



HUMBOLDT BAY MUNICIPAL WATER DISTRICT  
828 7<sup>th</sup> Street, Eureka



Minutes for Meeting of Board of Directors  
April 8, 2021

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**1. Roll Call**

The meeting was called to order at 9:01 am and the Time Set items noted. Roll Call was taken and the meeting was conducted within all Brown Act requirements.

**Members Present:**

Director Neal Latt  
Director Bruce Rupp  
Director Michelle Fuller  
Director David Lindberg

**Members Absent:**

Director Sheri Woo

**Staff:**

John Friedenbach, General Manager  
Dale Davidsen, Superintendent  
Chris Harris, Business Manager  
Heather Bitner, Board Secretary  
Dee Dee Simpson, Accounting and HR Assistant

**Others Present**

Jennifer Kalt, Humboldt Baykeepers  
Nathan Stevens, GHD

**2. Flag Salute**

The meeting began with a flag salute.

**3. Accept Agenda**

Staff requested an amendment to the Agenda to clarify that Item 9.1 is not a lease lot, it is just a lot. Additionally, although the link was functional, the passcode listed for the Zoom login was updated and posted on the website.

On motion by Director Lindberg seconded by Director Fuller, the Board Accepted the Agenda as modified for the April 8, 2021 Regular Meeting by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**4. Public Comment**

There was no public comment.



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**5. Minutes**

An amendment to the minutes was requested to reflect clarifications. These edits will be reflected in the adopted minutes for March 11, 2021.

On motion by Director Lindberg seconded by Director Rupp, the Board Adopted the Minutes for the March 11, 2021 Regular meeting, as edited, by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

On motion by Director Lindberg seconded by Director Fuller, the Board Adopted the Minutes for the March 11, 2021 Public Hearing by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**6. Consent Agenda**

On motion by Director Fuller seconded by Director Rupp, the Board Accepted the Consent Agenda for the April 8, 2021 Regular Meeting by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**7. Correspondence**

**7.1 Letter from State Water Resources Board notifying District to prepare for drought conditions**

Clarification that the reservoir is completely full and spilling through the spillway, as well as generating power to offset our rate payer costs was provided. The District is releasing water from Matthews dam in compliance with the Habitat Conservation Plan and any excess flows out to the ocean. As in past droughts,



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the reservoir has sufficient storage, and there would be no local benefit from the restrictions for any state conservation efforts.

There was no public comment.

**7.2 Notification of Annual Schedule of Fees by the Division of Dam Safety (DSOD)**

Last year DSOD changed the methodology for calculating dam fees. Staff argued that this methodology did not take into consideration that our lake is much smaller and generates much less revenue than dams of similar size. The fee has jumped from \$25,000 to in excess of \$40,000 per year without a correlating increase in revenue to offset the fees. DSOD was not receptive to adjusting the fee structure.

This fee is for an inspection and would be assessed regardless of whether the District generated power or not. There was no public comment.

**7.3 USFS Use Permit**

There is a portion of real property under Matthews Dam that is owned by the USFS and they have increased their use permit fees to the District from \$1,490 to \$23,000+ annually. A newer real estate valuation has been generated for Trinity County which valued the land much higher than previously, and the District has no recourse to change or address this fee. The District has requested a payment plan, as the use permit fee increase was unbudgeted.

There is no information about why the District did not acquire the property at the time of building the dam, but staff may be able to explore a land swap or purchasing the land outright. The Board supported Staff's ideas but suggested also approaching USFS with an equivalent value of land through reforestation to support USFS's mission. The Board concurred that it is odd that there is no mechanism to appeal such an extreme tax increase, and supports aggressive efforts to get out from under such an extreme charge. The Board requested staff reach out to Congressman Huffman to make him aware of the issue.

There was no public comment.

**8. Continuing Business**

**8.1 Water Resource Planning-**

a. Local Sales

i. Nordic Aquafarms

The District received a request from Nordic in connection with their building permit for a will-serve letter to confirm to the Humboldt Planning Department that the availability of water is sufficient for their needs. The peninsula water model, run through GHD, confirmed that the pipe capacity is sufficient to provide the demand for domestic water. Nordic's industrial water demand is a small fraction of the capacity for industrial volume as designed. The Board requested that costs for the District be sent to Nordic. The Humboldt County Planning Department sent a follow up email accepting the letter as filed.

ii. Trinidad Rancheria Feasibility Study update

Staff had a meeting with staff from Trinidad Rancheria to discuss their calculations for the ultimate water demand for their build out. They are still working with their engineering staff to provide that quantity. At that time, we could begin to calculate the size of the pipeline. A right-of-way discussion with Cal Trans is also needed.



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There has been no additional interest from Westhaven CSD or the City of Trinidad to participate despite formal outreach alerting them to not being able to participate at a later date. It is premature to discuss whether it is feasible to size up the District’s pipeline as we are a public water wholesaler and must proceed with the water needs that are known. At a future Board meeting we may have a transparent discussion. The sequence for the feasibility study is: size the pipe, figure which size pipeline we are connecting to the Northern boundaries at McKinleyville CSD (MCSD), then focus on which infrastructure we use. MCSD communication with Mr. Friedenbach stated that so long as the cost to them is contained with minimal staff involvement, their Board does not need an MOU with HBMWD. There was no public comment.

iii. Local Sales Committee Meeting

The committee reported out that a relationship with the Peninsula CSD is necessary. Staff has reached out to the General Manager at the Harbor District without response at this time.

- b. Transport – no updates
- c. Instream Flow

The consultants have provided draft goals for the Habitat Conservation Plan and it is being reviewed by the committee. The next step is to have a full committee meeting to present a draft for the Board.

- d. McNamara and Peepe
  - i. Mad River Policy committee

Mr. Friedenbach introduced the results of the meeting with the five representatives from DTSC; staff from Assembly member Woods and Senator McGuire’s offices; and Directors Latt and Fuller on March 19, 2021 to discuss the letters sent regarding the McNamara and Peepe site. DTSC acknowledged that the state budget is more robust and they have now allocated an additional \$210,000 for sampling studies and a bench top remediation analysis. They have completed the surface water and ground water sampling. The next step is a benchtop study to determine a cost-effective remediation. The budgeted \$210,000 will cover the testing and benchtop study and should be completed within the year. Additional pressure will need to be applied to DTSC to continue to fund remediation. All of the District’s municipal customers have provided support letters to encourage this to happen.

After the meeting, staff from Assembly member Woods and Senator McGuire’s offices said they would continue to monitor and support the District’s efforts. The Board recognized the efforts of staff and the members of the Mad River Policy committee, along with Jen Kalt for lending her knowledge of dioxins. Ms. Kalt thanked the Board for their efforts, and brought to their attention that the adjoining property (which used to be a mill and is adjacent to Hall Creek) have entered into a voluntary agreement with DTSC for sampling to assess any contamination on that property. A public member left a “chat comment” in appreciation of the Board’s efforts.

- ii. Letters of support to DTSC
- iii. Local articles

**8.2 Trinity County Master Lease Committee Meeting**

The committee met and discussed background documents and the committee’s purpose statement. The potential renewal of the Trinity County Master Lease extension is due May, 2023. This refers to the lease with Trinity County for land that surrounds Ruth Lake. Trinity County assigned the lease to Ruth Lake CSD (RLCSD). The committee is tasked with reviewing the District’s position on the potential renewal and has



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chosen to take the initiative to plan for the renewal date. The committee is receiving reports from staff regarding the water quality compliance by RLCSD and will be providing that information to the Board as needed.

The Board took a bio-break at 9:57am and reconvened at 10:01am.

### **8.3 Disaster declaration at Ruth Lake**

An inspection on March 24 by Cal OES of the salvage logging operation did not provide any concerns. The District has plans to continue cleanup and a reforestation effort. The concerns by the District are primarily with fire debris breaching the log boom and then blocking the spillway which could eventually compromise the dam. The Board requested a tour of Ruth to understand the efforts being made, and that Adam Jaeger provide updates to the Board. Staff noted that Mr. Jaeger is in daily contact with the District and all efforts and concerns are known to the District. There was no public comment.

The CalFire Forest Health Grant is geared toward large forested area health, including reforestation and fuel reduction. A minimum of 800 impacted acres will qualify. As the USFS owns a large portion of the watershed area, staff would like to reach out to them and the Hayfork Watershed Center group to assist as partners in the grant application. There was an immediate response of interest by USFS acting director, Kathleen Mick, and forester Kristen Lark. It takes a year to order seedlings for each area. Follow up meetings have connected staff with others for a good neighbor agreement and nurseries across the state for seedlings. Staff also heard from Jeff and Darroll Meyer that they were interested and would reach out to other private property owners in the area to participate. The Board was very happy to see the progress and steps that have been taken.

The Arbor foundation requires a minimum of 10,000 seedlings and they pay 100% of the cost, so that would provide a good opportunity for USFS to join.

Staff met with the foresters who are part of the North Coast Resource Partnership (NCRP) about how best to use the \$15,000 grant received last year. The plan is to utilize \$5,000 for the Healthy Forest CalFire grant and \$10,000 for the forestry consultant who will make a presentation to the Board so that they may consider the plans.

The Board is concerned about the encroachment issue at Ruth Lake. There is no immediate Board action required, so long as they concur that staff needs to continue to seek a conclusion. Continued research and efforts are being pursued. Clearing the properties of hazardous waste began on March 1, and there are twelve lease lots that have been cleared and the top layer of soil has been sent for testing this week. Additional private land may have been cleared, as well, but those statistics are not available.

There was no public comment.

## **9. New Business**

### **9.1 Lot Line Adjustment (Time Set 10:30am)**

- a. Resolution 2021-07
- b. Grant Deed from Vivid Green, LLC. to HBMWD- Lot Line Adjustment to APN 020-490-04 -



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c. Grant Deed from HBMWD to Vivid Green, LLC - Lot Line Adjustment to APN 020-100-35 –

Neighboring property owner, Vivid Green, inadvertently constructed on District property. The negotiation of a comparable amount of property exchange is proposed in Resolution 2021-07. Once the deeds are recorded, there would be a final settlement of District costs to complete the transaction. Resolution 2021-07 was read aloud. Counsel for Vivid Green and the District were present and provided no additional comment.

On motion by Director Rupp seconded by Director Lindberg, the Board Approved Resolution 2021-07 which authorizes the General Manager to sign grant deeds on behalf of the District and instructed the General Manager to have grant deeds recorded; and Authorized the General Manager to terminate existing lease between HBMWD and Vivid Green, LLC. once deeds are recorded for the April 8, 2021 Regular Meeting by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**9.2 Ruth Lake CSD Lease Lot policy updates**

Staff brought forward that there are lease lot holder requests for rebuilding after the fire disaster. They must work with the District and during the process it has come to District attention that there are some needed updates to RLCSO policies regarding lease lots. It was a collaborative effort to create the policies and District rights under the Master Lease to approve or deny Lease Lot Improvements. In the spirit of cooperation with RLCSO, these update recommendations have been provided. The Board concurred with the updates suggested, and emphasized the desire to see underground services in the future. There was no public comment.

**9.3 District Credit Card for Ruth Hydro Operator**

Limitations in efficiency have occurred, and staff at Ruth have occasionally needed to use their personal funds to make District purchases. The proposed Cal-Card would follow the same guidelines as other District issued credit cards, and personal use of the District card is strictly prohibited. There is no annual fee.



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On motion by Director Lindberg seconded by Director Fuller, the Board Authorized the addition of one District credit card to the Cal-Card system to be assigned to the Ruth Hydro Operator/ Area Representative with a credit limit of \$2,500 by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**9.4 CLOSED SESSION:** Public Employee Performance Evaluation for General Manager (pursuant to Section 54957(b)(1)).

On motion by Director Rupp seconded by Director Fuller at 1:36 pm, the Board Continued the meeting until 6:00pm on April 8, 2021 to have a full Board for consideration of Item 9.4, Closed Session for Purposes of Personnel Evaluation by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

The meeting Continued at 6:00pm on April 8, 2021. Director Woo joined the meeting at this time. All other Directors were present. The Board adjourned to Closed Session at 6:01pm and reconvened at 7:40pm.

a. Closed Session report out –

There was no action taken other than a personnel review of the general manager.

There was no public comment.

On motion by Director Latt seconded by Director Rupp, the Board provided a merit raise of 1%, or \$1,495.00 for a yearly total compensation of \$151,027.00 effective July 1, 2021; and if the Board grants a COLA as part of the 2021-22 budget, the COLA is to be applied prior to the approved merit increase (meaning the merit increase is not subject to the COLA) by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE



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There was no public comment

**10. Reports from Staff**

**10.1 Engineering (Time set 11:00 am)**

- a. 12kV Switchgear Replacement (\$755,832 District Match)
  - i. Notice of CalOES Community Power Resiliency grant (\$215,000)

The District has been awarded \$215,000 with no District match required. Estimated costs with Controller upgrade have been provided at the time of the application. Additional information has revealed that the upgrade will entail additional funds in the full amount of Change Order #3 for \$290,000 for documented costs. Additional grant funds are being requested and if received are anticipated to cover the change order. The switchgear equipment has a scheduled ship date of July 9, and site preparation is ongoing.

- b. Collector Mainline Redundancy Hazard Mitigation Grant (\$790,570 District Match)

There is no new information to report.

- c. Reservoir Structural Retrofit Hazard Mitigation Grant (\$914,250 District Match)

A draft set of 65% drawings have been provided for review and comment to staff. The final 65% drawings will mark the end of design under Phase 1 of the project. Staff noted that project costs are running into significant overages. A project cost estimate shortfall of \$1.5+ M has occurred and a formal request for additional grant funds to CalOES will need to be made. Should those funds not be made available through additional grants, staff will bring this to the Board for consideration.

- d. TRF Generator Hazard Mitigation Grant (\$460,431 District Match) - There was nothing new to report.
- e. Appeal of FEMA Funding Denial for Collector 4 Emergency Restoration Work – There was nothing new to report.
- f. R.W. Matthews Dam & Spillway Seismic Stability Hazard Mitigation Grant Program Advance Assistance Grant – District match commitment letter

FERC and a Part 12 consultant study have required this Cascadia seismic study. Applications are being prepared for the grant and a match commitment letter is required. The total estimated costs are \$1.48M for the study. A Geotech assessment and report, lidar survey and the seismic stability retrofit, and 60% design for retrofit and environmental special studies are all part of the study. The District match for the grant will be \$352,125, and staff recommends a multi-year advance customer charge funding of the match. The Board had serious concerns about passing the regulatory costs on to rate payers and requested a cost evaluation of continuing to run the hydro plant. Directors requested to look into financing the costs for projects such as this.

On motion by Director Rupp seconded by Director Fuller the Board Approved a match commitment letter for \$352,125 and utilize advance charges by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.





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- g. Status report re: other engineering work in progress –  
 Staff brought up CalOES’s new interpretation regarding the federal procurement requirement that contractors who prepare grant applications for the Hazard Mitigation Grants cannot compete for the project management work. The District is at a potential risk if there is a retroactive ruling on projects that GHD has done for the District. There was a federal procurement competitive process based on qualifications, but in future, CalOES has said application contractors may not compete for project implementation.

**10.2 Financial**

- a. Financial Report– accept March 2021 financial statement & vendor detail

Ms. Harris introduced the District’s financial report for March, 2021. District investments are holding steady. There is over \$2M in advance charges in encumbered and restricted funds, and \$4M in the general fund reserves. New line items reflecting COVID Essential Service Pay have been added to the monthly reports, and are intended to clearly show that funding is coming from the General Reserve funds and not billed to the municipal customers. FY 20-21 budget did not include the newest recently awarded grant amounts and will be reflected in the next FY budget. Ms. Harris clarified that general engineering for Nordic is pulled out separately, and will easily be able to prepare costs associated with the account.

Director Rupp reviewed the bills and did not have any questions or comments.

On motion by Director Rupp seconded by Director Lindberg the Board Accepted the March 2021 Financial Statement and Vendor Detail Report in the amount of \$506,085.25 by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

- b. COVID-19 Supplemental Paid Sick Leave Measure

Staff introduced updated legislation (SB-95) regarding leave for COVID-19 for mandatory coverage until September 30, 2021. There are three levels depending on the circumstances, and all are paid leaves at different levels.

- c. Unum Life Insurance-discuss and possible approval

As part of employee benefits, life insurance and accidental coverage are provided. Staff recommends that the District continue with the current provider, Unum. Compared with the prior rates from Assurance, the District has accumulated significant savings and gained additional benefits to the employees. The Board requested additional quotes from the marketplace for next year’s renewal.

On motion by Director Rupp seconded by Director Lindberg the Board Staff recommends the Board execute an agreement with Unum for the employee benefits for the current policy year and review the marketplace for 2022 recommendations by the following Roll Call Vote:



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Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**10.3 Operations**

- a. Monthly report on projects and operations

Mr. Davidsen provided the report as submitted. There has been little rainfall, and also no losses of power at the hydro plant. Operations and Maintenance staff had additional trainings this month. Ongoing efforts with GHD and staff for the 12kV generator switch over have occurred. A lot of coordination needs to occur for the cutover plan to accommodate testing and operations while the cutover is happening. A new chlorine building Programmable Logic Controller (PLC) was installed. This equipment is needed now but will help with future projects as well. Additional information was provided regarding the charts submitted. There were no questions or comments from the Board or public comment.

**11. Management**

- a. CSDA – the District received a membership certificate for its renewed membership in the Humboldt Area Chapter of CSDA.

- b. ACWA

- i. Headwaters Committee Meeting

Federal legislation funds are being provided for reforestation in the budgeted amount of \$40,000, which is inappropriately smaller than needed. A lot of what this committee does dovetails into the restoration at Ruth. Mr. Friedenbach and Director Rupp continue to participate in this committee.

- ii. Coalition letter in support of SB 323 - There is currently no statute of limitations for filing suit against a District for a rate increase. The District joined in support of this legislation, which provides a statute of limitations.

- c. Tsunami Warning Test – The District participated in the county-wide drill and had a safety meeting concerning tsunamis. District staff visiting Ruth Lake that day were able to receive notification about the drill, as well.

- d. USC Executive Education in Public Policy certificate – Staff completed this training sponsored by CSDA.

The Board adjourned for lunch at 12:00pm and returned to Open Session at 1:00pm.

**12. Director Reports & Discussion**

**12.1 General comments or reports from Directors**

- a. Offshore Wind Farm article
- b. Prescribed Fire article

Staff noted that it is not the District’s intention to use prescribed fire for fuel reduction in the current Ruth restoration efforts, but rather focus on chipping and mulching. The Board requested that prescribed fire be considered in preventing the possibility of catastrophic fire in future.



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**12.2 ACWA**

a. Region 1 Board Meeting

Director Rupp reported out that Region 1 will be presenting on Integrated Regional Water Management (IRWM) funding allocation efforts at the Spring Conference. Elections have been held for the Executive Board. Staff reached out to North Coast Resource Partnership to notify them about the use of the IRWM funds and that ACWA is interested in a presentation.

b. Letter of Support for Governor Newsom’s Wildfire and Forest Resiliency Action Plan and Agreement for Shared Stewardship of California’s Forest and Rangelands

c. Headwaters Committee

d. Spring Conference

i. Authorize expenditure for Directors and Staff to attend Spring Conference

On motion by Director Rupp seconded by Director Lindberg, the Board Authorized the expenditure for Board members and Staff to attend ACWA Spring Conference by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

ii. Change the Regular Board of Directors Meeting start time from 9:00am to 1:00pm on May 13, 2021 to accommodate Virtual Spring conference attendance

On motion by Director Rupp seconded by Director Lindberg, the Board moved the Regular Meeting on May 13, 2021 to May 7, 2021 at 9:00am by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	ABSENT

There was no public comment.

**12.3 ACWA – JPIA**

a. RSF Refunds

JPIA paid a retroactive premium payment in the amount of \$ 52,077.62 for liability, property and worker’s comp. insurance based on the actuarial estimates adjusting downward. Director Rupp is making a presentation to Humboldt CSD regarding their refund.



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**12.4 Organizations on which HBMWD Serves:**

- a. RCEA – There was no report out.
- b. RREDC – Director Latt reported out that Nordic Aquafarms made a presentation at the RRDEC meeting.

**Adjournment**

The meeting adjourned at 7:43pm.

Attest:

\_\_\_\_\_  
Neal Latt, Vice-President

\_\_\_\_\_  
J. Bruce Rupp, Secretary/Treasurer