AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
April 9, 2020
9:00 a.m.
* Please Note Closed Session will be called first on the Agenda
Rich Farrington, President District 3
Susan Peters, Vice President District 4
Paul Molinelli Jr., Director District 1
Gary Thomas, Director District 2
Randy Livingston, Director District 5

Please Note: Members of the public will have the opportunity to directly address the Agency Board of Directors concerning any item listed on the Agenda below before or during consideration of that item. There is a three minute time limit per person
The Board President may take items out of order to accommodate the public or to promote the order of the meeting.

In order to accommodate the social distancing practices required to reduce the risk of spreading COVID-19 and provide for the safety of the public, our employees and Board of Directors, the Agency will conduct its public meetings via teleconference until further notice.

1. CLOSED SESSION will be called at 9:00 a.m.
   A. Pursuant to Government Code Sections 54957 Public Employee Performance Evaluation-Interim General Manager

   B. Pursuant to Government Code sections 54954.5 (e) and GC 54957 (b) Public employee discipline/dismissal/release.

2. OPEN SESSION WILL BE CALLED AT 10:00 a.m.
   Members of the public wishing to participate in the Regular Board meeting should use the information below:

   Please join my meeting from your computer, tablet or smartphone.
   https://global.gotomeeting.com/join/212502749

   You can also dial in using your phone.
   United States (Toll Free): 1 866 899 4679
   United States: +1 (312) 757-3119

   Access Code: 212-502-749

Website Address: www.amadorwater.org
The Board President will call for public comment on each agenda item at the appropriate time to ensure that the public may be heard and all votes by the Board will be taken by roll call.

3. CALL TO ORDER – ROLL CALL

4. REPORT OUT FROM CLOSED SESSION

5. ADDITIONS TO AGENDA
   Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2

6. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA
   A. Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of Amador Water Agency; however, any matter that requires action will be referred to Staff for a report and action at a subsequent Board meeting. Please note there is a three (3) minute time limit per person.

7. CONSENT AGENDA
   A. Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

8. DEPARTMENT REPORTS
   Staff Reports will be provided by Managers to update the Board of Directors on current activities within their areas of responsibility
   A. Administration/Finance
   B. Operations
   C. Engineering

9. WATER SYSTEM
   A. Ione Hydro Generation Project Update
   B. Ione Water Treatment Plant
      1. Discussion and possible action to adopt Resolution No 2020-04 accepting the completion of the capital improvement project of the Ione Water Treatment Plant Rehabilitation project

10. AGENCY GENERAL
   A. Administrative Policy Manual
      1. Discussion and possible action regarding revised policy draft:
         AWA-PL-BOD 001- Rules for Proceedings of the Board of Directors
         AWA-PL- BOD 008- Board Delegation of Authority
         AWA – PL- BOD 13- Fire Protection Agency Cooperation

      2. Discussion and possible action to adopt Administrative Policy Section 1- Administrative Policies and Section 2 Board of Directors policies

Website Address: www.amadorwater.org
B. General Manager Recruitment Update

C. Emergency Action Plan (EAP) - COVID-19 Risk Minimization and Outbreak Response Plan
   1. EAP Status Update
   2. Temporary Emergency Telecommuting Policy/ Procedure-Informational only-
   3. Agency Compliance with federally mandated Families First Coronavirus Response Act: Employee Paid Leave Rights – Informational only

D. Quarterly Investment Report
   1. Report of the Agency’s Investment Performance through March 30, 2019

11.LEGAL COUNSEL’S REPORT
   A. Legislative report
   B. Discussion and possible action regarding Agency positions on pending bills
   C. Other Legal Matters

12.INTERIM GENERAL MANAGER REPORT

13.COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS

14.FUTURE AGENDA TOPICS
   A. This item is to provide the Board Members an opportunity to request items to be placed on future agendas.

15.ADJOURNMENT – The estimated adjournment time for this meeting is 1:00 p.m.
AMADOR WATER AGENCY
CONSENT AGENDA
April 9, 2020

Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

1. MINUTES
   A. Approval of minutes of the Regular Board Meeting of March 26, 2020

2. RESOLUTIONS
   A. Adoption of Resolution 2020-06 authorizing designated individuals to execute, on behalf of the Amador Water Agency, an application and to file it with the California Emergency Management Agency for obtaining Federal Financial Assistance

SCHEDULE OF UPCOMING BOARD MEETING

Thursday, April 23, 2020, 9:00 a.m.
Regular Board of Directors Meeting

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Cris Thompson at (209) 223-3018 or (209) 257-5281 (fax). Requests must be made as early as possible, and at least two-full business days before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Amador Water Agency Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at 12800 Ridge Rd, Sutter Creek CA 95685

Website Address: www.amadorwater.org
AMADOR WATER AGENCY
Board of Directors
Regular Meeting

March 26, 2020

In order to accommodate the social distancing practices required to reduce the risk of spreading COVID-19 and provide for the safety of the public, our employees and Board of Directors, the Agency will conduct its public meetings via teleconference until further notice. Members of the public wishing to participate in this meeting should use this call-in number:

Teleconference Call-in Number: 1-605-475-4000
Passcode: 158612#

The Board President will call for public comment on each agenda item at the appropriate time to ensure that the public may be heard and all votes by the Board will be taken by roll call.

MINUTES

Directors Present: Richard Farrington, President
Susan Peters, Vice President
Gary Thomas
Paul Molinelli Jr.
Randy Livingston

Directors Absent: None

Staff Present: Via Teleconference:
John Kingsbury, Interim General Manager
Cris Thompson, Assistant GM/ Clerk of the Board
Karen Gish, HR/ Office Manager
Tracey Hays, Finance Manager
Darrel Evensen, Engineering Manager
Rick Ferriera, Operations Manager

CALL TO ORDER- President Farrington called the meeting to order at 9:00 a.m.
ADDITIONS TO THE AGENDA - None

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA – None

CONSENT AGENDA (8:40- 10:30)

MOTION: It was moved by Director Molinelli Jr., seconded by Director Thomas and unanimously carried to approve the consent agenda as presented.

Roll Call:
Director Livingston-Aye
Director Peters-Aye
Director Molinelli Jr- Aye
Director Thomas-Aye
Director Farrington- Aye

Wildflower Subdivision (10:30 – 16:35)
Discussion and possible action to adopt Resolution No. 2020-05 approving a variance from Water Code Section 2.06 to authorize an additional three-year extension of the will-serve commitment for the Wildflower Subdivision.

MOTION: It was moved by Director Livingston, seconded by Director Molinelli Jr. to adopt Res 2020-05 adopting

Roll Call:
Director Livingston-Aye
Director Peters-Aye
Director Molinelli Jr- Aye
Director Thomas-Aye
Director Farrington- Aye

Jackson Valley Irrigation District (16:36- 25:34)
Discussion and possible action to authorize the Board President to execute an Emergency Water Supply Agreement between Amador Water Agency and Jackson Valley Irrigation District and to direct the Operations Manager to file a CEQA Notice of Exemption for the project.

Public Comment: Steven Frederick, JVID General Manager

MOTION: It was moved by Director Molinelli Jr., seconded by Director Thomas and unanimously carried to authorize the Board President to execute an Emergency Water Supply Agreement between Amador Water Agency and Jackson Valley Irrigation District and to direct the Operations Manager to file a CEQA Notice of Exemption for the project
Roll Call:
Director Livingston-Aye
Director Peters-Aye
Director Thomas-Aye
Director Molinelli Jr.- Aye
Director Farrington- Aye

AGENCY GENERAL
General Manager Recruitment Update (26:02 – 31:26)

Emergency Action Plan - COVID-19 Risk Minimization and Outbreak Response Plan Discussion and possible action to ratify the proposed plan. (31:27- 52:00)

MOTION: It was moved by Director Peters, seconded by Director Thomas and unanimously carried to ratify the proposed plan with some flexibility to the Interim General Manager to revise as needed.

Roll Call:
Director Livingston-Aye
Director Peters-Aye
Director Thomas-Aye
Director Molinelli Jr. - Aye
Director Farrington- Aye

WATER SYSTEM
lone Water Treatment Plant (53:05- 1:07:00)
Closeout report regarding lone Water Treatment Plant Rehabilitation Project (FY 18-19), Discussion and possible action to adopt Resolution No 2020-04.

Direction was given to staff to make revisions to the Resolution and bring back to a future meeting.

INTERIM GENERAL MANAGER REPORT (1:07:00- 1:08:14)

BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS – (1:08:14- 1:15:58)

Budget and Finance (03-17-20 Cancelled)

FUTURE AGENDA TOPICS (1:15:58- 1:25:00)

Regular Board Meeting
March 26, 2020

Page 3
ADJOURNMENT- President Farrington adjourned the meeting at 10:25 a.m.

Cris Thompson
Clerk of the Board of Directors

Approved: ____________________________

Regular Board Meeting
March 26, 2020
Page 4
RESOLUTION NO. 2020-06

OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
AUTHORIZING DESIGNATED INDIVIDUALS TO EXECUTE, ON BEHALF OF
THE AMADOR WATER AGENCY, AN APPLICATION AND TO FILE IT WITH
THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY FOR OBTAINING
FEDERAL FINANCIAL ASSISTANCE

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Amador Water Agency as follows:

1. The Designation of Applicant's Agent Resolution for Non-State Agencies attached hereto as Exhibit A is hereby approved and incorporated herein as the Agency's designation of the individuals authorized to apply for federal financial assistance for recovering costs incurred by the Agency as described in Exhibit A.

2. The General Manager or his designee is hereby authorized to execute all documents and perform all acts necessary to carry out the activities authorized in this resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 9th day of April, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Signed and approved by me after its passage this 9th day of April, 2020

______________________________
Richard Farrington, President
Board of Directors

ATTEST:

______________________________
Cris L. Thompson
Clerk of the Board of Directors
DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE [Board of Directors] OF THE [Amador Water Agency]
(Governing Body) (Name of Applicant)

THAT [General Manager], OR
(Title of Authorized Agent)
[Assistant General Manager], OR
(Title of Authorized Agent)
[Operations Manager] is hereby authorized to execute for and on behalf of the [Amador Water Agency], a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor’s Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the [Amador Water Agency], a public entity established under the laws of the State of California, (Name of Applicant)
hereby authorizes its agent(s) to provide to the Governor’s Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) ________________

Passed and approved this ________ day of ________________ , 2020

[Signature] (Name and Title of Governing Body Representative)

[Signature] (Name and Title of Governing Body Representative)

[Signature] (Name and Title of Governing Body Representative)

CERTIFICATION

I, [Cris Thompson], duly appointed and [Clerk of the Board] of [Amador Water Agency], do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the [Board of Directors] of the [Amador Water Agency] on the ________ day of ________________ , 2020.

[Signature] (Title)
PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: ____________________________________________

(Open the space for the organization’s name)

ADDRESS: _______________________________________________________

CITY: __________________________ STATE: ___________ ZIP CODE: ______

TELEPHONE: __________________ FAX NUMBER: __________________

AUTHORIZED AGENT: ___________________ TITLE: __________________

EMAIL ADDRESS: _________________________________________________

ASSURANCES – CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the California Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the subrecipient named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, Federal Office of Inspector General 2 CFR 200.336, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.

8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based pain in construction or rehabilitation of residence structures.
9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-502) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $5,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.O. 93-205).


15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(c) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.

16. Subrecipients expending $750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.

17. Will disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with §200.112.

18. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.

19. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subrecipient application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:

a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;

b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.

c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
20. The non-Federal entity for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award §200.113. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.

21. Will not make any award or permit any award (subaward or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subrecipient to enter into this agreement for and on behalf of the said subrecipient, and by my signature do bind the subrecipient to the terms thereof."

______________________________
PRINTED NAME

______________________________
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

______________________________
TITLE

______________________________
DATE
Administration Department Report

Customer Service/Human Resources:
- The 2019/2020 (7/1/19-6/30/20) Safety Statistics for Agency staff are:
  - Lost time worker’s comp incident: 1 (FYI: date of last incident: 10/28/19)
  - Other Worker Comp incident: 0 (FYI: date of last incident: 5/10/17)
  - First Aid incident: 0
  - Avoidable vehicle accident: 0 (FYI: date of last accident: 9/13/18)
  - Unavoidable vehicle accident: 0

- Staffing: Customer Service Rep I – Jessi Bylund, started April 6, 2020
- SB 998 Update – all items to implement have been completed. Final budget impact of costs to be reported at next meeting.
- COVID-19 Customer Service impacts
  - Office closed to the public
  - Suspended 10-day Shut Off Notice, Door Tags and Shut Offs
  - Suspended Delinquent Fees
  - Sending reminder notices and doing reminder calls to encourage payment plans
  - Have discussed and tested remote processes in case we move to Risk Level 4

- COVID-19 HR impacts
  - Work on establishing policies to comply with Risk Level 3 and Level 4 remote working and compliance with the new temporary FMLA Expanded Leave and Emergency Sick Leave laws
  - Established a GoToMeeting account to accommodate social distancing; conducting staff meetings and other such needed meetings through this media

Finance/Accounting:
- Water Sales Revenues through the month of March are $6,597,778
- Wastewater Sales Revenues through the month of March are $1,374,313

- Reimbursements received: $0
- Outstanding Reimbursements are approximately $897,086

- Restricted and Unrestricted Cash: Attached

- Participation Fees Revenue through the month of March:
  - Water $320,565
  - Wastewater $72,513

- March Sales Comparison: Attached
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<th>Feb-18</th>
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<tr>
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<td>2,007,227</td>
<td>1,085,413</td>
<td>1,775,040</td>
<td>1,360,963</td>
<td>1,605,540</td>
<td>1,083,971</td>
<td>1,290,540</td>
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<td>1,215,982</td>
<td>2,539,376</td>
<td>1,484,851</td>
<td>3,160,529</td>
<td>1,182,421</td>
<td>2,994,192</td>
<td>1,276,086</td>
<td>2,686,802</td>
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<td>3,223,209</td>
<td>3,624,789</td>
<td>3,259,891</td>
<td>4,521,492</td>
<td>2,787,961</td>
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<td>3,299,944</td>
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<th>Dec-18</th>
<th>Dec-19</th>
<th>Jan-19</th>
<th>Jan-20</th>
<th>Feb-19</th>
<th>Feb-20</th>
<th>Mar-19</th>
<th>Mar-20</th>
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<td>1,372,418</td>
<td>970,642</td>
<td>868,327</td>
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<td>1,318,855</td>
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<td>1,133,583</td>
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<td>1,845,029</td>
<td>2,644,604</td>
<td>1,728,818</td>
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<td>2,691,273</td>
<td>3,855,887</td>
<td>2,001,910</td>
<td>3,987,916</td>
<td>3,148,470</td>
<td>3,454,241</td>
<td>3,155,505</td>
<td>3,529,294</td>
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</table>
Operations Report

Covering March 1 – March 31, 2020

Operations Manager:

1. Worked on COVID-19 issues
2. O&M Budget Review and preparation for 2020/2021 Budget
3. See attached Pandemic schedule

Regulatory Compliance Specialist:

2. Began Annual Reports (8 of them)
3. Drafted Inspection responses to State regulator for lone and Tanner Inspections

Water Treatment Plants:

4. Vegetation Management – Facility Spraying

Electrical:

5. New Radio Telemetry Communications – Lone Hydro

Construction:

6. Leak repair on 3" Eldel and Pine Acres
7. Finished Safety Stairs at Buckhorn
8. Replaced Fire Hydrant Village Dr. Camanche

Distribution:

9. Repaired 4 out of service Fire Hydrants

Canal:

10. Repaired Major leak on West Clinton – Installed 20' of 36'' Pipe and 300 LF of Liner

Prepared by: Andrea Petretti, Administrative Assistant II
Reviewed and edited by: Rick Ferriera, Operations Manager
River Pines Department Report
March 1, – March 31, 2020

Water Production/Sold

<table>
<thead>
<tr>
<th>Well</th>
<th>Production/Sold</th>
<th>Total Produced: 983,215 gallons</th>
<th>Total Sold: 560,755 gallons</th>
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<tbody>
<tr>
<td>Well 2</td>
<td>485,800 gallons</td>
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<tr>
<td>Well 3R</td>
<td>461,600 gallons</td>
<td></td>
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</tr>
<tr>
<td>Well 6R</td>
<td>35,793 gallons</td>
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</table>

Unaccounted Loss: 43%

Regulatory Compliance Specialist-
- Monthly reporting for water and wastewater, including No Spill report on CIWQS

Wastewater-
- Influent flow 1,233,300 gallons, Effluent Discharged 629,500 gallons.
- CA Dept of Forestry working in sprayfields
- Continued to monitor collection system
- Weekly lift station monitoring

Water-
- Routine Well operation and maintenance
- Chlorine bulk tank was delivered and installed at Maintenance shop for water and wastewater.

Construction-
- Spread gravel at Well 6R site repairing the driveway that was washed out from rains.
- Swapped generator out at East Side Lift Station

Staff Hours: 55hrs Water 164.5 hrs WW

Prepared by: Andrea Hinton, Regulatory Compliance Specialist
Reviewed by: Rick Ferriera, Operations and Maintenance Manager
City of Plymouth Department Report
Covering March 1, - March 31, 2020

Regulatory Compliance Specialist-
- Completed monthly water reporting for the Division of Drinking Water and City Manager.

Distribution-
- Routine flushing
- Routine Distribution Sampling

Wastewater-
- Vacuumed out several manholes, removing debris
- Continued to monitor collection system
- Inspected grease traps and issued pump orders as needed

Staff hours: 39.75 hrs Water and 2.5 hrs WW

Prepared by: Andrea Hinton, Regulatory Compliance Specialist
Reviewed and edited by: Rick Ferriera, Operations and Maintenance Manager
Operations & Maintenance
Pandemic Schedule

O&M has decided that starting tomorrow April 2, 2020 we are implementing the following.

1. Social distancing to ensure our workforce and families of all staff remain healthy.
   a. All O&M staff will avoid the office unless necessary to perform their job duties.
   b. Supervisors will communicate with their staff via phone or email.
      i. If staff has to come to the yard, the offices are off limits, unless approved by your immediate supervisor.
      ii. Staff will communicate with their supervisor or co-workers via telephone or text.
   c. All staff will take their work trucks home and avoid coming into the yard unless needed for fuel, tools, equipment, etc.
   d. All staff will print their timecards and bring them with them. Drop off in Ready Room on Monday.
   e. Treatment operators are all reporting to their treatment plants. Joel will work from home.
   f. Andrea will be working from home and only coming in if needed.
   g. Distribution -
      i. Kreg and Jeff will come in and handle USAs, PM's, work orders and manage the work load via telephone and/or emails
      ii. Jeff will work down stairs and Kreg will work upstairs
         1. Jeff has the option to work from his home when able.
   h. Construction will stop all non-essential projects.
      i. Don – will work with other division supervisors on work task that can be done without a crew to help with social distancing
         1. Don will keep his staff from the office when possible.
   i. Wastewater – All staff will bring their trucks home and report to work as directed by their supervisor (Jerry)
   j. Electrical – All staff will take trucks home and head straight to their assigned / designated work areas for the day
k. Purchases will be done through their Supervisors who will then contact Paul via phone or email.

2. All O&M meetings will be arranged via GO-TO-Meetings – Andrea will send meeting request via email.

* On Call remains the same.
** Emergencies will be handled as normal - please remember to practice social distancing when possible
*** Please remember to keep your agency vehicle in a safe place and locked.

3. PLEASE REMEMBER TO USE BEST MANAGEMENT PRACTICES AND USE PROPER PPE!

4. These directives will be enforced and in place until further written notice.

I will be working out of my office unless I see a need to work from home.

Sincerely,

Rick Ferriera
Operations Manager
Amador Water Agency
d: 209-257-5284 f: 209-257-5267
a: 12800 Ridge Road | Sutter Creek, CA 95685
w: amadorwater.org e: referriera@amadorwater.org

facebook
**Board Meeting: April 9, 2020**

**Agenda Item 8.C**

---

**Engineering Department Report**

March 1 - March 31, 2020

### Projects Under Construction

<table>
<thead>
<tr>
<th></th>
<th>Project Description</th>
<th>Percent Complete</th>
<th>On Schedule</th>
<th>On Budget</th>
<th>Completion Date</th>
<th>Contract</th>
<th>Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1</td>
<td>Ione Hydro</td>
<td>95</td>
<td>No</td>
<td>Yes*</td>
<td>7-Jul-19</td>
<td>30-Jul-20</td>
<td></td>
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<tr>
<td>C.2</td>
<td>Ione WTP Upgrades</td>
<td>75</td>
<td>Yes</td>
<td>Yes</td>
<td>1-May-20</td>
<td>NA</td>
<td></td>
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<tr>
<td>C.3</td>
<td>Redwood Tank Replacement</td>
<td>17</td>
<td>Yes</td>
<td>Yes</td>
<td>1-Mar-21</td>
<td>1-Mar-21</td>
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<tr>
<td>C.4</td>
<td>Hwy 49 MH</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>TBD</td>
<td>NA</td>
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<tr>
<td>C.5</td>
<td>Pioneer Ph III (USDA)</td>
<td>3</td>
<td>Yes</td>
<td>Yes</td>
<td>TBD</td>
<td>8-Aug-23</td>
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</table>

* - Overall Project is on budget but complications with loan and grant financing

### Projects in Design

<table>
<thead>
<tr>
<th></th>
<th>Project Description</th>
<th>Percent Complete</th>
<th>On Schedule</th>
<th>On Budget</th>
<th>Completion Date</th>
<th>Design</th>
<th>Grant</th>
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</thead>
<tbody>
<tr>
<td>D.1</td>
<td>Pioneer Ph II (CDBG)</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>4-Apr-20</td>
<td>31-Jul-21</td>
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<tr>
<td>D.2</td>
<td>Water Master Plan</td>
<td>40</td>
<td>Yes</td>
<td>Yes</td>
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<td>NA</td>
<td>NA</td>
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<td>D.3</td>
<td>Hwy 49 Sewerline</td>
<td>Deferred</td>
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<td>Yes</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>D.5</td>
<td>Amador Canal Slide (FEMA)</td>
<td>Deferred</td>
<td>No</td>
<td>Yes</td>
<td>NA</td>
<td>30-Oct-20</td>
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<tr>
<td>D.6</td>
<td>Lift Station #2</td>
<td>Deferred</td>
<td>Yes</td>
<td>Yes</td>
<td>NA</td>
<td>NA</td>
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### Projects in Planning/Funding

<table>
<thead>
<tr>
<th></th>
<th>Project Description</th>
<th>Status</th>
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<tr>
<td>P.1</td>
<td>LCV Unit 6 WWTP</td>
<td>Compiling Package for Grant Monies</td>
</tr>
<tr>
<td>P.2</td>
<td>Mt. Crossman Tank/PS</td>
<td>Listed for Potential Grant Monies</td>
</tr>
</tbody>
</table>
P.3 Martell Future Sewer Rates Investigative stage
P.4 La Mel WTP Listed for Potential Grant Monies
P.5 Camanche 10-inch Pipe Listed for Potential Grant Monies
P.6 Reclamation Projects Investigative stage

**Developer Projects**

DP.1 Wildflower 3 and 5 Anticipated Start of Wildflower 3
DP.2 Castle Oaks 8A, 8B and 10 Anticipated Start of Castle Oaks 8

**Project Expenses through 3-31-20 are attached**

Prepared by: Darrel Evensen, Engineering Manager
## FY 19/20 Project Expenses Through 3/31/2020

<table>
<thead>
<tr>
<th>WATER PROJECTS</th>
<th>Funded By</th>
<th>Status</th>
<th>Funding Contract</th>
<th>Grant</th>
<th>FY 19-20 Budget</th>
<th>Expended to date</th>
<th>% of FY 19-20 Budget</th>
<th>Expended Life of Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone Hydroelectric</td>
<td>Grant/Loan</td>
<td></td>
<td>6/30/2020</td>
<td>$2,222,000</td>
<td>1,505,000</td>
<td>1,358,701</td>
<td>90%</td>
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<tr>
<td>Redwood Tanks Replacement - Hazard Mitigation Grant</td>
<td>Grant/Oper Rates</td>
<td></td>
<td>3/1/2021</td>
<td>$1,660,533</td>
<td>1,161,410</td>
<td>167,72</td>
<td>1%</td>
<td>88,533</td>
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<tr>
<td>CDAA Storm Repairs - Amador Canal</td>
<td>Grant/Oper Rates</td>
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<td>6/30/2021</td>
<td>$182,097</td>
<td>196,875</td>
<td>8,789</td>
<td>4%</td>
<td>12,374</td>
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<tr>
<td>Pioneer Phase II CDG</td>
<td>Grant</td>
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<td>6/30/2021</td>
<td>$4,991,321</td>
<td>249,896</td>
<td>120,760</td>
<td>48%</td>
<td>130,240</td>
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<tr>
<td>Pioneer Phase III USDA</td>
<td>Grant/Loan</td>
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<td></td>
<td></td>
<td>2,001,486</td>
<td>272,075</td>
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<td>372,167</td>
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<tr>
<td>Water Master Plan and Modeling</td>
<td>Part, Fees / Prop Taxes</td>
<td></td>
<td></td>
<td></td>
<td>292,174</td>
<td>103,991</td>
<td>36%</td>
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<td>Fire Protection Improvements</td>
<td>Part, Fees</td>
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<td></td>
<td></td>
<td>6,786</td>
<td></td>
<td>0%</td>
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<td>Fire Flow Testing Program</td>
<td>Operating Rates</td>
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<td></td>
<td>13,880</td>
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<tr>
<td>Security Upgrades</td>
<td>Operating Rates</td>
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<td></td>
<td>23,786</td>
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<tr>
<td>Lone WTP Upgrades</td>
<td>Part, Fees / CF D</td>
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<td></td>
<td></td>
<td>1,386,223</td>
<td>465,662</td>
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<td>Buckhorn Backwash Cover</td>
<td>Part Fees</td>
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<td></td>
<td></td>
<td>65,664</td>
<td>43,639</td>
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<td>Buckhorn WTP Membrane Replacement and Upgrades</td>
<td>Part Fees</td>
<td></td>
<td></td>
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<td>57,106</td>
<td>8,286</td>
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<td>8,286</td>
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<td>Standby Generators Tanks A &amp; B</td>
<td>Part Fees</td>
<td></td>
<td></td>
<td></td>
<td>82,571</td>
<td>20,409</td>
<td>25%</td>
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<td>SCADA Improvements</td>
<td>Part Fees</td>
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<td>53,890</td>
<td>6,780</td>
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<td>Mt Crossman Tank</td>
<td>Part Fees</td>
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<td>55,206</td>
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<td>Silver Tiger PE modifications</td>
<td>Part Fees</td>
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<td>57,571</td>
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<td>CAWP Water Right</td>
<td>Part Fees</td>
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<td>48,029</td>
<td>1,243</td>
<td>3%</td>
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<td>Tank and Pipeline Cathodic Protection work</td>
<td>Part Fees</td>
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<td></td>
<td></td>
<td>37,571</td>
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<td>AWA Portion SGMA and Monitoring Wells</td>
<td>Part Fees</td>
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<td>Ridge Rd Raw Water Pipeline</td>
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<td></td>
<td></td>
<td>38,726</td>
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<td>Camanche Mill</td>
<td>Camanche Reserve</td>
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<td>25,126</td>
<td>13,727</td>
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<tr>
<td>18-19 Generator Carryover</td>
<td>Operating Rates</td>
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<td></td>
<td></td>
<td>55,838</td>
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<td>Buckhorn Stairs</td>
<td>Operating Rates</td>
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<td></td>
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<td>50,000</td>
<td>22,285</td>
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<td>Buckhorn Snow-Ice Protection over entry door</td>
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<td>7,500</td>
<td>12,056</td>
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<th>WASTEWATER PROJECTS</th>
<th>Funded By</th>
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<th>Funding Contract</th>
<th>Grant</th>
<th>FY 19-20 Budget</th>
<th>Expended to date</th>
<th>% of FY 19-20 Budget</th>
<th>Expended Life of Project</th>
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<tbody>
<tr>
<td>Ridge Road Manhole Replacement</td>
<td>Operating Rates</td>
<td></td>
<td></td>
<td></td>
<td>107,727</td>
<td>2,104</td>
<td>2%</td>
<td>2,104</td>
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<td>Hwy 49 SS Upsize</td>
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<td>123,813</td>
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<td>WW Standby Generators</td>
<td>Camanche Reserves</td>
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<td></td>
<td>83,371</td>
<td>133,721</td>
<td>160%</td>
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<td>Reclamation Master Planning</td>
<td>Operating Rates</td>
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<td></td>
<td></td>
<td>10,382</td>
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<td>Lift Station 2 Improvements</td>
<td>Operating Rates</td>
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<td></td>
<td></td>
<td>131,537</td>
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<td>Pine Grove Realignment Design Review</td>
<td>Operating Rates</td>
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<td>Martell &amp; Camanche Inflow &amp; Infiltration - Study</td>
<td>Operating Rates</td>
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<td></td>
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<td>131,703</td>
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<td>Martell Sewer Improvement Study</td>
<td>Operating Rates</td>
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<td>12,090</td>
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<td>0%</td>
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Total FY 19/20 Project Expenses Through 3/31/2020: $7,509,842

Total Expended to date: $2,475,265

% of Total FY 19/20 Project Expenses: 33%
<table>
<thead>
<tr>
<th>Date</th>
<th>Developer/Contract Services Projects</th>
<th>Labor</th>
<th>Materials</th>
<th>Total</th>
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<td>3/31/2020</td>
<td>PGE OS</td>
<td>9,201</td>
<td>11,437</td>
<td>20,638</td>
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<tr>
<td></td>
<td>Pine Grove CSD OS</td>
<td>618</td>
<td>-</td>
<td>618</td>
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<td></td>
<td>RPPUD</td>
<td>33,704</td>
<td>3,563</td>
<td>37,268</td>
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<td></td>
<td>Wildflower 5</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td></td>
<td>Cal Fire WW</td>
<td>629</td>
<td>355</td>
<td>984</td>
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<td></td>
<td>Plymouth OS Water</td>
<td>36,306</td>
<td>8,591</td>
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<td></td>
<td>Plymouth OS WW</td>
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<td>13,558</td>
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<td></td>
<td>River Pines WW</td>
<td>35,021</td>
<td>10,617</td>
<td>45,638</td>
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<td></td>
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<td>226</td>
<td>1,484</td>
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**Total: 201,142**
RESOLUTION NO. 2020-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY ACCEPTING THE COMPLETION OF THE CAPITAL IMPROVEMENT PROJECT OF THE IONE WATER TREATMENT PLANT REHABILITATION PROJECT

WHEREAS, the Amador Water Agency (Agency) authorized and directed planning of the Ione Water Treatment Plant Rehabilitation Project (Project) with budgeted expenses of $78,839, from 2015 through 2017;

WHEREAS, the Agency estimated the initial budget of $3.65M for the Phase 1 Project but could not find sufficient funding and therefore had to delay the SCADA, programming and controls and additional filter bed process improvements and lower the Project budget to $856,900 for only a portion of the Phase I Project named Phase 1A;

WHEREAS, the Agency staff estimated the Opinion of Probable Cost Engineering Estimate at $676,000 after the design was completed but prior to the Project bid;

WHEREAS, the Agency authorized and directed construction of the 2018-19 Project with a construction budget of $805,579 that included Agency construction management services and a 10% contingency on October 12, 2017;

WHEREAS, the Agency awarded the Project to Vinciguerra Construction on October 10, 2017 with a construction contract in the amount of $666,500. The Project scope included rehabilitation of the filter structures, replacement of the filter media, installation of yard piping and valves, and installation of a replacement backwash pump, along with the associated electrical instrumentation and controls;

WHEREAS, the Agency amended the project budget with the addition of the Agency installation of a new 10" raw water influent meter at the Ione Water Treatment Plant on May 10, 2018. A budget increase of $9,009 was authorized for a total construction Project budget of $814,588;

WHEREAS, construction was completed on August 16, 2019, and the Project Notice of Completion was recorded on August 23, 2019, with complete project closeout on February 8, 2020
after contractor negotiations. The Project was completed in 22 months instead of the contracted 6 months, with extensive time delays that benefited the contractor but allowed for the Project construction to cease during the high water demand months of the summer. Extra construction management due to delays and contractor claims increased the project cost about $82,000;

WHEREAS, Project planning expenses were $78,839 and Project construction expenses were $851,542 ($814,588 budgeted plus an additional $36,954), for a total Project cost of $930,381.38 which includes the planning cost. Construction expenses were $36,954 over the construction budget. Project expenses were under the approved budgets for each of the five approved fiscal year budgets from 2015 through 2020;

WHEREAS, a staff After Action Review Report (2018-19, AWA Job Cost 405090, Springbrook Work Order 002) describes what was planned, what actually happened, and recommends changes for future projects;

NOW, THEREFORE BE IT RESOLVED, the Board of Directors of the Amador Water Agency does hereby accept the completed capital improvements and notes that the Agency Clerk has already filed a Notice of Completion with the Amador County Recorder.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a Regular meeting held on this 9th day of April, 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Signed and approved by me after its passage this 9th day of April, 2020.

______________________________
Richard Farrington
President, Board of Directors

ATTEST:
______________________________
Cris L. Thompson
Clerk, Board of Directors
Requested Action:

1. Discussion and possible action regarding revised draft policies:
   AWA PL BOD 001- Rules for Proceedings of the Board of Directors
   AWA PL BOD 008- Board Delegation of Authority
   AWA PL BOD 014 Fire Protection Agency Cooperation

2. Motion to approve Section 1- Administrative Policies and Section 2 Board Policies of the Amador Water Agency Policy Manual

Background:
Staff and the policy committee have been working to update Agency policies. On March 5, 2020, the Board held a workshop to review proposed policies and provide feedback and direction regarding those drafts. Direction was given to staff and Agency Counsel to bring additional revisions of the following policies back to the Board for approval: AWA PL BOD 001- Rules for Proceedings of the Board of Directors, AWA PL BOD 008- Board Delegation of Authority, AWA PL BOD 014 Fire Protection Agency Cooperation. These three policies are attached in track change format for Board consideration. In addition, direction was given to staff to make revisions to other policies in accordance with feedback from the March 5, 2020 workshop. Those revisions have been completed and each policy is attached for review in a clean version. Additional policy sections (HR, Finance and Engineering) will be brought to the Board for consideration at a later date.

Fiscal Impact: None

Committee Review: Yes

Recommendation:
Board approval of Section 1- Administrative Policies and Section 2 Board Policies of the Amador Water Agency Policy Manual.

Prepared by: Cris Thompson, Assistant General Manager
Amador Water Agency

Rules for Proceedings of the Board of Directors

Adopted:

Introduction

The Board of Directors is the governing body of the Agency, and shall act only at its regular meetings, regular adjourned meetings, special meetings, or emergency meetings. All powers of the Agency shall be exercised and performed by the Board as a body. Individual Board Members, except as provided in the Agency’s Administrative Code, Policy Manual, or as otherwise authorized by the Board, shall have no power to act for the Agency, or the Board, or to direct the Staff of the Agency.

These are the rules for the proceedings of the Board of Directors of Amador Water Agency. The purposes of these rules are to facilitate public participation during meetings of the Board, protect the rights of all Directors and to provide a process for conducting Board meetings in an orderly and efficient manner. The Amador Water Agency Enabling Act, Brown Act (Government Code section 54950, et seq.) and any other applicable law will control over any inconsistent provision contained in these rules. The Board of Directors will follow Rosenberg’s Rules of Order and related guidance as provided in (See Appendix A to this policy) for Board and Committee Meetings. (Amador Water Agency Act, Stats. 1959, ch. 2137, Chapter 95 of West’s Ann. Cal. Water Code Appendix (“Agency Act”), section 95-7.2.)

Rule 1 – Selection of Officers

The President and Vice-President of the Board will be elected by the members of the Board for a one–year term. The election will be held at the first regular meeting in December of each year. (See Agency Act section 95-7.2 and Elections Code section 10554.) The remaining provisions of this paragraph will be considered discretionary guidelines for the Board to follow in selecting its President and Vice-President, and will not be binding on the Board. The Board will normally follow a rotation by District for the election of President and Vice President under which the Vice President will normally be elected President at the conclusion of the President’s one–year term. If the membership on the Board of the President is terminated before the expiration of his or her one–year term of office, the Vice-President will automatically become the President for the balance of that term.

In the event of a contested election, the following is the recommended procedure for nominating and selecting the Board President or Vice President: (1) the then-presiding President should open nominations and ask if there are there any nominations for the contested office; (2) any Director then may make a nomination -- e.g., “I nominate Director X” -- no second is required for a nomination, although sometimes one or more Directors will second a nomination
to indicate endorsement (a Director may nominate himself or herself, but nominations cannot be accepted from members of the public); (3) a Director may decline a nomination; (4) when it appears that no one else wishes to make a nomination, the President should ask if there are additional nominations -- if there is no response, the President then should declare that the nominations for the office are closed and state the names of the nominees (it is unnecessary to have a motion to close the nominations); (5) after nominations have been closed, nominations may be reopened only by a motion, second and majority vote to reopen them; (6) after nominations have been closed and before the vote, the public should be provided an opportunity to comment on the agenda item; (7) the President then should call for votes on the nominees by a roll call vote on each nominee, and each Director should cast his or her yea or nay vote on each nominee, e.g., “For the first nominee for President, Director X, please state your vote by yea or nay;” (8) nominees should be voted on in the order in which they are nominated and the process should continue until there is a majority approval of one of the nominees; and (9) as soon as one of the nominees receives a majority vote, the President should declare that person elected to the office and no vote is taken on any remaining nominees.

The Board will by majority vote appoint a Secretary/Clerk of the Board, and a Deputy Clerk of the Board.

**Rule 2 – Duties of President of Board and Other Officers**

The President of the Board of Directors will be its presiding officer. The President’s duties will include, but not be limited to, the following: acting as the liaison between the General Manager and the Board, calling special meetings of the Board, presiding over meetings of the Board, establishing and appointing committees of the Board, and appointing representatives of the Agency to associations of which the Agency is a member or in which it has a significant interest, and applying the Rules of Conduct set forth in Appendix A. The Board will appoint representatives of the Agency to joint powers authorities of which the Agency is a member.

The Vice-President shall act if the President is absent or unable to act, and shall exercise all of the powers of the President on such occasions. If both the President and Vice-President are absent from a noticed public meeting, the remaining three Board members will choose one of their number to preside.

The Clerk of the Board shall have the following duties with respect to the affairs of the Board of Directors: (a) cause the minutes to be taken and prepared for all Board meetings; (b) keep the original copies of all final minutes, ordinances and resolutions of the Board in appropriate fire proof file cabinets and electronic files; (c) file and keep all Board committee reports according to the Agency’s records management policies; (d) attest to the minutes, ordinances, resolutions, contracts and other documents of the Board; (e) provide notice as required by law of any Board or standing committee meeting, and any hearing before the Board; and (f) act as the Agency’s elections official. The foregoing responsibilities are not intended to limit any other duties of the Clerk of the Board imposed by law, or assigned from time to time by the Board, or by the General Manager if the Clerk of the Board is an employee of the Agency.
Rule 3 – Time and Place for Regular Meetings

The regular monthly meeting of the Board of Directors will be held in the Board room at the Agency’s administrative office, 12800 Ridge Rd. Sutter Creek, California, on the second and fourth Thursday of each month, commencing at 9:00 a.m. with an estimated end time based on the items on the agenda. The location, day and time for holding regular meetings may be changed by the Board of Directors from time to time by resolution. If a regular meeting falls on a holiday as listed in Government Code section 6700, the meeting will be held on the day designated by the Board by minute order. (See Government Code section 54954(a).)

Rule 4 – Quorum Requirements

The Board of Directors consists of five members. Three members of the Board will constitute a quorum for the transaction of business. (See Agency Act sections 95-7.1 and 95-7.2).

Rule 5 – Majority Vote

Three members of the Board will be required to approve any ordinance, resolution or motion, unless a different voting requirement to approve a particular action is specified under State law. (Agency Act section 95-7.2.)

Rule 6 – What Constitutes an Affirmative Vote

Unless a Director is not voting because of a conflict of interest, a Director who is present for a vote on a matter before the Board will be deemed to have voted in the affirmative on a matter unless the Director votes against the measure by casting a “no” vote. An “abstain” vote will constitute an “aye” is not counted as a vote for or against an item. (See Dry Creek Valley Association, Inc. v. Board of Supervisors (1977) 67 Cal.App.3d 889.) When calling for the vote on a motion, the President of the Board may (a) call for “aye” and “no” votes, or (b) ask if there are any “no” votes, since the remaining Directors present will be deemed to have voted in the affirmative unless they state an abstention or are not voting due to a conflict of interest.

Rule 7 – Conflicts of Interest

If a member of the Board believes he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the Director shall following procedures provided in Section 330.00.B of the Board’s Ethics Policy (AWA PL – BOD 003) by will be used: (a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the General Manager of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Director to discuss the potential conflict with the General Manager before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict and obtaining during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest as soon as possible.
and, if a disqualifying conflict exists (e) upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, and (2) leave the Board room until after the discussion, vote and any other disposition of the matter has been concluded as provided in Section 330.00.B of the Ethics Policy, unless the matter has been placed on the consent agenda, except that the Director may speak on the matter during the time that the general public speaks on the matter. In such a case, the Board minutes will state: “Due to a potential conflict of interest, Director ______________ did not participate in the discussion, deliberation or vote on this matter.”

Rule 8 – Motions

The three steps for bringing a motion before the Board are: (a) a Director makes a motion, (b) another Director seconded the motion, and (c) the President states the motion. Once the motion has been stated by the President, it is open to formal discussion. While only one motion can be considered at a time, up to three motions may be on the floor simultaneously. When multiple motions are on the floor, the last motion made should be voted on first. There are three basic motions (a) the original motion is the one that puts forward a decision for consideration, (b) an amended motion, which is an original motion that is amended before the original motion is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second, which is then approved by the Board, or (c) a substitute motion, which completely eliminates the original or amended motion under discussion and puts a new motion before the Board. A motion may be tabled before it is voted on by motion made to table, which is then seconded and approved by the Board, or (a) a motion may be rejected without further discussion or action on the motion by a motion of “objection to consideration,” which is then seconded and approved by the Board, or (b) further discussion of a motion can be terminated by a motion “to call the question,” which is then seconded and approved by the Board. Any Director, including the President, may make or second a motion.

Rule 9 – Protection of Rights of Directors

One of the primary purposes for these rules of procedure is to protect the rights of all Directors. The President will allow each Director a reasonable opportunity to discuss a motion, after it has been made and seconded, and before it has been voted on. The President can set reasonable time limits for discussion of a motion. A Director can object to a procedural ruling by the President by stating: “Mister/Madam President, I rise to a point of order.” The President must then ask the Director to state the point of order. The President will then rule on the point of order. The President’s ruling on a point of order may be appealed by a motion made and seconded to appeal the decision, which is then voted on by the Board.

Rule 10 – Record of Vote

Except where action is taken by the unanimous vote of all Board members present and voting, the ayes and noes taken upon the passage of all ordinances, resolutions or motions will be entered upon the minutes. (Gov’t Code section 54953(c)(2).)
Rule 11 – Ordinances

The enacting clause of all ordinances passed by the Board will be: "Be it ordained by the Board of Directors of Amador Water Agency as follows:" All ordinances will be signed by the President and attested by the Clerk of the Board. (Agency Act section 95-7.2)

Rule 12 – Agenda and Agenda Materials

The General Manager, in cooperation with the Board President, will be responsible for preparing the agenda for regular Board meetings and meetings of standing and ad hoc committees (see Government Code section 54952 and Rule 22), and have the agenda for regular Board meetings and standing committee meetings posted at the Agency office in a location freely accessible to the public no later than seventy-two hours before a regular meeting and on the Agency’s website. The agenda will specify the time and location of the meeting and contain a brief, general description of each item of business to be transacted or discussed at the meeting, including closed session items. (See Government Code section 54954.2.) The General Manager shall place an item for discussion or action on the agenda at the request of any member of the Board. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting will be at 4 p.m., on the Tuesday, the week before the meeting. Any member of the public may make a request to the Board at any regular meeting to place an item for discussion on a future agenda, but such a request will be honored only if a majority of the Board approves by motion or consensus.

An agenda for a regular or special Board meeting will contain the following statements: (a) “The public may address the Board concerning an agenda item either before or during the Board’s consideration of that agenda item.” (See Government Code section 54954.3(a)); (b) “Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Agency’s Administrative Office at the address listed above.” (See Government Code section 54957.5(b)(2).); and (c) “In compliance with the Americans with Disabilities Act, if you have a disability, and you need a disability-related modification or accommodation to participate in this meeting, then please contact the Clerk of the Board. Requests must be made as early as possible, and at least one-full business day before the start of the meeting.” (See Government Code section 54954.2(a)).

Rule 13 – Requests for Copies of Agendas and Agenda Materials

Any person may request the Agency to mail or electronically mail him or her a copy of the agenda or agenda packet for any meeting of the Board. When the Agency receives such a request, the General Manager or his/her designee will distribute copies of the requested materials (except for documents that are exempt from disclosure under the Public Records Act) to the requesting party at the time that the agenda is posted or when the agenda packets are distributed to a majority of the Board members, whichever occurs first. Any request for copies of agendas or agenda packets for all Board meetings in a given year will be valid for the calendar year in which the request is submitted, and the request must be renewed after January 1 of each year in
which it is to remain in effect. (Government Code section 54954.1.)

Documents that are distributed to all or a majority of the members of the Board by any person in connection with a matter subject to discussion or consideration at a regular or special meeting of the Board will be disclosable public records under the California Public Records Act (commencing with Government Code section 6250), and will be made available upon request by a member of public without delay, except as to documents that are exempt from disclosure under the Public Records Act. Any public documents related to an open session agenda item that are distributed to all or a majority of Board members by staff or any third party less than 72 hours before a regular Board meeting will be made available for public inspection at the same time. Such documents will be available for public inspection in the customer service area of the Agency’s Administrative Office. Documents that are distributed during a regular or special Board meeting that are subject to disclosure under the Public Records Act will be made available for public inspection at the meeting, if prepared by the Agency or a member of the Board, or after the meeting, if prepared by some other person. The Agency may charge a fee for responding to requests for copies of agendas, agenda packets or other documents, which fee will be limited to the Agency’s copying and postage costs as provided in the Agency’s Records Inspection, Retention, Disposal, and Storage Policy (PL - Adm 009). (See Government Code section 54957.5(a) and (b).)

Upon request, the agenda and other documents referred to in this rule will be made available in an appropriate alternative format to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. section 12132) and the federal rules and regulations adopted in implementation thereof. (See Government Code sections 54954.1, 54954.2(a) and 54957.5(b).) The Agency will not charge a special surcharge to provide documents requested in an alternative format by a person with a disability in accordance with the Americans with Disabilities Act and its implementing regulations. (See Government Code section 54957.5(c).)

The Agency records the meeting, and will retain the recording for at least two years following the meeting, after which it may be erased or destroyed. The public may inspect the recording on a computer made available by the Agency, without charge. (See Government Code section 54953.5(b).)

**Rule 14 – Authority to Act on Matters Not on the Agenda**

The Board will not take action on or discuss any item not appearing on the posted agenda, except under the following conditions, in which cases the item will be publicly identified before discussion begins: (a) upon a determination by a majority of the Board that an emergency situation exists, as further described in Rule 25 hereof; (b) upon a determination by a two-thirds vote of the Board members present at the meeting, or, if less than two-thirds of the members of the Board are present, a unanimous vote of those members present, that the need to take immediate action became apparent after the agenda was posted; or (c) the item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action
is being taken. (See Government Code sections 54954.2 and 54956.5.)

Rule 15 – Consent Agenda

The General Manager may list on the agenda a “consent agenda,” which will consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent agenda items might include approval of minutes, financial reports and routine resolutions. Any matter may be removed from the consent agenda and placed on the regular agenda at the request of any member of the Board. The entire consent agenda may be approved by a single motion made, seconded and approved by the Board.

Rule 16 – Oral Informational Reports

Any member of the Board may make an oral report at a regular meeting for the purpose of informing the Board of any matter of interest to the Agency. Regular meeting agendas will include specific items for Directors’ reports and comments. The Board also may call on the General Manager, Agency staff or Agency legal counsel for brief oral informational reports on matters not on the agenda. Unless the Board makes the determinations required under Rule 14, there will be no more than limited discussion, and no action, on matters covered in such oral reports. (See Government Code section 54954.2(a).)

Rule 17 – Public Comment

Every agenda for a regular meeting will provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and that do not appear on the agenda. This agenda item will be described substantially as follows: “Opportunity for public comment on non-agenda items within the Board’s jurisdiction.” During Public Comment, the Board may, at its discretion, not respond, briefly respond to statements made or questions posed by the public, or ask Agency staff for clarification, refer the matter to Agency staff or ask Agency staff to report back at a future meeting. (See Government Code sections 54954.2 and 54954.3.) The Board will not take action on any matter raised during the Public Comment, unless the Board first makes the determinations set forth in Rule 14. In order to facilitate public participation during the Public Comment session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (ten minutes or less normally will be standard), and may limit the time allocated for public comment by an individual speaker (three minutes normally will be standard). The President may declare any comment as out of order, irrelevant, repetitious or disruptive. (See Government Code section 54954.3.)

It is the general policy of the Board to refer to the General Manager for resolution complaints received from members of the public. If the complaint cannot be resolved, the General Manager will place it on a future meeting agenda for consideration by the Board.

The Board President will invite the public to address the Board concerning an agenda item during a regular or special Board meeting, including commenting on the closed session
agenda prior to the Board adjourning into closed session, either before or during the Board’s consideration of that agenda item. (See Government Code section 54954.3(a).)

These rules are not intended to prohibit public criticism of policies, procedures, programs or services of the Agency, or of the acts or omissions of the Board. (See Government Code section 54954.3(c).)

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this section. Nothing in this section will prohibit the Board from readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. (See Government Code section 54957.9.)

Rule 18 – Public Hearings

The procedure for conducting public hearings during a meeting of the Board will be as follows: (a) no earlier than the time set for the public hearing, the President of the Board will declare the public hearing open; (b) the President will ask the General Manager whether notice of the public hearing has been given in the manner required by law; (c) the President will ask the General Manager whether written comments on the subject matter of the public hearing have been received; (d) the President will ask whether any member of the public wishes to present written or oral comments on the subject of the public hearing; (e) in its discretion, the Board may set time limits on the amount of time an individual speaker is allowed to comment orally during the public hearing; and (f) following the close of presentation of comments and before any Board discussion and action on the subject matter, the President will declare the public hearing closed. The Board may continue a public hearing from time to time. A public hearing may be continued in accordance with the procedures described in Rule 19. (See Government Code section 54955.1.)

Rule 19 – Adjournment

A meeting of the Board will be adjourned by (a) loss of a quorum, (b) by declaration of the President that the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board, or (c) by motion made, seconded and approved to adjourn the meeting. A regular or special meeting of the Board may also be adjourned for the purpose of continuing it to a specific day and time (a) by motion made, seconded and approved by a majority of the Board, (b) by approval of less than a quorum if a quorum is not present, or (c) by the Secretary/Clerk of the Board if all members are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment to continue a meeting to another date will be conspicuously posted on or near the door of the Agency office where the meeting was held within twenty-four hours after the time of adjournment. (See Government Code section 54955.)
Rule 20 – Special Meetings

A special meeting may be called at any time by the President or by a majority of the members of the Board, by delivering personally or by any other means, including mail, facsimile and electronic mail, written notice to each member and to each newspaper, radio or television station requesting notice in writing. Such notice must be received at least twenty-four hours before the time of such meeting as specified in the notice to constitute notice of the special meeting (except as to emergency meetings, in which case, the notice requirements specified in Rule 25 will be followed). Electronic mail will constitute notice of a special meeting only if the recipient confirms receipt, and it will be deemed to be received at the time of such confirmation. The call and notice for a special meeting must specify the time and place of the special meeting and the business to be transacted, and must include the statements specified in Rule 12. No other business will be considered at such meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Agency Clerk of the Board a written waiver of notice. Waiver may be given in person or by mail, facsimile, electronic mail or telegram. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. Notice of a special meeting must also be posted at least twenty-four hours before the meeting in a location freely accessible to the public and on the Agency’s website. (See Government Code sections 54954.3(a) and 54956.)

Rule 21 – Board Workshop Meetings

From time to time, the Board may set a regular or special meeting to be conducted as a “workshop meeting,” during which the Board would have the opportunity to receive presentations on and discuss matters identified on the agenda, but the Board would not normally take action on those items. Nothing in this rule is intended to prevent the Board from taking action on a matter during a workshop session if it is identified as an item for possible action on the agenda for that meeting.

Rule 22 – Board Committees

Board committees will be composed of less than three Directors, and may be either standing committees or ad hoc advisory committees. A Board standing committee has continuing subject matter jurisdiction. (See Government Code section 54952.) In accordance with Rule 12, standing committee meetings will be open to the public (except for authorized closed sessions), and the agenda for those meetings will be posted in the same manner as the agenda for regular Board meetings. In addition, the President may from time to time establish, and appoint the members of, ad hoc advisory committees to serve a limited or single purpose, which committees are to be dissolved once their specific task is completed. The meetings of an ad hoc advisory committee are not required to be open to the public, and notice of such meetings is not required to be posted. (See Government Code sections 54951 and 54952.)
Directors who are not members of a standing committee may attend a standing committee meeting only as observers, and they may not participate in the committee meeting, ask questions or sit with the committee members at the Board table. (See subsection (c)(6) of Government Code section 54952.2.) Directors who are not members of an ad hoc committee may not attend an ad hoc committee meeting.

Rule 23 – Closed Sessions

A closed session may be held on any subject authorized under the Brown Act. The agenda for a regular or special meeting will contain a brief, general description of the purpose of a closed session, in substantially the following form:

a. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(1); ______________ v. ______________ [insert name of case, e.g., Jones v. Agency].

b. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(1); case name unspecified because ______________ [insert either “disclosure would jeopardize service of process” or “disclosure would jeopardize existing settlement negotiations”].

c. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(2) and (3); significant exposure to litigation involving ______________ [describe].

d. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(4); consideration of initiation of litigation involving ______________ [describe or specify only number of cases if confidentiality is required or deemed necessary].

e. Public employee appointment involving ______________ [insert position(s) to be filled]; Government Code sections 54954.5(e) and 54957(b)(1).

f. Public employee performance evaluation involving ______________ [insert position(s) being reviewed]; Government Code sections 54954.5(e) and 54957(b)(1).

g. Public employee discipline/dismissal/release; Government Code sections 54954.5(e) and 54957(b). [No additional information required.]

h. Conference with labor negotiator involving ______________ [insert name of Agency negotiator] and ______________ [insert name of employee organization involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

i. Conference with labor negotiator involving ______________ [insert name of Agency negotiator] and unrepresented employee(s) in position(s) of ______________ [insert position(s) of unrepresented employee(s) involved in negotiation]; Government Code...
sections 54954.5(f) and 54957.6.

j. Conference with real property negotiator involving the purchase, sale, lease or exchange of [insert street address or other description of property], ______ and ____ [insert name of Agency negotiator(s)], Agency negotiator(s), will negotiate with ___________ [insert name of other party(ies)]. Instructions to the negotiator(s) may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8.)

k. Closed session consultation [insert the name, if applicable, of a law enforcement agency, and the title of the officer, or the name of an applicable agency representative (legal counsel or security officer) and title] concerning a threat to public services or facilities, or for the assessment of the security vulnerability of public facilities. (See Government Code sections 54954.5(c) and 54957(a).)

The Board will not keep minutes of its closed sessions. (See Government Code section 54957.2.) In the closed session, the Board will consider only those matters covered in its statement of reasons for holding the closed session. (See Government Code section 54957.7.)

Before holding a closed session to consider complaints or charges against a particular employee (as distinguished from evaluation of performance unrelated to any specific complaint or charge), the Agency will provide twenty-four hours’ advance written notice to the employee of his or her right to have the matter heard in open session. If the employee requests, the complaint or charges must be heard in open session. (See Government Code section 54957(b)(2).)

A closed session may be held to meet with the Agency's negotiator regarding the salary and benefits of Agency officers and employees, but not including elected officials, but the Agency’s available funds, funding priorities or budget will not be discussed during the closed session except to the extent necessary to permit the Board to provide instructions to its designated labor negotiator(s). (See Government Code section 54957.6.)

Following every closed session, the Board will reconvene to open session and publicly report any action and vote during the closed session in accordance with the following guidelines:

a. For action concerning final approval of a real property purchase, sale or exchange agreement or lease, report in open session at the same meeting the action taken (including the substance of the agreement) and vote, except that, if final approval rests with another party, the report may be deferred until the other party’s approval. (See Government Code section 54957.1(a)(1).)

b. Approval given to legal counsel to defend or initiate a lawsuit, or seek appellate review will be reported in open session at the public meeting during which the closed session was held. (See Government Code section 54957.1(a)(2).)

  c. Approval given to legal counsel to settle pending litigation or action taken to dispose of a claim will be reported in open session as soon as the settlement or claim disposition
becomes final. (See Government Code section 54957.1(a)(3) and (4).)

d. For action to appoint, employ or dismiss, accept the resignation of, or otherwise affect the employment status of an employee, the Board will report in open session at the same meeting the action taken (including identity of employee or position and any change in compensation) and vote, except that, for any dismissal or non-renewal of a contract, the report back may be deferred until the first meeting after the exhaustion of administrative remedies. (See Government Code section 54957.1(a)(5).)

e. For action concerning a labor MOU, after the MOU has been approved by both parties, the Board will report in open session the action taken and vote. (See Government Code section 54957.1(a)(6).)

The Agency will make available after a closed session to anyone who has requested them in advance, agreements or other documents approved in closed session, unless the document needs to be revised, in which case it will be provided as soon as possible. After the closed session, changes to the agreement will be orally summarized if anyone present so requests. (See Government Code section 54957.1(b).)

A Director is not authorized, without prior approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required or authorized to be disclosed under the California Public Records Act.

A Director is not prohibited from taking the following actions in regard to a closed session of the Board: (1) making a confidential inquiry or complaint to a Agency attorney or grand jury concerning a perceived violation of law, including disclosing facts to a Agency attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Board, (2) expressing an opinion concerning the propriety or legality of actions taken by the Board in closed session, including disclosure of the nature and extent of the allegedly illegal action, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director’s violation of the duty to protect closed session confidences may be remedied as provided in Government Code section 54963(c). A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098.


Rule 24 – Meetings by Teleconference
The Board may hold meetings by teleconference. (See Government Code section 54953(b).) For purposes of this rule, “meetings by teleconference” include meetings at which one or more Board member attends and participates in the meeting by telephone, video conferencing or any other electronic means using live audio or video, or both. For any meeting by teleconference conducted by the Board, the following requirements will apply:

a. At least a quorum of the Board must participate in the teleconference meeting from locations within the Agency’s boundaries and each teleconference location (i.e., the location from which one or more Board members attends and participates in a meeting by teleconference) will be accessible to the public.

b. When meetings by teleconference are held by telephone, speaker phones that allow all persons attending the meeting to hear and be heard will be used at the main meeting location and at any teleconference location where there are members of the public in attendance.

c. All votes taken at a meeting by teleconference will be by roll call.

d. The Board will conduct the meeting by teleconference in a manner that protects the statutory and constitutional rights of parties and the public to attend and participate in the meeting.

e. Each teleconference location will be identified in the regular meeting agenda or special meeting notice, and the agenda or notice will state that members of the public will have the opportunity to address the Board from any teleconference location.

f. Notice of any meeting by teleconference will be included in the meeting agenda or special meeting notice in substantially the following form:

“All or portions of this meeting will be conducted by teleconference in accordance with Government Code section 54953(b). The teleconference location(s) for the meeting are as follows: _______________________. Each teleconference location is accessible to the public, and members of the public may address the Board of Directors from any teleconference location.”

g. In addition to the usual notice and agenda requirements, the regular meeting agenda or special meeting notice will be posted at all teleconference locations at least seventy-two hours before regular meetings or twenty-four hours before special meetings.

**Rule 25 – Emergency Meetings**

Under Government Code section 54956.5, a meeting to address an emergency may be held if a majority of the Board determines that a situation exists which involves matters upon which prompt action is necessary. An emergency situation is defined as: (1) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both; or (2) a dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or
threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both.

As a condition of holding an emergency meeting, the Board President or his/her designee shall provide notice of the meeting by telephone to each local newspaper of general circulation, radio station and television station that has requested notice of special meetings. For a meeting for a “non-dire emergency” (Definition 1, above), the telephone notice must be provided at least one hour prior to the emergency meeting. In the case of a meeting for a “dire emergency” (Definition 2, above), the telephone notice must be provided to the media at or near the same time as notice is given to the members of the Board. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board may meet in closed session upon approval by a two-thirds vote of the Board (or the unanimous vote of the Board if less than two-thirds are present) to discuss security or employment matters related to the emergency situation. (See Government Code sections 54956.5(c) and 54957.)

With the exception of the 24-hour notice and posting requirements and any other exceptions provided in herein, all special meeting requirements described in Rule 20 shall be applicable to an emergency meeting called pursuant to this Rule.

The draft minutes of an emergency meeting called under this Rule must be posted in a public place for a minimum of 10 days as soon after the meeting as possible, and include a list of persons who the Board President or his/her designee notified or attempted to notify of the meeting, if applicable, any actions taken at the meeting, and a recording of any votes taken by roll call. (See Government Code section 54956.5(e).)

Rule 26 – Amendment of Rules

By motion made, seconded and approved, the Board in its discretion may at any meeting (a) temporarily suspend these rules in whole or in part, (b) amend these rules in whole or in part, or (c) both, as long as any amendment or suspension is otherwise consistent with the Brown Act and other applicable laws. Unless amended earlier, Agency staff will review these Rules for Proceedings biennially and recommend changes for Board consideration and action.

Rule 27 – Interaction with the Public

For purposes of presenting the Board’s legislative and policy positions and actions to other public bodies and the media, the President and General Manager generally shall act as the Agency’s spokespersons. If a Director or employee is approached by a member of the media and asked to make a statement or answer questions on the Agency’s behalf, the Director or employee should refer the media representative to the Board President or General Manager. This general practice, however, does not preclude any other Director or employee of the Agency from
representing the Agency's approved legislative and policy positions and actions within the scope of his or her position when speaking with ratepayers, government officials, and the public.

Any Director or employee, if designated and directed by the Board or General Manager, may represent the Agency where it is appropriate or desirable for the Agency to appear at meetings of other public agencies, before public groups, or on other public occasions. Except as limited by the Brown Act and other applicable laws, this policy shall not limit the attendance at such events of any Director or employee of the Agency.

Rule 28 – Seal of the Agency

The Seal, an impression of which is hereby affixed to this page and bearing the words “Amador Water Agency established 1959” is adopted as the official Seal of the Agency.

(Space left for Seal imprint)

Rule 29– Policy Review

This Policy shall be reviewed at least every two years.
APPENDIX A

RULES OF CONDUCT FOR BOARD AND COMMITTEE MEETINGS
(Based on Rosenberg's Rules of Order)

These Rules of Conduct and Rosenberg’s Rules of Order are supported by the following four principles:

- Rules should establish order.
- Rules should be clear.
- Rules should be user friendly.
- Rules should enforce the will of the majority while protecting the rights of the minority.

Public input is essential to a healthy democracy; and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented in this appendix for conducting a board meeting are offered as tools for effective leadership and as a means of developing sound public policy. Should questions arise regarding board meeting conduct, Rosenberg’s Rules of Order should be consulted for resolution of the question raised.

1. The President is in charge of applying the rules of conduct. The President should be well versed in the rules, because the President, for all intents and purposes, makes the final ruling on the rules. All decisions are final unless overruled by the Board of Directors (Board) itself.

2. Because the President conducts the meeting, it is common courtesy for the President to take a less active role than other Directors in debates and discussions. However, as a Director, the President has full rights to participate in debates, discussions and decision making. The President should strive to be the last to speak at the discussion and debate stage. The President should not make or second a motion unless he or she is convinced that no other Director will do so.

3. Basic Format for Agenda Item Discussion: The meeting is governed by the agenda and the agenda constitutes the Board’s agreed upon road map for the meeting. Each agenda item can be handled by the President in the following basic format:

   a. The President should clearly announce the agenda item number and should clearly state what the subject is. The President should also announce the format that will be followed.

   b. Following the agenda format, the President should invite the appropriate people to report on the item, including any recommendation they might have. The
appropriate person generally will be a staff person or a committee chair charged with providing information about the agenda item.

c. The President should ask Directors if they have any questions for clarification or requests for additional information. The President should invite each Director to ask questions and make comments so that each has an opportunity to address the issue in an organized fashion. A time limit for Director questions and responses by the presenter should be indicated by the President, for example 5 minutes.

d. The President then should invite public comments. Each speaker shall be limited to 3 minutes on each agenda item, unless the President determines otherwise. At the conclusion of public comments, the President should announce that public input has concluded, or if the agenda item is a public hearing, should call for a motion and a second to close the public hearing.

e. If the agenda item calls for action on the item, the President should invite a motion from the Directors. The President should announce the name of the Director who makes the motion. If a motion is made, the President then should determine if any Director wishes to second the motion. The President should announce the name of the Director who seconds the motion.

f. When the motion is made and seconded, the President should make sure everyone understands the motion. This is done in one of three ways:

- The President can ask the maker of the motion to repeat it;
- The President can repeat the motion; or
- The President can ask the Clerk of the Board to repeat the motion.

The President should now invite discussion of the motion by the Directors. If there is no desired discussion or the discussion has ended, the President should announce that the Board will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

g. The President takes a vote; simply asking for the “ayes” and then the “nays” is normally sufficient. If Directors do not vote, then they “abstain.” Unless the rules of the Board provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority of the Directors present (assuming a quorum) determines whether the motion passes or is defeated.

h. The President then should announce the result of the vote and should announce what action (if any) the Board has taken. In announcing the result, the President should indicate the names of the Directors, if any, who voted in the minority on the motion.
4. Motions in General

a. Motions are the vehicles for decision-making. It is usually best to have a motion before the Board prior to discussing an agenda item, which will help everyone focus on the motion before them.

b. The Three Basic Motions are:

- The basic motion: The basic motion is the one that puts forward a decision for consideration.
- The motion to amend: If a Board member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend takes the basic motion that is before the Board and seeks to change it in some way.
- A substitute motion: If a Board member wants to completely do away with the basic motion under discussion and put a new motion before the Board, he or she would “move a substitute motion”.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed. A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or a substitute motion is left to the President. So that if a Director makes what that he or she calls a motion to amend, but the President determines it is really a substitute motion, the President’s designation governs.

5. When Multiple Motions are Before the Board. Up to three motions may be on the floor simultaneously. The President may reject a fourth motion until the three that are on the floor have been resolved. When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. Depending on the action taken, each motion is addressed individually from the latest back to the original motion.

6. To Debate or Not to Debate

a. The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the Board. The debate can continue as long as Directors wish to discuss an item, subject to the decision of the President that it is time to move on and take action.

b. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire by a majority of the Board to move on. The following motions are not debatable, that is when the following motions are
made and seconded, the President must immediately call for a vote of the Board without debate on the motion:

- Motion to adjourn. This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote of the Directors present.

- Motion to recess. This motion, if passed, requires the Board to immediately recess. Normally, the President determines the length of the recess, which may range from a few minutes to an hour. This motion requires a simple majority vote of the Directors present.

- Motion to fix the time to adjourn. This motion, if passed, requires the Board to immediately adjourn the meeting at the specific time set in the motion. This motion requires a simple majority vote of the Directors present.

- Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion may contain a specific time in which the item can come back to the Board. A motion to table an item requires a simple majority vote of the Directors present.

- Motion to limit debate. The most common form of this motion is to say, "I call for the question." When a Director makes this motion, the Director is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the President should ask for a second to the motion, stop debate, and vote on the motion. This motion to limit debate requires a simple majority vote of the Directors present. Note that a motion to limit debate could include a time limit.

7. Majority and Super-Majority Votes,

a. In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If a Director is absent and the vote is 2-2, the motion still fails.

b. All motions require a simple majority, but there are a few exceptions. The exceptions occur when the Board is taking an action that effectively cuts off the ability of a minority of the Board to take an action or discuss an item. The following extraordinary motions require a two-thirds majority (a super-majority) of the Directors present to pass:

- Motion to close nominations. When choosing officers of the Board, such as the President, nominations are in order either from a nominating
committee or by Directors from the floor. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

- Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when Directors do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable; and it requires a two-thirds vote to pass.

- Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. This motion allows the Board to suspend these rules for a particular purpose.

c. The Motion to Reconsider. This is a special and unique motion. A tenet of parliamentary procedure is finality. After discussion, debate and vote, there must be some closure to the issue. After a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A motion to reconsider requires a simple majority vote of the Board to pass. There are two special rules that apply only to the motion to reconsider:

- First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Board. A motion to reconsider made at a later time is untimely. (The Board, however, can always vote to suspend the rules and, by a two-thirds majority, of the Directors allow a motion to reconsider to be made at another time.)

- Second, a motion to reconsider may be made only by a Director who voted in the majority on the original motion. Any other Director may second the motion. If a Director who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

8. Courtesy and Decorum. These rules of order are meant to create an atmosphere where Directors and members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the President and the other Directors to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be recognized by the President first before proceeding to speak.
9. Debate and Discussion.

a. The President should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the Directors or members of the public. Debate on policy is healthy; debate on personalities is not. The President has the right to cut off discussion by Directors or members of the public that is too personal, too loud, too crude, or is not focused on the issue at hand.

b. Debate and discussion should be focused, but free and open. In the interest of time, the President may, however, limit the time allotted to speakers, including Directors. Can a Director interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

- Privilege: The proper interruption would be, “Point of privilege.” The President would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting.

- Order: The proper interruption would be, “Point of order.” Again, the President would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting.

- Appeal: If the President makes a ruling that a Director disagrees with, that Director may appeal the ruling of the President. If the motion is seconded and after debate, if it passes by a simple majority vote of the Directors present, then the ruling of the President is deemed reversed.

- Call for orders of the day: This is another way of saying, “Let’s return to the agenda.” If a Director believes that the Board has drifted from the agreed-upon agenda, such a call may be made. This call does not require a vote. If the President does not comply with the call, then the President’s determination may be appealed.

- Withdraw a motion: During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the President may ask the Director who seconded the motion if he or she wishes to make the motion, and any other Director may make the motion if properly recognized.

9. Special Notes About Public Input. The rules outlined in this appendix are intended to make Board meetings public-friendly. But in addition, and particularly for the President, it is wise to remember three special rules that apply to each agenda item:
- Rule One: Tell the public what the Board will be doing.

- Rule Two: Keep the public informed while the Board is doing it.

- Rule Three: When the Board has acted, tell the public what the Board did.
Amador Water Agency

Board Delegation of Authority to General Manager

Adopted:

100.00 Purpose of the Policy

The primary purpose of this policy is to define the role and responsibilities of the General Manager. The Board of Directors sets the policy for the Agency and the General Manager’s role is to implement those policies in the operation and administration of the Agency’s services, facilities, and personnel system.

200.00 Policy

The Agency’s General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly-convened Board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other Agency employees.

Subject to the Board-approved budget, policy direction, and contract approvals, the Agency’s General Manager is delegated the: (a) full charge and control of the construction, maintenance and operation of the water, wastewater and other facilities of the Agency, (b) full power and authority to employ and discharge employees and assistants, consistent with Agency policy and other provisions of law, (c) authority to prescribe the duties of employees and assistants, consistent with Agency policy, and (d) power to alter the compensation of employees and assistants, subject to Board-approved salary schedules.

200.10 In an effort to establish and maintain clear delegation of authority, the Board of Directors authorizes the following powers to the General Manager.

Easements: To develop easement values using the services of a land appraiser, or other prudent methods and acquire easements up to a cash value of $20,000.

Claims: To investigate and resolve third party claims against the Agency as provided in the Agency’s Claims Processing Policy, AWA PL-Adm 015.
Professional Service Contracts: To authorize execution of professional services contracts up to $50,000 within the approved budget, and up to $10,000 without prior Board authorization if the work is not specifically itemized in the approved budget.

Budget Expenditures: To authorize approval of contracts and purchases up to the amount included in the annual adopted budget.

Project Expenditures: To authorize approval of project overruns (including contingencies) on any project exceeding $100,000. Any changes to scope, cost or schedule will be brought back to the Board.

Change Orders: To approve change orders on projects as long as the increase does not exceed the approved budget or change the approved scope, cost or scheduled completion date. Changes beyond the approved scope, cost, or scheduled completion date is to be brought back to the Board for discussion and action.

Emergency Expenditures: To declare emergencies and to authorize emergency expenditures up to $100,000. An emergency is an unexpected occurrence that significantly impacts the Agency’s ability to provide continuous clean, safe and reliable water and wastewater services. The General Manager shall confer with the Board President and receive his or her concurrence in the declaration of an emergency.

Employees: The General Manager is authorized to fill vacant existing positions, add temporary employees, and use Agency/contract personnel. The Board of Directors has the authority to approve new regular full-time and part-time positions in the Agency.

In order for Agency operations to continue uninterrupted in the absence of the General Manager and any General Manager appointment of a temporary replacement, Department Managers have full authority to make decisions affecting their departments. Should any event occur that affects more than one department, then the Managers of all affected departments shall confer and agree to the proper solution and enact the appropriate measures. The General Manager may designate a person to assume his or her authority during his or her absence.

The General Manager is fully accountable for the proper performance of these responsibilities.

Although the foregoing delegation is a matter of policy because there is no statutory mandate for the General Manager’s role under the Agency Act (See Agency Act section 95-8), the delegation of authority provided in this policy reflects the statutory delegation of duties to general managers of public water and wastewater agencies formed under various other enabling acts and also reflects the best practices employed by well-governed and efficiently-operated public agencies.

300.00 Policy Review

This Policy shall be reviewed at least every two years.
Amador Water Agency

Fire Protection Agency Cooperation

Adopted: 03-24-11
Readopted with Changes: XXX, 2020

100.00 Purpose of the Policy

The primary purpose of this policy is to state the Amador Water Agency Board of Directors’ intent to have its staff engage in cooperative efforts with fire protection agencies which can enhance the Water Agency’s ability to maintain a large number of various fire hydrants and fire protection facilities throughout its water systems, provide means for information input for improved fire protection facilities owned by the Water Agency, and maintain excellent working relationships between fire protection agencies and the Water Agency.

200.00 Policy

To the extent that time and financial resources permit, Water Agency staff shall cooperate with fire protection agencies operating within Amador County to provide information and services that enhance local fire protection efforts, for example by providing maps showing fire hydrant and other fire protection facilities within the Water Agency service area, meet and collect information from fire protection agencies regarding potential areas for improvement or enhancement of Water Agency fire protection facilities, and to fire protection agencies responsible for those areas. These maps shall be periodically updated (but not less than every three years) and provided to fire protection agencies as changes occur that materially alter fire protection equipment owned by the Water Agency.

200.10 Where fire protection agencies have adequate staffing levels and willingness to work cooperatively with the Water Agency, to implement an inspection program shall be implemented for reviewing fire hydrants and other fire protection facilities owned by the Water Agency which provides mutually benefits for both the fire protection agency and the Water Agency while providing early warnings for possible needed maintenance of facilities.

(a) The inspection program shall include forms for the fire protection agency to fill out that include identification of the fire hydrant or other fire protection equipment (which may include items such as backflow devices for fire sprinkler system) along with various items to inspect both visually and physically. The form shall also have provisions to capture the general condition of the equipment such as missing caps, damaged exterior parts, nozzles issues, identification of fire hydrant outlets, and apparent operation of facilities. Other provisions may be included as mutually agreed by the fire protection agency and Water Agency staff. A guidance document will be created to assist with inspection activities.
(b) The inspection shall include the momentary activation of fire hydrants only as a means to confirm that water flow is apparent. Specific guidelines shall be prepared which provide parameters for this flow confirmation and include notification to Water Agency personnel.

(c) A repair work order form shall also be included in this program which will be used to provide information to Water Agency staff to identify problems or concerns that were noticed during the inspection.

(d) It is recognized that forms may need to be tailored to specific fire protection agencies, but shall be standardized as much as possible.

(e) Water Agency staff shall maintain a record of any inspection programs implemented and shall use them to track facilities inspected, work orders, and other pertinent information which can be used for budgeting, refining preventative maintenance programs, repair programs, capital improvement programs, or similar activities to the extent available resources are not required for operating, maintaining, repairing, improving, and replacing water and wastewater service systems and facilities permit and these activities provide a direct benefit to the Agency's ratepayers.

200.20 The Water Agency staff also shall meet and collect information from fire protection agencies regarding potential areas for improvement or enhancement periodically report to the Board or Fire Protection Committee on their activities under this policy. This may include areas that need fire hydrants, replacement of current fire hydrants, need for improved fire flow, or other items which may provide better fire protection within Water Agency service areas or facility locations.

(a) Fire protection improvement information shall be used to assist staff in prioritizing projects where funding is available for fire protection replacement/improvements. This list or acceptance of this information is not a commitment to make improvements to the system.

300.00 Policy Review

This Policy shall be reviewed at least biennially.

This is to update the Board on the Agency’s response to the outbreak of the Coronavirus (COVID-19), which required immediate action to reduce the exposure risk of the virus to employees, the Board, and public.

At the March 26, 2020 Board Meeting, staff reported that it established an Emergency Action Plan (EAP) due to the worldwide pandemic. The Agency implemented the guidelines and actions at Risk Level 3. The Board also authorized the Interim General Manager additional flexibility to take action and adapt as circumstances changed.

Staff continues to monitor development and heed the advice of public health officials and our own collective intuitions. Listed below are some of the actions taken in addition to and following the guidelines in the EAP.

1. AWA lobby facility door closed to the public
2. Board of Director meetings held via teleconference rather than in-person
3. Consideration of employee's circumstance individually, collective decision-making
4. Implemented Emergency Action Plan
5. Implemented on-line "Go to Meetings" and conference calls
6. Implemented Temporary Emergency Telecommute Policy/Procedure
7. Increased Janitorial service frequency – CDC (Centers of Disease Control) compliant
8. In-person meetings cancelled, unless and only if necessary and there is sufficient social-distancing in the room
9. Issued press releases - requested the public limit in-person interactions with our field staff and to maintain social distance/ AWA water safe
10. Manager participation with Amador Office of Emergency Services (EOC)
11. Manager weekly conference call with city managers/county officials
12. O&M Field staff authorized to take work truck home and report directly to work
13. Posted health advisory notices in the office and restrooms
14. Providing for flexible and staggered work shifts
15. Require employees and/or family members that are sick to stay home
16. Requiring compliance with public heathy advisories
17. Suspended door tagging and disconnections of delinquent accounts

**Recommendation:** Discussion and Possible Action

Prepared by: John Kingsbury, Interim General Manager
Coronavirus (COVID-19) Risk Minimization and Outbreak Response Plan

I. Introduction

Background Information

Coronaviruses are a family of viruses that occur in humans and many species of animals, such as camels, cattle, cats, and bats. In fact, the common cold is caused by a coronavirus. A novel form of coronavirus, referred to as "severe acute respiratory syndrome coronavirus 2" (SARS-CoV-2) first appeared in Wuhan City, China in December 2019, and as of the end of February 2020, has been detected in 60 locations internationally. This name was chosen because the virus is genetically related to the coronavirus responsible for the SARS outbreak of 2003. The World Health Organization (WHO) announced "COVID-19" as the name of the new disease caused by SARS-CoV-2. COVID-19 has spread rapidly in China, and has now spread to many countries world-wide, including the United States. COVID-19 has an estimated incubation period of up to 14 days, but most commonly about 5 days. The Centers for Disease Control and Prevention (CDC) has stated that during this incubation period, the person may show little to no symptoms, yet can transmit the virus.

COVID-19 is believed to be spread from person to person by the infected person coughing or sneezing. This produces respiratory droplets from the infected person being put into the air where they can land in the nose or mouth of people in close proximity or be breathed in by people close by. This, coupled with its long incubation period, has led to its rapid spread. This primary mode of transmittance is why infected persons, and those caring for them, are encouraged to wear masks. The most common symptoms of COVID-19 are fever, tiredness, cough, runny nose, and trouble breathing (e.g., pneumonia symptoms). Some patients have reported aches and pains, nasal congestion, sore throat or diarrhea. Some people become infected but don't develop any symptoms and don't feel unwell. Most people (about 80%) recover from the disease without needing special treatment. About 1 out of every 6 people that contract COVID-19 become seriously ill, and develop difficulty breathing. Although most cases are not life-threatening, COVID-19 affects older individuals with chronic health conditions (e.g., high blood pressure, heart disease, diabetes) most severely, and can be fatal. Thus, people with fever, cough and difficulty breathing should seek medical attention.

People with no respiratory symptoms, such as a cough, do not need to wear a medical mask. The WHO recommends the use of masks for people who have symptoms of COVID-19 and for those
caring for individuals who have symptoms, such as cough and fever. The use of masks is crucial for health workers and people who are taking care of someone (at home or in a health care facility).

This virus is currently spreading in the United States. It is important to note that the CDC has stated that the current global circumstances suggest it is likely that this virus will cause a pandemic (i.e., an international epidemic). The COVID-19 situation is a rapidly evolving situation and the risk assessment is being updated regularly by the CDC (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

Although health officials are working on a vaccine for COVID-19, no vaccine is currently available, and likely will not be available until later this year, or early 2021. Consequently, we all need to work together to limit the spread of COVID-19 in our community. The information presented in this document is taken from the websites listed in the references section of this plan, which also serve as sources for additional information for Agency employees.

**Purpose and Intended Use for this Plan**

This COVID-19 Risk Minimization and Outbreak Response Plan (Plan) has been developed by the Amador Water Agency (Agency) to best protect its employees against the risk (current and future) posed by COVID-19. The specific objectives of this plan are to: 1) identify precautionary measures that Agency employees can implement to best protect themselves and each other against contracting and spreading of COVID-19, and 2) to maintain critical operations of the Agency if COVID-19 becomes established in Amador County. Following the introduction, this plan has three major sections.

- **Section II: Precautionary Measures to Reduce the Spread of Illness in the Workplace** identifies precautionary measures that both the Agency and its employees can implement now to minimize the risk of workplace exposure to COVID-19.

- **Section III: Tiered Plan for Maintaining Agency Operations** provides a tiered risk-level approach to modifying Agency operations while minimizing employee risk of workplace exposure to COVID-19 and spread to others within and outside the office, and to maintain critical Agency operations should an outbreak of COVID-19 occur in Amador County.

- **Section IV: References** provides the websites from which much of the information herein was obtained. Agency employees and management can use these sites to get more information and CDC and WHO updates.

The General Manager reserves the right to modify any element of this Plan at any time based on his/her discretion, changed circumstances, and/or direction or requests made by health authorities or other agencies.
II. Precautionary Measures to Reduce the Spread of COVID-19 in the Workplace

The following is a list of actions recommended by the CDC and other health authorities that people should consider implementing presently to reduce their risk of contracting COVID-19 and to reduce its spread should they, or others they interact with, contract the virus.

Precautionary Actions for Immediate Implementation by Agency Employees

The recommended precautionary actions listed below are similar to, or the same as, measures we are all familiar with to minimize our annual risk of contracting influenza (i.e., the flu). Other precautionary measures have been added that are specific to COVID-19 at this time, as recommended by the CDC and other health authorities.

- Employees who have symptoms of acute respiratory illness (i.e., fever and cough, and possibly trouble breathing) need to notify their supervisor and stay home and not come back to work until they are free of fever (100.4°F) or greater (using an oral thermometer), signs of fever, or other respiratory illness symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines.

- If you have a family member that becomes ill with acute respiratory illness symptoms, notify your supervisor, who may request that you stay home for an appropriate period of time prior to returning to the workplace. Keep your supervisor apprised of your/family member's recovery.

- If you come down with a cough, fever, shortness of breath or other acute respiratory illness symptoms while at work, separate yourself from your co-workers, notify your supervisor, and immediately go home.

- All employees should practice the following respiratory etiquette and related practices to minimize their risk of contracting and spreading COVID-19.
  
  o Avoid close contact with people who are sick. Maintain 6 feet or greater distance between yourself and anyone who is coughing or sneezing.
  
  o Cover your nose and mouth when you cough or sneeze with a tissue and then throw the tissue away or do so into your elbow or shoulder if no tissue is available.
  
  o Wash your hands frequently with soap and water for at least 20 seconds.
  
  o If soap and water is not available, use hand sanitizer with at least 60% alcohol.
  
  o Avoid touching your eyes, nose and mouth with unwashed hands.
  
  o Put away any community candy jars.
  
  o Routinely clean all frequently touched surfaces in your workspace, such as workstations, mouse, desktop phones, cell phones, countertops, and doorknobs. Use disinfecting wipes to wipe-down common-surface places, where appropriate.
Use cleaning products that contain >60% alcohol, 0.5% hydrogen peroxide, 0.1% sodium hypochlorite (bleach), or other active ingredients known to kill viruses.

- Check the “CDC’s Traveler’s Health Notices” [https://wwwnc.cdc.gov/travel] for the latest guidance and recommendations before you travel to other countries. Avoid travel to level 3 and 4 countries until the CDC has indicated that it is safe to do so.

- Do not travel by airplane, bus, cruise ship or other means with large numbers of people if you are experiencing symptoms of acute respiratory illness.

Precautionary Actions for Immediate Implementation by Agency Management

- Stay aware of the latest information on the COVID-19 outbreak, available on the WHO and CDC websites.

- Provide tissues and no-touch disposal receptacles for use by all employees.

- Provide alcohol-based hand sanitizers that contain at least 60% alcohol at various locations in the workplace.

- Provide disposable wipes for employee use for wiping down frequently touched surfaces within the workplace.

III. Tiered Plan for Maintaining Agency Operations

This section identifies how Agency operations, including individual employee roles, may need to change if COVID-19 becomes established in Amador County. The co-equal objectives for this portion of the plan are to: 1) best protect employees against the spread of COVID-19, and 2) maintain critical Agency water supply operations for the community. The plan for maintaining Agency operations is tiered based on the COVID-19 risk level in Amador County, as discussed in greater detail below.

Risk Level 1: Continued Increases in the Number of Confirmed Cases of COVID-19 in the United States and California, and no Confirmed Cases in Sacramento County and Surrounding Counties.

Trigger Points: Risk Level 1 shall be declared by the General Manager when confirmed cases of COVID-19 were announced in the United States and in the State of California.

Under Risk Level 1, the risk to employees of contracting COVID-19 is low and thus the Agency shall conduct normal business operations, with the addition of implementing the precautionary measures identified in Section II of this Plan.

Risk Level 2: Continued Increases in the Number of Confirmed Cases of COVID-19 in the United States, California, and few Confirmed Cases in Sacramento and/or Surrounding Counties.
**Trigger Points**: Risk Level 2 shall be declared by the General Manager when confirmed cases of COVID-19 are announced in Sacramento County and/or surrounding counties.

Under Risk Level 2, the risk to employees of contracting COVID-19 remains relatively low, but the risk level is increasing due to increasing numbers of confirmed cases in the country, state, Sacramento County and surrounding counties.

In addition to the actions being implemented under Risk level 1, including the precautionary measures identified in Section II of this Plan, actions to be implemented at Risk Level 2 include, but may not be limited to, the following.

- Have cleaning service disinfect identified surfaces and bathrooms more frequently.
  - Supplement through employee efforts to sanitize identified administrative office surfaces on days that the cleaning service does not do so.
- Those collecting money at the front counter from the public are to wear rubber medical gloves and are not to touch common-place door handles/knobs, coffee pots, or other commonly touched surfaces within the office with gloved hands.
  - Remove and dispose of gloves and wash hands prior to eating or touching common-surface places within the office.
- Limit routine in-person meetings in favor of conference calls.
- Ensure all supplies for treating water are fully stocked.
- Temporary flexible workplace and leave policies, and other relevant aspects of this Plan, shall be communicated to all Agency employees.
- If an employee does not exhibit COVID-19 symptoms but becomes sick (e.g., headache and/or upset stomach), the employee shall stay home until no longer contagious. The General Manager will direct the employee to go home if the employee is exhibiting sickness symptoms at work. In either case, the employee will not be compensated while absent from work unless they use personal time off or vacation time.
  - The General Manager will coordinate with local agencies including water agencies to discuss procedures and mutual aid.

At Risk Level 2, Agency management will start to hold meetings on Risk Level 3 and 4 scenarios, and through these meeting discussions will determine whether the Agency is ready to implement the necessary modified operations for those higher risk levels. These scenario exercises are intended to identify short comings in the Agency's preparedness and to focus near-term efforts on remedying the "holes" in the response planning as quickly as possible. If not already in place, authorities, triggers, and procedures for activating and terminating key elements of this Plan will be put in place.
Risk Level 3: Continued Increases in the Number of Confirmed Cases of COVID-19 in the United States, California, and Numerous Cases in Sacramento County and Surrounding Counties.

Trigger Points: Risk Level 3 will be declared by the General Manager if COVID-19 reaches or approaches epidemic levels in the United States and numerous confirmed cases of COVID-19 are announced for Sacramento County and surrounding counties.

At Risk Level 3, COVID-19 may be declared an epidemic by the CDC and local health authorities in the United States and California and numerous cases have been confirmed in people living in Sacramento County and surrounding counties. As such, the risk of contracting COVID-19 for Agency employees is no longer low. At the direction of the General Manager, the Agency will now further modify operations to minimize all contact of employees with the general public and will focus on maintaining essential duties necessary to maintain water service to the public, with the minimal number of employees.

Operational scenarios will now focus on how best to maintain essential services with reduced staff, should one or more Agency employees contract the virus. Additional operational modifications to be implemented at Risk Level 3 shall include, but not necessarily be limited to, the following.

- Cease collecting payments at the front office from the general public and, instead, require all customers to mail in payments and conduct business by phone.
  - Notify the public by website, media, answering service, and radio station.
  - Close-down the administrative office to the general public.
  - Notify other local agencies and vendors of the Agency's office closure to the public.
- Board meetings shall be postponed or conducted by teleconference (if possible) rather than by in-person meetings.
- Implement practices developed, including staggered shifts, less interaction with homeowners, methods of leaving door notices, etc. to increase physical distance among employees and between employees and the public, as further directed in Attachment A.
  - Separate departments and minimize in-person interactions between Agency administrative, operations, and distribution employees to the maximum extent possible.
    - Within departments, minimize face-to-face interactions of key personnel as well.
    - Coordinate by email, phone, and text messages whenever possible and effective.
o Accounts Payable documents and general mail will be scanned and emailed to associated departments (i.e., Cindy Hansen or another individual as assigned by Tracey Hays).

- At the direction of the General Manager, certain employees may be directed to perform their duties from home or during a particular shift.

**Risk Level 4: Initial Confirmed Case(s) of COVID-19 Among Agency Employees.**

*Trigger Point:* Risk Level 4 will be declared by the General Manager in consultation with the Amador County Health Officer, if one or more Agency employees, or an immediate family member of an employee, test positive for COVID-19.

Because of the small size of the Agency, operating out of a single administrative office, one or more Agency employees (or their immediate family members) being confirmed to have contracted COVID-19 is a situation that poses a relatively high risk to other Agency employees of contracting the virus.

In addition to the actions and operational procedures already being implemented, additional operational modifications/actions to be implemented at Risk Level 4 as directed by the Amador County Health Officer, may include, up to and including, the following.

- Employees will remain home until directed otherwise by the General Manager.
  
  o Each employee will be compensated by the Agency up to 30 working days without having to use personal time off or vacation time until the employee is cleared to return to work by a health official or the General Manager.
  
  o Employees not exhibiting symptoms of COVID-19 will be on-call for work activities, at the direction of the General Manager, Manager, or their direct supervisor. All on-call employees must respond and be at work within 2 hours if called upon to work.
  
  o Any employees reporting to work shall wear a face mask and gloves when interacting with other parties.

- Employee(s) that have contracted COVID-19 (or employees who have family members that have confirmed COVID-19) will not be allowed to return to work until they can provide a doctor’s note, clearing them of COVID-19.

- If an employee has been confirmed to have COVID-19, the General Manager will inform other employees, using the phone tree, of their possible exposure to COVID-19, but will maintain confidentiality of the infected employee. All Agency employees will be instructed to stay home.

- Employees should refer to the CDC guidance for “how to conduct a risk assessment” of their potential exposure (CDC Website: https://www.cdc.gov/coronavirus/2019-ncov/summary.html#risk-assessment).
Board meetings shall continue to be postponed or conducted by teleconference (if possible) rather than by in-person meetings.

Implement any potential remaining actions identified to minimize in-person contact among employees and between employees and the public.

Implement all identified minimum essential functions necessary to maintain only essential Agency services, with essential personnel, as further defined in Attachment B.

CIP work is temporarily suspended. Other actions may be implemented at the direction of the General Manager, the CDC, or local health authorities.

VI. References
Websites that contributed information to this plan are listed below. They also serve as reference sites for employees to obtain further information about COVID-19.

https://www.osha.gov/SLTC/covid-19/
https://www.who.int/news-room/q-a-detail/q-a-coronaviruses
https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories.html.html
https://hrexecutive.com/coronavirus-hrs-role/

March 26, 2020

Approved and implemented

John Kingsbury, Interim General Manager
Attachment A
Action Plan for Risk Level 3
Attachment A
Action Plan for Risk Level 3

Operations:

Operations personnel will isolate themselves into the following groups. There shall be no person-to-person interactions between these two groups.

Group 1: Treatment staff

Group 2: Distribution, Utility, and Information Technology consultants

- The Water Treatment Supervisor will assign operators to specific facility sites where they will report and work from. The Water Treatment Operator will conduct regular treatment responsibilities, including well checks, plant inspections, basic maintenance, and State-required water quality sampling.

- The Distribution will generally remain back in the Maintenance/Operations Center. These Departments will respond in person to service calls only for the most serious situations such as no water service and/or water line breaks. Customers who have water quality complaints or pressure problems will be responded to with telephone calls in a concerted effort to resolve the problems. Meter reading and basic water distribution maintenance activities will continue to the extent that employees can maintain safe distances from the general public. The Utility Department will continue to conduct CIP work with the understanding that employees need to maintain safe distances from the general public.

Engineering:

Engineering will conduct business remotely with staff rotating one at a time into the office throughout the week to interact with other Agency departments. Social distancing and isolation will be enforced. Inspections will continue as projects are being constructed. Inspectors will utilize social distancing with contractors and other staff.

Administration:

Administrative personnel will continue to conduct business as normal, except that the Administration Building will be closed to the public. All interaction with the public will be by telephone or email.

Administrative personnel will isolate themselves from Operations personnel and all contact will be conducted through telephone or email.
Attachment B
Action Plan for Risk Level 4
Attachment B
Action Plan for Risk Level 4

**Operations:**

Operations will be suspended for the duration of the quarantine period. The length of the quarantine period will be determined by the General Manager based on the circumstances at the time (including prevalence of COVID-19 in the community), and input from health authorities. (estimated to be approximately 14-28 days). During this time:

- One Water Treatment Operator will conduct well checks, plant inspections, and State-required water sampling during normal business hours. If the Treatment Department does not have an Operator available, then a Distribution Operator will take over these responsibilities.
- Two Distribution Operators will conduct patrols throughout Up Country and Down Country during normal business hours.
- All Distribution and Treatment Operators not exhibiting symptoms of COVID-19 will be on call.

After the quarantine period, as declared by the General Manager, Operations staff cleared to return to work will resume duties commensurate to the declared Risk Level.

**Engineering:**

Engineering will conduct business remotely. Staff may rotate into the office or project site to interact with other Agency departments, consultants and contractors as essential for the functioning of facilities and projects. Social distancing and isolation will be enforced. Inspections will continue as projects are being constructed. Inspectors will utilize social distancing with contractors and other staff.

**Administration:**

Administration operations will be suspended for the duration of the quarantine period (estimated to be approximately 14-28 days). During this time:

- The Finance Manager, Accountant and Accounting Clerk will only perform essential duties such as Payroll, AP, etc. through remote access from home if appropriate.
- The Human Resources Manager, will only perform essential duties as necessary through remote access from home if appropriate; with reporting to office for certain functions as required.

After the quarantine period, Administrative staff cleared to return to work will resume duties commensurate to the declared Risk Level.
STAFF REPORT

Temporary Emergency Telecommuting Policy/Procedure

Requested Action:

For Information only. Staff formalized and implemented a Temporary Emergency Telecommuting policy/procedure for use during the Coronavirus (COVID-19)

Background:

Due to the Coronavirus (COVID-19) emergency and to protect the health and safety of employees and the public, the Interim General Manager has implemented telecommuting and alternate work schedules for employees whenever possible, taking into account individual and operational needs/concerns. The objective is to provide additional social-distancing and social-separation to help reduce the risk of exposure to the coronavirus.

In providing alternate work environment/schedules, it is also necessary to provide structure to the process. Therefore, staff has established the attached Temporary Emergency Telecommuting Policy to provide the structure and flexibility needed to guide us through this process. The Policy has been implemented. Staff has offered to meet and confer on the policy with the Employee’s Association, which has agreed to the temporary policy.

Fiscal Impact: None.

Committee Review: No.

Recommendation: For Information Only

Prepared by: Karen L. Gish, Human Resource Manager
John Kingsbury, Interim General Manager
April 1, 2020

To: All Employees

From: Karen Gish, Human Resources Manager
       John Kingsbury, Interim General Manager

Regarding: Temporary Emergency Telecommuting Policy and Procedure

As you know, the health and safety of employees and the public is our top priority. Due to the Coronavirus (COVID-19) emergency, the Agency instituted telecommuting and alternate work schedules for employees wherever possible taking into account individual and operational needs/concerns. The objective is to provide additional social-distancing and social-separation to help reduce the risk of exposure to COVID-19 and we will continue to adapt to the changing conditions.

In providing alternate work environment/schedules it is also necessary to provide structure to this process. Therefore, we have established a temporary Emergency Telecommuting Policy to provide the structure and flexibility needed to help guide this process during the COVID-19 emergency. The Policy is effective immediately.
Temporary Emergency Telecommuting Policy

The purpose of the Temporary Emergency Telecommuting Policy is to provide an alternate workplace environment for employees for social-distancing and social-separation, while ensuring that the essential agency functions continue to be performed during this emergency. The Agency will implement this Policy in keeping with the mission of the Agency and the respective department. This Policy is an emergency policy and the General Manager has discretion to implement or withdraw the Policy as deemed necessary.

The Department Managers, in consultation with the General Manager, shall designate and authorize specific days/times in which employees are permitted to telecommute.

Telecommuting Criteria

Telecommuting is not suitable for all employees and/or positions. The General Manager, or the designee(s) has the discretion to determine the employees and positions who may telecommute on an emergency basis utilizing criterion that includes, but is not limited to:

1. The operations needs of the employee’s department and the Agency;
2. The ability of the employee to perform his/her specific job duties from a location separate from his/her Agency worksite (“Alternate Worksite”) without diminishing the quantity or quality of the work performed;
3. The portability of the employee’s work;
4. The ability to create a functional, reliable, safe and secure Alternate Worksite for the employee at a reasonable cost;
5. The ability to measure the employee’s work performance from a location separate from his/her Agency Worksite;
6. The employee’s supervisory responsibilities;
7. The employee’s need for supervision;
8. Other considerations deemed necessary and appropriate by the employee’s immediate Supervisor or Manager.

Telecommute Assignment:

1. Any Assignment is only valid for the time period specified by the General Manager or designee(s). The Agency may, in its discretion, decide to terminate the Assignment at any time, deemed necessary.

2. Employee acknowledges and agrees that the Assignment is temporary and subject to the discretion of management. Telecommuting will be approved on a case-by-case basis consistent with the eligibility criteria above.

3. Non-exempt employees who receive overtime shall be assigned a Work Schedule, including rest and meal breaks. Any deviation from the Work Schedule must be approved in advance, in writing, by management. Non-exempt employees must
take meal and rest breaks while telecommuting, just as they would if they were reporting to work at their Agency worksite. Non-exempt employees may not telecommute outside their normal work hours without prior written authorization from their Supervisor or Manager. A non-exempt employee who fails to secure written authorization before telecommuting outside his/her normal work hours may face discipline in accordance with the Agency’s policy for working unauthorized overtime.

4. Telecommuting employees are required to be accessible in the same manner as if they are working at their Agency worksite during the established telecommuting Work Schedule, regardless of the designated location for telecommuting, or Alternate Worksite. Employees must be accessible via telephone, email and/or network access to their Supervisor and other Agency employees while telecommuting, as if working at their Agency worksite. Employees shall check their Agency-related business phone messages and emails on a consistent basis, as if working at their Agency worksite.

5. Employees shall work on a full-time basis, according to the Work Schedule. Employees are required to maintain an accurate record of all hours worked at the Alternate Worksite and make that record available to his/her Supervisor upon request. Employee shall record all non-productive work time on his/her timesheet.

6. While telecommuting, employees shall:

   a. Be available to the department via telephone and/or email during all Assignment designated work hours.

   b. Have the Alternate Worksite be quiet and free from distractions, with reliable and secure internet and/or wireless access.

   c. All periods of employees’ unavailability must be approved in advance by the Supervisor or Manager in accordance with department policy and documented appropriately.

   d. Employees shall ensure dependent care will not interfere with work responsibilities.

   e. Employees must notify their Supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.

   f. If the Agency has provided Agency owned equipment, employees agree to follow the Agency’s Policy for the use of such equipment. Employees will report to their Supervisor any loss, damage or unauthorized access to Agency owned equipment, immediately upon discovery of such loss,
damage or unauthorized access to Agency owned equipment, immediately upon discovery of such loss, damage or unauthorized access.

**General Duties, Obligations and Responsibilities**

Employees must adhere to the provisions set forth in the Policy and the terms of the Assignment, unless prior authorized by the department manager or supervisor.

1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Telecommuting employees are expected to abide by all Agency and departmental policies and procedures, rules and regulations, and all other official Agency documents and directives.

2. Employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected of Agency employees in terms of job responsibilities, work product, and timeliness of assignments.

3. Employees shall ensure that all official Agency documents are retained and maintained according to the normal operating procedures in the same manner as if working at an Agency worksite.

4. Employees may receive approval to use personal computer equipment or be provided with Agency issued equipment at the discretion of the Department Manager.

5. Employee may receive a virtual private network ("VPN") account, as approved by their Department Manager.

6. The Agency shall not be responsible for costs associated with the use of computer and/or cellular equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, ergonomic equipment, liability for their party claims, or any other incidental costs (e.g., utilities associated with the employee's telecommuting).

7. Employees shall continue to abide by practices, policies and procedures for requests of sick, vacation and other leaves of absences. Requests to work overtime, declare vacation or take other time off from work must be pre-approved by each employee's Supervisor. If an employee becomes ill while working under an Assignment, he/she shall notify his/her Supervisor immediately and record on his/her timesheet any hours not worked due to incapacitation.

8. Employee must take reasonable precautions to ensure their devices (e.g., computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the Agency's network and must close or secure all connections to the Agency desktop or system resources (e.g., remote desktop, VPN connections,
etc.) when not conducting work for the Agency. Employees must maintain adequate firewall and security protection on all such devices used to conduct Agency work from the Alternate Worksite.

9. Employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality and adhere to the Agency’s records retention policies, especially as it pertains to the Public Records Act. Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to Agency work they access from the Alternate Worksite or transport from their Agency worksite to the Alternate Worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their Agency worksite to the Alternate Worksite. Employees must return all records, documents and correspondence to the Agency at the termination of the Assignment or upon request by their Supervisor or Manager.

10. Employees’ salary and benefits remain unchanged. Workers’ Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers’ Compensation law. Employees must report any such work-related injuries to their Supervisor and Human Resources immediately. The Agency shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when said injuries occur at the Alternate Worksite.

11. All of employees’ existing supervisory relationships, lines of authority and supervisory practices remain in effect. Prior to the approval of this Assignment, Supervisors and employees shall agree upon a reasonable set of goals and objectives to be accomplished. Supervisors shall use reasonable means to ensure that timelines are adhered to and that goals and objectives are achieved.

12. Any breach of the telecommuting Assignment by the employee may result in termination of the Assignment and/or disciplinary action, up to and including termination of employment.
## Telecommute Schedule as Approved by the Department Manager

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**Employee Acknowledgement:**

I have read the Temporary Emergency Telecommuting Policy and I agree to abide by the terms and conditions in the policy.

Employee: ___________________________ Date: ____________

Department Manager: ___________________________ Date: ____________

*Department Manager is to provide a copy of the completed schedule to the employee*
STAFF REPORT

Agency Compliance with the Families First Coronavirus Response Act: Employee Paid Leave Rights

Requested Action:
No action required. This item is for Board information of Agency compliance with the federally mandated Families First Coronavirus Response Act: Employee Paid Leave Rights

Background:

Effective April 1, 2020, the Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (DOL) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

To comply with the Coronavirus (COVID-19) the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave, the attached policy has been implemented through December 31, 2020.

Prepared by: Karen L. Gish, Human Resource Manager
Emergency Paid Leave Policy
FMLA Leave Expansion – COVID-19

Purpose
To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020 until December 31, 2020. Our existing FMLA leave policy still applies to other reasons for leave outside this policy.

Emergency Paid Sick Leave

Eligibility
All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.

2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

3. The employee is experiences symptoms of COVID-19 and seeking a medical diagnosis.

4. The employee is caring for an individual who is subject to either number 1 or 2 above.

5. The employee is caring for his/her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.

6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of treasury and the secretary of labor.

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(A) Under 18 years of age; or
(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave
All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.
For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

**Rate of Pay**
Paid emergency sick leave will be paid at the employee’s regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

- $511 per day and $5,110 in total for leave taken for reasons 1-3 above;
- $200 per day and $2,000 in total for leave taken for reasons 4-6 above.

**Interaction with Other Paid Leave**
The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

**Procedure for Requesting Emergency Paid Sick Leave**
Employees must notify their Manager and Human Resources of the need and specific reason for leave under this policy. A form will be provided to all employees. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his/her Manager must determine reasonable procedures for the employee to report periodically on the employee’s status and intent to continue to receive paid sick time.

**Carryover**
Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carryover to the next year or be paid out to employees.

**Job Protections**
No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Please contact Human Resources with any questions.
Expanded FMLA Leave

Employee Eligibility
All employees who have been employed with Amador Water Agency for at least 30 days.

Reason for Leave
Eligible employees who are unable to work (or telework) due to a need to care for their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

"Child" means a biological, adopted, foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(A) Under 18 years of age; or
(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Childcare Provider" means a provider who receives compensation for providing childcare services on a regular basis, including:

- A center-based childcare provider
- A group home childcare provider
- A family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- Other licensed provider of childcare services for compensation
- A childcare provider that is 18 years of age or older who provides childcare services to the children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

"School" means an elementary or secondary school.

Duration of Leave
Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

Pay During Leave
Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as discussed above. After the first 10 days, leave will be paid at two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed $200 per day, and $10,000 in total. Any unused portion of this pay will not carry over to the next year.
For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave
While an employee is on leave, the Agency will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the Agency will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per the instructions from Human Resources.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Procedure for Requesting Leave
All employees requesting FMLA leave must provide written notice, where possible, of the need for leave to Human Resources as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, Human Resources will complete and provide the employee with any Department of Labor (DOL) required notices.

The notice the employee provides should include a brief statement as to the reason for leave, and if possible, the expected duration.

On a basis that does not discriminate against employees on FMLA leave, the Agency may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave
Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The Agency may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and
grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Please contact Human Resources with any questions.
Quarterly Investment Report – Period ending March 31, 2020

Requested Action: None

Background: The Amador Water Agency’s Investment Policy requires and Government Code Section 53646 encourages submittal to the Board of Directors a quarterly investment report reflecting the quarterly interest earnings received by the Agency from institutions holding Agency funds for investment purposes. This report presents the Agency’s investment portfolio as of March 31, 2020. It includes all investments managed by the Agency but not those held by external trustees. Funds held by trustees include assets such as bond reserve funds and deferred compensation plans.

- The portfolio is invested in short-term investments with the American River Bank and the Local Agency Investment Fund (LAIF) administered by the State Treasurer. These are very high-quality investments available to public agencies in terms of safety, liquidity and yield. These funds are FDIC insured up to $250,000 per investor and excess values are collateralized in accordance with Government Code Section 53651 and 53652.

- The balance represents the amount invested at a given point in time and is equal to the purchase price, par or face value, account balance and all represent the cost paid or funds invested in the vehicle.

- The market value of any instrument is the spot price between a willing buyer and seller and is a function of supply & demand, market and credit risk. The market value on instruments being bought and sold will fluctuate on a daily basis, while the purchase price, par or face values are constants. The market value for short-term interest bearing accounts that are currently within the Agency’s portfolio are simply the balance in the account. Interest is credited to the Agency’s investment accounts on a monthly and quarterly (LAIF) basis and is given in the interest earned column.

- The quoted yield is given on an annual basis and taken from the monthly statement. The yield is a function of average daily balances, considering deposits and withdrawals, for short-term interest accounts or agreed rates for instruments that are bought and sold. Purchased instruments that are traded have purchased dates and maturities associated with them.
**Alternatives:** Alternatively, the Agency could choose to invest more in longer term securities. The market is struggling currently with the global pandemic. CD rates have fallen to below 2% return on 12 month lockup.

**Fiscal Impact:** The overall weighted average return of the portfolio is 1.38% which is the product of the individual instruments' weights and yields. The attached table provides some significant statistics on the Agency’s portfolio. The valuation source is the March 31st, 2020 month ending statements from each of the respective institutions.

**Reviewed by Committee:** No

**Recommendation:** Presently, the Agency’s portfolio is consistent with its investment policy and the prudent investor rule.

**Prepared by:** Tracey Hays, Finance Manager
## Amador Water Agency
### Investment Report
March 31, 2020

<table>
<thead>
<tr>
<th>Portfolio Investments</th>
<th>Investment Type</th>
<th>Balance at 3/31/2020</th>
<th>Market Value</th>
<th>Investment Weight</th>
<th>Interest Earned</th>
<th>Quoted Yield</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
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<td>Commercial Checking Account</td>
<td>360,894</td>
<td>360,894</td>
<td>10%</td>
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<td>American River Bank</td>
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<td>American River Bank</td>
<td>Payroll Account</td>
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<td>6</td>
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<td>American River Bank</td>
<td>Participation Fee Account</td>
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<td>American River Bank</td>
<td>Debt Service Receipts</td>
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<td>American River Bank</td>
<td>USDA - CDBG II S-T Interest Account</td>
<td>1,000</td>
<td>1,000</td>
<td>0%</td>
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<td>0.020%</td>
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<td>LAIF</td>
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<td>2,535,527</td>
<td>2,535,527</td>
<td>72%</td>
<td>15,278</td>
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<td><strong>Total</strong></td>
<td></td>
<td><strong>3,529,294</strong></td>
<td><strong>$ 15,338</strong></td>
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|          | Unrestricted                   | 983,924               |
|          | Restricted                     | 2,545,370             |
|          | **Total**                      | **3,529,294**         |

Portfolio Weighted Average Return: 1.38%
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY

CC: JOHN KINGSBURY, INTERIM GENERAL MANAGER

FROM: JOSH HOROWITZ & BRITTANY BRACE

DATE: APRIL 2, 2020

RE: LEGISLATIVE REPORT FOR THE APRIL 9, 2020 AMADOR WATER AGENCY BOARD MEETING

The following are bills of potential interest to the Amador Water Agency pending in the 2020 session of the California Legislature. [** - denotes bills added since last month's report.] Note that due to the COVID-19 outbreak and federal and state social distancing rules, both the Assembly and Senate have adjourned until April 13, 2020.

STATE ASSEMBLY

AB 235 (Mayes) - Electrical corporations: wildfire victim recovery bonds.
Introduced: 1/18/19
AB 235 would create the California Wildfire Catastrophe Fund Authority, which would reimburse participating utilities for liability costs that exceed their established insurance levels. The bill would authorize electrical corporations and local publicly owned electric utilities to participate in the authority. The bill would require each participating entity to make an initial contribution and annual contributions to the authority, and would require the authority's board to deposit those contributions into an account dedicated to receiving contributions from that participating entity.
ACWA: None.

AB 289 (Fong) - California Public Records Act Ombudsperson.
Introduced: 1/28/19
No action has yet been taken on this bill, but it is still active and listed in the committee process. If passed, AB 289 would declare the intent of the Legislature to enact legislation that would establish an ombudsman within the California State Auditor's Office who would serve as the appeals body for all requests related to the California Public Records Act.
ACWA: None.
AB 291 (Chu) – Local Emergency Preparedness and Hazard Mitigation Fund.
Introduced: 1/28/19
Under the Federal Emergency Management Act (FEMA), the state is required to have a mitigation plan as a condition for disaster assistance and grant funding. The California Emergency Services Act requires the Office of Emergency Services to implement this mandate by coordinating with all interested state agencies to jointly establish a standardized emergency management system for use by all emergency response agencies. This bill would establish a Local Emergency Preparedness and Hazard Mitigation Fund, and the Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board, to support local governments with staffing, planning, and other emergency mitigation priorities necessary to meet emergency management, preparedness, readiness and resilience goals.
ACWA: Favor.

AB 292 (Quirk) - Recycled water: raw water and groundwater augmentation.
Introduced: 1/28/19
Current law requires the State Water Resources Control Board (State Water Board), on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation. This bill would eliminate the definition of “direct potable reuse” and would instead substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would require, on or before December 31, 2023, the State Water Board to adopt uniform water recycling criteria for raw water augmentation. Although this bill has not yet been acted on in 2020, it is still an active bill in the floor process.
ACWA: Support.

AB 402 (Quirk) – State Water Resources Control Board: local primacy delegation: funding stabilization program.
Introduced: 2/6/19
The California Safe Drinking Water Act requires the State Water Board to administer provisions relating to the regulation of drinking water to protect public health. The act requires the State Water Board to provide certain local agencies (called local primacy agencies), to the extent funds are available from the Safe Drinking Water Account, with an annual drinking water surveillance program grant to cover the costs of conducting inspection, monitoring, surveillance, and water quality evaluation activities. The act requires the State Water Board to adopt a schedule of fees and requires a public water system under the jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the State Water Board.
Although there has been no 2020 activity on this bill yet, it is still listed as active and in the committee process. Early in this bill’s legislative cycle last year, ACWA adopted an oppose-unless-amended position on the bill, after learning that the author intended to amend the bill to authorize the State Water Board to establish and collect fees on all public water systems in order to subsidize this program. However, ACWA withdrew opposition to the bill last August and adopted a “watch” position after reviewing proposed amendments that would reduce the overall cost of the program and potential fees imposed on public water systems.

ACWA: Watch.

**AB 841 (Ting) - Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.**

*Introduced: 2/20/19*

*Status: 7/10/2019 – Failed deadline for passage out of Sen. Policy Comm. (2-year bill).*

This bill would require the state Office of Environmental Health Hazard Assessment to adopt and complete a work plan to assess which PFAS should be identified as a potential risk to human health and subject to notification requirements by public water systems under the Health & Safety Code. The bill would require the office to provide an update on the assessment by January 1, 2022. Although no action has been taken on this bill in 2020 so far, the bill is still active and in the committee process.

ACWA: Favor.

**AB 992 (Mullin) - Open meetings: local agencies: social media.**

*Introduced: 2/21/19*

*Status: 1/30/20 - In Senate. Read first time. To Sen. Comm. on Rules for assignment.*

AB 992 would provide guidance on how local elected officials may use social media to engage with their community while complying with the Brown Act. The Brown Act requires that legislative bodies of local agencies conduct meetings openly, and prohibits a majority of the members of a legislative body from using a series of communications of any kind to discuss, deliberate, or take action on any item within the subject matter jurisdiction of the legislative body outside a meeting authorized by the act. This bill would set the same standard for social media as is currently in place under the community meetings exception to the Brown Act, which would allow a majority of the members of a local agency’s legislative body to participate in social media platforms so long as those members do not partake in discussion among themselves regarding specific business within the body’s subject matter jurisdiction.

ACWA: None.

**AB 1415 (Friedman) - Department of Water Resources: reporting requirements: civil penalties.**

*Introduced: 2/22/19*

*Status: 08/30/19 - In Sen. Comm. on Appr.: Held under submission.*
Under existing law, certain entities are required to prepare and submit specified plans and reports relating to water management, such as aggregated farm-gate delivery data, urban water management plans, and water loss audit reports to the Department of Water Resources (Department). This bill would require the Department to impose a civil penalty on an entity that fails to file such specified reports or plans by the deadline required for each respective report or plan, subject to exceptions related to curing the entity’s reporting requirements and other circumstances. No action has been taken on this bill in 2020, however it is still active and in the committee process.

ACWA: Not favor unless amended.

AB 1839 (Bonta) – Climate change: California Green New Deal.
Introduced: 1/6/20
Status: 1/7/20 – From printer. May be heard in committee Feb. 6.
A reintroduction of Assemblymember Bonta’s AB 1276 (2019), AB 1839 would create the California Green New Deal Council with specified membership appointed by the Governor. The bill would require the California Green New Deal Council to submit a specified report to the Legislature no later than January 1, 2022. Otherwise, the bill largely consists of findings and declarations detailing the rights of Californians, and articulates the Legislature’s intent for the Legislature and state agencies to consider a series of goals, including accelerated greenhouse gas emissions reduction, increased affordable housing, and improved standards of living for impacted communities of color.

ACWA: Watch.

AB 1941 (Gallagher) - California Renewables Portfolio Standard: hydroelectric and nuclear generation and suspension.
Introduced: 1/16/20
Status: 2/19/20 – Re-referred to Asm. Comm. on Utilities and Energy.
Existing law establishes the California Renewables Portfolio Standard Program, which, among other things, requires the Public Utilities Commission to implement annual targets for the procurement of eligible renewable energy resources for all retail sellers. Under this program, it is state policy that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. Currently, eligible renewable energy resources include small hydroelectric generation facilities of 30 megawatts or less that meet specified criteria.

AB 1941 would revise the definition of an eligible renewable energy resource for the purposes of the California Renewables Portfolio Standard Program to include all hydroelectric generating facilities in operation as of January 1, 2021. This bill would also suspend the requirements of the program and the state policy that are applicable to retail sellers, unless the commission makes unspecified factual determinations and issues an order reinstating those requirements. The bill would require the commission to determine
the amount saved by an electrical corporation due to any suspension and would require the electrical corporation to expend that amount to improve its transmission and distribution infrastructure to minimize the risk of wildfire ignition. The bill would prohibit electrical corporations from increasing the salaries of, or providing bonuses to, their executive officers during the suspension of the program’s requirements.

ACWA: None.

AB 1936 (Rodriguez) – Price gouging: public safety power shutoffs.

Introduced: 1/16/20
Status: 3/16/20 – Re-referred to Asm. Comm. on Appr.
Under existing law, upon the proclamation of a state of emergency, it is a misdemeanor with specified penalties for a person, contractor, business, or other entity to sell or offer to sell certain goods and services for a price that exceeds the price charged by that person immediately prior to the proclamation or declaration of emergency by ten percent, except as specified. This bill would apply price gouging prohibition and penalties upon an announcement of a public safety power shutoff (PSPS) event by an official, board, or other governing body authorized to make that announcement in any county, city, or city and county. This bill would also expand the price gouging protections, which currently cover fuel costs, to cover costs for generator rentals or parts and repair. ACWA adopted a “Favor if amended” position on this bill, indicating it would support the bill if it was amended to explicitly cover costs associated with generator rentals or parts and repair in the bill’s list of protected goods and services.

ACWA: Favor if amended.

AB 1947 (Kalra) - Employment violation complaints: requirements: time.

Introduced: 1/17/20
This bill would extend the period of time for filing a complaint with the Division of Labor Standards Enforcement alleging unlawful discharge or discrimination from six months to one year after the occurrence of the violation. AB 1947 would also provide reasonable attorney’s fees for plaintiffs that bring a successful claim for an employer’s violation of whistleblower protections.

ACWA: None.

AB 1958 (Cooper) - State Plan of Flood Control: facilities.

Introduced: 1/17/20
AB 1958, which is a reintroduction of Assemblymember Cooper’s AB 137 from last year, would declare that the State Plan of Flood Control (SPFC) is composed of essential public safety infrastructure necessary for the protection of life property, and the economy. In
response to the September 2018 Ninth Circuit Court of Appeals ruling in *Martin v. City of Boise* that local governments could not cite homeless individuals for sleeping outside if there are no adequate alternatives, it would ensure that encampments along levees are treated differently from other homeless encampments. The bill would also prohibit a person from altering, occupying, or physically or visually obstructing any levee forming part of any flood control plan without permission of the Central Valley Flood Protection Board.

Additionally, this bill would authorize the Board or a local agency that maintains the levee or facility to inspect and remove any physical or visual obstructions or alterations made on any of the levees or facilities that are part of the SPFC.

**ACWA**: Support.

**AB 2076 (Bigelow) - Public lands: Department of Parks and Recreation: wildfire management plan: fire hazard severity zones.**

*Introduced: 2/5/20*


This bill would require the Department of Parks and Recreation (Department) to develop and implement a wildfire management plan for all property under the jurisdiction of the Department, including state parks and recreational trials, that is located within a high or a very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection. This plan would outline the Department’s fire prevention goals, future projects for prescribed fire, defensible space, fire resilient restoration projects, and the fire hardening of the Department’s structures. Additionally, the plan must include recommendations for policy changes and resources needed for the Department to adapt to the increasing high severity wildfire threat. This bill would require the Department to complete the development of the first half of the plan on or before January 1, 2024, and to complete the second half of the Plan on or before January 1, 2026. ACWA staff recommended adopting a position in favor of the bill, noting that it may provide tangential benefits for entities whose water supplies travel through Department owned land and by promoting proactive forest management generally.

**ACWA**: Favor.

**AB 2093 (Gloria) – Public records: writing transmitted by electronic mail: retention.**

*Introduced: 2/5/20*

*Status: 3/10/20 – From committee: Do pass and re-refer to Asm. Comm. on Appr.*

The California Public Records Act (PRA) authorizes public agencies to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the agency. AB 2093—a reintroduction of Assemblymember Gloria’s AB 1184 from last year—would require public agencies to retain and preserve for at least two years every public record that is transmitted by email. Governor Newsom vetoed AB 1184 last October, indicating that the bill did “not strike the appropriate balance between the benefits of
greater transparency through the public's access to public records, and the burdens of a
dramatic increase in records-retention requirements...”
ACWA: Not Favor.

**AB 2095 (Cooper) – Water theft: enhanced penalties
Introduced: 2/5/20
Status: 3/16/20
Originally introduced as a “spot” bill related to childhood nutrition, AB 2095 was gutted
and amended to address water theft, as defined in California Penal Code section 498. Under
existing law, the legislative body of a local agency may make a violation of any ordinance
enacted by the local agency subject to an administrative fine or penalty, with a maximum of
$100 for the first violation, $200 for the second violation, and $500 for the third violation
within a 12-month period. AB 2095 would create a separate tiered maximum fine structure
for violations of ordinances related specifically to water theft, raising the maximum fines to
$1,000 for the first violation, $2,000 for the second violation, and $3,000 for each additional
violation within a year. ACWA—noting that water theft, in addition to having a negative
impact on water affordability, also makes it more difficult for water agencies to comply with
state water loss standards—adopted a “Favor” position on this bill, and that the more
punitive approach would better deter water theft.
ACWA: Favor.

AB 2151 (Gallagher) – Political Reform Act of 1974: online filing and disclosure
system.
Introduced: 2/10/20
Status: 3/16/20 – In committee: Hearing postponed by Asm. Comm. on Elections &
Reapportionment.
The Political Reform Act of 1974 requires the filing of specified statements, reports and
other documents relating to the disclosure of campaign finances. Under the act, a local
agency may require these filings to be made online or electronically with the local filing
officer, as specified. The act requires the local filing officer to make the data from these
filings available on the internet in an easily understood format that provides the greatest
public access. This bill would require a local agency to post on its website, within 72 hours
of the applicable filing deadline, a copy of any specified statement, report, or other
document filed with that agency in paper format. The agency also must make such filings
available for four years from the date of the election associated with the filing.
ACWA: None.

AB 2155 (Obernolte) – Public officers: contracts: prohibited interests.
Introduced: 2/10/20
Section 1090 of the Government Code prohibits public officials from being financially
interested in any contract made by them in their official capacity, or by any body or board of
which they are members, subject to certain exceptions and qualifications. A contract made in violation of these provisions may be avoided at the instance of any “party,” except the interested officer. This bill would define “party” as a California taxpayer for these purposes, applying to any contract formed on or after January 1, 2021.

ACWA: None.

AB 2178 (Levine) – Emergency services.
Introduced: 2/11/20
The California Emergency Services Act authorizes the Governor, local officials and local governments to proclaim a local emergency when specified conditions exist, and to exercise certain powers in response to that emergency. Existing law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would add “deenergization,” defined as a public safety power shutoff (PSPS) event, to those conditions constituting a state of emergency and/or a local emergency.

ACWA: Favor.

Introduced: 2/11/20
Aimed at addressing unintended consequences of PSPS on water and wastewater agencies, this bill would exempt the operation of an alternative power source to provide power to a “critical facility” during a deenergization event from any local, regional, or state regulation regarding the operation of that source. “Critical facilities” include water and wastewater treatment facilities, treatment plants, pumping stations, and other storage and water facilities. In lieu of compliance with applicable legal requirements, the bill would authorize the providers of these essential public services to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.

ACWA: Support/Sponsor.

AB 2186 (Grayson) – Public contracting: contractor retention withholding.
Introduced: 2/11/20
Status: 2/20/20 - Referred to Asm. Comm. on Local Gov.
Current law authorizes the legislative body of a local agency to prescribe how the agency makes payment on a contract for the creation, construction, alteration, repair, or improvement of any public structure, building, road, or other improvement of any kind that
will exceed a total of $5,000. Current law limits this authority by requiring an agency to withhold payment and make progress payments in a certain manner. This bill would eliminate such limitations on a local agency’s authority to prescribe payments on these contracts, but would prohibit the local agency from withholding more than five percent of the contract price. ACWA adopted a “Pending Committee Input” position, noting that it is currently unaware of the extent to which projects experience administrative delays as a result of this limitation on the agency’s authority to prescribe payments, and whether agencies would find such a provision valuable.

ACWA: Pending Committee Input.

AB 2364 (Rubio) – Municipal separate storm sewer systems: financial capability analysis.

Introduced: 2/18/20
Status: 3/17/20 – In committee; Hearing postponed by Asm. Comm. on Environmental Safety & Toxic Materials.

In an effort to assist local governments with meeting stormwater quality standards, AB 2364 would require the State Water Resources Control Board to, by July 1, 2021, establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. The bill would require the State Board and the regional boards to continue using available regulatory tools and other approaches to foster collaboration with permittees to implement permit requirements in light of the costs of implementation. ACWA has favored two former introductions of similar bills, and adopted a “Favor” position on this bill, noting regional water boards do not adequately consider the costs that local jurisdictions face in compliance with municipal separate storm sewer system permit requirements.

ACWA: Favor.

**AB 2572 (Dahle) – Worker status: independent contractors.

Introduced: 2/20/20
Status: 3/10/20 – Re-referred to Comm. on Lab. & Employment.

Existing law uses a 3-part test, as the "ABC" test, to determine if workers are employees or independent contractors, and establishes that, for purposes of the Labor Code, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the hiring entity’s control and direction in performing the work, the person performs work outside of the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. As amended in March, this bill would exempt persons who perform work on forested landscapes as geologists and geophysicists, land surveyors, contractors, engineers, and persons in the pest control business, who otherwise meet certain statutory licensing requirements.

ACWA: None.
AB 2656 (Eggman) – Wholesale water suppliers: water loss audit reports.
Introduced: 2/20/20
Status: 2/21/20 – From printer. May be heard in comm. March 22.
Current law requires the state to achieve a 20% reduction in urban per capita water use by December 31, 2020. Current law also requires an urban retail water supplier to develop urban water use targets and an interim urban water use target, and requires each urban retail water supplier to annually submit a completed and validated water loss audit report for the previous calendar year or fiscal year. This bill would express the intent of the Legislature to enact legislation that would require wholesale water suppliers to conduct and submit annual water loss audit reports to the Department of Water Resources.
ACWA: None.

AB 2676 (Quirk) – California Public Records Act: exemptions.
Introduced: 2/20/20
Status: 3/17/20 – In committee; hearing postponed by committee.
Currently, the California Public Records Act exempts from disclosure critical infrastructure information that is voluntarily submitted to the Office of Emergency Services, including the identity of the person who or entity that voluntarily submitted the information. This bill would expand the exemption by removing the restriction that the submission be voluntary.
ACWA: None.

**AB 2887 (Bonta) – Statewide emergencies: mitigation.
Introduced: 2/21/20
Under existing law, a municipal corporation, municipal utility district, or public utility district that provides light, water, power, or heat is prohibited from terminating service for certain specified reasons based on, among other things, ability to pay. As amended on March 16 to address impacts related to the COVID-19 pandemic, AB 2887 would prohibit an electrical corporation, gas corporation, water corporation, municipal corporation, municipal utility district, or public utility district from terminating residential or small commercial electrical, gas, or water service for nonpayment for the first three billing cycles following a state of emergency or major disaster for a customer that may have been affected by it, except in accordance with the requirements outlined in the bill. A utility would be subject to the following requirements:

- Include a notice in the first three billing statements made to affected residents or customers that if, as a result of conditions associated with the state of emergency or major disaster, the customer suffered financially and is unable to pay for service, the customer may apply for an amortization agreement or other extension for a reasonable period of time not to exceed 12 months.
- Any affected resident or customer that represents that they have suffered financially as a result of the conditions associated with the state of emergency or major disaster and, as a result, is unable to pay for service, shall be granted an extension to be
permitted to amortize the unpaid amounts to be beyond the means of the customer to pay within the normal period for payment, not to exceed 12 months.

- Any utility is prohibited from terminating service for any customer complying with such amortization agreement, as long as the customer also keeps the account current as charges accrue in each subsequent filing period following the first three billing statements made following the state of emergency or disaster.

ACWA: None.

**AB 2987 (Flora) – Local agency public contracts: bidding procedures.**

**Introduced:** 2/21/20

**Status:** 3/5/20

The Uniform Public Construction Cost Accounting Act (Act) authorizes a public agency to elect to become subject to uniform construction cost accounting procedures for public projects, including bidding procedures. Those bidding procedures include procedures for the publication or posting and electronic transmission of notice inviting formal bids. This bill would authorize a public agency, as an alternative to the publication or posting requirement, to meet the notice inviting formal bids requirement by transmitting notice electronically, as specified, and publishing the notice electronically on the public agency’s internet website at least 14 calendar days before the date of opening the bids.

ACWA: Favor.

**AB 3147 (Gabriel) – Fees for development projects.**

**Introduced:** 2/21/20

**Status:** 3/9/20 – Referred to Asm. Comms. on Local Gov. and Housing & Community Development.

Under the Mitigation Fee Act, local agencies are prohibited from imposing fees, including fees for water or sewer connections, that exceed the estimated reasonable cost of providing the service for which the fee is charged without voter approval. Existing law requires any judicial action or proceeding to attack, review, set aside, void or annul the adoption of a new fee to be brought within 120 days of the effective date of the adopting ordinance, resolution, or motion. AB 3147 would instead require such a judicial action or proceeding to be conducted in accordance with other procedures that require a protest to be filed within 90 days after the imposition of the fees. Any action to attack, review, set aside, void, or annul the imposition of the fees would need to be filed within 180 days after delivery of a specified notice by the local agency. The bill would also require local agencies that impose fees in excess of actual cost to reimburse the payor of the fee or service charge.

ACWA adopted an “Oppose” position to this bill, indicating it would create financial uncertainty for water and sewer agencies, because an agency may be unable to recover the entirety of its investment into infrastructure where new development is planned, since the developer would be able to successfully challenge the capacity charge long after the
infrastructure is constructed. Staff indicated that the Mitigation Fee Act already requires agencies to go through a transparent pricing process for capacity charges or connection fees. ACWA: Oppose.

AB 3148 (Chiu) – Planning and zoning: density bonuses: affordable housing: fee reductions.
Introduced: 2/21/20
Status: 3/9/20 – Referred to Asm. Comms. on Local Gov. and Housing & Community Dev.
AB 3148 would require a city, county, special district, water corporation, utility, or other local agency, except a school district, to reduce an impact fee or other charges imposed on the construction of a deed restricted affordable housing unit that is built pursuant to a density bonus, to amounts that are, depending on the affordability restriction on the unit, a specified percentage of the impact fee or other charge that would be imposed on a market rate unit within the development. The bill would exempt from these provisions units that are required to be affordable pursuant to a local inclusionary housing ordinance. The bill would define “impact fee” for purposes of these provisions as it is currently defined under the Mitigation Fee Act, but would exclude connection fees or capacity charges imposed by a local agency, special district, or water corporation.
ACWA: None.

AB 3256 (Garcia) – Climate risks: bond measure.
Introduced: 2/21/20
Status: 2/24/20 – Read first time.
This bill would state the intent of the Legislature to enact a bond measure that would address climate risks to the State of California.
ACWA: None.

ACA 17 (Gray) - Energy: hydroelectric generation facilities.
Introduced: 7/9/19
Status: 7/10/19 – From printer: May be heard in committee Aug. 9.
This measure would require that the state’s programs relating to renewable energy and climate change include hydroelectric generation facilities as renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources, and would require that those programs not differentiate between the electricity generated by hydroelectric facilities and the electricity generated by other renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources. The measure would require that hydroelectric generation facilities be considered renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources for licensing and certification purposes.
ACWA: None.
STATE SENATE

Introduced: 12/3/18
Status: 1/30/20 – In Asm. Read first time. Held at Desk.
This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. If approved by the voters, the act would authorize the issuance of bonds in the amount of $5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection programs.
ACWA: Favor if amended.

SB 287 (Nielsen) - Commission on State Mandates: test claims: filing date.
Introduced: 2/13/19
Status: 8/30/19 - Held in Asm. Com. on Appr. and under submission.
Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state generally is required to reimburse the local government. To that end, local agencies may file claims for reimbursement with the Commission on State Mandates or the Legislature. Existing law requires a local agency to file a test claim for reimbursement not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later. This bill would specify that, for purposes of filing a test claim based on the date of incurring increased costs, “within 12 months” means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant. Although no action has yet been taken in 2020 on this 2-year bill, it is still listed as active and in the committee process.
ACWA: None.

SB 378 (Wiener) - Electrical corporations: deenergization events: procedures: allocation of costs: reports.
Introduced: 2/20/19
Among other things, this bill would require the Public Utilities Commission (PUC), on or before June 1, 2021, to establish a procedure for customers, local governments, and others affected by a deenergization event to recover costs accrued during the deenergization event from an electrical corporation within specified time periods. The bill also would require electrical corporations to establish an account to track expenses paid to customers, local governments and others for claims resulting from a deenergization event. In addition, an electrical corporation would be prohibited from billing customers for any nonfixed costs during a deenergization event, and would be required to credit its ratepayers any profit accrued due
to a deenergization event that the PUC determined to be undertaken in an unreasonable or imprudent manner.
ACWA: Favor if amended.

SB 414 (Caballero) - Small System Water Authority Act of 2019.
Introduced: 2/20/19
Status: 8/30/19 – Failed deadline for passage out of Asm. Comm. on Appr. (2-year bill). Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Board various responsibilities and duties. The act authorizes the State Water Board to order consolidation with a receiving water system if a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. If consolidation is not appropriate or not technically and economically feasible, the State Water Board may contract with an administrator to provide administrative and managerial services to designated public water systems and to order the designated public water system to accept those services.

SB 414 is a two-year bill and has yet to be acted on in 2020. If the bill continues to move forward, it would authorize the creation of small system water authorities with powers to absorb, improve, and competently operate noncompliant public water systems. The bill would require the State Water Board to provide written notice to all public agencies, private water companies, or mutual water companies that operate a small public water system that is not in compliance with certain state or federal primary drinking water standard maximum contaminant levels. An entity that receives this notice would need to take further actions to remedy a violation. If an entity is unable to remedy the violations, the State Water Board would be authorized to resolve the problem through a plan or formation of a new authority to serve the customers of the public water system.
ACWA: Support.

SB 668 (Rubio) - Fire hydrants: water suppliers: regulations.
Introduced: 2/22/19
Status – 9/15/19 – Failed Deadline pursuant to Rule 61(a)(15) (2-year bill). Existing law requires a public water system with 10,000 or more service connections to undertake specified actions, including, among other things, to review and revise its disaster preparedness plan to ensure that it is sufficient to address possible disaster scenarios and, following a declared state of emergency, to furnish an assessment of its emergency response within six months thereafter and implement related recommendations in a timely manner. Existing law also requires the Office of Emergency Services to establish emergency response and recovery plans in coordination with public water systems. This bill would instead require an urban water supplier to review and revise its emergency response plan as required by federal law. The bill would also require the Office of Emergency Services to
establish emergency response and recovery plans in coordination with urban water suppliers.

ACWA: Watch.

SB 749 (Durazo) - Public Records Act: trade secrets.

Introduction: 2/22/19
Status: 9/13/19: Ordered to inactive file on request of Asm. Member Calderon.

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law provides that nothing in the act requires the disclosure of corporate proprietary information including trade secrets, among other things. SB 749 would provide that records relating to wages, benefits, working hours, and other employment terms and conditions of employees working for a private industry employer pursuant to a contract with a state or local agency shall not be deemed to be trade secrets under the California Public Records Act. The bill would also provide that records of compliance with local, state, or federal domestic content requirements and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency shall not be deemed trade secrets under the act.

ACWA: None.

SB 797 (Wilk) - Water resources: permit to appropriate: application procedure.

Introduced: 1/6/20
Status: 3/18/20 – March 24 hearing postponed by committee.

Under existing law, the State Water Board administers a water rights program pursuant to which it grants permits and licenses to appropriate water. Applications for a permit to appropriate water must include (among other things) sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the State Water Board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law, and allows interested parties with good cause to file a written protest with regard to an application. No hearing is necessary to issue a permit in connection with an unprotested application. Additionally, no hearing is necessary if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the State Water Board elects to hold a hearing.

This bill would require the publication of a new notice of application if the State Water Board has not rendered a final determination on an application within 30 years from its original filing date. The new notice would re-open the protest period and other administrative processes as if it were being undertaken for the first time. Applications by public entities would be exempt from this requirement.

ACWA: Oppose.
SB 862 (Dodd) - Planned power outage: public safety.
Introduced: 1/16/20
Status: 3/19/20 – March 31 hearing postponed by committee.
The California Emergency Services Act authorizes the Governor to proclaim a state of emergency, and local officials and local governments to proclaim a local emergency, when specified conditions exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a planned deenergization event within those conditions constituting a state of emergency and a local emergency.
ACWA: None.

**SB 1056 (Portantino) – Drinking water: testing: perfluoroalkyl and polyfluoroalkyl substances.
Introduced: 2/18/20
Status: 3/18/20 – April 1 hearing postponed by committee.
The California Safe Drinking Water Act (Act), requires the State Water Resources Control Board (State Water Board) to administer provisions relating to the regulation of drinking water to protect public health. The Act authorizes the State Water Board to order a public water system to monitor for perfluoroalkyl and polyfluoroalkyl (PFAS) substances. This bill would require the State Water Board, on or before January 1, 2022, to certify a methodology or methodologies for testing drinking water, groundwater, and surface water for PFAS substances as a class and to accredit qualified laboratories in California to analyze PFAS substances pursuant to the adopted methodology or methodologies. ACWA adopted a “Favor” position, indicating that the three U.S. EPA validated methods do not adequately evaluate the thousands of other compounds in the PFAS class, and that this bill would allow for a more comprehensive understanding of statewide PFAS contamination.
ACWA: Favor

FEDERAL LEGISLATION

Introduced: 6/20/2019
This bill would expand and update funding authorizations for the Bureau of Reclamation under the Water Infrastructure Improvements for the Nation (WIIN) Act. It would extend WIIN Act funding for an additional five years, including $670 million for surface and groundwater storage projects, and supporting conveyance, $100 million for water recycling projects, and $60 million for desalination projects. In addition, the bill would create a new loan program at 30-year Treasury rates (currently around 2.6%) for water supply projects.
Under this program, repayment can be deferred until five years after completion of the project. The bill also would authorize $140 million for habitat restoration and environmental compliance projects, including forest, meadow and watershed restoration and projects that benefit threatened and endangered species. The bill contains two provisions to offset the costs of these appropriations: (1) an extension of WIIN Act provisions allowing water districts to prepay outstanding capital debts and to convert to indefinite length water supply contracts to bring in additional revenue over the next ten years, and (2) a process to deauthorize inactive water recycling project authorizations.

**ACWA:** Support.

**S TBD (Huffman) – Furthering Underutilized Technologies and Unleashing Responsible Expenditures (FUTURE) for Drought Resiliency Act.**

**Introduced:** Not yet introduced  
**Status:** 3/5/2020 - Discussion draft. 

Introduced in discussion draft form, with final introduction pending as of March 5, the FUTURE Act would fund investments in water infrastructure development, improved water technology and data, and ecosystem protection and restoration. Infrastructure development provisions include funding for recycled water programs and water storage projects, such as aquifer recharge, floodplain storage, and watershed restoration projects. The bill also would establish an annual $300 million water infrastructure fund, allocating $100 million each for recycling, efficiency, and dam safety projects. Water technology and data provisions include tax rebates for residential conservation measures and funding for forecast informed water control manual updates to improve dam operations. Ecosystem protection and restoration provisions include funding for remediation of illegal marijuana grow sites that impact water supplies, a grant program with $150 million annually for habitat restoration projects, and $20 million for drought planning relating to critically important fisheries. Finally, the bill would establish a water career training grant program, that would award grants to eligible entities for the purpose of developing, offering, or improving educational or career training programs that provide skills necessary for employment with a public water district. 

**ACWA:** None.