



## MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS

August 10, 2020 — 9:00 A.M.

### Board of Directors

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**George Osborne—Division 1**  
President

**Pat Dwyer—Division 2**  
Vice President

**Michael Raffety—Division 3**  
Director

**Lori Anzini—Division 4**  
Director

**Alan Day—Division 5**  
Director

### Executive Staff

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**Jim Abercrombie**  
General Manager

**Brian D. Poulsen, Jr.**  
General Counsel

**Jennifer Sullivan**  
Clerk to the Board

**Jesse Saich**  
Communications

**Brian Mueller**  
Engineering

**Mark Price**  
Finance

**Jose Perez**  
Human Resources

**Tim Ranstrom**  
Information Technology

**Dan Corcoran**  
Operations

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**PUBLIC COMMENT:** Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. Public comments are limited to five minutes per person.

**PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING:** Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.

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**AMERICANS WITH DISABILITIES ACT:** In accordance with the Americans with Disabilities Act (ADA) and California law, it is the policy of El Dorado Irrigation District to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or email at [adacoordinator@eid.org](mailto:adacoordinator@eid.org) at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

Please take notice, as a result of the COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order (EO) N-29-20, which waives certain requirements of the Ralph M. Brown Act (Brown Act) in order to prevent gatherings and slow the spread of COVID-19. Specifically, EO N-29-20 waives the requirements that local public agencies (1) notice each teleconference location from which a board member will participate, (2) make each teleconference location accessible to the public, (3) allow the public to address the agency from each teleconference location, (4) post the agenda at each teleconference location, and (5) ensure that a quorum of the board participate in locations within the boundary of the agency. EO N-29-20 requires local public agencies that conduct public meetings telephonically to allow members of the public to observe and address the meeting telephonically or otherwise electronically.

As a result of the Governor's orders, and in order to protect the health and safety of District staff and the public, the General Manager closed District facilities to the public, including the headquarters facility, in March. With sectors of the economy reopening for public business, the General Manager opened the District headquarters building for customer service on June 1, 2020. Because public gatherings remain prohibited under the Governor's Executive Orders, Board Meetings will continue to be closed to in-person attendance by the public and conducted virtually for the time being. In accordance with EO N-29-20, the public may participate in the District's Board meeting by teleconference or web conference via the instructions provided below. Members of the public who observe the meeting via teleconference or web conference will be given the opportunity to speak and address the Board, and their comments will be included in the audio recording of the meeting. The meeting materials will be available for download from the District's website at [www.eid.org](http://www.eid.org).

## **PUBLIC PARTICIPATION INSTRUCTIONS**

### **Instructions to join the Board Meeting by telephone only**

No accompanying computer or mobile device required. This option will allow participants to listen to Board meeting audio and address the Board during public comment periods by pressing \*9 on the telephone keypad.

Dial **1.669.900.6833** and enter Meeting ID **945 6360 8941** when prompted.

### **Instructions to join the Board Meeting from your computer or mobile device**

Click the following join link or copy and paste into your browser <https://zoom.us/j/94563608941>

If the device being used *is* equipped with a microphone and speaker, participants may view the presentation live and listen to Board meeting audio. You may address the Board during public comment periods by clicking on the "raise a hand" button.

If the device being used *is not* equipped with a microphone, participants may view the presentation live and listen to Board meeting audio using the link above. Participants may address the Board during public comment periods by using the call in instructions above and pressing \*9 on the telephone keypad.

Additionally, please note that before joining a Zoom meeting on a computer or mobile device, you can download the Zoom app from <https://zoom.us/download>. Otherwise, you will be prompted to download and install Zoom when you click a join link. You can also visit <https://zoom.us/test> at any time to familiarize yourself with Zoom.

## **CALL TO ORDER**

President Osborne called the meeting to order at 9:00 A.M.

### **Roll Call Board**

Present: Directors Osborne, Dwyer, Raffety, Anzini and Day. Director Day participated via teleconference.

### **Staff**

Present: General Manager Abercrombie, General Counsel Poulsen and Board Clerk Sullivan

### **Pledge of Allegiance and Moment of Silence**

President Osborne led the Pledge of Allegiance Moment of Silence dedicated to all law enforcement.

## **ADOPT AGENDA**

**ACTION:** Agenda was adopted.

### **MOTION PASSED**

Ayes: Directors Dwyer, Anzini, Osborne, Raffety and Day

## **COMMUNICATIONS**

Awards and Recognitions  
None

## **PUBLIC COMMENT**

None

## **COMMUNICATIONS**

**General Manager**  
None

**Clerk to the Board**  
None

### **Board of Directors**

Director Raffety reported on his participation in the Association of California Water Agencies Virtual Spring Conference.

Director Anzini commented on the District's July 16 special Board meeting.

## **APPROVE CONSENT CALENDAR**

**ACTION:** Consent Calendar was approved.

### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

## **CONSENT CALENDAR**

### **1. Finance (Pasquarello)**

Ratification of EID General Warrant Registers for the periods ending July 7, July 14, July 21, and July 28, 2020, and Board and Employee Expense Reimbursements for these periods.

**ACTION:** Option 1: Ratified the EID General Warrant Register as submitted to comply with Section 24600 of the Water Code of the State of California. Received and filed Board and Employee Expense Reimbursements.

### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

### **2. Clerk to the Board (Sullivan)**

Approval of the minutes of the July 13, 2020 regular meeting of the Board of Directors and July 16, 2020 special meeting of the Board of Directors.

**ACTION:** Option 1: Approved as submitted.

### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

### **3. Office of the General Manager (Abercrombie)**

Consideration to ratify Resolution No. 2020-006 to maintain emergency declaration.

**ACTION:** Option 1: Ratified Resolution No. 2020-006 to maintain emergency declaration.

### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

### **4. Finance (Downey)**

Consideration to adopt a resolution approving non-ad valorem charges and authorizing El Dorado County Auditor/Controller's Office to place said charges on the tax roll and the Tax Collector's Office to collect said charges for the tax roll year 2020/2021.

**ACTION:** Option 1: Adopted Resolution 2020-014, approving non-ad valorem charges, authorizing El Dorado County Auditor/Controller's Office to place said charges on the tax roll and the Tax Collector's Office to collect said charges for the tax roll year 2020/2021.

### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**5. Engineering / Office of the General Counsel (Dawson/Leeper)**

Consideration to approve the First Amendment to the Master Construction Responsibility and Reimbursement Agreement with El Dorado County.

**ACTION:** Option 1: Approved the First Amendment to the Master Construction Responsibility and Reimbursement Agreement with El Dorado County.

**MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**6. Engineering (Mutschler)**

Consideration to award a contract to GHD Inc. in the not-to-exceed amount of \$154,015 for construction inspection services for the Pacific Tunnel Rehabilitation Project, Project No. 16044.01.

**ACTION:** Option 1: Awarded a contract to GHD Inc. in the not-to-exceed amount of \$154,015 for construction inspection services for the Pacific Tunnel Rehabilitation Project, Project No. 16044.01.

**MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**7. Operations (Gibson)**

Consideration to award a contract to TCB Industrial, Inc. in the not-to-exceed amount of \$92,224 for disassembly, inspection and rehabilitation of generator #1, and authorize total funding of \$119,356.58 for the Powerhouse Generator #1 Rehabilitation Project, Project No. 20036.

**ACTION:** Option 1: Awarded a contract to TCB Industrial, Inc. in the not-to-exceed amount of \$92,224 for disassembly, inspection, and rehabilitation of generator #1, and authorized total funding of \$119,356.58 for the Powerhouse Generator #1 Rehabilitation Project, Project No. 20036.

**MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**8. Human Resources (Perez)**

Consideration to adopt the updated 2020 Employee Handbook covering the Association of El Dorado Irrigation District Employees, the El Dorado Irrigation District Managers and Supervisors Employee Association, and the Confidential Non-Represented and Contract Employee groups.

**ACTION:** Option 1: Adopted the updated 2020 Employee Handbook.

**MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**9. Engineering / Finance (Mueller/Price)**

Consideration to approve payment of the annual membership dues for the Regional Water Authority General and Water Efficiency Category 1 Programs in the amount of \$117,121 for fiscal year 2020-2021.

**ACTION:** Option 1: Approved payment of the annual membership dues for the Regional Water Authority General and Water Efficiency Category 1 Programs in the amount of \$117,121 for fiscal year 2020-2021.

**MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

**END OF CONSENT CALENDAR**

**PUBLIC HEARING**

**10. Engineering (Baron)**

Consideration to adopt a Mitigated Negative Declaration for the Flume 30 Replacement Project, Project No. 17041.01.

Public Hearing opened at 10:45 A.M.

**ACTION:** Option 1:

- Adopted the proposed Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program.
- Made the following findings pursuant to California Environmental Quality Act (CEQA):
  - Based on the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
  - The mitigation measures required for the Project reduce potentially significant impacts to levels that are less-than-significant.
  - The Mitigated Negative Declaration reflects EID’s independent judgment and analysis.
  - Specified that documents or other material, which constitute the record of proceedings upon which this decision is based, shall be in the custody of the Clerk to the Board at El Dorado Irrigation District Headquarters.
- Approved the Project in accordance with CEQA.

**MOTION PASSED**

Ayes: Directors Anzini, Raffety, Osborne, Dwyer and Day

**INFORMATION ITEMS**

**11. Finance (Price)**

Bond refinancing update.

**ACTION:** None – Information only.

## **ACTION ITEMS**

### **12. Engineering / Office of the General Counsel (Deason/Leeper)**

Consideration to award a contract to Zanjero in the not-to-exceed amount of \$395,890 to perform hydrologic modeling and authorize additional funding of \$50,000 for capitalized labor and \$25,000 for additional special water rights counsel services for a total funding request of \$470,890 for Permit 21112 Change in Point of Diversion, Project No. 16003.

**Public Comment:** Jonas Minton  
Theresa Simsiman  
Tom Cumpston

**MOTION:** Motion by Director Raffety and seconded by Director Dwyer to approve option 1 and award a contract to Zanjero in the not-to-exceed amount of \$395,890 to perform hydrologic modeling and authorize additional funding of \$50,000 for capitalized labor and \$25,000 for additional special water rights counsel services, for a total funding request of \$470,890 for Permit 21112 Change in Point of Diversion, Project No. 16003.

**SUBSIDIARY MOTION:** Motion by Director Anzini and seconded by Director Dwyer to delay action on this item until after Closed Session Item C on this agenda is heard.

#### **MOTION PASSED**

Ayes: Directors Anzini, Dwyer, Osborne, Raffety and Day

**ACTION:** Option 1: Awarded a contract to Zanjero in the not-to-exceed amount of \$395,890 to perform hydrologic modeling and authorized additional funding of \$50,000 for capitalized labor and \$25,000 for additional special water rights counsel services, for a total funding request of \$470,890 for Permit 21112 Change in Point of Diversion, Project No. 16003.

#### **MOTION PASSED**

Ayes: Directors Raffety, Dwyer, Osborne, Anzini and Day

### **13. Finance (Pasquarello)**

Consideration to extend the auditing services contract with Hudson Henderson & Company, Inc. for one additional year and authorize the accounting firm to perform the fiscal year-end 2020 Financial Audit and the 2020 Appropriations Limit calculation agreed-upon procedures review for a not-to-exceed amount of \$38,705.

**ACTION:** Option 1: Extended the auditing services contract with Hudson Henderson & Company, Inc. for one additional year and authorize the accounting firm to perform the fiscal year-end 2020 Financial Audit and the 2020 Appropriations Limit calculation agreed-upon procedures review for a not-to-exceed amount of \$38,705.

#### **MOTION PASSED**

Ayes: Directors Day, Anzini, Osborne, Dwyer and Raffety

*Action Item No. 14 was heard after Closed Session Item C on this agenda was considered.*

**14. Operations / Office of the General Counsel (Corcoran/Poulsen)**

Consideration to adopt a resolution appointing District negotiators for potential conversion of the District's existing Long-Term Water Service Contract pursuant to the Water Infrastructure Improvements for the Nation Act.

**ACTION:** Option 1: Adopted Resolution No. 2020-013, appointing District negotiators for potential conversion of the District's existing Long-Term Water Service Contract pursuant to the Water Infrastructure Improvements for the Nation Act.

**MOTION PASSED**

Ayes: Directors Day, Raffety, Osborne, Dwyer and Day

**CLOSED SESSION**

**A. Conference with General Counsel — Anticipated Litigation (Poulsen)**

Government Code Sections 54956.9(d)(2) & (e)(2)

(one potential case: claim by Shimmick Construction regarding Forebay Dam Project)

**ACTION:** During its consideration of Closed Session Item A, the Board took the following action:  
On a motion by Director Osborne, seconded by Director Raffety, and a vote of 5-0, the Board approved construction change directive no. 5 in the not-to-exceed amount of \$190,000 to Shimmick Construction and authorized funding of \$412,648 for the Forebay Dam Project.

**B. Conference with General Counsel — Existing Litigation (Poulsen)**

Government Code Section 54956.9(d)(1)

(*Save the El Dorado Canal v. El Dorado Irrigation District*, Court of Appeal, Third Appellate District, Case No. C092086)

**ACTION:** During its consideration of Closed Session Item B, the Board took the following action:  
On a motion by Director Osborne, seconded by Director Dwyer, and a vote of 5-0, the Board approved a contract amendment with Somach Simmons & Dunn in the not-to-exceed amount of \$50,000 for the continued representation of EID in the *Save the El Dorado Canal v. El Dorado Irrigation District*, Court of Appeal, Third Appellate District, Case No. C092086

**C. Conference with General Counsel — Anticipated Litigation (Poulsen)**

Government Code Section 54956.9(d)(2)

(two potential cases: *Center for Biological Diversity et al. v. United States Bureau of Reclamation*, Case No. 1:20-cv-00706-DAD-EPG; *North Coast Rivers Alliance et al. v. United States Bureau of Reclamation*, Case No. 16-cv-307-DAD-SKO)

**ACTION:** The Board met with counsel and staff but took no reportable action.



**REVIEW OF ASSIGNMENTS**

None

**ADJOURNMENT**

President Osborne adjourned the meeting at 1:39 P.M.

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George Osborne  
Board President  
EL DORADO IRRIGATION DISTRICT

**ATTEST**

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Jennifer Sullivan  
Clerk to the Board  
EL DORADO IRRIGATION DISTRICT

Approved: \_\_\_\_\_