

## 1. CALL TO ORDER

Chair Schmitz called the meeting of the Executive Committee to order at 8:00 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  
Dan Rich, San Juan Water District

### Staff Members

Jim Peifer, Ryan Ojakian, Rob Swartz, Amy Talbot, Cecilia Partridge and Ryan Bezerra, legal counsel

### Others in Attendance

Craig Locke, Paul Helliker, Charles Duncan, Brian Sanders, Cathy Lee, Pam Tobin, Anne Sanger, Jim Abercrombie, David Wheaton, Andy Fecko, Bob Reisig, Kevin Thomas, Kelye McKinney, John Woodling, Tony Firenzi, Charles Duncan, Greg Zlotnick and Ellen Cross

Mr. Peifer announced that after the meeting agenda was posted he was informed that the Board Secretary would be unavailable to attend this meeting. An item needs to be added to the agenda to appoint a temporary secretary for the Executive Committee meeting. Mr. Bezerra said that when two thirds of the members are present, it is determined there is a need for immediate action and the need for the action came to the attention of the local agency subsequent to the agenda being posted you can add an agenda item. The meeting should be called to order, identify the issue and with a two-thirds vote confirm the appointment of a temporary board secretary.

Motion/Second Carried (M/S/C) Mr. Bigley moved, with a second by Mr. Greenwood, to appoint Cecilia Partridge as the temporary board secretary for this meeting. 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.

**2. PUBLIC COMMENT**

None

**3. CLOSED SESSION UNDER GOVERNMENT CODE SECTIONS 54954.5(E) AND 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Executive Director

**4. REPORT FROM CLOSED SESSION – EXECUTIVE DIRECTOR’S PERFORMANCE**

Chair Schmitz reported that the Executive Director performance evaluation was discussed in closed session, but no action was taken.

**5. CONSENT CALENDAR**

Minutes of the July 22, 2020 Executive Committee meeting

Motion/Second Carried (M/S/C) Mr. Greenwood moved, with a second by Mr. York, to approve the July 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 Dan Rich, San Juan Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

**6. RESILIENCE MANAGER SUBSCRIPTION PROGRAM**

Mr. Peifer gave background information on the Resilient Managers Subscription Program. The item presented is an agreement for a major project management element program and a resilience manager program to work together to hire a RWA staffer to serve and organize the efforts of the surface water agencies that have banded together on initiatives including the water control plan and the Delta tunnel item. He and Mr. Swartz are allocated 20 hours a week to the RWA and the remaining time is allocated to SGA. He currently spends 10 hours a week on the new Water Forum negotiations in addition to other new initiatives. The new initiatives will become more complicated and difficult in the future requiring additional time. This is the first time the proposed action for recommendation for approval for the program agreement has been presented to the Executive Committee. Two subscription

programs would provide \$168,000 each for a total of \$336,000 which is the estimate that would be needed to employ a staff person. The idea is to take the recommendation to the RWA Board in September.

Mr. Fecko said that there have been discussions about how to bridge the gap with the regulatory process which is the water quality control plan update and a related ancillary process which is the voluntary settlement agreement process.

Mr. Bigley said there is a considerable amount of work in terms of actual implementation to tighten our profile at the federal level and for the RWA and member agencies to get a successful recommendation from the Bureau of Reclamation for funding. RWA in its current capacity does not have the ability to take what is deemed a success and carry it all the way through an implementation process. The processes are time and staff intensive to move forward and without additional staff we do not have the ability to get things done. Regardless of the outcome of the elections we will probably see some reinvigorated activity at the federal level that will translate into the state level. He said that basically there are not enough staff hours to appropriately implement what we have on the docket and what lies ahead with respect to external challenges or opportunities that RWA will be dealing with. He suggested that this item move forward today without spending unnecessary time deliberating.

There was consensus that rather than individual agencies doing a lot of the work it would be beneficial to have RWA staff do the work for the group of agencies. Presentation to the RWA board should include an explanation of what the associated costs will be to RWA, the benefit of the program and understanding the need for additional staff. The federal and state issues we currently deal with will continue to grow. This program would allow RWA to be in position to act on issues when necessary to continue to be effective. There was discussion that it does not seem sustainable on a long-term basis to have agencies in the region take staff away from their regular duties to participate in the water regulatory process. RWA staff is needed to organize and align the region and have a steady and consistent voice in the regulatory process. The current proposal is for 50% time of a staff person to work on major projects with other needs that could take up the other 50% of the staff person's time.

Chair Schmitz said that there is a capacity problem that we are approaching from a voluntary subscription perspective instead of just the RWA. A question is are some of these things already happening within the RWA and should everybody pay if they are receiving benefit from it. This is a coalition of willing participants providing a bandwidth to the RWA to allocate resources to federal issues and activities that are valuable to the members. She said that we are not proposing a change in the decision-making structure, we are hiring RWA to implement the vision that is decided upon by the Joint Defense Agreement team. There will always be a regulatory process.

Mr. Peifer said that whatever is decided we need to be compliant with the Brown Act. That might mean that if we have five Executive Committee members participating in a program group, or a meeting for a major project management initiative, we will need to post this as an Executive Committee meeting. That does not mean that all the Executive Committee members need to attend that meeting.

Mr. Bezerra said that RWA has the Board of Director, the Executive Committee, and the Federal Affairs Committee. In the future if the organization decides to ultimately have these program committees, we need to make sure that the program committee meetings comply with the Brown Act. To comply with the Brown Act we need to make sure that a program committee meeting is not an illegal Executive Committee meeting and by ensuring that we do not have a majority of the Executive Committee members attending program committee meetings. The agencies in a subscription program will need to decide who is going to participate in the program committee. If a majority of the Executive Committee members participated there would need to be notices of the Program Committee meetings as Special Executive Committee meetings. The meetings would include closed sessions for potential litigation. We might have a series of Special Executive Committee meetings where we have five or six Executive Committee members because they are involved in the Bay Delta program. We would also have the issue of ensuring that the program committee does not represent a quorum of the full RWA Board of Directors.

M/S/C Mr. Bigley moved, with a second by Ms. Carrey, to recommend approval of the program agreements by the Board of Directors subject to modifications by the Executive Director and legal counsel consistent with the Executive Committee direction. 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 Dan Rich, San Juan Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

## **7. PUBLIC OUTREACH AND COMMUNICATIONS CONSULTANT**

Mr. Peifer said that the Master Services Agreement with IN Communications has expired. The Executive Committee gave direction to extend the contract with IN Communications after a competitive bid process.

Ms. Talbot gave a presentation saying there is an ongoing public outreach program and public relations program. Pending approval of the RWA Board the contract timeframe will start in September 2021 with the option to renew for an additional four years. The Public Outreach Program is typically between \$220,000 a year and is exclusively paid for through the Regional Water Efficiency program. The Communications and Public Relations Program varies but is typically between \$110,000 a year paid through the RWA general budget. Due to the anticipated combined budgets for both public outreach and public relations being above

\$150,000 RWA staff is required to obtain RWA Board approval to proceed with contracts. Requests for proposals to secure a consultant for both programs were released in a combined RFP on July 9<sup>th</sup>. After responses from the RFP were received RWA staff coordinated an RFP evaluation team who scored each proposal with IN Communications scoring the highest. The evaluation team unanimously recommended IN Communications as a preferred program contractor for both programs.

M/S/C Mr. York moved, with a second by Mr. Bigley, to recommend approval to the RWA Board for the Executive Director to enter into a Master Services Agreement with IN Communications as consultant for the Regional Public Outreach and Communications Program. 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 Dan Rich, San Juan Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

#### **8. SACRAMENTO CENTRAL GROUNDWATER AUTHORITY**

Mr. Peifer gave an update on the Sacramento Central Groundwater Authority 3X3 committee. The committee met for the first time and gave staff direction to develop a potential staffing model that allowed the three separate authorities to maintain their existing governance while being staffed by the RWA. The next meeting is scheduled for September 21<sup>st</sup> to review the staffing model.

Mr. Woodling reported that at the last SCGA meeting the board voted to approve staff recommendation of an allocation method or fee structure. He said that what the RWA/SGA should be looking for in a partner is a stable funding source.

#### **9. LEGISLATIVE/REGULATORY UPDATE**

Mr. Ojakian gave a Legislative and Regulatory Update saying that RWA has a position on 11 bills with a neutral position on four. The Workers' Compensation bill would have requirements or protection for all federal employees. The Economic Stimulus Act and the session are not moving forward except for the Budget Trailer Bill. On the regulatory side, the Water Board met last week to discuss their survey that did not generate the expected responses. The Board is concerned about late fees that they are unable to take any action on. There was discussion on the risk system and how to define that in the context of safe drinking water.

Mr. Ojakian said that he is not bringing any bill positions before the Executive Committee for action.

No action was taken at this time.

## **10. FEDERAL AFFAIRS STANDING COMMITTEE POSITION ON LEGISLATION AND UPDATE**

Mr. Bigley gave an update on the Federal Affairs Standing Committee and positions on legislation. Congress is struggling with the latest deliberation on continued COVID relief, specifically regarding unemployment benefits as well as other components to assist local governments. There has not been action by Congress regarding immediate needs in terms of the discussion related to infrastructure. It is possible that after the election, if Congress and the Administration turns Democratic, that we could see significant and swift action on infrastructure, economic stimulus and creating jobs. The RWA and Federal Affairs Committee are well prepared for that discussion. After the election, significant time will be spent in terms of how to engage in transition activities, talking to the right folks, and educating them on what is important for RWA and the Sacramento Region.

Activities of the Federal Affairs Committee in June included a series of virtual meetings with Congressional office staff. The second round of meetings with Congressional offices has begun. The staff meetings have been productive with Congressmen and staff support for the RWA. There has been specific support for the Sacramento Regional Groundwater Bank with assistance for the WIIN Act recommendations through the appropriations process. We have asked for help working with the rest of the delegation to ensure our recommendations for \$807,000 is incorporated into the continuing resolution to prevent any delay in those funds being provided back to the region.

The Federal Affairs Committee is starting a phase to figure out a way to build local elected support for the infrastructure projects. Working group sessions have been held to discuss how to help influence state and federal policymakers and decision makers. It would be useful if we could package infrastructure projects so that what we are trying to achieve can be better understood.

The Committee has made a recommendation to have at least two engineers from RWA member agencies help screen some of the criteria for project readiness. Placer County Water Agency and Sacramento Suburban Water District have volunteered engineers to participate. This will help determine how quickly we can have projects in construction once funding is provided. The level of stimulus rendered will determine the amount of economic activity that a project can provide. The Committee is beginning to work on the kick-off for the power mapping activity to determine the connections between local elected officials and their relationship with state and federal policymakers to determine who we need to educate. There has been discussion on the relationships that local elected officials have that are willing to assist RWA and how we can leverage that into influencing state and federal policy decision makers.

Mr. Peifer said that to comply with laws that regulate advocates in DC we may require them to disclose that RWA is an entity that they are advocating on behalf of. The Federal Affairs Committee has advocates who have been participating on the committee and are supportive of RWA. They have an obligation legally to report their activities. There will be a discussion with the advocates to ensure they legally state that RWA is their client to make sure we are compliant with any federal laws or regulations moving forward.

The Federal Affairs Committee reviews legislation and if appropriate, provides recommendations in terms of any position to take. The Snow Water Supply Forecasting Program Authorization Act was discussed by the committee and they wanted to move it forward for review and approval by the Executive Committee. This is basically an aerial snow monitoring tool that provides precise measurement of depths and water content for snow and watershed combined with conventional surveys to be able to determine typical method yields in terms of snow surveys. The legislation proposes to have the Department of Interior take some ownership of this technology and utilize it for seasonal water forecasting. The Federal Affairs Committee is recommending the Executive Committee direct the Executive Director to write a letter of support for this legislation.

M/S/C Mr. Schubert moved, with a second by Mr. Smith, to adopt a decision in support of legislation and direct the Executive Director to write a letter in support. 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 Dan Rich voted yes. The motion carried by the unanimous voice vote of all directors present.

Mr. Schubert left the meeting.

## **11. PRESENTATION ON EL DORADO WATER AGENCY**

Mr. Payne gave a presentation on the American River Basin Study and how the El Dorado Water Agency (EDWA) can better integrate itself with RWA and their common interests. The EDWA is in the upper area of the American River Basin and predominantly rural agriculture relying on surface water. The agency recognizes the planning that has been done over the last decade needs to be integrated with the Lower American River Group. They comprise several water districts and purveyors that provide different types of services. Their role for the Water Act is a combination of looking after the countywide and integrated interests of the county itself. Their mission statement is looking after water supplies for the County as they begin a strategic plan to revise the mission statement to an inner vision statement to be consistent with the Water Act that allows for more than addressing water supply planning. They are a planning wholesale and flood control water resource agency for the county with countywide conservation.

EDWA has identified some challenges that are consistent with RWA and long-term water supply. There are distinct characteristics that are different from RWAs regarding wildfire impacts from water quality, limited groundwater resources, vulnerability of flooding in the foothills, managing stormwater resources and securing infrastructure contamination of groundwater in the area.

EDWA has developed five implementation programs, budget, governance and partnerships, water security, watershed management and communication and advocacy. A Water Resource Development Management Plan was adopted with the stakeholder group. EDWA has outlined activities for the next five years on the agency's role to support or facilitate efforts going on in the county and working on the vulnerability of the small public systems. The agency is starting the process for the Upper American River Regional Drought Contingency Plan that integrates with their water resource development plan. The plan will develop resource management strategies and programs recognizing the need to coordinate with state activities on the Water Conservation Plan and the Lower American River Regional Drought Contingency plan.

EDWA is focusing on Watershed Management and feel this is where there could be integration with RWA. They are addressing the watershed programs to determine how they can engage and have an active role with RWA on some of the activities that are important.

## **12. SEPTEMBER 10, 2020 RWA BOARD MEETING AGENDA**

It was suggested Agenda Item four be modified to include the program agreements as discussed early in today's meeting.

M/S/C Mr. Yasutake moved, with a second by Mr. York, to approve the September 10, 2020 RWA Board meeting agenda with the suggested modification. Ron Greenwood, Carmichael Water District, Marcus Yasutake, City of Folsom, Sean Bigley, City of Roseville, Michelle Carrey, City of Sacramento, Brent Smith, Placer County Water Agency, Kerry Schmitz, Sacramento County, Dan York, Sacramento Suburban Water District and Dan Rich, San Juan Water District voted yes. The motion carried by the unanimous voice vote of all directors present.

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

Mr. Peifer reported that he is going through another series of listening sessions reaching out to the membership. He offered to give presentations to member boards about what is happening with RWA and regional initiatives.

Mr. Swartz is meeting with the Water Bank committee. Activities include the construction of the model that is nearing completion.

The mission, vision, values and goals and objectives for the Strategic Plan were included in the packet. A Strategic Plan brochure will be printed after some artwork and design is developed by Christine Kohn. He thanked Ellen Cross for her work on the Strategic Planning efforts.

Mr. Peifer is interested in receiving feedback on a potential Board Workshop where members could give presentations on topics of interest.

#### **14. DIRECTORS' COMMENTS**

Mr. York reported that the Sacramento Suburban Water District Board of Directors are up for election. Directors McPherson and Jones both ran unopposed for the next four-year term.

Mr. Yasutake, City of Folsom, asked if anyone has experience with pinhole leaks to please contact him.

Mr. Greenwood said that he and Mark Emmerson will serve another four-year term as Directors for Carmichael Water District. He said that things are moving forward beautifully with their new General Manager, Cathy Lee.

Ms. Carrey mentioned that City of Sacramento has a council report item going forward on September 8th seeking approval to pay invoices.

Mr. Rich said that San Juan Water District is going through a public process to consider changing from an at large agency to just representation. They are receiving public input and should know more in the coming months.

Chair Schmitz said to stay tuned for the small agency effort with meetings to be scheduled soon.

#### **ADJOURNMENT**

Chair Schmitz adjourned the meeting at 11:03 a.m.

By:

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Chairperson

Attest:

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Cecilia Partridge, Temporary Board Secretary