



MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS

November 9, 2020 — 9:00 A.M.

Board of Directors

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

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

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.

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 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 indoor public gatherings remain restricted under the Governor's Executive Orders, regular 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 participate in 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.

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. Directors Anzini and 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 and a Moment to reflect on Director Michael Raffety's outstanding service and contributions to the District and community.

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION PASSED

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

COMMUNICATIONS

Awards and Recognitions

Recognition of Director Michael Raffety's service to the District

PUBLIC COMMENT

None

COMMUNICATIONS

General Manager

Staff presented an update on the recent Diamond Springs Main emergency water line repair.

Clerk to the Board

None

Board of Directors

Director Dwyer recognized Director Michael Raffety for his contributions and leadership. He also reported on the El Dorado Local Agency Formation Commission's Municipal Service Review and Spheres of Influence update.

APPROVE CONSENT CALENDAR

ACTION: Consent Calendar was approved.

MOTION PASSED

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

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending October 20 and October 27, 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, Anzini, Osborne, Dwyer and Day

2. Clerk to the Board (Sullivan)

Approval of the minutes of the October 26, 2020 regular meeting of the Board of Directors.

ACTION: Option 1: Approved as submitted.

MOTION PASSED

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

3. Office of the General Manager (Abercrombie)

Consider ratifying 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, Anzini, Osborne, Dwyer and Day

4. Finance (Pasquarello)

Consider receiving and filing the District's Investment Report for the quarter ending September 30, 2020.

ACTION: Option 1: Received and filed the District's Investment Report for the quarter ending September 30, 2020.

MOTION PASSED

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

5. Finance (Warden)

Consider awarding a contract to Pace Supply in the not-to-exceed amount of \$88,218.66 for the purchase of water line and service line inventory supplies.

ACTION: Option 1: Awarded a contract to Pace Supply in the not-to-exceed amount of \$88,218.66 for the purchase of water line and service line inventory supplies.

MOTION PASSED

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

6. Engineering

Consider authorizing additional funding in the amount of \$75,000 for meter installation and capitalized labor associated with the Valley View Pump Station #3 Upgrade Project, Project No. 19010; and \$35,000 for material purchase and capitalized labor associated with the Strawberry Water Treatment Plant Self-Cleaning Screens Upgrade Project, Project No. 19019.

ACTION: Option 1: Authorized additional funding in the amount of \$75,000 for meter installation and capitalized labor associated with the Valley View Pump Station #3 Upgrade Project, Project No. 19010; and \$35,000 for material purchase and capitalized labor associated with the Strawberry Self-Cleaning Screens Upgrade Project, Project No. 19019.

MOTION PASSED

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

7. Engineering (Deason)

Consider adopting a resolution supporting the submission of a grant application to the California Governor's Office of Emergency Services under the Building Resilient Infrastructure and Communities grant program for the Flume 30 Replacement Project, Project No. 17041; authorizing the Board President to sign a certification of assurance of compliance for the submittal, and affirming the General Manager has the authority to execute any agreements, amendments or extensions therewith.

ACTION: Option 1: Adopted Resolution No. 2020-017, supporting the submission of a grant application to the California Governor's Office of Emergency Services under the Building Resilient Infrastructure and Communities grant program for the Flume 30 Replacement Project, Project No. 17041; authorized the Board President to sign a certification of assurance of compliance for the submittal, and affirmed the General Manager has the authority to execute any agreements, amendments or extensions therewith.

MOTION PASSED

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

8. Finance (Price)

Consider approving the First Amendment to Agreement between El Dorado Irrigation District and City of Placerville for a Water Supply and authorize the General Manager to sign the amendment.

ACTION: Option 1: Approved the First Amendment to Agreement between El Dorado Irrigation District and City of Placerville for a Water Supply and authorized the General Manager to sign the amendment.

MOTION PASSED

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

9. Operations (Smith)

Consider awarding a one-year contract to Synagro West, LLC in the not-to-exceed amount of \$465,375 for wastewater biosolids hauling and disposal services for the El Dorado Hills and Deer Creek wastewater treatment plants and authorize the General Manager to extend the contracts for up to two additional, single-year periods if in the District's best interests.

ACTION: Option 1: Awarded a one-year contract to Synagro West, LLC in the not-to-exceed amount of \$465,375 for wastewater biosolids hauling and disposal services for the El Dorado Hills and Deer Creek wastewater treatment plants and authorized the General Manager to extend the contracts for up to two additional, single-year periods if in the District's best interests.

MOTION PASSED

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

END OF CONSENT CALENDAR

INFORMATION ITEM

10. Operations (Hawkins)

Recreational facilities fee waiver concept.

ACTION: None – Information only.

ACTION ITEMS

11. Finance (Price)

Consider adopting the 2021–2022 Operating Budget and 2021–2025 Financial Plan as proposed and expand the use of the non-rate Discretionary Fund to include funding the Capital Improvement Plan and other unforeseen cost increases to capital projects.

ACTION: Option 2: Took other action as directed by the Board and adopted the 2021–2022 Operating Budget and 2021–2025 Financial Plan as proposed including implementing the 2021 rate adjustments previously adopted after the District’s Proposition 218 notice; delayed allocation of discretionary fund revenues until staff presents further information on the low-income customer assistance program.

MOTION PASSED

Ayes: Directors Dwyer, Raffety, Osborne and Anzini

Noes: Director Day

12. Office of the General Counsel (Leeper)

Consider awarding a contract to Reeb Government Relations, LLC in the not-to-exceed amount of \$228,000 for government relations and state lobbying professional services for the period from January 1, 2021 to December 31, 2022.

MOTION: Motion by Director Osborne and second by Director Raffety to approve option 1 and award a contract to Reeb Government Relations, LLC in the not-to-exceed amount of \$228,000 for government relations and state lobbying professional services for the period from January 1, 2021 to December 31, 2022.

MOTION: Motion by Director Anzini to approve option 2 to take other action as directed by the Board and award a contract to Reeb Government Relations, LLC. for government relations and state lobbying professional services for a one-year period from January 1, 2021 to December 31, 2021 and requested monthly legislative reports. Motion failed due to lack of second.

ACTION: Option 1: Awarded contract to Reeb Government Relations, LLC in the not-to-exceed amount of \$228,000 for government relations and state lobbying professional services for the period from January 1, 2021 to December 31, 2022.

MOTION PASSED

Ayes: Directors Osborne, Raffety, and Dwyer

Noes: Directors Anzini 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: On a motion by Director Raffety and second by Director Dwyer, the Board voted unanimously to accept a settlement offer from Shimmick Construction to settle change order disputes that arose during construction of the Forebay Dam Project. As part of the settlement, the District will pay Shimmick Construction \$6.8 million and both parties will release each other from liability associated with the costs of addressing unforeseen circumstances during construction. Once the settlement agreement has been fully executed, it will be available for public review upon request.

REVIEW OF ASSIGNMENTS

None

ADJOURNMENT

President Osborne adjourned the meeting at 12:17 P.M.

George Osborne
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____