

1. CALL TO ORDER

Chair Firenzi called the special meeting of the Board of Directors to order at 3:01 p.m. at City of Roseville - Corporation Yard, 2005 Hilltop Circle, Roseville, CA 95747. A quorum was established of 13 participating members present in person. Individuals who participated are listed below:

RWA Board Members

S. Audie Foster, California American Water
Ron Greenwood, Carmichael Water District
Cathy Lee, Carmichael Water District
Hilary Straus, Citrus Heights Water District
Marcus Yasutake, City of Folsom
Holly Andreatta, City of Lincoln
Pauline Roccucci, City of Roseville
Sean Bigley, City of Roseville
Brett Ewart, City of Sacramento
Diana Langley, City of Yuba City
Bruce Kamilos, Elk Grove Water District
Michael Saunders, Georgetown Divide Public Utility District
Paul Schubert, Golden State Water Company
Robert Dugan, Placer County Water Agency
Tony Firenzi, Placer County Water Agency
Michael Grinstead, Sacramento County Water Agency
Bob Wichert, Sacramento Suburban Water District
Greg Zlotnick, San Juan Water District
Ted Costa, San Juan Water District
Paul Helliker, San Juan Water District

RWA Associate Members

None

RWA Affiliate Members

None

Staff Members

Jim Peifer, Michelle Banonis, Trevor Joseph, Monica Garcia, and Ryan Bezerra, legal counsel.

Others in Attendance:

Ryan Ojakian (RWA staff), Andy Fecko, Placer County Water Agency, Craig Locke, Sacramento Suburban Water District.

Michael Saunders entered at 3:10 p.m.

Hilary Straus entered at 3:11 p.m.

Cathy Lee entered at 3:34 p.m.

2. PUBLIC COMMENT

None

3. CLOSED SESSION - Closed Session began at 3:15 p.m.

3.1 Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code §54956.9, subdivision (d)(4):
One case, concerning Bay-Delta water quality control plan.

4. ANNOUNCEMENT OF REPORTABLE ACTION IN CLOSED SESSION

There were no reportable action items from Closed Session.

5. OPEN SESSION – Open Session returned at 3:55 p.m.

6. CONJUNCTIVE USE PROJECTS TO BE FUNDED FROM A POTENTIAL GRANT FROM THE STATE OF CALIFORNIA

Presenter: Sean Bigley, Ad Hoc Committee Chair

Discussion/Action: Approve list of projects for grant funding

Sean Bigley, Ad Hoc Committee Chair, presented the background on the committee's work including the history of the surveying for the potential project list that was sifted for criteria including permitting/shovel ready by the requested dates. Six agencies submitted projects for a total of \$194 million in preliminary projects. Director Bigley acknowledged and thanked the committee and RWA staff for their work. Committee members included Dan York, Sacramento Suburban Water District, Brett Ewart, City of Sacramento, Cathy Lee, Carmichael Water District, and Rebecca Scott, Citrus Heights Water District.

Michelle Banonis, RWA Manager of Strategic Affairs, presented a PowerPoint Presentation that reviewed the process that lies ahead with Department of Water Resources (DWR) to complete a draft agreement for \$55 million in direct funding before the end of the fiscal year, June 30, 2023. This project funding is in coordination with the Voluntary Agreements commitment to provide an additional 30,000-acre feet of available water but not contingent upon it to be a recipient. Currently, there is no binding agreement regarding the Voluntary Agreement. The

purpose of the Voluntary Agreement was not to obtain funding but to maintain regulatory control.

A discussion regarding the email request for potential projects, eligibility of the potential projects that qualify for funding, and adequate time to understand and respond ensued. Director Greg Zlotnick, San Juan Water District, made a motion to approve the list with the addition of an additional project from Orange Vale Water Company (a collaborative project between Orange Vale Water Company and San Juan Water District). As Orange Vale Water Company was not present, a discussion proceeded regarding San Juan Water District's ability to speak on another member's behalf and if this modification would delay moving forward with finalizing an agreement with DWR at next week's follow up meeting. Executive Director, Jim Peifer, clarified that: (1) the list of projects has to be ready to construct and be past CEQA phase; and (2) the current list includes all the raw data of responses received from multiple solicitations. Orange Vale Water Company did not submit. The Ad Hoc Committee Members confirmed the inflow of data.

Director Michael Sauders, Georgetown Divide Public Utility District, asked about upstream agency opportunities, and requested to provide Orange Vale Water Company a deadline to respond.

Director Paul Schubert, Golden State Water Company, explained his initial, and then clarified, understanding of the project request and how that may have been confusing.

Director Robert Dugan, Placer County Water Agency, seconded Director Zlotnick's motion in order to have a discussion.

Chair Firenzi stated that the timing of this discussion cannot wait until the May Board meeting but could allow for some time to make modifications to the project list before the agreement comes to the Board for approval. Director Bigley requested that if this moves forward that Orange Vale contact the committee directly with their project request. Michelle Banonis stated that RWA would need to know within the next two days for additional projects.

Director Bob Wichert, Sacramento Suburban Water District, supports the request to add one new project to the unedited list.

Director Saunders requested to provide Orange Vale Water with the Friday deadline to respond.

Director Audie Foster, California American Water, stated concern about the idea that, even though Orange Vale is not present, their additional project is going to be added without their consent and committed to capital projects cost.

Director Brett Ewart, City of Sacramento, explained that he has met with many agencies that have groundwater capacity regarding this list but not all.

Director Dugan had two questions: (1) the standing to submit a project for an agency that is not present; and (2) if Orange Vale's project is the only project to be added. Chair Firenzi made the point that if we provide allowance for one, then what about others? Chair Firenzi reinforced that the project requirements are high to qualify. Chair Firenzi recommended giving pause and allowing an extension for all agencies but has not made an alternate motion. Director Dugan asked what are the options to accommodate this request to provide additional time to submit and still have enough time for staff to do their job?

Legal Counsel Bezerra responded that issue relates to what DWR needs to have an agreement and issue payment by the end of the fiscal year. A list of projects is needed for DWR by Tuesday. Director Dugan asked what does the amended motion look like to do this. Legal Counsel Bezerra responded that there has to be an amended motion with an extended deadline. Legal Counsel Bezerra stated that the amended motion would be to approve the list of projects with the addition of allowing agencies to add projects to the list by close of business on Friday at 5 p.m. with the Ad Hoc Committee's confirmation that any newly-offered project meets the relevant criteria.

Director Zlotnick amended his original motion to conform to Legal Counsel's description. Director Dugan, as the second to the original motion, accepted the amended motion.

A question was asked if a project request was made in the next two days, would it be automatically added or who would review? Ad Hoc Committee Chair Bigley responded that he would confer with the committee to see if the committee will review and approve or delegate this authority to Ms. Banonis. Director Ewart responded that some sub-set of the committee should work with Ms. Banonis to review. Ms. Banonis agreed with this statement and said that she would prefer not to have any further changes after Tuesday.

Director Grinstead stated that Friday is the end all to get funding and that the amount of water being committed to the Voluntary Agreement is for another discussion.

Director Schubert asked what the relationship is between the funding and committing of water supply. Ms. Banonis responded that we need to have a final list of projects as we do not want to have DWR keep making changes and modify the agreement. Director Yasutake asked, if there is a project down the road that has a nexus to the Voluntary Agreement, then why not be able to add it?

Legal Counsel Bezerra replied that these are unusual circumstances and that we are trying to make DWR's apparent deadline to commit funding by the end of the state's fiscal year on June 30. Director Saunders supported that and said that once the deadline is made, you don't want to miss that opportunity.

Alternate Director Paul Helliker, San Juan Water District, made a statement regarding the transparency of the requests that have been sent by the Ad Hoc Committee and what the request was really meant for, and now agencies have two days to get their project requests in.

Chair Firenzi said that Alternate Director Helliker's statement that there was a lack of transparency is not accurate.

Director Bigley added that he has a list of the dates when the emails requesting information were sent.

Alternate Director Helliker stated that he never received an email stating to submit a list of projects in order to receive this funding.

Director Dugan replied and said that the Board will be considering an amended motion to provide additional time for agencies to respond for those that misunderstood or just missed the emails. This request for additional time should not jeopardize the potential benefit for the region just to accommodate the request of one agency. Director Dugan made a motion to call to the question on Director Zlotnick's amended motion. Director Greenwood seconded the motion to call the question. Director Zlotnick asked for and received confirmation of the question was being called on his amended motion. The vote on the motion to call the question was 14 ayes and a no vote from Director Schubert of Golden State Water Company. Director Schubert explained that he did not understand the motion that he was asked to vote for.

Pursuant to the approved motion to call the question, an immediate vote on Director Zlotnick's amended motion of approving the list of projects and include projects from member agencies that meet the criteria to be included on the list with a deadline of Friday, close of business was taken. The vote on that amended motion was 14 ayes, 0 noes and 1 abstention from Director Schubert of Golden State Water Company.

ADJOURNMENT

With no further business to come before the Board, Chair Firenzi adjourned the meeting at 5:02 p.m.

By:



Anthony Firenzi, Chair

Attest:



Josette Reina-Luken, Acting Secretary