

**1. CALL TO ORDER**

Chair Schmitz called the meeting of the Executive Committee to order at 8:30 a.m. as a teleconference meeting. 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  
Kerry Schmitz, Sacramento County Water Agency  
Dan York, Sacramento Suburban Water District  
Marty Hanneman, San Juan Water District

**Staff Members**

Jim Peifer, Rob Swartz, Ryan Ojakian, Josette Reina-Luken, Amy Talbot, Cecilia Partridge, Monica Garcia and Ryan Bezerra, legal counsel

**Others in Attendance**

Rebecca Scott, Santoro Science Water District, John Woodling, GEI Consultants, David Gordon and Hilary Strauss, Citrus Heights Water District, William Roberts, City of West Sacramento, Alan Driscoll, Forsgren Associates, Pam Tobin, Paul Helliker and Greg Zlotnick, San Juan Water District, Charles Duncan, West Yost Associates, Cathy Lee, Carmichael Water District, Craig Locke, Sacramento Suburban Water District and Hellen Nome, River Watershed Alliance in Alberta, Canada

**2. PUBLIC COMMENT**

None.

**3. CONSENT CALENDAR**

Minutes of the April 22, 2020 Executive Committee meeting

Motion/Second Carried (M/S/C) Mr. Greenwood moved, with a second by Mr. York, to approve the April 22, 2020 Executive Committee meeting minutes. 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, Kerry Schmitz, Sacramento County, Dan York, Sacramento Suburban Water District and Marty Hanneman, San Juan Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

#### **4. STRATEGIC PLAN**

Jim Peifer lead the discussion on the Strategic Plan. On February 21st we had our first strategic planning workshop focused on mission, vision, values, and goals. The staff brought back input from the board. The next Strategic Planning sessions have been scheduled for June 19th and June 26th. A save the date reminder will be sent out to the membership today. We thought we were going to have a second meeting to discuss objectives on March 27 but the COVID 19 crisis disrupted that plan. It is best to have a Strategic Planning workshop in person where people can see each other, read the room and better understand the communication. What we would like to do is schedule a morning session on June 19th and another morning session on June 26 breaking up what was going to be one meeting into two. Half of the objectives will be presented in one meeting and half the objectives in the other. We will bring back the most recent version of the mission, vision, values, and goals to the membership for another chance for input on those objectives. Two agendas that were put together by Ellen Cross, who is helping to facilitate the workshop were included in the packet. Mr. Peifer asked for input from the Executive Committee on the construction of these workshop topics. We are considering bringing a facilitator in to assist with the Strategic Plan to improve communication within the region and with RWA general managers. The facilitators insight would be part of the June 19th workshop.

Mr. Schubert mentioned that they have been using Zoom as their platform on initiatives working with workgroups and getting feedback. They have found that GoToMeetings are more difficult without the same group functionality as Zoom. Mr. Peifer said that using Zoom can be looked into for future meetings.

It was noted that it was appreciated that the Strategic Planning workshops will be broken up into two workshops. Discussion on the format that was provided in the agendas included in the packet was positive. Although it is challenging to complete the workshops via conference calls it is important to complete the work.

Helge Nome commented that he is a visitor on the call. Mr. Nome is on the board of the River Watershed Alliance in Alberta, Canada. He came across the RWA link online while doing research on drought resilience. He said this is a unique opportunity for someone in a different country to actually sit in on a conference call meeting with us.

## 5. METER COLLABORATIVE

Mr. Peifer introduced David Gordon, Operations Manager for Citrus Heights Water District. A RWA objective is to put together the members for common objectives like chemical purchases and common planning. This idea was initiated by the Citrus Heights Water District and fits in well with the work that the RWA does developing common and collective buying power of the region to help reduce the cost to the agencies and the ratepayers. Many RWA member agencies are involved in this effort. Mr. Peifer thanked Hillary Straus and Citrus Heights Water District staff for their assistance on this project and their continued help and collaboration over the years.

Mr. Gordon gave a PowerPoint presentation introduction on the levels of participation, the project and integration study, study review and next steps. The project fits well with the mission of the RWA with a data flexible model for program management, project delivery and with the flexibility of subscription-based programs. There is potential for the meter replacement program to bring agencies together to provide collaborative purchasing value for agencies. As the project manager for the study he assists with the consortium and consultant oversight. A consortium was formed to look at the meter asset management and the advance planning study. As the plan progressed and the more agencies that joined the effort the purchasing power brought the price lower. The consortium-based approach is a relationship building collaboration. By getting the technical folks involved we are building a better product that will include different types of meters as well as meter technologies. When this concept first began there were only a few agencies and it has now grown to 12 agencies participating on various levels. Level three is investment in all phases of the project, level two is participation in any aspect of the study financially and level one participation is where the agencies are invited into the technical meetings, share all of the information that is gathered and are encouraged to participate and share their knowledge. There are seven phases to the study that include individual agency assessments/audits, next generation program options working with the technical team to analyze different available options, testing program strategy analyzing the best practice for each agency for meter testing, implementation strategy and long term planning for the asset inventory, compiling and finalizing the draft report and public outreach strategy. We are moving into the decision process, planning and implementation stage to initiate conversation and discussion with potential implementation strategies to involve each agency in the long-term planning. They have been working with a consultant gathering data that shows the various opportunities to collaborate with a consortium based approach including information sharing, joint purchasing, contracting services, staffing, meter testing and infrastructure. There might be an upfront cost of developing a shared system of information but there will be long-term benefits.

The next steps to the study are looking ahead at the implementation strategy and long-term planning coming out later this summer. The meter testing program strategy is being finalized and conversations have begun on some of the findings of

the different phases and how that is leading into the implementation and long-term planning. The idea is to have a detailed implementation plan for each agency. A table shows a concept for an agency with a to-do list that they use and check off the various policy considerations that they need to implement a new program. The study is moving into the conclusion zone of the phases where the findings are being looked at with the consultant moving into the recommendations portion. The agencies will be looking at proving the individual agency implementation, looking at the consortium and how to move forward with the study. Currently Citrus Heights Water District has been leading the study but moving forward the program manager may change.

Mr. Peifer reminded the Executive Committee what the current RWA vision is. The vision is going to change as we go through the Strategic Planning process with the regional co-operation and collaboration, focusing on the ability of our members to effectively manage water resources, provide high quality water supplies to the public at a reasonable cost, promote a sustainable environment, and support a vibrant economy. The meter replacement program is part of that vision and the RWA mission. There is more work that needs to be done with the meter replacement program but the fundamental point of the resources of the region to reduce the cost to the members is a solid idea. RWA has a history of developing programs that benefit their members. Citrus Heights Water District has been putting a lot of work into staffing this program and there is a desire to shift that from Citrus Heights to RWA. The potential exists for the meter replacement program if the program design and financial issues fall into place for it to become a subscription program managed by RWA.

In the next version of the strategic plan we want to maintain a home for these types of programs in the RWA. Another step would include reviewing and approving the meter replacement program as an RWA initiative that would eventually go to the RWA board for approval. In the near term we need to support the potential objective for the Strategic Plan. Staff will be bringing draft objectives to the board for consideration at the Strategic Planning workshops. Supporting programs from the economies of scale, studies planning, implementation purchasing and resource sharing benefit our member agencies.

There was discussion on information that was distributed on the meter consortium to the members for review and comments. There was support for further discussion on moving the meter consortium forward.

Mr. Peifer mentioned that additional programs are could be under consideration similar to the the Bay Area Chemical Consortium. He is proposing the meter consortium be included as an objective in the Strategic Plan.

## **6. SACRAMENTO CENTRAL GROUNDWATER AUTHORITY**

Mr. Peifer said that discussions on the RWA staffing the Sacramento Central Groundwater Authority will be a standing agenda item. John Woodling has been hired as the Interim Executive Director of the SCGA. There was a virtual meeting on May 20<sup>th</sup> that included the chairs, vice chairs and executive directors of SGA, SCGA and RWA with early phases considering the potential for RWA to staff the SCGA. There was discussion about the potential of an MOU to be adopted by the three organizations to lay out the intent of how to go forward, staffing by RWA and the value that would be brought to all three organizations. At this time the draft MOU is not ready to be distributed. This proposal is in a draft phase and will be presented to the SGA at their next board meeting. There has been discussion on all possibilities but no decisions have been made.

Mr. Woodling said that SGA chair Caryl Sheehan raised some questions and concerns that need to be addressed. At the last SCGA board meeting an action was taken to bring me on as their interim executive director. There has been discussion on moving away from county staffing, administrative roles and potential mutual benefits. The MOU that has been drafted would be a nonbinding commitment of each of the three boards to commit to a process to work through to a potential end that brings SCGA under the administrative management of RWA creating an organization that adds value to both RWA and SGA as they currently exist and bringing SCGA into the same family.

Mr. Schubert disclosed that he is SCGA vice chair and has been involved in the Central Basin since inception. As a member of both SGA and RWA he believes there are benefits for all three organizations to serve the region as a whole.

There was discussion that the effort is supported and appears to be an opportunity to better coordinate areas where there may be duplication of efforts. There was concern that staff costs will increase.

## **7. LEGISLATIVE/REGULATORY UPDATE**

Mr. Ojakian gave background on six bills that cover three topics with this legislative year being very unusual. The assembly has heard bills in policy committee and all of the assembly bills are headed over to appropriations or the floor. The Senate will finish up bill hearings this Friday then bills will go to the appropriations committee and head to the floor. That process will be different than typical years. The dominating factor for the legislature remains the budget situation as the state is facing a significant shortfall. Bills SB 950 and AB 3279 deal with CEQA reform. He would like to reverse his recommendation on SB 950 from support if amended to oppose unless amended which is better at resolving our concerns with less challenges. There is concern in the larger public agency community on the bill because public agencies were not at the table in the consensus reform. The recommendation on AB 3279 is support if amended.

Mr. Bezerra said that SB 950 has parts relating to reforms of the procedural aspects of CEQA. There are concerns about the bill and notices of determination done for water projects. As the law stands now you might have to file your notice of determination in many counties creating a problem. AB, 3279 is a simpler CEQA bill and is primarily intended to make some noncontroversial changes to CEQA. Agencies on a CEQA project would be able to take back responsibility for preparing a record from the environmental group or other petitioner. The legislative staff for AB 3279 has shown interest in attaching our issue for notice of termination for water projects. There is public agency opposition to SB 950 and it does not look like a possibility to attach what we would like to at this point.

Mr. Ojakian said that the prospects on SB 950 are limited and although there are hurdles there is a better chance of success with AB 3279. There are two bills related to Workers' Compensation, AB 196 and SB 1159. An executive order issued by the governor mentioned workers compensation as it relates to COVID 19 and employees suffering adverse consequences from the disease. AB 196 has a provision called the conclusive presumption which means that if an employee contacted COVID 19 while on the job the employer would be responsible for any adverse impacts from the employee's disease. That would remain permanently in place as currently written. The executive order will expire at some point. A neutral position is recommended on SB 1159 and an oppose unless amended on AB 196. A new bill, SB 1099, is related to the use of generators in the public safety power shut off. The bill says that you can run your generator out of compliance with current air quality standards. If you receive a stipulated order from your air control district stating that you need to replace your generator you are given a five-year timeframe for replacement of that generator with flexibility. There is a compromise to go beyond the five-year timeframe that includes to be both technically and economically feasible. You can get permission to run a generator that is not in compliance with current air quality standards in exchange for having a plan that is approved by the air board to replace the generator. A budget trailer bill, Section 401 deals with permits related to relicensing.

Mr. Bezerra explained that as part of hydroelectric project relicensing and a part of any project where you need a Federal Permit you need to get under the Federal Clean Water Act certification from the State Water Quality Agency showing that your project is consistent with the applicable water quality control. Most projects, like when you go get a 404 to do work in a stream or something similar, this is very simple. The Regional Water Board has adopted generalized water quality certification. It is a bigger deal in relation to licensed hydro projects. There are projects that are coming up for relicensing or have already come up for relicensing and the State Board's ability to issue one of these water quality certifications under Section 401 of the Clean Water Act, is their big opportunity to try to regulate hydro projects. Section 401 of the Clean Water Act says that the state board has to act within a year of the application, and they have not been able to do that. At the end of each year they would ask the project owner to withdraw and refile their application

for a water quality certification. You essentially subvert several one-year requirements and because of that you have waived your ability to regulate hydro projects under Section 401 of the Clean Water Act. This budget trailer bill basically says the waterboard does not have to wait for a document before it issues a water quality certification. It is clearly an issue for hydro projects and for 404 permits. And the budget trailer bill has some loose language about the state board being the state agency with authority to implement any laws related to water quality control.

Mr. Ojakian said that the water board can make their finding before CEQA and once they adopt the language be allowed to come back and reopen. The issue is more for hydro agencies than most of RWA member agencies and there is some loose language that could be regulatory or an expansion of authority. The only way to successfully change this is if the water community comes together with one voice on the issue. Both AB 2693 and AB 2621 bills relate to a resource bond measure. There will be a decision relative to the budget and debt service that a bond would create. In theory the legislature has to pass a bond measure for the ballot by June 20th shortly after that they have to pass the budget. They actually have until early August to put something on the ballot before they would pass the deadline where they would have to send a supplemental ballot. I have a support if amended recommendation on AB 2693. The purpose of the bill is to drive funding to source watersheds. The best information I have is that we are going to get funded with the resource bond measure.

M/S/C Mr. Bigley moved, with a second by Mr. Smith, to adopt positions on legislation. 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, Kerry Schmitz, Sacramento County and Dan York, Sacramento Suburban Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

## **8. EXECUTIVE DIRECTOR'S REPORT**

Mr. Peifer said that there were three documents included in the packet, a North State Water Alliance Brochure, a letter from the Rio Linda Elverta Community Water District declaring their withdrawal from the RWA and an e-mail from Tim Shaw, General Manager of Rio Linda. Mr. Peifer expressed that he believes it is disappointing that Rio Linda Elverta Community Water District is dropping out of the RWA because the RWA provides great value to them and that value is misunderstood by their organization. Mr. Peifer said it's not without trying as he had had conversations with Mr. Shaw. MR. Peifer summarized what he understood Rio Linda's complaints to be about the Regional Water Authority, one is perceived Brown Act violations and a lack of transparency and the other is what Mr. Shaw characterizes as expansions into areas that would be new for the RWA which he and the Rio Linda board do not support. With respect to the transparency issues, Mr. Peifer agreed with Mr. Shaw that we need to operate in a transparent way and

be compliant with the Brown Act and Mr. Peifer thinks we are doing that. Mr. Peifer said Mr. Shaw has represented to his board on video that the adoption of the federal affairs platform will raise dues for Rio Linda by threefold. Mr. Peifer said he did not understand where that information came from.

*Note: Mr. Tim Shaw from the Rio Linda/Elverta Community Water District disagrees with Mr. Peifer comments made in the Executive Director's Report as reported in these minutes. This note was proposed by Mr. Peifer to acknowledge that disagreement and the Executive Committee voted to include this note in the minutes.*

Mr. Peifer met with Mr. Shaw in February and explained the value of federal affairs, especially how it advances the Water Bank which is a federal initiative. Mr. Peifer explained to Mr. Shaw that the RWA would need federal acknowledgement of the groundwater bank from the Bureau of Reclamation and they are trying to understand this along with the impacts of the bank on their operations. Mr. Peifer explained to Mr. Shaw that it is helpful to engage in the federal level to help reclamation understand this and there is a lot of work that needs to go into this. Mr. Shaw remarked that this was new information to him. Mr. Peifer explained to Mr. Shaw that many of our members are interested in receiving funding if possible, through federal grants to advance their projects to achieve water supply reliability. The RWA has received about \$10 million in federal grants on behalf of their members since the creation of the RWA. Mr. Peifer indicated that an invoice has been sent to Rio Linda for payment of their pension liability that was calculated according to RWA policy. Rio Linda has a grant that is being processed for a groundwater well that has been ongoing for a while. Mr. Peifer expressed concern over Rio Linda wanting the benefits of being a member in the region and the work that the RWA does that underlies those benefits, but they are reluctant to pay for those benefits. Mr. Peifer noted for the Executive Committee that the Integrated Regional Water Management Plan is a core program for the RWA which all of the members pay into to support the planning which positions the region for the acquisition of grants and Rio Linda will no longer be paying into that.

There was consensus with the Executive Committee members that the departure of Rio Linda is disappointing. Agencies are not always going to agree with the position that RWA takes representing their members and the best interest of the region. The hope is that agencies can work together for communication in a productive way to iron out differences and understand different points of view.

Mr. Peifer replied to Mr. York's question of what happens if Rio Linda requests to rejoin the RWA in the future. According to RWA policy, they could rejoin with a two thirds approval of the RWA board of directors. They continue to be a member for 90 days from the date they declared their withdrawal.

Mr. Bezerra said that from his perspective on the Brown Act issues, as discussed with the Executive Committee and the RWA board we have two legislative bodies, the board of directors and the Executive Committee. We cannot have a quorum of either one at meetings concerning a subject matter of jurisdiction of RWA, therefore we have two different quorums to calculate. That is compounded by the fact that each agency has two seats and either person can cast a vote. Mr. Shaw's philosophical perspective is that all meetings should be as wide open as possible. Meetings should be called as RWA Board of Directors meetings so that they are wide open and that is an option for RWA to undertake if we want to call a board meeting because a majority may or may not be present. More importantly there is a possibility that a majority of one of the boards will be there. My job as the attorney is to sort through the Brown Act to figure out what you can and cannot do and I have tried to provide a range of options for what RWA can and can't do. One of the suggestions I made is that you do not necessarily have to call a special board meeting and you can have different types of meetings depending on the membership. I think Mr. Shaw did not think we should be doing things that way and his perspective was that all these meetings should be wide open. That is not my call as the attorney, that is the call of the executive and the board of directors as to how programs are structured.

Mr. Schubert commented that he appreciated Mr. Peifer's efforts with Rio Linda and his sensitivity to everyone's diverse interests. Our legal counsel, Mr. Bezerra attends our meetings to keep us in line with the Brown Act requirements.

Mr. Swartz is spending a fair amount of time on the groundwater transfer as it continues to progress including outreach. The RWA and SGA boards will be updated on the groundwater transfers at their next board meetings. Mr. Peifer recently participated in a panel discussion with the Public Policy Institute of California on groundwater transfers.

Ms. Talbot gave a presentation on water loss at the last board meeting. The State Water Resources Control Board is developing a regulation with an economic model. Ms. Talbot and colleagues with the California Municipal Utilities Association and the Association of California Water Agencies are engaged in this effort. The current dedication of resources is adequate however if the Executive Director determines that additional resources are needed the members will be notified. A detailed briefing by Ms. Talbot to the Executive Committee was suggested.

## **9. DIRECTORS' COMMENTS**

Mr. Greenwood said that the Carmichael Water District is currently evaluating and auditing their employee benefits. They are looking for ways to improve storage capacity with their transfers and improve water reliability in future droughts. They are finalizing their 2021 budget. Board members Mr. Greenwood, Paul Selsky and Mark Emerson are up for reelection in November.

Mr. Bigley gave an update on storage and recovery infrastructure with the City of Roseville saying they are approaching 30% of the design and are making good progress on the environmental and other permitting processes. They are moving forward with a proposal in their capital program. They are looking forward to getting to a point within the RWA where they have a Sacramento Regional Groundwater Bank in place. Many RWA member agencies recently converted their water service contracts over to repayment contracts under the WIIN Act of 2016. Recently a complaint was filed in the Eastern District Court. They are working through what that means with respect to those contracts.

Ms. Carrey mentioned that the City of Sacramento is working on the Groundwater Substitution Water Transfer Project. They are continuing to work on the documents that need to go to counsel on June 16 for council approval.

Mr. Schubert disclosed that Golden State is one of the parties involved with the groundwater substitution transfer. Assistance from Mr. Swartz during this process is appreciated.

Mr. Smith said that Placer County Water Agency staff returned to their offices on May 4<sup>th</sup> doing what they can to distance themselves in the office. At their last board meeting they entered into a consolidation agreement to support some of the smaller water systems within Placer County. A consolidation agreement was signed with a small Water District near the Dutch Flat community and they have an application in for the funding through the State Water Resources Control Board. They are looking forward to continuing to support them and other small systems. They have been working with the City of Lincoln and wrapping up construction on a five million gallon water tank storage with a large metering station next to it.

Mr. York said that Sacramento Suburban Water District has conducted meetings with Del Paso Manor Water District and after an assessment of the water system they have a number of urgent issues including safety, sanitary and regulatory that need to be resolved. Del Paso Manor is interviewing for the general manager position. He thanked Mr. Peifer for coordinating meetings on how agencies react and deal with COVID-19 and how to return to our offices.

## **ADJOURNMENT**

Chair Schmitz adjourned the meeting at 10:49 a.m.

By:

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Chairperson

Attest:

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Josette Reina-Luken, Board Secretary / Treasurer

