



MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS

May 24, 2021 — 9:00 A.M.

Board of Directors

Pat Dwyer—Division 2
President

Lori Anzini—Division 4
Vice President

George Osborne—Division 1
Director

Brian K. Veerkamp—Division 3
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.

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

Roll Call Board

Present: Directors Osborne, Dwyer, Veerkamp, Anzini and Day present via videoconference.

Staff

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

Pledge of Allegiance and Moment of Silence

President Dwyer led the Pledge of Allegiance.

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION PASSED

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

COMMUNICATIONS

Awards and Recognitions

General Manager Abercrombie recognized EID Collections Staff Justin Stockwell, Jason Howard, Kyle Dobbs, Jeremy Faber and Sam McCulloch.

PUBLIC COMMENT

None

COMMUNICATIONS

General Manager

None

Clerk to the Board

None

Board of Directors

Director Anzini reported on her recent attendance at the Association of California Water Agencies and California Special District Association conferences.

Director Veerkamp reported on his attendance at the El Dorado Water Agency and El Dorado County Taxpayers Association meetings. He also commented on the American Rescue Plan Act of 2021.

Director Osborne commented on the Mormon Emigrant Trail road closure and access to the District's recreational facilities. He additionally commented on the statewide drought and drought rates.

Director Day commented fire hazard insurance for El Dorado county residents.

Director Dwyer reported on his attendance at the El Dorado County Taxpayers Association meeting. He also recognized EID staff Christina Mosqueda, Crystal Harris and Don Holland for their assistance to a customer experiencing low water pressure. Director Dwyer also read a short letter from former Mountain Democrat reporter, Dawn Hodson.

APPROVE CONSENT CALENDAR

ACTION: Consent Calendar was approved.

MOTION PASSED

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

CONSENT CALENDAR

1. Clerk to the Board (Sullivan)

Consider approving the minutes of the April 26, 2021 regular meeting of the Board of Directors.

ACTION: Option 1: Approved as submitted.

MOTION PASSED

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

2. Office of the General Manager (Abercrombie)

Consider ratifying Resolution No. 2020-006 to maintain an emergency declaration regarding the COVID-19 pandemic.

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

MOTION PASSED

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

3. Engineering

Consider authorizing additional funding in the amount of \$43,000 for on-call professional services associated with the Federal Energy Regulatory Commission (FERC) C37.2

Macroinvertebrate Monitoring, Project No. 06088H; \$95,648 for on-call professional services associated with FERC C37.3 Amphibian Monitoring Project, Project No. 06089H; \$49,990 for on-call professional services and \$15,000 for capitalized labor, for a total funding request of \$64,990 associated with the FERC C37.7 Geomorphology Evaluation, Project No. 06092H; and \$30,000 for materials, \$20,000 for outside services, \$48,123 for capitalized labor and \$14,300 contingency, for a total funding request of \$112,423 associated with the Hydro Crew Room Upgrade, Project No. 19013.

ACTION: Option 1: Authorized additional funding in the amount of \$43,000 for on-call professional services associated with the Federal Energy Regulatory Commission (FERC) C37.2 Macroinvertebrate Monitoring, Project No. 06088H; \$95,648 for on-call professional services associated with FERC C37.3 Amphibian Monitoring Project, Project No. 06089H; \$49,990 for on-call professional services and \$15,000 for capitalized labor, for a total funding request of \$64,990 associated with the FERC C37.7 Geomorphology Evaluation, Project No. 06092H; and \$30,000 for materials, \$20,000 for outside services, \$48,123 for capitalized labor and \$14,300 contingency, for a total funding request of \$112,423 associated with the Hydro Crew Room Upgrade, Project No. 19013.

MOTION PASSED

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

4. Finance / Operations (Deakyne/Crane/Odzakovic)

Consider awarding contracts to Univar USA Inc. and Olin Chlor Alkali Products in the not-to-exceed amounts of \$364,270 and \$235,950, respectively, to supply as-needed liquid sodium hydroxide and liquid sodium hypochlorite for water and wastewater treatment.

ACTION: Option 1: Awarded contracts to Univar USA Inc. and Olin Chlor Alkali Products in the not-to-exceed amounts of \$364,270 and \$235,950, respectively, to supply as-needed liquid sodium hydroxide and liquid sodium hypochlorite for water and wastewater treatment.

MOTION PASSED

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

5. Finance (Pasquarello)

Consider receiving and filing the District's Investment Report for the quarter ending March 31, 2021.

ACTION: Option 1: Received and filed the District's Investment Report for the quarter ending March 31, 2021.

MOTION PASSED

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

6. Office of the General Counsel (Poulsen)

Consider ratifying sponsorship of Senate Bill 708 regarding water shortage emergencies related to a deenergization event.

ACTION: Option 1: Ratified sponsorship of Senate Bill 708 regarding water shortage emergencies related to a deenergization event.

MOTION PASSED

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

END OF CONSENT CALENDAR

INFORMATION ITEM

7. Office of the General Counsel (Poulsen)

Reapportioning District divisions.

ACTION: None – Information only.

8. Operations (Corcoran)

Status of District water supplies, projected 2021 customer demand and carryover for potential extended dry conditions.

ACTION: None – Information only.

WORKSHOP ITEM

9. Engineering (Mueller)

2021 Drought Action Plan Update.

ACTION: None – Information only.

ACTION ITEMS

10. Finance (Pasquarello)

Consider ratifying EID General Warrant Registers for the periods ending April 20, April 27, May 4, and May 11, 2021, and Board and Employee Expense Reimbursements for these periods.

Director Veerkamp recused himself from the deliberations and vote on this Item.

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 Osborne, Day, Dwyer and Anzini

11. Engineering (Kessler)

Consider awarding a contract to MGE Engineering, Inc. in the not-to-exceed amount of \$260,611 for design and construction support of the El Dorado Powerhouse Penstock Drainage, Erosion Control and Stabilization Project, and authorize additional funding of \$40,000 for environmental surveys, for a total funding request of \$300,611 for the El Dorado Powerhouse Penstock Drainage, Erosion Control and Stabilization Project, Project No. 21016.01.

ACTION: Option 1: Awarded a contract to MGE Engineering, Inc. in the not-to-exceed amount of \$260,611 for design and construction support of the El Dorado Powerhouse Penstock Drainage, Erosion Control and Stabilization Project, and authorize additional funding of \$40,000 for environmental surveys, for a total funding request of \$300,611 for the El Dorado Powerhouse Penstock Drainage, Erosion Control and Stabilization Project, Project No. 21016.01.

MOTION PASSED

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

CLOSED SESSION

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

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one potential case)

ACTION: The Board met, conferred and provided direction to counsel and staff but took no reportable action.

Closed Session continued

B. Conference with General Counsel — Pending Litigation (Poulsen)

Government Code Sections 54956.9(d)(1)

(*Center for Biological Diversity, et. al. v. United States Bureau of Reclamation, et. al., E.D. Cal.*,
Case No. 1:20-cv-00706 DAD-EPG)

ACTION: During its consideration of Closed Session B, the Board took the following action:

On a motion by Director Veerkamp, seconded by Director Anzini, and unanamous vote, the Board authorized the District to defend the litigation in *Center for Biological Diversity v. United States Bureau of Reclamation* and awarded a contract to Bartkiewicz, Kronick & Shanahan to represent the District in that matter in the not-to-exceed amount of \$50,000.

REVIEW OF ASSIGNMENTS

Director Osborne requested staff prepare a closed session item to discuss the District’s cybersecurity plan.

ADJOURNMENT

President Dwyer adjourned the meeting at 12:07 P.M.

Roger “Pat” Dwyer
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____