



AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
January 9, 2017 — 9:00 A.M.

Board of Directors

George Osborne—Division 1
President

Michael Raffety—Division 3
Vice President

Greg Prada—Division 2
Director

Dale Coco, MD—Division 4
Director

Alan Day—Division 5
Director

Executive Staff

Thomas D. Cumpston
Acting 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

Margaret Washko
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.

Pursuant to Government Code section 54953, subdivision (b), Director Coco will participate via teleconference from 3434 Kimberly Road, Cameron Park, CA 95682. Members of the public wishing to address the Board of Directors directly pursuant to Government Code section 54954.3 may also do so at the teleconference location.

CALL TO ORDER

Roll Call
Pledge of Allegiance
Moment of Silence

ADOPT AGENDA

COMMUNICATIONS

General Manager's Employee Recognition

APPROVE CONSENT CALENDAR

Action on items pulled from the Consent Calendar

PUBLIC COMMENT

COMMUNICATIONS

Board of Directors
Brief reports on community activities, meetings, conferences and seminars attended by the Directors of interest to the District and the public.
Clerk to the Board
General Manager

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending December 6, December 13, December 20, and December 27, 2016, and Board and Employee Expense Reimbursements for these periods.

Option 1: Ratify the EID General Warrant Registers as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board and Employee Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

2. Clerk to the Board (Sullivan)

Approval of the minutes of the December 12, 2016 special and regular meetings of the Board of Directors and December 30, 2016 special meeting of the Board of Directors.

Option 1: Approve as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

3. Recreation (Hawkins)

Ratification of Resolution No. 2016-032 declaring an emergency under the Public Contract Code and California Environmental Quality Act, for an emergency timber harvest operation at Sly Park Recreation Area.

Option 1: Ratify Resolution No. 2016-032 (*thus maintaining the emergency declaration*).

Option 2: Decline to ratify Resolution No. 2016-032 (*thus terminating the emergency declaration*).

Option 3: Take no action (*thus terminating the emergency declaration*).

Recommended Action: Option 1 (*four-fifths vote required*).

4. Office of the General Counsel (Poulsen)

Consideration of a resolution approving the sale of a surplus District-owned parcel (APN 096-020-30) and authorizing the Board President and/or General Manager to execute all documents necessary to effectuate the sale.

Option 1: Adopt a Resolution approving the sale of APN 096-020-30, and authorizing the Board President and/or General Manager to execute all documents necessary to effectuate the sale.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

5. Office of the General Counsel (P. Johnson)

Consideration of a resolution declaring certain District real property (APN 125-263-09) to be surplus to District needs.

Option 1: Adopt a resolution declaring District real property with APN 125-263-09 to be surplus to District needs, and authorize staff to sell the parcel.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

6. Office of the General Counsel (P. Johnson)

Consideration of a resolution to authorize execution of easement quitclaims to property owners Mark and Stacia Thiessen and Levi and Daniel Thiessen for abandoned easements on lower Main Ditch. (APNs: 043-550-64 and 043-030-32, respectively).

Option 1: Adopt a resolution approving and authorizing execution of two Easement Quitclaims as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

7. Board of Directors (Osborne)

Proposed General Counsel Employment Contract.

Option 1: Approve a one-year employment contract, as submitted, with Brian Poulsen to serve as the District's General Counsel.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

8. Finance (Pasquarello)

Funding approval for District Capital Improvement Plan (CIP) Project.

Option 1: Authorize funding for the CIP project as requested in the amount of \$89,000.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

END OF CONSENT CALENDAR

INFORMATION ITEMS

9. Office of the General Counsel (Poulsen)

Brown Act/Public Records Act Compliance.

Recommended Action: None – Information only.

DIRECTOR ITEMS

10. Board of Directors (Osborne)

Discussion of 2017 association and community organization assignments.

Option 1: Concur with Board President Osborne's recommendation of 2017 association and community organization assignments.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

CLOSED SESSION

A. Closed session pursuant to Government Code section 54956.8 (Poulsen)

Conference with Real Property Negotiators – Real Property Negotiations pursuant to Government Code Section 54956.8.

Properties: Assessor's Parcel Number 083-262-01

District negotiators: Acting General Manager, General Counsel, Capital Valley Realty Group, Inc.

Under negotiation: price and terms of payment for sale

Negotiating parties: Green Dirt, Inc. and Intero Real Estate Services

REVIEW OF ASSIGNMENTS

ADJOURNMENT

TENTATIVELY SCHEDULED ITEMS FOR FUTURE MEETINGS

Engineering

- Consideration to award a professional service agreement for design services for the Folsom Lake Raw Water Pump Station Replacement project, Action Item, regular Board meeting, January 23 (Eden-Bishop)
- Consideration of a funding request for the waterline replacement associated with the Caltrans American River Bridge Replacement project, Action Item, regular Board meeting, January 23 (Brink)
- Consideration to award a professional services agreement for the design of the Carson Creek 2 Lift Station and Business Park 3 Lift Station Abandonment project, and approve a related cost sharing agreement between Lennar and the District, Action Item, regular Board meeting, January 23 (Brink)
- Consideration to authorize a reimbursement agreement between the City of Placerville and the District for waterline relocation associated with the El Dorado County Western Placerville Interchange project, Action Item, regular Board meeting, February 13 (Brink)
- Sly Park Intertie Update, Information Item, regular Board meeting, February 13 (Eden-Bishop)
- Information update on design modifications to Flumes 38-40 and 44 and consideration for additional design services, Action Item, regular Board meeting, February 27 (Noel)

EL DORADO IRRIGATION DISTRICT

January 9, 2017

General Manager Communications

1) Awards and Recognitions

- a) We would like to recognize the following employees for their years of service to the District. Your dedication and service to the District is truly appreciated.

Darcy Millward	20 years
Don Massey	15 years
Mike Brink	10 years
Joe Butler	10 years
John Chavers	10 years
Roy Forbes	10 years
Donna Hampton	10 years
Linda King	10 years
Jim Murphy	10 years
Patrick Preach	10 years
Ryan Rodriguez	10 years
Jesse Saich	10 years
Dianne Matteson	10 years
Brian Poulsen	5 years
Renee Barragan	5 years
Raymond Salerno	5 years

- b) Congratulations, Donna Hampton. Donna has been promoted to the position of Administrative Technician in the Office of the General Counsel.
- c) Congratulations, Gina Pike. Gina has been promoted to the position of Senior Finance Assistant in the Finance Department.
- d) Congratulations, Peter Heape. Peter has been promoted to the position of Meter Services Supervisor in the Customer Services Division.

2) Staff Reports and Updates

- a) District Receives Grant from Department of Forestry and Fire Protection (Cal Fire) Pays for the Removal of Hazardous Trees – Summary by Bret Sampson and Greg Hawkins
- b) District Receives Grant from Sierra Nevada Conservancy to Protect Upper Watershed Water Supplies – Summary by Dan Corcoran
- c) Update on Town Center Force Main Break – Summary by Margaret Washko
- d) EID Receives Recognition for Transparency and Financial Reporting – Summary by Jesse Saich

General Manager Communications
January 9, 2017

**District Receives Grant from Department of Forestry and Fire Protection (Cal Fire) Pays
for the Removal of Hazardous Trees**

On December 2, 2016, the California Department of Forestry and Fire Protection (Cal Fire) awarded EID a \$200,000 grant to fund the removal of trees that pose a hazard to District facilities at the Sly Park Recreation Area. The Sly Park Recreation Area is experiencing a bark beetle infestation that has been brought on by the recent drought. This infestation is especially hazardous as the entire area is designated as a “Very High” Fire Hazard Severity Zone.

The Cal Fire Grant funds will be used to conduct an in-field needs assessment by a Registered Professional Forester (RPF). The needs assessment will identify the priority areas for hazard tree treatments, verify that the bark beetle is the cause of death and delineate the boundaries for the treatments. The in-field assessment by an RPF is a requirement of the California Emergency Management Agencies’ “California Disaster Assistance Program” which if EID qualifies for, will reimburse up to 75% of the cost for removal of hazard trees. The Cal Fire Grant funds will also allow the District to purchase a chipper, which will be used not only at the Sly Park Recreation Area but throughout the District’s service territory where dead and dying trees pose a threat to District facilities. The remainder of the Grant Program funds will be used to remove as many hazard trees as possible from the Sly Park Recreation Area.

EID staff is currently in the process of submitting the final documentation to Cal Fire. EID staff anticipates receiving the first 25% advancement of funds from Cal Fire in mid to late February.

This grant award is the first for the District to receive from Cal Fire and the District hopes to see further awards in the future to address this critical issue.



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



December 2, 2016

Bret Sampson
El Dorado Irrigation District
2890 Mosquito Road
Placerville, California 95667

RE: **PROJECT APPLICATION FOR THE STATE RESPONSIBILITY AREA FIRE PREVENTION FUND (SRAFPF) AND TREE MORTALITY (TM) GRANT PROGRAM**

Dear Applicant:

The Department of Forestry and Fire Protection (CAL FIRE) is pleased to inform you that your application for the grant project entitled **EL Dorado Irrigation District Hazard Tree Removal (16-AEU-1001)** has been selected for funding in the amount of **\$200,000.00**.

This grant award is contingent upon receipt of final documents. You will receive the full agreement with instructions via email to bsampson@eid.org by **December 23, 2016**. Please refer to the SRAFPF procedural guide for a complete listing of documents that must be submitted. If the email address identified above is incorrect, or if you have not received a grant agreement by the date indicated, please contact the Grants Management Unit at CALFIRE.Grants@fire.ca.gov.

All documents must be returned to CAL FIRE no later than **January 31, 2017**. Failure to return documents by this date may result in loss of funding. It is important that you do not start on your grant project until you have received a confirmation that your grant agreement has been fully executed.

We look forward to working with you on your grant project. If you have any additional questions, please contact Patrick McDaniel at (530) 647-5288.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel R. Vela".

JOEL R. VELA
Deputy Chief
SRA Fire Prevention Fund Program Manager

General Manager Communications
January 9, 2017

**District Receives Grant from Sierra Nevada Conservancy to
Protect Upper Watershed Water Supplies**

On December 8, 2016, the Sierra Nevada Conservancy (SNC) Governing Board awarded EID a \$476,709 grant to pay for all EID staff costs and a portion of U.S. Forest Service (USFS) costs to implement the Caples Creek Watershed Ecological Restoration Project (Project). Implementation of the Project is critical due to a century of fire suppression efforts in the Caples Creek watershed, which have resulted in decreased forest health and resilience as evidenced by extremely high tree densities and large volumes of diseased, dead, or downed trees. Recent extreme drought conditions and insect infestations have further exacerbated the situation by increasing the amount of dead trees in the watershed.

The grant will contribute toward the total Project cost of approximately \$1.1M to implement prescribed burning activities on 8,600 acres of the Caples Creek watershed downstream of Caples Lake as well as implement 25 acres of meadow and aspen stand restoration activities, which are intended to guard against the degradation of excellent water quality currently produced by the Caples Creek Watershed. The balance of Project costs, approximately \$590,000, will be funded by USFS. On the ground activities will be performed by USFS crews with assistance from California Conservation Corps, California Association of Local Conservation Corps, Generation Green, Washoe Tribe, and/or similar organizations providing field support.

These grant funds derive from the Proposition 1 Grants Program under the Water Quality, Supply, and Infrastructure Improvement Act of 2014. With a total of \$10 million of funds scheduled to be granted over the next two fiscal years, award of this near \$500,000 grant to EID is a significant windfall in guarding against catastrophic wildfire and protecting the water supplies of our customers. Implementation of the Project would not have been possible on this scale or prioritized by USFS for implementation without the assistance of the SNC grant.

The District continues to pursue additional funding opportunities, such as the recently awarded CalFire grant, to address the growing need to manage fuels near critical EID infrastructure and within watershed lands.

General Manager Communications January 9, 2017

Update on Town Center Force Main Break

The Towne Center Force Main (TCFM) break that occurred at 12:17 p.m. on December 16, 2016 was a failure on a 2.44-mile-long, 8-inch asbestos cement (AC) sewer pipe. The TCFM extends from the Town Center Lift Station in El Dorado Road (due west of Kmart shopping center) to Mother Lode Force Main in Mother Lode Drive, and eventually discharges at the Deer Creek Wastewater Treatment Plant in Cameron Park. It is a critical part of the sewer collection system, as it collects and pumps sewage from 110 sewer accounts.

The break occurred about a half-mile south of U.S. 50 on El Dorado Road. Approximately 1,312 gallons of sewage was lost to the environment. Crews replaced 14 feet of the pipeline and manually pumped from the Town Center Lift Station using a combination sewer cleaning truck during the 16-hour outage.

The TCFM was installed in 1980 and since 2010 has failed six times; unfortunately, three of the failures occurred in 2016, causing three raw sewage spills to the environment in violation of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003-DWQ). The anticipated useful life of AC pipes is 40 – 70 years, depending on the water chemistry and the soil environment. In this case, hydrogen sulfide gas has weakened the crown of the pipe, causing the breaks and making repairs difficult. The pipe is very soft and when the repair crew connects, compression of the coupling can cause the pipe to collapse, increasing the length of the repair until a piece that will hold can be found. The corrosion is very extensive on the crown of the pipeline. The District has replaced large portions of the Mother Lode Force Main, also constructed of AC pipe and approximately the same age, because of the same problem.

The District's 2013 Wastewater Facilities Master Plan recommended that the District make numerous upgrades to its sewer collection system, including the TCFM, in three phases for a total capital outlay of \$50.1M (10.71 miles of pipeline and five lift stations) by 2025. In 2014, a small 915-foot section of the TCFM located at the intersection of El Dorado Road and Mother Lode Drive was replaced with 10-inch polyvinyl chloride (PVC) pipe. That same year, the 2014-2018 Capital Improvement Plan (CIP) identified the TCFM as a high priority for replacement, and programmed \$1.525 million to replace 50% of it by 2018. The 2015-2019 CIP also programmed funds (\$1.425 million) to replace one mile of the TCFM by 2018, and an additional \$150,000 in 2019 to design the replacement of the remainder of the pipeline.

The 2016-2020 CIP eliminated the TCFM replacement project, however, because of competing CIP priorities and the difficulty of funding a project of this magnitude (approximately \$8.3 million for full replacement) from current revenues. Due to the repeated failures and sewage spills, however, staff again recommended in June 2016 that the TCFM replacement be accelerated. At that time, the Board approved an \$86,830 engineering contract to design the entire TCFM replacement.

The recently adopted 2017-2021 CIP programs only \$90,000 to complete the design of the TCFM in 2017. No money is specifically designated in the CIP for the construction of the TCFM replacement. The 2017-2021 CIP does program a total of \$1.1 million for miscellaneous sewer pipeline replacements, and identifies priority pipelines for replacement. If replacement of the TCFM becomes a top priority, as much as the entire \$1.1 million could be re-programmed for construction of the replacement pipeline, but that total is significantly less than the amount needed to replace the entire TCFM.

The District has nearly 628 miles of sewer pipelines, with an average service life of about 50 years. Therefore, the desired rate of sewer line replacement would be about 12.5 miles per year. The current CIP program represents only about 0.11 miles of replacement per year. This is about 0.7% of the desired amount of sewer pipeline replacement. Many of the Districts sewer lines are still relatively “young,” but these figures show that the District must substantially increase its future investments in sewer line replacement to sustain reliable sewer service over time.



Figure 1. TCFM break at the crown of the Pipe and lateral cracking on December 16, 2016.

General Manager Communications January 9, 2017

EID Receives Recognition for Transparency and Financial Reporting

On December 22, 2016, EID was notified that it had received the District Transparency Certificate of Excellence by the Special District Leadership Foundation (SDLF) in recognition of its “outstanding efforts to promote transparency and good governance.”

This is the second time EID has achieved this recognition. Each certification period covers two years and the current certification lasts through 2018.

In order to receive the award, a special district must demonstrate the completion of essential governance transparency requirements, including conducting ethics training for all board members, properly conducting open and public meetings, and filing financial transactions and compensation reports to the State Controller in a timely manner. EID also fulfilled over fifteen website requirements aimed at providing readily available information to the public, such as board agendas, past minutes, current district budget information, and the most recent financial audit.

SDLF is an independent, non-profit organization formed to promote good governance and best practices among California’s special districts through certification, accreditation, and other recognition programs.

Excellence in Financial Reporting

EID was notified in late November of 2016 that it had been awarded the Certificate of Achievement for Excellence in Financial Reporting for its 2015 Comprehensive Annual Financial Report (CAFR).

This marks 20 years in a row that the district has earned the award. The award is issued by the national Government Finance Officers Association of the United States and Canada (GFOA) after an impartial panel judged that that EID’s CAFR demonstrated a constructive spirit of full disclosure to clearly communicate its financial story.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals.

EL DORADO IRRIGATION DISTRICT

Subject: Ratification of EID General Warrant Registers for the periods ending December 6, December 13, December 20, and December 27, 2016, and Board and Employee Expense Reimbursements for these periods.

Previous Board Action:

February 4, 2002 – The Board approved to continue weekly warrant runs, and individual Board member review with the option to pull a warrant for discussion and Board ratification at the next regular Board meeting.

August 16, 2004 – Board adopted the Board Expense Payments and Reimbursement Policy.

August 15, 2007 – The Board re-adopted the Board Expense Payments and Reimbursement Policy as Board Policy 12065 and Resolution No. 2007-059.

Board Policies (BP), Administrative Regulations (AR) and Board Authority:

Section 24600 of the Water Code of the State of California provides no claim is to be paid unless allowed by the Board.

Summary of Issue:

The District's practice has also been to notify the Board of proposed payments by email and have the Board ratify the Warrant Registers. Copies of the Warrant Registers are sent to the Board of Directors on the Friday preceding the Warrant Register's date. If no comment or request to withhold payment is received from any Director by the following Tuesday morning, the warrants are mailed out and formal ratification of said warrants is agendaized on the next regular Board agenda.

On April 1, 2002, the Board requested staff to expand the descriptions on the Warrant Registers and modify the current format of the Warrant Registers.

On July 30, 2002, the Board requested staff to implement an Executive Summary to accompany each Warrant Register which includes all expenditures greater than \$3,000 per operating and capital improvement plan (CIP) funds.

Staff Analysis/Evaluation:

Warrant registers submitted for December 6, December 13, December 20, and December 27, 2016 totaling \$3,402,867.75, and Board and Employee Expense Reimbursements for these periods.

Current Warrant Register Information

Warrants are prepared by Accounts Payable; reviewed and approved by the Accounting Manager; the Director of Finance and the General Manager or their designee.

<u>Register Date</u>	<u>Check Numbers</u>	<u>Amount</u>
December 6, 2016	657205 – 657648	\$ 1,038,314.26
December 13, 2016	657649 – 657768	\$ 541,687.34
December 20, 2016	657769 – 657904	\$ 836,460.88
December 27, 2016	657905 – 658046	\$ 986,405.27

Current Board/Employee Expense Payments and Reimbursement Information

The items paid on Attachment A and B are expense and reimbursement items that have been reviewed and approved by the Clerk to the Board, Accounting Manager and the General Manager before the warrants are released. These expenses and reimbursements are for activities performed in the interest of the District in accordance with Board Policy 12065 and Resolution No. 2007-059.

Additional information regarding employee expense reimbursement is available for copying or public inspection at District headquarters in compliance with Government Code Section 53065.5.

Board Decision/Options:

Option 1: Ratify the EID General Warrant Registers as submitted to comply with Section 24600 of the Water Code of the State of California. Receive and file Board and Employee Expense Reimbursements.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

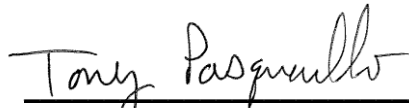
Staff/General Manager’s Recommendation:

Option 1.

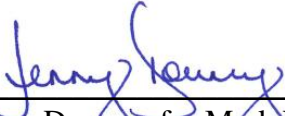
Support Documents Attached:

Attachment A: Board Expenses/Reimbursements

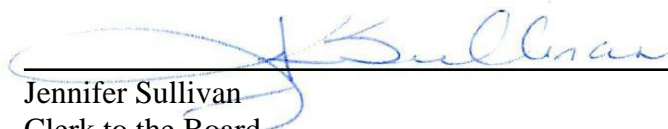
Attachment B: Employee Expenses/Reimbursements totaling \$100 or more



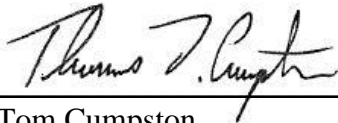
Tony Pasquarello
Accounting Manager



Jenny Downey for Mark Price
Finance Director (CFO)



Jennifer Sullivan
Clerk to the Board



Tom Cumpston
Acting General Manager

Attachment A

Board Expenses/Reimbursements
Warrant Registers dated 12/06/16 - 12/27/16

DESCRIPTION	William George	George Osborne	Michael Raffety	Greg Prada	Dale Coco, MD	Alan Day	Total
Personal Vehicle Expense	\$213.84	\$75.60	\$54.00	\$103.68			\$447.12
Hotel			\$842.13				\$842.13
Meals or Incidentals Allowance	\$11.69	\$25.00	\$31.05				\$67.74
Airfare, Car Rental, Misc Travel	\$17.00						\$17.00
Fax, Cell or Internet Service	\$80.00		\$40.00	\$80.00			\$200.00
Meeting or Conference Registration							\$0.00
Meals with Others							\$0.00
Membership Fees/Dues							\$0.00
Office Supplies				\$17.04			\$17.04
Reimburse prepaid expenses							\$0.00
Miscellaneous Reimbursements							\$0.00
	\$322.53	\$100.60	\$967.18	\$200.72	\$0.00	\$0.00	\$1,591.03

Attachment B

Employee Expenses/Reimbursements
Warrant Registers dated 12/06/16 - 12/27/16

EMPLOYEE	DESCRIPTION	AMOUNT
Matthew Keeler	D3 Certification Renewal	\$120.00
Brian Mueller	ACWA Fall Conference Expenses	\$127.29
Daniel Corcoran	ACWA Fall Conference Expenses	\$959.60
Wyatt Nalewaja	CSM G1 Certification Renewal	\$160.00
Anthony Julian	CSM G3 Certification Renewal	\$190.00
		\$1,556.89



MINUTES
SPECIAL MEETING OF THE BOARD OF DIRECTORS
 District Board Room, 2890 Mosquito Road, Placerville, California
 December 12, 2016 — 8:30 A.M.

Board of Directors

Vacant
President

George Osborne—Division 1
Vice President

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Director

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Director

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CALL TO ORDER

Vice President Osborne called the meeting to order at 8:30 A.M.

Roll Call Board

Present: Directors Osborne, Prada and Raffety

Absent: Directors Coco and Day

Staff

Present: Acting General Manager Cumpston, Acting General Counsel Poulsen and Clerk to the Board Sullivan

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION PASSED

Ayes: Directors Prada, Raffety and Osborne

Absent: Directors Coco and Day

Director Day arrived at 8:39 A.M. and was present the remainder of the meeting.

SWEARING-IN CEREMONY

Directors Osborne, Raffety and Day took an oath of office during a ceremonial swearing in by El Dorado County Superior Court Judge Dylan Sullivan.

PUBLIC COMMENT

Bill George, Former EID Board Member

Brian Veerkamp, El Dorado County Supervisor

ACTION ITEMS

1. Office of the General Manager (Cumpston)

EID Board resolution in recognition of the exemplary public service of Bill George.

Public Comment: Greg Boeger, Boeger Winery

Ken Payne, Interim General Manager, El Dorado County Water Agency

Bill George, Former EID Board Member

John Kingsbury, Executive Director, Mountain Counties

ACTION: Option 1: Adopted Resolution No. 2016-034, recognizing the exemplary public service of Bill George.

MOTION PASSED

Ayes: Directors Prada, Day, Osborne and Raffety

Absent: Director Coco

REVIEW OF ASSIGNMENTS

None

ADJOURNMENT

Vice President Osborne adjourned the meeting at 9:01 A.M.

George W. Osborne
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____



MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
 District Board Room, 2890 Mosquito Road, Placerville, California
 December 12, 2016 — 9:00 A.M.

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 President

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 Vice President

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 Director

Executive Staff

Thomas D. Cumpston
 Acting General Manager

Brian D. Poulsen, Jr.
 Acting 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

Margaret Washko
 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.

CALL TO ORDER

Vice President Osborne called the meeting to order at 9:07 A.M.

Roll Call Board

Present: Directors Osborne, Prada, Raffety, Coco and Day

Pursuant to Government Code section 54953, subdivision (b), Director Coco participated via teleconference from 3434 Kimberly Road, Cameron Park, CA 95682.

Staff

Present: Acting General Manager Cumpston, Acting General Counsel Poulsen and Clerk to the Board Sullivan

Pledge of Allegiance and Moment of Silence

Vice President Osborne led the Pledge of Allegiance followed by a moment of silence in memory of the great American astronaut John Glenn and for the troops throughout the world who will be absent from their families during the holidays while they continue to serve and protect our country.

ADOPT AGENDA

Public Comment: Kurt Smith, Placerville
Ray Myers, El Dorado Hills
Craig Petersen, El Dorado Hills
Jim Abram

MOTION: Main motion by Director Coco and seconded by Director Osborne to adopt the agenda.

ACTION: Substitute motion by Director Day and seconded by Director Prada to continue Action Item No. 9 to the December 30 special meeting of the Board of Directors and adopt the agenda as amended.

MOTION PASSED

Ayes: Directors Day, Prada, Raffety and Coco

Noes: Director Osborne

COMMUNICATIONS

General Manager's Employee Recognition

1) Awards and Recognitions

- a) Congratulations to Jim Pritchard, who is retiring after 9 years of service. We appreciate Jim's commitment to public service and all of his contributions to the District's success. We wish him great health and happiness in his retirement.

General Manager's Employee Recognition continued

- b) We would like to recognize the following employees for their years of service to the District. Your dedication and service to the District is truly appreciated.

Jeff Vierra	20 years
Tim Sullivan	20 years
Rhonda Rangel	20 years
Jake Maker	20 years
Matt Heape	20 years
Rick Talone	15 years
Kevin Jones	15 years
Lori Bazinet	15 years
Sheron Ayers	15 years
Rick Fox	15 years
Ross Fleming	5 years
Abbie Tompkins	5 years
Greg Hawkins	5 years
Scott Tarbox	5 years
James Kowalla	5 years

NOMINATION AND ELECTION

Public Comment: Kurt Smith, Placerville
Jim Abram

MOTION: Main motion by Director Coco and seconded by Director Osborne nominating Director Osborne as President and Director Raffety as Vice President.

MOTION: Substitute motion by Director Day nominating Director Coco as President and Director Prada as Vice President. Director Day later withdrew his motion.

MOTION: Substitute motion by Director Prada and seconded by Director Day nominating Director Day as President. Directors Prada and Day later withdrew their motion and second.

ACTION: Main motion by Director Coco and seconded by Director Osborne nominating Director Osborne as President and Director Raffety as Vice President.

MOTION PASSED

Ayes: Directors Coco, Osborne and Raffety
Noes: Directors Prada and Day

APPROVE CONSENT CALENDAR

ACTION: Director Raffety pulled Item No 6. Consent Calendar was then approved as amended.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

PUBLIC COMMENT

Jim Abram, Save the El Dorado Canal

Craig Petersen addressed the Board and provided a handout.

Ray Myers, El Dorado Hills

Darwin Throne, El Dorado Hills

Sherry Petersen, El Dorado Hills

Kurt Smith, Placerville

COMMUNICATIONS

Board of Directors

Director Raffety reported on the Resource Conservation District (RCD) meeting he attended in November. He also commented on various sessions that he attended during the Fall Association of California Water Agencies (ACWA) conference. He mentioned the recent release of the State Water Resources Control Board's (SWRCB) Long-Term Water Conservation Plan and requested that staff provide a copy to the Board of the District's response to that plan once completed.

Director Prada also commented on the SWRCB's Long-Term Water Conservation Plan.

Director Osborne reported on the RCD meeting that he also attended in November. He also made comments regarding his visit to the Sly Park logging project and his meeting with members of Save the El Dorado Canal.

Clerk to the Board

None

General Manager

2) Staff Reports and Updates

- a) Update on the Diamond Springs Main and El Dorado Main 1 Breaks – Summary by Margaret Washko

CONSENT CALENDAR

1. Finance (Pasquarello)

Ratification of EID General Warrant Registers for the periods ending November 8, November 15, and November 22, 2016, and Board and Employee Expense Reimbursements for these periods.

ACTION: Option 1: Ratified the EID General Warrant Registers 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 Day, Coco, Osborne, Prada and Raffety

2. Clerk to the Board (Sullivan)

Approval of the minutes of the November 14, 2016 regular meeting of the Board of Directors.

ACTION: Option 1: Approved as submitted.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

3. Recreation (Hawkins)

Ratification of Resolution No. 2016-032 declaring an emergency under the Public Contract Code and California Environmental Quality Act, for an emergency timber harvest operation at Sly Park Recreation Area.

ACTION: Option 1: Ratified Resolution No. 2016-032 (*thus maintaining the emergency declaration*).

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

4. Clerk to the Board (Sullivan)

Proposed 2017 Board meeting schedule, rescheduling Board meetings that fall on either legal holidays or present scheduling conflicts.

ACTION: Option 1: Adopted the proposed 2017 Board meeting schedule, rescheduling Board meetings that fall on either legal holidays or present scheduling conflicts.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

5. Engineering (Mutschler)

Consideration to award a purchase order to JBI Water and Wastewater Equipment in the not-to-exceed amount of \$72,885, and authorize total funding of \$90,074 for the Camino Heights Wastewater Treatment Plant (CHWWTP) Automatic Rake Project No. 16010.06.

ACTION: Option 1: Awarded a purchase order to JBI Water and Wastewater Equipment in the not-to-exceed amount of \$72,885; and authorized total funding of \$90,074 for the CHWWTP Automatic Rake, Project No. 16010.06.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

6. Finance (Pasquarello)

Funding approval for District Capital Improvement Plan (CIP) Projects.

Public Comment: Sherry Petersen, El Dorado Hills
Kurt Smith, Placerville

ACTION: Option 1: Authorized funding for the CIP projects as requested in the amount of \$87,875.

MOTION PASSED

Ayes: Directors Raffety, Prada, Osborne, Coco and Day

7. Operations (Strahan)

Consideration to award a professional services contract to ControlPoint Engineering, Inc. in the not-to-exceed amount of \$74,880 for SCADA design and programming for the El Dorado Hills Wastewater Treatment Plant PLC 2 replacement and additional CIP funding for staff time and construction for a total funding request for Project No. 16035 of \$120,137.

ACTION: Option 1: Awarded a professional services contract to ControlPoint Engineering in the not-to-exceed amount of \$74,880 and approved additional funding for staff time and construction to Project No. 16035 for a total funding request of \$120,137.

MOTION PASSED

Ayes: Directors Day, Coco, Osborne, Prada and Raffety

END OF CONSENT CALENDAR

INFORMATION ITEMS

8. Office of the General Manager (Cumpston)

Update on *Key Performance Indicators and Goals* report.

Public Comment: Sherry Petersen, El Dorado Hills
Craig Petersen, El Dorado Hills
Craig Schmidt, Placerville
Ray Myers
Marilyn Curtis, Pollock Pines

ACTION: None – Information only.

DIRECTOR ITEMS

9. Board of Directors (Osborne)

Proposed General Counsel Employment Contract.

No action taken. This item was removed from this agenda during its adoption and continued to the December 30 special meeting of the Board of Directors.

ACTION ITEMS

10. Finance (Price)

Consideration of the 2017-2018 Operating Budget and 2017-2021 Financial Plan, including the implementation of previously approved rate increases for 2017 for water, wastewater and recycled water.

Public Comment: Jim Abram

Chuck Vanderpool

Kurt Smith, Placerville

Paul Raveling provided a 9-page handout with attachments titled *Comments by Paul Raveling to EID Board of Directors, relating to choice of rates for 2017: Submitted December 6th 2016 for the December 12th board meeting*

MOTION: Main motion by Director Day and seconded by Director Prada to move option 2 and take other action as directed by the Board and adopt the El Dorado Irrigation District 2017-2018 Operating Budget and 2017-2021 Financial Plan (Scenario 6).

MOTION: Substitute motion by Director Raffety to move option 2 and take other action as directed by the Board and adopt the El Dorado Irrigation District 2017-2018 Operating Budget and 2017-2021 Financial Plan (Scenario 7). Motion failed due to lack of a second.

ACTION: Substitute motion by Director Osborne and seconded by Director Raffety to move option 2 and take other action as directed by the Board and adopt the El Dorado Irrigation District 2017-2018 Operating Budget and 2017-2021 Financial Plan (Scenario 4).

MOTION PASSED

Ayes: Directors Osborne, Raffety and Coco

Noes: Directors Prada and Day

11. Finance (Price)

Consideration to adopt a resolution of the El Dorado Irrigation District authorizing the execution of an escrow agreement to fund a payment of \$3,000,000 for the Refunding Revenue Bonds, Series 2014A and approving certain acts in connection therewith and certain other matters.

ACTION: Option 1: Adopted Resolution No. 2016-035 of the El Dorado Irrigation District authorizing the execution of an escrow agreement to fund a payment of \$3,000,000 for the Refunding Revenue Bonds, Series 2014A and approving certain acts in connection therewith and certain other matters.

MOTION PASSED

Ayes: Directors Day, Prada, Osborne, Raffety and Coco

12. Finance (Price)

Consideration to adopt a resolution of the El Dorado Irrigation District authorizing the execution of an escrow agreement to fund a payment of \$3,000,000 for the Refunding Revenue Bonds, Series 2012A and approving certain acts in connection therewith and certain other matters.

Public Comment: Craig Schmidt, Placerville

ACTION: Option 1: Adopted Resolution No. 2016-036 of the El Dorado Irrigation District authorizing the execution of an escrow agreement to fund a payment of \$3,000,000 for the Refunding Revenue Bonds, Series 2012A and approving certain acts in connection therewith and certain other matters.

ACTION: Subsidiary motion by Director Day and seconded by Director Osborne to 'call the question' which ends debate of this item and calls for an immediate vote on the main motion.

MOTION PASSED

Ayes: Directors Day, Osborne, Prada, Raffety and Coco

MOTION PASSED

Ayes: Directors Day, Coco and Prada

Noes: Directors Osborne and Raffety

13. Engineering (T. Sullivan)

Consideration to award a construction contract to Syblon Reid General Engineering Contractors in the not-to-exceed amount of \$874,600; and authorize total funding of \$1,117,784 for the Waterford 7 Lift Station Upgrade; Project No. 16007.01, Contract No. 16-05.

ACTION: Option 1: Awarded a construction contract to Syblon Reid General Engineering Contractors in the not-to-exceed amount of \$874,600; and authorized total funding of \$1,117,784 for the Waterford 7 Lift Station Upgrade, Project No. 16007.01, Contract No. 16-05.

MOTION PASSED

Ayes: Directors Prada, Day, Osborne, Raffety and Coco

CLOSED SESSION

A. Closed session pursuant to Government Code section 54957.6 (Poulsen)

Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Negotiators: Jack Hughes, Tom Cumpston, Brian Poulsen, Jose Perez, Mark Price
Employee Organization: Association of El Dorado Irrigation District Employees (general and engineers bargaining units)

ACTION: The Board met and conferred with its labor negotiators and provided direction but took no reportable action.

Closed Session continued

B. Closed session pursuant to Government Code section 54956.9 (Poulsen)

Conference with General Counsel – Existing Litigation pursuant to Government Code section 54956.9(d)(1) (*Access Limited Construction v. Excavating Engineers, Inc. et al.*, Sacramento County Superior Court Case No. 34-2016-00197663-CU-BC-GDS).

Director Coco was not present during this item.

ACTION: The Board conferred with and gave direction to counsel, but took no reportable action.

REVIEW OF ASSIGNMENTS

Director Raffety requested that staff present a report on District’s policies and balances for reserves including rate stabilization at an upcoming Board meeting

Director Raffety requested a report by Bob Reeb, District’s State Legislative Advocate, to the Board at an upcoming Board meeting on legislative response to the SWRCB long-term conservation framework.

Director Raffety requested that the District contact the El Dorado County Water Agency regarding lawn rebates.

Director Prada requested that staff provide an update on how much has been spent on the main ditch conversion project to date.

ADJOURNMENT

President Osborne adjourned the meeting at 2:54 p.m.

George W. Osborne
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____



MINUTES
SPECIAL MEETING OF THE BOARD OF DIRECTORS
 District Board Room, 2890 Mosquito Road, Placerville, California
 December 30, 2016 — 9:00 A.M.

Board of Directors

George Osborne—Division 1
 President

Michael Raffety—Division 3
 Vice President

Greg Prada—Division 2
 Director

Dale Coco, MD—Division 4
 Director

Alan Day—Division 5
 Director

Executive Staff

Jim Abercrombie
 General Manager

Thomas D. Cumpston
 Acting General Manager

Brian D. Poulsen, Jr.
 Acting General Counsel

Jennifer Sullivan
 Clerk to the Board

Jesse Saich
 Communications

Brian Mueller
 Engineering

Jose Perez
 Human Resources

Tim Ranstrom
 Information Technology

Margaret Washko
 Operations

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CALL TO ORDER

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

Roll Call Board

Present: Directors Osborne, Prada, Raffety and Day

Absent: Directors Coco

Staff

Present: Acting General Manager Cumpston, General Manager Abercrombie, Acting General Counsel Poulsen and Clerk to the Board Sullivan

Pledge of Allegiance and Moment of Silence

President Osborne led the Pledge of Allegiance followed by a moment of silence in appreciation of the District's dedicated staff and their hard work all year long.

ADOPT AGENDA

MOTION: Main motion by Director Prada and seconded by Director Day to adopt the agenda.

MOTION: Substitute motion by Director Raffety and seconded by Director Osborne to remove Closed Session C from the agenda and adopt the agenda as amended.

MOTION FAILED

Ayes: Directors Raffety and Osborne

Noes: Directors Prada and Day

Absent: Director Coco

ACTION: Main motion by Director Prada and seconded by Director Day to adopt the agenda.

MOTION PASSED

Ayes: Directors Prada, Day and Osborne

Noes: Director Raffety

Absent: Director Coco

APPROVE CONSENT CALENDAR

ACTION: Consent Calendar was approved.

MOTION PASSED

Ayes: Directors Day, Prada, Osborne and Raffety

Absent: Director Coco

PUBLIC COMMENT

None

CONSENT CALENDAR

1. Finance (Pasquarello)

Consideration to adopt resolutions certifying signatures on the District's checking accounts.

ACTION: Option 1: Adopted Resolution Nos. 2016-037 and 2016-038, certifying signatures for the Bank of America and El Dorado Savings Bank checking accounts.

MOTION PASSED

Ayes: Directors Day, Prada, Osborne and Raffety

Absent: Director Coco

CLOSED SESSION ITEM C WAS COMPLETED BEFORE ITEM 2 WAS HEARD.

DIRECTOR ITEMS

2. Board of Directors (Osborne)

Proposed General Counsel Employment Contract.

ACTION: Option 3: Took other action as directed by the Board and continued this item to the regular meeting of the Board of Directors scheduled for January 9, 2017.

MOTION PASSED

Ayes: Directors Osborne, Day, Prada and Raffety

Absent: Director Coco

ACTION ITEMS

3. Finance (Pasquarello)

Appropriations Limit for Fiscal Year 2017.

ACTION: Option 1: Adopted the proposed Appropriations Limit Resolution for Fiscal Year 2017.

MOTION PASSED

Ayes: Directors Day, Prada, Osborne and Raffety

Absent: Director Coco

CLOSED SESSION

A. Closed session pursuant to Government Code section 54957.6 (Poulsen)

Conference with Labor Negotiators pursuant to Government Code Section 54957.6

Agency Negotiators: Jack Hughes, Tom Cumpston, Brian Poulsen, Jose Perez, Mark Price, Jim Abercrombie

Employee Organization: Association of El Dorado Irrigation District Employees (general and engineers bargaining units)

ACTION: The Board met and conferred with its labor negotiators and provided direction but took no reportable action.

B. Closed session pursuant to Government Code section 54956.8 (Poulsen)

Conference with Real Property Negotiators – Real Property Negotiations pursuant to Government Code Section 54956.8.

Properties: Assessor’s Parcel Numbers 096-020-30

District negotiators: Acting General Counsel, Acting General Manager and Capital Valley Realty Group, Inc.

Under negotiation: price and terms of sale

Negotiating parties: Tatiana Vasileva, Golovey Real Estate; John J. Medina, Capital Valley Realty Group, Inc.

ACTION: The Board met and conferred with its real property negotiators and took the following action. The Board accepted an offer from Tatiana Vasileva for the purchase of APN 096-020-30 for \$19,000, and authorized the opening of escrow for this transaction. The Board also conditionally accepted an offer from John J. Medina for \$17,000 and conditionally authorized the opening of escrow, should the Vasileva sale fail to close for any reason.

C. Closed session pursuant to Government Code section 54957.6 (Abercrombie)

Conference with Labor Negotiators pursuant to Government Code Section 54957.6

Agency Negotiators: President Osborne, Director Prada

Unrepresented Employee: Acting General Counsel Brian Poulsen

ACTION: The Board met and conferred with its negotiators and provided direction but took no reportable action.

REVIEW OF ASSIGNMENTS

None

ADJOURNMENT

President Osborne adjourned the meeting at 11:22 A.M.

George W. Osborne
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____

EL DORADO IRRIGATION DISTRICT

Subject: Ratification of Resolution No. 2016-032 declaring an emergency under the Public Contract Code and California Environmental Quality Act, for an emergency timber harvest operation at Sly Park Recreation Area.

Previous Board Actions:

October 24, 2016 – the Board adopted Resolution No. 2016-032, declaring an emergency under the Public Contract Code and California Environmental Quality Act (CEQA) and authorized the Acting General Manager to award an emergency contract to Jim Davies and Associates for the performance of an emergency timber harvest operation at Sly Park Recreation Area.

November 14, 2016 – the Board ratified Resolution No. 2016-032 to maintain the emergency declaration and ratified contracts awarded to Jim Davies and Associates and Kurt Ault Logging.

December 12, 2016 – the Board ratified Resolution No. 2016-032 to maintain the emergency declaration.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

BP 3060 requires Board approval of contracts exceeding \$50,000.

AR 3061.05(e) provides that for good cause, the District may negotiate with a single source for the procurement of goods or services, including construction services when authorized by law.

Public Contract Code sections 1102, 20567, and 22050 authorize the District to forgo public bidding requirements in emergency circumstances.

Public Resources Code section 21080(b) and CEQA Guidelines section 15269 exempt emergency projects from the requirements of the California Environmental Quality Act (“CEQA”).

Summary of Issue(s):

For the emergency declaration to remain in effect, the Board must find (by four-fifths vote for bidding and contracting purposes) at each regular meeting that the need for emergency action still exists. The Board can do so today by ratifying Resolution No. 2016-032.

Staff Analysis/Evaluation:

Status

With the adoption of Resolution No. 2016-032 on October 24, 2016, the Board declared an emergency for purposes of expedited public contracting and CEQA compliance to initiate timber harvesting to address conditions at Sly Park Recreation Area that required immediate action to protect public health, safety, and essential services, and to protect the facilities from damage. Staff conservatively estimated approximately 400 to 500 dead and dying trees due to bark beetle

infestation at that time. State and federal authorities estimate an increase of 30% in the number of dead and dying trees within the next year. The removal of infested trees is a major variable in the rate of increase. District staff is unable to perform the necessary work of removing the dead and dying trees. Jim Davies and Associates/Kurt Ault Logging are capable of performing the work immediately and marketing the timber, which will minimize District expenses and their work, is currently underway.

Between the October 24 and November 14, 2016 Board meetings, contracts were awarded to Davies and Ault under the authority delegated by the Board in Resolution 2016-032, by statute, and by District Board Policies and Administrative Regulations. The contracting parties then commenced work on November 9. On November 14, the Board continued the emergency by ratifying Resolution 2016-032, and the Board ratified the contract awards.

Thus far, 18 truckloads of logs, approximately 150 trees, have been removed from Sly Park Recreation Area with another 50 trees on the ground waiting processing and removal. Operations will continue throughout the winter as weather permits. No further actions requiring Board ratification have been taken since the November 14 meeting.

Board Decision/Options:

Option 1: Ratify Resolution No. 2016-032 (*thus maintaining the emergency declaration*).

Option 2: Decline to ratify Resolution No. 2016-032 (*thus terminating the emergency declaration*).

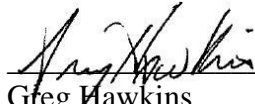
Option 3: Take no action (*thus terminating the emergency declaration*).

Staff/General Manager's Recommendation:

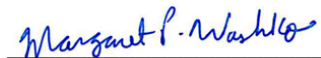
Option 1 (*four-fifths vote required*).

Supporting Documents Attached:


Attachment A: Resolution No. 2016-032 Declaring an Emergency



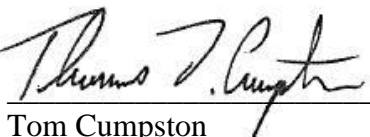
Greg Hawkins
Recreation Manager



Margaret P. Washko, P.E.
Operations Director



Brian Poulsen
General Counsel



Tom Cumpston
Acting General Manager

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EL DORADO IRRIGATION DISTRICT
DECLARING AN EMERGENCY**

1 WHEREAS, El Dorado Irrigation District (District) is encountering significant tree mortality
2
3 as a result of bark beetle infestation, exacerbated by four years of drought, at Sly Park Recreation Area
4 which requires prompt action to prevent or mitigate impairment to life, health, safety, property, and/or
5 essential public services; and
6

7 WHEREAS, to slow the spread of bark beetle disease, the District must immediately remove an
8 estimated 400 to 500 dead or dying trees; and

9 WHEREAS, the District does not have adequate staff resources to conduct the necessary tree
10 removal operation; and

11 WHEREAS, Public Contract Code section 1102 defines “emergency” as “a sudden, unexpected
12 occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate
13 the loss or impairment of life, health, property, or essential public services;” and

14 WHEREAS, Public Contract Code section 20567 authorizes irrigation districts to let contracts
15 without notice for bids in case of an emergency; and

16 WHEREAS, Public Contract Code section 22050(a)(2) requires that before action is taken to
17 procure equipment, services, and supplies without giving notice for bids, the governing body must first
18 make a finding, based on substantial evidence set forth in the minutes of its meeting, that the
19 emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action
20 is necessary to respond to the emergency; and

21 WHEREAS, District Administrative Regulation 3061.05, subdivision e, authorizes the District,
22 when there is good cause, to negotiate with a single source for the procurement of goods or services,
23 including construction services when authorized by law; and

24 WHEREAS, Public Resources Code section 21060.3 and CEQA Guidelines section 15359 define
25 “emergency,” as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding
26 immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public
27 services; and

 WHEREAS, Public Resources Code section 21080(b)(2) exempts from the California
Environmental Quality Act (CEQA) emergency repairs to public service facilities necessary to
maintain service; and

1 WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c)
2 exempt from CEQA specific actions necessary to prevent or mitigate an emergency from CEQA;

3 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors of the
4 El Dorado Irrigation District (Board) as follows:

- 5 1. The Board finds and declares that an emergency situation exists within the meaning of the
6 enactments listed below:

7 Public Contract Code section 1102

8 CEQA Guidelines section 15359

9 Public Contract Code section 20567

10 Public Contract Code section 22050(a)(2)

11 Public Resources Code section 21080(b)(2)

12 Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c)

- 13 2. The bark beetle infestation, subsequent tree mortality, and recent acceleration of that
14 mortality rate at Sly Park Recreation Area are sudden, unexpected occurrences that pose
15 clear and imminent danger.
- 16 3. Many of the dead and dying trees on District property are in areas of heavy use by the
17 general public and District staff, i.e., along roadways and trails and in campgrounds and
18 day-use areas.
- 19 4. The dead and dying trees that are not in heavily trafficked areas of the Park increase the
20 potential for catastrophic wildfire.
- 21 5. Bark beetles transport fungi, bacteria, nematodes, and other associated organisms that
22 break down tree material at an accelerated pace, thus shortening the window for safe and
23 economically viable harvesting.
- 24 6. Immediate action is required to prevent or mitigate the loss or impairment of life, health,
25 property, or essential public services and this emergency will not permit a delay resulting
26 from a competitive solicitation for bids.
- 27 7. The foregoing findings and declarations are based upon all written, oral, and visual
evidence, including both facts and professional opinions, presented to the Board at the
hearing of this Resolution and upon the minutes of the meeting at which this Resolution
was adopted.

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- 8. The Board hereby delegates, authorizes, and directs the District's Acting General Manager and his designees to take all further actions reasonably deemed necessary to respond to the emergency declared herein, including, but not limited to, awarding a contract to Jim Davies and Associates for the immediate removal of dead and dying trees at Sly Park Recreation Area. The Acting General Manager or his designees shall report to and seek ratification of the Board of Directors for each action taken in excess of their normal authority, at the first regular Board of Directors meeting held after each such action.
- 9. This Resolution shall take effect immediately upon adoption. Subject to the ratification required by Public Contract Code sections 22050(b)(3), (c)(1), and (c)(2), this Resolution shall remain in full force an effect until rescinded by a subsequent Resolution of the Board of Directors.

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1 The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the
2 EL DORADO IRRIGATION DISTRICT, held on the 24th day of October 2016, by Director Coco
3 who moved its adoption. The motion was seconded by Director Day and a poll vote taken which
4 stood as follows:

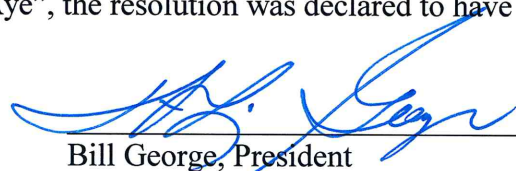
5 AYES: Directors Coco, Day, Osborne, Prada and George

6 NOES:

7 ABSENT:

8 ABSTAIN:

9 The motion having a majority of votes "Aye", the resolution was declared to have been
10 adopted, and it was so ordered.


11 Bill George, President
12 Board of Directors
13 EL DORADO IRRIGATION DISTRICT

14 ATTEST:


15 Jennifer Sullivan
16 Clerk to the Board
17 EL DORADO IRRIGATION DISTRICT

18 (SEAL)

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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 24th day of October 2016.



Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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EL DORADO IRRIGATION DISTRICT

Subject: Consideration of a resolution approving the sale of a surplus District-owned parcel (APN 096-020-30) and authorizing the Board President and/or General Manager to execute all documents necessary to effectuate the sale.

Previous Board Actions:

March 28, 2016 – Board approved a professional services contract with Capital Valley Realty Group, Inc. to market this and other surplus District properties.

March 28, 2016 – Board adopted Resolution No. 2016-009, declaring this and another District-owned property to be surplus to District needs.

December 30, 2016 – Board accepted an offer on this property and authorized the opening of an escrow to consummate the sale.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Water Code section 22500 authorizes the Board to sell surplus property on terms in the best interests of the District.

Summary of Issue(s):

The Board has accepted an offer to purchase surplus District property located on Nugget Lane in Placerville (APN 096-020-30), and authorized the opening of an escrow account to consummate the sale. To complete the sale, staff requests adoption of a Board resolution formally approving the sale and authorizing District representatives to execute all transaction documents.

Staff Analysis/Evaluation:

The Nugget Lane surplus property (APN 096-020-30) is a 2.16-acre, unimproved parcel located on Nugget Lane in the Texas Hill Estates neighborhood south of Placerville. A developer-built, District-accepted six-inch water main dating to the 1970s bisects the vacant property, yet the District never obtained an easement for this active water line. The District purchased the property in 2014 to settle a dispute with the landowner over the unauthorized water line, and it will be necessary to delineate and reserve an easement for the pipe before completing the sale.

This property was placed on the market in June. The first asking price was \$29,500. After receiving no offers for nearly four months, the District's realtors recommended and the District authorized reducing the asking price to \$19,500. On November 23, Tatiana Vasileva, represented by Golovey Real Estate, made a \$19,000 cash offer, with customary 17-day inspection and 30-day escrow periods. The District also received a second, lower-value offer, and accepted it conditionally, in the event that the Vasileva sale is not consummated for any reason.

An aerial photomap (Attachment A) illustrates the property. The area between the pipeline and the frontage on Nugget Lane is a wooded ravine punctuated by heaps of old mine tailings; the most clearly buildable portion of the lot is behind and uphill of the pipeline. These access and pipeline constraints reduce the property's market value.

It would be judicious to relieve District of all administrative and legal responsibilities associated with retaining this property. In the opinion of District staff and its retained real estate brokers, the accepted price represents good value for this surplus property, and its sale on these terms is in the District's best interests.

The sale of surplus government property is exempt from compliance with the California Environmental Quality Act (CEQA). CEQA generally exempts sales of surplus government property, except for parcels of land located within specified areas of statewide, regional, or area-wide concern. This parcel does not fall within the specified criteria; therefore the sale is exempt under CEQA Guidelines section 15312. If the resolution is approved, staff will file a Notice of Exemption with the County Clerk.

Board Decision/Options:

Option 1: Adopt a Resolution approving the sale of APN 096-020-30, and authorizing the Board President and/or General Manager to execute all documents necessary to effectuate the sale.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

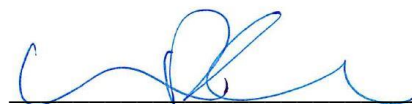
Staff/General Manager's Recommendation:

Option 1.

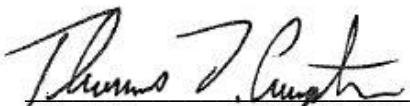
Support Documents Attached:

Attachment A: Aerial photomap of APN 096-020-30

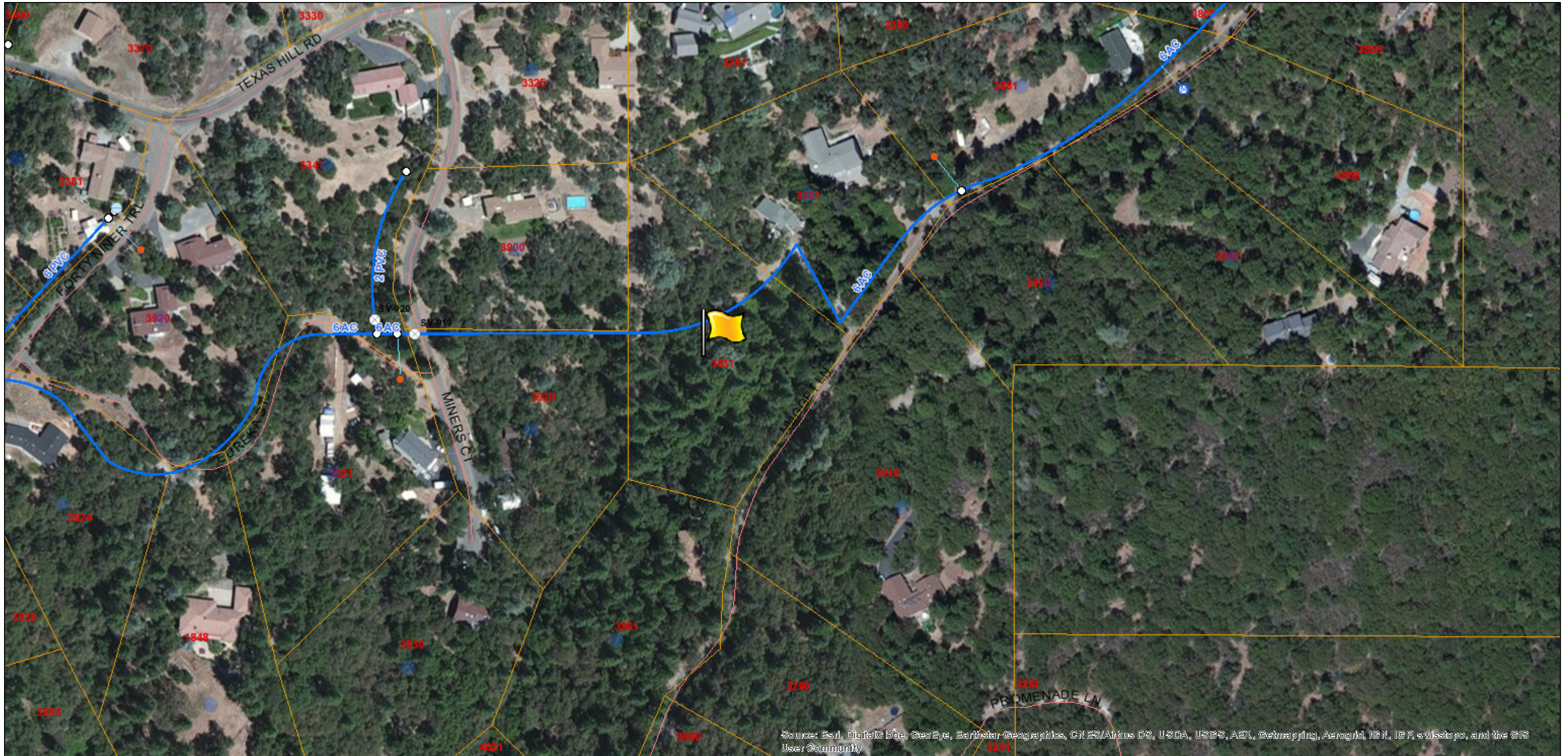
Attachment B: Proposed Resolution



Brian D. Poulsen, Jr.
General Counsel



Thomas D. Cumpston
Acting General Manager



APN 096-020-30 Nugget Lane - Texas Hill



Author: EID
Print date: April 25, 2016

WARNING: No accuracy of map implied until field checked by EID. Exact pipe locations must be field verified.

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EL DORADO IRRIGATION DISTRICT
APPROVING THE SALE OF
SURPLUS PROPERTY (APN 096-020-30)
AND AUTHORIZING EXECUTION OF DOCUMENTS**

WHEREAS, in Resolution No. 2016-009, EL DORADO IRRIGATION DISTRICT (District) found certain District-owned real property to be no longer necessary or useful in the performance of the District’s public functions, and therefore declared the specified property to be surplus to District needs; and

WHEREAS, among that surplus property was a parcel located on Nugget Lane in Placerville (APN 096-020-30); and

WHEREAS, on December 30, 2016, the District accepted a offer to purchase APN 096-020-30, and has determined pursuant to Water Code section 22500 that the offers are on terms that appear to be for the best interests of the District; and

WHEREAS, this sale of surplus government property is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors of EL DORADO IRRIGATION DISTRICT that the District approves the sale of APN 096-020-30, and authorizes the Board President and Acting General Manager to execute all documents necessary to effectuate the sale.

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The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the EL DORADO IRRIGATION DISTRICT, held on the 9th day of January, 2017, by Director _____, who moved its adoption. The motion was seconded by Director _____, and a poll vote taken, which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

The motion having a majority of votes "Aye", the resolution was declared to have been adopted, and it was so ordered.

George W. Osborne
President, Board of Directors of
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board

(SEAL)

I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT, hereby certify that the foregoing resolution is a full, true and correct copy of a resolution of the Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a regular meeting of the Board of Directors held on the 9th day of January, 2017.

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

EL DORADO IRRIGATION DISTRICT

Subject: Consideration of a resolution declaring certain District real property (APN 125-263-09) to be surplus to District needs.

Previous Board Actions:

None

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Water Code Section 22500 authorizes the conveyance of District property when the Board determines by resolution that the property is no longer necessary for District purposes.

Water Code Section 22502 requires all conveyances of District property to be executed by the secretary and president on behalf of the District in accordance with a resolution of the Board.

Summary of Issue(s):

Staff has identified and analyzed a District parcel that has gone unused and is now vacant. The subject parcel is located at King Edward Court in El Dorado Hills. Originally, parcel lodged a wastewater lift station. The lift station is no longer in use, but the District maintains a wastewater pipeline on the parcel. Staff proposes to sell the parcel and reserve a pipeline easement.

Staff Analysis/Evaluation:

The King Edward Court property has become a nuisance property due neighbors storing personal property on it. The District has recently received two separate complaints from neighboring parcel owners. Disposition will eliminate potential liability and other expenses District could possibly incur in the future. Due to its size and location, this parcel will be marketable only to neighboring landowners. In staff's opinion, a transfer at no net cost to the District would be an acceptable means of eliminating this potential liability to the District.

Staff seeks Board adoption of a resolution declaring this property surplus to District needs.

Board Decision/Options:

Option 1: Adopt a resolution declaring District real property with APN 125-263-09 to be surplus to District needs, and authorize staff to sell the parcel.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Staff/General Manager's Recommendation:

Option 1.

Supporting Documents Attached:

Attachment A: Proposed Resolution

Attachment B: Assessor Parcel Map



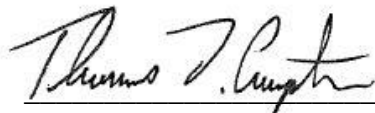
Pat Johnson

Paralegal



Brian D. Poulsen, Jr.

General Counsel



Thomas D. Cumpston

Acting General Manager

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EL DORADO IRRIGATION DISTRICT
DECLARING CERTAIN DISTRICT REAL PROPERTY TO BE SURPLUS
AND AUTHORIZING DISTRICT STAFF TO SELL THE PROPERTY
(APN: 125-263-09)**

WHEREAS, EL DORADO IRRIGATION DISTRICT (District) owns certain real property described as El Dorado County Assessor’s Parcel Number 125-263-09;

WHEREAS, APN 125-263-09 has been identified as surplus to District needs;

WHEREAS, APN 125-263-09 was acquired by District at King Edward Court in El Dorado Hills, California for the purpose of a housing a wastewater lift station; and

WHEREAS, the Property and lift station are no longer necessary for District purposes;

and

WHEREAS, District staff has recommended that Property be declared surplus to the needs of the District and sold or otherwise disposed of in a manner that serves the District’s best interests; and

WHEREAS, Water Code section 22500 states that when a Board determines by resolution entered upon the minutes that any property of the District is no longer necessary for District purposes, the District may for a valuable consideration sell or lease the property upon terms that appear to the Board to be in the best interests of the District; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors of EL DORADO IRRIGATION DISTRICT that the District declare Property surplus to the needs of the District and eligible to be sold or otherwise disposed of at the direction of the Board.

1 The foregoing Resolution was introduced at a meeting of the Board of Directors of
2 the EL DORADO IRRIGATION DISTRICT, held on the 9th day of January, 2017, by Director
3 _____, who moved its adoption. The motion was seconded by Director
4 _____, and a poll vote taken, which stood as follows:
5

6 AYES:

7 NOES:

8 ABSENT:

9 ABSTAIN:
10

11 The motion having a majority of votes "Aye", the resolution was declared to have been
12 adopted, and it was so ordered.
13

14
15 _____
16 George Osborne
17 President, Board of Directors of
18 EL DORADO IRRIGATION DISTRICT

17 ATTEST:
18

19
20 _____
21 Jennifer Sullivan
22 Clerk to the Board
23

24 (SEAL)
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I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT,
hereby certify that the foregoing resolution is a full, true and correct copy of a resolution of the
Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
regular meeting of the Board of Directors held on the 28th day of March 2016.

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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POR. SECS. 22 & 27, T.10N., R.8E., M.D.M.
CROWN VILLAGE UNIT NO. 3

APN: 125-263-09

E - 34



IF A SURVEY, it is prepared by the El Dorado Co for assessment purposes only. Area calculations are not guaranteed. Users should verify items and acreage.

Acreages Are Estimates

Adjacent Map Pages Shown in Grey Text
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Rev. July 12, 2006

Assessor's Ma
County of.

EL DORADO IRRIGATION DISTRICT

Subject: Consideration of a resolution to authorize execution of easement quitclaims to property owners Mark and Stacia Thiessen and Levi and Daniel Thiessen for abandoned easements on lower Main Ditch. (APNs: 043-550-64 and 043-030-32, respectively).

Previous Board Actions:

None

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

Water Code Section 22500 authorizes the conveyance of District property when the Board determines by resolution that the property is no longer necessary for District purposes.

Water Code Section 22502 requires all conveyances of District property to be executed by the secretary and president on behalf of the District in accordance with a resolution of the Board.

Summary of Issue(s):

Landowners, Mark and Stacia Thiessen and Levi and Daniel Thiessen, seek conveyance of District property interests of the lower Main Ditch easements on each of their properties in Camino, California (APNs: 043-550-64 and 043-030-32 respectively). District abandoned its easement rights on these properties by non-use of this ditch segment and therefore should quitclaim as requested to each parcel owner.

Staff Analysis/Evaluation:

District abandoned (by more than five years of non-use) easements on certain properties affiliated with the lower Main Ditch located in Camino, California. Landowners purchased two parcels; one for the parents, Mark and Stacia Thiessen (APN: 043-550-64) and one parcel for their sons, Levi and Daniel Thiessen (APN: 043-030-32). They now request District quitclaim its property interests in these lower Main Ditch easements running through their respective parcels. District has ceased using the subject easements and no longer requires this portion of the ditch or the easement rights for any reason. With the District formally relinquishing rights to subject easements, Landowners will eliminate this encumbrance on the record title of their properties.

Easement Quitclaims

Easement quitclaims proposed by staff are required to be presented to District's Board of Directors for review and approval by resolution. After approval by Board, easement quitclaims are then recorded at the El Dorado County Recorder's Office.

District staff has researched and prepared two separate Easement Quitclaims for property owners Mark and Stacia Thiessen and Levi and Daniel Thiessen, which have been reviewed for accuracy. As District no longer requires these abandoned easement rights, it is prudent in staff's opinion to relieve formally it of all administrative and legal responsibilities associated with retaining the subject easements. Owners have paid the applicable easement quitclaim fees.

Board Decision/Options:

Option 1: Adopt a resolution approving and authorizing execution of two Easement Quitclaims as submitted.

Option 2: Take other action as directed by the Board.


Option 3: Take no action.

Staff/General Manager's Recommendation:


Option 1.

Supporting Documents Attached:

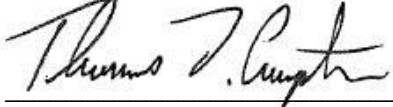
Attachment A: Proposed Resolution and Easement Quitclaims



Pat Johnson
Paralegal



Brian D. Poulsen, Jr.
General Counsel



Thomas D. Cumpston
Acting General Manager

1 **RESOLUTION OF THE BOARD OF DIRECTORS OF**
2 **EL DORADO IRRIGATION DISTRICT**
3 **APPROVING AND AUTHORIZING THE EXECUTION OF EASEMENT**
4 **QUITCLAIMS TO MARK AND STACIA THIESSEN and**
5 **LEVI THIESSEN AND DANIEL THIESSEN**
6 **ASSESSOR PARCEL NUMBERS: 043-550-64 and 043-030-32**

7 WHEREAS, El Dorado Irrigation District acquired all right, title and interest in the water
8 rights and real property interests to the Main Ditch, built in the 1800s; and

9 WHEREAS, El Dorado Irrigation District Main Ditch meanders through residential
10 backyards; and

11 WHEREAS, the requested easements of the Main Ditch to be quitclaimed are located in the
12 lower reach of the canal and do not affect District operations or water supply;

13 WHEREAS, property owners Mark Thiessen and Stacia Thiessen requested that the El
14 Dorado Irrigation District approve an easement quitclaim to Mark Thiessen and Stacia Thiessen
15 for all portions of the Main Ditch found on their property referenced as Assessor Parcel Number:
16 043-550-64.

17 WHEREAS, property owners Levi Thiessen and Daniel Thiessen requested that the El
18 Dorado Irrigation District approve an easement quitclaim to Levi Thiessen and Daniel Thiessen for
19 all portions of the Main Ditch found on their property referenced as Assessor Parcel Number: 043-
20 030-32.

21 WHEREAS, El Dorado Irrigation District no longer requires said easements within subject
22 parcels and desires to relieve itself of all administrative and legal responsibilities associated with
23 said easements.

24 **NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Board of
25 Directors of EL DORADO IRRIGATION DISTRICT that these easement interests are no longer
26 necessary for District purposes and that the District shall dispose of any interest in all portions of
27 the Main Ditch easements located on said parcels by execution of easement quitclaims attached
28 hereto as Exhibit A-1 and Exhibit A-2.

1 The foregoing Resolution was introduced at a regular meeting of the Board of Directors of
2 the EL DORADO IRRIGATION DISTRICT, held on the 9th day of January, 2017, by Director
3 _____, who moved its adoption. The motion was seconded by Director
4 _____, and a poll vote taken which stood as follows:

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:

9 The motion having a majority of votes “Aye”, the resolution was declared to have been
10 adopted, and it was so ordered.

11
12 _____
13 George Osborne
14 President, Board of Directors of
15 EL DORADO IRRIGATION DISTRICT

16 ATTEST:

17 _____
18 Jennifer Sullivan
19 Clerk to the Board

20 {SEAL}

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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 9th day of January, 2017.

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Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Recording Requested By, & Mail To:
El Dorado Irrigation District
c/o Pat Johnson, Paralegal
2890 Mosquito Road
Placerville, CA 95667

Name: Mark A. Thiessen
and Stacia S. Thiessen
Address: P.O. Box 522
Camino, CA 95709
Assessor Parcel No.: 043-550-64

Documentary Transfer Tax \$ 0 RTT 11911
Value less than \$100.00
Declarant: _____

For County Recorder's Use Only

EASEMENT QUITCLAIM

EL DORADO IRRIGATION DISTRICT does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to **MARK A. THIESSEN and STACIA S. THIESSEN**, husband and wife as joint tenants, owners of the real property situate in the unincorporated area of the County of El Dorado, State of California, filed for record in the Office of the El Dorado County Recorder on January 26, 2001 ("Parcel"), and more precisely described in the attached Exhibit A (APN **043-550-64**), all right, title, and interest held by the District in any District easement rights or claims of easement rights to that portion of the Main Ditch traversing the Subject Parcel, excepting any portion of any District water or sewer lines or appurtenances thereto that are located within the area of said easement rights or claims of easement rights.

By: _____
George Osborne
President of the Board of Directors
EL DORADO IRRIGATION DISTRICT

Date: _____

By: _____
Thomas D. Cumpston
Acting General Manager / Secretary
EL DORADO IRRIGATION DISTRICT

Date: _____

~ Notary Acknowledgements Attached~

EXHIBIT A

The land referred to is situated in the State of California, County of El Dorado, in the unincorporated area, and is described as follows:

Parcel 2, as said Parcel is shown on that certain Parcel Map entitled "A portion of the SW ¼ of Section 6 and a portion of the NW ¼ of Section 7, T. 10 N., R. 12 E., M.D.M.", filed August 24, 1984 in the office of the County Recorder of El Dorado County in Book 33 of Parcel Maps, at Page 24.

Excepting therefrom all that portion described as follows:

Beginning at the Southwest corner of said Parcel 2, from which the section corner common to Sections 6 and 7, marked by a 1-1/2 inch capped iron pipe stamped 1/4S, S6/S7, LS 2893, 1963, bears North 82° 05' 18" East 900.25 feet distant; thence from the True Point of Beginning along the Southerly boundary of the new proposed Carson Board Project, said project is shown on a "Right of Way Exhibit Map for David J. Lund, dated January 4, 1983," on file in the engineering Office of the El Dorado County Department of Transportation, the following two courses:

1. South 80° 25' 24" East 104.79 feet;
2. North 84° 43' 03" East 120.74 feet,

To a point on the Northerly right of the way line of the 1986 alignment of the proposed Carson Road Project No. 3017; thence North 80° 00' 51" West 242.76 feet to the Westerly boundary of said Parcel 2; thence South 23° 27' 25" East 39.00 feet to the True Point of Beginning.

APN: 043-550-64-100

Recording Requested By, & Mail To:
El Dorado Irrigation District
c/o Pat Johnson, Paralegal
2890 Mosquito Road
Placerville, CA 95667

Name: Levi M. Thiessen
and Daniel L. Thiessen
Address: P.O. Box 522
Camino, CA 95709
Assessor Parcel No.: 043-030-32

Documentary Transfer Tax \$ 0 RTT 11911
Value Less than \$100.00

Declarant: _____

For County Recorder's Use Only

EASEMENT QUITCLAIM

EL DORADO IRRIGATION DISTRICT does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to **LEVI M. THIESSEN and DANIEL L. THIESSEN**, single men as joint tenants, owners of the real property situate in the unincorporated area of the County of El Dorado, State of California, filed for record in the Office of the El Dorado County Recorder on April 16, 2016 ("Parcel"), and more precisely described in the attached Exhibit A (APN **043-030-32**), all right, title, and interest held by the District in any District easement rights or claims of easement rights to that portion of the Main Ditch traversing the Subject Parcel, excepting any portion of any District water or sewer lines or appurtenances thereto that are located within the area of said easement rights or claims of easement rights.

By: _____
George Osborne
President of the Board of Directors
EL DORADO IRRIGATION DISTRICT

Date: _____

By: _____
Thomas D. Cumpston
Acting General Manager / Secretary
EL DORADO IRRIGATION DISTRICT

Date: _____

~ Notary Acknowledgements Attached~

EXHIBIT A

Parcel "C" on that certain map entitled, "Parcel Map" filed in the Office of the Recorder of the County of El Dorado, State of California, on October 5, 1985 in Book 33 of Parcel Maps, at Page 51, together with, as an appurtenance to the above described real property, a non-exclusive easement for road and public utilities over the westerly 60 feet of Parcel "B" as shown on the above described Parcel Map.

APN: 043-030-32-100

EL DORADO IRRIGATION DISTRICT

Subject: Proposed General Counsel Employment Contract.

Previous Board Action:

October 24, 2016 – Board voted to appoint Brian Poulsen as General Counsel for a one-year term beginning January 2, 2017.

Board Policies (BP), Administrative Regulations (AR) and Board Authority:

BP 2010 – The General Manager and General Counsel are appointed by the Board of Directors and serve at the Board’s pleasure.

Summary:

On October 24, the Board unanimously appointed Brian Poulsen as the District’s General Counsel for a one-year term, beginning January 2, 2017. The Board named Directors Osborne and Prada to an ad hoc committee to negotiate an employment contract. After meeting several times with Mr. Poulsen, the ad hoc committee met in closed session with the Board on December 30, 2016, to seek further direction for negotiating the contract. The ad hoc committee recommends the Board adopt the attached contract.

Analysis:

General Counsel (Acting General Manager) Tom Cumpston is retiring in early 2017, after General Manager Jim Abercrombie returns from medical leave. The Board voted unanimously on October 24, 2016 to appoint Acting General Counsel Brian Poulsen as the next General Counsel, beginning January 2, 2017. The appointment is for one year, although the employment is at the Board’s will. It requires quarterly performance evaluations and a comprehensive six-month report on the activities of the Office of the General Counsel.

The Board also unanimously assigned Directors Prada and Osborne to negotiate an employment contract with Mr. Poulsen for the Board to consider in public session. First, the ad hoc committee received and reviewed sample contracts of current District employees and of executives at other government agencies in the region. The committee also reviewed Mr. Poulsen’s personnel file and a summary of his recent pay and the value of District-paid benefits.

After meeting twice with the committee, Mr. Poulsen sent the committee two alternative draft contract proposals. On December 12, 2016, Director Osborne sought Board consideration of the two alternative contract proposals. At Director Prada’s request, the Board continued consideration of the contract until its December 30th special Board meeting.

On December 30, 2016, the Board met in closed session and provided direction to the ad hoc committee for further clarification and negotiation of the contract, and the ad hoc committee subsequently met with Mr. Poulsen. In response, Mr. Poulsen provided the ad hoc committee with a revised draft contract proposal that responds to the Board's direction.

The proposed contract includes total compensation that is considerably less than the current General Counsel contract. The contract incorporates all of the direction and feedback provided by the Board.

Board Decision/Options:

Option 1: Approve a one-year employment contract, as submitted, with Brian Poulsen to serve as the District's General Counsel.

Option 2: Take other action as directed by the Board.


Option 3: Take no action.

Recommended Action:

Option 1.

Support Documents Attached:

Attachment A: Proposed employment contract



Brian Poulsen
General Counsel

EL DORADO IRRIGATION DISTRICT

EMPLOYMENT AGREEMENT

This employment agreement (“Agreement”) is made this ___ day of January, 2017, by and between the El Dorado Irrigation District, a public agency organized and operating under the California Irrigation District Law (“District”) and Brian D. Poulsen, Jr. (“Employee”), to set forth the terms and conditions of Employee’s employment as District’s General Counsel, as follows:

1. Appointment and Status

Effective January 2, 2017 (“Effective Date”), District hereby appoints Employee and Employee agrees to serve as District’s General Counsel. Employee’s status shall be as an “at will” employee, serving at the pleasure of, and reporting solely and directly to, the District’s Board of Directors.

2. Term

This Agreement shall commence on the Effective Date and continue in effect until January 2, 2018, unless earlier terminated as provided in Section 7 below. Although the failure to do so shall not affect the term of this Agreement, District’s Board of Directors shall endeavor in good faith to provide at least 60 days written notice before the Agreement’s expiration of the Board’s intent not to offer a new or extended Agreement. Employee shall likewise endeavor in good faith to provide at least 60 days written notice before the Agreement’s expiration of Employee’s intent not to accept a new or extended Agreement. If, after the third quarterly review (as provided for in Paragraph 6), and not later than 60 days prior to the expiration of the term of this Agreement, the Board of Directors determines that Employee’s job performance is satisfactory (which, for purposes of this Agreement shall be defined as a “meets expectations” evaluation from at least three Board Members), Employee and the Board of Directors shall meet and confer to renew and/or extend this Agreement, prior to its expiration.

3. Duties

(a) Under the direction of the District’s Board of Directors, Employee shall perform all lawful acts necessary or advisable to fulfill the job duties set forth in the Class Specification annexed hereto as Exhibit A. Employee states that he has read the Exhibit A and affirms that he is qualified to perform all duties, and physically able to perform the essential duties, as described therein.

(b) Employee shall perform his duties diligently within the time parameters set by the Board of Directors, to the best of his ability and in accordance with the highest professional and ethical standards of the industry. Employee shall work the hours that are necessary to perform all duties, including time beyond regular or customary District

business hours or workdays, but shall receive no overtime pay for any such time or work. Accordingly, Employee shall have flexibility in determining the work schedule necessary to perform his duties as specified in this Section 3.

(c) Employee shall refrain from engaging in any activity which is or may become a conflict of interest or prohibited contract, or which may create an incompatibility of office as defined in California law. Provided, however, that nothing in this Agreement shall prevent, limit, or otherwise interfere with Employee's rights to engage in outside activities that do not interfere with or that enhance his performance of duties under this Agreement.

4. Compensation

Employee shall be compensated as follows:

(a) Employee's annual salary shall be \$156,644.80, prorated and paid bi-weekly in accordance with District practices, for the duration of this Agreement.

(b) Except as otherwise specified in this Section 4, Employee shall receive the same paid time off, holiday, healthcare, and retirement benefits provided to District personnel as set forth in the Employee Handbook.

(c) District shall match any Employee contribution to a deferred compensation fund (457B), up to a maximum amount of \$2,000.

(d) Employee shall receive paid term life insurance equal to two times his annual salary.

(e) If, after the fourth quarterly review (as provided for in Paragraph 6), the District's Board of Directors determines that Employee's job performance is satisfactory, Employee shall receive additional merit-based compensation of \$10,000 prior to the expiration of the term of this Agreement.

5. Job-Related Expenses

District shall reimburse Employee for the costs of State Bar Membership. District shall reimburse Employee for, or pay directly, the reasonable costs of mandatory continuing legal education and professional meetings (including registration/tuition, travel, meals, and lodging) that Employee, in his professional discretion, subject to oversight by the Board of Directors or the General Manager, deems necessary for the performance of his duties. District shall pay for the reasonable costs of providing Employee with the computer and other information technology, including mobile technology, necessary for the performance of his duties, consistent with the District's then-current Administrative Regulations and Employee Handbook. All job-related expenses described herein shall be paid for out of funds allocated to the Office of the General Counsel's annual operations budget, approved by the Board of Directors as part of its annual budget adoption.

6. Performance Evaluations

The Board of Directors shall review and evaluate Employee's job performance on a quarterly basis during the term of this Agreement, to maintain an optimal working relationship and mutual understanding of Employee's duties, priorities, and performance. To facilitate the quarterly evaluations, Employee shall request closed session meetings with the Board during its March 27, June 26, September 11, and December 11, 2017 regular Board meetings.

7. Termination

This Agreement may be terminated prior to its expiration in any of the following ways:

(a) Employee may terminate this Agreement, with or without cause, upon thirty calendar days' written notice of resignation.

(b) District's Board of Directors may terminate this Agreement, without cause, upon written notice. District's Board of Directors shall endeavor in good faith to provide at least thirty calendar days' notice, but in no event shall provide less than seven calendar days' notice.

(c) District's Board of Directors may immediately terminate this Agreement for good cause, including but not limited to the following: misfeasance or malfeasance of duties; misconduct; conflict of interest or incompatibility of office; intentional failure or refusal to perform duties under this Agreement or lawful directives of the District's Board of Directors; or conviction of a felony or crime of moral turpitude.

(d) By operation of Labor Code section 2920, this Agreement shall be immediately terminated upon Employee's death or legal incapacity.

8. Severance

(a) If this Agreement is terminated under Section 7(a), 7(c), or 7(d), Employee or his heirs shall receive as compensation at severance all salary, vacation, and holiday pay earned as of the termination date, less applicable taxes and withholdings required by law, including federal and state income tax, Medicare tax, Social Security tax, and other withholdings by way of judicial process, order, or judgment.

(b) If this Agreement is terminated under Section 7(b), Employee shall be immediately appointed to his previously-held position of Senior Deputy General Counsel, with compensation at the step five level of the Senior Deputy General Counsel salary schedule.

(c) If this Agreement is terminated for any reason, Employee shall fully reimburse any cash settlement related to the termination if Employee is convicted of a crime involving an abuse of Employee's office or position, as "abuse of office or position" is defined by Government Code section 53243.4.

9. Leaves of Absence

Employee shall be permitted to take a leave of absence, with or without pay, only upon prior approval of the Board of Directors. Any approved leave of absence without pay shall be subject to the same terms and conditions of leaves of absences applied to District employees under the District's then-current Employee Handbook.

10. Indemnification and Defense

To the fullest extent and manner provided for public employees by applicable law, the District shall indemnify, defend, and hold Employee harmless from and against all demands, claims, suits, actions, and legal proceedings brought against him in his official or personal capacity and arising out of events within the scope of his employment.

11. At-Will Employment

The parties to this Agreement expressly understand and agree that the District intends to and does employ Employee on an "at will" basis, and that this Agreement and his employment may be terminated by the District upon good cause, or by either party for no cause, as provided in Section 7 above. District has made and makes no express or implied representations, assurances, or promises to Employee of any form of continued employment. Employee understands and agrees that he does not have and shall not acquire any property interest in continued employment, nor any contractual interest for any specified term. If disciplined or terminated (collectively, "adverse action"), Employee understands and agrees that he will be given no due process hearing, either before or after any adverse action. The parties understand and agree, however, that Employee does not waive any legal rights to protection from adverse action for illegal purposes, such as discrimination based on race, ethnicity, gender, age, or disability.

12. Personnel Rules

Except as otherwise provided in this Agreement, all provisions of the EID Employee Handbook and any applicable procedures and practices pertaining to personnel administration shall be applicable to Employee. To the extent of any conflict between those sources and this Agreement, this Agreement shall prevail.

13. General Terms

(a) All notices pursuant to this Agreement shall be in writing and given by delivery in person or U.S. mail, addressed as follows:

For the District:

President of the Board of Directors
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

For Employee:

Brian D. Poulsen Jr.
355 Diana St.
Placerville, Ca. 95667

Notices shall be deemed given upon the date of delivery in person or two calendar days after deposit into the U.S. mail, as applicable.

(b) This Agreement is the entire agreement between the parties regarding the District's employment of Employee and supersedes all prior oral or written understandings. This Agreement cannot be modified except by a written amendment signed by both parties.

(c) The provisions of this Agreement shall be liberally construed to effectuate its purposes. Each party has entered freely into this Agreement and has had the opportunity to have it reviewed and its' meaning and legal consequences explained to them by counsel of their choosing. Therefore, the language of this Agreement shall be construed according to its plain meaning and shall not be construed for or against either party.

(d) If any portion of this agreement is finally determined to be invalid or unenforceable by a court or arbitrator of competent jurisdiction, the remainder of the Agreement shall not be affected and shall remain in full force and effect to the maximum extent permitted by law, to fulfill the parties' intent to the maximum degree possible.

(e) If a dispute arises regarding the interpretation, implementation, enforcement, or validity of this Agreement, including termination with or without cause, the dispute shall first be submitted to mediation before a mediator mutually acceptable to the parties. The parties shall share the costs of the mediator equally, and each party shall bear all of its own attorneys' fees and costs otherwise associated with the mediation.

(f) If, after mediation, any action is brought in an arbitration or court proceeding regarding the interpretation, implementation, enforcement, or validity of this Agreement, including termination with or without cause, the prevailing party shall be entitled to recover attorneys' fees and costs actually and reasonably incurred in good faith, which may be determined by the court or arbitrator.

(g) This Agreement shall be governed and construed in accordance with the laws of the State of California. Any action concerning this agreement shall be brought in the Superior Court of El Dorado County, California.

IN WITNESS WHEREOF, the parties have executed this Agreement in Placerville, El Dorado County, California.

Brian D. Poulsen, Jr.
General Counsel

George Osborne
President, Board of Directors
El Dorado Irrigation District

EXHIBIT "A"

EL DORADO IRRIGATION DISTRICT Class Specification

CLASS TITLE: General Counsel

DEFINITION

Under policy direction, the General Counsel plans, organizes, directs and reviews the activities and operations of the Office of the General Counsel including advising the General Manager, Board of Directors, and Department Directors on legal transactions and activities of the District; coordinates assigned activities with other departments and outside agencies; and provides highly responsible and complex administrative support to the General Manager.

DISTINGUISHING CHARACTERISTICS

This is a single-position executive management classification. The General Counsel duties are administrative/managerial and highly complex in nature, involving highly technical functions. The incumbent has broad management authority for the day-to-day operations of the Office of the General Counsel, as well as functional authority/responsibility for overseeing legal and administrative functions of the District. This is an at-will position under contract with the Board of Directors.

SUPERVISION RECEIVED AND EXERCISED

Policy direction is provided by the Board of Directors. Responsibilities include broad management authority over a large and diverse group of management, supervisory, professional, technical, and support positions whose incumbents perform the full range of legal, property management, and right-of-way activities.

EXAMPLES OF ESSENTIAL DUTIES: *the duties specified below are representative of the range of duties assigned to this class and are not intended to be an inclusive list.*

Develops, plans and implements Department goals and objectives; recommends and administers policies and procedures.

Coordinates Department activities with those of other departments and outside agencies and organizations; provides staff assistance to the General Manager and Board of Directors; prepares and presents staff reports and other necessary correspondence.

Directs, oversees and participates in the development of the Department's work plan; assigns work activities, projects and programs; monitors work flow; reviews and evaluates work products, methods and procedures.

Supervises and participates in the development and administration of the Office of the General Counsel budget; directs the forecast of additional funds needed for staffing, equipment, materials and supplies; monitors and approves expenditures; implement mid-year adjustments.

Selects, trains, motivates and evaluates personnel; provides or coordinates staff training; conducts performance evaluations; implements discipline procedures; maintains discipline and high standards necessary for the efficient and professional operation of the Department.

Counsels and represents the General Manager, Board of Directors, and the District in legal transactions and events involving District interests and activities.

Represents the District, its Officers, and employees in litigation and administrative hearings.

Secures and manages the services of outside counsel and consultants in transactions and litigation involving the District.

Researches, prepares and presents legal reports to the General Manager, Board of Directors, and Department Directors.

Reviews proposed contracts, insurance policies, and other documents affecting the District.

Conducts complex legal research; renders legal opinions to the General Manager, Board of Directors, and Department Directors as required; analyzes legislation affecting District activities.

Represents the Department and District to outside groups and organizations; participates in outside community and professional groups and committees; provides technical assistance as necessary.

Researches and prepares technical, legal, and administrative reports and studies; prepares written correspondence as necessary.

Builds and maintains positive working relationships with co-workers, other District employees and the public using principles of good customer service.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of local agency government law including California water, environmental, labor/employment, and public contract law. Principles and practices of legal research. Principles and practices of leadership, motivation, team building and conflict resolution. Pertinent local, State and Federal laws, rules and regulations. Organizational and management practices as applied to the analysis and evaluation of programs. Principles and practices of organization, administration and personnel management. Principles and practices of budget preparation and administration.

Skill/Ability to:

Plan, direct and control the administration and operations of the Office of the General Counsel. Prepare and administer department budgets. Develop and implement department policies and procedures. Supervise, train and evaluate assigned personnel. Gain cooperation through discussion and persuasion. Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals. Interpret and apply California law and District and department policies, procedures, rules and regulations. Manage and direct outside counsel and consultants. Research, understand, apply and communicate complex legal issues. Effectively advise the General Manager, Board of Directors, and Department Directors on legal matters affecting the District. Communicate clearly and concisely, both orally and in writing. Establish and maintain effective working relationships with those contacted in the course of work. On a continuous basis, analyze budget and technical reports; interpret and evaluate staff reports; know laws, regulations and codes; observe performance and evaluate staff; problem solve department related issues; remember various personnel rules; and explain and interpret policy. On a continuous basis, sit at desk and in meetings for long periods of time; intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use telephone; write or use keyboard to communicate through written means; and lift or carry weight of 10 pounds or less.

Experience and/or Education:

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Eight years of supervisory or higher-level experience that involved municipal or other government law including trial experience; including three years in a management capacity.

Education:

A Juris Doctorate from an accredited law school.

SPECIAL QUALIFICATIONS

License and Certificate:

Possession of, or ability to obtain, a valid California driver's license at the time of appointment. Individuals who do not meet this requirement due to physical disability will be reviewed on a case-by-case basis.

Active membership in the State Bar of California.

EL DORADO IRRIGATION DISTRICT

Subject: Funding approval for District Capital Improvement Plan (CIP) Project.

Recent Board Action:

October 24, 2016 – The Board adopted the 2017-2021 CIP, subject to available funding.

Board Policies (BP), Administrative Regulations (AR) and Board Authority:

Staff advised that each CIP project would be presented to the Board for funding approval.

Summary of Issue:

Board approval is required to authorize CIP funding prior to staff proceeding with work on the projects.

Staff Analysis/Evaluation:

The CIP projects identified in Table 1-1 on page 2 requires immediate funding.

Funding Source:

The primary funding source for the District CIP projects is listed in Table 1-1. Table 1-1 also lists the projects currently in progress and the amount of funding requested.

The CIP project description for this project is also attached for review. (Attachment A)

**Table 1-1
CIP Funding Request**

	Project Name and Number	2017-2021 CIP Plan¹	Funded to Date	Actual Costs to date²	Amount Requested	Funding Source
1.	Flume 44 Canal Conversion 14024	\$7,476,743	\$795,072	\$787,482	\$89,000	53% Water FCC's 47% Water rates
	TOTAL FUNDING REQUEST				\$89,000	

¹ Includes all existing costs plus any expected costs in the 5 year CIP Plan.

² Actual costs include encumbrances.

The following section contains a brief breakdown and description of the project in the table. For complete description of the CIP project see Attachment A.

CIP Funding Request

Project No.	14024	Board Date	1/9/2017
Project Name	Flume 44 Canal Conversion		
Project Manager	Noel		

Budget Status	\$	%
Funded to date	\$ 795,072	--
Spent to date	\$ 787,482	99%
Current Remaining	\$ 7,590	1%

Funding Request Breakdown	\$
Consulting services	\$ 54,000
Capitalized labor	\$ 35,000
Total	\$ 89,000

Funding Source
53% Water FCC's 47% Water rates

Description
<p>Flume 44 (flume) is located above Highway 50 between Bridal Veil Falls and Ice House Road and was last replaced in 1948. The 475 foot long flume is of wood construction and consists of one ground level and three elevated flume segments with a maximum height of 34 feet and traverses a large active landslide approximately 240 feet in length. Hydro operations staff has made interim improvements to extend life of the flume until a full replacement can occur. Flume 44 is ranked as a high priority for replacement.</p> <p>Design for the replacement of the flume was awarded to GHD in August 2015. The preliminary replacement estimate for the flume was \$7M and the 90% design level flume replacement estimate was \$9M. The increase in the flume replacement cost can be attributed to required landslide stabilization measures and the amount of mechanically stabilized earth (MSE) walls required to enlarge the existing canal bench adjacent to the canal to provide heavy equipment, construction and maintenance access. In an effort to reduce construction costs, a new design concept was developed by replacing the trapezoidal canal with a traffic rated precast box culvert to provide construction access within the existing canal bench footprint, minimize the amount of MSE wall required, and provide a robust conveyance system that can sustain impacts from tree and rock fall. The rough cost estimates for the box culvert concept is \$6.9M and would also reduce the project duration from a two phase project to one. Additional funding is being requested to further analyze the viability and validate cost savings of this new design concept and the results of the detailed analysis will be summarized in a basis of design report. If the new design concept is substantiated, staff will seek additional funding and board approval for a design change order to incorporate the box culvert design concept into the flume replacement project.</p>

Board Decisions/Options:

Option 1: Authorize funding for the CIP project as requested in the amount of \$89,000.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Staff/General Manager Recommendation:


Option 1.

Support Documents Attached:

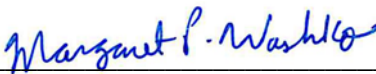
Attachment A: Capital Improvement Project Description and Justifications.



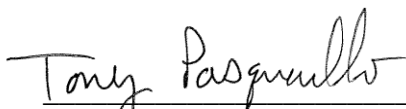
Tony Pasquarello
Accounting Manager

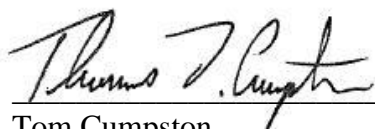


Brian Mueller
Engineering Director



Margaret P. Washko, P.E.
Operations Director


_____ for
Mark Price
Finance Director (CFO)



Tom Cumpston
Acting General Manager

2017 CAPITAL IMPROVEMENT PLAN Program: Hydroelectric

Project Number: 14024
Project Name: Flume 44 Canal Conversion
Project Category: Reliability & Service Level Improvements
Priority: 2 **PM:** Noel **Board Approval:** 10/24/16

Project Description:

Flume 44 is 476 feet in length and last replaced in 1948. The flume is of wood construction and consists of one ground level and three elevated flume segments with a maximum height of 34 feet traversing a large existing landslide. The flume has been relined with plywood in 1997 and 2002. Extensive repairs were made to the flume by District crews between 2002 and 2004. In 2014 a comprehensive inspection and physical testing of the asset was conducted showing that the structural members were in degraded condition. As a result, additional repairs were performed on the asset to allow for the continued operations until a complete phased replacement of the flume can be performed. The project include relining 1,614 feet of canal, widen the bench to provide construction and maintenance access, stabilize the active landslide which the elevated flume traverses, and replace the degraded elevated timber flume with a mechanically stabilized earth bench with a steel reinforced shotcrete canal.

Basis for Priority:

The flume will continue to deteriorate potentially causing flume failures that would result in significant impacts to the public, Highway 50, and the South Fork of the American River. Additionally, water supply would be out of service for an extended period to make emergency repairs resulting in interruption of the reliable delivery of water for consumptive use and hydroelectric power generation.

Project Financial Summary:			
Funded to Date:	\$ 795,072	Expenditures through end of year:	\$ 557,743
Spent to Date:	\$ 557,743	2017 - 2021 Planned Expenditures:	\$ 6,919,000
Cash flow through end of year:		Total Project Estimate:	\$ 7,476,743
Project Balance	\$ 237,329	Additional Funding Required	\$ 6,681,671

Description of Work	Estimated Annual Expenditures					Total
	2017	2018	2019	2020	2021	
Study/Planning						\$ -
Design						\$ -
Construction Costs	\$3,144,000	\$3,700,000				\$ 6,844,000
Warranty/FERC QCIP			\$75,000			\$ 75,000
TOTAL	\$ 3,144,000	\$ 3,700,000	\$ 75,000	\$ -	\$ -	\$ 6,919,000

Funding Sources	Percentage	2017	Amount
Water FCCs	53%		\$1,540,536
Water Rates	47%		\$1,366,136
			\$0
Total	100%		\$2,906,671

Funding Comments:

EL DORADO IRRIGATION DISTRICT

Subject: Brown Act/Public Records Act Requirements.

Previous Board Actions:

None.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

BP 2030 -- Role of the General Counsel: The General Counsel shall be responsible for, among other things, ensuring full compliance with applicable laws and regulations in all District activities.

Summary of Issue(s):

The state of California is firmly committed to the principle of open government. For local agencies like the District, two of the most prominent expressions of that commitment are the Ralph M. Brown Open Meetings Act (“Brown Act”), Government Code sections 54950 et seq., and the California Public Records Act (“CPRA”), Government Code sections 6250 et seq. The Brown Act imposes procedures and rules of conduct related to meetings of the Board and many subsidiary bodies it creates. The CPRA establishes a general rule that records of a local agency are to be made available to the public upon request, unless a valid and specific reason exists for withholding them.

Each law has many complexities, and each poses challenges in adapting decades-old legal rules to the rapidly evolving technology of today's world. In this informational item, the District's General Counsel will review the basics of each law, highlight some common pitfalls and practices (both good and bad) for each, and in the course of doing so, discuss some evolving but unresolved legal issues arising out of the new types of communications and records made possible by today's technology.

Staff Analysis/Evaluation:

Guiding Principles

The Brown Act and CPRA are intended to ensure that, to the extent consistent with privacy rights and legitimate governmental needs for confidentiality, the public's business is conducted within the public's view.

As the California Attorney General's Office has stated, “The Brown Act represents the state legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information gathering on the other.” (Office of the Attorney General, The Brown Act, at p. 1.) The Brown Act states that its intent is that legislative bodies’ “actions be taken openly and that their deliberations be conducted openly.” (Gov. Code § 54950.) The CPRA declares that, subject to individuals’ right to privacy, “access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.” Gov. Code § 6250.)

These sentiments were echoed and reinforced in Proposition 59, passed by California's voters in 2004: “The people have the right of access to information concerning the conduct of the people's business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, § 3(b)(1).) Proposition 59 also includes an interpretive rule: any enactment “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” (Cal. Const., art. I, §3(b)(2).)

Brown Act Basics

The Brown Act’s rules apply to the legislative bodies of all local agencies. (Gov. Code §§ 54951, 54952.) Also, any person elected to a legislative body becomes subject to the Brown Act even before they formally assume office. (Gov. Code § 54952.1) The term “legislative body” includes not only the District's Board of Directors, but also any other body created by charter, ordinance, resolution, or formal action of a legislative body—except for ad hoc advisory committees comprised solely of less than a quorum of the Board. (Gov. Code § 54952(b).)

Any legislative body within the meaning of the Brown Act must hold its meetings in public, except when it addresses one of a limited list of topics for which a closed session is expressly authorized. Prior to the meeting, an agenda must be publicly posted which contains a brief general description of each item to be transacted or discussed at the meeting. (Gov. Code § 54954.2) With limited exceptions, the meeting must be held within the agency's geographical boundaries. (Gov. Code § 54954(b).)

At the meeting, public testimony must be allowed on each agenda item before or during the legislative body's consideration of that item. (Gov. Code § 54954.3(a).) At regular meetings, the public also has the right to address the legislative body on any item within its subject-matter jurisdiction, even if it is not on the agenda. (*Ibid*)

For certain topics, the legislative body may meet in closed sessions for confidential proceedings that exclude the public, provided they first disclose the subject matter of the closed sessions, and then after the session, report certain final votes and actions taken. (Gov. Code §§ 54954.2(a), 54956.7, 54956.8, 54956.9, 54956.96, 54957, 54957.1, 54957.6, 54957.7(a), 54957.8.) No one may disclose confidential information acquired during a closed session unless the legislative body acts to authorize that disclosure, except in very limited circumstances. (Gov. Code § 54963.)

Brown Act violations put the validity of actions taken at risk. (Gov. Code §§ 54960, 54960.1.) They expose the agency to liability for the plaintiff’s attorney’s fees. (Gov. Code § 54960.5.) Under some circumstances, a member of the legislative body can even be prosecuted criminally for a Brown Act violation. (Gov. Code § 54959.)

Brown Act Pitfalls and Practices

The Brown Act defines a “meeting” extremely broadly to include many activities that do not fit the common understanding that term. In most instances, any congregation of a majority of the legislative body to hear, discuss, or deliberate on any matter within the agency’s jurisdiction – even if no action is taken – is a meeting. (Gov. Code § 54952.2(a).) There are exceptions, however, for public conferences or meetings, meetings of another agency, and social or ceremonial occasions, provided that a majority does not privately discuss agency business at those gatherings. (Gov. Code § 54952.2(c).) A meeting also occurs if a majority of members develop a collective concurrence as to action to be taken, whether this occurs directly or through intermediaries or technological devices. (Gov. Code § 54952.2(b).) This is known as a “serial meeting.”

These broad legal definitions make it very easy to inadvertently hold an unauthorized meeting in violation of the Brown Act. A member can participate in a meeting without even knowing it. The following are examples of common pitfalls, followed by practices to avoid or adopt. Each example assumes a five-member legislative body.

- Chain communications. For example, Director A talks to Director B. Then Director B talks to Director C. At this point, Director B has caused a meeting to occur, whether or not he discloses his other conversation to Directors A or C. If Director B does not disclose those conversations to the other directors, then Directors A and C are unknowing participants in a Brown Act violation.
- Hub-and-Spoke communications. In this instance, Director A asks Employee X to speak to Directors B and C on a particular issue, and to report what they say back to Director A. Again, a meeting has occurred, with Employee X as the hub of the communications, and Directors B and C as unknowing participants in an unauthorized meeting.
- Constituent meetings. Citizens have a constitutional right to petition their elected officials. However, if a constituent “makes the rounds” to meet with Directors A, B, and C, and in the process tells Director C what the other two directors said, the constituent has caused an unauthorized meeting to occur. Directors A and B are unknowing participants in an unauthorized meeting. Note that this scenario can unfold in person, via telephone, or via electronic communications.
- Intra-Board Email or text communications. Director A sends a message to the entire Board about some item of agency business. So far, there are only four two-member communications and no Brown Act violation. But then Director B decides to "reply all" with his thoughts. At that point, Directors C, D, and E know the views of a majority of the legislative body, and thus an unauthorized Brown Act meeting has occurred.

Another scenario involves undisclosed electronic communications during public meetings. Director A makes a motion, and Director B seconds it. Director C sends them each a text message saying, “I will vote for this motion if you’ll vote my way on the next item.” Despite occurring during an agenda meeting, this exchange constitutes a second, unauthorized meeting in violation of the Brown Act.

- Public electronic communications. The scenarios in this area multiply as new technologies and innovations create new avenues of communication. For example, Director A reads an online news story about an issue pending before the agency’s Board, and decides to submit a comment explaining her views. Director B reads Director A’s comment and decides to weigh in. Director C then submits a comment, as well. Although this exchange is occurring in public on the Internet, it is not occurring in a noticed public meeting that meets Brown Act requirements; therefore, it is a violation.

In another scenario, Director A sends an email “blast” about a particular issue to a large list of constituents. One constituent forwards the message to Directors B and C, each of whom reply individually with their views, which the constituent then forwards back to Director A. Directors A, B, and C have now all participated in an unauthorized Brown Act meeting, whether or not any of them asked the constituent to disclose any of the various cross-communications.

Each day seems to bring new social media sites, blogs, private websites, and similar on-line, interactive technologies with either public or private comment functions that can lead to additional scenarios like those above. To guide Board Members, consider adopting and avoiding the following practices:

Practices to avoid:

- A Director should never discuss an item of agency business with two other Directors, either together or separately, directly or indirectly through an intermediary.
- Once a Director has communicated with any other Director about an item of District business, he should never initiate or accept a communication with any other Director on the same topic except at a noticed meeting.
- When a Director communicates with a District employee about an item of District business, he should never ask the employee to reveal any discussions the employee had with any other Director on the same topic.
- Directors should not exchange email or text messages with each other or with Constituents while meetings are taking place.

Practices to adopt:

- Whenever Director A discusses an item of District business with Director B, he should begin by ascertaining whether Director B has already talked to any other Director, or heard any other Director's views indirectly, on the subject at hand.
- If the answer is "no," Director A and B can communicate, but they should conclude their exchange with a mutual commitment not to communicate with any other Director outside of an authorized meeting.
- Whenever a Director and a constituent communicate on an item of agency business, the Director should caution the constituent not to disclose the content of any communications with other Directors on the same subject, and stop the constituent if they attempt to volunteer such information.
- Directors should always use the "bcc" address line when sending email messages to more than one other Director, because "bccs" do not receive a "reply all" message.

CPRA Basics

The CPRA sets minimum standards for the public's access to public records. The CPRA's definition of what constitutes a "public record" is exceptionally broad: "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code § 6252(e).) A "writing," in turn, is defined as virtually any tangible or electronic document, image, or sound, in any format. (Gov. Code § 6252(g).)

Subject to reasonable conditions to allow the agency to continue to function, any member of the public may inspect or copy any public record, unless the record is exempt from disclosure (either temporarily or permanently) under one or more of several dozen specific provisions, or because the agency can demonstrate that the public interest in not disclosing the record substantially outweighs the public interest in disclosure. (See Gov. Code §§ 6254 (enumerating many specific exemptions), 6255 ("catch-all" exemption).) When a record contains both disclosable and exempt content, the agency must redact the exempt content and disclose the rest of the record.

When an agency receives a request for public records, it must generally respond within 10 days to advise the requestor whether it has records responsive to the request and whether it will produce them or claim an exemption. (Gov. Code § 6253(c).) If it withholds records or parts of

records on the basis of an exemption, the agency must respond in writing, explaining the basis for the withholding and stating who made the decision to withhold. (Gov. Code § 6255(b).) If the request is too broad or vague to identify the records being sought, the agency must provide suggestions to the requestor on how to focus their request to make it intelligible. (Gov. Code § 6253.1.) The CPRA applies only to records in existence, however—the agency has no duty to create a new record, report, or other compilation of information simply to respond more effectively or efficiently to a request. (Gov. Code § 6252(e).) Nor does the agency have any duty to reconstruct records that have previously been disposed of in accordance with a valid records retention program. (*Id.* at § 6252(e).)

After the initial response, the CPRA provides the agency with a reasonable amount of time, under the circumstances, to actually make the responsive documents available. (Gov. Code § 6253(b).)

Although responding to public records requests is often a significant burden upon agency staffing and other resources, the CPRA strictly limits the agency's ability to recoup its costs of compliance. If the request is to inspect records, the agency may not charge any costs. If the request is for copies of records, the agency may only charge a nominal fee for the direct costs of copying. The agency may not charge any of its time spent researching, compiling, reviewing, or redacting the records. (Gov. Code § 6253(b).)

Because requestors sometimes abandon their requests, the District now requires partial deposits of the estimated copying costs at an early stage of responding to the request.

CPRA Pitfalls and Practices

Like the Brown Act's broad definition of a "meeting," the CPRA's broad definition of a "public record" is the source of legal pitfalls. Some good practices can minimize these pitfalls.

- An agency's professional services agreement includes common "boilerplate" language giving the agency ownership over all of the records a consultant creates in the course of their retention by the agency, whether or not those records ever leave the consultant's office. This ownership interest confers sufficient control over its consultants' (but not sub-consultants') papers to render them public records within the agency's "constructive possession." (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1428; *Consolidated Irrigation District v. Superior Court* (2012) 205 Cal.App.4th 697, 710.)
- A Director sends and receives email, voice mail, and text messages about agency business at private accounts. Because the agency acts through its Board, Directors' records are "public records" if they address agency business. Even though the agency does not control the devices or servers on which the records reside, the Director does and they were used to transact public business. They are, therefore, subject to disclosure under the CPRA. The agency must obtain them from the Director, segregate any personal or other exempt information, and disclose the remainder. This was the holding of a trial court decision in 2013. (*Smith v. City of San Jose* (March 19, 2013), Santa Clara Superior Court Case No. 1-09-CV-150427.) That decision was overturned on appeal by the Sixth District Court of Appeals in *City of San Jose v. Superior Court* (2014) 225 Cal.App.4th 75, 89, which is presently pending on appeal in the California Superior Court.

Practices to address these pitfalls include:

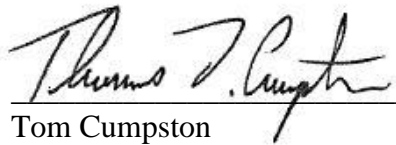
- Contract language that limits ownership of consultant records to those records actually delivered into the agency's possession.
- Using only official agency email accounts and phone numbers to send and receive all communications about agency business. If communications are received on a private device, forward them immediately to an official device or account and read or listen to them there.
- Conversely, do not send or receive personal communications on official devices or accounts; keep as strict a separation as possible between the public and the personal.

Board Decision/Options:

None. Information only.



Brian Poulsen
General Counsel



Tom Cumpston
Acting General Manager

Brown Act/Public Records Act Requirements

El Dorado Irrigation District

January 9, 2017

Previous Board Actions

- None.

Board Policies, Administrative Regulations, and Board Authority

- **BP 2030 -- Role of the General Counsel: The General Counsel shall be responsible for, among other things, ensuring full compliance with applicable laws and regulations in all District activities.**

Summary of Issues

- **California law is committed to the principle of open government; the public's business should be done in the public's view**
 - **Ralph M. Brown Open Meetings Act (Brown Act)**
 - **California Public Records Act (CPRA)**
 - **Proposition 59 (2004)**
- **Scope of presentation**
 - **Some basics of each law**
 - **Common pitfalls and practices to adopt or avoid**
 - **Evolving, unresolved legal issues raised by today's technologies**

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- **Brown Act's intent: that both a legislative bodies' actions and its deliberations be conducted openly**
- **Legislative bodies must:**
 - **Meet in public**
 - **Provide the public with advanced notice of its meetings**
 - **Provide the public with an opportunity to participate**

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- Applies to the legislative bodies of all local agencies
- Once elected, Board members are subject to the Brown Act even before assuming office
- “Legislative body” is broadly defined
 - Board of Directors
 - Any other body created by charter, ordinance, resolution, or formal action of a legislative body
 - Exception: ad hoc advisory committees comprised solely of less than a quorum of the Board

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- **Meetings must be held in public**
 - **Exceptions: a limited list of topics for which a closed session is expressly authorized**
- **Meetings must be agendized**
- **Post agenda in advance**
 - **Brief, general description of each item to be transacted or discussed**
 - **Strict limits on departing from posted agenda**
- **Meetings must be within the agency's territory**
 - **Limited exceptions**

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- Public testimony must be allowed on each agenda item before or during its consideration
- At regular meetings, the public must also be allowed to address the legislative body on any item within its subject-matter jurisdiction
- Board retains authority to control its meetings
 - For example, time limits, procedural rules, restraints on disruptive activities or conduct

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- Closed sessions allowed for particular, enumerated topics
 - For example, litigation, personnel matters, security issues, negotiations on real property, labor issues
 - Must disclose subject matter before closed session, report certain final votes and actions taken immediately after closed session
- No one may disclose confidential information acquired during a closed session, unless the legislative body authorizes it
 - Very limited exceptions

STAFF ANALYSIS/EVALUATION

Brown Act Basics

- **Brown Act violations have consequences**
 - They put the validity of actions taken at risk
 - They expose the agency to liability for a plaintiff's attorneys fees
 - Under some circumstances, a member of the legislative body can be prosecuted criminally

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- A Brown Act “meeting” includes many activities that may not seem like a meeting
- Any congregation of a majority to hear, discuss, or deliberate on a matter within the agency’s jurisdiction is usually a meeting, even if no action is taken
 - Exceptions: public conferences or meetings, meetings of another agency, and social or ceremonial occasions, if no private majority discussion of agency business
- A majority’s communications to develop a collective concurrence as to action to be taken is a meeting, whether this occurs directly or through intermediaries or technological devices
 - Commonly called a “serial meeting”

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- Accidental meetings that violate the Brown Act can occur all too easily
- A member can participate in a meeting without even knowing it
- Knowing common pitfalls and avoiding or adopting certain practices will greatly reduce the risk of violation
 - Examples assume a five-member board

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- **Chain communications**
 - Director A talks to Director B
 - Then Director B talks to Director C
 - Director B has caused a meeting to occur, whether or not he discloses his other conversation to Directors A or C
 - If Director B does not disclose those conversations to the other directors, then Directors A and C are unknowing participants in a Brown Act violation

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- **Hub-and-spoke communications**
 - Director A asks Employee X to speak to Directors B and C on a particular issue, and to report what they say back to Director A
 - Employee X is the “hub” of unauthorized meeting
 - Directors B and C are unknowing participants

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- **Constituent meetings**
 - Citizens' free-speech rights are unaffected
 - But suppose a constituent “makes the rounds” to meet with Directors A, B, and C on an issue
 - Constituent tells Director C what the other two directors said
 - The constituent has caused an unauthorized “hub-and-spoke” meeting to occur
 - Directors A and B are unknowing participants in a Brown Act violation
 - This can occur in person, via telephone, or via electronic communications

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- **Intra-Board email or text communications**
 - Director A sends a message to the entire Board about an issue
 - So far, this is multiple two-member communications; no Brown Act violation
 - Director B “replies all” with his thoughts
 - Directors C, D, and E know the views of a majority of the legislative body
 - An unauthorized Brown Act meeting has occurred
 - This can occur during an authorized public meeting

STAFF ANALYSIS/EVALUATION

Brown Act Pitfalls

- Public electronic communications
 - Online news site
 - Director A submits a comment on an EID story
 - Director B reads comment, adds his own
 - Director C does the same
 - Although in public, not a noticed and agendized meeting
 - Email “blasts”
 - Director A emails a large group
 - Recipient forwards message to Directors B and C, who reply
 - Recipient forwards or reports replies to Director A
 - Unauthorized meeting, regardless of B and C’s intent
- Scenarios arise as new communication modes appear

STAFF ANALYSIS/EVALUATION

Practices to Avoid

- Never discuss an item of agency business with two other directors, except at a meeting
 - Together **or separately**
 - Directly **or indirectly** (through a person or technology)
- “Quarantine” after one director-to-director communication on an issue
 - One director-to-director communication is all
 - Neither should initiate **or accept** a communication with a third director on that topic, except at a meeting
- Don't turn employees into hubs
 - Never ask or allow employees to reveal discussions with another director on an issue
- No private communications during public meetings

STAFF ANALYSIS/EVALUATION

Practices to Adopt

- Before any director-to-director communication on an issue:
 - Ascertain whether the other Director has already knows (directly or indirectly) of a third Director's view
 - If not, go ahead, but mutually commit not to communicate with other directors, except at a meeting
- In constituent meetings, caution the constituent not to disclose the content of any other director communications, or to pass yours on
- Avoid electronic communications to a majority of directors
- Use "bcc" to send any email to more than one other director
 - "bccs" do not receive a "reply all" message

STAFF ANALYSIS/EVALUATION

CPRA Basics

- CPRA sets minimum standards for access to public records
- Exceptionally broad definition of “public record”
 - Any **writing** containing information relating to the conduct of the public’s business **prepared, owned, used, or retained** by any state or local agency regardless of physical form or characteristics
 - A “writing” is virtually any tangible or electronic document, image, or sound, in any format

STAFF ANALYSIS/EVALUATION

CPRA Basics

- Any member of the public may inspect or copy any public record
 - Subject to reasonable conditions that allow an agency to continue functioning
 - Subject to dozens of specific exemptions from disclosure
 - Subject to “catch-all” exemption: agency demonstrates that the public interest in not disclosing the record **substantially outweighs** the public interest in disclosure
- If only part of a record is exempt, the agency may redact the exempt content and must disclose the rest

STAFF ANALYSIS/EVALUATION

CPRA Basics

- Initial response to a request: generally have 10 days to state whether or not responsive records exist and will be produced
- Also, a duty to help requestor focus overly broad or vague requests
- No duty to create records that don't already exist

STAFF ANALYSIS/EVALUATION

CPRA Basics

- Requests are often very burdensome, but cost recovery is strictly limited
 - No charge for inspection, even under supervision
 - Reasonable timing, other restrictions are allowed
 - If the request is for copies of the records
 - No charge for research, compiling, reviewing, redacting, replacing
 - May only charge for the direct costs of copying

STAFF ANALYSIS/EVALUATION

CPRA Pitfalls

- Like a Brown Act “meeting,” CPRA “public record” definition creates legal pitfalls
- Ownership of consultant documents
 - PSAs often have broad boilerplate language creating agency ownership of all documents, even if the agency never receives them (“constructive possession” renders all of the consultant’s papers public records)

STAFF ANALYSIS/EVALUATION

CPRA Pitfalls

- **Private electronic devices and accounts**
 - *City of San Jose case, 2013*
 - If email, voice mail, texts, etc. on any Board members' private devices or accounts address agency business, they are public records
 - Even if the agency does not own or control the devices or servers on which they are kept
 - Even if they are mixed with the person's private records
 - Agency must obtain, sort/redact, and disclose them
 - In 2014, Court of Appeal overturned the trial court
 - Currently pending before the Supreme Court

STAFF ANALYSIS/EVALUATION

Practices to Adopt

- **Limit ownership of consultant records**
 - Only records actually received by the agency
 - District has amended its contract form language
- **Use only official agency email accounts and devices to communicate about agency business**
 - Immediately forward records received on private devices or accounts to the official location before reviewing
- **Don't use official devices or accounts for personal communications**
 - Keep as strict a separation as possible between the public and the personal

BOARD DECISION / OPTIONS

- **None. Information item only.**

EL DORADO IRRIGATION DISTRICT

SUBJECT: Discussion of 2017 association and community organization assignments.

Previous Board Action:

The Board President annually acts on nominations, appointment, and ongoing participation in associations and community organizations.

Board Policies (BP), Administrative Regulations (AR), and Board Authority:

BP 12100 states that the President, with concurrence by the Board, may appoint Board representatives to various organizations and associations. These entities shall be identified in AR 12101 and updated annually in consultation with the General Manager and General Counsel.

Summary of Issue(s):

Listed below are current appointments and ongoing participation in association and community organizations. President Osborne wishes to have a public discussion of any prospective changes before taking action.

- **Association of California Water Agencies (ACWA)**
Director Michael Raffety
- **Association of California Water Agencies (ACWA) / Joint Powers Insurance Authority (JPIA)**
Director George Osborne
Vacant, Alternate
- **Association of California Water Agencies (ACWA) Region 3**
Director Michael Raffety
- **El Dorado County Chamber of Commerce**
Director Dale Coco, MD
- **El Dorado County Citizens for Water**
Director Michael Raffety
Director Dale Coco, MD
- **El Dorado County Fire Chiefs Association**
Director George Osborne
- **El Dorado Local Agency Formation Commission (LAFCO)**
Director Dale Coco, MD

- **Mountain Counties Water Resources Association**
Director Michael Raffety, Representative

- **El Dorado Water and Power Authority (EDWPA)**
Director George Osborne
Director Greg Prada
Director Michael Raffety
Director Dale Coco, MD
Director Alan Day

- **Regional Water Authority (RWA)**
Director Michael Raffety, Representative
Director Dale Coco, MD, Alternate

- **Taxpayers Association of El Dorado County**
Director Michael Raffety
Director Dale Coco, MD

Board Decisions/Options:

Option 1: Concur with Board President Osborne’s recommendation of 2017 association and community organization assignments.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Board President’s Recommendation:

Option 1.

Support Documents Attached:

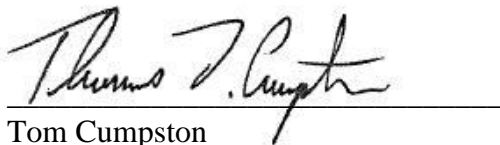
None



Jennifer Sullivan
Clerk to the Board



Brian Poulsen
General Counsel



Tom Cumpston
Acting General Manager

 for

George W. Osborne
Board President