

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
Sean Bigley, City of Roseville
Michelle Carrey, City of Sacramento
Paul Schubert, Golden State Water Company
Brent Smith, Placer County Water Agency
Pam Tobin, San Juan Water District

Staff Members

Jim Peifer, Rob Swartz, Ryan Ojakian, Nancy Marrier, Cecilia Partridge,
Monica Garcia and Ryan Bezerra, legal counsel

Others in Attendance

José Ramirez, Tom Gray, Bruce Kamilos, Ken Payne and Dave Ocenosak

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

The minutes from the July 24, 2019 Executive Committee meeting

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

4. LEGISLATIVE/REGULATORY UPDATE

Ryan Ojakian, Legislative and Regulatory Affairs Manager, said that the Legislative session concludes at midnight on September 13th. There are a number of bills that RWA has taken a support/oppose unless amended position on earlier in the session and it is now appropriate to look at moving to a more definitive position as the session comes to a conclusion. Mr. Ojakian outlined the content of several bills and gave his current position recommendations on each.

AB 402 (Quirk) would establish a funding stabilization program, supported by drinking water fees, for Local Primacy Agencies (LPA). The author has submitted amendments that would limit access to the program, provide greater oversight over those participating in the program, and require LPAs participating in the program to identify water systems that are candidates for consolidation. RWAs current position on this bill is oppose unless amended, the recommendation is a watch and neutral position.

AB 658 (Arambula) would create a new groundwater recharge permit. Recent amendments would require the Water Board to make a finding of consistency that a permit is consistent with a GSP. RWAs current position on this bill is support if amended, the recommendation is to take a neutral position.

Ms. Tobin entered the meeting.

Mr. Ojakian will send a letter on AB 658 explaining our arguments supporting why we are changing our position from support if amended to a neutral position. The letter will include suggestions on how the groundwater recharge project process should look going forward and how to improve groundwater recharge.

AB 933 (Petrie-Norris) would allow the Department of Conservation (DOC) to establish and administer the ecosystem resilience program to fund watershed coordinator positions throughout the state. Recent amendments would require the DOC to comply with the administrative procedure act (APA) in adopting guidelines for the ecosystem resilience program. RWA does not currently have a position on this bill. The recommendation is to take a support position as ACWA has done.

There was discussion on what qualifications constitute a watershed coordinator. Mr. Ojakian said that watershed coordinators are meant to bring together environmental water supply community interests and to develop plans and projects that improve watershed health.

AB 1414 (Freidman) would make technical changes to the time requirements when various water management reports are due. Recent amendments address timing issues with reports due based on the calendar year. RWAs current position on this bill is support if amended and the recommendation is to move to a support position.

AB 1415 (Friedman) would make it a civil penalty for failure to submit various water management reports. If it will remove opposition the author will submit amendments to require notice of failure to submit a report to be in writing and that penalties may be reduced or waived if "good cause" can be shown as the reason for the failure to report. RWAs current position on this bill is oppose unless amended and the recommendation is to take a neutral position.

SB 134 (Hertzberg) is intended to address double jeopardy of water loss in water conservation requirements. The bill has not been amended, and has passed the legislature so it cannot be amended. RWAs current position on this bill is support if amended and the recommendation is to take a neutral position.

SB 414 (Caballero) would establish a process for regional consolidation of failing public water systems. Pending amendments would among other things make the Water Board the ultimate approver of these consolidations in doing so this would supplant local agency formation commissions (LAFCOs) in the approving role. RWAs current position on this bill is support if amended and the recommendation is to take a neutral position. The State Water Board put out a workbook with guidelines stating requirements for someone to qualify as an administrator.

Mr. Smith noted that there are several small systems within Placer County. Placer County Water Agency has been supportive of consolidation efforts. Consolidation is the result of extreme conditions where a water district has gotten into a bad situation. Anything that assists in consolidating these water districts is moving in a positive direction. Mr. Payne commented that El Dorado County is facing two to three dozen small systems that need to be addressed.

M/S/C Mr. Yasutake moved, with a second by Mr. Greenwood, to take new positions on recently amended legislation. The motion carried by the unanimous voice vote of all directors present.

The Water Board held a two-day board meeting on August 20th and 21st to take action on and describe the approach they are taking to achieve safe drinking water. As part of that board meeting the Office of Environmental Health Hazard Assessment (OEHHA) released a draft human right to water tool. The tool is an interactive map that looks at water quality, accessibility, and affordability, and uses different components to give a composite score in each distinct category. The goal of OEHHA is to have a tool to evaluate progress towards achieving a human right to water. Additionally, the Water Board released a draft administrator policy handbook designed to define requirements for water board placed system administrators. The water board highlighted several areas of work at the two-day board meeting, but of particular interest is an indication that they will focus on an analysis of water affordability and workforce development. There has not been an indication of when the December 2018 draft low income water rate assistance report will be finalized, but there is some belief it will occur sometime this fall.

Mr. Peifer commented that at this time we do not know how the model is constructed. We need to confirm that the model has good information. There is a concern that the measures being used to judge the issues have supporting background behind it. Mr. Ojakian expects to have conversations with OEHHA and staffers who are developing the tool. He will bring information back to the Executive Committee with examples of how the tool is evaluating affordability.

The State Water Board lowered notification levels on PFOS and PFOA down to detection levels. There will be future required testing for the contaminants. A scientific based process for establishing standards was initiated. Mr. Peifer noted that speaking points were emailed to members to assist in responding to any media inquiries regarding the new guidelines issued by the State Water Resources Control Board for testing and reporting PFOA and PFOS contaminants.

AB 756 is going to become law January 1, 2020 requiring that if you have a detection of PFOA or PFOS at the notification level you have to put it in your Consumer Confidence Report (CCR) and if you are over the response level that you have to notify your customers or take that water supply out of service.

Mr. Ojakian said that SB 1 is a bill intended to stop Trump administration rollbacks on various environmental and labor protections. The bill has ramifications for the Voluntary Agreements in particular the provisions on the endangered species act. This bill would not allow Trump administration rollbacks by incorporating into state law federal protections that were in place prior to president Trump being sworn into office. The provisions in the bill could lock in place the 2009 Biological Opinions regulating delta pumping operations and apply the California Endangered Species Act to the Central Valley Project. The latter of which could impact Folsom reservoir operations.

5. RESOLUTION SUPPORTING PAM TOBIN FOR ACWA VP

Every two years, the Association of California Water Agencies (ACWA) forms a nominating committee to select and propose a "slate of candidates" for president and vice president. The ACWA members vote for the slate at the ACWA fall conference. In general, the candidate for president is the current vice president. The terms for president and vice president are for two years.

Ms. Pam Tobin would like to be selected by the nominating committee for ACWA vice president. The purpose of the resolution is to support the nomination of Ms. Tobin.

Mr. Peifer proposed that a resolution be recommended for adoption to the RWA Board supporting Ms. Tobin as a Vice President nominee. Ms. Tobin said that she mailed her introduction letter, statement of qualifications and resume to all board member presidents and general managers. She read her statement of qualifications to the Executive Committee. She gave an overview of the nomination and election process with the final voting to take place at the ACWA Fall Conference.

M/S/C Mr. Greenwood moved, with a second by Mr. Smith, to recommend submission of the resolution for consideration and adoption by the RWA Board. The motion carried by the unanimous voice vote of all directors present.

6. RWA STRATEGIC PLAN UPDATE

Mr. Peifer gave an update on the RWA Strategic Plan saying that the current strategic plan was adopted in 2013 with minor plan updates in 2017. An update of the Strategic Plan is recommended by the Executive Director and Executive Committee input is requested. The Executive Committee will guide the development of the process to update the plan, including schedule, the process(es) used to solicit input from members and stakeholders, and other considerations. He continues his listening tour with a list of questions that he will organize to incorporate into the Strategic Plan. He wants to know if members are happy with the Strategic Plan, what changes are needed, how they see the future of RWA and the member's visions for the RWA.

Mr. Peifer is interested in identifying ways to increase efficiency in services that members need or identifying opportunities to reduce costs for the members.

Mr. Peifer asked the committee if a consultant should be hired to facilitate the Strategic Plan update. Mr. Peifer received feedback that he should conclude his listening tour before hiring a consultant.

After the Executive Director's listening tour he will assemble the agencies answers and look at governance and staffing structure, explore potential opportunities for RWA, SGA and potentially the SCGA and the financial and operational impacts. It was reported by Mr. Schubert that there is a chance for aligning and sharing for additional support and unifying the purpose between the three organizations. SCGA is reviewing PERS to see if there would be any possible financial impact.

7. AGENCY AWARD

Mr. Peifer proposed that an agency award be added along with the established Water Statesperson of the Year and Distinguished Service awards that are presented at the RWA annual holiday social in December. He asked for input from the Executive Committee on creating a new award that would be received by an agency and would be granted for an agency's efforts to work collaboratively with others within the region on initiatives that are innovative and improve the management of water resources or improve the reliability of water resources.

After discussion there was concession that an agency award would have merit, would be given for an outstanding agency achievement and may not be an annual award. The awards committee would handle the nomination process. The award would recognize an agency for a collective effort that makes a project stand out above the rest.

8. TELECOMMUNICATION POLICY

Mr. Peifer proposed that the Executive Committee consider and provide input to a policy that compensates staff for using their personal cell phone for conducting RWA and SGA business. In addition, the policy establishes limits on the cost of a cell phone and accessories that would be issued to an employee.

Certain RWA employees need to be accessible via cellular telephone to conduct RWA or SGA related business. Currently employees may use an RWA issued cell phone to conduct business. Some employees have found having an RWA issued cell phone and their personal cell phone cumbersome to manage, and they would prefer to use their personal cell phone to conduct RWA or SGA business.

Staff has reviewed the policies from ACWA JPIA, Placer County Water Agency and the City of Sacramento. In general, PCWA and ACWA JPIA provide an allowance of up to \$50 per month to employees who use their personal cell phones to conduct agency business. The City of Sacramento provides up to \$100 per month.

A version of Policy 500.17 was provided with edits made by Ryan Bezerra, legal counsel. Mr. Bezerra explained how an employee would respond to a public records act request by disclosing calls and texts. For IRS reporting they want the charges explained at a level of detail that is not possible. A basis for what the allowance amount will be is required. The Executive Director has the discretion to adjust the current not to exceed amount.

M/S/C Ms. Tobin moved, with a second by Mr. Smith, to recommend RWA Board approval of Telecommunication Policy 500.17. The motion carried by the unanimous voice vote of all directors present.

9. VOLUNTARY AGREEMENT AD HOC COMMITTEE UPDATE

Chair Paul Schubert appointed an ad hoc committee to address the RWA's role in the Bay Delta Water Quality Control Plan (WQCP) and the Voluntary Agreements (VA). The new ad hoc committee's charge is to oversee the participation of RWA and its Executive Director in the ongoing negotiations and proceedings concerning the SWRCB proposal to amend the WQCP. The ad hoc committee will make recommendations to the RWA Board and Executive Committee for defining the RWA role and commitments of resources.

The members of the ad hoc committee include Kerry Schmitz, Marcus Yasutake, Anne Sanger, Sean Bigley, Dan York, Paul Helliker, Steve Nugent, Andy Fecko and Jim Abercrombie.

Mr. Peifer noted that he would give the update in the absence of Ms. Schmitz. The ad hoc committee has met twice. There is consensus by the members that work to define the scope and a program will be drafted to identify what the cost share is for the members. This information will be brought back to the Executive Committee and eventually the RWA Board for adoption.

10. FEDERAL AFFAIRS AD HOC COMMITTEE UPDATE

Mr. Bigley said that Chair Schubert has appointed an ad hoc committee to address the RWA's role in Federal Affairs. The new ad hoc committee's charge is to make recommendations to the RWA Board on the role of the RWA on federal matters and provide direction to the Executive Director on federal matters. The committee will terminate upon completion of the updated strategic plan.

The members of the ad hoc committee include Sean Bigley, Chair, Anne Sanger, Vice Chair, Hilary Straus, Marcus Yasutake, Dan York, Andy Fecko, Evan Jacobs and Jennifer Buckman is committee counsel.

The ad hoc committee will make recommendations to the RWA board that addresses 1) what the RWA's role should be in federal affairs; 2) the limit of involvement with federal agencies/regulations; 3) if the RWA gets involved in federal affairs what resources would the RWA need; 4) should a program be structured as an RWA subscription or core program; and 5) what are the immediate needs and priorities of the

effort. The ad hoc committee will meet on Friday at RWA to begin discussions. The committee is requesting member feedback. Updates will be presented to the Executive Committee at future meetings.

11. SACRAMENTO REGIONAL WATER BANK UPDATE

The Sacramento Regional Water Bank, Phase 1 effort is underway. Phase 1 consists primarily of developing a model to assess operations for future environmental analysis of the Water Bank. Modeling is expected to be complete in mid-2020. To keep the Water Bank development effort on track for completion in early 2022, staff is beginning to focus on development of the scope, budget, and funding strategies for Phase 2.

Rob Swartz, Manager of Technical Services, gave an update and handed out a graphic on the water bank development phases showing the development of two phases. Phase 1 includes pre-feasibility activities and phase 2 includes final feasibility and program acceptance. He will be meeting with the consultant next week to begin discussions. It is a significant effort to put this model together. Last week some of the agencies convened that participated in last year's regional groundwater substitution transfer along with those who are most likely to be participants in the Water Bank to get input on proceeding with a plan to get phase 2 ready. Part of the discussion was about bringing in a strategic advisor who would assist in helping to develop a strategy around getting phase 2 going.

Mr. Yasutake exited the meeting.

12. RWA SEPTEMBER 12, 2019 BOARD OF DIRECTORS MEETING AGENDA

Appointment of a temporary Secretary was added as agenda item 2. Mr. Swartz said that it may not be necessary to have the Regional Integrated Water Flow Model Update agenda item on the agenda and it may be pulled from the agenda for the September 12th RWA Board meeting. It was noted that the Executive Director has the authority to modify the agenda.

M/S/C Ms. Tobin moved, with a second by Mr. Bigley, to approve the September 12, 2019 Board of Directors meeting agenda with the mentioned changes. The motion carried by the unanimous voice vote of all directors present.

13. EXECUTIVE DIRECTOR'S REPORT

Finance and Administrative Services Manager Recruitment – Staff is in the process of interviewing candidates for the position. Nine resumes were received with four first round interviews held. A second interview with one of the possible candidates is scheduled for this afternoon.

Grants update – Staff submitted a Proposition 1 Integrated Regional Water Management Grant preliminary application to the Department of Water Resources (DWR) seeking \$8.75M from DWR. The next step in the process will be to participate in

a DWR workshop on the proposal on September 20th. DWR will confirm which projects can proceed with a full application in early October, with the final proposal due in November 2019.

RWA Outreach – Mr. Swartz presented to the California Water Commission (CWC) on the water bank and was invited to sit on a panel for the CWC’s listening session on the Water Resilience Portfolio Initiative on August 27th. Mr. Peifer will share the link to view the presentation when it becomes available.

Mr. Peifer has been meeting with members to introduce himself as the new Executive Director and to ask questions about the strategic plan. Member agencies that Mr. Peifer has met with since the last Executive Committee meeting include:

- Elk Grove Water District
- Carmichael Water District
- Citrus Heights Water District
- City of Yuba City
- City of Roseville
- Rancho Murieta Community Services District
- Sacramento Suburban Water District
- California American Water
- San Juan Water District
- El Dorado Irrigation District
- Placer County Water Agency
- City of Lincoln
- Rio Linda/Elverta Community Water District

Water Resilience Portfolio Initiative – On April 29, 2019, Governor Newsom signed an executive order directing his administration to develop a comprehensive strategy to build a climate-resilient water system. The order directs the secretaries of the California Natural Resources Agency, California Environmental Protection Agency and the California Department of Food and Agriculture to identify and assess a suite of complementary actions to ensure safe and resilient water supplies, flood protection and healthy waterways for the state’s communities, economy and environment.

Mr. Peifer and Mr. Ojakian met with Nancy Vogel, Director of the Governor’s Water Portfolio Program; along with Kerry Schmitz, Sacramento County Water Agency; Tom Gohring, Water Forum; Gary Bardini, SAFCA and Ron Stork, Friends of the River. The purpose of the meeting was to discuss the Water Resilience Portfolio Initiative. Ms. Vogel requested comments on specific actions that the State could take. A comment letter from the RWA, SGA and Water Forum is being prepared to send to Ms. Vogel.

14. DIRECTORS’ COMMENTS

Ms. Tobin thanked the Executive Committee for their support of her nomination as the Vice President of ACWA.

Mr. Greenwood said that Carmichael Water District continues their search for general manager to replace Steve Nugent when he retires in December.

Mr. Bigley reported that progress is being made in the repayment contract with reclamation. Executed contracts are expected later this year. Work continues on the SMUD and City of Roseville proposed transfer to refine and perfect the groundwater program in Roseville.

Mr. Smith said that there has been a lot of concern with customers in rural communities through Placer County with the loss of their fire insurance. There is a town hall meeting scheduled for tonight to address the problem. Ms. Tobin is on the JPIA Liability Committee and she suggested that there may be a possibility of coverage under the JPIA for those who have lost their fire insurance coverage. Mr. Smith is looking for insurance experts who can address these issues and assist in finding a solution.

Ms. Carrey said that the City of Sacramento has a quarterly water committee meeting scheduled next month where Mr. Swartz will give a presentation on the Water Bank. A Resolution supporting Ms. Tobin for ACWA Vice President will also be taken up at that meeting.

Mr. Peifer reported that RWA Policy 500.13 requires that the Executive Director report to the Executive Committee on future conferences that RWA will reimburse employee expenses. Upcoming conferences include the Water Smart Conference, ACWA Conferences and Groundwater Resources Association of California Western Water Conference.

ADJOURNMENT

Chair Schubert adjourned the meeting at 11:21 a.m.

By:

Chairperson

Attest:

Nancy Marrier, Board Secretary / Treasurer