

HUMBOLDT BAY MUNICIPAL WATER DISTRICT

Board of Directors Meeting

October 2019



Collector 4 Emergency Repair Work due to Storm Damage

MINUTES



HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



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A. ROLL CALL

President Woo called the meeting to order at 9:30 am. Director Rupp conducted the roll call. Directors Fuller, Hecathorn, Latt, Rupp and Woo were present. General Manager John Friedenbach, Superintendent Dale Davidsen, Business Manager Chris Harris and Board Secretary Sherrie Sobol were also present. Legal Counsel Ryan Plotz and District Engineer Pat Kaspari were present for a portion of the meeting. Director Hecathorn left the meeting at 11:50 am, prior to the 12:10 pm lunch break and returned after lunch.

B. FLAG SALUTE

President Woo led the flag salute.

C. ACCEPT AGENDA

On motion by Director Latt, seconded by Director Rupp, the Board voted 5-0 to accept the agenda.

D. MINUTES

On motion by Director Hecathorn, seconded by Director Fuller, the Board voted 5-0 to approve the Minutes of August 8, 2019 Regular Meeting, August 27, 2019 Special Meeting, and the September 10, 2019 Special Meeting,

E. PUBLIC COMMENT

No public comment was received.

F. CONSENT AGENDA

On motion by Director Fuller, seconded by Director Hecathorn, the Board voted 5-0 to approve the Consent Agenda.

G. CORRESPONDENCE

Letter from DWR re: 2019 Pre-Season Flood Coordination Meetings

Mr. Davidsen attended the Flood Coordination meeting and stated it was a good meeting. DWR staff discussed new forecasting tools and flood control barriers. There was also good agency attendance as well.

Letters from CalOES re: Spillway Retrofit, Mad River Slough Single Line Crossing and Chlorine Scrubber Projects

Mr. Friedenbach stated the three projects were denied. Staff plans to submit the Spillway Retrofit project under a national Pre-Disaster Mitigation grant program.

Letter from Cal OES re: Emergency Action Plan (EAP) Review

Cal OES stated the EAP was missing items. This is a result of new requirements and the District will respond and include the new requirements.

Annie & Mary Trail

The City of Arcata selected the route for its stretch of the Annie and Mary Trail. It is a 3.3 mile stretch that will start at Sunset Avenue and end at the District's Park 1. Mr. Friedenbach stated he will seek one-hundred percent grant funding to improve the parking area and add cement picnic tables at Park 1.



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North Coast Resource Partnership (NCRP)

The next meeting will be a local one taking place at the Bear River Rancheria in Loleta. One of our projects that was partially funded through them was the Mad River Crossing project. The Collector 2 Rehabilitation project was recently approved by the NCRP and will now move on to the State for final funding approval.

H. CONTINUING BUSINESS

1. Water Resource Planning-status report on water use options under consideration

Local Sales-Nordic Aquafarms

Mr. Friedenbach reported that staff participated with Humboldt County’s Economic Development Department in a presentation to the Humboldt County Board of Supervisors regarding potential grant funding or financing options needed for the industrial system capital upgrades. He shared some of the options discussed. Director Rupp expressed reservations regarding funding from a JPA.

Mr. Friedenbach also shared photos of the clarifier facility at the former Simpson pulp mill site, now Security National. It is still standing but is in rough shape.

Mr. Friedenbach stated Nordic Aquafarms will be meeting later this month to decide on their course of action. There is no update from Enviva.

Transport-Letter to five Region 5 agencies

Mr. Friedenbach shared the letter he sent to five member agencies of ACWA’s Region 5 since their September event was titled Water Supply & Reliability: Agencies Working Together for Bay Area Regional Reliability. The District has previously met with these agencies and the letter was a reminder that we have water availability here on the north coast.

Also, Mr. Friedenbach stated he received an email from Brown and Caldwell regarding the transport option. They are participating in a workshop with Bay Area agencies to assess various opportunities for transfers/exchanges. Staff will notify the Board if it materializes into a possible viable project.

Instream Flow-Permanent or temporary dedication

David Aladjem, water rights attorney participated in the discussion via telephone. President Woo inquired if the District was planning on a permanent or temporary instream application. She stated she just assumed permanent until it was brought up by the State Water Resources Control Board (SWRCB). She asked Mr. Aladjem what the pros and cons were and the Board discussed them. Mr. Aladjem stated the main advantage to permanent is the SWRCB would almost certainly approve it. If filing today, the estimated wait process for approval is five to seven years; since the SWRCB is excited about this project, it could possibly be fast-tracked and only take four to five years. A member of the public commented that he would wishes it would be temporary and suggested perhaps he could bring Supervisor Bohn to the next meeting. Director Rupp clarified this dedication would not change our current practice. All this does is protect our 20 MGD of water. Current practices would remain and additional drawn down of the lake is not generally required. Director Latt concurred and stated it is the best of both worlds as it protects our water rights and we can still divert at Essex. Director Fuller added that she has been working closely with resource agencies and they have been supportive of the process. President Woo reminded all that this Instream Flow Dedication process is grant funded and the District is not using ratepayer dollars. Mr. Friedenbach reminded all present that the instream flow dedication was one of the components and a result of the Water Task Force public process that was undertaken by



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the District to determine what the District should pursue to preserve control of our water rights when the last pulp mill closed. On motion by Director Fuller, seconded by Director Latt, the Board voted 5-0 to apply for a permanent instream flow dedication. Mr. Aladjem stated he appreciates the thoughtful way the Board has handled this.

2. Cannabis affecting Mad River Watershed

President Woo recused herself prior to any discussion regarding the application for APN 516-111-064.00 and left the room. She stated that Streamline Planning (which merged with SHN) did some work for the owners and she felt it best to recuse in the event of any perceived conflict.

CLOSED SESSION: Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (two cases)

The Board entered into closed session at 1:42 pm and returned to open session at 3:00 pm. President Woo returned to the Board Room. Director Latt stated there was nothing to report, no action taken.

Mr. Friedenbach stated he has also been in contact with Emerald Family Farms who will also be building nearby. They spoke with the District prior to starting their project. They have taken a proactive approach and seem genuinely concerned about water quality and have agreed to soil and groundwater sampling.

3. PG&E Bankruptcy

Mr. Friedenbach shared the article stating PG&E pledges to all Power Purchase Agreements. This is good news for the District if approved by the bankruptcy court.

4. Samoa Peninsula Vault Art

President Woo and Mr. Friedenbach both attended the artist's reception and art show to celebrate the new murals on the Samoa Peninsula vaults. President Woo stated Mr. Friedenbach did a good job providing an impromptu discussion on the District's pipeline and water system.

Mr. Friedenbach thought it would be nice for the Board to prepare a resolution for each artist to not only validate their art but also provide them with something to include in their portfolio. The Board concurred.

5. Humboldt County Public Hearing Notice RE: Amendment to Zoning Maps

Mr. Friedenbach stated he misread the announcement. This is for areas outside of the Blue Lake and Fieldbrook-Glendale.

6. Ordinance 22

Mr. Friedenbach stated the Board requested the item be brought back in six months for review. He recommended a few changes, such as allowing horses. He proposed to bring back a red-lined version of the suggested changes to the October meeting and if the Board concurred, publish the Ordinance in the paper and approve at the November meeting after a public hearing. The Board concurred.



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I. NEW BUSINESS

Draft Humboldt County Local Hazard Mitigation Plan, HBMWD Annex

Mr. Friedenbach stated the County's plan update process is nearly complete. As part of the process, planning partners prepare a "jurisdictional annex" for inclusion in the overall plan. Mr. Friedenbach shared the District's draft the District's Hazard Mitigation Action Plan Matrix that lists potential mitigation projects for the District. Several others are still in the process. The current expected timeline for adoption is to be the first quarter of 2020.

Lincus Inc, Energy Engineering Consultants: WISE Program

Mike Avcollie of Redwood Coast Energy Authority (RCEA) stated they have identified a program through PG&E- the Water Infrastructure System Efficiency (WISE) program, to reduce energy costs. WISE uses a consultant firm called Lincus, Inc. RCEA has been working with Lincus, Inc. and District staff to assess water system optimization measures. Lincus investigated the optimization of water pumped and related energy use across multiple wells within the District. They recommended implementing pump sequencing to more efficiently meet system demands. An engineer from Lincus participated in the discussion via phone and explained that this opportunity involves installing sensors that are tied into the SCADA system showing pumping efficiency of the all wells. The sequencing of pumps will vary based on the energy intensity of the pumps. This should result in energy cost savings of approximately \$33,892 annually. He noted that this includes the TRF running in the winter months. After the PG&E incentive is utilized, costs for equipment will be approximately \$76,761. This amount would be offset by savings in 2.3 years. He also stated the project is pre-approved at PG&E. The Board inquired about the average lifespan of the equipment which is nine years. Mr. Avcollie recommended the Board approve the project, determine financing options and have Lincus and/or RCEA help develop funding application as required, and if the project is contracted out, have Lincus develop the scope of work and request for proposal documents as required. The Board asked several questions and President Woo inquired if staff concurred with the recommendations, which they did. Mr. Davidsen stated yes, this is a good project overall and within staff's purview to do. Mr. Friedenbach stated yes, this makes sense from a financial standpoint and recommended the Board approve the project as an unfunded capital project initially paid for from general reserves and to be funded through the annual budget reallocation process in the spring. On motion by Director Latt, seconded by Director Fuller the Board voted 5-0 to approve staff's concurring recommendation.

Transfer of Infrastructure to Samoa CSD

Mr. Craig Spjut addressed the Board and stated he was not able to stay for the afternoon discussion however, has some concerns. First, he did not know where Old Navy Base Road was. Mr. Friedenbach stated this was a typo and should have stated New Navy Base Road. Mr. Spjut said the District spent way too much money on the new pipeline and stated paragraph two does not make sense as he disputed the pipeline locations. He stated the total construction costs were just over three million dollars but the contractor only charged \$630,316.96. Where is the rest of the money? He also stated the credit for the bell restraints seemed extremely low. The numbers just don't make sense to him.

When the Board discussed the topic in the afternoon, Mr. Friedenbach stated he met with Mr. Nicolini of Peninsula CSD regarding the transfer of infrastructure and he is aware the District is potentially requesting \$133,731.49 for the infrastructure. Mr. Friedenbach recommended a subcommittee for negotiations with Peninsula CSD. Directors Latt and Woo volunteered to serve on the committee. Mr. Friedenbach noted the comments made in the morning were misinformed and misdirected. The \$630,316.96 referenced by Mr. Spjut is for the portion of the project that went to the Bay Street neighborhood as noted in the letter.



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Earthquake Preparedness Public Outreach

Mr. Friedenbach stated he was approached by Mr. Brian Papstein of Eureka Broadcasting participate in an earthquake preparedness project as it relates to water. He discussed this at the Municipal Customer meeting and they were on board with idea. He also suggested each muni participate with their own PSA. The Board thought this was a good idea and was very supportive.

EAP Table Top and Functional Exercise

Mr. Friedenbach shared the agenda from the EAP Table Top and Functional Exercise. The event took place last Thursday and went very well. Feedback received included comments such as “vastly improved” and “best yet”. Mr. Friedenbach stated the event was put together by Chris Harris and Samantha Ryan with support from Dee Dee Simpson-Glenn and Becky Moyle. Staff should be commended for the great job they did. The Board asked Mr. Friedenbach to please convey their appreciation for the time and effort put into making the event a success.

FERC Annual dam inspection

Mr. Sam Lee was the inspector and he stated the R. W. Matthews Dam was one of his favorites to inspect. The District received a good review on safety and dam operations.

Vivid Green LLC encroachment

Mr. Friedenbach shared that Trinity County approved permits for Vivid Green to begin construction on their project. Vivid Green began construction and was then served a cease and desist order by Trinity County as Trinity County discovered they approved permits to build partially on District property. Dustin Owens, attorney for Vivid Green provided additional background and stated as soon as this was discovered, his clients reached out to Trinity County and the District. Vivid Green would like to request a Lot Line Adjustment and are willing to pay fair market value or do a land swap. Mr. Owens stated his clients are willing to include covenants, restrictions, etc. to preserve water quality. His clients apologized and stated it was not their intention to ever encroach on District property. They hired a surveyor and went through the proper steps with Trinity County and believed everything was good. Director Rupp stated there was no need to apologize, they are victims just like the District.

CLOSED SESSION: Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (two cases)

The Board entered into closed session with District Legal Counsel at 9:52 a.m. They returned to open session at 10:16 a.m. and stated there was nothing to report out. The Board directed staff to draw up a short-term lease with the goal of a Lot Line Adjustment and to take reasonable steps to ensure water quality is protected. It is anticipated the Lot Line Adjustment will take several months. Vivid Green representatives thanked the Board.

J. REPORTS (from Staff)

1. Engineering

Surge Tower Replacement (\$239,900 District Match)

Mr. Kaspari stated the project is completed and the Notice of Completion was filed.



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12kV Switchgear Replacement (\$441,750 District Match)

The 60% design was submitted and reviewed. One hundred percent design should be ready by early October with the project ready to go out for bid in November. He is concerned about the expected increase in bid costs due to metal tariffs and communicated these concerns with CalOES.

Collector 4 Emergency Work: Consider and possibly approve Emergency Repair Contract

Mr. Friedenbach stated this s project is emergency work and the District did not have to time to go out to bid on the project. The District went to our on-call emergency contractor. Normally, this work done on a time and material contract however, FEMA stated a fixed price was needed to be considered for reimbursement. GRS provided a price of \$283,250. There is no guarantee that FEMA will reimburse the costs. It is possible that FEMA will deny the claim. Ms. Harris stated the funds are available for budget reallocation in May. On motion by Director Latt, seconded by Director Fuller, the Board voted 4-0 to approve the Emergency Repair Contract with GRS. Director Hecathorn was absent.

Collector Mainline Redundancy Hazard Mitigation Grants (\$763,000 District Match)

Mr. Kaspari stated this project is slowly moving forward. It is at least a year out before work will begin.

Reservoir Structural Retrofit Hazard Mitigation Grant Application (\$914,250 District Match)

The kick-off meeting with the FEMA environmental staff was held and seemed to go well.

Single Line Industrial Slough Crossing Hazard Mitigation Grant Application (\$679,750 District Match); Matthews Dam Spillway Analysis Hazard Mitigation Grant Application (\$1,666,667 District Match); and Essex Emergency Chlorine Scrubber Hazard Mitigation Grant (\$335,000)

Mr. Kaspari stated these three projects grant applications were all denied. He contacted CalOES to do a project debrief and find out why they were denied. He was informed the projects themselves were good projects, however, this funding round gave preferences to fund projects that were wildfire related.

TRF Generator Hazard Mitigation Grant (\$460,431 District Match)

Mr. Kaspari stated he has no update.

2019 ASCE San Francisco Section Awards-Project of the Year

The District's Mad River Crossing Project not only won the local section American Society of Civil Engineers (ASCE) award but also received the Water Project of the Year award from the San Francisco Branch of the ASCE. Unfortunately, the awards night was the same day as the District's EAP Tabletop and Functional Exercise and no one from the District could attend. A GHD staff member in San Francisco was able to be there to the receive the award which Mr. Kaspari presented to the District.

Status report re: other engineering work in progress

Nothing to report.

2. Financial

Ms. Harris provided the August Financial report. She noted the ReMat funds do not include revenue from July and August. Also, the revenue for the City of Eureka is for July and August combined. The July payment was late due to staffing transitions. Director Fuller reviewed bills and stated all was in order. On motion by Director Rupp, seconded by Director Hecathorn, the Board voted 5-0 to approve the August Financial Statement and vendor detail report in the amount of \$442,753.09.



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3. Operations

Mr. Davidsen provided the August Operational report. He attended a PG&E Public Safety-Power Shutoff meeting. This meeting was related to power being shut off to help prevent wildfires. PG&E stated once the lines are shut off, they will not be energized again until they have been manually inspected. They will have hundreds of staff on standby. On August 14th, maintenance staff replace the Collector 4 isolation valve and it went very well. The State Water Resources Control Board engineer, Scott Gilbreath was onsite for the annual inspection. He was here for two full days, and it was the longest most thorough inspection the District has had. Mr. Gilbreath had no recommendations. Mr. Davidsen also reported that Mr. Raschein started training for his new position as the Ruth Hydro Operator/Ruth Representative and all is going well.

K. MANAGEMENT

CSDA

Mr. Friedenbach shared the election results for the CSDA Board for the 2020-2022 term. Greg Orsini of McKinleyville CSD was elected to the Northern Network.

Water Professionals Week

Mr. Friedenbach stated next month will be the third annual California Water Professionals Appreciation Week. A resolution was prepared to acknowledge the employees. Director Rupp read the resolution. On motion by Director Fuller, seconded by Director Latt, the Board voted 5-0 by roll call vote to approve Resolution 2019-10 Acknowledging and Supporting the 3rd Annual California Water Professionals Appreciation Week.

CUEMA conference

Mr. Friedenbach reported out on his attendance at the CUEMA conference. He noted that they had the same speaker as at the ACWA conference. He thanked the Board for the opportunity to attend and further his education as general manager, however, he feels there is not enough value to keep attending this conference and there is more value received at the ACWA conferences.

L. DIRECTOR REPORTS & DISCUSSION

General -comments or reports from Directors

Director Rupp reported he met with Supervisor Bass and Stephen Parr regarding issues raised by Mr. Parr. Mr. Parr has been expressing concerns on social media regarding the cost of water. He reached out to Supervisor Bass who organized the meeting. He noted he still owes Mr. Parr some information and requested staff assistance with gathering data.

ACWA

ACWA Region 1 Board Ballot

The Board asked Director Rupp for his opinion on the ballot since he is involved in ACWA. He stated he believed our Board should support Dennis Mayo since we are on the North Coast and of course, he would like the Board to support him. He stated he has nothing against Mr. Sherwood, but feels we should support Mr. Mayo. After a brief discussion, on motion by Director Latt, seconded by Director Fuller, the Board voted 5-0 to not concur with the Region 1 Nominating Committee's slate and instead vote for Dennis Mayo for Chair, Brad Sherwood for Vice-Chair and the following for Board Members: Bruce Rupp, Tamara Alaniz, Jennifer Burke, Alan Gardner and Dennis Mayo.

Director Rupp stated he would like to serve on the ACWA Finance Committee and the Membership Committee. The Board was very supportive of this and thanked him.



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ACWA-JPIA

Director Rupp stated he is now serving as the Vice-Chair for the Liability Committee. He reported out on the meeting. The premiums will be increasing however the billing will not reflect the full increase since they have funds to offset some of the costs.

He also shared that there is an Investment Committee and suggested it might be worth looking at options available such as Cal Trust. Staff stated they would look into it.

Organizations on which HBMWD Serves: RCEA, RREDC

President Woo reported out on the RCEA meeting. She noted that she and Michael Winkler are the only Directors that consistently attend the public engagement meetings. Director Rupp stated he would like the Board to receive a presentation on the public engagement process/outcomes so far.

Director Latt reported out on the RREDC meeting. They met at the Blue Lake Rancheria and toured the solar microgrid. He noted that Jana Ganion provided a fascinating tour.

ADJOURNMENT

The meeting adjourned at 4:40 pm.

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer

CONSENT

Times Standard – October 2, 2019

County auditor, treasurer agree county at ‘high risk for fraud’

Supes delay OK of responses to grand jury report

The Humboldt County Board of Supervisors on Tuesday discussed responses to this year's grand jury reports. (Ruth Schneider — The Times-Standard)

By **RUTH SCHNEIDER** | rschneider@times-standard.com | Eureka Times-Standard

PUBLISHED: October 1, 2019 at 6:13 pm | UPDATED: October 1, 2019 at 6:15 pm

The Humboldt County Board of Supervisors will be revisiting the question of whether or not county government is ripe ground for fraud next week, following a surprise visit at the board's Tuesday meeting from county Auditor-Controller Karen Paz Dominguez.

Paz Dominguez brought concerns about the Board of Supervisors' response to a civil grand jury report highlighting issues in her office to the board's Tuesday's meeting. The report, "The Mis-Fortunes of Humboldt County," released in July, found "opportunity for fraud in a number of county departments due to their poor cash handling policies and procedures, improper accounting, and lack of accountability." Issues of staffing, training and cooperation of other county offices were also highlighted in the report.

Paz Dominguez on Tuesday suggested substantive changes to the board's response "in order to avoid us having disputing responses."

Included in Tuesday's agenda packet were separate responses, requested by the grand jury, from the county's Board of Supervisors, auditor-controller, and treasurer-tax collector.

Following Paz Dominguez's presentation — and a lengthy discussion by supervisors — the board voted unanimously to revisit the issue next week.

Paz Dominguez previously flagged staffing levels in the auditor-controller's office, even before she was elected to her current post.

"I'm not here to spend the county's money," she told supervisors. "I'm a frugal person."

She pointed out the board's response to the grand jury report highlighted \$51,000 "for new office furniture." She stated that while she was given \$51,000 for 10 cubicles, she found 10 that cost \$20,000.

Paz Dominguez stressed the need for staffing in her own response to the grand jury report.

County Auditor-Controller Karen Paz Dominguez discussed her response to a grand jury report on her office. She said she agrees that the county is at risk for fraud.

(Screenshot)

"With only 12 employees, sending multiple staff to training results in significant impact to the staff remaining in the office," she wrote. "Sending just three employees to a training results in immediate lost productivity of at least 25%."

Paz Dominguez said there are currently nine staff positions in the office, with one vacancy, and called the office "severely understaffed" during an interview after Tuesday's board meeting.

"The auditor-controller is tasked with protecting county funds," she said. "... To think that's not reason enough to make sure we are not adequately staffed, that boggles the mind."

Paz Dominguez added her employees have expressed "they are overworked" and "that it is impossible for them to complete their tasks in 40 hours" each week.

She also reiterated to the board that the county's current system for cash handling is vulnerable to fraud, a concern shared by the grand jury report.

"I need to keep stressing, we are not accusing anybody of having committed fraud, but we are also not denying the fact that the risk and the opportunity exists," she said.

Paz Dominguez later stated she hasn't conducted any audits since January, when she took over the department. But she added it has happened in the past, pointing to a former county building inspector who was [charged with accepting bribes](#).

"That is one that is fairly recent where he did have means and opportunity to enrich himself," she said.

The board's response took a different view.

"The county has many safeguards against fraud," the county's response states, later noting "no instances of fraud have been detected by the consultants or the external auditors and staff are working to meet the requirements put in place by the new leadership of the auditor's office."

Paz Dominguez cautioned statements about no fraud being found "might embolden someone." She also noted consultants haven't found fraud because "it wasn't the scope of their work."

John Bartholomew, the county's treasurer and tax collector, agreed there is a "high risk of fraud."

Fifth District Supervisor Steve Madrone pressed for more time to digest the grand jury responses, noting that the volume of information Paz Dominguez brought to the board alone was "overwhelming."

Supervisors Virginia Bass and Mike Wilson expressed interest in discussing the responses next week. Supervisors Estelle Fennell and Rex Bohn were more reticent ultimately joined the unanimous vote.

Bohn said while the report suggested “we have a bunch of cash on the counter,” he hadn’t “heard of any fraud.”

Madrone said another week would provide “adequate opportunity to review this and provide the respect to the grand jury they deserve.”

Paz Dominguez said she was uncertain whether she’ll be required to speak to the board at its Oct. 8 meeting, but added she was happy to answer any questions.

Ruth Schneider can be reached at 707-441-0520.

Eureka narrows field to 5 applicants for city manager position; meet the finalists Oct. 11

By **RUTH SCHNEIDER** | rschneider@times-standard.com | Eureka Times-Standard
September 25, 2019 at 4:05 pm

The following is a press release from the city of Eureka:

The Eureka City Council has retained HUELIFE, an executive search firm, to assist in the recruitment of the next City Manager for the City of Eureka. Richard Fursman, Co-Founder of HUELIFE has led the recruitment effort on behalf of the City Council. HUELIFE received 40 applications for City Manager, which were due on August 31, 2019. Mr. Fursman moved 17 applications forward to first round interviews in which 10 semi-finalists were identified.

At the September 24th Closed Session meeting, Council reviewed the 10 applications and resumes and chose 6 finalists to be interviewed by the Council on October 11-12, 2019. One applicant has withdrawn from the process leaving the Council with 5 applicants to interview. Working with HUELIFE, an extensive interview process has been established allowing for community input and review of each of the applicants.

Beginning on Friday, October 11th, applicants will meet with City Council and staff and then tour the City of Eureka. At 5:00 PM, a community forum will be held at the Wharfinger Building to allow the public to meet the candidates and hear a brief introduction from each candidate.

On Saturday, October 12th, applicants will be interviewed by a community panel, selected by the Mayor and Council, city department directors and the Mayor and City Council Members. The Mayor and Councilmembers each selected a member of the community to serve on the community panel along with a member from the Eureka City School Board. The seven-member panel consists of the following individuals:

Donna Wright, Heidi Benzonelli-Burden, Shelly Nilsen, Mike Buettner, Sean McLaughlin, Jeff Leonard and Mike Duncan of the Eureka City School Board.

The six applicant names will be released once each candidate has accepted the offer to move forward in the process and prior to the October 11th meeting.



Near-record recent ocean warming along Pacific Coast

Jessica Goddard, Sep 21, 2019

Researchers say the Pacific Ocean is seeing the second-largest marine heatwave tracked since the 1980s, touching from the Alaskan coast to Hawaii.

Having developed early in June, the heatwave is 50 to 100 feet thick. It stretches for hundreds of miles along the coast, about two-thirds of the distance of the U.S., said Nate Mantua, a research scientist with the National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center.

For that matter, said NOAA, the summer of 2019 was the hottest on record for the Northern Hemisphere. And last month was the second-hottest August worldwide.

Because of the coastal upwelling of deep, cold water, the heatwave has stayed mostly offshore. But along the northern Pacific Coast - including northern California - its edge reaches within 10 to 20 miles of the coastline.

Its temperature is 5 to 7 degrees Fahrenheit - higher than the usual ocean temperatures.

Scientists haven't seen a heatwave like this since its predecessor, nicknamed "the blob," in 2014.

"The warming that we're seeing is similar to the amount of warming that we saw at the surface during 'the blob' years, but the difference is that this heat wave we're seeing develop right now, it's still pretty young," said Stephanie Moore, a research oceanographer with NOAA's Northwest Fisheries Science Center.

That "blob," the largest marine heatwave scientists have tracked since the 1980s, lasted for three years and caused havoc in marine ecology. It covered some 7.8 million kilometers.

The current heatwave covers about 6.5 million kilometers and is only about 50 meters deep, said Moore.

"As 'the blob' continued, because it did last for so long, we saw warming get down to about 200 meters," Moore said. "But (the current heatwave) is still covering a very extensive area in the Pacific Ocean."

The cause of the heatwave is attributed to a ridge of high pressure that weakened the wind patterns above the Pacific Ocean. Weak winds reduce the ocean mixing, which normally releases heat from the ocean surface and allows the ocean to mix with cooler waters.

Although early in the heatwave's existence, scientists are seeing some effects already, said Moore. Researchers have found tuna much closer to shore, smaller-sized krill, and isolated, harmful algal blooms.

A poor salmon season along the Washington, Oregon and northern California coasts this year also might have been attributable somewhat to the warming ocean temperatures. The very edge of the warm water is reaching near the shore and affecting marine life, changing their distributions, Mantua said.

Researchers have no way of knowing if the heatwave will continue, worsen or dissipate. Some elements of the previous heatwave are not present now, for example.

But it's going to depend on what happens with the weather patterns that favor these events, said Mantua. "Odds are pretty good that the weather patterns are going to change," he said.

On the other hand, "I could be wrong, though. We could see another set of weird things happen."

Defying environmentalists, Newsom vetoes bill to block Trump's Endangered Species Act rollback



California Gov. Gavin Newsom, shown after his State of the State address in February, has irked some environmentalist allies with his veto of Senate Bill 1.

(Rich Pedroncelli / Associated Press)

By PHIL WILLONSTAFF WRITER for the Los Angeles Times.

SEP. 27, 2019 7:57 PM
SACRAMENTO —

Gov. Gavin Newsom vetoed a bill on Friday that would have allowed California to preserve Obama-era endangered species protections and water-pumping restrictions for the Sacramento-San Joaquin Delta should they be dismantled by the Trump administration, a move scorned by environmental groups that have been among the governor's most important political allies.

Newsom, who had announced his intent to veto Senate Bill 1 after it was approved by the Legislature this month, expressed little concern about a rift with environmentalists over the legislation, which he dismissed as a "solution in search of a problem."

"I have spent 52 years of my life being an environmental leader and champion, and I'll take a back seat to no one in terms of my advocacy," Newsom told reporters just hours before sending the vetoed bill back to the Legislature.

Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity, said that California's environmental leaders still "hope for great things" from Newsom but that his decision to veto SB 1 was a consequential mistake.

"Newsom capitulated to Trump's cronies and corporate interests and threw endangered species and Californians under the bus," she said.

Siegel noted that state Atty. Gen. Xavier Becerra this week joined with 16 other states to file a lawsuit against the Trump administration over its weakening of the Endangered Species Act.

"That's the kind of political courage we need for California," Siegel said.

Newsom this week attended events in New York surrounding the U.N. Climate Action Summit, where he touted California's environmental achievements and said he was "absolutely humiliated" by President Trump's refusal to recognize established science on climate change.

Kathryn Phillips, director of Sierra Club California, rejected the notion that there was a major rift with Newsom, but she didn't spare her criticism over his veto.

She said she believes Newsom was swayed by arguments made by the bill's opponents, including powerful public water agencies, that the legislation would reduce their water supply from the Sacramento-San Joaquin Delta and derail negotiations over enhanced endangered species protections. The delta provides water for more than 25 million people and millions of acres of Central Valley farmland.

"What this has done is revealed some key challenges we're going to face as we move forward over the next 3 ½ years with him," Phillips said of the governor. "This is a pretty stubborn guy we're dealing with, and when he digs his heels in, there's no persuading him with facts."

Audubon California Executive Director Sarah Rose also criticized Newsom's veto, saying the state has "missed an important opportunity to protect the state's residents, habitats and imperiled wildlife."

In his veto message, Newsom said California has been a "leader in the fight for resource, environmental, and worker protections," adding that since Trump has taken office, the state has aggressively fought any attempt by the president's administration to roll back those protections.

Newsom has argued that the bill was unnecessary and that his administration has effectively challenged Trump's policies in the courts and through administrative action.

"While I disagree about the efficacy and necessity of Senate Bill 1, I look forward to working with the Legislature in our shared fight against the weakening of California's environmental and worker protections," Newsom said in the veto message.

Annie Notthoff, senior Western advocacy director for the Natural Resources Defense Council, called Newsom's veto "head-scratching."

Newsom's "veto of SB 1 is disappointing on many levels," she said. "Citing California's record of 'deploying all the tools at the state's disposal,' Governor Newsom just refused to employ a new potentially powerful tool in SB 1. That's mystifying."

Written by Senate President Pro Tem Toni Atkins (D-San Diego), SB 1 would have allowed state agencies to adopt protections under the federal Endangered Species Act, Clean Air Act, Clean Water Act, Fair Labor Standards Act and other major environmental and labor laws that were in place before Trump took office in January 2017.

In a tweet Friday evening, Atkins said she was disappointed by the veto and would continue to press to protect the environment and working Californians.

"The federal gov't continues to roll back regulations while #climatechange impacts roll on," she tweeted. "I will keep working with my colleagues and the Governor to push back wherever possible."

The bill added fuel to the ongoing clash between water users — primarily Central Valley farms and Southern California cities — and environmentalists over efforts to protect delta smelt, Chinook salmon and steelhead trout in the delta by limiting the amount of water that can be siphoned away from their habitats.

The biggest hitch in negotiations over the bill was a provision that would impose the state's endangered species protections and pumping restrictions on the Central Valley Project, the water system run by the federal Bureau of Reclamation that provides much of the water consumed by farms and people in the Central Valley.

Water districts that receive water from the Central Valley Project threatened to walk away from voluntary agreements being negotiated between them and state regulatory agencies. The pacts, which Newsom strongly supports, are aimed at allowing greater flexibility in how to protect endangered species and divert water from the delta.

The influential Metropolitan Water District of Southern California also opposed the bill. Leaders of the agency, which provides water to tens of millions of Southern California residents, feared they might be forced to reduce its water supply from the delta that is sent south by a separate state water system.

Water agencies also argued that the bill would have locked in outdated federal rules that regulate water pumping and species protections in the delta. As a result, they said, new scientific findings that offer prescriptions for better water and species management practices would be ignored.

Newsom agreed with those criticisms and vowed to veto the bill just hours after it passed the Legislature on Sept. 14.

Shortly after Newsom declared he would veto the bill, Western Growers President and CEO Tom Nassif praised the decision, saying that thousands of family farmers would benefit.

“Our farmers strive to be good stewards of the environment and our natural resources, and we support a balanced approach to water resiliency that relies on the best available science,” he said in a statement.

Since taking office, Trump has pushed to deliver more delta water to Central Valley farms, regardless of the effect on endangered species.

The Westlands Water District, a San Joaquin Valley irrigation district led by some of the state’s wealthiest growers, would be one of the biggest beneficiaries of Trump’s proposal to allow more water to be withdrawn from the delta.

Before joining the Trump administration, U.S. Secretary of the Interior David Bernhardt was a partner at a law and lobbying firm that represented Westlands, and he sued the Department of the Interior four times on the district’s behalf.

Newsom has been a frequent critic of Trump’s environmental policies.

In July, California circumvented the Trump administration’s efforts to relax tailpipe pollution regulations by reaching a deal with four major automakers to gradually increase fuel efficiency standards.

And in August, California and a coalition of 21 other states sued to block the Trump administration’s attempt to gut restrictions on coal-burning power plants, limits that were central to President Obama’s climate change policy.

Phil Willon covers Gov. Gavin Newsom and California politics for the Los Angeles Times.

Natural Resources Defense Council

Freshwater Flows, Reduced Diversions Help Abate Toxic Algae

September 23, 2019 [Melanie Sturm](#)



Photo credit Erik Stine

A dog toy was lobbed into the Sacramento River and Lilly, a three-year old Labrador retriever, leaped into the water in pursuit. It was a sunny July weekend in northern California and Lilly was cruising the river with her owners

on their 20-foot Grady White. There were no indications anything was amiss. No signs at the dock or along the river's edge warning that conditions were unusual, let alone dangerous. But that night at home, Lilly was lethargic and didn't have an appetite. Her owners monitored her for a couple hours and when her state didn't improve they took her to the emergency vet. At the vet, she began whimpering in pain and vomited several times. The vet diagnosed that something in the river made her sick, but a lot of details were unknown. It was only after an algal bloom was detected in the river a couple days later that answers would start appearing.

Stories like this are sadly common. Harmful algal blooms (HABs) are a growing public health and environmental threat in every U.S. state. More than just ugly, smelly scum, HABs can produce toxins that endanger people, pets, and livestock that come into contact with them. In warm, summer months with little rain, freshwater bodies are susceptible to HABs, particularly

ones that are depleted to meet human needs, such as for irrigation, drinking, bathing, and industrial cooling.

Many rivers in California are flowing at less than half of their natural volume (the amount of water that would remain if no water was taken out) because water is diverted primarily for use by farms and cities. Water from the Sacramento-San Joaquin Delta (the Delta)—the largest estuary on the West Coast—provides drinking water for 25 million Californians and it's the chief source of water for Central Valley's huge agricultural industry. Millions of acre-feet of water are exported each year from the Delta (enough to inundate an area larger than New Jersey in one foot of water), leaving the Sacramento River and its tributaries with a paltry percentage of their natural flow.

When water is diverted from rivers, the remaining water moves more slowly and warms more easily. Algae and bacteria thrive in warm, stagnant water and are more likely to grow in excess, increasing the chances of a HAB event. These same rivers that are used as a water source are often also used for recreation. A HAB can be a devastating surprise to people who use rivers or reservoirs to kayak or sport fish. That's why it's critically important for state agencies to monitor for HABs and alert the public in a timely, efficient manner to all HAB occurrences and their risks.

It's not just the Delta that suffers from overdrawn rivers. Due to water removal and man-made infrastructure, like dams, rivers are flowing at lower and lower volumes across California and the Western U.S.—a problem exacerbated by climate change. According to California's Fourth Climate Change Assessment, the water supply from snowpack in the state is expected to decline by two-thirds within 80 years, which means even less water flowing into rivers. As the climate warms and carbon dioxide levels rise, cyanobacteria, the organism responsible for most freshwater HABs in the U.S., have a competitive advantage over algae that aren't known to form HABs.

To restore rivers and improve the health of aquatic habitat, NRDC advocates for increased flows through the Delta and litigates to ensure water operations comply with environmental laws. Our work is centered on keeping rivers and lakes healthy while providing adequate water supplies for growing populations and economies. We're also advocating to improve water use efficiency and conservation in California by promoting smarter water infrastructure investments and the adoption of water reuse and recycling goals. That way, farms and communities have to rely less on natural waterways as water sources.

HABs have been a prevalent issue this summer in California lakes, rivers, and reservoirs. Unfortunately for Lilly and her owners, she didn't recover from being poisoned by algal toxins, and she passed away. The risks that HABs pose to the health of communities, including people and pets, is too painful to ignore. There are many reasons California should mandate increased freshwater flows and less water pumping from its over-tapped rivers. The fact that waterbodies are made more susceptible to HABs by unsustainable water management is one of them.

Sonoma County grapples with ongoing outdoor poop problem along Russian River

TYLER SILVY
THE PRESS DEMOCRAT

September 23, 2019, 6:37AM

An influx of Bay Area visitors to Sonoma County's bucolic riverlands has spiked in recent years, bringing with it a problem typically reserved for the privacy of one's own home.

People are pooping in public. And they're doing so in such great numbers that the Sonoma County Department of Transportation and Public Works will in the coming year debut new, anti-pooping signage in key spots like Steelhead Beach, Geysers Road and more.

"There's no excuse for this," Public Works Director Johannes Hoevertsz said. "The sign we have says, 'no public pooping.' We really need to drive the message that if you're going to come to Sonoma County and be a guest, you can't do this."

County officials say the biggest culprits are drunk partiers who are too lazy to take a long walk at Steelhead Beach on the Russian River back to the facilities. Some have even relieved themselves in nearby neighbors' yards.

Hoevertsz said he doesn't think the homeless population is to blame because it tends to be a bigger problem after popular weekends at Petrified Forest Road, Porter Creek Road and Geysers Road.

"You see it with day use and overnight camping spots," said Chris Brokate, Sonoma County Clean River Alliance founder. "It's pretty bad. I don't know if it's as bad in the lower river as it is up north, from what I see."

However, Brokate and Larry Laba, who owns rafting company Russian River Adventures, see the problem as mainly centering on the transient population that lives along the river.

Don McEnhill, executive director of RussianRiverkeeper, agreed, but he said the amount of dog poop and cow manure in and around the river dwarfs anything seen from humans.

"It's always a matter of scale," McEnhill said. "You're talking about orders of magnitude of fecal matter beyond wild animals."

When it comes to human waste, the Sonoma County Sheriff's Office has seen calls involving the homeless population, cyclists and party bus folks. It's true that the areas are somewhat

remote, but Sheriff's Office Community Engagement Liaison Misti Wood, who has spoken with neighbors who have dealt with the remnants of people's poor choices, said she doesn't understand it.

"There is a restroom at Steelhead. It's fully functioning," Wood said. "I don't know what would motivate somebody to publicly defecate across the street with a bathroom available. What our deputies have seen is that when people become overly intoxicated the first thing to go is judgment."

The act violates a Sonoma County code that prohibits public urination and defecation. Children 9 years old or younger get a pass.

In cases near the river, the act also flouts a Fish and Game code that prohibits placing waste, among other things, within 150 feet of the high water mark of state waters, which include the Russian River.

Hoevertsz's department is responsible for whatever filth is left within the public road right of way. Depending on the road, that can extend well beyond the physical roadway. Public Works has standing contracts with a couple of companies for cleaning up the waste. It's considered hazardous waste and is treated with caution.

With costs reaching up to \$60,000 for cleanup, Hoevertsz said he has worked with county Supervisors Lynda Hopkins and Susan Gorin to look at installing signs. The favored version features a person squatting over a stylized, swirly pile of poop — the whole scene crossed out with a red circle and line. Beneath it, the words "no public pooping."

Wayfinding signs that point out the closest restroom may also be in play next year.

"You can float down the river from Healdsburg and have no idea where facilities are as you're floating in a canoe," Hopkins said. "Sometimes people are inebriated, and they do things they might not otherwise do."

McEnhill, with Russian Riverkeeper, said such signs have been installed before, but many have been vandalized. He said it would be a good idea to restore the signs.

Hopkins said she met with Public Works and Regional Parks a little more than a week ago, and a meeting with residents in Forestville to brainstorm solutions was scheduled Sept. 21.

One possible solution already tested is an alcohol ban, something Sonoma County Regional Parks instituted in May at Steelhead and Sunset beaches. Parks Manager David Robinson said the ban reduced public drunkenness, trash and parking problems.

But more will likely need to be done, officials acknowledged, as the Russian River grows in popularity.

“The county has seen a significant increase in Russian River visitors over the past five years,” Robinson said. “The good news is that people view the river as a beautiful place for summer fun.”

Why can't I go?

Relieving oneself in the woods is sometimes necessary for backwoods campers and other adventurous types, but experts caution against thinking that, well, your stuff doesn't stink. If a bear poops in the woods, it's one thing. But human waste, like dog waste, inherently introduces new nutrients, and new sources of nitrogen and phosphorous, according to The Leave No Trace Center for Outdoor Ethics.

That organization said the requirement in some state and national parks to pack out solid human waste will likely become a more common practice. It's one author and river guide Kathleen Meyer, who spent more than two decades around the Bay Area and Marin County, advocated for in her 1989 book, “How to Shit in the Woods: An Environmentally Sound Approach to a Lost Art.”

The guide was aimed at easing awkwardness for city folks, as well as protecting the environment, according Meyer's website.

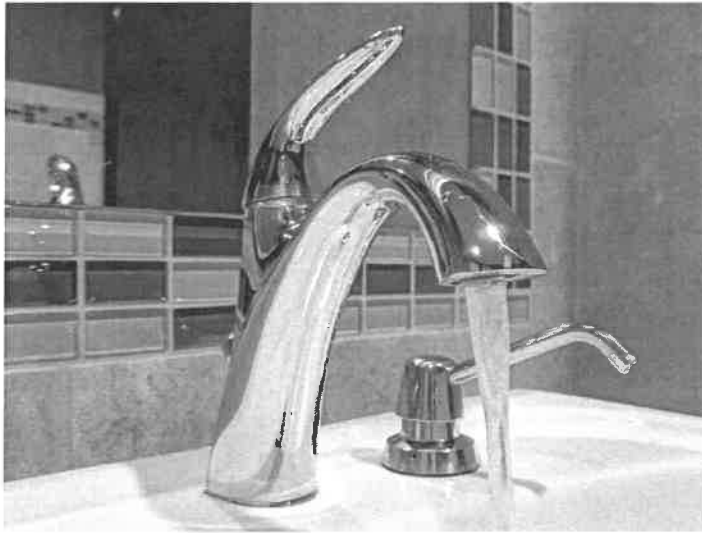
McEnhill, of Russian Riverkeeper, said pet poop and human poop increases the intensity of potential pollution far beyond the wild animal population.

You can reach Staff Writer Tyler Silvy at 707-526-8667 or at tyler.silvy@pressdemocrat.com. On Twitter [@tylersilvy](https://twitter.com/tylersilvy).

Who Runs Your Water System? UC Davis Research Shows Why Water Governance Matters

By KERRY KLEIN · 9-19-19

NPR for Central California



• VALLEY PUBLIC RADIO

Roughly a million Californians lack access to safe drinking water. And while a scarcity of money or local leadership can stand in the way of fixes, so too can California's byzantine water management system.

A new article on UC Davis's California Water Blog [shines a light on just how complicated water governance can be and why it matters](#) when it comes to the population served and the likelihood of water violations. For more, listen to this interview with Kristin Dobbin, one of the article's co-authors and a UC Davis Ph.D. student studying regional water management and drinking water disparities in California.

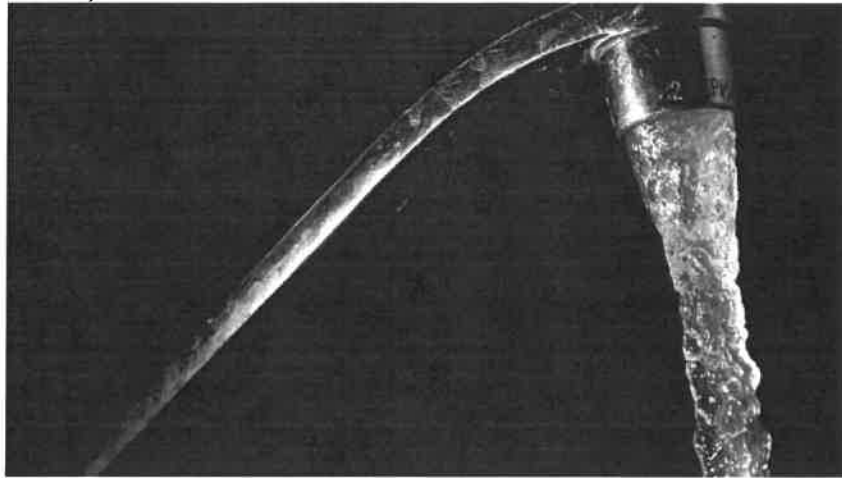
THE ATLANTIC -HEALTH

The Trouble With America's Water

Lead-tainted drinking water is not only a problem in Flint and Newark.

OLGA KHAZAN

SEP 11, 2019



ERIC THAYER / REUTERS

The city of Newark, New Jersey, is racing to replace all of its lead pipes after a public outcry over the high levels of lead in its water. After exceeding a federal lead limit three times in a row, the city began to provide water filters to certain residents in 2018. But some of the filters were found to be ineffective, and as of the end of last month, thousands of the city's residents were still advised to drink bottled water.

The situation is said to have "echoes" of the lead crisis in Flint, Michigan, a few years ago. As in Flint, a change in the chemical composition of Newark's water allowed the lead contamination to occur. And like Flint, Newark is predominantly populated by people of color.

Officials in Newark initially denied there was a lead problem in the water, according to reports from *The New York Times*, even after high lead levels were found in half the city's schools. A sample of Newark children under the age of 6 tested in 2016 found that about a quarter had measurable levels of lead in their blood. The following year, more than 22 percent of drinking-water samples tested in the city were found to have levels of lead exceeding the federal standard.

Newark's mayor, Ras Baraka, defends the city's response. "We gave out filters as soon as we got the report," he told me. "We never denied there was lead in the water." He said the children's blood-lead levels were elevated due to lead paint, not lead in water. The city is now replacing all of its lead service lines, including in parts of the city that weren't affected by the lead problem.

Newark is far from the only city that has struggled to keep its drinking water free from lead.

Drinking water in the United States is mostly safe, but between 2015 and 2018, about 5.5 million Americans in communities around the nation got their water from systems that exceeded the Environmental Protection Agency's lead action level of 15 parts per billion, according to a report from the Natural Resources Defense Council. The widespread presence of lead in water in certain areas points to what advocates call a serious failure to upgrade water infrastructure in recent decades.

“The U.S. has not been investing in its drinking-water infrastructure for generations,” says Erik Olson, the senior director for health programs at NRDC, which filed a lawsuit against Newark last year. “A lot of our pipes are 50 or 100 years old or more, and many are lead. And water-treatment plants are still using World War I-era technology for treatment.”

Few substances threaten public health quite like lead. In adults, lead can cause heart and kidney disease; in children, it can permanently lower IQ and lead to behavioral problems. Lead’s damage to the body is difficult to reverse and can last a lifetime. When researchers examined fertility before and after Flint’s lead crisis, they found what they called a “horribly large” increase in fetal deaths and miscarriages. Some experts say the federal action level for lead, the point at which the local water department must take measures to fix the problem, is still too high. For one thing, the 15-parts-per-billion threshold is based on the metabolism of an adult, says Ruth Ann Norton, a lead expert and president of the Green and Healthy Homes Initiative in Baltimore.

The problem starts with the roughly 50,000 fragmented community public-water systems in the U.S., Olson says, many of which don’t have the resources or expertise to comply with public-health standards. Perhaps most startlingly, the NRDC found that 97 percent of Puerto Rico is served by systems that violate the federal Lead and Copper Rule, mostly by failing to monitor and report on their water quality. Other than Newark, other cities with large populations that have had “action-level exceedances”—lead amounts beyond the EPA’s action level—include Portland, Oregon; Pittsburgh, Pennsylvania; Providence, Rhode Island; Passaic, New Jersey; and the Tualatin Valley in Oregon. Some areas that don’t have major lead problems still struggle with water contaminants like arsenic and bacteria, Olson says.

Lead’s toxicity has been known for centuries, but lead remained a popular choice for water service lines installed up to the 1980s. It’s more flexible and durable than iron. About 6 million lead service lines are still in use today, connecting households to water mains. Prior to 1986, copper pipes inside a person’s home could also be joined with lead solder.

As the health risks of lead became clearer, cities that used lead service lines began to practice what’s called “corrosion control,” adding chemicals to the water to create and maintain an internal coating inside the pipes. The protective layer is meant to reduce the amount of lead that can flake off into the water. It’s a delicate balance, though, with many points of failure.

Newark had been using sodium silicate to prevent corrosion. But when the city increased its water’s acidity in 2015, the sodium silicate seemed to stop working. In cities with lots of lead service lines, keeping the water from corroding the pipes can require an elite chemist’s skill. Kareem Adeem, the acting director of the Newark water department, does not have a college degree, the Times reported. (Baraka told me Adeem is not involved in managing the chemicals in the water—engineers under his purview do that. He said Adeem is “completely qualified to manage and run that water department.”)

“The people who are put in charge of the chemistry for water systems, there has to be better oversight of who they are and what they’re going to do,” says Norton, the Baltimore lead expert.

According to Olson, replacing all the lead service lines in the U.S. could cost \$30 billion. It’s a hefty-seeming sum, “but that’s the kind of investment that society made when these water systems were being built 100-plus years ago,” he says. “We have been living off of the investments of our great-grandparents for decades.”

Some cities have shown that such an investment is possible. Lansing, Michigan, and Madison, Wisconsin, have removed and replaced all of their lead service lines since 2001. And Americans have already indicated that they are willing to pay for even safer water: We currently spend \$18.5 billion on bottled water every year.

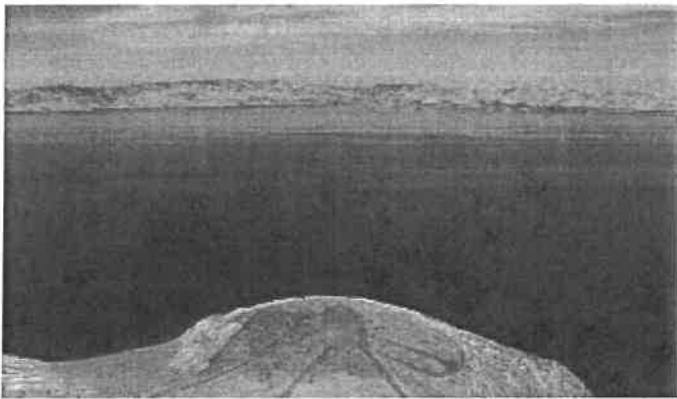
AgAlert

THE WEEKLY NEWSPAPER FOR CALIFORNIA AGRICULTURE

Water year 2019 leaves reservoirs with good storage

Issue Date: September 25, 2019

By Kevin Hecteman



San Luis Reservoir held more than 1.4 million acre-feet of water when this photo was taken in late May. Last week, it held about 1.2 million acre-feet, 134% of average for the date.

Photo/Ken James, DWR

As water years go, 2019 was all wet. With the new water year beginning Oct. 1, farmers and forecasters hope for more of the same.

Tulare County farmer Zack Stuller described 2019 as a "fantastic year" for water.

"The reservoirs are a lot fuller than they've been in the past," Stuller said. "It looks very promising."

The data support that view. A California Department of Water Resources storage summary showed all but three of the listed reservoirs running at or above their historical average as the water year nears its end. Shasta Lake stood at 125% of average, for example, while Oroville showed 106%. The three reservoirs under 100%—Beardsley, Success and Cachuma—were running 93% to 96% of average.

Though it swelled reservoirs, the wet year did not provide full water supplies for all. Customers of the State Water Project and south-of-delta agricultural water contractors of the federal Central Valley Project had 75% supplies.

In announcing the final allocation in June, the U.S. Bureau of Reclamation, which operates the CVP, cited "regulatory restrictions" such as requirements for protected species as the reason for the less-than-full supply.

With that in mind, California Farm Bureau Federation Senior Counsel Chris Scheuring said the strong 2019 water year should not distract from "the public-policy issues that never go away in California water."

Scheuring said he thinks water deliveries may remain good for the next year or two, but farmers should be prepared for another multiyear drought.

"One concern would be, of course, that even though many of our reservoirs are in good shape because of the last year, that if we have another good rain year this year—which we hope we do—there may be some water there that has to be bypassed because the reservoirs are already too full," Scheuring said. "And that's a shame. We want to have as much reservoir capacity as possible, ultimately, both above ground and below ground."

Predicting the 2020 water year remains a coin flip. So far, the National Weather Service foresees even chances of a wet, dry or neutral year, said Chris Orrock, a DWR public information officer.

"The only constant for weather in California is how unpredictable it is," Orrock said. "We go from one extreme to another."

This year, for example, "almost all of the major atmospheric rivers were met by cold-weather systems that came down from the Gulf of Alaska," he said. "So these warm, heavily laden water systems contacted this cold weather and put a lot of snow up in our mountain ranges."

Though the resulting snowpack didn't set records, it did provide steady snowmelt into July, Orrock said.

"The long melt of the snow over the summer continued to have water in our reservoirs, which is good for the start of next water year," he said, adding that the high carryover storage "also means that Californians have really changed their water habits and are starting to conserve more."

Stuller, who grows citrus, stone fruit, kiwifruit and walnuts, said he thinks water districts have been conservative, holding back as much as possible to assure another good water year, "which I appreciate."

Orrock noted that the three components of California water storage include reservoirs and other surface storage; snowpack; and underground storage. The last is the subject of the 2014 Sustainable Groundwater Management Act; Scheuring noted the first groundwater sustainability plans required by SGMA are coming in and being evaluated.

"It's everything," said Stuller, who farms in affected groundwater basins in Tulare and Fresno counties. "We're in ground zero."

"It's scary, but hey, from a guy that believes in sustainable farming—and you know, I want to be here multigenerational—it's necessary," he said. "We either need more surface water, or we've got to start pumping less, or we've got to farm less. I mean, it's those options."

Stuller said he favors development of dams or recharge basins.

"Any project that could add water to our valley or the state, I think, is totally beneficial," he said, but added there's "a lot of red tape, a lot of hurdles, a lot of money" involved.

A key factor in operation of the existing water system will be the outcome of voluntary settlement negotiations involving water flows from the Sacramento and San Joaquin river systems to the delta.

Scheuring noted that one of Gov. Gavin Newsom's stated reasons for pledging to veto Senate Bill 1, which would have preserved existing California environmental and labor standards from federal changes initiated by the Trump administration, was to avoid jeopardizing those negotiations.

"We would certainly like to see the voluntary agreements come together in the right way for the water users that are affected, because ultimately that whole process could be a template for a lot of rivers in the state of California," Scheuring said.

Snow surveys for the 2020 water year should begin in December, depending on snow location, Orrock said.

Slated to join the effort, contingent on funding, will be the Airborne Snow Observatory, a joint venture of DWR and the NASA Jet Propulsion Laboratory.

A survey plane will operate from the Bishop area, Orrock said, and will be capable of measuring larger areas, especially those inaccessible to snow-survey teams, at higher elevations using lidar and radar. A state bill directing funding to the project, SB 487, has cleared the Legislature and awaits action from the governor.

(Kevin Hecteman is an assistant editor of Ag Alert. He may be contacted at khecteman@cfbf.com.)

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WATERNEWSNETWORK

SAN DIEGO COUNTY WATER AUTHORITY



L to R: Colter Shannon, Toby Stoneburner, Matt Perez, and Austin Wendt, are in Paradise, Calif. to help with water repairs after the destructive November 2018 Camp Fire. Photo: Fallbrook Public Utility District

Fallbrook PUD Crews Help Paradise Camp Fire Recovery Efforts

September 24, 2019

Crews from the Fallbrook Public Utility District are helping rebuild water services in Paradise, Calif. after the devastating November 2018 Camp Fire.

The Camp Fire burned 153,336 acres, destroyed 18,793 structures, caused 85 deaths and three firefighter injuries. The Camp Fire is the deadliest, most destructive fire in California's history, according to CAL FIRE.

Colter Shannon and Austin Wendt left the FPUD yard Sept. 22 to make the 565-mile, 10-hour drive to Paradise. On Sept. 29, two more FPUD crew members, Toby Stoneburner and Matt Perez, will depart for the Butte County town. Each two-member team will spend two days driving and five days working on repairs for a total of seven days.

"I just want to help," said Wendt. "That town went through devastation and I can actually do something to physically help. My wife and I always send backpacks to places devastated by hurricanes. For the most recent one, we sent 25 backpacks stuffed with school supplies."

San Diego water agencies help Paradise Irrigation District

The Paradise Irrigation District is still struggling to repair the damaged infrastructure that resulted in more than 10,500 customers being issued a “do not drink” water advisory. Two other San Diego County water agencies recently helped Camp Fire recovery efforts. Six water professionals from the Helix Water District and Padre Dam Municipal Water District spent one week in August assisting the Paradise Irrigation District.

Fallbrook PUD crews will bring back lessons learned to community

Their time away won't cost FPUD a penny as their labor is reimbursed by FEMA, the Federal Emergency Management Agency.

“We're doing this because we recognize that we are in a fire-prone area here in Fallbrook,” said Jack Bebee, FPUD general manager.

The Rice Fire in 2007 burned 206 homes, 9,472 acres, two commercial properties, and 40 outbuildings in the Fallbrook area. Bebee said he knows Fallbrook may one day need the help the crews are now providing to Paradise.

He said the crews can bring back with them some of the lessons they learn from the destruction and repair work. Bebee said the district is also working with North County Fire on emergency preparedness and the FPUD board room has been set up as an emergency command center in the event it is needed.

High Country News

FOR PEOPLE WHO CARE ABOUT THE WEST

The Klamath River now has the legal rights of a person

A Yurok Tribe resolution allows cases to be brought on behalf of the river as a person in tribal court.

Anna V. Smith | ANALYSIS | Sept. 24, 2019

This summer, the Yurok Tribe declared rights of personhood for the Klamath River — likely the first to do so for a river in North America. A concept previously restricted to humans (and corporations), “rights of personhood” means, most simply, that an individual or entity has rights, and they’re now being extended to nonhumans. The Yurok’s resolution, passed by the tribal council in May, comes during another difficult season for the Klamath (<https://www.times-standard.com/2019/08/01/protection-for-the-entire-river-yurok-fishermen-sue-to-save-klamath-salmon/>); over the past few years, low water flows have caused high rates of disease in salmon, and canceled fishing seasons.

[RELATED:<https://www.hcn.org/issues/50.10/tribal-affairs-how-the-yurok-tribe-is-reclaiming-the-klamath-river>]

With the declaration, the Yurok Tribe joins other Indigenous communities in a growing Rights of Nature movement aimed at protecting the environment. Last year, the White Earth Band of Ojibwe adopted the Rights of Manoomin (<https://celdf.org/2019/02/the-rights-of-wild-rice/>) to protect wild rice — manoomin — and the freshwater sources it needs to survive in Minnesota. And in 2017, the New Zealand government adopted the Rights of the Whanganui River (<https://www.parliament.nz/en/get-involved/features/innovative-bill-protects-whanganui-river-with-legal-personhood/#targetText=The%20bill's%20effects,and%20responsibilities%20as%20a%20person.>), stemming from a treaty process with Māori iwis, or tribes, that gives the river its own legal standing in court. “By granting the rights of personhood to the Klamath River, not only does it create laws and legal advocacy routes, but it’s also an expression of Yurok values,” says Geneva Thompson, associate general counsel for the tribe and citizen of the Cherokee Nation, who worked on the resolution. “The idea is that the laws of a nation are an expression of the nation’s values.”



The Klamath River runs through Redwood National Park, California. The Yurok Tribe passed a resolution protecting the river from harm by granting it the same rights as a person.

Don White/Alamy

The Yurok resolution draws inspiration from the Rights of Manoomin, as well as the United Nations Declaration on the Rights of Indigenous People (<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>), which enshrines the right of Indigenous people to conserve and protect their lands and resources. Legal personhood provides a different framework for dealing with problems like pollution, drought and climate change, though no case has yet been brought to put the Whanganui, Manoomin or Klamath rights to the test in court. The crucial aspect to establishing these legal frameworks, Indigenous lawyers say, involves shifting relationships and codifying Indigenous knowledge — in other words, recognizing non-human entities not as resources, but as rights-holders.

“From New Zealand to Colombia, the powerful idea that nature has rights is taking root in legal systems,” says David Boyd, U.N. special rapporteur on human rights and the environment, of the Yurok Tribe’s resolution. “We must no longer view the natural world as a mere warehouse of commodities for humans to exploit, but rather a remarkable community to which we belong and to whom we owe responsibilities.”

In essence, the Yurok resolution means that if the river is harmed, a case can be made in Yurok tribal court to remedy the problem. Currently, says Yurok Tribe General Counsel Amy Cordalis, laws like the Clean Water or Endangered Species acts can be used to protect rivers by addressing symptoms of problems like diseased fish or pollution. But the Yurok resolution seeks to address the river’s problems directly and holistically, including the impacts of climate change. “You’re working towards making the river whole again,” Cordalis says.

[RELATED:<https://www.hcn.org/articles/tribal-affairs-how-do-tribal-nations-treaties-figure-into-climate-change>]

In December 2018, the White Earth Band of Ojibwe and the 1855 Treaty Authority, an organization that upholds treaty rights for Chippewa bands, established legal personhood for wild rice. The resolution draws from the Rights of Nature — an international concept that argues that nature should have the same rights as humans — and is the first law to recognize legal rights of plant species. The rights spell out that within White Earth and other Chippewa ceded territories, wild rice has “inherent rights to restoration, recovery and preservation,” including “the right to pure water and freshwater habitat,” the right to a healthy climate and “a natural environment free from human cause global warming.” Frank Bibeau, executive director of the 1855 Treaty Authority and a White Earth tribal member, says the rights are an extension of Ojibwe treaty rights both on and off the reservation. And they may soon be put to the test — the proposed crude oil Enbridge Line 3 pipeline, which requires state approval, would cross into off-reservation areas where manoomin and freshwater sources are.

“The idea of having legal avenues to address the harms of climate change is an important next step as legal systems adapt to the climate crisis.”

The resolutions give tribal nations new legal strategies for use in court, especially in regards to climate change: “The idea of having legal avenues to address the harms of climate change is an important next step as legal systems adapt to the climate crisis,” says Thompson at the Yurok Tribe. And they also encourage a change in mindset, says Maia Wikaira, an environmental law attorney who worked with the Yurok Tribe’s legal team, and a member of the Ngāti Tūwharetoa, Te Rarawa and Ngāpuhi tribes of New Zealand. As tribal nations establish rights for nonhumans, it creates an opportunity for states to follow suit, and incorporate the concept into their own court systems. “It’s another example of where long-held Indigenous perspectives and association with the natural world are not only being embedded within our legal system — they’re being seen in popular environmental movements as an innovative way forward and a necessary step,” Wikaira says. “So, old is new again.”

Rights of nature have already been established in Colombia, Ecuador and India, with varying success, and have also appeared in non-Native communities in the U.S. In Ohio this February, voters passed a law — which is already being challenged (<https://www.smithsonianmag.com/smart-news/toledo-ohio-just-granted-lake-erie-same-legal-rights-people-180971603/>) — granting Lake Erie personhood rights. An attempt in 2017 by Coloradoans to force the state to grant the Colorado River rights of personhood collapsed (<https://www.aspenjournalism.org/2017/12/05/colorado-river-personhood-case-pulled-by-proponents/>) after the state threatened possible sanctions against the lawyer behind the case.

Now, Thompson says, the relationship between the Yurok Tribe and the Klamath River is reflected in the tribe's law. "It shifts the conversation, and it shifts the value system, because you see the environment has a right to be clean and protected for the environments sake."

Anna V. Smith is an assistant editor for High Country News. Email her at annasmith@hcn.org (<mailto:annasmith@hcn.org>) or submit a letter to the editor (<https://www.hcn.org/feedback/contact-us>). Follow [@annavtoriasmith](https://twitter.com/annavtoriasmith) (<https://twitter.com/annavtoriasmith>).

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WATER & DROUGHT THE SACRAMENTO BEE

California's water year starts with a large increase in reservoir storage. Here's why

BY MITCHEL BOBO

OCTOBER 01, 2019 06:53 PM, UPDATED 47 MINUTES AGO

Lakes, rivers and a meadow during drought years compared to January 2017

California is enjoying an increase in average water reserves due to increases in snowfall and precipitation, according to the Department of Water Resources.

Statewide, the reservoir is at 128 percent of average, which is about 29.7 million acre-feet. Some of the biggest increases include Lake Oroville, which is currently at 102 percent of its average, compared to 62 percent this time last year; Shasta Lake is at 126 percent (88 percent in 2018) and San Luis Reservoir is at 132 percent (117 percent last year).

According to the DWR, the state's snowpack was at 175 percent of the annual average on April 1. The increase was helped by more than 30 atmospheric rivers, many of which making landfall in Northern California.

"The significant rainfall and snowpack made for a great water year in 2019, so we start the new year in a good place," DWR director Karla Nemeth said in a release. "However, we all know too well that California's weather and precipitation is highly variable. What we could have today could be gone tomorrow. Conserve. Recycle. Recharge. People and the environment depend on it."

The water year begins Oct. 1 and runs through Sept. 30. For more information, visit DWR's California Data Exchange Center website.

CORRESPONDENCE



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

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MICHELLE FULLER, DIRECTOR

GENERAL MANAGER

JOHN FRIEDENBACH

October 3, 2019

Humboldt County Planning Commission
3015 H Street
Eureka, CA 95501

RE: Hemp Cultivation Ordinance

Dear Commissioners,

I am submitting comments for consideration at the Planning Commission Workshop – Hemp Cultivation Ordinance on behalf of the Humboldt Bay Municipal Water District. As you know, the District is a municipal water district, which supplies high quality water to the greater Humboldt Bay Area, including drinking water to 88,000 residents of Humboldt County. It operates intake wells in the Mad River, which are located downstream of the Industrial Hemp Management Zone area as proposed on the Mad River. Our comments and concerns relate to the potential negative impacts from an industrial activity located within the Mad River watershed.

Specifically, the District requests that the words “drinking water supplies” be added in Ordinance Section 55.5.2, second paragraph as indicated on the attachment to this letter.

In addition, our District submitted public comment at the Eureka workshop on September 25th. A copy of those comments is also attached to this letter and are submitted for consideration. They did not appear to be included with the public comments in the staff report.

We appreciate the Planning Commission’s consideration of these issues that may affect water quality within this zone designation when drafting the Hemp Cultivation Ordinance, related implementation regulations, and processing zoning change requests or processing conditional use permits as the Mad River watershed which is a critical municipal water supply area.

Respectfully,

A handwritten signature in cursive script, appearing to read "John Friedenbach".

John Friedenbach
General Manager

Cc: Anne Baptiste, Thomas Law Group

314-55.5 INDUSTRIAL HEMP CULTIVATION LAND USE REGULATION FOR THE INLAND AREA OF THE COUNTY OF HUMBOLDT

55.5.1 AUTHORITY AND TITLE

This Section regulates the cultivation of industrial hemp within the Inland Area of the County of Humboldt.

55.5.2 PURPOSE AND INTENT

The purpose of this Section is to establish an Industrial Hemp Management Zone (Management Zone) and land use regulations outside of the Management Zone for the purposes of industrial hemp cultivation within the County of Humboldt in order to encourage safe, reasonable and responsible growth that reduces negative impacts on our community and environment, increases public awareness, and community health and safety while creating a clear and attainable path for cultivators to follow.

These regulations are intended to ensure the public health, safety and welfare of residents of the County of Humboldt, visitors to the County, persons engaged in industrial hemp activities to protect the environment from harm resulting from industrial hemp activities, including but not limited to ~~streams, fish, and wildlife~~, residential neighborhoods, schools, community institutions and Tribal Cultural Resources; and to ensure the security of state-regulated hemp cultivation. To this end, these regulations identify where in the County Industrial Hemp activities can occur and specify the application process, what type of permit is required, the registration process and the approval criteria that will apply.

drinking water supplies

55.5.3 APPLICABILITY AND INTERPRETATION

55.5.3.1 All facilities and activities involved in Industrial Hemp Cultivation and other Industrial Hemp activities within the jurisdiction of the County of Humboldt outside of the Coastal Zone shall be controlled by the provisions of this Section.

55.5.3.2 Nothing in this Section is intended, nor shall it be construed, to exempt Industrial Hemp Cultivation and all other Industrial Hemp activities from compliance with all other applicable Humboldt County zoning, land use, grading, and streamside management area regulations as well as other applicable provisions of the County Code.

55.5.3.3 Nothing in this Section is intended, nor shall it be construed, to exempt Industrial Hemp Cultivation and all other Industrial Hemp activities from any and all applicable local and state construction, electrical, plumbing, water rights, waste water discharge, water quality, streambed alteration, endangered species, or any other environmental, building or land use standards or permitting requirements.

55.5.3.4 Other than as enumerated in this Section, Industrial Hemp Cultivation and all other Industrial Hemp activities are prohibited in any zoning district other than those zoning districts where it is expressly permitted.

55.5.3.5 Severability. If any provision of this Section, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Section that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Section are severable.



828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

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GENERAL MANAGER

JOHN FRIEDENBACH

September 25, 2019

John Ford, Director
Humboldt County Planning and Building Director
3015 H Street
Eureka, CA 95501

RE: Hemp Cultivation Ordinance

Dear Director Ford,

I am submitting comments for consideration at the Eureka Community Workshop – Hemp Cultivation Ordinance on behalf of the Humboldt Bay Municipal Water District. As you know, the District is a municipal water district, which supplies high quality water to the greater Humboldt Bay Area, including drinking water to 88,000 residents of Humboldt County. It operates intake wells in the Mad River, which are located downstream of the Industrial Hemp Management Zone area as proposed on the Mad River. Our comments and concerns relate to the potential negative impacts from an industrial activity located within the Mad River watershed.

Specifically, the District has concerns regarding introduction of potential contaminants into surface and ground water relating to industrial hemp production which would include but not limited to: 1) use of pesticides, herbicides, rodenticides, petroleum products and other chemicals; 2) control and treatment of surface water that is discharged to the Mad River or tributary; 3) increased sedimentation load introduced into the Mad River; and 4) illegal water diversions from the Mad River, or its tributaries, or groundwater.

We appreciate the Building Department's consideration of these issues that may affect water quality within this zone designation when drafting the Hemp Cultivation Ordinance, related implementation regulations, and processing zoning change requests or processing conditional use permits as the Mad River watershed is a critical municipal water supply area.

Respectfully,



COPY

John Friedenbach

General Manager

Cc: Anne Baptiste, Thomas Law Group

1. Industrial Hemp Ordinance Workshop
Case # PLN-2019-15590

Project Description: This item is a Planning Commission workshop to discuss and receive public comments on proposed zoning ordinance amendments to allow cultivation of Industrial Hemp and other Industrial Hemp activities in Humboldt County. The proposed zoning ordinance amendments would establish the types, location and performance standards for all Industrial Hemp activities in the unincorporated areas of Humboldt County, including the Coastal Zone.

Recommendation: Receive a staff report and public testimony, deliberate on the proposed ordinance in a public workshop format, provide direction to staff on suggested modifications to the ordinance and continue the item to the meeting of October 17, 2019 for further action.

Attachments: [PLN-2019-15590 Hemp Workshop Staff Report.pdf](#)

ADJOURNMENT

NEXT MEETINGS

October 17, 2019 Regular Meeting

Hemp Ordinance

A WORKSHOP DRAFT OF THE HEMP ORDINANCE IS NOW AVAILABLE.

You can read and download it here. [Workshop Draft Hemp Ordinance Sept. 23 2019](#)

Here is a map of the Industrial Hemp Management Zones. [Industrial Hemp Management Zones Map](#)

SECOND ROUND HEMP WORKSHOPS, PLANNING COMMISSION AND BOARD OF SUPERVISORS HEARINGS

Updated Sept. 19, 2019. After listening to public comments and holding three workshops, we have developed draft regulations for industrial hemp cultivation. We invite you to attend two additional, upcoming workshops to discuss these regulations and gather public input prior to upcoming public hearings with the Planning Commission and the Board of Supervisors. Times and locations for workshops and hearings are given in the table below.

As always, written comments are welcome. **Written comments can be submitted to:** longrangeplanning@co.humboldt.ca.us

Questions? Contact Planner Elanah Adler, email: EAdler@co.humboldt.ca.us; (707) 445-7541

Community Workshops, Planning Commission and Board of Supervisors Hearings

When?	Where?	What?
Tuesday, September 24, 2019 6-7:30 PM	Redway Elementary 344 Humboldt Ave., Redway	Draft Ordinance Workshop
Wednesday, September 25, 2019 6-7:30 PM	Agricultural Center, 5630 South Broadway, Eureka	Draft Ordinance Workshop
Thursday, October 3, 2019 Separate notice sent on Sept. 19	Eureka Courthouse 825 5th St, Eureka	Planning Commission Public Workshop on Hemp Ordinance
Thursday, October 17, 2019 Separate notice sent on Sept. 19	Eureka Courthouse 825 5th St, Eureka	Planning Commission Public Hearing on Hemp Ordinance
Tuesday, November (date TBD), 2019, 9 AM Separate noticing to be provided	Eureka Courthouse 825 5th St, Eureka	Board of Supervisors Public Hearing on Hemp Ordinance

Community Workshops



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO Box 95 • EUREKA, CALIFORNIA 95502-0095

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GENERAL MANAGER

JOHN FRIEDENBACH

October 3, 2019

Humboldt County Planning Commission
3015 H Street
Eureka, CA 95501

RE: Designation of the Mad River Watershed as a Critical Municipal Water Supply Area

Dear Commissioners,

The Humboldt Bay Municipal Water District provides water to approximately 88,000 residents or 2/3rds of the County's population. We provide the source water to our seven Municipal Customers and a small number of direct bill residents. Our source of supply is the Mad River Basin beginning at our reservoir Ruth Lake where water is impounded during the rainy season and then released during the dry season to provide a continuous water supply. Our releases travel 75 miles down the Mad River watershed until reaching our Ranney Wells where ground water is pumped at our Essex facility. Given the large amount of Humboldt County population dependent upon our source water, it is essential that the integrity of the high water quality that residents have enjoyed for the past 60 years be protected and preserved for future generations. Consequently, we request that you designate the Mad River Watershed as a Critical Municipal Water Supply Area as provided in the Humboldt County General Plan Section 11.4 Goals and Policies, subsection WR-P4.

Because zoning changes are in process for the implementation of the County's General Plan, we respectfully request that you re-prioritize the General Plan implementation measures that relate to Section 11.4 and/or processing this request and place this issue at the top of that list.

Land uses within the Mad River Watershed have the potential to significantly impact the quality and quantity of the District's water supplies.

Land uses within the Mad River Watershed have potential to degrade and contaminate the Mad River, which serves as the District's water supply. These are significant cumulative impacts. It is known that the area around the Ranney intake wells is already in a degraded condition due to gravel mining operations in the area. (See, e.g., Public Notice for Letter of Permission 2004-1, Appx. G.) Runoff from agricultural operations, roads, and other uses can result in cumulatively significant impacts to water quality by drawing pollutants and sediments into the Mad River. Mining and oil and gas operations and other land uses involve hazardous chemicals which, if spilled, can leach into groundwater which flows

into the Mad River, contaminating the District's water supply. Operations within the 100- year floodplain in particular carry a high risk of directly releasing hazardous chemicals into the Mad River during a flooding event, thereby contaminating the District's water supply.

Additionally, land uses in the watershed indirectly impact the District's water quality. In an unaltered system, rainfall is filtered before reaching a river, which reduces the amount of contamination carried into the river. Where there are permeable surfaces, rainwater is absorbed into the soil and filtered by the substrate before it enters the Mad River as groundwater. Vegetation likewise serves to filter runoff and also prevents erosion, thereby protecting water quality from excessive sediment loads. Development reduces the amount of permeable surfaces and quantity of vegetation. As a result, more stormwater flows directly into the Mad River and contains higher contaminant concentrations and sediment loads. These cumulative impacts degrade the District's water quality.

The quantity of water available to the District is also impacted by land uses within the watershed. Land uses that draw from onsite wells reduce the quantity of groundwater that flows into the Mad River. Similarly, land uses that rely in part on rain-water catchment, such as cannabis growing operations, reduce the volume of water that either directly runs into the Mad River or indirectly reaches the Mad River as groundwater.

Ongoing and increasing land uses within the Mad River Watershed will result in cumulative impacts to the quality and quantity of the District's water supplies. Accordingly, the Mad River Watershed is eligible for mandatory designation as a Critical Municipal Water Supply Area. As stated by the Humboldt Community Services District in its February 16, 2018 letter to the Humboldt County Board of Supervisors: "We have only one major water source and the public has invested millions of dollars into making it safe and reliable." Thus, the Planning Commission is requested to recommend to the Board of Supervisors that the Mad River Watershed be designated as a Critical Municipal Water Supply Area under the General Plan to ensure the ongoing safety and reliability of the District's water source.

Given the size of the Mad River, we believe the Board may need to go beyond the standard protocols and develop standards more specific to the concerns of the District. The District concerns are more related to industrial pollution from uses on adjacent lands. We strongly advocate the Board of Supervisors develop standards to offer these protections.

We believe the Planning Commission will be the first stop in the review process. It is our understanding that the portions to be mapped as critical watershed can be tailored and it does not need to be the entire watershed.

We are not sure of the schedule for Critical Watershed Designation however, the District kindly requests the Mad River Critical Designation be moved up in priority while processing the implementation of the County's General Plan.

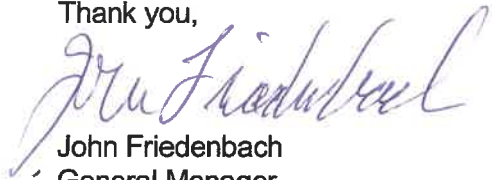
Time is of the essence. The Board of Supervisors just approved various zoning text amendments, including the MR zone, that the District submitted concerns on. There are a lot of recommend zoning changes coming up. The Board of Supervisors is moving into the Community Planning phase and wrapping up the text amendment, then moving on to zoning. Time is of the essence for the District to clarify concerns regarding designating the Mad River Watershed as a Critical Watershed.

We are available to work with Planning Department staff to construct development standards consistent with designation of the Mad River Watershed as a Critical Municipal Water Supply Area. For

example, our District is more concerned with new industrial uses proposed within the watershed versus runoff from small parcels located higher within the watershed.

We look forward to hearing back from you and learning the schedule and process to have the Mad River Watershed designated as a Critical Municipal Water Supply Area under the General Plan Section 11.4 Goals and Policies, subsection WR-P4.

Thank you,



John Friedenbach
General Manager

Cc: Humboldt County Board of Supervisors
Tina Bartlett, CDFW Northern Region
Justin Ly, National Marine Fisheries Service

CONTINUING BUSINESS

Fish farm execs ‘confident’ about pitch to board of directors in Norway

Nordic Aquafarms views Humboldt Bay risks as manageable



Nordic Aquafarms executive Marianne Naess spoke earlier this year in Eureka about the treated water from a large land-based fish farm that would be pumped into the ocean offshore of Samoa Peninsula. (Shaun Walker — The Times-Standard file)

By [SHOMIK MUKHERJEE](#) | smukherjee@times-standard.com | Times-Standard
September 27, 2019 at 1:20 am

Executives for Nordic Aquafarms, a Norway-based aquaculture firm with eyes for the Samoa Peninsula, are awaiting a decision from the company’s board of directors about whether to move forward with building a massive fish farm at Humboldt Bay.

Marianne Naess, the company’s commercial director, said Thursday that her and CEO Erik Heim’s presentation to the board earlier that day in Norway went well. Directors appeared satisfied with what they heard, she said, but will likely take their time to make what she called a “huge decision.”

“The meeting was positive and the board was supportive,” Naess said. “It always takes a while to absorb (the presentation) and ask for clarifications.”

It’s a large-scale operation: Nordic looks to invest \$400 million to build a land-based fish farm, promising to add around 80 jobs for local residents. In February, the company [secured a lease](#) at the site of the former Samoa pulp mills.

ADVERTISING

After an initial three-year period at the peninsula, the company can sign on for an additional three decades. In the meantime, executives will look to obtain land-use permits to carry out the venture.

“Nordic has been trying to reach out to all the agencies they might be working with in the permitting process, just to start getting familiar with their jurisdiction,” said Lynette Mullen, the project’s community liaison to Humboldt County.

Naess repeated Thursday what she has often told locals at various public meetings: The company [believes Humboldt Bay is the optimal place](#) to become a West Coast hotspot for aquaculture.

But earlier this summer, Naess and Heim [publicly raised concerns](#) with several of the area’s realities. The often murky quality of the farm’s water supply during winter months would cost millions to treat, while parts of the Samoa Peninsula are plagued by toxic waste from the industrial pulp era.

Meanwhile, attendees of Nordic’s public pitch meetings are quick to point out Humboldt County’s seismic activity, along with the tsunami risks of positioning a fish farm right at sea level.

“Both of those things — ground-shaking and tsunamis — are significant concerns and would need to be properly addressed,” said Lori Dengler, a professor emeritus at Humboldt State University and a local geology expert.

Dengler noted she hasn’t followed the details of Nordic Aquafarms’ project and said she’d leave it to licensed geologists to assess the risks. But she cited past tsunamis, including the Chile tsunami of 2010, as having wiped out coastline-adjacent aquaculture.

Naess said the company has leaned into due diligence, finding that it’s “feasible” to mitigate the outstanding risks and problem areas. The board of directors appeared pleased with her answers to the tough questions, she said.

“I don’t see major showstoppers at this point,” Naess said. “It’s just our board needs to assess the risk. They can’t make the decision from a short presentation. They have several factors to consider, but they were satisfied.”

She also praised the community as being receptive. In July, the Humboldt County Board of Supervisors agreed to look into the toxic brownfield and water infrastructure concerns, directing staff to research outside grants that could offset the costs.

“It’s been a great dialogue,” Naess said. “We think Humboldt is a great community, with a great potential for aquaculture.”

Shomik Mukherjee can be reached at 707-441-0504.

RELATED ARTICLES

- **Fish farm ‘potentially’ in jeopardy without infrastructure fix, Nordic Aquafarms says**
- **Supervisors offer support for Nordic Aquafarms incentives**
- **Nordic Aquafarms: Humboldt County ‘best location on West Coast’ for fish farm**
- **Arcata Rotary program features Nordic Aquafarms speaker**
- [Fish-farming company to lease Samoa pulp mill property](#)

RYAN BURNS / 09/27/19 @ 3:27 P.M. / ACTIVISM, BUSINESS, ENVIRONMENT

PETA Buys Bus Ads Opposing Fish Farm on Samoa Peninsula: ‘You Can’t Be a Fish-Eating Environmentalist’



PETA ad on Humboldt Transit Authority bus.

Earlier today, the animal rights organization PETA (People for the Ethical Treatment of Animals) published a press release to its website announcing that they've purchased a couple of ads on local buses in response to Nordic Aquafarms' planned land-based fish farm on the Samoa Peninsula.

The press release criticizes the environmental impacts of fish farms generally, but the ads, as you can see in the above photo, don't stop there. They say, "You can't be a fish-eating environmentalist." In smaller print they add, "Aquafarming pollutes our water. Go vegan."

As we reported earlier this year, Nordic has announced plans to build a 600,000-square-foot, land-based fish farming facility that would utilize a recirculating aquaculture system (RAS) to produce nearly 60 million pounds of fish per year for distribution up and down the west coast.

In February, the Humboldt Bay Harbor, Recreation and Conservation District agreed to lease roughly 30 acres on the Samoa peninsula — on the former site of the Sierra Pacific pulp mill — to Nordic. The lease has a 30-year term with two 10-year automatic extensions, and it's preceded by an "option or planning period" of up to three years, during which Nordic subsidiary California Marine Investment Corporation will pay the Harbor District \$20,000 per year.

In local public presentations, Nordic Aquafarms President and Founder Erik Heim has described RAS aquaculture as an environmentally sound way to meet the planet's growing food needs. These systems are far superior, he says, to net-pen fish farm operations that have been criticized for their environmental pollution.

We reached out to Lynette Mullen, Nordic's local community liaison, to get a response to PETA's local ad campaign. She told us via email that both Heim and his wife, Nordic Commercial Director Marianne Naess, are in Norway, where the company's board of directors is expected to make a decision on whether or not to commit to the Samoa site as their west coast base.

Unfortunately, it's currently after bedtime in Norway, so neither Heim nor Naess could be reached.

"I can say that I find the ads to be an interesting choice for PETA," Mullen said in the email. "Many environmental groups and scientists support RAS as a way to meet our growing demand for protein — and facilities like Nordic's are specifically designed NOT to pollute the water. Aquafarming takes many forms and the environmental impact varies greatly. Maybe PETA isn't aware of this...?"

She went on to speculate that the ad may rub some locals the wrong way:

"I also believe that we have many highly educated individuals in Humboldt County who care deeply about our environment. I believe they will resent being told by an outside agency what it means to be a good environmentalist."

Here's the PETA press release:

Humboldt County, Calif. – Nordic Aquafarms' proposal to erect a massive fish factory farm on the Samoa Peninsula has prompted PETA to slap up an ad on Redwood Transit System and Eureka Transit Service buses that shows a sensitive fish looking at the viewer and the words "You Can't Be a Fish-Eating Environmentalist. Aquafarming Pollutes Our Water. Go Vegan."

"This mega-factory farm would cost a lot to build, but fish and the local ecosystem would pay the highest price," says PETA President Ingrid Newkirk. "Claiming to be an environmentalist while eating factory-farmed fish doesn't *hold water*, and PETA asks everyone to reject this monstrosity and go vegan."

PETA — whose motto reads, in part, that "animals are not ours to eat" — notes that nearly half of all fish consumed worldwide each year are raised on land- or ocean-based aquafarms. Even the deceptively named "sustainable" fish farms require a huge amount of local fresh water and have the potential to wreak havoc on the surrounding ecosystems, as they discharge millions of gallons of pollutants into the ocean daily.

There are no regulations to ensure the humane treatment of fish, and those who are farmed spend their entire life in cramped enclosures. Nearly 40% of them die prior to slaughter. Those who survive are commonly starved in order to reduce waste contamination of the water during transport.

PETA opposes speciesism, which is a human-supremacist worldview. For more information, please visit PETA.org.

Water district fighting Glendale cannabis factory

Toxic waste from old mill in groundwater, could wind up in Mad River

Daniel Mintz
MAD RIVER UNION

GLENDALÉ – The Humboldt Bay Municipal Water District has appealed the permitting of a Glendale cannabis manufacturing complex, stating that project's development on a former lumber mill site runs the risk of "contaminating the district's drinking water supplies."

Filed on September 19 and revised a week

later, the appeal challenges the county Planning Commission's Sept. 5 approval of the project's permits. At the hearing, the project site's uncertain groundwater and soil contamination status was raised as an issue and it's one that concerned commissioners.

Located on Glendale Drive just east of the Route 299 Exit 4 onramp and off ramp, the site was used for lumber storage by the former McNamara and Peepe Lumber Mill. By

the time the mill changed ownership in 1986 and became Blue Lake Forest Products, use of the toxic wood preservative pentachlorophenol (PCP) had been banned.

But the previous PCP use caused soil contamination and in the mid-1990s, the state ordered remedial actions. Capping was done at the mill's main operations area on a parcel adjacent to the project site.

GLENDALÉ ❖ A6

Glendale | Cap is letting toxic waste through

❖ FROM A1

As of 2003, both sites were deemed to be free of contaminants. But in late 2018, the state Department of Toxic Substances Control (DTSC) declared that contaminants in the soil beneath the capped area had seeped into groundwater that had risen after Blue Lake Forest Products closed in 2002.

That's a concern for the district — and its 88,000 municipal drinking water customers — because of the potential for contaminants to seep into nearby Hall Creek. The creek flows into the Mad River and the district's intake wells are located downstream.

Dioxins are a byproduct of PCP and at the permit hearing, Jen Kalt of Humboldt Baykeeper questioned why there has been no testing for them.

Although commissioners were concerned about that — with Commissioner Melanie McCavour describing the lack of dioxin testing as “ridiculous” — the permits were approved by a majority of commissioners who felt that it would be unfair to make the applicant responsible for testing.

The district's appeal focuses on the DTSC's reliance on the 2003 testing results, the agency's December 2018 decertification of the remedial actions and a letter sent by DTSC last summer. County planners have described the letter as indicating that there is no PCP contamination of the project site's soil or groundwater.

The appeal describes information from the agency as conflicting. It asks that “clarification be sought from DTSC as to whether DTSC concludes the site is unambivalently uncontaminated, or whether the 16-year-old data for the site gives no reason to find the site is contaminated and that DTSC is simply unwilling



HOT ZONE The Glendale location of the planned cannabis processing facility. HUMBOLDT COUNTY IMAGE

to comment further.”

The county's Mitigated Negative Declaration environmental review document “misses the mark,” according to the appeal, because once the new development occurs, “Runoff will still occur when the ground at the site is saturated and stormwater capture basins flood during heaving rainfall.”

With the project's development, “Future stormwater will first interact with the potentially contaminated soils and thus may carry contaminants offsite to Hall Creek and/or the Mad River, the source of water for 88,000 County residents and habitat for ESA listed aquatic species,” the appeal states.

It also notes that both the county and the state “do not address risks related to potential for dioxin contamination at the site because it has never been tested for. Therefore, no one knows the potential scope and concentration of dioxin contamination.”

The appeal describes the lack of testing as a serious omission due to the “extreme toxicity” of dioxins.

‘Not listening’

Interviewed after the appeal was filed, Kalt said Baykeeper “has been trying to educate the county” because the appealed project is the fourth one that's been permitted on former mill sites with potential contamination.

“They're just not listening,” she continued.

The DTSC's documents are outdated, inaccurate and don't mention the

district's intakes or critical habitat for salmon and other species, said Kalt.

She said the DTSC's recent monitoring of the main operations area has shown the highest levels of PCP contamination at the monitoring well nearest the project site and furthest away from the remedial cap.

“They don't know how far it has spread yet but it's clearly moving toward the site where the (cannabis) permits were approved,” Kalt continued.

At the permit hearing, county planning staff said that because the DTSC deemed the project site clear of PCP contamination, dioxins aren't present and don't need to be tested for. But as Kalt had explained, PCP has a much shorter half-life than dioxins and Baykeeper's testing of a Eureka site in 2003 found high levels of dioxin even though the site was declared to be free of PCP contamination.

Baykeeper's appeals of the other permits approved for former mill sites are pending and Kalt said their status is uncertain. There are mitigations for use of former mill sites in the county's cannabis ordinances but Kalt described them as being inadequate.

“We're making baby steps, I think, in terms of educating the county on this stuff but it's an uphill battle,” she said.

The appeal is filed on behalf of the district by the Thomas Law Group firm, which has offices in Sacramento and Oakland.

THE
NATIONAL LAW REVIEW

California Water Board Could Leave Non-Compliant Emerald Triangle Cannabis Farmers High & Dry

Wednesday, October 2, 2019

On September 20, 2019, the California Water Board Division of Water Rights' Cannabis Enforcement Section mailed 270 certified letters to various farmers in Trinity, Humboldt, and Mendocino Counties notifying them that they lack the appropriate permits for water use in commercial cannabis cultivation. Although the Water Board made clear that they are not, at this time, issuing notices of violation, the letters serve as a shot across the bow to an industry that is beginning to appreciate the importance of compliance with environmental regulations and portends more significant enforcement efforts in the near future.

In the last year alone, 2,300 cannabis cultivation licenses were issued in the three counties under the State Water Board's Cannabis Cultivation Program. However, the letters make clear that not everyone is in compliance. For those entities, the Water Board has advised that their properties appear to be used for cannabis cultivation, but that no record exists of the property having enrolled in the State Water Board's Cannabis Cultivation Program. The letters warn farmers in these counties that if they fail to come into compliance with Water Board regulations, they may face fines or the loss of cannabis cultivation licenses.

With the recent legalization of marijuana and industrial hemp in the Western United States, water rights and regulations have become an increasing concern for farmers and state regulatory boards. California approved the State Water Board's Cannabis Cultivation Program in December 2017. In 2018, the State Water Boards sent out 2,826 letters in five watersheds informing them of the Program and 337 letters about direct enrollment requirements. The Program is intended to help address issues of both water quality and water quantity related to cannabis cultivation in California. The purpose of the Program and its requirements are to ensure that the use of water for cannabis cultivation does not negatively impact existing water quality, habitats, wetlands, and springs. The Program also seeks to protect instream flows throughout the State.

The California Water Board has requested that all residents in receipt of one of the cannabis cultivation letters respond through its Cannabis Compliance [Portal](#). The Water Board also clarified on October 1 that any residents who received a letter but have already applied for coverage may disregard it.

Water issues, however, go well beyond regulatory compliance, as a non-compliant grower (or grower with no water rights) could face a lawsuit brought by a senior rights holder under the appropriate prior doctrine for using even *de minimus* quantities of water. Indeed, merely being situated near a river or stream does *not* automatically confer water rights on a farmer or business owner.

Resolution No. 2019-09

Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing Appreciation for the Peninsula Vault Artwork Beatification

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Mir de Silva painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Mir de Silva* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-11
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Sheala Dunlap painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Sheala Dunlap* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-12
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Laci Dane painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Laci Dane* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-13
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Ben Goulart painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Ben Goulart* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

- AYES:
- NOES:
- ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-14
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, James Rose painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *James Rose* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

- AYES:
- NOES:
- ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-15
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Lucas Thornton painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Lucas Thornton* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

- AYES:
- NOES:
- ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-16
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Julio Valdez painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Julio Valdez* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-17
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Patricia Sennott painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Patricia Sennott* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Resolution No. 2019-18
**Resolution of the Humboldt Bay Municipal Water District Board of Directors Expressing
Appreciation for the Peninsula Vault Artwork Beatification**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT AS FOLLOWS:

WHEREAS, Humboldt Bay Municipal Water District thanks the planning and collaborative partners who made this project a success: Peninsula Community Collaborative, Redwood Community Action Agency, Friends of the Dunes and the Bureau of Land Management; and

WHEREAS, the St. Joseph Health Community Partnership Fund provided grant money to local artists to enhance the beauty and feeling of safety on the Peninsula,

WHEREAS, one of the District Goals is to employ preventative maintenance practices to preserve the infrastructure in good working order for as long as possible and the Vault Artwork Project aligns with this preventative maintenance practice goal; and

WHEREAS, the vault appurtenances are cylindrical in shape, located in the sand dunes of the Samoa Peninsula and presented unique and challenging canvas for artwork; and

WHEREAS, the artist, through a competitive process, was selected to create their artwork on the vault surface,

WHEREAS, Charli Murphy painted a mural on the peninsula to help enhance beauty and safety on the Peninsula; and

NOW, THEREFORE, BE IT RESOLVED, that the artist has demonstrated competent skills for creating larger scale mural art form; and;

BE IT FURTHER RESOLVED, that the Board of Directors of Humboldt Bay Municipal Water District does hereby expresses our sincere appreciation to *Charli Murphy* for your artwork and contributions to our local community beautification efforts.

PASSED and ADOPTED at a Regular Meeting of the Board of Directors of the Humboldt Bay Municipal Water District this 10th day of October 2019, by the following roll call vote:

Adopted and approved this 10th day of October, 2019 by the following roll call vote:

AYES:
NOES:
ABSENT:

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



Humboldt Bay Municipal Water District

To: Board of Directors
From: John Friedenbach
Date: October 3, 2019
Re: Review of Ordinance 22

Discussion

Earlier this year the Board approved new Ordinance 22 which provided the terms and conditions for public access to the Mad River via District owned property for recreational purposes.

Under the California Water Code section 71660, Municipal Water Districts are empowered to:

"...construct, maintain, improve, and operate public recreational facilities appurtenant to facilities operated or contracted to be operated by the district. It may by ordinance provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of district regulations relating to vehicle or boat speed limits, defacement of district property, the use, possession or discharge of firearms, weapons or fireworks, the creation of fire hazards, being under the influence of intoxicating beverages or dangerous drugs, or remaining on, or reentering district premises after an authorized district officer or employee has specifically withdrawn consent for a person to utilize district facilities, is a misdemeanor. Violation of any other regulation of the district adopted pursuant to this section is an infraction."

Attached for your reference is Government Code Section 832.1 and articles regarding natural condition immunity. Pages H5 18-29.

The Board directed staff to revisit the terms and conditions six months after the passage of Ordinance 22. Attached for your review is a copy of Ordinance 22 with some suggested edits to the following Sections:

- 22.01.02 Purpose
- 22.01.05 Land open to public
- 22.05.02 Horses
- 22.05.03 Animals at large

Recommendation and Action

Review and take public comment on the proposed or additional revisions to Ordinance 22. Direct staff to incorporate any desired changes to Ordinance 22 and schedule for public hearing and possible adoption at the November 14th Board meeting.

Ordinance No. 22

Establishing Rates, Rules And Regulations

For Use of District Lands* By The

Humboldt Bay Municipal Water District

Chapters:

- 22.01 General Provisions.
- 22.02 Visitor Conduct.
- 22.03 Resource Protection.
- 22.04 Vehicle and Traffic Regulations.
- 22.05 Domestic Animal Regulations.
- 22.06 Fishing Regulations.
- 22.07 Fire Regulations.

** For statutory provisions authorizing a District to construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir contracted to be operated or operated by the District, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof, and to punish the violation of any such regulation as a misdemeanor or infraction as specified therein, see Cal. Water Code §71660*

Chapter 22.01 GENERAL PROVISIONS

Sections:

- 22.01.01 Scope of this title.
- 22.01.02 Purpose.
- 22.01.03 Authority.
- 22.01.04 Enforcement.
- 22.01.05 Lands open to public.
- 22.01.06 Closure of District lands.
- 22.01.07 Facility Use charges and permits.
- 22.01.08 Misdemeanors and infractions.
- 22.01.09 Separate offenses.
- 22.01.10 Impoundment.
- 22.01.11 Exemptions.

22.01.01 Scope of this title.

The rules and regulations contained in this title shall be known as “Ordinance 22 Rules and Regulations for use of Humboldt Bay Municipal Water District Lands” and may be referred to as such, or as “Ordinance 22” or “land use regulations.” Except as otherwise provided, the provisions of this title shall apply to all District-owned lands including both active watershed lands and contiguous buffer properties.

22.01.02 Purpose.

These land use regulations are adopted to provide for and manage public access on [unimproved](#) District Lands, to assure effective stewardship, protection and management of District lands and to govern use of said lands in a fashion consistent with the District’s Mission, its Habitat Conservation Plan and Long-Term Streambed Alteration Agreement.

22.01.03 Authority.

The land use Ordinance and Regulations enacted in this title are authorized by the California Water Code Section 71660. District employees shall have the authority to enforce within the District’s boundaries the provisions of this Ordinance, and any amendment or amendments thereto, and the laws of the State of California, including but not limited to, California Water

Code Section 71660, the California Administrative Code Title 14, relating to Fish and Wildlife regulations, and the California State Boating Law.

22.01.04 Enforcement.

Powers granted under this Ordinance shall be construed to be powers delegated by the Board to the General Manager and redelegated by the General Manager to District Personnel, as deemed appropriate. Designated District employees shall have the authority to enforce these regulations and to revoke the use by any person in violation of these regulations. These regulations may also be enforced by other law enforcement officials. Any person who resists, delays, obstructs, threatens or attempts to intimidate District personnel in the discharge of, or attempted discharge of, their duty shall be subject to criminal prosecution.

22.01.05 Lands open to public.

Designated District unimproved lands may be open to the public for recreational use, in accordance with the provisions of these regulations, during daylight hours only, beginning thirty minutes before sunrise and ending thirty minutes after sunset. Persons using District lands shall have a revocable license to enter upon, use and enjoy District Lands for recreational purposes subject to compliance with all applicable federal, state, county and District laws and regulations.

Those District lands designated for public recreational use are the unimproved portions of the following parcels as follows: a) APN 516-271-005 and 504-201-010 [Park 1]; b) APN 516-351-002 [Park 4]; and c) APN 504-142-012 and 516-251-001 [Glendale Public River Access] (hereinafter referred to as "District lands"), excluding any and all District offices, buildings, infrastructure and appurtenances (including, but not limited to, all pipelines, pump stations, and Collectors), whether or not such offices, buildings, infrastructure or appurtenances are fenced or otherwise designated as being restricted areas. The Board reserves the right to add or de-designate District lands for public recreational use in its sole discretion.

22.01.06 Closure of District lands.

All or any portion of District lands may be closed to the public or have public uses restricted during an emergency or for health, safety, maintenance or watershed management purposes or for any other reason in the District's sole discretion.

22.01.07 Facility Use charges and agreements.

a) Park 1 and Park 4 facility use charges or fees may be charged by the District for facility use agreements to use designated areas of or otherwise use District lands. Charges for facility use agreements shall be determined by the board of directors from time to time by resolution and are initially set as delineated in attached Exhibit A. Facility use agreements are not transferable and may be revoked for failure to comply with any provision of the agreement or applicable

portions of these regulations. Facility use agreements must be carried while on District lands and shown upon request to District personnel or otherwise displayed as directed.

b) Facility Use agreements are required for any group larger than ten (10) people and will be issued on a first come first serve basis.

c) No group larger than 200 individuals will be issued a facility use agreement.

d) Facility Use agreements shall contain standard District insurance and indemnification requirements as may exist at the time of issuing the agreement.

e) Alcohol may be sold in conjunction with a Facility Use Agreement activity, provided the event organizers comply with the District's alcohol concessions requirements and the appropriate Department of Alcoholic Beverage Control license is obtained and provided to the District in advance of the event.

22.01.08 Misdemeanors and infractions.

Violations of the following land use regulations are misdemeanors punishable by imprisonment in the Humboldt County jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars, or both:

(1) Defacement of District property, in violation of Section 22.02.03;

(2) Use, possession or discharge of firearms, weapons, or fireworks, in violation of Sections 22.02.11 and 22.07.02;

(3) Creation of fire hazards, in violation of Section 22.07.01;

(4) Being under the influence of intoxicating beverages or dangerous drugs, in violation of Section 22.02.19(3);

(5) Dumping of garbage, refuse and trash, in violation of Section 22.02.15; also per California Penal Code Section 374.3.

(6) Remaining on or reentering District lands after an authorized District employee has specifically withdrawn consent for said person to use such lands, in violation of Section 22.02.21; and

(7) Construction, reroute or alteration of a hiking trail without District authorization, pursuant to Section 22.03.06, also per California Penal Code Section 384a.

Violation of any land use regulation of the District not mentioned above is an infraction, unless the violation is also deemed a misdemeanor or felony under any applicable provision of county, state or federal law, in which case the violation may be prosecuted as such under the applicable provision of county, state, and/or federal law.

The enumeration of violations and punishments above is not intended to be exhaustive of all potential violations and punishments. All users of District lands are subject to all applicable provisions of county, state, and federal penal laws.

22.01.09 Separate offenses.

Any violation of these regulations occurring on more than one calendar day shall constitute a separate offense.

22.01.10 Impoundment.

The District may impound any animal, property or equipment found to be in violation of these regulations. Items shall be disposed of according to law.

22.01.11 Exemptions.

These regulations shall not apply to employees of the District engaged in and acting within the scope of their authorized duties. The District, at its sole discretion, may grant written exemption to all or any portion of these land use regulations by special use permit, contract or lease; however, written exemptions shall be limited to uses consistent with the purpose of these regulations and shall not violate any provision of federal, state or county law or regulation.

Chapter 22.02 VISITOR CONDUCT

- 22.02.01 Compliance with all laws, regulations and signs.
- 22.02.02 Closed areas and use restrictions.
- 22.02.03 Care of property and facilities.
- 22.02.04 Group use.
- 22.02.05 Minors.
- 22.02.06 Reserved.
- 22.02.07 Reserved.
- 22.02.08 Camping and possession of camping gear.
- 22.02.09 Running and jogging.
- 22.02.10 Games and other activities.
- 22.02.11 Firearms, traps and other weapons.

- 22.02.12 Audio devices.
- 22.02.13 Sanitation.
- 22.02.14 Littering.
- 22.02.15 Garbage, refuse and trash.
- 22.02.16 Structures.
- 22.02.17 Abandoned and unattended property.
- 22.02.18 Commercial activity.
- 22.02.19 Disorderly conduct.
- 22.02.20 Introduction of organisms.
- 22.02.21 Revocation of privileges.

22.02.01 Compliance with all laws, regulations and signs.

No person while on District lands shall violate or fail to comply with any provision of federal, state, county or District laws, regulations or posted signs.

22.02.02 Closed areas and use restrictions.

No person shall enter or remain in any area of District lands closed to the public, nor use any area of District lands for an unauthorized or unlawful purpose.

22.02.03 Care of property and facilities.

No person shall damage, deface, tamper with or remove any District property or facilities, including but not limited to: dams, buildings, signs, gates, fences, equipment, markers, structures, tables, benches, trash receptacles, barbeques, fireplaces, paving material, utility or water lines.

22.02.04 Group use.

No group, school, club or similar organization, whether formally organized or not, shall hold or conduct any picnic, hike or other activity on District lands with ten or more participants without prior written approval of the District and no person shall take part in any such activity without said prior written approval. Groups will be permitted in designated areas only and are subject to prior reservations, conditions and charges as provided under Section 22.01.07.

22.02.05 Minors.

Parents, guardians, and any other adult having custody or accompanying of any minor children shall be responsible for the conduct of their minor children and shall not permit such minor children to do any act on District lands prohibited by the provisions of these regulations. No parent, guardian or any person having the custody of any child under the age of sixteen years shall allow such child to enter or visit District lands unless accompanied by a person at least eighteen years of age.

22.02.06 Reserved.

22.02.07 Reserved.

22.02.08 Camping and possession of camping gear.

No person shall possess camping gear or camp on District lands. Camping gear includes sleeping bags, tents, lean-to materials or any other articles connected with camping as differentiated from picnicking.

22.02.09 Running and jogging.

No person shall run or jog in such a way as to endanger hikers, or others using District lands. No school, club or other organization shall hold running, jogging or cross-county meets, events or practice sessions on District lands without prior written approval of the District and no person shall take part in any such activity without said prior written approval.

22.02.10 Games and other activities.

a) No person shall engage in games or other activities which interfere with others using District lands or which endanger any person, property, public safety or environmental or cultural resources, except as authorized in sub paragraph "b" herein. Non-permitted activities include but are not limited to:

- (1) Skateboarding, roller skating, in-line skating mountain boarding, operation of any motorized or motor assisted skateboard or other similar type activity;
- (2) Operating a motor-driven model airplane, boat, automobile, drone / quadcopter / single or multi motor copter, or other model craft;
- (3) Throwing, releasing, or discharging missiles, rockets, stones or similar objects;
- (4) Hitting a golf ball;
- (5) Participating in baseball, softball or football;
- (6) Hang-gliding, parachuting, or parasailing;
- (7) Metal detecting or the collection or disturbance of cultural or archeological artifacts; and

(8) Any activity or operation of any device in such fashion as to interfere with others using District lands or to endanger property, public safety or environmental or cultural resources.

Any equipment used in violation of this section may be impounded.

b) The District, under a license agreement, has authorized the use of its Park 4 located on Warren Creek Road by Par Infinity Disc Golf Club, Inc., a California not-for-profit corporation for its use as a Disc Golf course. Use of Park 4 for these purposes as enumerated under such agreement are allowed under this Ordinance. The District may terminate its authorization as provided under the license agreement.

22.02.11 Firearms, traps and other weapons.

No person shall possess, use, carry, discharge or cause to be discharged any firearm or weapon while on District lands, including any air rifle, spring gun, paint ball gun, bow and arrow, sling, animal trap, knife with blade over five inches long, explosive or any other form of weapon potentially dangerous to wildlife or human safety. No person shall discharge or cause to be discharged any firearm or weapon onto or across District lands from outside the boundary of District lands.

22.02.12 Audio devices.

No person shall operate any audio equipment, public address system, amplified musical instrument or other noise producing or transmitting device on District lands whether fixed, portable or vehicle/mounted in excess of 70 decibels without prior written authorization by District.

22.02.13 Sanitation.

No person using District lands shall do any of the following:

- (1) Urinate or defecate other than at restrooms provided;
- (2) Fail to cooperate in maintaining rest-rooms in a neat and sanitary condition.

22.02.14 Littering.

No person shall throw, drop, place or deposit any object, including, but not limited to, paper, food scraps, fish remains, cigarette butts, bottles, bottle caps or cans in District streams or reservoirs or elsewhere on District lands, except in trash receptacles. Where trash receptacles are not provided or are full, all such matter shall be carried away from District lands by the person responsible for its presence and properly disposed of elsewhere.

22.02.15 Garbage, refuse and trash.

No person shall bring garbage, refuse, trash or yard clippings onto District lands, nor dump or deposit such garbage, refuse, trash or yard clippings on District lands or in any District trash receptacle.

22.02.16 Structures.

No person shall erect any temporary or permanent structure, monument or facility on District lands. Any such structure may be demolished by the District and its contents impounded.

22.02.17 Abandoned and unattended property.

No person shall abandon or leave any personal property unattended on District lands for longer than twelve hours. Any such property may be impounded.

22.02.18 Commercial activity.

No person shall do any of the following on District lands without prior written approval from the District:

- (1) Sell or offer to sell goods, merchandise or services;
- (2) Station or place any stand, cart or vehicle for display of goods, merchandise or services;
- (3) Distribute, circulate or post any handbill, pamphlet or other advertisement regarding sale of goods, merchandise or services;
- (4) Conduct any commercial photography or activity related to commercial photography; and
- (5) Conduct any activity of a commercial nature.

22.02.19 Disorderly conduct.

No person shall do any of the following on District lands:

- (1) Accost another person for the purpose of begging or soliciting;
- (2) Loiter in or about any restroom;
- (3) Be under the influence of intoxicating liquor or dangerous drug in such a condition that the individual is unable to exercise care for their own safety or the safety of others;
- (4) Engage in loud or disturbing conduct or any act tending to a breach of the peace; and
- (5) Appear in a state of dress or undress in which the pubic hair, genitals, buttocks or any portion of the female breast below the top of the areola are exposed.

22.02.20 Introduction of organisms.

No person shall introduce, cause to be introduced or otherwise disperse on District lands any organism, living or dead, including cremated human remains, native or nonnative plants, animals, fish, insects or bacteria, aquatic invasive species including but not limited to mollusks, crustaceans and algae except as permitted in Section 22.06.03.

California Department of Fish and Wildlife rules and procedures for decontamination of all fishing gear, boats, and clothing shall be followed prior to entering and immediately following the use of the Mad River.

22.02.21 Revocation of privileges.

No person may remain on or reenter District lands after an authorized District employee has specifically withdrawn consent for said person to use such lands.

Chapter 22.03 RESOURCE PROTECTION

22.03.01 Water supply.

22.03.02 Botanical resources.

22.03.03 Wildlife and animal resources.

22.03.04 Geological resources.

22.03.05 Archeological and historical resources.

22.03.06 Cultural and recreational resources.

22.03.01 Water supply.

No person shall do any of the following while on District lands:

- (1) Pollute or in any manner contaminate any reservoir, stream, channel, spring or other water sources or water supply;
- (2) Possess or apply any pesticide, herbicide, fungicide or other poison; and
- (3) Impede the quantity or quality of water.

22.03.02 Botanical resources.

No person shall do any of the following while on District lands, unless authorized in advance in writing by the District. The Board delegates this authorization authority to the General Manager:

- (1) Damage, cut, carve, transplant, or remove any vegetation, living or dead, including any tree, plant, foliage, seed, bark, turf, leaf, mold, fungus, grass or wood, except Himalaya black berries or Tribal vegetation uses that support the cultural, spiritual, ceremonial, or traditional rights or Lifeways of California Native American Tribes;
- (2) Attach any rope, wire or other object to any tree or plant; and
- (3) Damage or otherwise disturb the natural environment.

22.03.03 Wildlife and animal resources.

No person shall take, hunt, trap, harass or otherwise harm any kind of animal or the eggs of any animal, whether living or dead, or remove, destroy or in any manner disturb the natural habitat of any animal. Fishing or taking of fish is permitted as regulated in Chapter 22.06.

22.03.04 Geological resources.

No person shall damage, injure, collect or remove soil, earth, rocks, sand, gravel, fossils, minerals or any article of geological interest or value.

22.03.05 Archeological and historical resources.

No person shall damage, injure, collect or remove any object of paleontological, archeological or historical interest or value.

22.03.06 Cultural and recreational resources.

No person shall add to, alter or modify any watershed facility or cultural resource including but not limited to construction, rerouting or alteration of any hiking trail. Possession of trail construction or excavation tools including, but not limited to, a mccloud, polaski, shovel, rake or other similar tool by any unauthorized person is prohibited.

Chapter 22.04 VEHICLE AND TRAFFIC REGULATIONS

22.04.01 Motor vehicles.

22.04.02 Bicycles.

22.04.03 Speed limits.

22.04.04 Parking and vehicle removal.

22.04.05 California Vehicle Code.

22.04.01 Motor vehicles.

No person shall operate any motor vehicle, including, but not limited to, cars, trucks, motorcycles, motor-driven cycle, motorized bicycle, motorized scooter, self-balancing motorized personal transportation vehicle or similar vehicles on District lands except upon public roads or parking lots.

22.04.02 Bicycles.

(a) No person shall operate any bicycle or similar vehicle on District lands except upon public roads, parking lots or protection roads not signed against such use. Use may be restricted or prohibited on any or all roads at the District's discretion.

(b) No bicycle or similar vehicle shall be operated in a manner to endanger or frighten hikers, or others using District lands. Any bicycle or similar vehicle used in violation of these regulations may be impounded.

(c) A person under 18 years of age shall not operate a bicycle or ride as a passenger on a bicycle upon District lands unless wearing a bicycle helmet which is properly fitted and fastened.

22.04.03 Speed limits.

Maximum speed limit for all motor vehicles and bicycles is fifteen miles per hour, unless otherwise posted; however, speeds shall be reduced as conditions warrant. Bicycles are required to slow to five miles per hour when passing others using District lands or approaching blind turns. In no case shall a person operate any motor vehicle, or bicycle, at a speed greater than is reasonable or prudent for safe operation or to protect the safety of others using District lands.

22.04.04 Parking and vehicle removal.

No person shall park any motor vehicle on District lands in the following locations:

- (1) Within the traveled portion of any road;
- (2) On any protection road or trail;
- (3) In front of any gate;
- (4) On any hillside;

- (5) In areas designated for disabled or handicapped persons without appropriate authorization;
- (6) In more than one parking space per vehicle;
- (7) Within posted "no parking" areas; and
- (8) In any manner obstructing the free flow of traffic.

No person shall park any motor vehicle for more than twelve consecutive hours, nor earlier than thirty minutes before sunrise, nor later than thirty minutes after sunset, on any day. Any law enforcement officer mentioned in Vehicle Code Section 22650 - 22856 is authorized to remove any vehicle parked on District property in violation of this section.

22.04.05 California Vehicle Code.

Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of motor vehicles on District roads maintained for public use.

Chapter 22.05 DOMESTIC ANIMAL REGULATIONS

22.05.01 Dogs and other animals.

22.05.02 Horses.

22.05.03 Animals at large.

22.05.04 Animal removal and impoundment.

22.05.01 Dogs and other animals.

Dogs and other domestic animals are permitted on District land only when under the control of the owner or while fastened to and restrained by a chain or leash not exceeding six feet in length or confined in a vehicle. No person shall do any of the following on District lands:

- (1) Bring or keep a dog five months of age or more without proof that the dog has a valid rabies inoculation or a valid license;
- (2) Bring or keep a noisy, vicious or dangerous dog or animal or one which is disturbing to other persons;
- (3) Allow any dog or other animal to hunt, pursue or harass any animal;

- (4) Fail to promptly remove from District lands any dog or other animal after being ordered by District personnel to do so;
- (5) Bring or keep a dog or other animal onto any area which is closed to animals; and
- (6) Fail to promptly pick up and properly dispose of dog or other animal feces.

22.05.02 Horses.

Horses are ~~not~~ permitted on District lands. As used in these regulations, "horse" includes all saddle animals.

22.05.03 Animals at large.

No person shall permit any horse, cow, pig, sheep, goat or other animal of any kind to ~~graze or~~ run at large. No person shall bring onto or keep on District lands any living thing that constitutes a safety hazard or detriment to the public enjoyment of the area.

22.05.04 Animal removal and impoundment.

Any animal found at large on District lands may be impounded. The District may destroy any animal which is injured, diseased or endangering other animals or humans. Carcasses or unlawfully taken wildlife may be confiscated.

Chapter 22.06 FISHING REGULATIONS

22.06.01 Fishing regulations and enforcement.

22.06.02 Cleaning of fish.

22.06.03 Bait.

22.06.04 Health and safety regulations.

22.06.01 Fishing regulations and enforcement.

All fishing on District lands is subject to the California Fish and Wildlife Code, the rules and regulations of the State Department of Fish and Wildlife and these regulations. District employees, fish and game officials and other law enforcement personnel are authorized to

issue citations for violations, confiscate fish and impound fishing gear upon violation of regulations.

22.06.02 Cleaning of fish.

No person shall clean, gut or scale any fish in any District reservoir or stream, nor dispose of dead fish or fish parts in any District reservoir or stream, nor on District lands, except in District trash receptacles.

22.06.03 Bait.

No person shall use or possess for use as bait or otherwise, any live aquatic life contrary to California Department of Fish and Wildlife regulations, nor take any action which may result in introduction of any invasive fish or other aquatic organism into reservoirs or streams.

22.06.04 Health and safety regulations.

No person fishing on or otherwise using District lands shall do any of the following:

- (1) Fish from areas which are posted closed to fishing or any District structure.

Chapter 22.07 FIRE REGULATIONS

22.07.01 Fires.

22.07.02 Fireworks.

22.07.03 Smoking.

22.07.04 Extreme fire hazard.

22.07.01 Fires.

a) No person shall light, build or maintain a fire of any nature on District lands, except in permanent fixed barbecues, or fireplaces established by the District. The use of portable barbecues and camp stoves is prohibited.

b) No person shall leave any fire unattended or fail to put out a fire prior to departure, or to leave a fire burning unattended.

22.07.02 Fireworks.

No person shall possess, bring onto, set-off or otherwise cause to explode on District lands any firecrackers, skyrocketers or other fireworks or explosives.

22.07.03 Smoking.

- a) No person shall smoke on District lands at any time.
- b) No person shall smoke or ingest cannabis or cannabis products in District parks or public access areas.
- c) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated tobacco, cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

22.07.04 Extreme fire hazard.

During extreme fire hazard conditions, the District may prohibit fires on all or designated portions of District watershed lands and may close all or designated portions of District watershed lands to public entry.

This ordinance shall become effective thirty (30) days following the date of its adoption.

PASSED, APPROVED AND ADOPTED this 12th day of February, 2019 by the following roll call vote:

AYES: Directors Fuller, Hecathorn, Latt, Rupp and Woo
NOES: None
ABSENT: None

ATTEST:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer



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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] (*Title 1 enacted by Stats. 1943, Ch. 134.*)

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] (*Division 3.6 added by Stats. 1963, Ch. 1681.*)

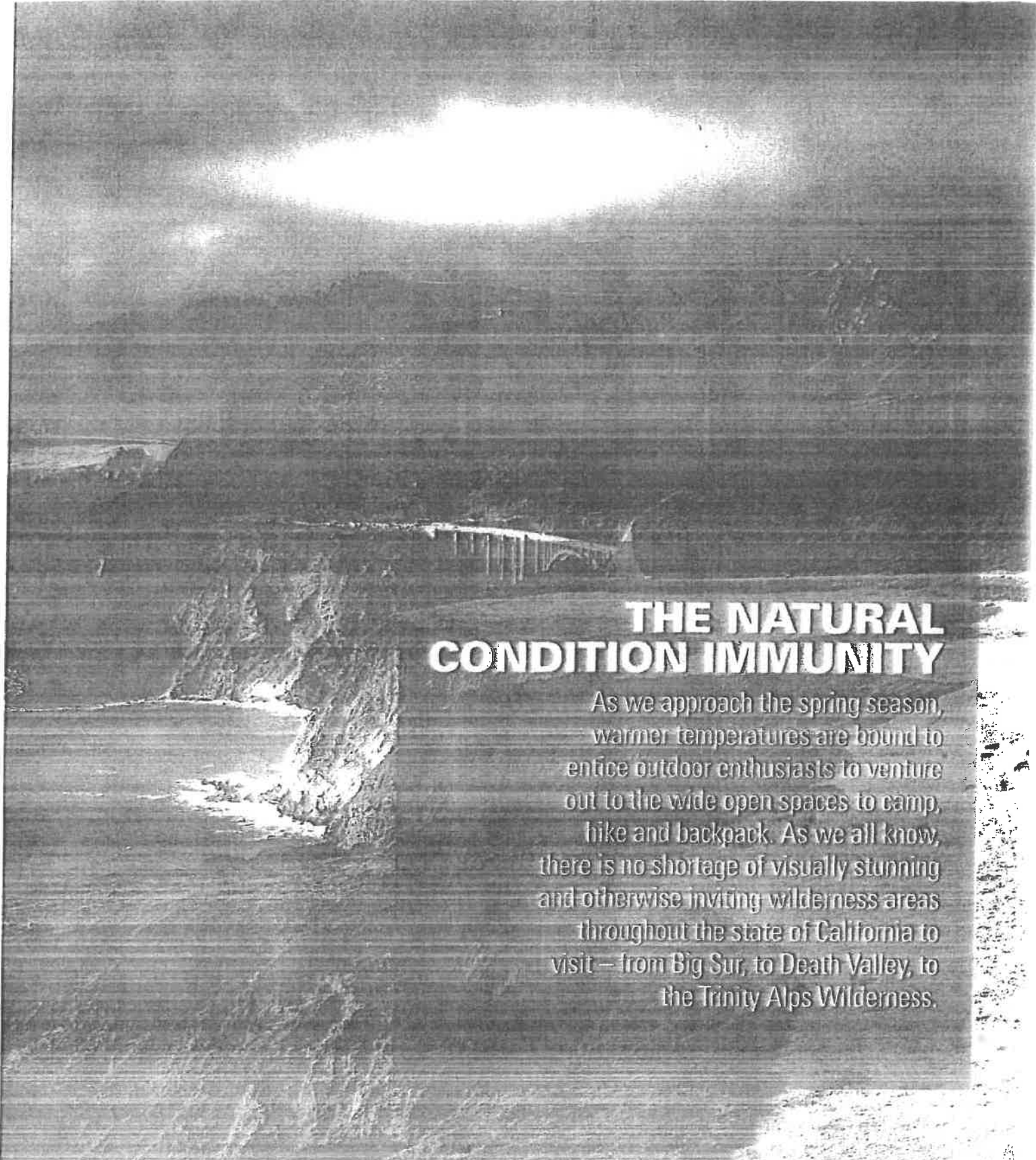
PART 2. LIABILITY OF PUBLIC ENTITIES AND PUBLIC EMPLOYEES [814 - 895.8] (*Part 2 added by Stats. 1963, Ch. 1681.*)

CHAPTER 2. Dangerous Conditions of Public Property [830 - 840.6] (*Chapter 2 added by Stats. 1963, Ch. 1681.*)

ARTICLE 1. General [830 - 831.8] (*Article 1 added by Stats. 1963, Ch. 1681.*)

831.2. Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.

(*Added by Stats. 1963, Ch. 1681.*)



THE NATURAL CONDITION IMMUNITY

As we approach the spring season, warmer temperatures are bound to entice outdoor enthusiasts to venture out to the wide open spaces to camp, hike and backpack. As we all know, there is no shortage of visually stunning and otherwise inviting wilderness areas throughout the state of California to visit – from Big Sur, to Death Valley, to the Trinity Alps Wilderness.

Before you get excited about those hot dogs and s'mores, you should be aware of Government Code § 831.2, commonly referred to as the "natural condition immunity," which could render public entities immune against claims of premises liability and dangerous condition liability. Government Code § 831.2 provides that "neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach."

§831.2.

Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.

The purpose of the natural condition immunity is to encourage public use of unimproved government property by relieving government agencies from being "put to the expense of making the property safe, responding to tort actions, and paying damages." Sounds like a good idea, right? Keep reading to learn how you can be denied damages by a public entity if you camp in an area that is classified as "unimproved."

The natural condition immunity was discussed in the recently published case of *County of San Mateo v. Superior Court of San Mateo County* (2017) 13 Cal.App.5th 724. As shown by *County of San Mateo*, the issue is not straightforward and there are many factors to be considered such that summary judgment is generally not appropriate. Indeed, the lead

drafter of the Government Claims Act, Professor Van Alstyne, contemplated that "the distinction between the 'developed' land and the 'undeveloped' sectors of a park might well be difficult to identify in terms of boundary lines on a map, and might have to be treated as a question fact..."

In *County of San Mateo*, plaintiff child brought a lawsuit against the County of San Mateo alleging premises liability and dangerous condition of public property after he suffered injuries as a result of a 72-foot tall diseased tree falling on his tent while camping within a County-owned wilderness area. The County moved for summary judgment on the grounds that it was immune from liability under the natural condition immunity.

The trial court denied the County's motion, concluding that there were triable issues of fact as to whether the subject property was "unimproved" within the meaning of the statute. First, the trial court pointed out that the campsite where plaintiff's injuries occurred had been "improved" by a clearing, picnic tables, a fire pit, a barbecue pit, and bumper logs and that in the tree's immediate vicinity, there were two other developed campsites and a paved roadway.

Next, the trial court distinguished the matter from an earlier similar case, *Alana M. v. State of California* (2016) 245 Cal. App.4th 1482. In *Alana M.*, a public entity was found to be immune from liability in a suit brought against it by plaintiff who had similarly been injured by a falling tree. The Court there explained that the public entity was immune since the tree (and not the plaintiff) was located on unimproved property.

The *Alana M.* Court determined that in interpreting Government Code § 831.2, the relevant inquiry should be the character of the property where the natural condition

continued on page 38

Clearly, there are many nuances to the natural condition immunity. So before you load up your packs and begin your ascent up a mountaintop this spring season, consider the character of your campsite and whether the land could be described as "improved."

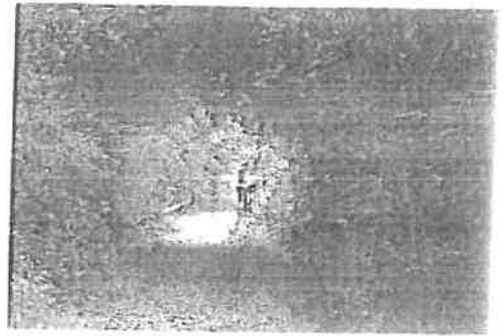
(in *Alana M.*, the tree) is located, and not the location of where the injury occurred. In *County of San Mateo* however, plaintiff presented expert opinion that the tree at issue had roots which grew underneath the campsite where plaintiff suffered his injuries. As such, the trail court determined that there were triable issues of fact and therefore, summary judgment would not be appropriate.

Last, the trial court considered expert opinion presented by plaintiff that man-made physical alterations contributed to the diseased condition of the tree which ultimately caused it to break and fall onto plaintiff, causing him injuries. The trial court determined that this evidence presented by plaintiff

also created a triable issue of fact of whether such man-made contributions caused the subject property to be considered "improved" such that the County would not be entitled to summary judgment.

Clearly, there are many nuances to the natural condition immunity. So before you load up your packs and begin your ascent up a mountaintop this spring season, consider the character of your campsite and whether the land could be described as "improved." Otherwise, you may be out of luck if you try to seek monetary compensation for injuries you suffer while you are on your trip in the great outdoors.

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RECREATIONAL TRAIL IMMUNITY

831.4.

A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

- (a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.
- (b) Any trail used for the above purposes.
- (c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

Of the many immunities available under the California Government Code, "trail immunity" under section 831.4 has long shielded public entities from liability when injuries are suffered by those using public property for recreational purposes. Immunity under this section even extends to private property owners who grant public easements to public entities for those purposes. The immunity was enacted to encourage public entities and private easement grantors to allow the use of public property for recreation without the burden and expense of litigation stemming from alleged injuries on the trails leading to recreational activities.

However, an appellate court recently rejected this defense in a case involving the City of Pasadena. In *Jacobo Garcia v. American Golf Corporation*, the City was sued after a young child was struck in the head by a stray golf ball, which caused a brain injury. At the time of his injury, the child was in a stroller on a walkway that was part of the City of Pasadena's Rose Bowl Loop, located next to a golf course. The child's mother sued the City, which owns the golf course, along with the private entity that managed and operated the golf course.

The City asserted trail immunity to defend against the lawsuit. The plaintiffs countered that the dangerous condition was not the location of the walkway — insofar as its proximity to the golf course — but rather the inadequacy of the seven-foot high fences around the golf course, and other measures taken to guard against injuries that could be caused by stray golf balls. The trial court sided with the City, and the plaintiffs appealed. The issue on appeal was whether the injury was caused by a dangerous condition of the walkway for purposes of trail immunity.

Rejecting the City's assertion and trial court's application of trail immunity, the appellate court found that, while the City could be protected from injuries caused by the walkway itself, the immunity did not extend to dangerous conditions caused by the golf course — an adjacent public property.

In reaching its conclusion, the appellate court had to distinguish the case from a number of contradictory cases, including *Leyva v. Crocket & Co., Inc.*, a case decided in January of this year. The *Leyva* court evaluated strikingly similar facts: a pedestrian traveling along a public path adjacent to a golf club suffered an injury caused by a stray golf ball. However, in *Leyva*, the appellate court applied trail immunity and extended the cloak of immunity to a private golf club owner who had granted adjacent easements to a county for public unpaved recreational hiking trails.

The difference between the *Leyva* opinion and the *Garcia* opinion is a matter of policy. The appellate court honed in on fairness and disincentives for immunizing the City. In particular, the court deemed it fair to deny the City immunity for a dangerous condition



on the golf course that increases the risk of harm by third party conduct and opined that cloaking the City with immunity would disincentive it from correcting the dangerous condition.

The appellate court has thus limited a public agency's trail immunity under certain circumstances. With *Garcia* in mind, public entities and private owners/operators alike should ensure that sufficient preventative measures are considered and taken when evaluating recreational properties adjacent to public trails.

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For additional information please contact SDRMA's Chief Risk Officer Dennis Timoney, ARM at 916-231-4141 or email Dennis at dtimoney@sdrma.org.

Plaintiff

The Devolution Of The Natural Condition Immunity

This defense is common in cases of injury at parks and campgrounds; case law on this immunity is confused at best

Jerry Clausen
Tim Tietjen
Daniel B. Pleasant
2018 March

Two children go camping at different public campgrounds. Each is injured when a diseased tree falls on the tent in which the child is sleeping. Each sues the responsible public entity. Each public entity moves for summary judgment, asserting the “natural condition” immunity, which immunizes a public entity against liability for injury caused by a natural condition of unimproved public property.

The judge in one child’s case grants summary judgment while the judge in the other child’s case denies it. Both rulings are upheld by the Court of Appeal. How can this be?

The answer is twofold. These seemingly inconsistent outcomes are the result of (1) a subtle difference in the facts between the two cases and (2) a sea change in the law construing the natural condition immunity that made this factual difference critical. The net effect is that the current state of the law concerning the natural condition immunity is more unsettled and confusing now than it has been in the 55 years since it was originally enacted.

Section 831.5: The Natural Condition Immunity

Generally, a public entity is liable for an injury caused by a dangerous condition of public property if it had notice of the condition and a sufficient opportunity to protect against it. (California Gov. Code § 835. Undesignated statutory references that follow are to the Government Code.) Under the natural condition immunity (§ 831.2), however, the public entity may be immune from such liability if the injury is caused by a natural condition of unimproved property. Section 831.2 provides: “Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.”

The purpose of section 831.2 is to encourage government agencies to keep public-owned wilderness areas open for public use by eliminating the burden and expense of making the property safe. (*Milligan v. City of Long Beach* (1983) 34 Cal.3d 829, 832-833.)

To establish this immunity, a public entity must prove that the plaintiff's injury was (1) caused by (2) a natural condition (3) of unimproved (4) public property. As a practical matter, section 831.2 usually presents issues only as to elements (2) and (3) – i.e., whether the condition is a “natural condition” and/or whether the property is “unimproved.” (*Fuller v. State of California* (1975) 51 Cal.App.3d 926, 937; *County of San Mateo v. Superior Court (Rowe)* (2017) 13 Cal.App.5th 724, 731.)

The statute does not define the phrase “natural condition” or “unimproved public property.” (*Rowe, supra*, 13 Cal.App.5th 724 at p. 731.) This article summarizes the development of the interpretation of those terms by the courts, focusing primarily on the unimproved public property element. As will be seen, the construction of this element has changed drastically in the last four or five years.

The “natural condition” element

The meaning of the term “natural condition” as used in section 831.2 has not been precisely defined. Under the common law, the phrase “natural condition of the land” indicates “that the condition of land has not been changed by any act of a human being.” (*Sprecher v. Adamson* (1981) 30 Cal.3d 358, 362, fn. 3, quoting Rest.2d Torts, § 363, com. b.) A similar interpretation has been given to the phrase “natural condition” as used in section 831.2. Thus, a condition that might otherwise be considered “natural” may not be natural under section 831.2 if artificial changes or human conduct make it more dangerous than it would be without those changes. (*City of Santa Cruz v. Superior Court* (1988) 198 Cal.App.3d 999, 1006-1007 [“the Legislature intended to preclude liability for unimproved natural conditions unless the public entity engaged in conduct which actively increased the degree of dangerousness of a natural condition”].)

In *Buchanan v. City of Newport Beach* (1975) 50 Cal.App.3d 221, the court held that whether alterations caused by wave action, tides, and human activity constituted unnatural conditions was a question of fact. (*Id.* at p. 227.) There, dredged sand was deposited on what had been submerged sand spits, raising the beach level by 27 feet and causing a steep slope from the shoreline into the water. (At p. 224.) The plaintiff was injured when a plunging wave thrust him down into the sand. (At p. 226.) He contended the man-made changes altered the wave action from a “spilling” type of wave to a “plunging” type. (*Ibid.*)

Reversing a nonsuit, the court held, “The alteration of the flow of the ocean, the wave action and the slope of the beach caused unnatural conditions. Whether, as claimed by defendant, these conditions by time and tide have become natural is a question of fact.” (*Id.* at p. 227.)

Buchanan, however, has proven to be somewhat of a lone voice in the wilderness. In *Fuller v. State of California, supra*, 51 Cal.App.3d 926, decided at virtually the same time as *Buchanan*, the court held that the mere fact that human activity contributed to the formation of a condition did not necessarily preclude it from being a “natural” condition under section 831.2. Although acknowledging that “each case must be decided on its own facts,” the *Fuller* court commented, “[T]he combined acts of men and of nature have caused substantial change to [California] coastline’s condition. It cannot be said wherever such has occurred and an area of the coast is no longer in the pristine state which it was prior to the population of California, that the Legislature intended such an area to be excluded from the application of section 831.2.

Subsequent cases have tended to follow *Fuller* – to the point that the rule now appears to be that “conditions that occur in nature but happen to be produced by a combination of human and natural forces are natural conditions *as a matter of law*.” (*Schooler v. State of California* (2000) 85 Cal.App.4th 1004, 1009, italics added; *Morin v. County of Los Angeles* (1989) 215 Cal.App.3d 184, 194; *Tessier v. City of Newport Beach* (1990) 219 Cal.App.3d 310, 314 [“It is now generally settled that human-altered conditions, especially those that have existed for some years, which merely duplicate models common to nature are still ‘natural conditions’ as a matter of law for the purposes of Government Code section 831.2”]; *Goddard v. Department of Fish and Wildlife* (2015) 243 Cal.App.4th 350, 361 [“section 831.2 has been broadly construed to provide immunity even where a natural condition has been affected in some manner by human activity or nearby improvements”].)

The courts in *Tessier* and *Morin*, for example, held that sandbars were natural conditions under section 831.2 even though the sandbars formed due to a combination of wave action, tides, and human activity. (*Tessier*, at p. 314; *Morin*, at p. 194.) The human activity consisted of dredging and the construction of jetties, piers, and the like, which the plaintiffs contended caused the sandbar formation at the site of the injury even though those activities occurred some distance away. The *Tessier* and *Morin* courts reasoned that, because sandbars occur in nature even in the absence of human activity, any contributing human activity does not alter the natural character of the condition. (*Tessier*, at p. 314; *Morin*, at pp. 190-191.)

The “unimproved” property element

The early cases: the “risk management” test

The first case to construe section 831.2 was *Rendak v. State of California* (1971) 18 Cal.App.3d 286. In *Rendak*, the plaintiffs’ decedent was walking along a beach in a county park when he was struck by rocks that fell from a cliff above. The closest improvement was a bathroom some 900 feet away. The court rejected the public entity’s contention that the only actionable injury could be “one directly caused by a defect in some man-made improvement.” (*Id.* at p. 288.)

At the same time, however, it also rejected the plaintiffs’ contention that the bathroom rendered the *entire park* improved, holding instead that the improvement of a portion of a park does not remove its unimproved areas from the immunity. (*Ibid.*) It held that, in the case before it, the immunity applied because the evidence showed as a matter of law that the location of the injury was “separate, distinct and remote” from the improvements. (*Rendak, supra*, 18 Cal.App.3d at p. 289.)

In 1982, two cases decided within a month of each other refined the *Rendak* analysis into a rule requiring that, to establish that public property in its natural state is no longer “unimproved,” a plaintiff must show some form of *physical change* at the *location of injury* that justifies the conclusion that the public entity is responsible for “reasonable risk management” in that area. (*Keyes v. Santa Clara Valley Water Dist.* (1982) 128 Cal.App.3d 882, 888; *Eben v. State of California* (1982) 130 Cal.App.3d 416, 421.) Both courts drew this formulation from California Government Tort Liability Practice (Cont.Ed.Bar 1980) section 3.42, authored by Professor Van Alstyne, the drafter of the Government Claims Act.

Several other courts subsequently embraced this rule. (*Morin v. County of Los Angeles, supra*, 15 Cal.App.3d 184, 190; *Mercer v. State of California* (1987) 197 Cal.App.3d 158, 165; *Bartlett*

v. *State of California* (1988) 199 Cal.App.3d 392, 400; *Rombalski v. City of Laguna Beach* (1989) 213 Cal.App.3d 842, 852; *Tessier v. City of Newport Beach, supra*, 219 Cal.App.3d 310, 315; *Valenzuela v. City of San Diego* (1991) 234 Cal.App.3d 258, 261.)

A number of these cases indicated that, while evidence of a physical change at the location of injury was a *necessary* requirement to establish that property was “improved,” it was not by itself sufficient. There also had to be evidence “to link the improvements, causally or otherwise, with the accident.” (*Eben v. State of California, supra*, 130 Cal.App.3d at p. 425 [no evidence buoys located some distance from waterskiing accident had anything to do with it]; *Mercer v. State of California, supra*, 197 Cal.App.3d at p. 165 [no evidence that fences or signs at sand dunes had any causal connection to plaintiff’s off-roading accident]; *Rombalski v. City of Laguna Beach, supra*, 213 Cal.App.3d 842, 852-853 [no evidence stairway to beach or lifeguard station caused plaintiff to dive into ocean].)

Recent cases: the rejection of the risk management test

Recently, two cases rejected the risk management test. The first to do so was *Meddock v. County of Yolo* (2013) 220 Cal.App.4th 170. In that case, the plaintiff went to a county park to go boating. The plaintiff was injured while standing on a paved parking lot by limbs that fell from a tree located off the parking lot. (*Id.* at p. 174.) The plaintiff contended that, because the location where he was injured was improved, the immunity did not apply. (*Id.* at p. 178.)

Although the *Meddock* court plainly rejected this contention, its rationale for doing so was a bit opaque. The court did not base its conclusion on an analysis of the unimproved property element – it assumed, but did not decide, that the tree was located on unimproved property. (*Meddock, supra*, at p. 177; see *Rowe, supra*, 13 Cal.App.5th 724, 732.) Instead, the court focused on the element of *causation*; it stated:

The statutory immunity extends to “an injury *caused* by a natural condition of any unimproved public property[.]” (§ 831.2, emphasis added.) The use of the term “caused” is significant. Here, although the injury *occurred* on improved property, that is, the paved parking lot, it was *caused* by the trees ... located near – and perhaps super-adjacent to – the improved parking lot, but themselves on unimproved property.

(*Meddock, supra*, 220 Cal.App.4th at p. 177.)

In rejecting the plaintiff’s contention that the condition of the location of the injury was determinative, the court said, “We cannot plausibly read ‘caused by’ out of the statute, as [plaintiff] impliedly asks us to do.” (*Meddock, supra*, at p. 178.) Although acknowledging the risk management test (as articulated in *Eben, supra*), the *Meddock* court commented, “Contrary to [plaintiff’s] view, this passage does not substitute into the statute a spatial analysis for a causal one” (*Ibid.*)

The court concluded, “[T]he *location of the occurrence* is not material to the statute.” (*Meddock, supra*, at p. 179, original italics.)

Three years later, in *Alana M. v. State of California* (2016) 245 Cal.App.4th 1482, Division Three of the First District reached the same result as *Meddock* on similar facts. The *Alana M.* court,

however, based its decision squarely on the unimproved property element of section 831.2, not on the causation element.

In *Alana M.*, a three-year-old child was injured when a tanoak tree with a cavity and identifiable rot fell on her as she lay sleeping in a tent in Campsite 41 at Portola Redwoods State Park. The campsite had been graded and equipped with a fire pit, a picnic table, and a small wooden footlocker. (245 Cal.App.4th at p. 1485.) The 86-foot tree was located 60 feet from Campsite 41, 24 feet from Campsite 42, and 30 feet from the nearest man-made object (a picnic table). (*Alana M.*, *supra*, 245 Cal.App.4th at p. 1485.)

The defendant moved for summary judgment based on section 831.2. The plaintiff argued that, under the risk management test, the evidence raised a triable issue of fact as to whether the immunity applied. She contended that the leveling of the ground at Campsite 41 and the addition of amenities constituted a physical change at the location where the appellant was injured. She further contended there was a causal nexus between the improvement and the accident because the existence of the campsite exacerbated the danger posed by the tree by increasing the likelihood humans would be present within the area of risk (i.e., the campsite) when a diseased tree capable of striking the campsite failed. (*Alana M.*, *supra*, 245 Cal.App.4th at pp. 1491-1492.) She argued, in essence, that the entire area – including the location of the tree – was within the area of “reasonable risk management” and hence should be considered improved property. (*Id.* at pp. 1487, 1492.)

The Court of Appeal rejected the plaintiff’s arguments. In affirming summary judgment, it acknowledged that prior cases “have required at least some form of [artificial] physical change in the condition of the property at the location of the injury. [Citations.]” (245 Cal.App.4th at p. 1489, brackets in *Alana M.*, *cits.* & internal quotation marks omitted.) It nonetheless held that it is the character of the property at the location of the *natural condition* – not the character of the property at the location of the injury – that is relevant under section 831.2:

[B]ecause the phrase “of unimproved public property” in section 831.2 modifies the “natural condition” that caused the injury, the relevant issue for determining whether the immunity applies is the character (improved or unimproved) of the property at the location of the natural condition, not at the location of the injury.

(*Id.*, at p. 1489.)

The court ruled that the evidence failed to raise a triable issue of fact “as to whether ... there was a physical change in the condition of the property where the tree grew.” (*Alana M.*, *supra*, 245 Cal.App.4th at p. 1493.)

The court further held that proof of a causal nexus is still required to establish that public property is improved:

In addition, in order to avoid the natural condition immunity, there must be a “causal nexus between the dangerous condition and either human conduct or an artificial improvement.” The immunity applies unless an improvement or human conduct created, contributed to, or exacerbated the degree of, the danger associated with a natural condition.

(245 Cal.App.4th at p. 1489, *cits.* omitted.)

The court ruled the plaintiff had failed to establish this requirement: "Nor is there any evidence suggesting artificial improvements or human conduct contributed to the danger of the tree. There is no evidence, for example, that leveling the area of the campsites weakened the tree and made it more likely to fall." (*Alana M.*, *supra*, 245 Cal.App.4th at p. 1489.)

County of San Mateo v. Superior Court (Rowe)

The most recent case to address the natural condition immunity is *Rowe*, *supra*, 13 Cal.App.5th 724, one of the few section 831.2 cases to rule in favor of the plaintiff. The facts in *Rowe* were similar to those in *Alana M.* In *Rowe*, a 12-year-old boy suffered catastrophic, polytraumatic injuries when a tanoak tree fell on him as he slept in a tent in campsite D-1 at San Mateo County Memorial Park. The 72-foot tree was afflicted with a fungus called *Armillaria*. The tree stood 20 feet from the plaintiff's tent, 22 feet from a paved access road, and 37 feet from a power line. It was surrounded by five campsites and stood within 126 feet of some 34 man-made improvements, including picnic tables, bear boxes, fire pits, and two bathrooms. (At p. 727.)

The facts in *Rowe*, however, differed from those in *Alana M.* in two important respects. First, unlike *Alana M.*, in *County of Mateo* there was evidence of physical changes at the location of the tree itself. An arborist testified that, in the area immediately surrounding the tree, the nutrient-rich natural mulch had been removed to bare dirt, the soil had been graded and compacted to construct the nearby roadways, parking areas, and campsites. (*Rowe*, *supra*, 13 Cal.App.5th at p. 729.) In addition, the incident report described the tree as "located *in* the north end of campsite D-1." (At p. 734, italics added.) The Court of Appeal held that this evidence raised a triable issue of fact as to the first requirement of *Alana M.* – whether there was an artificial physical change in the condition of the property at the location of the natural condition. (*Rowe*, at p. 735.)

Second, in *Rowe* there was also evidence of a causal link between the physical changes and the accident. Plaintiff's experts testified that the removal of mulch and compaction of the soil deprived the tree of nutrients and caused its roots to gradually die of oxygen starvation, predisposing the tree to becoming infected with *Armillaria*. (13 Cal.App.5th at pp. 728-729.) The court held this evidence raised a triable issue of fact as to the second requirement of *Alana M.* – whether there was a causal nexus between the dangerous condition and an artificial improvement or human conduct. (*Rowe*, *supra*, at p. 741.)

The path forward

Although in reaching its decision, the *Rowe* court applied the analysis set forth in *Alana M.*, the *Rowe* opinion can hardly be considered a full-throated rejection of the risk management test or an endorsement of the alternative *Alana M.* formulation. To the contrary, the *Rowe* court expressly left open a number of section 831.2 issues as to which the law is now unsettled. Indeed, going forward, the broader significance of *Rowe* may lie less in its disposition of the particular case before it and more in its identification of the existence and nature of the conflicts in the case law concerning section 831.2.

First, with respect to the location of the physical changes, the court noted that, both in the case before it and in *Meddock*, *Alana M.*, and *Rendak*, the natural condition constituted "a migratory danger; it began in one location but ended up, and caused injury, in another." (13 Cal.App.5th at

p. 733.) However, it stated that, because the evidence raised triable issues of fact even under the *Meddock* and *Alana M.* analyses, “we do not need to decide whether and to what extent the location of the condition, or the location of injury, controls when dealing with a transitory hazard” (*Id.* at p. 734.)

Second, with respect to proof of a causal link between physical changes and the accident, the court noted a “tension in the case law as to the legal significance of evidence that artificial, physical changes to the environment have contributed to or exacerbated a naturally occurring danger.” (*Rowe, supra*, 13 Cal.App.5th at p. 738.) First, with respect to the *natural condition* element, the court observed that some cases have held such changes to be legally *insufficient* to defeat immunity, while one (*Buchanan*) has held them legally sufficient. (*Rowe*, at pp. 738-739.) Second, with respect to the *unimproved property* element, the court noted that *Alana M.* held proof of a causal link between such changes and the dangerous condition to be legally *required*. (*Id.* at p. 739.)

The *Rowe* court, however, found it “unnecessary for us to examine these authorities at any length, or attempt to reconcile them.” (13 Cal.App.5th at p. 739.) It assumed – without deciding – that proof of a causal link was not only a sufficient but necessary requirement to establish that the property was improved, and held that the evidence before it raised a triable issue of fact as to that requirement. (*Id.* at pp. 740-741.)

The California Supreme Court may ultimately have to resolve the unsettled legal issues arising out of section 831.2. In the meantime, plaintiffs’ attorneys will face difficult problems in evaluating and prosecuting cases that implicate the natural condition immunity.

The authors represented the plaintiff in *County of San Mateo v. Superior Court (Rowe)*.

New Business

To: Board of Directors

From: Samantha Ryan

Date: October 1, 2019

Subject: ICS Structure for R.W. Matthews Dam Emergency Action Plan

Background:

Humboldt Bay Municipal Water District's Board of Directors resolved to use the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) when responding to emergency incidents (Resolutions 2002-6 and 2006-7). Both systems require agencies to use the hierarchy structure described in the Incident Command System (ICS) (*Figure 1*), which helps standardize response to emergencies involving multiple jurisdictions or multiple agencies. The ICS is used by emergency responders; such as Offices of Emergency Services (OESs), fire departments, and police departments. It is the responsibility of agencies requesting assistance from emergency responders to be familiar with the systems (SEMS, NIMS, ICS) that will be implemented in an emergency. Utilization ensures that the requesting agency can properly coordinate and communicate with emergency responders to facilitate the response efforts.

There are five major management functions (one command staff and general staff) within a basic ICS:

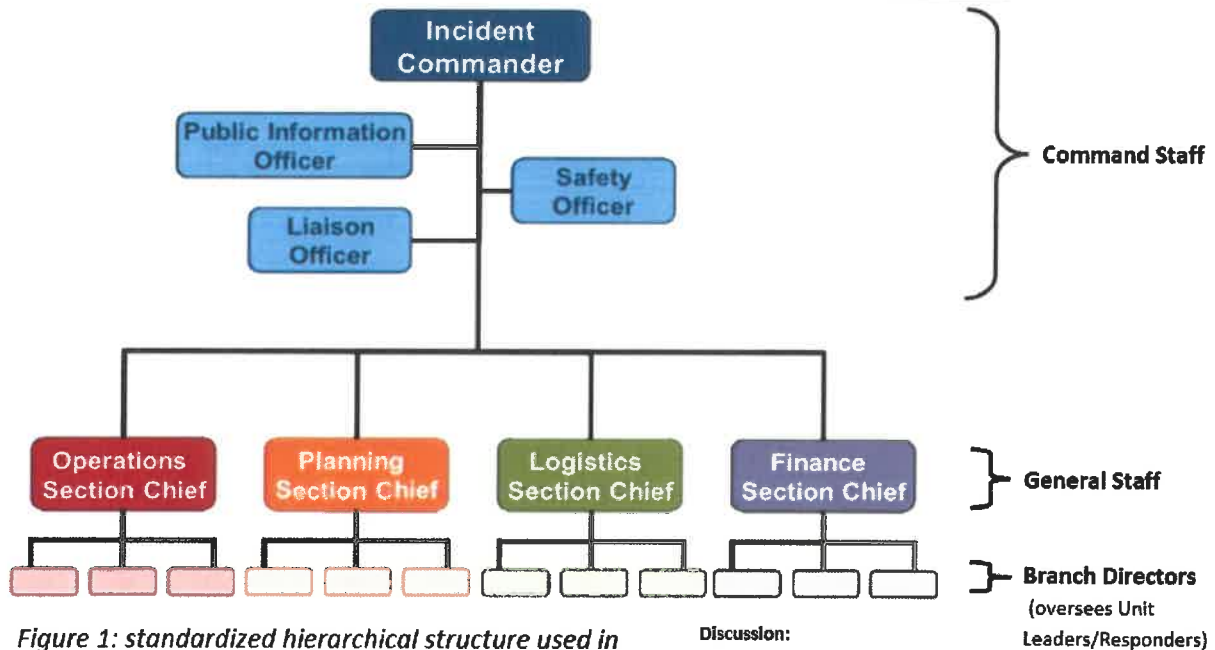
- 1) **Incident Command** - Sets incident objectives and priorities and has overall responsibility at the incident or event.
- 2) **Operations** - Conducts tactical operations to carry out the plan. Develops the tactical assignments and organization, and directs all tactical resources.
- 3) **Planning** - Prepares and documents the Incident Action Plan (IAP) to accomplish the incident objectives, collects and evaluates information, maintains resource status, and maintains documentation for incident records.
- 4) **Logistics** - Provides support, resources, and all other services needed to meet the incident objectives.
- 5) **Finance/Administration** - Monitors costs related to the incident. Provides accounting, procurement, time recording, and cost analyses.

In larger scale emergencies, it may be necessary to add three additional command staff:

- 6) **Public Information Officer** - serves as the conduit for information to and from internal and external stakeholders, including the media or other organizations seeking information directly from the incident or event. Also responsible for ensuring Incident Command (IC) is apprised as to what is being said or reported about the incident.

- 7) **Liaison Officer** – Serves as the primary contact for supporting agencies assisting at an incident.
- 8) **Safety Officer** - Monitors safety conditions and develops measures for assuring the safety of all assigned personnel.

Figure 1 - Incident Command System (ICS) Basic Organization Chart



A large emergency at R.W. Matthews Dam (such as a dam failure), would warrant the activation of the four command staff and the four general staff positions specified above. The emergency response would require action at the dam and action to protect water quality and infrastructure at Essex. The operations branch would be split into two branches, one operating at Ruth and the other at Essex. The primary and back-up personnel for each command staff and branch director position should be pre-assigned to ensure that individuals receive the required training prior to an event. The scale of the event would require the response of all HBMWD employees (including office staff and Directors).

Discussion:

To facilitate this need, all HBMWD staff and Directors should complete some level of SEMS/NIMS/ICS training. Training in the SEMS/NIMS/ICS begins with three courses, starting at the base of the training pyramid (Figure 2). Additional trainings are required for those in charge of supervising other staff. The learning objectives of these higher level trainings shift from basic awareness into management and leadership. These trainings are available at no charge to the

District, with many of them being offered online from Federal Emergency Management Agency (FEMA) or California Specialized Training Institute (CSTI).

Figure 2 - Training Pyramid

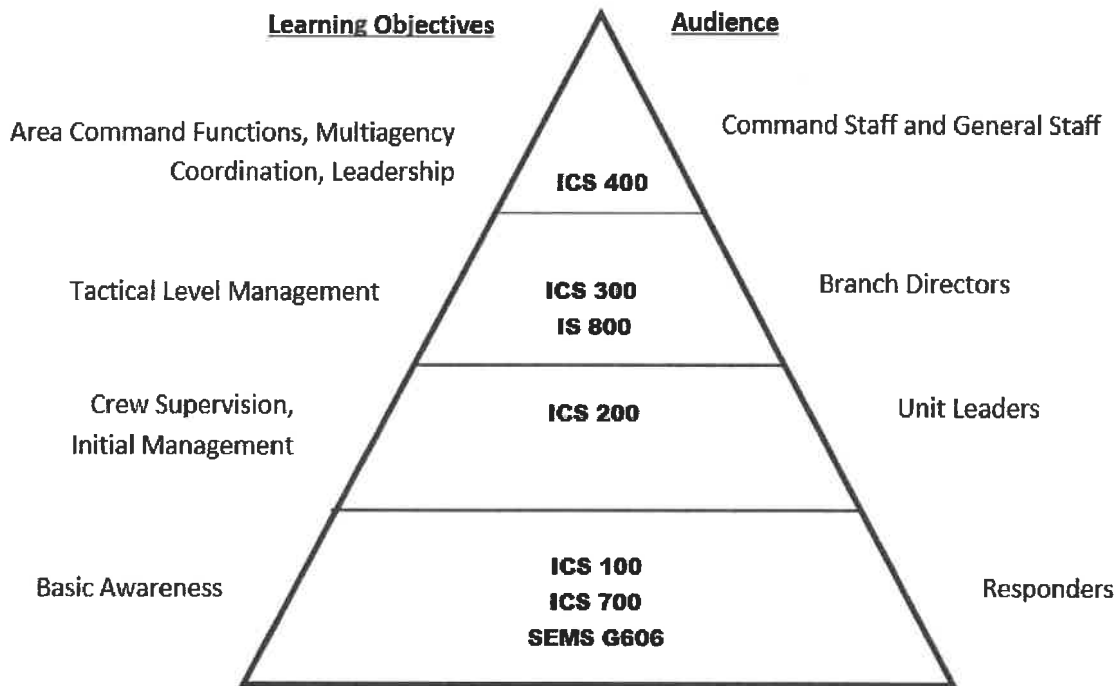


Figure 2 - Training requirements by function

Recommendations:

Staff recommends the following:

- 1) The District should be proactive in obtaining training for all HBMWD staff to the responder level.
- 2) The District should be proactive in assigning staff members to an ICS function, especially command staff and general staff, so they may obtain the appropriate level of training.
- 3) The Directors should decide what involvement, if any, the Directors should have within the ICS structure.

Command Staff and General Staff for a dam emergency:

ICS Function	Primary	Back-Up
Incident Command	General Manager	Superintendent
Operations-Ruth	Dam Operator	Relief Dam Operator
Operations-Essex	Operations Supervisor	Assistant Operations Supervisor
Planning	Superintendent	Maintenance Supervisor
Logistics	Maintenance Supervisor	Assistant Maintenance Supervisor
Finance/Administration	Business Manager	Office Manager
Public Information Officer	Board President	Board Vice President
Liaison Officer	Program and Regulatory Analyst	Executive Assistant
Safety Officer	Outside Resource	Outside Resource



CERTIFIED WATER LOSS AUDIT VALIDATION REPORT

PART A - PROVIDED BY THE VALIDATOR

Audit Information:

Utility: HBMWD

PWS ID: 1210013

System Type: Potable

Utility Representation: Samantha Ryan

Audit Period: Calendar 2018

Validation Date: 9/26/19

Sufficient Supporting Documents Provided: Yes

Call Time: 10am

Validation Findings & Confirmation Statement:

Key Audit Metrics:

Data Validity Score: 62

Data Validity Bank (Level): Level III

ILI: N/A*
(Infrastructure Leakage Index)

Apparent Loss: 28.33 gal/conn/day

Real Loss: N/A* gal/conn/day

Non-Revenue Water as Percent of Cost of Operating System: 0.1%

**Several performance indicators are not applicable to wholesale distribution systems or to very small (<3,000) distribution grids.*

Certification Statement by Validator:

This water loss audit report has been Level 1 Validated per the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34. All recommendations on Volume Derivation and Data Validity Grades were incorporated into the water audit. Yes

If all recommendations regarding Volume Derivation and Data Validity Grades were NOT incorporated into the water audit, provide explanation below:

Validator Information:

Water Audit Validator: Chris Harris

Validator Qualifications: Water Audit Validator Certificate issued by the CA-NV Section of the AWWA



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET • EUREKA, CALIFORNIA 95502

OFFICE 707-443-5018 FAX 707-443-5731
SECTION F2, PAGE NO 2

CERTIFIED WATER LOSS AUDIT VALIDATION REPORT, CON'T

PART B - PROVIDED BY THE UTILITY/AGENCY

Water Supplier Name: Humboldt Bay Municipal Water District

Water Supplier ID Number: 1210013

Water Audit Period: Calendar 2018

Water Audit & Water Loss Improvement Steps:

Utility/Agency to provide steps taken in preceding year to increase data validity, reduce real loss and apparent loss as informed the annual validated water audit:

- In CY 2015, Techite pipe replacement grant improved piping on mainline piping and residential piping
- In CY 2015, repaired 3 mainline leaks
- In CY 2016, compared Ranney Collector Meters (A&B) together and separately to TRF meter (E)
- In CY 2016, repaired 3 mainline leaks
- In CY 2017, changed reporting style by treating municipal customers as water exported and retail customers as authorized consumption (previously all authorized consumption)
- In CY 2017, no mainline leaks
- Yearly, verify daily SCADA data prior to submitting, compare to monthly meter reads yearly
- In CY 2018, new billing and accounting software was installed. This is a much more robust system that tracks reads and helps identify potential leaks more readily.
- In CY 2018, the Collector 2 meter was calibrated and a 5-year calibration cycle established.

Future Plans to Improve

- For CY 2019, the Turbidity Reduction Facility (TRF) meter is scheduled for calibration. Will establish a 5-yr calibration cycle at that time.

Certification Statement by Utility Executive:

This water loss audit report meets the requirement of California Code of Regulations, Title 23,

Executive Name and Position (Print)

John Friedenbach - General Manager

Executive Signature and Date

John Friedenbach, General Manager 9/30/19

Engineering

**Memorandum**

October 3, 2019

To: John Friedenbach, HBMWD General Manager Ref. No.: 11186675

From: Patrick Kaspari, PE Tel: 707-443-8326

cc: HBMWD Board Members, Dale Davidsen, Chris Harris,
Nathan Stevens, Jordan King

Subject: 12kV Switchgear Relocation Schedule

John,

I have attached the revised schedule for the completion of the design, bidding and construction for the 12kV Switchgear Relocation Project. The proposed schedule shows the completion of the project at the end of November 2020. The current grant completion date is March 22, 2021, but CalOES likes to have three months after the completion of the construction to close out the grant, so this schedule has one month of float in it to conform to that requirement.

The schedule shows the 100% construction documents submittal on October 21st, gives the District Staff one week to review, and then the project being released for bid on November 5, 2019. Bids would then be due and opened on December 10th, 2019, and we would bring the bid award recommendation to the Board at the December 12th Board Meeting for their approval.

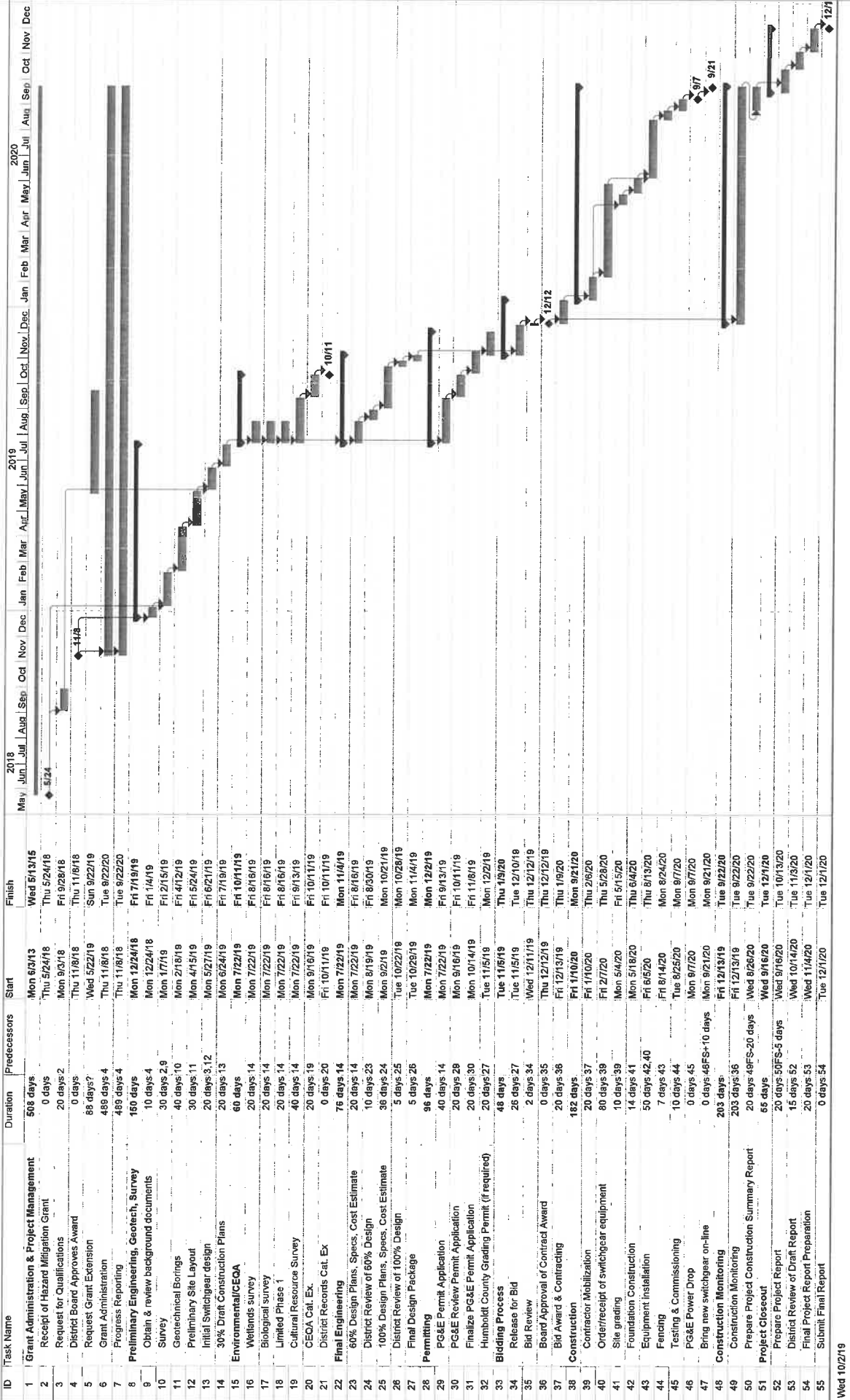
We should then be able to finalize the contract with the selected contractor in January 2020, which will allow the Contractor to order the switchgear and four months for it to be constructed and delivered. This will then allow the contractor to do the site work as soon as it dries out in the spring and install the equipment before it starts to rain in the fall.

Please let me know if you have any comments and in particular, let me know if it is OK if we go out to bid on November 5th and bring the project back to the Board approval of award at the December Board Meeting.

Sincerely,

Patrick Kaspari, PE

HBMWD 12-kV Switchgear Retrofit Project



FINANCIAL

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
STATEMENT OF FUND BALANCES

<u>ACCOUNT BALANCES AT MONTH-END</u>	September 30, 2019	September 30, 2018
US BANK ACCOUNTS		
US Bank General Fund Account	1,594,101.42	51,798.55
US Bank Money Markey Acct (DWR/SRF Account)	302,665.57	300,331.27
US Bank CD Account (DWR/SRF Reserve)	547,336.94	547,336.94
Trust Account (PARS/UAL CalPERS)	750,701.31	672,510.47
<i>Subtotal</i>	<i>3,194,805.24</i>	<i>1,571,977.23</i>
HUMBOLDT COUNTY INVESTMENT ACCOUNTS		
Investment Account	1,708,452.75	1,802,284.64
DWFP Reserve Account	238,086.51	234,232.42
MSRA Reserve Account	435,757.74	428,703.81
SRF Loan Payment Account	50,411.36	49,526.92
ReMat Account	485,130.83	296,567.71
1% Tax Account	31,906.24	-
<i>Subtotal</i>	<i>2,949,745.43</i>	<i>2,811,315.50</i>
OTHER ACCOUNTS		
L. A. I. F Account	1,677.45	1,637.56
ReMat Deposit - Mellon Bank	27,000.00	27,000.00
Principle Investment Account	30,512.76	-
Cash on Hand	650.00	650.00
<i>Subtotal</i>	<i>59,840.21</i>	<i>29,287.56</i>
TOTAL CASH	6,204,390.88	4,412,580.29
ENCUMBRANCES AND RESERVES		
Prior-Year Price Factor 2 Rebate	(48,916.05)	(28,416.64)
Prior-Year Restricted AP Encumbrances	(60,707.00)	(40,750.00)
1% Tax Credit to Muni's	(31,906.24)	-
Advanced Charges - Bunkhouse	-	(403,212.78)
Advanced Charges - 12Kv Relocation	(426,086.00)	-
Advanced Charges - Chlorine Scrubber	(350,000.00)	-
Advanced Charges - Collector 2 Rehabilitation	(385,000.00)	-
Advanced Charges - TRF Emergency Generator	(225,000.00)	-
Advanced Charges - Three Tank Seismic	(30,000.00)	(255,000.00)
Advanced Charges - 18,000lb Excavator	(54,343.00)	-
Advanced Charges - Redundant Pipeline	-	(260,245.00)
DWR Reserve for SRF Loan	(547,336.94)	(547,336.94)
DWR Reserve for SRF Payment	(302,665.57)	(300,331.27)
Pension Trust Reserves	(750,701.31)	(672,510.47)
<i>Subtotal</i>	<i>(3,212,662.11)</i>	<i>(2,507,803.10)</i>
BOARD RESTRICTED		
Paik-Nicely Development	(4,158.00)	(4,158.00)
DWFP Reserves	(238,086.51)	(234,232.42)
MSRA Reserves	(435,757.74)	(428,703.81)
ReMat Deposit	(27,000.00)	(27,000.00)
ReMat Reserves	(485,130.83)	(296,567.71)
UNRESTRICTED RESERVES		
Accumulation for SRF Payment	(50,411.36)	(49,526.92)
Accumulation for Ranney/Techite Payment	50,913.08	51,559.02
Principle Investment Reserves	(30,512.76)	-
General Fund Reserves	(1,771,584.65)	(916,147.35)
<i>Subtotal</i>	<i>(2,991,728.77)</i>	<i>(1,904,777.19)</i>
TOTAL NET POSITION	(6,204,390.88)	(4,412,580.29)

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 REVENUE REPORT
 September 30, 2019

25% Of Budget Year

A. REVENUE RETURNED TO CUSTOMERS VIA PF2					
	MTD	YTD		% OF	PRIOR
	RECEIPTS	RECEIPTS	BUDGET	BUDGET	YEAR
Humboldt Bay Retail Water Revenue	56,323	117,834	318,394	37%	102,677
General Revenue					
Interest	0	232	30,000	1%	8
FCSO Contract (Maint. & Operations)	0	0	225,000	0%	79,698
Power Sales (Net ReMat)	4,616	20,932	220,000	10%	18,386
Tax Receipts (1% Taxes)	0	0	825,000	0%	0
Miscellaneous Revenue*	82	11,328	50,000	23%	14,353
<i>*Detail on following page</i>					
TOTAL PF2 REVENUE CREDITS	61,021	150,327	1,668,394	9%	215,121

B. DISTRICT REVENUE					
	MTD	YTD		% OF	PRIOR
	RECEIPTS	RECEIPTS	BUDGET	BUDGET	YEAR
Industrial Water Revenue					
Harbor District	0	85	0	0	0
Subtotal Industrial Water Revenue	0	85	0	0	0
Municipal Water Revenue					
City of Arcata	114,408	337,276	1,321,044	26%	308,492
City of Blue Lake	16,161	47,441	182,807	26%	43,676
City of Eureka	270,575	797,773	3,119,229	26%	738,037
Fieldbrook CSD	14,673	43,306	174,392	25%	40,664
Humboldt CSD	86,390	259,829	1,072,333	24%	247,543
Manila CSD	6,311	18,436	70,168	26%	19,087
McKinleyville CSD	91,792	269,728	1,066,249	25%	248,135
Subtotal Municipal Water Revenue	600,310	1,773,790	7,006,222	25%	1,645,634
TOTAL INDUSTRIAL & WHOLESALE REVENUE	600,310	1,773,874	7,006,222	25%	1,645,634
Power Sales					
Power Sales (ReMat Revenue)	10,001	39,318	300,000	13%	32,352
Interest (ReMat Revenue)	0	0	0		
TOTAL REMAT REVENUE	10,001	39,318	300,000	13%	32,352
Other Revenue and Grant Reimbursement					
FEMA Grant Revenue	0	0			
Quagga Grant (Pass-Through)	0	1,520			
Interest - Muni PF2 Retained	272	272			
Net Increase/Decrease PARS/Principle	2,093	28,571			
TOTAL OTHER/GRANT REVENUE	2,366	30,363			
GRAND TOTAL ALL REVENUE	673,697	1,993,882	8,974,616	22%	1,893,107

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 MISCELANEOUS REVENUE - DETAIL REPORT
 September 30, 2019

B. MISCELLANEOUS RECEIPTS (RETURNED TO CUSTOMERS VIA PF2)

	MTD RECEIPTS	YTD RECEIPTS
Miscellaneous Revenue		
ACWA/JPIA HR LaBounty Safety Award	-	-
ACWA/JPIA Insurance Claim	-	-
ACWA/JPIA Retrospective Premium Adj.	-	-
ACWA/JPIA Wellness Grant	-	896
Dividend - Principal Life	-	288
Fees - Park Use	-	50
Fees - Right of Way	-	-
FEMA - January 2017 Storm Damage	-	-
Insurance - Special Event Liability	-	-
Memorandum of Assistance - MCSD	-	-
Rebate - CALCard	-	-
Refund - Diesel Fuel Tax	-	-
Refunds - Hum. County Appeal (01/18)	-	2,263
Refunds - Miscellaneous	-	112
Reimb. - Copies & Postage	39	147
Reimb. - Gas	-	54
Reimb. - Telephone	-	-
Rent - Parking Lot	13	63
Retirees' Health Ins./COBRA Reimb.	0	6,886
Sale - Scrap Materials/Metals	-	-
Sale - Surplus Equipment	-	-
UB - Bad Debt Recovery	-	-
UB - Hydrant Rental Deposit	-	-
UB - Mainline Connection Charge	-	-
UB - Meter Installations	-	-
UB - Retail Connection Charge	-	-
UB - Water Processing Fees	30	150
Ruth Area		
Fees - Buffer Strip ROW License	-	-
Fees - Buffer Strip/PG&E ROW	-	-
Lease - Don Bridge	-	-
Permit - RLCSO-Water System	-	-
Permit - Ruth Area Water Use	-	100
Rent - Ruth Cabin	-	320
Sale - Merchantable Timber	-	-
Sale - Surplus Gravel	-	-
TOTAL MISCELANEOUS REVENUE	82	11,328

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 MONTHLY EXPENDITURE REPORT - PAGE 1 OF 3
 September 30, 2019

25% Of Budget Year

SALARY AND EMPLOYEE BENEFIT EXPENDITURES (S. E. B.)

	Month-to-Date	Year-to-Date	Prior Year	Budget	% of Budget
Compensation					
Wages - Regular	164,393.81	484,833.57	501,842.86		
Wages - Sick	2,606.35	8,382.25			
Wages - Vacation	13,417.83	49,717.29			
<i>Subtotal</i>	180,417.99	542,933.11	501,842.86	2,310,391	23%
Wages - Overtime	2,776.76	6,511.22	9,542.15		
Wages - Holiday (Worked)	861.12	2,295.85	1,342.72		
<i>Subtotal</i>	3,637.88	8,807.07	10,884.87	30,000	29%
Wages - Part-Time	1,491.30	12,125.47	16,139.12	74,329	16%
Wages - Shift Diff	816.40	2,465.16	2,401.32	11,000	22%
Wages - Standby	7,752.41	22,097.84	20,421.68	81,000	27%
Director Compensation	2,160.00	6,160.00	4,960.00	26,000	24%
Secretarial Fees	262.50	787.50	787.50	3,200	25%
Payroll Tax Expenses	15,188.58	45,573.24	41,436.78	189,744	24%
<i>Subtotal</i>	27,671.19	89,209.21	86,146.40	385,273	23%
Employee Benefits					
Health, Life, & LTD Insurance	54,531.88	165,591.77	155,020.17	734,849	23%
Air Medical Insurance	-	1,820.00	1,560.00	2,145	85%
Retiree Medical Insurance	11,405.30	34,215.90	35,325.81	95,849	36%
Employee Dental Insurance	2,737.96	8,281.32	10,727.45	39,399	21%
Employee Vision Insurance	593.92	1,818.88	2,394.24	7,350	25%
Employee EAP	75.20	230.30	4,231.52	1,116	21%
457b District Contribution	2,550.00	7,800.00	7,800.00	30,600	25%
CalPERS Expenses	26,881.70	259,303.35	247,204.90	371,137	70%
Workers Comp Insurance	-	20,311.40	1,560.00	83,101	24%
<i>Subtotal</i>	98,775.96	499,372.92	465,824.09	1,365,546	37%
TOTAL S.E.B	310,503.02	1,140,322.31	1,064,698.22	4,091,210	28%

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 MONTHLY EXPENDITURE REPORT - PAGE 2 OF 3
 September 30, 2019

25% Of Budget Year

SERVICE & SUPPLY EXPENDITURES (S & S)

	Month-to-Date	Year-to-Date	Prior Year	Budget	% of Budget
Operations & Maintenance					
Auto Maintenance	6,358.41	12,201.02	8,749.26	40,000	31%
Engineering	1,168.50	8,287.25	12,738.27	75,000	11%
Lab Expenses	(220.00)	920.00	2,595.54	13,000	7%
Maintenance & Repairs					
General	10,639.52	19,796.69	14,714.31	58,000	34%
TRF	2,079.49	4,874.52	4,560.97	15,000	32%
<i>Subtotal</i>	<i>12,719.01</i>	<i>24,671.21</i>	<i>19,275.28</i>	<i>73,000</i>	<i>34%</i>
Materials & Supplies					
General	805.61	9,970.36	11,206.10	30,000	33%
TRF	-	1,140.71	3,615.69	40,000	3%
<i>Subtotal</i>	<i>805.61</i>	<i>11,111.07</i>	<i>14,821.79</i>	<i>70,000</i>	<i>16%</i>
Radio Maintenance	524.28	1,553.04	4,495.99	10,500	15%
Ruth Lake License	-	1,500.00	1,500.00	1,500	100%
Safety Equip./Training					
General	1,639.12	5,239.09	1,563.13	22,000	24%
TRF	-	438.00	437.70	2,000	22%
<i>Subtotal</i>	<i>1,639.12</i>	<i>5,677.09</i>	<i>2,000.83</i>	<i>24,000</i>	<i>24%</i>
Tools & Equipment	314.48	1,037.00	2,507.83	3,000	35%
USGS Meter Station	-	-	-	8,200	0%
<i>Operations Subtotal</i>	<i>23,309.41</i>	<i>66,957.68</i>	<i>68,684.79</i>	<i>318,200</i>	<i>21%</i>
General & Administration					
Accounting Services	950.00	950.00	765.00	18,000	5%
Bad Debt Expense	-	-	-	-	0
Dues & Subscriptions	-	1,695.37	978.94	26,000	7%
General Manager Training	299.32	1,671.48	197.44	3,000	56%
IT & Software Maintenance	2,277.38	5,990.34	6,102.86	29,000	21%
Insurance	-	29,374.70	-	105,000	28%
Internet	340.35	1,646.10	-	11,000	15%
Legal Services	2,168.50	9,012.50	4,660.25	35,000	26%
Miscellaneous	3,281.71	4,029.90	4,342.33	11,500	35%
Office Building Maintenance	732.22	2,811.23	4,065.41	16,000	18%
Office Expense	4,128.84	16,636.53	6,755.50	40,500	41%
Professional Services	1,760.59	4,332.89	859.02	20,000	22%
Property Tax	-	-	-	1,100	0%

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 MONTHLY EXPENDITURE REPORT - PAGE 3 OF 3
 September 30, 2019

25% Of Budget Year

SERVICE & SUPPLY EXPENDITURES (con't)					
	Month-to-Date	Year-to-Date	Prior Year	Budget	% of Budget
Regulatory Agency Fees	3,312.87	5,259.70	4,450.36	139,000	4%
Ruth Lake Programs	-	-	\$0.00	5,000	0%
Safety Apparel	3,631.79	3,262.79	2,868.74	3,000	109%
Technical Training	1,925.00	2,706.81	2,488.28	14,500	19%
Telephone	3,561.73	13,140.01	15,662.85	50,000	26%
Travel & Conference	1,394.89	1,394.89	1,435.65	25,000	6%
<i>Gen. & Admin. Subtotal</i>	<i>29,765.19</i>	<i>103,915.24</i>	<i>55,632.63</i>	<i>552,600</i>	<i>19%</i>

Power

Essex - PG & E	63,401.02	182,905.75	\$166,218.90		
2Mw Generator Fuel	-	-	\$0.00		
<i>Subtotal Essex Pumping</i>	<i>63,401.02</i>	<i>182,905.75</i>	<i>166,218.90</i>		
All other PG & E	5,320.60	18,756.60	\$15,199.58		
<i>Subtotal All Power</i>	<i>68,721.62</i>	<i>201,662.35</i>	<i>181,418.48</i>	<i>680,800</i>	<i>30%</i>

Total Service and Supplies incl. Power	121,796.22	372,535.27	305,735.90	1,551,600	24%
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PROJECTS, FIXED ASSETS & CONSULTING SERVICES

	Month-to-Date	Year-to-Date	Budget	% of Budget
	153,335.00	547,667.00	11,347,003	5%

GRAND TOTAL EXPENSES	585,634.24	2,060,524.58	1,370,434.12	16,989,813	12%
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Debt Service - SRF Loan	-	-	-	(547,337)	0%
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Debt Service - US Bank	-	81,094.05	81,094.05	(162,200)	-50%
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TOTAL EXPENSES WITH DEBT SERVICE

	586,507.88	2,148,502.71	1,451,528.17	16,280,276	
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OTHER EXPENSES

ReMat Consultant Expenses	873.64	6,884.08	2,573.04		
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HUMBOLDT BAY MUNICIPAL WATER DISTRICT
PROJECT PROGRESS REPORT
 September 30, 2019

25% Of Budget Year

A. CAPITAL PROJECTS

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
12kV Grant (Grant Funded) 2018/19	11,718	73,914	1,825,250	4%
<i>(FEMA Grant and Advanced Charges)</i>				
Chlorine Scrubber Grant	0	0	1,340,000	0%
<i>(FEMA Grant and Advanced Charges)</i>				
TRF Emergency Generator Grant	0	0	1,925,000	0%
<i>(FEMA Grant, Adv. Charges, and Current Muni Charges)</i>				
Collector 2 Rehabilitation Grant	0	0	1,225,000	0%
<i>(NCRP Prop1 Grant, Adv. Charges, and Current Muni Charges)</i>				
3x Tank Seismic Retro Grant	0	0	2,830,000	0%
<i>(FEMA Grant, Adv. Charges, and Current Muni Charges)</i>				
TRF Line Shed 5	0	0	28,250	0%
Ruth Residence Roof	15,904	21,907	30,000	73%
Collector 4 Emergency Repairs	29,972	29,972	0	0
TOTAL CAPITAL PROJECTS	57,595	125,793	9,203,500	1%

B. FIXED ASSET PROJECTS

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
Essex - Admin Computers	674	2,774	4,750	58%
Customer Service Vehicle (Unit 3)	0	0	60,750	0%
SCBA Upgrade and Additional Equip	0	0	19,750	0%
Laptop SCADA Software Upgrade	0	0	4,500	0%
Replacement of UPS's (Phase 2)	49	49	28,000	0%
Fleet Maintenance Equipment	0	2,365	3,500	68%
Electrical Voltage Tools and Safety Equip	0	0	3,250	0%
Traffic Control Equipment	0	0	4,000	0%
Vegetation Management Equipment	0	0	4,250	0%
Portable Radio Replacements	0	0	4,750	0%
Meter Reader Handheld Unit	0	0	4,500	0%
Job Boxes	32	1,858	2,250	83%
Pipe Tapping Machine	0	0	3,750	0%
Grapple Attachment for JD 110	0	0	4,000	0%
18,000 Lb. Excavator	0	0	124,343	0%
Hydrant Meter and Backflow Preventer	0	0	2,250	0%

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
PROJECT PROGRESS REPORT - PAGE 2 OF 6
 September 30, 2019

B. FIXED ASSET PROJECTS (con't)

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
N-Poly Pump Skid Replacement <i>(Treatment Facility Project)</i>	0	0	12,250	0%
TRF Radio System Cabinet <i>(Treatment Facility Project)</i>	0	0	8,500	0%
Air Actuated Chemical Transfer Pump <i>(Treatment Facility Project)</i>	0	0	2,250	0%
Eureka - Administrative Computers	0	0	6,250	0%
File Cabinet Replacement	0	0	2,000	0%
Eureka Office ADA Upgrades	7,869	7,875	20,000	39%
Ruth SCADA Software Upgrade	0	0	4,750	0%
TOTAL FIXED ASSET PROJECTS	8,624	14,922	334,593	4%

C. MAINTENANCE PROJECTS

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
Pipeline Maintenance	0	0	12,750	0%
12 kV Electric System Maintenance	0	0	4,000	0%
Main Line Meter Flow Calibration	0	0	10,000	0%
Technical Support and Software Updates	484	4,684	18,000	26%
Generator Services	0	0	3,500	0%
TRF Generator Service	0	0	500	0%
Hazard & Diseased Tree Removal	0	0	5,000	0%
Cathodic Protection	0	0	6,500	0%
Maintenance Emergency Repairs	0	0	50,000	0%
Fleet Paint Repairs	0	0	5,000	0%
Lab Instrument Calibration (Particle Counter)	0	936	1,250	75%
Chlorine Solution Line Replacement	0	0	10,500	0%
Paint Buildings at Winzler Control Center	0	131	2,250	6%
Chlorine Booster Pump Rebuild Kits	0	0	8,000	0%
Fleet Emergency Safety Beacons (Phase 2)	0	0	2,000	0%
Upgrade Essex Alarm Systems	0	0	4,750	0%
Cat 420 Backhoe Tires	0	0	2,250	0%
Gates at I/W Reservoir and SBPS	0	0	3,000	0%
TRF Limitorque Valve Retrofit Supplies <i>(Treatment Facility Project)</i>	0	0	10,250	0%
TRF Water Quality Instrumentation Inventory <i>(Treatment Facility Project)</i>	0	0	15,000	0%

C. MAINTENANCE PROJECTS (con't)

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
TRF Rapid Mix Pump Rebuild Kit <i>(Treatment Facility Project)</i>	0	0	2,250	0%
TRF Flow Meter Test/Calibration (Phase 1) <i>(Treatment Facility Project)</i>	0	0	6,250	0%
Ruth Hydro Brush Abatement	0	0	6,500	0%
Howell Bunger Valve Inspection	0	0	1,110	0%
Ruth LTO Insurance	0	0	5,000	0%
Ruth Log Boom Inspection	0	0	1,000	0%
Hydro Plant Synchronizer Tuning	0	0	5,250	0%
Hydro Crane Rail and Lighting	0	0	5,000	0%
Ruth HQ Dock Decking	2,559	8,653	13,750	63%
Ruth Dead/Dying Tree Removal	0	0	20,000	0%
Ruth Slide Gate Hydraulic Oil	0	0	8,000	0%
TOTAL MAINTENANCE PROJECTS	3,043	14,404	248,610	6%

D. PROFESSIONAL & CONSULTING SERVICES

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
Crane Testing/Certification	40	40	10,000	0%
Chlorine System Maintenance	0	0	16,750	0%
Backflow Tester Training	0	0	3,000	0%
Hydro Plant Electrical and Maintenance Insp.	0	0	2,050	0%
Crane Operator Re-Certification	791	791	3,000	26%
EAP Tabletop Exercise	3,780	4,232	12,000	35%
Essex Mad River Cross-Sectional Survey	339	1,311	10,000	13%
Technical Training	0	0	23,250	0%
O & M Training	0	0	20,000	0%
Essex Server B/U (Monthly Service Fees)	0	0	4,250	0%
Public Education Funds	0	0	5,000	0%
Electrical Technical Training	0	0	13,250	0%
SCADA Programming License	5,625	5,625	12,750	44%
Col. 2 Underground 12Kv Power/Fiber Optic	0	0	24,000	0%
Essex Control Building Expansion Plans & Specs	0	0	46,000	0%
299 Anode Bed Refurbishment	0	0	25,000	0%
Streambed Flow Enhancement Grant	6,525	43,060	612,700	7%
Annual PARS Contribution (FY20)	0	50,000	50,000	100%
Grant Applications Assistance	527	7,068	20,000	35%

HUMBOLDT BAY MUNICIPAL WATER DISTRICT

PROJECT PROGRESS REPORT - PAGE 4 OF 6

September 30, 2019

D. PROFESSIONAL & CONSULTING SERVICES (CONT)

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
Gravel Bar Work and Survey (PS 6)	0	0	76,100	0%
Water Resource Planning Assistance	0	0	5,000	0%
Climate Ready Grant	0	2,000	2,000	100%
Comp DW Pipeline Fitness	0	0	194,700	0%
FERC Dam Safety Surveillance (DSSMR)	0	100	5,000	2%
FERC Chief Dam Safety Engineer	2,288	2,838	10,000	28%
Dam Spillway Wall Monument Survey	0	79	14,000	1%
Matthews Dam Monument Survey	283	1,342	9,000	15%
Left Abutment Slide Area Survey	0	79	11,000	1%
Spillway/Dam Inspection/Reporting Assist.	3,648	3,778	10,000	38%
GHD - Log Boom Inspection	0	0	4,000	0%
TOTAL PROF/CONSULTING SERVICES	23,845	122,341	1,253,800	9.8%

E. INDUSTRIAL SYSTEM PROJECTS

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
Rebuild River Weir	0	238	75,000	0.3%
Refurbish PS-6 (Phase 1)	0	0	0	0
Water to PS6 During Low-Flow Months	0	0	13,250	0%
I/W System Evaluation Memo	0	0	26,000	0%
Industrial and Domestic System Intertie	0	0	11,000	0%
Surge Tower Replacement 2018/19 <i>(FEMA Grant, Adv. Charges, and ReMat Funds)</i>	7,926	82,407	0	0
Industrial - Nordic	0	113	0	0
TOTAL INDUSTRIAL SYSTEM PROJECTS	7,926	82,757	125,250	66.1%

F. CARRY-OVER PROJECTS FROM PRIOR YEAR

Collector 5 Security & Anti-Vandalism Measures	0	0	7,500	0%
Mainline Valve Replacement FY17/18	0	0	50,000	0%
Ruth HQ Installation of Power Pole 2018/19	80	80	3,750	2%
Ruth Hydro Relay Replacement-Phase 2	0	0	120,000	0%
Storm Damage 2019	15	23,970	0	0
Ruth Cabin/Bunkhouse Replacement	24,045	24,045	0	0
CARRYOVER PROJECTS TOTAL	24,140	48,095	181,250	27%

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
 PROJECT PROGRESS REPORT - PAGE 5 OF 6
 September 30, 2019

25% Of Budget Year

	MTD EXPENSES	YTD TOTAL	BUDGET	% OF BUDGET
PROJECTS GRAND TOTAL	125,173	408,312	11,347,003	4%

Less Projects Funded from Other Sources (Grants/Loans/Advanced Charges/Reserves)	18,243	116,973	9,234,293	1%
Project Charges to Customers (excluding Debt Service)	106,930	291,339	2,112,710	14%

PROJECTS W/OUT GRANT FUNDING	106,930	291,339	1,589,053	18%
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USE OF ENCUMBERED FUNDS	28,162	139,355	200,062	70%
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Total Project Budget:	11,347,003
Amount Charged to Customers:	2,112,710
Annual Debt Service Charges*:	162,200
Actual Customer Charges:	2,274,910
<i>*Ranney Collector 3 and Techite Pipeline Replacement Projects were partially funded with a 10-year loan. Only the annual debt service for these projects is charged to customers.</i>	

**HUMBOLDT BAY MUNICIPAL WATER DISTRICT
ENCUMBERED FUNDS RECONCILIATION REPORT
September 30, 2019**

SECTION J2 PAGE NO. 12

	MTD EXPENSES	YTD TOTAL	AMOUNT ENCUMBERED	REMAINING
A. CAPITAL PROJECTS				
Essex Control Building Flooring Replacement	0	0	500	500
Collector Pump Oilers	0	330	300	(30)
B. FIXED ASSET PROJECTS				
Collector 1 Electrical Upgrade	0	57,693	88,705	31,012
Ruth HQ Washroom Remodel	0	0	1,000	1,000
Ruth Hydro Oil & Paint Storage Lockers	932	2,710	2,750	40
Fleet Servicing Equipment	0	0	700	700
C. MAINTENANCE PROJECTS				
Hazard & Diseased Tree Removal	0	7,750	6,500	(1,250)
Lead Free Brass Inventory	0	0	700	700
Replace 299 Cathodic Anode Well	1,944	10,724	16,000	5,276
Collector 2 Arc Flash Survey and Relay Test	0	2,200	3,600	1,400
D. PROFESSIONAL & CONSULTING SERVICES				
Eureka - ADA Compliance Consultation	20,000	20,000	20,000	0
Hydro ReMat Electrical/Maintenance Insp.	0	0	2,000	2,000
Technical Training	0	0	1,600	1,600
E. INDUSTRIAL SYSTEM PROJECTS				
Clarifier Feasibility Study	4,908	20,265	15,500	(4,765)
F. CARRY-OVER PROJECTS FROM PRIOR YEAR				
Mainline Valve Replacement	378	17,683	38,666	20,983
SPECIAL PROJECT ENCUMBERED FUNDS TOTAL				
	28,162	139,355	198,521	59,166
MAINTENANCE & REPAIRS			86	86
SAFETY EQUIP & TRAINING			1,030	1,030
TRF SAFETY EQUIP & TRAINING			145	145
OFFICE SUPPLIES			280	280
ALL ENCUMBERED FUNDS TOTAL				
	28,162	139,355	200,062	60,707

Humboldt Bay Municipal Water District

--Monthly Expenses by Vendor Detail Report--
Report dates: 9/1/2019-9/30/2019Page: 1
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Vendor Name	Date Paid	Description	Amount Paid
101 Netlink			
101 Netlink	09/09/2019	<i>Ruth Data Link/Internet</i>	160.00
Total 101 Netlink:			160.00
ACWA/JPIA			
ACWA/JPIA	09/20/2019	<i>RETIREE MEDICAL</i>	11,353.02
ACWA/JPIA	09/20/2019	<i>COBRA Dental</i>	33.72
ACWA/JPIA	09/20/2019	<i>COBRA Vision</i>	18.56
Total ACWA/JPIA:			11,405.30
AirGas NCN			
AirGas NCN	09/30/2019	<i>Ruth Hydro Oil and Paint Storage Lockers</i>	932.02
AirGas NCN	09/30/2019	<i>maintenance supplies</i>	77.58
Total AirGas NCN:			1,009.60
Almquist Lumber			
Almquist Lumber	09/10/2019	<i>Ruth HQ Roof Replacement</i>	13,727.32
Total Almquist Lumber:			13,727.32
Alves, Inc			
Alves, Inc	09/30/2019	<i>Ruth HQ Roof Replacement</i>	27.13
Total Alves, Inc:			27.13
Arcata Stationers			
Arcata Stationers	09/30/2019	<i>Essex office supplies</i>	92.89
Total Arcata Stationers:			92.89
AT & T			
AT & T	09/23/2019	<i>Eureka/Essex Land Line</i>	35.04
AT & T	09/23/2019	<i>Arcata/Essex Land Line</i>	35.04
AT & T	09/23/2019	<i>Samoa/Essex Land Line</i>	235.01
AT & T	09/23/2019	<i>Eureka Office/Modem</i>	223.87
AT & T	09/23/2019	<i>Eureka Office Alarm Line</i>	121.10
AT & T	09/23/2019	<i>Samoa Booster Pump Station</i>	122.03
AT & T	09/23/2019	<i>Valve Building Samoa</i>	223.87
AT & T	09/23/2019	<i>Eureka Office</i>	494.44
AT & T	09/23/2019	<i>TRF</i>	220.11
AT & T	09/23/2019	<i>Ruth Hydro/Dataline</i>	218.09
AT & T	09/23/2019	<i>Essex office</i>	9.17
Total AT & T:			1,937.77
AT&T Advertising Solutions			
AT&T Advertising Solutions	09/27/2019	<i>white page listing</i>	21.00
Total AT&T Advertising Solutions:			21.00
AT&T Long Distance			
AT&T Long Distance	09/09/2019	<i>Pumping & Control - Long Distance</i>	115.10
AT&T Long Distance	09/09/2019	<i>Essex Water Quality Long Distance</i>	7.18
AT&T Long Distance	09/09/2019	<i>Essex Office Long Distance</i>	165.30

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
AT&T Long Distance	09/09/2019	<i>Eureka Office Long Distance</i>	6.97
AT&T Long Distance	09/09/2019	<i>Ruth Hydro/Dataline Long Distance</i>	162.95
AT&T Long Distance	09/09/2019	<i>Eureka Office Long Distance</i>	136.33
AT&T Long Distance	09/09/2019	<i>Samoa Booster Pump Station Long Distance</i>	.55
Total AT&T Long Distance:			594.38
ATS Communications			
ATS Communications	09/10/2019	<i>Essex Admin Firewall Annual Support Software Updates</i>	484.00
Total ATS Communications:			484.00
Bill Cook			
Bill Cook	09/27/2019	<i>Refund-Overpayment on Closed Account</i>	69.83
Total Bill Cook:			69.83
Buckles-Smith			
Buckles-Smith	09/27/2019	<i>SCADA Technical Support and Software Updates</i>	178.56
Buckles-Smith	09/27/2019	<i>SCADA Technical Support and Software Updates</i>	5,446.70
Total Buckles-Smith:			5,625.26
Chris Harris			
Chris Harris	09/27/2019	<i>Travel Advance - Accounting System training</i>	213.50
Total Chris Harris:			213.50
City of Eureka			
City of Eureka	09/09/2019	<i>Eureka office water/sewer</i>	92.90
Total City of Eureka:			92.90
Coastal Business Systems Inc.			
Coastal Business Systems Inc.	09/10/2019	<i>Eureka office copy and fax machine</i>	1,031.14
Total Coastal Business Systems Inc.:			1,031.14
Corey Borghino			
Corey Borghino	09/27/2019	<i>Travel advance Utility Billing Software training</i>	213.50
Total Corey Borghino:			213.50
Dave Perkins			
Dave Perkins	09/09/2019	<i>auto mileage reimbursement</i>	185.66
Total Dave Perkins:			185.66
Dee Dee Simpson-Glenn			
Dee Dee Simpson-Glenn	09/23/2019	<i>expense reimbursement - FERC EAP TableTop Exercise</i>	150.76
Dee Dee Simpson-Glenn	09/23/2019	<i>expense reimbursement - FERC EAP TableTop Exercise</i>	134.56
Total Dee Dee Simpson-Glenn:			285.32
Downey Brand Attorneys LLP			
Downey Brand Attorneys LLP	09/23/2019	<i>Streambed Flow Enhancement Grant</i>	420.00

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Total Downey Brand Attorneys LLP:			420.00
Eureka Oxygen			
Eureka Oxygen	09/24/2019	Mainline Valve Replacement	45.84
Eureka Oxygen	09/24/2019	cylinder rental	116.60
Total Eureka Oxygen:			162.44
Express Employment Services			
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	192.00
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	64.00
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	256.00
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	24.00
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	15.87
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	17.36
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	3.71
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	4.06
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	7.68
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	8.40
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	147.78
Express Employment Services	09/10/2019	Temporary Worker - Maintenance Worker	161.63
Express Employment Services	09/27/2019	Temporary Maintenance Worker	80.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	352.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	80.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	4.96
Express Employment Services	09/27/2019	Temporary Maintenance Worker	21.82
Express Employment Services	09/27/2019	Temporary Maintenance Worker	4.96
Express Employment Services	09/27/2019	Temporary Maintenance Worker	1.16
Express Employment Services	09/27/2019	Temporary Maintenance Worker	5.10
Express Employment Services	09/27/2019	Temporary Maintenance Worker	1.16
Express Employment Services	09/27/2019	Temporary Maintenance Worker	2.40
Express Employment Services	09/27/2019	Temporary Maintenance Worker	10.56
Express Employment Services	09/27/2019	Temporary Maintenance Worker	2.40
Express Employment Services	09/27/2019	Temporary Maintenance Worker	46.18
Express Employment Services	09/27/2019	Temporary Maintenance Worker	203.19
Express Employment Services	09/27/2019	Temporary Maintenance Worker	46.18
Express Employment Services	09/27/2019	Temporary Maintenance Worker	224.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	320.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	282.00
Express Employment Services	09/27/2019	Temporary Maintenance Worker	13.89
Express Employment Services	09/27/2019	Temporary Maintenance Worker	19.84
Express Employment Services	09/27/2019	Temporary Maintenance Worker	3.25
Express Employment Services	09/27/2019	Temporary Maintenance Worker	4.64
Express Employment Services	09/27/2019	Temporary Maintenance Worker	6.72
Express Employment Services	09/27/2019	Temporary Maintenance Worker	9.60
Express Employment Services	09/27/2019	Temporary Maintenance Worker	668.48
Total Express Employment Services:			3,316.98
Fastenal Company			
Fastenal Company	09/30/2019	First aid kit for Ruth Bunkhouse	38.93
Total Fastenal Company:			38.93
FEDEX			
FEDEX	09/27/2019	Mail Collector 1 oil sample for testing	12.96

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Total FEDEX:			12.96
Fortuna Iron Corporation			
Fortuna Iron Corporation	09/30/2019	Eureka office walkway railing - ADA Compliance	706.37
Total Fortuna Iron Corporation:			706.37
Frontier Communications			
Frontier Communications	09/27/2019	Ruth HQ Phone	54.76
Frontier Communications	09/27/2019	Ruth Hydro/Ruth Dataline	171.57
Total Frontier Communications:			226.33
GEI Consultants, Inc			
GEI Consultants, Inc	09/27/2019	FERC Dam Safety Engineer	2,288.00
GEI Consultants, Inc	09/27/2019	FERC EAP TableTop Exercise	286.00
Total GEI Consultants, Inc:			2,574.00
GHD			
GHD	09/30/2019	Cathodic Protection System Survey/Evaluation	1,943.93
GHD	09/30/2019	Essex Mad River Cross Sections	339.00
GHD	09/30/2019	Dam Survey and DWWMR Assistance	282.50
GHD	09/30/2019	Grant Assistance 2019-20	526.50
GHD	09/30/2019	Collector 4 Storm Damage	29,939.50
GHD	09/30/2019	General Engineering - Essex	490.50
GHD	09/30/2019	General Engineering - Eureka	678.00
GHD	09/30/2019	General Engineering - FERC EAP Tabletop Exercise	2,527.00
GHD	09/30/2019	12KV Switchgear Replacement Project - Grant	11,718.16
GHD	09/30/2019	InStream Flow Enhancement Grant	3,215.75
GHD	09/30/2019	Surge Tower Replacement - Grant	7,926.25
Total GHD:			59,587.09
H.T. Harvey & Associates			
H.T. Harvey & Associates	09/09/2019	Assistance with Streambed Flow Enhancement - Grant	2,429.25
Total H.T. Harvey & Associates:			2,429.25
Harbor Freight Tools			
Harbor Freight Tools	09/10/2019	Ruth HQ Roof Replacement	38.97
Total Harbor Freight Tools:			38.97
Health Equity Inc			
Health Equity Inc	09/10/2019	HSA Admin Fee - 2 employees	5.90
Health Equity Inc	09/10/2019	HSA Admin Fee 9 employees	26.55
Total Health Equity Inc:			32.45
Hensel Hardware			
Hensel Hardware	09/09/2019	Job Boxes	15.58
Hensel Hardware	09/09/2019	Ruth HQ Roof Replacement	86.79
Hensel Hardware	09/30/2019	Ruth HQ Roof Replacement	73.05
Hensel Hardware	09/30/2019	Ruth Spillway Repair	308.15
Hensel Hardware	09/30/2019	TRF Door Maintenance	43.34

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Hensel Hardware	09/30/2019	<i>Essex Office Supplies</i>	1.51
Hensel Hardware	09/30/2019	<i>TRF Door Maintenance</i>	4.33
Total Hensel Hardware:			532.75
Hensell Materials			
Hensell Materials	09/30/2019	<i>Ruth Spillway Repairs</i>	2,760.13
Total Hensell Materials:			2,760.13
Henwood Associates, Inc			
Henwood Associates, Inc	09/09/2019	<i>Consultant Services Agreement - July 2019</i>	436.82
Total Henwood Associates, Inc:			436.82
Hole in the Wall			
Hole in the Wall	09/23/2019	<i>FERC EAP TableTop Exercise</i>	540.00
Total Hole in the Wall:			540.00
Humboldt County Planning			
Humboldt County Planning	09/18/2019	<i>Appeal to Board of Supervisors, Brosgart Project</i>	2,291.00
Total Humboldt County Planning:			2,291.00
Humboldt County Treasurer			
Humboldt County Treasurer	09/09/2019	<i>Fund No 2712 Account 800870</i>	9,076.12
Humboldt County Treasurer	09/10/2019	<i>Fund No 3873 Investment Account 800870</i>	309,746.97
Humboldt County Treasurer	09/30/2019	<i>Fund No 3876 Account 800870</i>	45,611.43
Total Humboldt County Treasurer:			364,434.52
Humboldt Fasteners			
Humboldt Fasteners	09/30/2019	<i>Ruth Spillway Repairs</i>	244.15
Humboldt Fasteners	09/30/2019	<i>Maintenance shop tools</i>	15.36
Total Humboldt Fasteners:			259.51
Humboldt Redwood Company, LLC			
Humboldt Redwood Company, LLC	09/19/2019	<i>Mt Pierce Lease site</i>	274.28
Total Humboldt Redwood Company, LLC:			274.28
Humboldt Waste Management Authority			
Humboldt Waste Management Authority	09/10/2019	<i>disposal of Ruth HQ old roof material</i>	107.52
Humboldt Waste Management Authority	09/10/2019	<i>dispose waste from Eureka office ADA Upgrade project</i>	151.15
Humboldt Waste Management Authority	09/30/2019	<i>disposal of Ruth HQ old roof material</i>	109.07
Humboldt Waste Management Authority	09/30/2019	<i>disposal of Ruth HQ old roof material</i>	45.19
Total Humboldt Waste Management Authority:			412.93
Ian Ivey			
Ian Ivey	09/09/2019	<i>Travel Advance for T-4 Exam in Redding</i>	379.58
Total Ian Ivey:			379.58

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Industrial Electric			
Industrial Electric	09/30/2019	TRF N-Poly Mixer	95.59
Industrial Electric	09/30/2019	UPS Upgrade Project - Collector 3	39.02
Industrial Electric	09/30/2019	UPS Upgrade Project - Collector 1	9.99
Total Industrial Electric:			144.60
Industry Uptime, Inc			
Industry Uptime, Inc	09/19/2019	Chlorine Booster Pump Rebuild Kits	7,815.48
Industry Uptime, Inc	09/10/2019	TRF Rapid Mix Pumps Rebuild Kit	1,795.81
Total Industry Uptime, Inc:			9,611.29
John Friedenbach			
John Friedenbach	09/23/2019	expense reimbursement - Instream Flow Grant - Water Board, S	88.38
John Friedenbach	09/23/2019	auto mileage reimbursement - Instream Flow Grant to Water Bo	371.78
John Friedenbach	09/23/2019	FERC Ruth Hydro Inspection	29.39
John Friedenbach	09/23/2019	auto mileage reimbursement - General Manager training	299.32
John Friedenbach	09/23/2019	auto mileage reimbursement - meeting at Collector 4 Storm Dam	15.08
John Friedenbach	09/23/2019	expense reimbursement - Eureka office supplies	13.01
John Friedenbach	09/23/2019	auto mileage reimbursement - Essex meetings	135.14
John Friedenbach	09/23/2019	auto mileage reimbursement - Ruth HQ area meetings	134.56
John Friedenbach	09/23/2019	auto mileage reimbursement - Ruth Hydro meetings	22.62
Total John Friedenbach:			1,109.28
Johnson's Mobile Rentals LLC			
Johnson's Mobile Rentals LLC	09/10/2019	Rental of Portable Fencing for Collector 4 Mainline Valve Repla	103.02
Johnson's Mobile Rentals LLC	09/30/2019	Rental of mobile fencing for Eureka office ADA upgrade project	89.65
Total Johnson's Mobile Rentals LLC:			192.67
JTN Energy, LLC			
JTN Energy, LLC	09/09/2019	Consultant Services Agreement - July 2019	436.82
Total JTN Energy, LLC:			436.82
Larry Raschein			
Larry Raschein	09/30/2019	Expense reimbursement for binoculars	249.54
Total Larry Raschein:			249.54
Mission Linen			
Mission Linen	09/23/2019	maintenance supplies	50.60
Mission Linen	09/23/2019	Uniform Rental	87.42
Mission Linen	09/23/2019	Uniform Rental	129.98
Mission Linen	09/23/2019	Uniform Rental	87.42
Mission Linen	09/23/2019	maintenance supplies	73.61
Mission Linen	09/23/2019	Uniform Rental	110.31
Mission Linen	09/23/2019	maintenance supplies	62.85
Total Mission Linen:			602.19
Mitchell, Brisso, Delaney & Vrieze			
Mitchell, Brisso, Delaney & Vrieze	09/09/2019	Legal Services- August 2019	263.50

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Total Mitchell, Brisso, Delaney & Vrieze:			263.50
Munnell & Sherrill, Inc.			
Munnell & Sherrill, Inc.	09/30/2019	safety gear	27.54
Total Munnell & Sherrill, Inc.:			27.54
Napa Auto Parts			
Napa Auto Parts	09/30/2019	Main Line Valve Replacement	74.18
Total Napa Auto Parts:			74.18
NCCCO			
NCCCO	09/27/2019	Crane Operator Log Books	40.02
Total NCCCO:			40.02
Network Management Services			
Network Management Services	09/27/2019	Computer Assistance - Eureka office	487.15
Network Management Services	09/27/2019	Essential Care Computer Service for Eureka office	1,057.09
Total Network Management Services:			1,544.24
North Coast Laboratories			
North Coast Laboratories	09/09/2019	lab tests	70.00
North Coast Laboratories	09/09/2019	lab tests	70.00
North Coast Laboratories	09/09/2019	lab tests	250.00
North Coast Laboratories	09/09/2019	lab tests	80.00
North Coast Laboratories	09/09/2019	lab tests	75.00
North Coast Laboratories	09/09/2019	lab tests	75.00
North Coast Laboratories	09/09/2019	lab tests	75.00
North Coast Laboratories	09/09/2019	lab tests	75.00
North Coast Laboratories	09/09/2019	lab tests	40.00
Total North Coast Laboratories:			810.00
North Coast Unified Air Quality Mangemen			
North Coast Unified Air Quality Mangemen	09/27/2019	2 MW Generator Annual Permit	1,229.01
North Coast Unified Air Quality Mangemen	09/27/2019	Portable Emergency Pump	469.20
North Coast Unified Air Quality Mangemen	09/27/2019	Essex Emergency Standby Generator	469.24
North Coast Unified Air Quality Mangemen	09/27/2019	Ruth Hydro Emergency Generator	469.22
North Coast Unified Air Quality Mangemen	09/27/2019	TRF Emergency Generator Permit Application Fee	676.20
Total North Coast Unified Air Quality Mangemen:			3,312.87
Northern California Safety Consortium			
Northern California Safety Consortium	09/09/2019	membership fee	75.00
Total Northern California Safety Consortium:			75.00
Occu-Med, Ltd			
Occu-Med, Ltd	09/27/2019	Pre-Placement Exam	283.00
Occu-Med, Ltd	09/27/2019	Pre-Placement Exam	527.00
Total Occu-Med, Ltd:			810.00

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Occupational, Environmental Health			
Occupational, Environmental Health	09/30/2019	Pre-Placement Exam	71.50
Total Occupational, Environmental Health:			71.50
Pacific Gas & Electric Co.			
Pacific Gas & Electric Co.	09/19/2019	Ruth Bunkhouse	127.74
Pacific Gas & Electric Co.	09/19/2019	Eureka office	357.79
Pacific Gas & Electric Co.	09/19/2019	Jackson Ranch Rectifier	16.11
Pacific Gas & Electric Co.	09/19/2019	299 Rectifier	108.32
Pacific Gas & Electric Co.	09/19/2019	West End Road Rectifier	133.58
Pacific Gas & Electric Co.	09/19/2019	TRF	2,850.25
Pacific Gas & Electric Co.	09/19/2019	Ruth Hydro Valve Control	24.51
Pacific Gas & Electric Co.	09/19/2019	Ruth Hydro	19.71
Pacific Gas & Electric Co.	09/19/2019	Samoa Booster Pump Station	1,643.89
Pacific Gas & Electric Co.	09/19/2019	Samoa Dial Station	38.70
Pacific Gas & Electric Co.	09/19/2019	Essex Pumping August 1 - 31, 2019	63,401.02
Total Pacific Gas & Electric Co.:			68,721.62
Pacific Paper Co.			
Pacific Paper Co.	09/27/2019	Eureka office supplies	365.00
Total Pacific Paper Co.:			365.00
Pierson Building Center			
Pierson Building Center	09/09/2019	Purchase shop tools	49.58
Pierson Building Center	09/09/2019	Fieldbrook-Glendale Tank Building Repairs	386.78
Pierson Building Center	09/09/2019	Eureka office ADA Upgrades	60.15
Pierson Building Center	09/09/2019	Eureka office ADA Upgrades	12.35
Pierson Building Center	09/09/2019	Ruth HQ Roof Replacement	45.51
Pierson Building Center	09/09/2019	Ruth HQ Roof Replacement	282.97
Pierson Building Center	09/09/2019	Ruth HQ Roof Replacement	21.67
Pierson Building Center	09/09/2019	Ruth HQ Roof Replacement	179.01
Total Pierson Building Center:			680.00
Pitney Bowes			
Pitney Bowes	09/19/2019	refill postage	1,005.00
Pitney Bowes	09/30/2019	postage meter supplies	63.90
Pitney Bowes	09/30/2019	postage meter lease	256.45
Total Pitney Bowes:			1,325.35
PitStop Cleaning`			
PitStop Cleaning`	09/27/2019	Eureka office cleaning	160.00
Total PitStop Cleaning`:			160.00
Price Paige & Company			
Price Paige & Company	09/27/2019	GASB 68 Calculations and Supplementary Information	950.00
Total Price Paige & Company:			950.00
RazurSharp Saw Chain Service			
RazurSharp Saw Chain Service	09/27/2019	mower repair	26.49
RazurSharp Saw Chain Service	09/27/2019	mower repair	26.50

Humboldt Bay Municipal Water District

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Vendor Name	Date Paid	Description	Amount Paid
Total RazurSharp Saw Chain Service:			52.99
Rebecca J. Moyle			
Rebecca J. Moyle	09/27/2019	Eureka Office Petty Cash- Eureka Office ADA Upgrades	20.00
Rebecca J. Moyle	09/27/2019	Eureka office petty cash -Office Supplies	19.84
Rebecca J. Moyle	09/27/2019	Eureka Office Petty Cash- FERC EAP TableTop Exercise	42.62
Rebecca J. Moyle	09/27/2019	Eureka Office Petty Cash- meeting at Ruth	20.04
Rebecca J. Moyle	09/27/2019	Eureka office petty cash - Joint Board Meeting w/RLCSD	12.89
Rebecca J. Moyle	09/27/2019	Eureka Office Petty Cash- Collector 4 Storm Damage Repairs	32.81
Rebecca J. Moyle	09/27/2019	Travel Advance - Accounting Software Training	213.50
Total Rebecca J. Moyle:			361.70
Recology Arcata			
Recology Arcata	09/23/2019	Essex Garbage Service	508.52
Total Recology Arcata:			508.52
Recology Humboldt County			
Recology Humboldt County	09/10/2019	Eureka office garbage/recycling service	90.72
Total Recology Humboldt County:			90.72
Redi-Rents, Inc			
Redi-Rents, Inc	09/10/2019	Rental of equipment - Demo for Eureka office ADA upgrade proj	681.28
Total Redi-Rents, Inc:			681.28
Redwood Glass & Windows			
Redwood Glass & Windows	09/30/2019	Eureka office ADA upgrades	8,000.00
Total Redwood Glass & Windows:			8,000.00
Renner Petroleum			
Renner Petroleum	09/09/2019	cardlock fuel - pumping & control	631.35
Renner Petroleum	09/09/2019	cardlock fuel - water quality	631.35
Renner Petroleum	09/09/2019	cardlock fuel - maintenance	631.35
Renner Petroleum	09/09/2019	cardlock fuel - customer service (Humboldt Bay Retail)	164.15
Renner Petroleum	09/09/2019	cardlock fuel - customer service (Fieldbrook-Glendale CSD)	467.18
Total Renner Petroleum:			2,525.38
Rosewood Body Shop Inc			
Rosewood Body Shop Inc	09/27/2019	Unit 15 Repair	3,325.96
Total Rosewood Body Shop Inc:			3,325.96
Russell Roberts			
Russell Roberts	09/27/2019	Travel Advance - Crane Operator Re-Certification	790.72
Total Russell Roberts:			790.72
Ryan Chairez			
Ryan Chairez	09/23/2019	expense reimbursement - Ruth HQ roof replacement	10.99
Ryan Chairez	09/23/2019	expense reimbursement - Ruth HQ roof replacement	78.29
Ryan Chairez	09/10/2019	expense reimbursement - Employee last day of work	54.60

Humboldt Bay Municipal Water District

--Monthly Expenses by Vendor Detail Report--
Report dates: 9/1/2019-9/30/2019Page: 10
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Vendor Name	Date Paid	Description	Amount Paid
Ryan Chairez	09/23/2019	Wellness Grant 2019	21.68
Ryan Chairez	09/23/2019	expense reimbursement - supplies for Ruth spillway repair	111.61
Ryan Chairez	09/23/2019	expense reimbursement - Ruth HQ roof replacement	111.61
Total Ryan Chairez:			388.78
Scottco Distributors, Inc			
Scottco Distributors, Inc	09/10/2019	Ruth HQ Dock Repair	2,559.09
Total Scottco Distributors, Inc:			2,559.09
Sequoia Construction Specialties			
Sequoia Construction Specialties	09/30/2019	Eureka Office ADA Upgrades	6,084.00
Sequoia Construction Specialties	09/30/2019	Eureka office ADA upgrades	12,000.00
Total Sequoia Construction Specialties:			18,084.00
Shafer's Ace Hardware			
Shafer's Ace Hardware	09/10/2019	locks for Job Boxes	16.26
Total Shafer's Ace Hardware:			16.26
Sitestar Nationwide Internet			
Sitestar Nationwide Internet	09/09/2019	Essex Internet	52.90
Total Sitestar Nationwide Internet:			52.90
Solo Sports			
Solo Sports	09/09/2019	Safety Apparel	3,494.33
Solo Sports	09/27/2019	Safety Apparel	48.49
Total Solo Sports:			3,542.82
Staples			
Staples	09/27/2019	Essex office supplies	58.25
Staples	09/27/2019	Essex office supplies	49.31
Staples	09/27/2019	Essex office supplies	69.03
Staples	09/27/2019	Essex office supplies	.01-
Staples	09/27/2019	Essex office supplies	38.45
Total Staples:			215.03
Statewide Traffic Safety & Signs			
Statewide Traffic Safety & Signs	09/27/2019	Safety Equipment	20.86
Total Statewide Traffic Safety & Signs:			20.86
Streamline			
Streamline	09/09/2019	Website maintenance membership fee	450.00
Streamline	09/30/2019	Website maintenance membership fee	450.00
Total Streamline:			900.00
Sudden Link			
Sudden Link	09/09/2019	Essex internet	127.45
Sudden Link	09/09/2019	Essex Phones	228.98
Sudden Link	09/23/2019	Eureka office Internet	207.45

Humboldt Bay Municipal Water District

--Monthly Expenses by Vendor Detail Report--
Report dates: 9/1/2019-9/30/2019Page: 11
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Vendor Name	Date Paid	Description	Amount Paid
Sudden Link	09/27/2019	TRF Internet	22.56
Sudden Link	09/27/2019	TRF Internet - Blue Lake SCADA Monitoring	45.14
Sudden Link	09/27/2019	TRF Internet - Fieldbrook-Glendale CSD	45.14
Total Sudden Link:			676.72
T&R Electric			
T&R Electric	09/19/2019	Old Collector 1 PCB transformer oil testing	50.00
Total T&R Electric:			50.00
T.P. Tire Service, Inc			
T.P. Tire Service, Inc	09/10/2019	Tires for durable trailer	149.41
T.P. Tire Service, Inc	09/30/2019	Tires for dump trailer	572.93
T.P. Tire Service, Inc	09/30/2019	Tires for durable equipment trailer	1,030.02
Total T.P. Tire Service, Inc:			1,752.36
Tehama Tire Service			
Tehama Tire Service	09/27/2019	replace equipment trailer tires	414.16
Total Tehama Tire Service:			414.16
The Mill Yard			
The Mill Yard	09/10/2019	Ruth HQ Roof Replacement	22.75
The Mill Yard	09/10/2019	Ruth HQ Roof Replacement	61.24
The Mill Yard	09/10/2019	Pipe insulation for TRF CT tank	36.71
Total The Mill Yard:			120.70
Thomas Law Group			
Thomas Law Group	09/09/2019	Legal Fees - August	825.00
Thomas Law Group	09/09/2019	Legal Fees - August	1,080.00
Total Thomas Law Group:			1,905.00
Thrifty Supply			
Thrifty Supply	09/19/2019	Ruth HQ roof replacement	41.98
Thrifty Supply	09/30/2019	Maintenance shop supplies	9.24
Thrifty Supply	09/30/2019	Mainline Valve Replacement - Domestic Outlet/Inlet	154.94
Total Thrifty Supply:			206.16
Tim Farrell			
Tim Farrell	09/10/2019	Travel Advance for D-3 Exam in Redding	379.58
Total Tim Farrell:			379.58
Times Printing			
Times Printing	09/27/2019	envelopes	170.45
Total Times Printing:			170.45
Trinity County General Services			
Trinity County General Services	09/27/2019	Pickett Peak site lease	250.00

Humboldt Bay Municipal Water District

--Monthly Expenses by Vendor Detail Report--
Report dates: 9/1/2019-9/30/2019Page: 12
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Vendor Name	Date Paid	Description	Amount Paid
Total Trinity County General Services:			250.00
Trinity County Solid Waste			
Trinity County Solid Waste	09/10/2019	Ruth HQ dump fees	31.85
Trinity County Solid Waste	09/10/2019	Ruth Hydro dump fees	31.85
Total Trinity County Solid Waste:			63.70
True North Constructors, Inc			
True North Constructors, Inc	09/23/2019	Final Payment - Retention	24,044.91
Total True North Constructors, Inc:			24,044.91
U.S. Bank Corporate Payment System			
U.S. Bank Corporate Payment System	09/10/2019	Replace Eureka office coffee maker	95.48
U.S. Bank Corporate Payment System	09/10/2019	Safety Gear for General Manager	88.97
U.S. Bank Corporate Payment System	09/10/2019	Replace damaged Ruth HQ chair	135.43
U.S. Bank Corporate Payment System	09/10/2019	Webinar Review of 1938 Construction Slide at Fort Peck Dam	99.00
U.S. Bank Corporate Payment System	09/10/2019	Registration for ACWA Fall Conference	725.00
U.S. Bank Corporate Payment System	09/10/2019	Board Secretary Training	575.00
U.S. Bank Corporate Payment System	09/10/2019	Ruth HQ Roof Replacement	96.60
U.S. Bank Corporate Payment System	09/10/2019	Essex Control Computer Replacement	517.62
U.S. Bank Corporate Payment System	09/10/2019	Refund Double charge for Lab test	1,030.00
U.S. Bank Corporate Payment System	09/10/2019	Welding Helmet maintenance	19.36
U.S. Bank Corporate Payment System	09/10/2019	Essex office supplies	152.32
U.S. Bank Corporate Payment System	09/10/2019	Purchase Order Software - OfficeWise	87.65
U.S. Bank Corporate Payment System	09/10/2019	Caselle Conference - Training	1,350.00
U.S. Bank Corporate Payment System	09/10/2019	Eureka office supplies	101.91
U.S. Bank Corporate Payment System	09/10/2019	Unit 8 maintenance	29.09
U.S. Bank Corporate Payment System	09/10/2019	Safety Supplies - Heat Illness Prevention	320.55
U.S. Bank Corporate Payment System	09/10/2019	Safety Supplies - Heat Illness Prevention	158.39
U.S. Bank Corporate Payment System	09/10/2019	Essex Administrative Computer Replacement	59.96
U.S. Bank Corporate Payment System	09/10/2019	Essex Admin Computer Replacement	96.91
U.S. Bank Corporate Payment System	09/10/2019	Ruth HQ Roof Replacement	320.08
U.S. Bank Corporate Payment System	09/10/2019	Late Charge	63.76
Total U.S. Bank Corporate Payment System:			4,063.08
UPS			
UPS	09/27/2019	ship lab sample	19.53
UPS	09/27/2019	ship lab sample	6.48
Total UPS:			26.01
USA Blue Book			
USA Blue Book	09/23/2019	TRF filter cartridges - Rapid Mix	103.71
Total USA Blue Book:			103.71
Verizon Wireless			
Verizon Wireless	09/19/2019	General Manager	40.79
Verizon Wireless	09/19/2019	Customer Service - Humboldt Bay	11.21
Verizon Wireless	09/19/2019	Customer Service - Fieldbrook-Glendale CSD	31.91
Verizon Wireless	09/19/2019	Operations I	.24
Verizon Wireless	09/19/2019	Customer Service iPad-Humboldt Bay	9.88
Verizon Wireless	09/19/2019	Customer Service - Fieldbrook-Glendale CSD	28.13

Humboldt Bay Municipal Water District

--Monthly Expenses by Vendor Detail Report--
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Vendor Name	Date Paid	Description	Amount Paid
Verizon Wireless	09/19/2019	Unit 6 - Ruth Area	32.10
Verizon Wireless	09/19/2019	Unit 6 - Ruth Hydro	32.10
Total Verizon Wireless:			186.36
West Yost Associates, Inc			
West Yost Associates, Inc	09/09/2019	Nordic Clarifier Feasibility Study	4,908.00
Total West Yost Associates, Inc:			4,908.00
William B. Newell			
William B. Newell	09/09/2019	Expense Reimbursement - Ruth HQ office supplies	9.75
William B. Newell	09/09/2019	Expense Reimbursement - Ruth Hydro Office Supplies	9.76
William B. Newell	09/09/2019	Expense Reimbursement - Ruth Hydro Phone Replacement	86.79
William B. Newell	09/09/2019	Expense Reimbursement - Mail Hydro Oil Sample	28.85
William B. Newell	09/23/2019	Expense Reimbursement - Safety Shoes	119.34
William B. Newell	09/23/2019	Expense Reimbursement - Safety Shoes	119.35
Total William B. Newell:			373.84
Grand Totals:			652,432.75

Humboldt Bay Municipal Water District

--Monthly Overtime Report--
Pay period dates: 9/1/2019 - 9/30/2019Page: 1
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Position Title	2-01 Overtime Emp Hrs	2-01 Overtime Emp Amt	2-02 Doubletime Emp Hrs	2-02 Doubletime Emp Amt
Actg/HR Spec	1.00	\$73	.00	\$0
Actg/HR Assit	.75	\$34	.00	\$0
Total ADMIN:	1.75	\$107	.00	\$0
Operations Spec	8.00	\$510	.00	\$0
Maintenance Mec	1.25	\$60	.00	\$0
Oper & Mnt Tech	12.25	\$555	.00	\$0
Oper & Mnt Tech	13.00	\$604	.00	\$0
Maintenance Mec	15.75	\$697	.00	\$0
Total ESSEX:	50.25	\$2,425	.00	\$0
Hydro Oper Ruth	4.00	\$256	.50	\$43
PT Hydro Oper	4.00	\$91	.50	\$0
Total RUTH:	8.00	\$347	1.00	\$43
Grand Totals:	60.00	\$2,879	1.00	\$43

OPERATIONS

Memo to: HBMWD Board of Directors
From: Dale Davidsen, Superintendent
Date: October 1, 2019
Subject: Essex/Ruth September 2019 Operational Report

Upper Mad River, Ruth Lake, and Hydro Plant

1. There was no flow at Mad River above Ruth Reservoir (Zenia Bridge) during September.
2. The conditions at Ruth Lake for the month of September were as follows:
 - a. The lake level on September 30th was 2641.55 feet which is:
 1. 3.02 feet lower than August 31st, 2019
 2. 2.45 feet higher than September 30th, 2018
 3. 0.52 feet higher than the ten year average
 4. 12.45 feet below the spillway
3. There was 1.06 inches of recorded rainfall for September 2019 at Ruth Headquarters.
4. Ruth Hydro produced 148800 KWh. The hydro plant ran all month with no outages.
5. The discharge from the lake averaged 44 cfs with a high of 47 cfs on September 23rd.

Lower Mad River, Winzler Control, and TRF

6. The river at Winzler Control Center for September had an average flow of 56 cfs. The river flow reached a high flow of 66 cfs on September 11th.
7. The domestic water conditions were as follows:
 - a. The monthly turbidity average was 0.12 NTU, which meets Public Health Secondary Standards.
 - b. As of September 30th, we pumped 268.311 million gallons at an average of 8.308 MGD.
 - c. The maximum metered daily municipal customer use was 10.396 MGD on September 7th.
8. September 4th –
 - a. I met with Humboldt County and Fieldbrook CSD regarding a culvert replacement project that will need to go under the water main line.
 - b. Larry's first fulltime day as trainee for the Ruth Hydro operator/Ruth Representative position.

9. September 9th – 13th – Maintenance installed a new roof on Headquarters and started spillway repairs.
10. September 12th – FERC, EAP table top exercise.
11. September 13th – FERC inspection of dam.
12. September 14th – Two from Essex staff took their Treatment exam in Redding. Both felt they did well on the test.
13. September 16th - Maintenance completed 90 day BIT inspections on commercial fleet vehicles.
14. September 17th
 - a. Operations drained and bypassed the 1 Mg DW reservoir in prep for outlet valve replacement.
 - b. I attended a preseason flood control meeting.
15. September 18th – Maintenance replaced the outlet valve to the 1 Mg DW reservoir.
16. September 24th - Operations bypassed the 1 Mg DW reservoir in prep for inlet valve replacement.
17. September 25th
 - a. Maintenance replaced the inlet valve to the 1 Mg DW reservoir.
 - b. GRS started work on protecting the collector 4 pipe that got exposed during the storms / high water in February this year.
18. Current and Ongoing Projects
 - a. Valve replacements - Maintenance has completed installation of both new 30” valves for the 1 Mg reservoir, (Items 7 & 9 above). We are starting to plan the installation of the new 30” mainline valve.
 - b. TRF – Staff is prepping for start-up of the TRF soon. Installing plenum covers, finishing maintenance items, cleaning sludge beds, etc.

Mad River Union Wed 9/25/19

Water savings urged

CITY OF ARCATA

ARCATA – The City of Arcata is asking Arcata residents to conserve water while Humboldt Bay Municipal Water District makes scheduled improvements today, Wednesday, Sept. 25.

Humboldt Bay Municipal Water District supplies Arcata with water, and they have scheduled valve replacements work at their facility on Wednesday, September 25 from 8 a.m. to 8 p.m.

Due to the work required for this project, Arcata's water supply will be shut down while the work is taking place.

Humboldt Bay Municipal Water District would have been able to provide water to Arcata in the

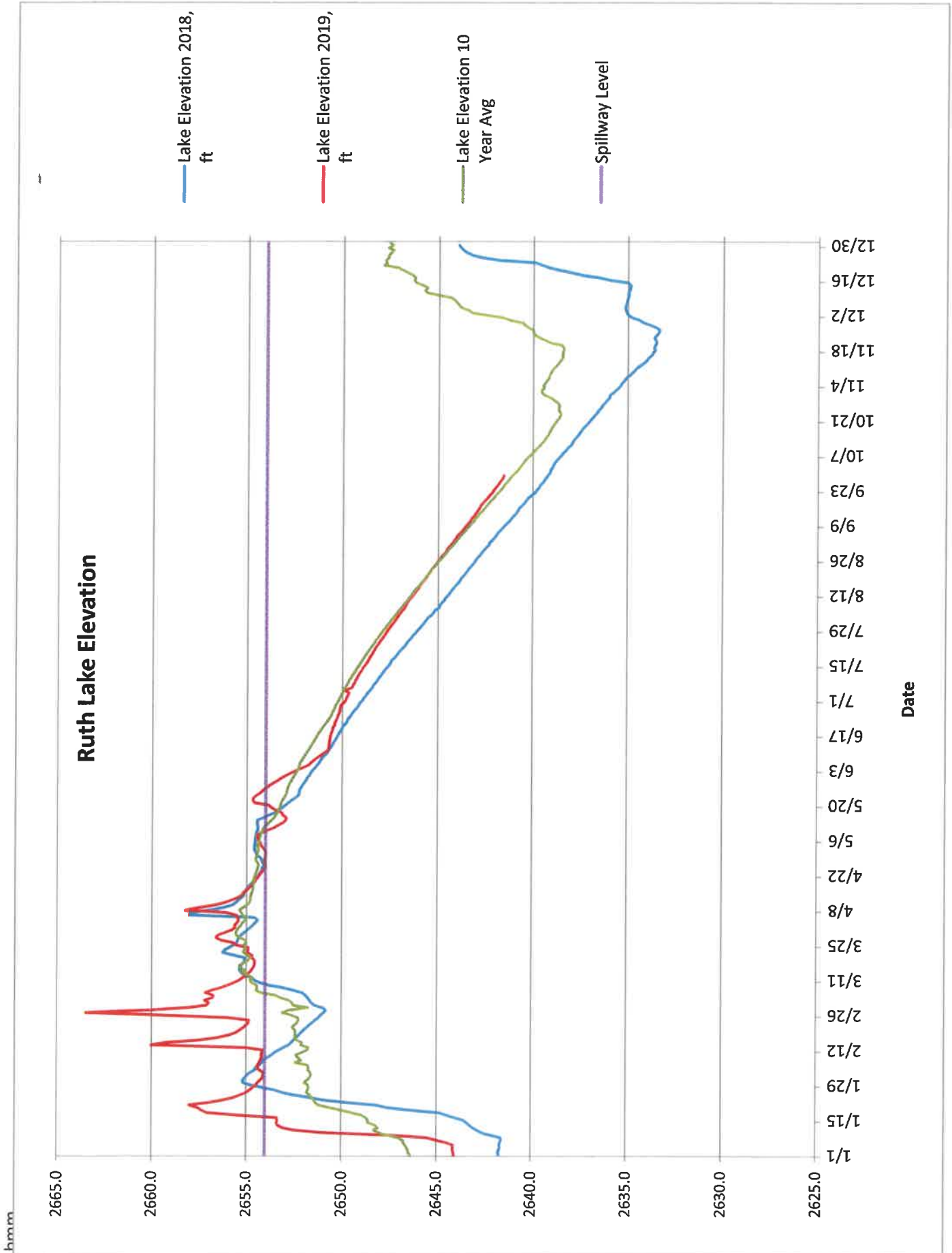
case of an extreme emergency. While their work is being completed on Wednesday, Sept. 25, they will not have that capability.

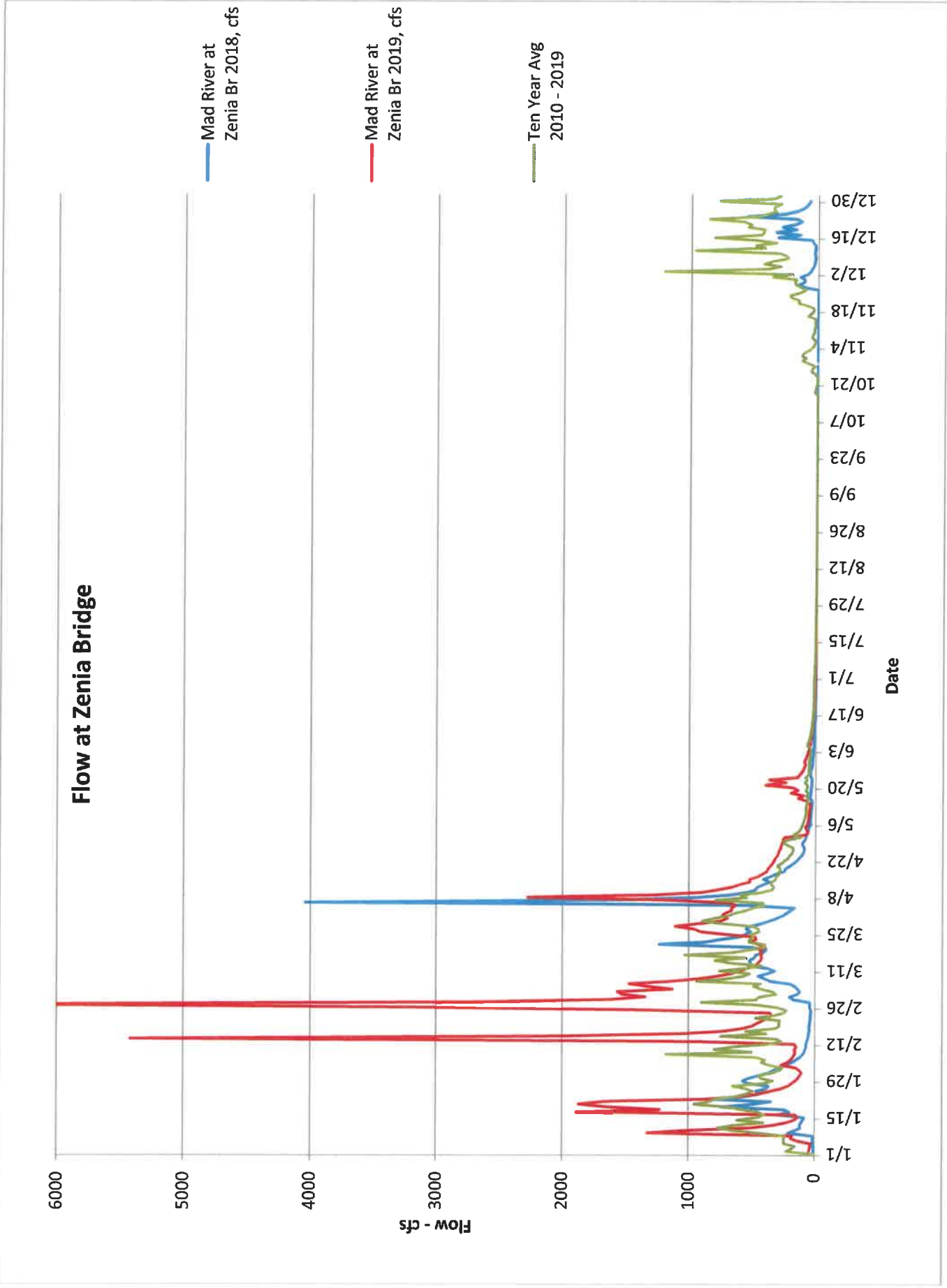
The City is encouraging residents to conserve water to maintain an adequate water supply and ensure fire protection reserves during this shutdown period.

Water customers may notice a small decrease in water pressure along with a slight increase in chlorine residual in their water during this time.

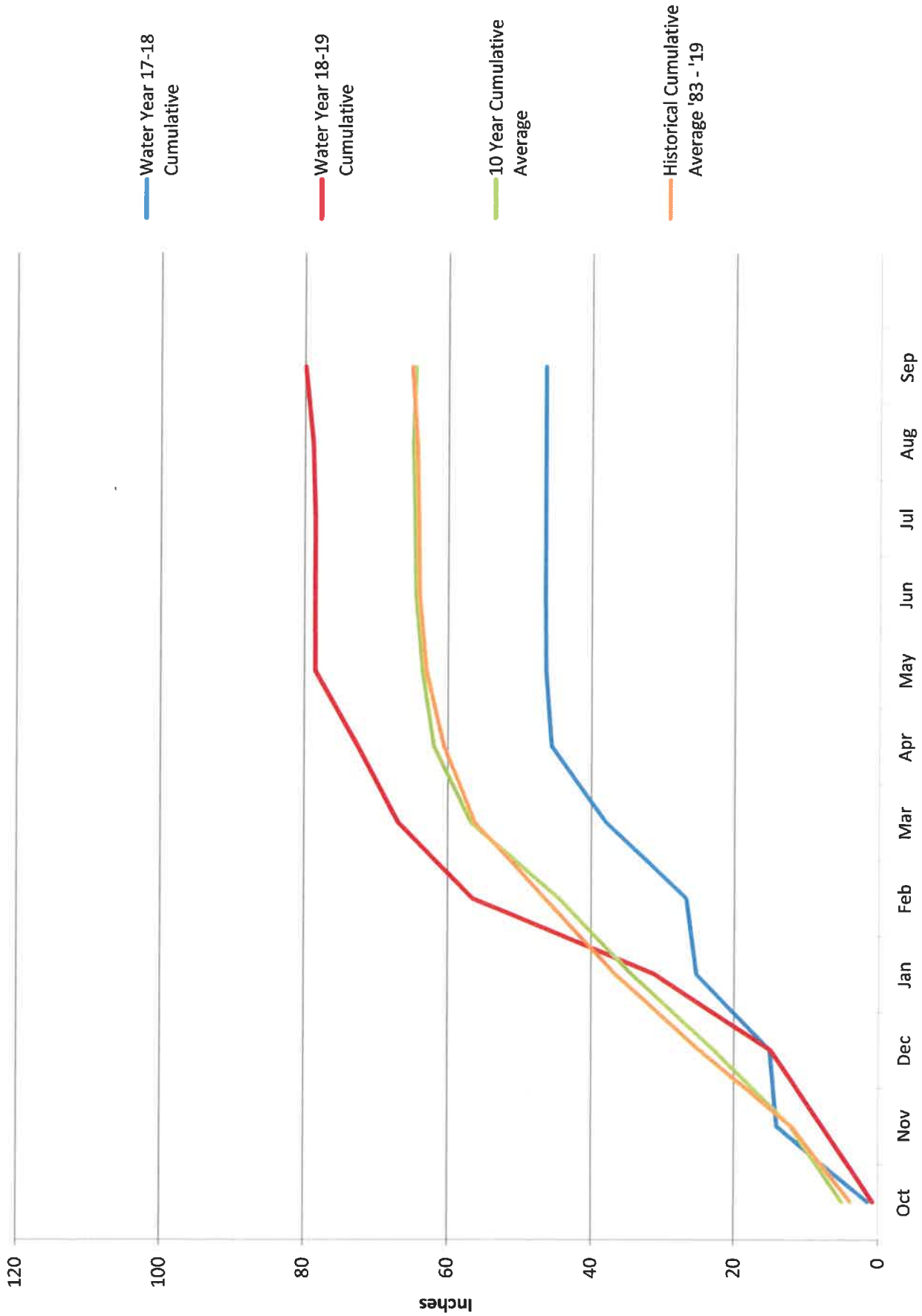
We apologize for any inconvenience this may cause to community members.

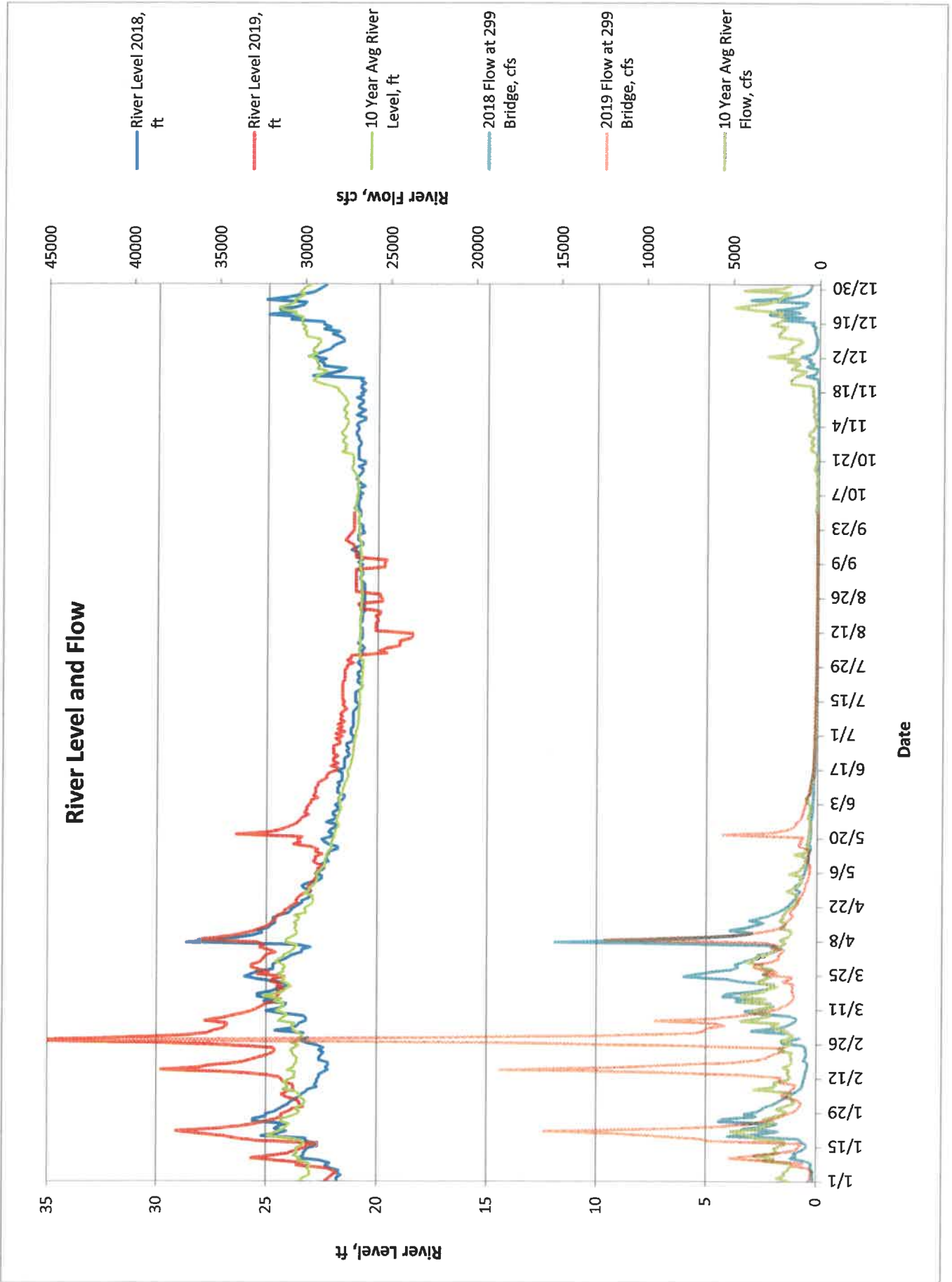
For more information, please call (707) 825-2129.



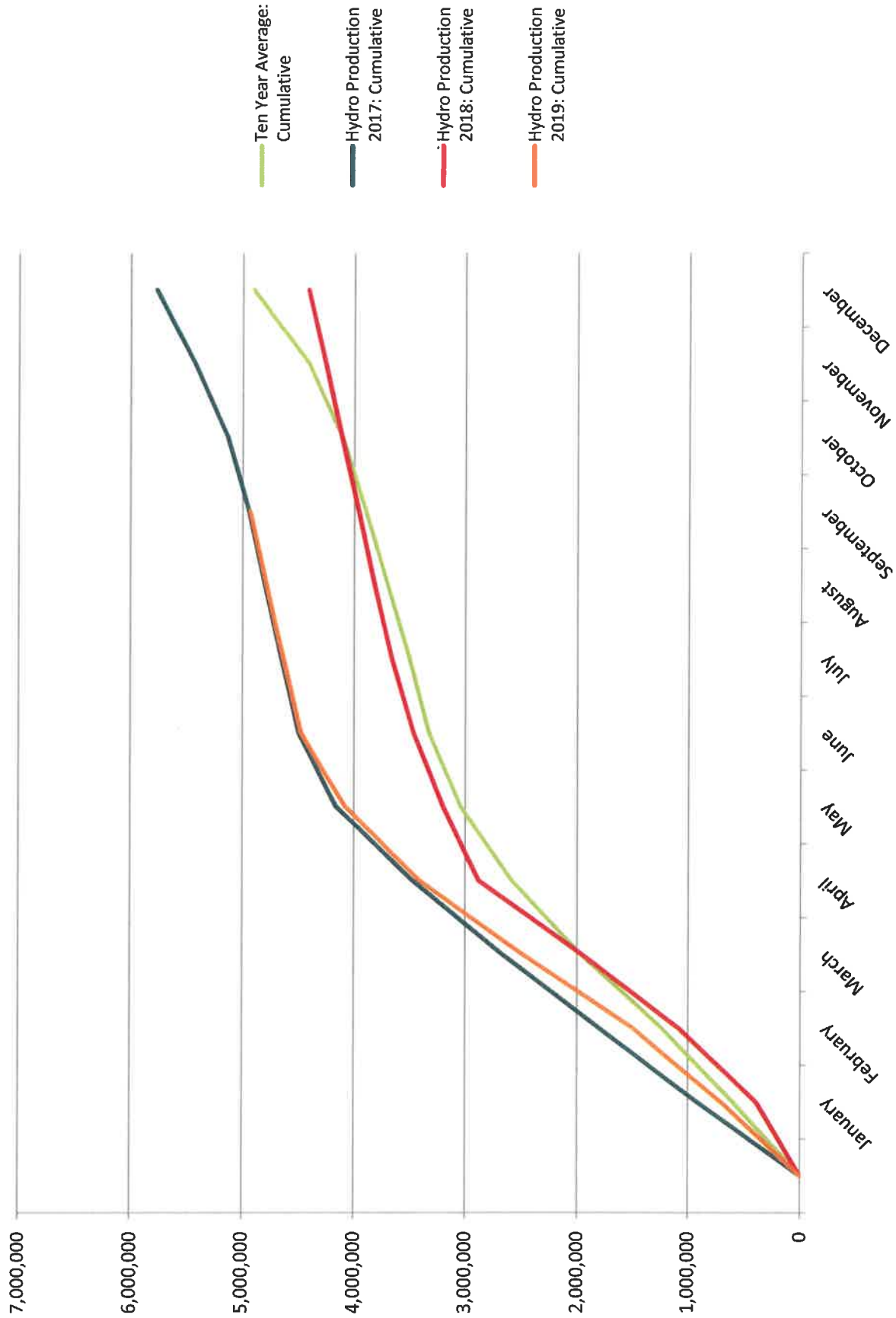


Ruth Rainfall - Water Year 2018-2019





Ruth Hydro Production: kW per Month



MANAGEMENT

Dunes Retreat

September 18-20th, 2019 • Humboldt County, CA

Wednesday, September 18, 2019

- 5:00PM—6:15PM **Registration and Dinner**
Inn at 2nd & C, 124 C Street, Eureka, CA 95501
- 6:15PM—6:20PM **Evening Talks**
Introduction
Candace Reynolds, Humboldt Bay National Wildlife Refuge, U.S. Fish & Wildlife Service (USFWS)
- 6:20PM—6:50PM *Indigenous Dune Management*
Adam Canter, Wiyot Tribe
- 6:50PM—7:20PM *Eel River Adaptation Site Foredune Building*
Emily Allee, The Wildlands Conservancy
- 7:20PM—7:50PM *Gold Bluffs Beach Dune Restoration*
Amber Transou, CA State Parks
- 7:50PM—8:20PM *Ocean Ranch Restoration: Restoring Form and Function*
Michael Van Hattem, CA Department of Fish & Wildlife

Thursday, September 19, 2019

- 8:45AM—9:00AM **Meet and organize for carpool at the Arcata/Humboldt Welcome Center**
1635 Heindon Rd, Arcata, CA 95521
Candace Reynolds, organizer
- 9:00AM Depart for Lanphere Dunes
- 9:30AM—11:30AM **Morning Walk**
Lanphere Dunes
Andrea Pickart and Candace Reynolds, Humboldt Bay National Wildlife Refuge, USFWS
Lanphere Adaptation Site
Zach Hilgendorf, Arizona State University
- 11:30AM Depart from Lanphere Dunes to Eureka
- 11:30AM—1:30PM **Lunch Break**
Caravan to Eureka Natural Foods, 1450 Broadway St, Eureka, CA 95501
Pick up lunch and head to Table Bluff overlook for picnic
- 1:30PM—3:00PM **Afternoon Walk**
South Spit
Jennifer Wheeler, Bureau of Land Management
- 3:00PM Depart South Spit for the Arcata/Humboldt Welcome Center
- 4:00PM—6:30PM **Dinner Break**

Thursday, September 19, 2019

6:30PM—7:10PM **Evening Talks**
Wharfinger Building, 1 Marina Way, Eureka, CA 95501.

Friends of the Dunes Education and Restoration Programs
Suzie Fortner & Mike Cipra, Friends of the Dunes

7:10PM—7:50PM *Humboldt Coastal Resilience Project*
Ian Walker, Arizona State University

7:50PM—8:20PM *Lake Earl Estuary & Dunes Restoration*
Sandra Jerabek, Tolowa Dunes Stewards

Friday, September 20, 2019

8:45AM—9:00AM Meet and organize for carpool at Arcata/Humboldt Welcome Center

9:00AM Depart for Little River State Park

9:30AM—10:30AM **Early Morning Walk**
Little River State Park
Michelle Forys, CA State Parks

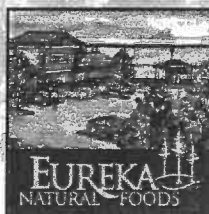
10:30AM Option 1: Depart from Little River State Park for the Arcata/Humboldt Welcome Center to pick up personal vehicles, then drive to the Humboldt Coastal Nature Center, 220 Stamps Lane, Arcata, CA 95521

Option 2: Depart from Little River State Park to the Humboldt Coastal Nature Center directly

11:00AM—12:00PM **Late Morning Walk**
Humboldt Coastal Nature Center
Mike Cipra & Carol Vander Meer, Friends of the Dunes

12:00PM Optional picnic lunch and/or departure from the Humboldt Coastal Nature Center to the Arcata/Humboldt Welcome Center

Many thanks to our sponsors:



**HUMBOLDT BAY MUNICIPAL WATER DISTRICT
Water Task Force****October 2019****HBMWD Office – 828 7th Street, Eureka****WATER TASK FORCE**

The Water Task Force (WTF) is an ad-hoc advisory group comprised of two representatives from HBMWD and two representatives from each of the District's wholesale customers. One representative is from management and one representative is an elected official. Alternates may also be present. The purpose of the Task Force is to work with, and provide input to, HBMWD on important matters affecting the District or the regional water system. The adopted *Purpose Statement* is attached.

1. WELCOME AND INTRODUCTIONS**2. IMPACTS OF MARIJUANA CULTIVATION/PROCESSING FACILITIES IN OR NEAR
MAD RIVER WATERSHED****3. WATER RESOURCE PLANNING**

a. Background Resources available at :

<https://www.hbmwd.com/water-resource-planning>

b. Status report re: progress on top-tier water use options:

- i. Local sales
- ii. Transport/transfer
- iii. Instream flow

Water Task Force Purpose Statement

COMPOSITION

The Water Task Force is an ad hoc advisory group composed of the following representatives:

- a. The Board President and one management representative from the Humboldt Bay Municipal Water District (HBMWD)
- b. one Board/Council representative from each of the District's wholesale Municipal Customers as follows:
 - a. City of Arcata
 - b. City of Blue Lake
 - c. City of Eureka
 - d. Fieldbrook Community Services District
 - e. Humboldt Community Services District
 - f. Manila Community Services District
 - g. McKinleyville Community Services District
- c. One management representative from each of the District's wholesale Industrial Customers (if applicable to matter at hand)
- d. Ruth Lake Community Services District-one Board representative and one management representative

PURPOSE

The purpose of the Task Force is to work with HBMWD to consider and/or evaluate matters of a regional and significant nature within HBMWD's jurisdiction. Examples of such matters may include:

- A) Consideration of new, larger-scale water marketing or sales opportunities;
- B) Consideration of new safe drinking water regulations or other regulatory requirements which may trigger significant new treatment requirements;
- C) Consideration of Special Facility additions to HBMWD's system which are of regional interest; and
- D) Consideration of important service or pricing provisions during wholesale contract renewals.
- E) Consideration of other matters as deemed necessary.

The Task Force is advisory in nature and shall have no decision-making authority.

Water Task Force Purpose Statement

ACTIVITIES

Typical activities in which the Task Force may be involved with include:

- A) defining important issues and questions which should be addressed;
- B) evaluating engineering, economic, environmental, legal or general policy considerations (whichever are relevant for the issue under consideration);
- C) preparing reports and recommendations to each of the participating agencies' governing bodies regarding particular decisions/actions prior to HBMWD's final consideration of such decision/action;
- D) preparing recommendations as to the cost and/or revenue sharing mechanisms which should be included in new or modified wholesale water contracts.

OPERATION

The Task Force will be moderated by the HBMWD. General staff support and coordination will also be provided by HBMWD.

Meetings will be scheduled by HBMWD as needed at HBMWD's Eureka office. Meeting agendas will be prepared by HBMWD (with input from any Task Force member), and will be distributed and posted at least three days in advance of the meeting.

Representation of at least one formally appointed task force member by a majority (5) of the task force agencies constitutes a quorum. Each agency participating in the task force has one vote which may be cast by either of its formally appointed members. Actions of the Task Force must be approved on the basis of majority vote, provided a quorum is present.

ACWA

Sherrie Sobol

From: Brian Sanders <BrianS@acwa.com>
Sent: Wednesday, October 02, 2019 9:17 AM
To: BradSherwood; JenniferBurke; tamaraa@btcsd.org; Alan Gardner; DennisMayo; Bruce Rupp; BruceRupp
Cc: April Sousa; Sherrie Sobol; friedenbach@hbmwd.com
Subject: ACWA Region Elections - ACWA 2020 - 2021 Region 1 Board
Attachments: Region 1 Board 2020-2021.pdf

ACWA 2020-2021 Region 1 Board Members,

Congratulations! You have been elected to serve on your ACWA Region 1 Board for the 2020-2021 term of office. Attached is the 2020-2021 Region 1 Board Roster including contact information.

Your official term of office will begin on January 1, 2020.

More information will be sent out to you describing the roles and rules for the ACWA region structure, as well as information regarding the first Region Board meeting of the new term.

If you have any questions, please contact your Regional Affairs Representative, Brian Sanders at brians@acwa.com or by phone at (916) 441-4545

Brian Sanders

Regional Affairs Representative
Association of California Water Agencies
Main: 916.441.4545 | Cell: 916.420.0239
brians@acwa.com | www.acwa.com





Region 1

ACWA Region 1 Board 2020-2021 Term

Chair:

Brad Sherwood, Sonoma County Water Agency
 404 Aviation Blvd.
 Santa Rosa, CA 95403
 Agency Phone: 707.547.1927
 Direct Phone: 707.322.8192
 Email: brad.sherwood@scwa.ca.gov
 Position: Community & Government Affairs Manager

Dennis Mayo, McKinleyville Community Services District
 1656 Sutter Road
 McKinleyville, CA 95519
 Agency Phone: 707.839.3251
 Email: caveboy_m@yahoo.com
 CC Email: asousa@mckinleyvillecsd.com
 Position: Director

Vice Chair:

Jennifer Burke, City of Santa Rosa
 69 Stony Circle
 Santa Rosa, CA 95401
 Agency Phone: 707.543-4200
 Direct Phone: 707.543.3359
 Email: jburke@srcity.org
 Position: Water Director – City of Santa Rosa Water Department

J. Bruce Rupp, Humboldt Bay Municipal Water District
 828 7th Street
 Eureka, CA 95501
 Agency Phone: 707.443.5018
 Email: rupp@hbmwd.com
 Position: Director

VACANT

Board Members:

Tamara Alaniz, Brooktrails Township Community Services District
 24860 Birch Street
 Wilits, CA 95490
 Agency Phone: 707.459.2494
 Direct Phone: 707.459.2273
 Email: tamaraa@btcsd.org
 Position: General Manager

Alan Gardner, Valley of the Moon Water District
 19039 Bay Street, P.O. Box 280
 Sonoma, CA 95433
 Agency Phone: 707.996.1037
 Email: agardner@vomwd.org
 Position: General Manager

PG&E Starts Public Safety Power Outage In Sierra Foothills Over Increased Fire Risk

- [Emily Zentner](#)

Monday, September 23, 2019 | Sacramento, CA | [Permalink](#)

Updated 5:54 p.m.

PG&E started shutting off power to about 27,500 customers in Butte, Nevada and Yuba counties Monday evening due to high fire risk, but no longer plans to do so in six other counties where outages were originally expected.

#PSPS alert for portions of Butte, Nevada and Yuba counties: For safety, we will began proactively turning off power to approx 27,500 customers @ 5PM today. It will take several hours to turn off customers in the affected footprint. Stay informed: <http://www.pge.com/pspsupdates>

According to the PG&E outage map, power shutoffs in the foothills started just after 5 p.m. The utility originally expected to shut off power to more than 100,000 customers in nine Northern California counties beginning Monday evening.

Public Safety Power Shutoffs began after PG&E equipment was found to be responsible for the deadly Northern California wildfires of 2017 and 2018. The utility agreed earlier this month to pay \$11 billion to insurance companies holding 85% of the insurance claims from fires that include the November 2018 Camp Fire that killed 86 people and destroyed the town of Paradise. This settlement does not include the thousands of uninsured or underinsured fire victims who have filed their own claims against PG&E, including for wrongful deaths.

Elevated weather conditions, including fire risk, will begin at around 8 p.m. Monday and will continue through Tuesday morning, according to PG&E. A similar weather event is also expected on Tuesday evening.

PG&E spokeswoman Brandi Merlo says once power is cut, the utility is required to check the lines before it can be turned back on again.

"We expect to be able to visually inspect for damage and restore power to most of our customers within 24 to 48 hours after the weather passes," Merlo said.

There will be Community Resource Centers open for customers in potentially impacted counties on Tuesday at 8 a.m. The centers will be open during the daylight hours for

customers to access restrooms, bottled water, electronic device charging and air conditioned seating. Each center can hold up to 100 customers. They are located at:

Auburn Gold County Fairgrounds

1273 High Street
Auburn, CA

Sierra College Grass Valley Campus

213 and 250 Sierra College Drive
Grass Valley, CA

Taylor's Restaurant

3600 Taylor Rd.
Loomis, CA

Harrison Stadium parking lot

Third and Mitchell avenues
Oroville, CA

Oregon House

9185 Marysville Road
Oregon House, CA

You can find updates on the potential Public Safety Power Shutoff [here](#). If you are a PG&E customer, you can also update your contact information to get alerts about shutoffs by calling (866) 743-6589 or online [here](#).

The Associated Press contributed to this report.

ACWA Regions 3 & 1 PSPS's Lessons Learned Conference Call

Tuesday, October 1, 2019
9:00 a.m.

SECTION Lab PAGE NO. 3

Via Conference Call
(571) 317-3122
Access code 427-362-525

Agenda

- | | |
|---------------------------------------------|--------------------------------------|
| 1. Welcome and Introductions | Brian Sanders, ACWA |
| 2. Background & Context | Brad Sherwood, Sonoma Water |
| 3. Agency Preparedness | |
| • Nevada Irrigation District | Chip Close |
| • Placer County Water Agency | Andy Hamilton |
| • South Tahoe Public utility District | TBD |
| • Georgetown Divide Public Utility District | Steven Palmer |
| • Tuolumne Utilities District | (TBD: GM, Admin Srvcs Dir, Wtr Mstr) |
| 4. Adjourn | Sanders |

Handouts:

- E.I.D. Board Update

RREDC/RCEA



BOARD OF DIRECTORS MEETING AGENDA

Humboldt Bay Municipal Water District Office
828 7th Street, Eureka, CA 95501

September 26, 2019
Thursday, 3:30 p.m.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Clerk of the Board at the phone number, email or physical address listed above at least 72 hours in advance.

Pursuant to Government Code section 54957.5, all writings or documents relating to any item on this agenda which have been provided to a majority of the Board of Directors, including those received less than 72 hours prior to the RCEA Board meeting, will be made available to the public in the agenda binder located in the RCEA lobby during normal business hours, and at <https://redwoodenergy.org/about/board-of-directors/>.

PLEASE NOTE: Speakers wishing to distribute materials to the Board at the meeting are asked to provide 12 copies to the Clerk of the Board.

OPEN SESSION Call to Order

1. REPORTS FROM MEMBER ENTITIES

2. ORAL COMMUNICATIONS

This time is provided for people to address the Board or submit written communications on matters not on the agenda. At the conclusion of all oral communications, the Board may respond to statements. Any request that requires Board action will be set by the Board for a future agenda or referred to staff.

3. CONSENT CALENDAR

All matters on the Consent Calendar are considered to be routine by the Board and are enacted in one motion. There is no separate discussion of any of these items. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Board members or members of the public can request that an item be removed for separate discussion.

3.1 Approve Minutes of August 22, 2019, Board Meeting.

3.2 Approve Disbursements Report.

3.3 Accept Financial Reports.

3.4 Authorize the Executive Director to Execute an Amendment to the Power Purchase Agreement with DG Fairhaven Power LLC Renewing the Agreement for a 10-month Period Beginning March 1, 2020, Along with Any Associated Documents.

4. REMOVED FROM CONSENT CALENDAR ITEMS

Items removed from the Consent Calendar will be heard under this section.

5. OLD BUSINESS

5.1 Comprehensive Action Plan for Energy Update (Information only)

5.2 Redwood Coast Airport Microgrid Project Site Fence Request for Proposals

Authorize staff to obtain site control from the County and issue a request for proposals for installation of a new fence at the California Redwood Coast - Humboldt County Airport.

Direct Executive Director to negotiate and execute a change order to remove fence installation and the associated costs from the contract with Tesla, and any associated documents.

5.3 Renewal of RCEA Office Lease, 633 3rd Street, Eureka

Authorize Executive Director and legal counsel to negotiate, finalize, and execute a building lease renewal for 633 3rd Street, Eureka, CA, and any associated documents.

6. NEW BUSINESS - None

COMMUNITY CHOICE ENERGY (CCE) BUSINESS – None.

Items under this section of the agenda relate to CCE-specific business matters that fall under RCEA's CCE voting provisions, with only CCE-participating jurisdictions voting on these matters with weighted voting as established in the RCEA joint powers agreement.

7. STAFF REPORTS – None.

8. FUTURE AGENDA ITEMS

Any request that requires Board action will be set by the Board for a future agenda or referred to staff.

9. CLOSED SESSION

- 9.1. Closed Session to meet with legal counsel per Government Code Section 54956.9(d)(4), in re PG&E, Bankruptcy Court, 19-30088, Northern District of California.

10. RECONVENE TO OPEN SESSION

11. CLOSED SESSION REPORT

12. ADJOURNMENT

NEXT REGULAR MEETING
Thursday, October 24, 2019, 3:30 p.m.
Humboldt Bay Municipal Water District Office
828 7th Street, Eureka, CA 95501



Redwood Coast Energy Authority
633 3rd Street, Eureka, CA 95501

Phone: (707) 269-1700 Toll-Free (800) 931-7232 Fax: (707) 269-1777

E-mail: info@redwoodenergy.org Web: www.redwoodenergy.org

SECTION 14, PAGE NO. 3

DRAFT BOARD OF DIRECTORS MEETING MINUTES

Humboldt Bay Municipal Water District Office
828 7th Street, Eureka, CA 95501

August 22, 2019
Thursday, 3:30 p.m.

Chair Michael Winkler called a regular meeting of the Board of Directors of the Redwood Coast Energy Authority to order on the above date at 3:31 p.m. Notice of this meeting was posted on August 15, 2019. PRESENT: Vice Chair Austin Allison, Alternate Director Chris Curran, Estelle Fennell, Dean Glaser, Dwight Miller, Robin Smith, Frank Wilson, Chair Michael Winkler, Sheri Woo. ABSENT: None. STAFF PRESENT: Business Development and Planning Director Lori Biondini, General Counsel Nancy Diamond, Power Resources Director Richard Engel, Demand-Side Management Director Lou Jacobson, Executive Director Matthew Marshall, Human Resources and Workforce Development Manager Patrick Owen, Clerk of the Board Lori Taketa.

REPORTS FROM MEMBER ENTITIES

Director Fennell stated she was glad the directors would hear a presentation on the Potter Valley Project at this meeting.

Director Miller reported the Trinidad City Council approved photovoltaic panel installation on the Trinidad Town Hall roof and thanked RCEA for helping the City transition to powering most of its facilities with solar electricity. He thanked Demand-Side Management Director Jacobson for his service and introduced new Trinidad Alternate RCEA Director David Grover.

ORAL COMMUNICATIONS

Chair Winkler invited public comment.

Executive Director Marshall presented a certificate of appreciation to outgoing staff Demand-Side Management Director Lou Jacobson for more than eleven years of service to RCEA. Director Miller joined other board directors in thanking Staff Director Jacobson.

Counsel Diamond stated there was nothing new to present in closed session regarding the PG&E bankruptcy proceedings.

Chair Winkler closed the oral communications period.

CONSENT CALENDAR

- 3.1 Approve Minutes of July 25, 2019, Board Meeting.
- 3.2 Approve Disbursements Report.
- 3.3 Accept Financial Reports.

- 3.4 Adopt Resolution No. 2019-2, A Resolution of the Board of Directors of the Redwood Coast Energy Authority Approving the Form of and Authorizing the Execution of a Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority's Health Benefits Program.
- 3.5 Adopt Resolution No. 2019-3, A Resolution of the Board of Directors of the Redwood Coast Energy Authority Adopting a Policy Concerning Closed Sessions Pursuant to Government Code Section 54956.96.
- 3.6 Waive Conflict of Interest in the Law Offices of Nancy Diamond's Representation of RCEA and the City of Arcata on Matters Pertaining to Their Respective Interests in the Pending PG&E Bankruptcy Proceeding.

Director Woo requested that item 3.1 be removed from the consent calendar.

Chair Winkler invited public comment. No one came forward to speak. Chair Winkler closed public comment.

M/S: Allison, Miller: Approve consent calendar items 3.2, 3.3, 3.4, 3.5 and 3.6.

The motion passed on a unanimous voice vote. Ayes: Allison, Curran, Fennell, Glaser, Miller, Smith, Wilson, Winkler, Woo.

REMOVED FROM CONSENT CALENDAR ITEMS

Director Woo requested the July 25, 2019 Board meeting minutes reflect that the Comprehensive Action Plan for Energy update, renewable energy power purchase agreement with Snow Mountain Hydro, LLC, and Special District Risk Management Authority Board election were non-Community Choice Energy Old Business items. Director Woo and Counsel Diamond requested that future CCE business votes reflect the Water District representative as non-voting rather than abstaining.

Chair Winkler invited public comment. No one came forward to speak. Chair Winkler closed public comment.

M/S: Allison, Miller: Approve consent calendar items 3.1.

The motion passed on a unanimous voice vote. Ayes: Allison, Curran, Fennell, Glaser, Miller, Smith, Wilson, Winkler, Woo.

OLD BUSINESS - Comprehensive Action Plan for Energy Update (Information only)

Executive Director Marshall reported on the updated public workshop schedule to gather community input for the agency's strategic plan revision and described two additional workshops, one on forests and biomass and another on offshore wind. Public comment will be shared with the Community Advisory Committee and staff will incorporate the suggestions into a revised plan which the Board may vote on as early as November 21.

NEW BUSINESS

Presentation by Craig Tucker, Natural Resources Consultant for the County of Humboldt, on the Potter Valley Project (Information only)

Humboldt County's Natural Resources Consultant Craig Tucker reported how the Potter Valley Project makes the Eel River a major tributary to the Russian River, provides water for Mendocino and Sonoma County residents and agriculture, generates 9 MW of electricity, has a diminished reservoir storage capacity from sedimentation, and has negative Eel River fish passage impact with potentially significant remediation costs.

Mr. Tucker described the hydropower relicensing process, Congressman Huffman's development of a two-basin committee with coequal goals of improving fish passage on the Eel River and minimizing water flow impacts on the Russian and Eel Rivers, and fish passage study results recommending project removal to lessen invasive pikeminnow habitat and improve salmon passage. Mr. Tucker stated that he could report back to the directors before completion of the Federal Energy Regulatory Commission license application draft when action might be considered by the RCEA Board.

The directors discussed the unlikelihood of competition from a for-profit entity, the more balanced representation of northern county interests thanks to Congressman Huffman's initiatives, possible dam removal funding sources, mercury contamination concerns, RCEA's role regarding energy issues and future support for creation of a project management entity.

Chair Winkler invited public comment.

To staff inquiries, Mr. Tucker replied that the Wiyot and Round Valley Tribes are participating in discussions, that the Bear Valley also expressed interest in participating, and that an economic analysis is needed to determine whether reconstruction of the project's early 20th century infrastructure would provide the best return of investment.

Chair Winkler closed the oral communications period.

Presentation by Naveed Paydar, Local Government Liaison to the California Public Utilities Commission (Information only)

Mr. Paydar stated the need for greater communication between local government agencies and the CPUC and described the Commission's creation in the California Constitution, current privately-owned utility regulatory responsibilities and energy efficiency achievements through ratepayer funded programs. He described the CPUC's limited jurisdiction over Community Choice Aggregators and the current administrative law judge proceeding revising the fee calculation equation creating indifference between bundled investor-owned utility (IOU) customers and CCA customers, or the Power Charge Indifference Adjustment (PCIA).

The directors inquired about the CPUC's role in developing distributed energy resources and promoting decarbonization and reach codes requiring all-electric new construction. Mr. Paydar explained how, through state legislation and utility regulation, the CPUC can influence electric vehicle rates and authorize IOUs to use ratepayer funds for public and multi-family building infrastructure projects, fuel substitution and undergrounding. The directors discussed

how the CPUC authorized PG&E to shut off electricity as a last resort when PG&E determines fire threat levels warrant, Southern and Eastern Humboldt County wildfire vulnerability and upcoming CPUC Northern California hearings on wildfire mitigation. RCEA's application to administer ratepayer funds for local energy efficiency projects and building decarbonization's promise for future CCA and IOU collaboration were also discussed.

Chair Winkler invited public comment.

Upon inquiry by staff about regulating rebuilding in fire-prone areas, Mr. Paydar described the CPUC's inability to regulate private property use, and PG&E's use of shareholder funds to underground electric lines in Paradise, CA.

Chair Winkler closed the oral communications period.

Fiscal Year 2018-2019 4th Quarter Budget Summary (Information only)

Director of Business Planning and Finance Biondini described factors affecting net revenue and wholesale power costs, including the hedging strategy which sets power purchase quantities and times, fluctuations in power costs and in PG&E's winter and summer rates, which in turn affect RCEA's fixed discount rates. The power cost and rate fluctuations make winter revenues lower and summer revenues higher.

The directors discussed: lump sum costs; benefits of conservatively adding to reserves during profitable times; possibly lowering the PG&E rate discount to build reserves; and how reserve accumulation targets are being met.

Chair Winkler invited public comment.

To member of the public Ellen Golla's inquiry, staff reported that the power price of RCEA's Humboldt Sawmill Company contract was lowered in February.

Chair Winkler closed the oral communications period.

Regulatory and Legislative Policy Manager Position Creation

Manager of Human Resources and Workforce Development Owen reported on a requested staff position to track energy regulatory proceedings and legislation, the dynamic energy regulatory environment, number of dedicated regulatory staff at other CCE agencies and the need for diligent CPUC decision tracking as the agency pursues energy efficiency Program Administrator status. Position funding is included in the current fiscal year's budget.

The directors discussed the position's multi-department support role, emphasis on written CPUC filings over travel to Sacramento or San Francisco; CalCCA's advocacy role; the priority of proceeding orientation; and the need to select a highly qualified candidate. Staff confirmed that no other new staff positions were funded in the current year's budget.

Chair Winkler invited public comment. No one came forward to speak. Chair Winkler closed the oral communications period.

M/S: Allison, Fennell: Approve creation of a Regulatory and Legislative Policy Manager position.

The motion passed on a unanimous voice vote. Ayes: Allison, Curran, Fennell, Glaser, Miller, Smith, Wilson, Winkler, Woo.

Chair Winkler confirmed that a quorum was present to conduct CCE business.

OLD CCE BUSINESS - Adjustment to D.G. Fairhaven Contract Renewal Schedule to Secure State-Required Resource Adequacy Values for RCEA

Director Woo recused herself and left the dais at 5:34 p.m. because of a conflict of interest arising from her employment at SHN Engineers and Geologists, which performs work for DG Fairhaven. Chair Woo is also an SHN shareholder. Director Woo does not supervise any employees working with DG Fairhaven and her interest in the contract is remote.

Power Resources Director Engel presented a report on changing the current DG Fairhaven power purchase agreement length and renewal date to either allow the plant's resource adequacy compliance value to be counted towards RCEA's 2020 requirement or to allow staff enough time to purchase replacement resource adequacy should the directors discontinue the contract.

The directors discussed the power plant's performance history and the California Independent System Operator's need for a higher data communication standard. Director Glaser requested postponing Board action to allow for communication issue resolution.

DG Fairhaven General Manager Bob Marino described the plant's current operations, start-up challenges, contract extension support, desire for a multi-year contract, and upgrades made to satisfy of The Energy Authority's increased communications request.

Chair Winkler invited public comment. No one came forward to speak. Chair Winkler closed the oral communications period.

M/S: Fennell, Wilson: Direct staff to negotiate a contract amendment with DG Fairhaven extending the power purchase agreement ten months and adding provisions to require improved remote data communications needed for effective scheduling of DG Fairhaven's generating resource into the California Independent System Operator.

The motion passed on the following vote. Ayes: Allison, Curran, Fennell, Miller, Smith, Wilson, Winkler. Noes: Glaser. Non-voting: Woo.

NEW CCE BUSINESS - Carbon-Free Power Procurement Alternatives

Power Resources Director Engle reported that due to increased competition for carbon-free Pacific Northwest hydropower, RCEA would potentially be unable to meet the CCE Program's launch-period guidelines requiring maintaining a power portfolio with 5% lower carbon emissions than PG&E's portfolio for the remainder of 2019.

The directors discussed short term carbon-free procurement options, challenges to maintaining a 5% lower carbon emissions margin, PG&E's use of nuclear energy in its carbon-free power mix, the goal of spurring new renewable energy project construction by purchasing power from them, and how longer-term power procurement contracts will lessen RCEA's need for short-term carbon free power.

The directors further discussed: urgent need for lower emissions; high probability of procuring the same electricity volume at a savings from what is known as an asset controlling supplier (ACS); how ACS power imported from the Pacific Northwest includes some nuclear power which is allowed as a short-term exception in the CCE Program's procurement guidelines; how Humboldt County's ban on doing business with companies manufacturing and transporting nuclear weapons would not be violated; preference for wind and solar energy; nuclear power's consistent electrical output; the need to meet RCEA's reserve goals; how power is physically consumed where it is produced, not where it is purchased; and the absence of nuclear power plants in Humboldt County.

Chair Winkler stated his opposition to procuring ACS power because the CCE Program's broader goal is to avoid nuclear energy.

Chair Winkler invited public comment.

Member of the public Ellen Golla recounted attending high school near the Diablo Canyon nuclear power plant. A PG&E representative told her class utility bills would be lower and there was no danger since radioactive material melts into the ground, at which point Ms. Golla's science teacher actually screamed.

Chair Winkler closed the oral communications period.

M/S: Miller, Wilson: Direct staff to purchase the same volume of electricity that would have come from hydroelectricity from an asset controlling supplier portfolio (option 3) through the end of 2019.

The motion passed with the following vote. Ayes: Allison, Curran, Fennell, Miller, Smith, Wilson. Noes: Winkler, Glaser. Non-voting and absent: Woo.

FUTURE AGENDA ITEMS

Director Miller requested a presentation on fuel switching. Upon inquiry by Director Wilson about the Terra Gen power purchase agreement, staff responded that negotiations were under way and the contract may be discussed at the September or October Board meeting. Staff confirmed that RCEA's approval of a purchase contract does not affect the County's authority to approve the construction of the project.

Chair Winkler adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Lori Taketa, Clerk of the Board



Redwood Region Economic Development Commission
 Prosperity Center 520 E Street, Eureka, California 95501
 Phone 707.445.9651 Fax 707.445.9652 www.rredc.com

REDWOOD REGION ECONOMIC DEVELOPMENT COMMISSION
Regular meeting of the Board of Directors
Prosperity Center, 520 E Street, Eureka, CA
September 23, 2019 at 6:30 pm
AGENDA

- I. **Call to Order & Flag Salute**
- II. **Approval of Agenda and Minutes**
 - A. Approval of Agenda for September 23, 2019
 - B. Approval of Minutes of the Board of Directors Meeting August 26, 2019
- III. **Public Input for non-agenda items**
- IV. **Program – Elizabeth Matsumoto, Director of Development at Humboldt Bay Housing Development Corporation – Affordable Housing and Housing Trust Funds**
- V. **Consent Calendar**
 - A. Acceptance of Agency-wide Financial Reports: July 31, 2019
- VI. **Reports – No Action Required**
 - A. Loan Portfolio Reports: July 2019
 - B. Executive Director's Report
- VII. **Old Business**

None
- VIII. **New Business**
 - A. Approval of Resolution Ratifying SDRMA Amended Memorandum of Understanding
 - B. Approval of Annual EDA RLF Certifications
 - C. Discussion and Possible Action Revising Bylaws Regarding Executive Committee Meetings
 - D. Appointment of RREDC Board Member to Loan Committee
- IX. **Member Reports**
- X. **Agenda/Program Requests for future Board of Directors Meetings**
- XI. **Adjourn**

The Redwood Region Economic Development Commission will, on request, make agendas available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact the Board Secretary at (707) 445-9651. Notification 48 hours prior to the meeting will enable the Commission to make reasonable arrangements for accommodations.

RREDC
Member
Agencies

Cities Arcata · Blue Lake · Eureka · Ferndale · Fortuna · Rio Dell · Trinidad
 Community Services Districts Humboldt · Manila · McKinleyville · Orick · Orleans · Redway · Willow Creek
 Humboldt Bay Harbor, Recreation and Conservation District · Humboldt Bay Municipal Water District
 County of Humboldt · Hoopa Valley Tribe · Redwoods Community College District