/C Mr. Greenwood moved, with a second by Mr. Yasutake, to recommend to the RWA 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. The motion carried by the unanimous voice vote of all directors present.

8. LEGISLATIVE/REGULATORY UPDATE

Ryan Ojakian, Legislative and Regulatory Affairs Manager, gave an update on the legislature and how 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” or a trust and tax approach.

The legislative process has generally moved into its refinement phase. The point in the process that most bills are improved is now 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 recommended that the Executive Committee take positions on AB 296 and SB 487. Assembly member Cooley’s bill AB 296 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. Senator Caballero’s bill SB 487 would continuously appropriate $150 million from the General Fund to the Department of Water Resources to fund ten years of areal snow surveys.

Mr. Ojakian and other members of the water community are working to get assembly members who are opposed to a tax to work together to have the tax provision removed from AB 217 (Garcia). He has met with Assembly member Cooley regarding the trust bill SB 669 and alternative solutions to the tax.

There was discussion about the fifty cent per connection fee that was confirmed to be a monthly fee. Collecting this fee will still be short of the $140 million estimated amount needed. The state could be the collector for the water user fees. A lock box approach would mean that if the fifty cents per connection was to be changed it would have to go before the voters in a statewide election.

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 that 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 were included in the packet and were before the Executive Committee for ratification per Policy 100.5, Section IV.2.

M/S/C Ms. Tobin moved, with a second by Mr. Yasutake, to take support positions on AB 296 and SB 487, ratification of a budget support position taken by the Interim Executive Director and ratification of signing a coalition letter on inverse condemnation liability by the Interim Executive Director. The motion carried by the unanimous voice vote of all directors present.

9. WATER EFFICIENCY PROGRAM UPDATE

Amy Talbot, Senior Project Manager, gave an update on conservation regulations, water shortage contingency plan standards, aerial imagery request for proposals, UC Davis SmartLandscape Project, the CalWEP conservation legislation compliance tool and monthly data reports. Senate Bill (SB) 606 and Assembly Bill (AB) 1668, 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 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 were 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/).

Most of the drought planning improvements are focused on the water shortage standards for the 2020 Urban Water Management Plan. There is a set number of stages with a percent reduction that equates to each. It was suggested at a Water Efficiency meeting that it would be beneficial for everyone to work with similar stage actions for less confusion and continuity in reporting to the media and customers.

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. 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 and is planned for release in May. When expectations and pricing are defined, more agencies may be interested in participating in the project. The anticipated timeline for the RFP project is 9 to 12 months.

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 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, other 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 water suppliers.

10. **RWA MAY 2, 2019 BOARD MEETING AGENDA**

Mr. Bezerra said that he received a request from Directors Dan York and Paul Helliker to participate on a tele-conference call for the May 2nd RWA Board meeting. The location of the tele-conference will be open to the public and will have to be noticed on the agenda and posted. A call will be made directly to the Washington, D.C. location to be connected to a conference line. To accommodate action items and the closed session roll call may be made at times during the meeting. Mr. Bezerra will determine what is required for the conference call to be noticed and held.

Mr. Swartz said that an action item will be added to the agenda for approval of a Resolution for the amended RWA Board Meeting Schedule item. The action item may be amended on the Sacramento Regional Water Bank Phase 1 – Model Development item. It was suggested that the closed session be moved to the last item on the agenda.

M/S/C Ms. Tobin moved, with a second by Mr. Greenwood, to approve the May 2, 2019 RWA Board meeting agenda to include the logistics for adding a tele-conference call for the entire meeting and with the suggested agenda amendments. The motion carried by the unanimous voice vote of all directors present.

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

   Title: Executive Director

   No action was taken in Closed Session.

12. **EXECUTIVE DIRECTOR’S REPORT**

   **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.

**Bureau of Reclamation Water Management Options Pilot Program – RWA** responded to a funding opportunity under the Reclamation Basin Study Program with a letter of interest to Reclamation. 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. Reclamation will have staff perform the work or they will use consultants from a preferred list. Staff decided to respond to seek support for the next phase of modeling. The integrated water flow model development is a surface water/groundwater model that is needed to evaluate the impacts of doing conjunctive use locally. The Federal and State have to be shown that this does not impact their operations. This is an opportunity to offset some of our costs for Phase 2. Some of the expected costs are to facilitate the discussions with Reclamation to come up with operations that are mutually beneficial. A schedule from Reclamation is expected soon with an invitation to prepare a full proposal. The participant pool is limited to those who are in an area that has completed a basin study.

**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. The article was enclosed in the packet.

The State just released their application for the Prop 1 Implementation Grant, which gives some clarity on the project. Mr. Swartz met with the other regional water management groups in the Sacramento River funding area. The State is requesting the group work out an agreement about how to equitably divide the
funds. The group has come up with a preliminary recommendation for distributing the $29 million that remain for the Sacramento River funding area. Integrated Regional Water Management (IRWM) stakeholders were requested to submit their project ideas for the IRWM advisory committee to consider and recommend. Once the funding award is received, permitting needs to be completed within a year with project completion within two to three years. Most of the projects that were requested were included. The proposal was made for $7.7 million in the Sacramento funding area. A million dollars is set aside in the San Joaquin River funding area, because a portion of our region is in the Cosumnes area. Staff will be performing the majority of the work potentially with some consulting support.

13. DIRECTORS’ COMMENTS

Ms. Tobin was glad to be home after a very long motor home road trip.

Mr. Smith reported that the City of Lincoln approved an employment contract for Jennifer Hanson as new City Manager. Ms. Hanson had been serving as Interim City Manager and Interim Finance Director. He said that with the water content and frozen snow in the Sierra and their watershed, it should be a productive water year. They are running as much through their power-generating turbines as possible to minimize spills.

ADJOURNMENT

The public portion of the meeting adjourned at 10:17 a.m. with the Closed Session beginning at 10:20 a.m. The Closed Session adjourned with nothing to report. With no further business to come before the Executive Committee, Chair Schubert adjourned the meeting at 11:00 a.m.

By:

Chairperson

Attest:

Nancy Marrier, Board Secretary / Treasurer
1. CALL TO ORDER

Chair Schubert called the meeting of the Executive Committee to order at 8:30 a.m. at the Sacramento Marriott. Individuals in attendance are listed below:

Executive Committee Members
Ron Greenwood, Carmichael Water District
Marcus Yasutake, City of Folsom
Michelle Carrey, City of Sacramento
Deb 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
Cecilia Partridge

Others in Attendance
Valerie Roberts and Norm Roberts

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT

None.

Ms. Partridge exited the meeting at 8:31 a.m.

3. CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT
(Government Code §§ 54954.5(e), 54957)
Title: Executive Director

4. REPORT FROM CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT

There was nothing to report from the closed session.
ADJOURNMENT

The closed session was adjourned at 12:00 p.m. and reconvened at 1:00 p.m. With no further business to come before the Executive Committee, Chair Schubert adjourned the meeting at 4:03 p.m.

By:

Chairperson

Attest:

Nancy Marrier, Board Secretary /Treasurer
1. CALL TO ORDER

Chair Schubert called the meeting of the Executive Committee to order at 10:00 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
Deb 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
Cecilia Partridge

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENT

None.

Ms. Partridge exited the meeting at 10:01 a.m.

3. CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT
   (Government Code §§ 54954.5(e), 54957)(b)(1)
   Title: Executive Director

4. REPORT FROM CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT

   There was nothing to report from the closed session.

ADJOURNMENT
The closed session was adjourned at 11:30 p.m. and reconvened at 12:45 p.m. With no further business to come before the Executive Committee, Chair Schubert adjourned the meeting at 2:47 p.m.

By:

______________________________
Chairperson

Attest:

______________________________
Nancy Marrier, Board Secretary / Treasurer
AGENDA ITEM 6: FILL VACANCY ON THE EXECUTIVE COMMITTEE

BACKGROUND:

The RWA Executive Committee of the Board of Directors is seeking to fill a post-election vacancy. When a committee member is unable to fulfill their term, RWA Policy 200.3 (full policy is enclosed) provides for the filling of a vacancy as follows:

III. Procedures for Filling a Post-Election Vacancy on the Executive Committee

1. In the event that a vacancy occurs on the Executive Committee the Member or Contracting Entity whose representative held the Executive Committee seat that was vacated may recommend a replacement by sending the Chair of the Board of Directors a letter making that recommendation.

2. The recommended Executive Committee replacement must be one of the two identified representatives on the Board of Directors for that Member or Contracting Entity, provided the nomination is consistent with the RWA JPA and the Executive Committee Election Policy.

3. The recommended replacement to the Executive Committee may begin to serve immediately, but must be approved by a majority vote of the Board of Directors at its next regularly scheduled meeting.

4. In the event that a recommended replacement is not identified or not approved, the Board of Directors will select a member consistent with the procedures identified in Section I. of this policy.

Del Paso Manor Water District, which previously held the position, recommended Trish Harrington as a replacement on the Executive Committee. Consistent with Policy 200.3, the RWA Board of Directors will then consider a permanent appointment for the remainder of the current term for Ms. Harrington at its next regular meeting.

Consistent with Policy 200.3, the Board will be asked to vote on the appointment of Ms. Harrington to the Executive Committee. If Ms. Harrington does not receive a majority of the vote, a second vote would be held consistent with the procedures identified in Policy 200.3. Because one seat on the Executive Committee would be filled, and all membership requirements for the Executive Committee have been satisfied, the election, if necessary, would be an at-large election under section I.3.n of Policy 200.3.

EXECUTIVE COMMITTEE RECOMMENDATION:

Action: Fill the Vacancy on the RWA Executive Committee pursuant to Policy 200.3, Procedures for Selection of the Executive Committee
REGIONAL WATER AUTHORITY  
POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors  
Policy Title : Procedures for Selection of the Executive Committee  
Policy Number : 200.3  
Date Adopted : November 19, 2001  
Date Amended : March 10, 2005  
Date Amended : November 13, 2014

REGIONAL WATER AUTHORITY PROCEDURES FOR SELECTION OF THE  
EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS AND THE CHAIR AND  
VICE-CHAIR OF THE EXECUTIVE COMMITTEE AND THE BOARD OF DIRECTORS

Background

The Joint Exercise of Powers Agreement (“JPA”) under which the Regional  
Water Authority (“RWA”) was formed and operates provides for the selection of (1) the  
members of the Executive Committee of the Board of Directors, and (2) the Chair and  
Vice-Chair of the Board of Directors. (See Articles 10 and 18, respectively, of the JPA.)  
The Board of Directors will follow the procedures set forth in this document for the  
selection of the members of the Executive Committee and the Chair and Vice-Chair. This document may be amended at any time by the Board of Directors.

In accordance with Article 8 of the JPA, each Member and Contracting Entity (as  
defined in Article 3 of the JPA) will have two representatives on the Board of Directors,  
either of whom may cast a single vote on behalf of his or her Member or Contracting  
Entity. It will be the responsibility of a Member and Contracting Entity to notify RWA in  
writing from time to time of (1) its designated representatives to the Board of Directors,  
including alternates who may act in the absence of a representative, and (2) the priority  
for voting of its representatives to the Board of Directors of RWA. In the absence of  
such written notification, the Secretary of RWA will determine that an elected  
representative of a Member will have voting priority over the Member’s non-elected  
representative to the Board of Directors, and a Member or Contracting Entity’s senior  
management staff will have priority over the Member or Contracting Entity’s junior  
management staff, in the event that the Member or Contracting Entity’s two  
representatives disagree as to who should cast a vote on behalf of the Member or  
Contracting Entity concerning a particular matter.

Reference in this document to a majority vote of the Board of Directors will refer  
to the affirmative vote of a majority of the representatives (one for each Member and  
Contracting Entity) on the Board of Directors who are entitled to vote on a matter and
who are present at the Board meeting during the vote. A seat on the Board of Directors of RWA will become vacant when a representative of a Member or Contracting Entity no longer meets the qualifications set forth in Article 8 of the JPA, or upon the happening of any of the events set forth in Government Code section 1770.

I. Procedures for Election of the Executive Committee of the Board of Directors

1. The Executive Committee will be a standing committee of the Board of Directors of RWA, and will be selected as individuals from the membership of the Board of Directors, except that, no Member or Contracting Entity of RWA will have more than one representative on the Executive Committee.

2. In accordance with the Brown Act (Government Code section 54952), the Executive Committee will comprise less than a quorum of the number of members of the Board of Directors. The Executive Committee of RWA will consist of nine members, subject to the Board of Directors approving a smaller odd-number of members of the Executive Committee to avoid a violation of the Brown Act. These procedures assume that the Executive Committee will comprise nine members.

3. The nine members of the Executive Committee will be selected by the Board of Directors according to the following procedures:

   a. At least two seats on the Executive Committee will be held by members of the Board of Directors who are members of a governing board of a Member of RWA (as defined in Articles 2 and 3(i) of the JPA).

   b. At least two seats on the Executive Committee will be held by members of the Board of Directors who are members of management staff of a Member of RWA.

   c. At least one seat on the Executive Committee will be held by a member of the Board of Directors who represents a City or County Member of RWA.

   d. At least one seat on the Executive Committee will be held by a member of the Board of Directors who represents a Contracting Entity of RWA (as defined in Article 3(d) of the JPA).

   e. A majority of the seats on the Executive Committee (i.e., five seats on a nine-member Executive Committee) will be held by members
of the Board of Directors who represent a Member of RWA.

f. The Chair of the Board of Directors will conduct the election of the Executive Committee. The Chair may appoint an elections committee to assist the Chair and the RWA Secretary in preparing and counting ballots. No secret ballot will be used for the election. (See Government Code section 54953(c) of the Brown Act: “No legislative body will take action by secret ballot, whether preliminary or final.”)

g. For each ballot, the Chair will ask which members of the Board want to be included on that ballot for election for membership on the Executive Committee. A Board member who is not present at the time of the election will not be included as a candidate unless the Board member or the RWA entity that he or she represents has notified the Executive Director that the Board member wishes to be included as a candidate.

h. Candidates for election to the Executive Committee may prepare and distribute to the members of the Board of Directors a statement of their qualifications. Prior to the vote on a ballot on which a candidate’s name appears, a candidate for election to the Executive Committee will have an opportunity to make an oral presentation of not more than two minutes concerning his or her qualifications to serve on the Executive Committee.

i. The first election will be to fill two seats on the Executive Committee to be held by members of a governing board of a Member of RWA. The RWA Secretary will prepare a ballot comprising the names of the members of the RWA Board of Directors who are eligible to fill these seats, excluding from the ballot any member of the Board of Directors who has indicated that he or she does not wish to serve on the Executive Committee. The ballot will state: “Vote for two seats,” and it will have on it the name of the Member or Contracting Entity that is casting the ballot. The representatives on the Board of Directors will cast votes on the ballot on behalf of the Member or Contracting Entity that they represent, i.e., each Member and Contracting Entity can return one ballot. In order to be counted as a valid ballot, a ballot must have a vote cast for each seat that is to be voted on, e.g., if there are two seats to be voted on, a ballot will not be counted if it is returned with a vote for one or none of the candidates. No cumulative voting will be allowed, i.e., a Member or Contracting Entity cannot cast two votes on the same ballot for the same candidate. In order to be elected on the first ballot, a candidate must receive no less than a
majority of the votes of the Board of Directors who are present at the time of the vote. The two candidates who receive the highest number of votes will be elected to the Executive Committee. One or more runoff elections will be held among the three remaining candidates (plus ties) who received the highest number of votes if the election does not fill both seats on the ballot. For a runoff election, the candidate who receives the highest number of votes will be elected, even if it represents less than a majority vote of the Board of Directors. If an election on a ballot with only three candidates does not result in the election of a member of the Executive Committee, then the next runoff ballot will include the two candidates who received the highest number of votes on the previous ballot, and (1) the candidate who receives the higher number of votes (even if less than a majority) will be elected; and (2) in case of a tie, a coin flip will determine the winner.

j. Upon the filling of the first two seats on the Executive Committee, the Chair will call for the election to fill two seats on the Executive Committee to be held by members of management staff of a Member of RWA. The Chair will follow the voting procedures set forth above to fill these seats on the Executive Committee.

k. The Chair will next call for the election to fill one seat on the Executive Committee to be held by a member of the Board of Directors who represents a City or County Member of RWA, to the extent that this seat has not already been filled. The Chair will follow the voting procedures set forth above to fill this seat on the Executive Committee.

l. The Chair will next call for the election to fill one seat on the Executive Committee to be held by a member of the Board of Directors who represents a Contracting Entity of RWA. The Chair will follow the voting procedures set forth above to fill this seat on the Executive Committee.

m. The Chair will next determine whether a majority of the seats on the Executive Committee are held by members of the Board of Directors who represent Members of RWA. (Under the above-referenced procedures, a minimum of four seats on the Executive Committee would have already been filled by representatives of Members of RWA.) If they have not, then the Chair will call for the election for the seat on the Executive Committee needed to result in a majority of the seats being held by members of the Board of Directors who represent Members of RWA. In that case, the Chair will follow the voting procedures set forth above to fill this seat on
the Executive committee.

n. The Chair will next call for the election to fill the remaining seats on the Executive Committee. The Chair will follow the voting procedures set forth above to fill these seats on the Executive Committee.

o. In the event that vacancies arise from time to time on the Executive Committee, such vacancies will be filled following these procedures concerning the composition and selection of the Executive Committee.

p. There will be no alternate members of the Executive Committee.

4. Prior to January 31 each year, the Board of Directors will elect the members of the Executive Committee for the following year. The members of the Executive Committee will serve a term that commences at the conclusion of the Board meeting during which they were selected, and runs until their successors take office.

5. The RWA Board of Directors will select from the Executive Committee membership a Chair and Vice-Chair, who will also serve as the Chair and Vice-Chair of the RWA Board of Directors. The procedures for selecting the Chair and the Vice-Chair are set forth below.

6. Executive Committee meetings will be open to the public (except for authorized closed sessions), noticed and conducted in accordance with applicable law. A majority of all of the members of the Executive Committee (i.e., five members on a nine-member Executive Committee) will (a) constitute a quorum for the purpose of transacting business, and (b) be required for an affirmative vote to take action.

7. Members of the RWA Board of Directors who are not members of the Executive Committee may attend an Executive Committee meeting only as observers, and they will not participate in the committee meeting, ask questions or sit with the committee members at the Board table. (See subsection (c)(6) of Government Code section 54952.2 and 81 Ops.Cal.Atty.Gen. 156 (1998).)

II. Procedures for Election of Chair and Vice-Chair of the Executive Committee and the Board of Directors

1. The Chair and Vice-Chair will be elected by the Board of Directors from the membership of the Executive Committee.
2. The current Chair of the Board of Directors will conduct the election of the Chair and Vice-Chair of the Executive Committee as separate elections. The Chair may appoint an elections committee to assist the Chair and the RWA Secretary in preparing and counting ballots. No secret ballot will be used for the election. (See Government Code section 54953(c) of the Brown Act.)

3. The Chair will ask which members of the Executive Committee want to be considered at the election for Chair of the Executive Committee. A Board member who is not present at the time of the election will not be included as a candidate unless the Board member or the RWA entity that he or she represents has notified the Executive Director that the Board member wishes to be included as a candidate.

4. Candidates for election as Chair of the Executive Committee may prepare and distribute to the members of the Board of Directors a statement of their qualifications. Prior to the vote, a candidate will have an opportunity to make an oral presentation of not more than two minutes concerning his or her qualifications to serve as Chair.

5. The RWA Secretary will prepare a ballot for Chair comprising the names of the members of the Executive Committee, excluding from the ballot any member of the Executive Committee who has indicated that he or she does not wish to serve as Chair. To the extent applicable, the procedures set forth above for the election of members of the Executive Committee will be followed for the election of the Chair of the Executive Committee, until the Chair has been elected. The candidate who receives the highest number of votes on the first ballot, and at least a majority of the vote of the Board of Directors who are present at the time of the vote, will be elected Chair. One or more runoff elections will be held, if necessary, among the three candidates (plus ties) who received the highest number of votes on the previous ballot. For a runoff election, the candidate who receives the highest number of votes will be elected, even if it represents less than a majority vote of the Board of Directors. If an election on a ballot with only three candidates does not result in the election of the Chair, then the next runoff ballot will include the two candidates who received the highest number of votes on the previous ballot, and (a) the candidate who receives the higher number of votes (even if less than a majority) will be elected; and (2) in case of a tie, a coin flip will determine the winner.

6. The Chair will follow the same procedures for the election of Vice-Chair of the Executive Committee.

7. Prior to January 31 of each year, the Board of Directors will elect the Chair
and Vice-Chair of the Executive Committee for the following year. The Chair and Vice-Chair will serve a term that commences at the conclusion of the Board meeting during which they were selected, and runs until their successors take office.

8. In the event that the Chair does not serve his or her full term, the Vice-Chair will succeed the Chair, and the Board of Directors will elect a Vice-Chair following these procedures.

III. Procedures for Filling a Post-Election Vacancy on the Executive Committee

1. In the event that a vacancy occurs on the Executive Committee the Member or Contracting Entity whose representative held the Executive Committee seat that was vacated may recommend a replacement by sending the Chair of the Board of Directors a letter making that recommendation.

2. The recommended Executive Committee replacement must be one of the two identified representatives on the Board of Directors for that Member or Contracting Entity, provided the nomination is consistent with the RWA JPA and the Executive Committee Election Policy.

3. The recommended replacement to the Executive Committee may begin to serve immediately, but must be approved by a majority vote of the Board of Directors at its next regularly scheduled meeting.

4. In the event that a recommended replacement is not identified or not approved, the Board of Directors will select a member consistent with the procedures identified in Section I. of this policy.
AGENDA ITEM 7: POLICY 400.1 APPENDIX G UPDATE

BACKGROUND:

In order to save on long-term retiree health benefit costs, the RWA board adopted Resolution 2019-05 at its March 14, 2019 meeting rescinding the current benefit vesting that RWA had in place under Resolution 2007-03 and replaced it with Resolution 2019-06 that adopts an employer contribution at an equal amount for employees and annuitants. The board also implemented a new Cafeteria Plan and Retiree Health Premium Reimbursement Plan through Resolution 2019-07.

RWA adopted these resolutions to permit the Authority to develop three separate health benefit tiers, Tier I, Tier II and Tier III, for retiree health insurance purposes. These resolutions will reduce the amount that the Authority pays directly to CalPERS for an employee’s or retiree’s enrollment in a CalPERS health insurance plan to the statutory minimum required under Government Code Section 22892(b) (“Statutory Minimum”). The Statutory Minimum for 2019 is $136 and adjusted on an annual basis by CalPERS.

This change was necessary due to a CalPERS rule that requires that a contracting agency make available equal health benefit contributions to employees and retirees in the same group or class unless the Statutory Minimum approach is adopted. In addition, this change will allow Authority employees to include service with Sacramento Groundwater Authority to qualify for the retiree health benefit contribution.

To properly reflect the changes resulting from the above actions, RWA must now make changes to Policy 400.1, Appendix G – Employee and Retiree Health Benefits. RWA’s special counsel, Best, Best & Krieger LLP, suggested rewriting the policy to be in compliance with CalPERS law. The revised and original versions of the appendix are attached with this item.

EXECUTIVE COMMITTEE RECOMMENDATION:

Information Update: Rob Swartz, Interim Executive Director

Action: Approve Amended RWA Policy 400.1, Appendix G
I. Employee Health Benefits

The Regional Water Authority (RWA) provides medical, dental and vision insurance benefits to employees pursuant to the terms and conditions set forth below.

(a) Medical and Hospital Insurance. Medical and hospital care benefits are provided by RWA to eligible employees under the provisions of the California Public Employees Medical and Hospital Care Act (PEMHCA) as administered by CalPERS. All eligible employees may participate in RWA’s medical and hospital insurance for themselves and all eligible dependents in accordance with the terms of the medical and hospital insurance policy or policies provided under PEMHCA and pursuant to the terms set forth in this Policy Number 400.1, Appendix G.

The RWA contribution available to each eligible employee will be equal to the Median Premium for the applicable coverage level in which an eligible employee enrolls. The “Median Premium” is the premium of the Basic Plan in the Sacramento Area Region that falls directly in the middle of all the Basic Plans which are available to eligible employees. In the event that the number of Basic Plans is an even number, the Median Premium will be higher of the two middle rates. For example, for the 2019 plan year, there are nine Basic Plans in the Sacramento Area Region that are available to RWA employees (the PORAC plan is not available to miscellaneous members). Of these, the rate for the BSC Access+ plan is the Median Premium ($881.01 for employee only, $1,762.02 for employee +1 and $2,290.63 for family). An eligible employee can enroll in any available plan offered by CalPERS. However, if the premium of the selected plan is higher than the RWA contribution, then the employee must pay the difference out of pocket, but on a pre-tax basis through payroll deductions. If an eligible employee enrolls in a plan with a premium that is less than the RWA contribution, the remaining RWA contribution is forfeited.

(b) Medical Opt-Out Amount. Employees eligible for the RWA contribution pursuant to the preceding section that are covered by another group health plan may receive a monthly taxable payment equal to one-half of the Median Premium for employee only coverage in lieu of enrolling in a group health plan offered by RWA. The monthly opt-out amount is $440.50 for the 2019 calendar year. Employees may elect this option by completing an opt-out agreement provided by RWA and providing satisfactory proof of enrollment of the employee and his or her spouse and dependents, if any, in an
alternative group health plan. This election will only apply for the calendar year in which it was made. A new opt-out election must be made each calendar year during open enrollment to be eligible to receive the opt-out amount.

(c) Dental Insurance Benefits. RWA provides dental benefits to employees through the Delta Dental Plan. The details of the RWA dental plan are set forth in the Delta Dental Plan. RWA pays 100% of the premium for employees and all eligible family members.

(d) Vision Insurance Benefits. RWA provides vision benefits through the Vision Service Plan. The details of RWA vision plan are set forth in the Vision Service Plan. RWA pays 100% of the premium for employees and all eligible family members.

II. Retiree Health Benefits.

RWA contracts with CalPERS pursuant to PEMHCA to make medical insurance plans available to eligible retirees. Pursuant to the terms and conditions set forth below, RWA provides an Allowance, as defined below, to eligible retirees, to offset the costs of enrolling in such medical insurance plans.

The Allowance available to each eligible retiree will be determined on the basis of several factors set forth below which include the date of hire, date of retirement and years of service with RWA, Sacramento Groundwater Authority (SGA) and other CalPERS employers. The allocation of the Allowance is addressed in paragraph (b), below. The Allowance will only be available for the payment of premiums of a medical insurance plan offered by CalPERS.

An “Eligible Retiree” is an employee of RWA that has retired from service with RWA through CalPERS. An employee is deemed to be “retired from service with RWA” if his or her effective retirement date is within 120 days of separation from employment with RWA and he or she is receiving a service or disability retirement allowance from CalPERS resulting from the employee’s service with RWA. The Allowance for an Eligible Retiree will be determined on the basis of the tier applicable to the Eligible Retiree set forth in paragraph (a), below. All Eligible Retirees, including retirees that fail to meet the requirements of below, will be eligible for the PEMHCA Minimum, defined below, if he or she enrolls in a medical insurance plan offered by CalPERS.
(a) **Determination of Allowance.**

(1) **Tier I Retiree.**

(i) "Tier I Retiree" means an Eligible Retiree who retired prior to September 1, 2007.

(ii) The Allowance for a Tier I Retiree is a fixed monthly amount equal to $400. The allocation of the Allowance is discussed in paragraph (b), below.

(2) **Tier II Retiree.**

(i) "Tier II Retiree" means an Eligible Retiree who: (a) was hired prior to July 1, 2019, (b) retired on or after September 1, 2007, and (c) has at least five (5) years of CalPERS service credit accrued from service with RWA and/or SGA plus at least five (5) years of additional CalPERS service credit accrued from service with RWA, SGA or other CalPERS employers.

(ii) The Allowance for a Tier II Retiree will be equal to the Applicable Percentage, defined in subparagraph (4) below, of the contributions determined by CalPERS using the State Contribution 100/90 Formula and published annually on the CalPERS website for the coverage level in which the Tier II Retiree enrolls. The allocation of the Allowance is discussed in paragraph (b), below.

(3) **Tier III Retiree.**

(i) "Tier III Retiree" means an Eligible Retiree who: (a) was hired on or after July 1, 2019 and (b) has at least five (5) years of CalPERS service credit accrued from service with RWA and/or SGA plus at least five (5) years of additional CalPERS service credit accrued from service with RWA, SGA or other CalPERS employers.

(ii) The Allowance for a Tier III Retiree will be equal to the Applicable Percentage, defined in subparagraph (4) below, of the contributions determined by CalPERS using the State Contribution 100/90 Formula and published annually on the CalPERS website for the coverage level in which the Tier III Retiree enrolls up to the contribution for the Employee +1 coverage level. The allocation of the Allowance is discussed in paragraph (b), below.

(4) **Determination of Applicable Percentage.** The "Applicable Percentage" will be determined on the basis of the Tier II or Tier III Retiree's years of CalPERS service credit (with a minimum of ten (10) years of service, inclusive of five (5) years of service with RWA/SGA) pursuant to the table below. No more than five (5) years of CalPERS service credit accrued from service with other CalPERS employers may be counted for purposes of determining the Applicable Percentage for Tier III Retirees.
For reference, the contributions determined by CalPERS using the State Contribution 100/90 Formula for the 2019 calendar year are the following:

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<th>Applicable Percentage</th>
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<td>20 or More</td>
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*These contribution amounts are subject to change each year based on CalPERS' determination.

For example, a Tier III Retiree with five (5) years of service with RWA/SGA and ten (10) years of service with other CalPERS employers enrolled in family coverage level will be eligible for a monthly Allowance of $699 (e.g., 50% x $1,398) in 2019. No more than five (5) years of service with other CalPERS employers count for purposes of determining the Allowance for a Tier III Retiree and the contribution coverage level is capped at the Employee +1 level for a Tier III Retiree. A Tier II Retiree with the same scenario will be eligible for a monthly Allowance of $1,341 (e.g., 75% x $1,788) in 2019.

(b) Allocation of the Allowance. The Allowance for which each Tier I, Tier II and Tier III Retiree (collectively, “Retiree”) is eligible shall be allocated in the following manner and payable in the following forms: (1) PEMHCA Minimum, described in (1) below, payable by RWA directly to CalPERS, and (2) Reimbursement Amount, described in (2) below, payable to the Retiree.

(1) PEMHCA Minimum Contribution. Pursuant to Resolution No. 2019-07, RWA will pay to CalPERS, on behalf of each Retiree, a monthly employer contribution equal to the minimum contribution required under Government Code Section 22892(b)(2) (PEMHCA Minimum). This amount ($136 for 2019) is established annually by CalPERS.
(2) **Reimbursement Amount.** A reimbursement paid by RWA to the Retiree for health insurance premiums actually paid by the Retiree in an amount not to exceed the difference between the Allowance and the PEMHCA Minimum. RWA has adopted a retiree health reimbursement plan (Retiree Plan) for the purpose of paying the Reimbursement Amount on a nontaxable basis to each Retiree enrolling in the Retiree Plan.

(c) **Additional Terms.** The PEMHCA Minimum *plus* the Reimbursement Amount will be available to Retirees solely for the purpose of paying for premiums for any group health plan offered through CalPERS. To the extent that the selected premium is less than the Allowance, the remaining Allowance shall not be available to the Retiree. To the extent the selected premium is more than the Allowance, the Retiree will be responsible for the additional premium.
AGENDA ITEM 8: EXECUTIVE DIRECTOR’S REPORT
JUNE 13, 2019

TO: REGIONAL WATER AUTHORITY BOARD

FROM: ROB SWARTZ, INTERIM EXECUTIVE DIRECTOR

RE: EXECUTIVE DIRECTOR’S REPORT

a. Regional Water Reliability Plan – The Regional Water Reliability Plan (RWRP) was completed in May 2019 and posted to the RWA website. The RWA Board is expected to take an action of support for the RWRP on July 11, 2019.

b. Bureau of Reclamation Water Management Options Pilots Program – RWA responded to a funding opportunity under the Reclamation Basin Study Program. 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. After initial review by Reclamation, RWA has been invited back to submit a full 20-page proposal that will be rated by a Reclamation-wide review team. The proposal is due by July 10, 2019. Placer County Water Agency was also invited to prepare a full proposal for planning work on its proposed RiverArc Project.

c. Bureau of Reclamation Water Infrastructure Improvements for the Nation (WIIN) Act, Section 4007 Water Storage Projects Funding Request – RWA staff was recently informed of an opportunity through the WIIN Act that could serve as a potential source of funding for the remaining planning work needed for both Phase 1 and Phase 2 of the Sacramento Regional Water Bank. The request was due to the Reclamation Mid-Pacific Region by June 10. The total estimated planning need is $3.48 million. The WIIN Act request was for $840,000, which is 25 percent (the maximum share for non-Federal projects). The Mid-Pacific Region will review all requests and forward its recommendations on June 14. All recommendations will then be reviewed and ranked against Reclamation-wide project proposals.

d. RWA Outreach – Staff attended the May 20 Board meeting of the Sacramento Suburban Water District. Staff gave an overview of the Sacramento Regional Water Bank, Phase 1 Project and the Regional Aquifer Storage and Recovery Information Study Project.
AGENDA ITEM 9: DIRECTORS’ COMMENTS
AGENDA ITEM 10: CLOSED SESSION – PUBLIC EMPLOYEE APPOINTMENT
(Government Code §§ 54954.5(e), 54957(b)(1))
Title: Executive Director
AGENDA ITEM 11: CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS
(Government Code §§ 54954.5(f), 54957.6)
Agency designated representatives: Paul Schubert, Kerry Schmitz and Marcus Yasutake
Unrepresented employee: Executive Director
AGENDA ITEM 12: REPORT FROM CLOSED SESSIONS
AGENDA ITEM 13: EXECUTIVE DIRECTOR APPOINTMENT AND EMPLOYMENT AGREEMENT

Action: Approve Executive Director Appointment and Employment Agreement
EMPLOYMENT AGREEMENT WITH EXECUTIVE DIRECTOR

This Agreement is effective June 13, 2019 between the Regional Water Authority, a joint powers authority (“RWA”) and James Peifer (“Employee”), who agree as follows:

1. Recitals

1.1. RWA is a joint powers authority formed and existing under the Joint Exercise of Powers Law of the State of California.

1.2. Employee agrees to serve as Executive Director to RWA on and subject to the terms of this Agreement.

1.3. Employee acknowledges that, under RWA Policy No. 300.1 and the Cost Sharing Agreement between RWA and the Sacramento Groundwater Authority (“SGA”), as defined and further described in Section 4.2, one of Employee’s job duties will be to serve as SGA’s Executive Director.

2. Employment

RWA hereby employs Employee as Executive Director on and subject to the terms and conditions of this Agreement. Employee hereby accepts such employment on and subject to the terms and conditions of this Agreement. Employee shall also be subject to the terms of the RWA employee handbook, including any terms describing the terms concerning RWA’s and SGA’s relationship in employing employees, to the extent they are not inconsistent with this Agreement. RWA will be responsible for all employment obligations arising under this Agreement, except for those obligations arising under the California Public Employees’ Retirement System (“CalPERS”) that are the responsibility of SGA. RWA’s employment obligations include the following: payment of salary and related payroll tasks; payment of employment-related taxes and withholdings; reporting to the federal Internal Revenue Service, California Franchise Tax Board and California Employment Development Department; provision of Employee benefits; provision of workers’ compensation insurance; and, other employment- and labor-related requirements.

3. Term

This Agreement will commence on the effective date stated above and remain in effect until July 1, 2021, unless terminated by one of the parties as provided below in Section 10, and subject to the extension for amendment negotiations in Section 11. RWA’s obligations to continue financial contributions toward Employee’s retiree health benefits and California Public Employees Retirement System (“CalPERS”) benefits under Sections 6.6 of this Agreement shall continue after this Agreement’s termination to the extent necessary for Employee to receive those benefits.

4. Duties

Employee’s duties under this Agreement will be as follows:

4.1. Those duties and responsibilities assigned to the office of RWA Executive Director as described in the job description for the RWA Executive Director position as adopted and amended from time to time by the RWA Board of Directors, and such other
duties and responsibilities as assigned by the RWA Board of Directors. Employee will be the chief administrative officer of RWA. Employee will work under the direction and control of the RWA Board of Directors.

4.2. Employee may also perform executive director or similar services for another public agency under any agreement that RWA executes with that other agency that requires RWA to provide such services to that agency, as approved and directed by the RWA Board of Directors. (This Agreement refers to such an agency as a “Contract Agency.”) As of the date of this Agreement, RWA has a Contract Agency agreement with the Sacramento Groundwater Authority (“SGA”), a California joint powers authority, specifically the Agreement Between the Regional Water Authority and the Sacramento Groundwater Authority for Administrative and Management Services entered into as of May 23, 2002, as amended as of September 9, 2004 and March 14, 2019 (“Cost Sharing Agreement”), under which the Employee serves as SGA’s Executive Director. In all such cases, RWA retains sole authority to employ and take personnel actions in regard to Employee. Notwithstanding any interpretation of the relationship between RWA and a Contract Agency by a non-party to this Agreement, RWA retains sole responsibility to the Employee for all obligations under this Agreement, except for those obligations arising under CalPERS that are the responsibility of SGA.

5. Work Hours

Employee will devote his full time, attention and energies to his duties and will be available to work at such times as necessary to fully and competently perform the duties assigned, regardless of the number of hours involved. Employee acknowledges that the duties of his position may require an average of more than 40 hours per week, and that some day-to-day hours may vary significantly. Employee will not be compensated for overtime hours worked or otherwise earn or be entitled to compensatory time off for hours worked in excess of eight per day or 40 per week. Employee will not engage in any conduct or other employment or business that would unreasonably interfere with his responsibilities and duties to RWA and, under RWA Policy 300.1, SGA.

6. Salary and Benefits

For all services to be rendered by Employee under this Agreement, RWA will provide to Employee the following salary and benefits:

6.1. Salary stated in Exhibit A to this Agreement, as it may be amended from time to time under Section 16 of this Agreement. Any Employee salary increase and/or cost of living adjustment will require the approval of the RWA Board of Directors. Prior to any increase in Employee’s salary and/or cost of living adjustment, the RWA Board of Directors will consult with any Contract Agencies.

6.2. All RWA Employment Benefits, as defined in RWA's employee handbook, in addition to the specific benefits described in this Agreement (for example, sick leave and holidays). If any term or condition is inconsistent with a term or condition of the RWA Employment Benefits, the provisions of this Agreement will govern. RWA reserves the right to eliminate or modify any of its benefits at any time; provided that any specific benefit identified in this Agreement may not be changed except by a written amendment negotiated between RWA and Employee in accordance with Section 16 of this Agreement.
6.3. An automobile allowance of $600.00 per month.

6.4. Reimbursement of reasonable expenses, including but not limited to business telephone calls, lodging, meals, air travel fares, rental of automobiles, parking fees, business meals, cellular telephone service, and other business related expenses incurred on behalf of RWA (including expenses incurred in providing services to a Contract Agency) as reviewed and approved before payment by the Chair of the RWA Board of Directors.

6.5. Participation in RWA’s group medical, dental and vision plans. RWA will pay the full cost of the coverage for Employee and Employee’s dependents.

6.6. Retiree Health Benefits.

6.6.1. Eligibility to Enroll in CalPERS Health Plan. Pursuant to the Public Employees’ Medical and Hospital Care Act (“PEMHCA”) and relevant CalPERS regulations, Employee shall be eligible to continue health coverage with CalPERS upon his retirement through RWA’s PEMHCA contract if: (i) he completes at least 5 years of CalPERS-covered employment, (ii) his retirement from RWA is effective within 120 days of his separation from employment with RWA, and (iii) he receives a retirement allowance from CalPERS resulting from his service with RWA.

6.6.2. Employer-Paid Retiree Health Benefit. If Employee is eligible to enroll in a CalPERS health plan upon his retirement through RWA’s PEMHCA contract, he shall be eligible to receive an employer-paid retiree health benefit in accordance with Section II of Policy Number 400.1 Appendix G of the RWA Personnel Rules.

6.7. Vacation with pay based on an accrual rate of 20 days per year, earned at the rate of 6.15 hours per biweekly pay period, otherwise subject to RWA’s vacation policy.

6.8. Participation in CalPERS in accordance with RWA’s contract with CalPERS. Employee will pay the required employee contribution to CalPERS based on CalPERS’ determination of his status as a classic member or new member. RWA will pay the employer share.

7. Workers’ Compensation

For the duration of this Agreement, RWA will purchase and maintain workers’ compensation insurance coverage for Employee as required by California law to cover Employee. To the extent that Employee provides services to a Contract Agency, RWA will provide workers’ compensation coverage for Employee while Employee performs those services pursuant to Labor Code section 3602(d).

8. Report Date

Employee shall use his best efforts to report to RWA and assume his duties as Executive Director as soon as possible, but in no case no later than June 28, 2019.

9. Other Terms and Conditions of Employment

Employee’s employment also will be governed by the RWA personnel policies and procedures, as the same may be amended from time to time by the RWA Board of Directors. The parties will comply with all applicable provisions of the RWA personnel policies and
procedures. If any term or condition of this Agreement is inconsistent or in conflict with a term or condition of RWA’s personnel policies and procedures, this Agreement will govern.

10. Termination

Subject to Section 11, this Agreement terminates on July 1, 2021. It may be terminated earlier in any one of the following ways:

10.1. By mutual agreement of the parties, expressed in writing.

10.2. By Employee, upon giving to RWA not less than one month’s prior written notice of his election to terminate. Immediately upon receipt of such written notice, RWA will notify all Contract Agencies, if required by RWA’s agreements with those agencies.

10.3. By majority vote of the RWA Board of Directors, for cause, upon giving to Employee written notice of immediate termination. Prior to initiating any termination for cause, the RWA Board of Directors will notify, and receive concurrence from, each Contract Agency, if required by RWA’s agreement with that agency. RWA’s written notice of termination will specify (1) the particular cause(s) and the facts and circumstances justifying the termination of the Agreement for cause, and (2) the opportunity of Employee to be heard before the RWA Board of Directors on the reasons for his termination. If Employee requests a hearing, the hearing will be held at the RWA Board of Directors' earliest convenience in a closed session, unless Employee requests an open session hearing. After the hearing, the RWA Board of Directors may affirm, modify or reverse its decision to terminate for cause. For purposes of this Agreement, the following will justify termination for cause: willful breach or habitual neglect of duty; gross insubordination; conviction of a crime involving moral turpitude; conduct that makes it impossible or impracticable to perform the duties under this Agreement, or that seriously impedes RWA operations or the operations of a Contract Agency; conduct that tends to bring discredit to RWA or a Contract Agency, or conduct unbecoming an employee in public service; intentional mishandling of RWA or Contract Agency funds; any intentional misrepresentation or fraud in connection with the performance of his duties; or, theft of RWA property or the property of any Contract Agency.

10.4. By a majority vote of the RWA Board of Directors, without cause, upon giving to Employee written notice of immediate termination and payment of severance pay in an amount equal to Employee’s then-current monthly salary multiplied by number of months left on the unexpired term of this Agreement, provided that the number of months shall not exceed six. RWA shall pay for continuation of Employee’s medical, dental and vision coverage for the months left on the unexpired term of this Agreement, provided that the number of months shall not exceed three, or until Employee begins other employment, whichever occurs first. Prior to terminating Employee pursuant to this subsection, the RWA Board of Directors will receive concurrence through a majority vote of the board of directors of each Contract Agency, if required by RWA’s agreement with that agency.

10.5. If Employee’s employment is terminated for any reason, Employee shall be paid for all accrued, unused vacation time at Employee’s then-applicable regular rate of pay.

10.6. If Employee’s employment under this Agreement is terminated for any reason, Employee shall be entitled to retire with all benefits under CalPERS in which he has become vested.
10.7. Notwithstanding the provisions of any RWA rule, regulation, policy, procedure or practice to the contrary, upon termination of Employee's employment, whether as a result of termination or otherwise, and whether with or without cause, Employee will not be entitled to any compensation, damages or other monetary award except as specifically authorized by this Agreement.

11. Extension for Amendment Negotiations. RWA and Employee intend for this Agreement to be a two-year contract with the potential for the parties to negotiate for a limited period of time before and after July 1, 2021 with the mutual goal of executing a separate, written amendment to extend the term of Employee’s employment. Therefore, RWA and Employee agree that on and after July 1, 2021, the term of this Agreement shall be extended during the time that RWA and Employee are negotiating a written amendment to this Agreement (the “Extension Period”). After July 1, 2021, either party may terminate this Agreement by giving the other one month’s prior written notice. Termination of this Agreement under the preceding sentence shall be treated as a termination under Section 10.1. Nothing in this section may be construed as requiring RWA and Employee to extend the term of this Agreement past July 1, 2021 or requiring RWA and Employee to execute an amendment to extend the term of this Agreement.

12. Entire Agreement. This writing constitutes the sole, entire, integrated and exclusive contract between the parties respecting Employee's employment by RWA, and any other contracts, contract 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 to Employee will be sufficiently served if given to him personally, or if deposited in the United States Mail, regular pre-paid mail, addressed to him at his most recent residence address as shown on the RWA payroll records. Any notice to be given by Employee to RWA will be addressed to the RWA Board of Directors and delivered or mailed to the RWA Secretary at the RWA offices.

14. Recitals Incorporated. The recitals set forth in this Agreement are incorporated by reference and are intended to be used in interpreting this Agreement.

15. Successors and Assigns. This Agreement is personal to Employee. He may not transfer or assign the Agreement or any part of it. Subject to this restriction on transfer and assignment by Employee, this Agreement will bind, and inure to the benefit of, the successors, assigns, heirs and legal representatives of the parties.

16. Amendments. Prior to any change or modification to this Agreement, the RWA Board of Directors will consult with each Contract Agency’s board of directors, if required by RWA’s agreement with that agency. Subject to the foregoing consultation requirement, this Agreement may be amended only by a subsequent written amendment approved and signed by RWA and Employee. Any amendment by RWA must be approved by the RWA Board of Directors at a public meeting. Individual RWA directors do not have the authority, express or implied, to amend, modify, waive or in any way alter this Agreement or the terms and conditions of Employee's employment.

17. 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 will not be deemed a waiver with respect to any subsequent default or matter.
18. 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 will not
apply in construing or interpreting this Agreement.

REGIONAL WATER AUTHORITY

By: __________________________
    Paul Schubert
    Chair, Board of Directors

EMPLOYEE

By: __________________________
    James Peifer

Approved as to form:

By: __________________________
    Ryan S. Bezerra
    General Counsel
EXHIBIT A

SALARY

A. Effective June 28, 2019, Employee’s monthly salary is $16,932.00.

B. Effective July 1, 2020, Employee’s monthly salary is $17,779.00.