

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



**Minutes for Meeting of Board of Directors**  
**June 11, 2020**

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**1. ROLL CALL**

President Woo called the meeting to order at 9:01 am. Director Rupp conducted the roll call. Directors Fuller, Lindberg, Rupp and Woo were present. Director Latt was absent, however he joined the meeting after lunch at 12:30 pm. General Manager John Friedenbach, Superintendent Dale Davidsen, Business Manager Chris Harris, Tech Manager Dee Dee Simpson-Glenn and Board Secretary Sherrie Sobol were present. District Legal Counsel Ryan Plotz and District Engineer Nathan Stevens of GHD were present for a portion of the meeting.

**2. FLAG SALUTE**

The flag salute was conducted.

**3. ACCEPT AGENDA**

Mr. Friedenbach stated the documents for the closed session discussion did not arrive on time. He is requesting Item 8.5 Closed Session be deleted from the agenda. President Woo stated Item 9.5 was time set for 2:30 pm and is being moved to 3 pm. Additionally, Item 11.2 Director Terms will be discussed immediately after Public Comment. On motion by Director Fuller, seconded by Director Rupp, the Board voted 3-0 by roll call vote to accept the agenda as modified. Director Lindberg was experiencing technical difficulties and was not present for the vote. Director Latt was not able to the join the meeting until the afternoon.

**4. PUBLIC COMMENT**

No public comment was received.

**5. MINUTES**

Minutes of May 14, 2020 Regular Meeting and May 29, 2020 Special Meeting

Director Lindberg requested the minutes of May 14 reflect that he recused himself from the Closed Session Item involving the Axel property. Ms. Sobol stated she would make the correction. President Woo requested a word be corrected on the May 29 meeting. On motion by Director Rupp, seconded by Director Fuller, the Board voted 4-0 by roll call vote to approve both sets of minutes. Director Latt was absent.

**6. CONSENT AGENDA**

On motion by Director Fuller, seconded by Director Lindberg, the Board voted 4-0 by roll call vote to approve the Consent Agenda.

**7. CORRESPONDENCE**

Letter from District to Ruth Lake CSD re: training opportunities

Mr. Friedenbach shared the letter he sent to Ruth Lake CSD. He sent the letter in another effort to promote participation in California Special Districts Association (CSDA) training since the general manager is new and staff is still relatively new. HBMWD has secured grants to assist with Quagga Mussel prevention and the savings offset by the grant would easily cover training costs by Ruth Lake CSD. Director Rupp inquired if Ruth Lake CSD was receptive to the training suggestion. Mr. Friedenbach stated he has not heard back so it is unknown at this point. It is likely that the training must be approved by their board. Director Rupp noted the letter could assist the general manager in getting Board approval for training approved once they see the savings and benefits.

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8. **CONTINUING BUSINESS**

8.1 Water Resource Planning (WRP)

Local Sales

Nordic Aquafarms

Mr. Friedenbach stated ESS of Laguna Hills continues to prepare the District's grant application to the US Economic Development Agency. A report from the Samoa Peninsula Stakeholder Group is expected mid-June and will be distributed to the Board when received.

Director Latt stated when industrial contract negotiations begin, the District needs to include a way to recoup funds already spent on the industrial system.

Letter from Cher-Ae Heights Indian Community of the Trinidad Rancheria

Mr. Friedenbach shared the letter received requesting a meeting to discuss developing infrastructure to receive water at the Trinidad Rancheria Main Trust Parcel. He stated this is a singular and focused request to provide the Trinidad Rancheria with water. No other entities are involved. Mr. Garth Sundberg, Tribal Chairman addressed the Board. He stated today's request is not about the hotel, which he noted is not without controversy. The request is about providing water for the Rancheria and residents. Ms. Jacque Hostler-Carmesin, CEO, provided historical background on the Trinidad Rancheria established in 1906. The Rancheria has been working on their Master Plan and are here to ask for water for the future of the Rancheria. She stated they have found an alternate source of water for the hotel. She understands this will not be a quick process, will be labor intensive and costly. The Rancheria has the ability to apply for grants on multiple levels to assist with costs. She would like to schedule a working meeting to begin the process. President Woo thanked Mr. Sundberg and Ms. Hostler-Carmesin and opened up the discussion for public comment.

The bulk of the comments were related to the hotel with majority of people opposed to it. One speaker stated the Trinidad Rancheria is a sovereign nation and as such, can't be sued and suggested the District consult an attorney prior to engaging in conversation. Dennis Mayo, board member of McKinleyville CSD, stated he has no issues with the Rancheria's request and would like to have representation from McKinleyville CSD in discussions, especially since they have a service line that ends at Little River bridge. Mr. Paul Rosenblatt, general manager of Westhaven CSD stated infrastructure would likely go through their area and they also would like a seat at the table. He understands the tribe's request is for water for the Rancheria, however, he would be interested in exploring a possible intertie with their district for emergency situations. He stated they have a neutral stance but would like to be a planning partner. Based on the numerous comments related to the hotel, Ms. Hostler-Carmesin clarified once more that this request is not about the hotel, this is about moving the Master Plan forward. The request for water is about support for the tribe's future. She is asking the District and McKinleyville CSD to help move the project forward and understands this is a long process and water will not be available in the next few years. This is about water for the future.

Director Rupp suggested the District move forward cautiously and as staff recommended, bring the topic back to the full Board in July and be transparent as we always have been. Director Fuller stated one of the options of the WRP is to sell to municipal customers and she feels the Rancheria qualifies as such. There are a lot of questions and she believes it should go the Local Sales Committee and ultimately shared with the full Board. Director Lindberg agreed the District should move forward and be open and public as always. Director Latt echoed the sentiments of the other

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Directors. He stated this is not a request to make a decision to build a pipeline today. It is a request to begin a process of inquiry that will take the District a considerable amount of time to consider. He is supportive of gathering information and sharing with the public. He also shared that he received a call from an angry constituent accusing the District of trying to hide its dealings with the Rancheria. This is not true. We are a government agency subject to the Brown Act. Discussions with a sovereign immune tribe do not preclude this. Also, a speaker stated earlier that tribes can't be sued. This is also not true. President Woo summarized the requests and directed staff to draft a letter stating we are willing to proceed and gather facts. She suggested the WRP Local Sales committee review the letter prior to mailing it out.

Transport

No update.

Instream Flow

Staff will be scheduling meetings to share the project description with the Water Task Force, regulatory agencies, and WRP Advisory Committee.

8.2 Cannabis affecting Mad River Watershed

Mr. Friedenbach stated this is an ongoing item on the agenda. He shared an article regarding eradication of an illegal grow in the Dinsmore area. Director Rupp stated he was glad enforcement is continuing and inquired about the clean-up. Mr. Friedenbach stated typically, county environmental health will step up. That was the case in Trinity County when there was an illegal grow on District property.

8.3 Letter from District legal counsel withdrawing appeal of Planning Commission approval of applications submitted by Brosgart

Mr. Friedenbach shared the letter from legal counsel withdrawing the appeal of the Planning Commission approval of applications submitted by Brosgart. Director Rupp stated he is pleased the District took the action to protect the watershed and withdrew it when science indicated no significant risk. It is important to protect the watershed. The applicant addressed the District's concerns and undertook the requested soil and groundwater sampling, alleviating the District's concerns which lead to the withdrawing the appeal.

8.4 Letter from Humboldt Baykeeper re: McNamara & Peepe

Mr. Friedenbach shared the letter from Humboldt Baykeeper to the Department of Toxic Substances Control (DTSC). President Woo stated the DTSC hired SHN, her employer. She is not involved in any of the work with the DTSC however, she will recuse herself from discussions going forward if it is on the agenda for action. Mr. Friedenbach stated the letter is being shared for informational purposes since the District was copied on the letter. Humboldt Baykeeper requests additional sampling and monitoring of the former McNamara & Peepe site. Director Fuller concurred that the DTSC is not conducting adequate monitoring at the contaminated site.

8.5 CLOSED SESSION- Conference with Legal Counsel – Anticipated Litigation Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 (Axel)

This item was removed from the agenda since required documents were not received in time.

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**9. NEW BUSINESS**

9.1 Local Agency Formation Commission (LAFCo) Municipal Service Review (MSR)

Mr. Friedenbach stated LAFCo is responsible for conducting MSR's which include reviews of agency spheres of influence (SOI). The last time the District had an MSR was 2009. LAFCo has informed the District the next MSR will be conducted within the next six months. LAFCo is required to conduct MRS's every five years.

One of the objectives with the Water Resource Planning process is increased local sales. This prompts the question of how to achieve this if the customer is not in the District's sphere of influence. Options are a Change Petition before the SWRCB or a change in the District boundaries. Any changes of District boundaries must go through the LAFCo process. Staff requested direction regarding whether or not to engage in discussion with LAFCo regarding expanding District boundaries to pursue increased local sales under the District's Water Resource Planning efforts. The Board discussed the advantages and disadvantages of the options and after discussion including public comment, requested staff to notify the Board when the MSR is to begin and also invite staff from LAFCo to speak to the Board. President Woo stated it currently seems like the Change Petition seems more transparent and a good pathway. The Board concurred that any discussion of changes must include local constituents in the process.

9.2 COVID-19 "Stage 2 Implementation"

As business begin to re-open, they are required to have a Stage 2 Implementation plan. As an essential business, the District never closed. Mr. Friedenbach stated as a municipal agency, an opening plan is not required per the County of Humboldt. Staff will continue working under modified procedures and segregated staff during the pandemic. He noted that customers are not impacted by any of the modifications necessary to remain open.

9.3 Draft agenda for Joint Board Meeting with Ruth Lake CSD

The Board reviewed the draft agenda. President Woo requested CSDA training opportunities be included on the agenda. No other changes were suggested. Staff will update and follow up with Ruth Lake CSD to see if they have any changes and publish the final agenda on June 19, 2020.

9.4 Hatchery Road Solar

Mr. Friedenbach stated staff received a copy of the letter Renewable Properties sent to Humboldt County Planning and Building Department from a concerned citizen. The citizen was concerned that solar panel farms could release heavy metals and contaminate the drinking water supply. Mr. Friedenbach did some quick research and discovered for this to occur, the solar panels would have to break to release toxic heavy metals via rain water contact. He shared a map of the project area and noted that the District has not received a referral for the project in Blue Lake. He inquired if the Board had any concerns. Director Fuller stated the project is not in the 100-year flood plain and she did not have concerns. Director Lindberg concurred. President Woo shared that RCEA agreed to purchase power from Renewable Properties. Based on feedback, there are no concerns and nothing is needed at this time.

9.5 Tesla Commercial Energy Storage

Mr. Friedenbach reported out on the Self-Generation Incentive Program (SGIP). The California Public Utilities Commission authorized two SGIP programs. The District was approached by two separate vendors offering services to complete the necessary SGIP applications and install a battery power bank the District's Essex facility. The first vendor, EDF Renewables suggested the District

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participate in the Equity SGIP program with an equity incentive of \$850/kWh. They proposed the District pay for the battery bank and re-coup the investment cost over the life of the incentive and battery bank. Projected cost to the District: \$1.7 million over two years. The second vendor, Tesla, suggested the District participate in the Equity Resilience SGIP with an equity incentive of \$1,000/kWh. Tesla proposed the District pay an initial application fee of \$100 and Tesla would pay the entire cost of the project including maintenance over a 10-year period. The projected PG&E billing savings to the District is \$2M over a 10-year period. The total project costs are approximately \$3M with zero cost to the District. Tesla does require a standard Non-Disclosure Agreement (NDA) and Tesla Energy Products Purchase Agreement. Legal counsel Ryan Plotz participated in the discussion. Mr. Plotz stated initially he had some concerns regarding the NDA, especially since the District is required to disclose certain information under the California Public Records Act (PRA). He worked with Tesla to arrive at an acceptable agreement he is comfortable with including the NDA. Brian and Evan, Representatives from Tesla concurred the agreement is very favorable to the District. They stated if the District receives a PRA request, please send it to Tesla immediately with a timeframe to respond. Brian stated the power bank is designed to help mitigate some of the PSPS issues with PG&E and provide the District with battery power. Director Fuller inquired if the battery storage would reduce or eliminate the generator use. Brian responded that a fully charged load will allow eight hours of usage. After that, a generator would be needed until the batteries are recharged. The Board was supportive of the Tesla project. On motion by Director Lindberg, seconded by Director Rupp, the Board voted 5-0 by roll call vote to authorize participation in the Equity Resilience SGIP with Tesla as the vendor, direct staff to enter in necessary agreements and authorize construction of the proposed battery bank facility at Essex and at the Turbidity Reduction Facility if analysis proved beneficial similar to the Essex project .

**10. REPORTS (from Staff)**

**10.1 Engineering**

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

Mr. Stevens shared some good news-an additional \$942,246.00 in FEMA grant funding was approved for the project. He also received and approved the second pay request from Sequoia Construction Specialties in the amount of \$75,050.00. Manufacturing the switchgear is the next step. Once the final building plans are submitted and approved by GHD and PG&E, production can begin on the switchgear. Also, FEMA has added a new category-Grant Management Costs, which is funded at 100%. This is for administrative costs directly related to the grant. Ms. Harris is working on collecting data and noted that these are costs incurred regardless. It is great that this can now be reimbursed. Mr. Friedenbach added this is a benefit to the District and ratepayers.

Mr. Friedenbach stated as construction effort for the 12kV Project began to increase, staff considered project components that can be installed now to more easily accommodate future planned capital improvement projects. Future projects being considered include installing underground electrical power feeders and communication fiber optic lines to Collectors 2, 3, 4 and 5. Since there is an electrical contractor on site working on the 12kV Project, now is the most economical time to install new conduits up to the Essex entrance gate. The conduits would be installed in one trench, with a length along the railroad grade of approximately 550 feet. The District will require an easement from North Coast Railroad Authority (NCRA) prior to installing the new conduits and associated vaults. An easement for this additional work should be in place prior to the work occurring. The contractor for the 12kV is under contract until November 2020. This allows time to obtain an easement from the NCRA and complete the additional work under the current contract.

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Staff requests direction from the Board. The Board directed staff to begin negotiation with the NCRA to obtain an easement to place conduit and vaults along the railroad grade between the new switchgear facility and the entrance to Essex.

- b) Collector Mainline Redundancy Hazard Mitigation Grant (\$790,570 District Match)  
No update.
- c) Reservoir Structural Retrofit Hazard Mitigation Grant (\$914,250 District Match)  
No update.
- d) TRF Generator Hazard Mitigation Grant (\$460,431 District Match)  
No update.
- e) Appeal of FEMA Funding Denial for Collector 4 Emergency Restoration Work  
Mr. Stevens stated CalOES had additional questions and shared the District's response. No determination on the appeal has been made. Staff is still waiting to hear back. Director Latt inquired if a second and third appeal are filed, are they reviewed by the same staff? Mr. Stevens stated his understanding is that a different group would review the other appeals.

**10.2 Financial**

a) Financial Report

Ms. Harris provided the May 2020 financial statement & vendor detail report. Investment accounts are showing recovery as PARS has increased \$46,000 and CALTRUST increased \$12,000. Director Rupp noted that power sales have decreased. Ms. Harris confirmed this and stated it is due to lack of rain and lower hydro production due to maintaining reservoir levels for water supply. She added that hydro power sales do not impact Municipal Customer charges. She highlighted the salary and employee benefits budget which is running under budget at 86% vs 92% of budget year.

Director Fuller reviewed the bills and all was in order. She stated she likes the new purchase order system as it is very easy to follow. On motion by Director Rupp, seconded by Director Fuller, the Board voted 4-0 by roll call vote to approve the May financial statement and vendor detail report in the amount of \$284,643.56. Director Latt was absent.

b) Resolution 2020-06 Limit for Appropriations from Taxes

The California Constitution Article XIII (b) requires the adoption of an annual resolution limiting the amount of appropriations for taxes. The State Department of Finance provided the District with the annual price and population figures for fiscal year 2020/21. Staff recommends the Board adopt Resolution 2020-06 limiting the taxes to \$1,320,926.00. Director Rupp noted this dollar amount is well above the taxes received by the District. On motion by Director Rupp, seconded by Director Lindberg, the Board voted 4-0 by roll call vote to approve Resolution 2020-06. Director Latt was absent.

c) Unum Life Insurance

Ms. Harris stated there is no rate increase from Unum this year. The District has saved almost \$70,000 to date since switching to Unum in 2015. Staff recommends the Board remain with Unum for the employee disability, life and accidental death and dismemberment policies. On

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motion by Director Rupp, seconded by Director Lindberg, the Board voted 4-0 by roll call vote to approve remaining with Unum for the policy year and reviewing again in May 2021. Director Latt was absent.

d) FY 2019/2020 Project Budget Re-Allocation

Ms. Harris explained that each year as part of the budget process, staff completes a thorough analysis of the status of funds “allocated and spent” or “allocated and unspent” on budgeted Projects for the current fiscal year. Funds “allocated and unspent” are available to be reallocated as Advanced Charges to other large capital projects, hence the term project budget re-allocation. Staff has communicated this concept and process of Project Budget Reallocation to the Municipal Customers, and they have agreed to the process as a means of enhancing the Advance Charges funding mechanism for our larger CIP projects and providing more rate stability. There is \$1,304,276 available for reallocation this year. Staff recommends reallocation of funds as follows: New budget projects \$18,300 Wise Pump Sequencing Project; \$373,000 Collector 4-Phase II Storm Damage repair; \$10,000 Removal of Abandoned Vehicles at Ruth; \$14,500 Eureka office carpeting; and Reallocation of Advanced Charges as follows: \$255,000 12kV Relocation Grant; \$100,000 Collector Mainline Redundancy; \$435,019 On Site Chlorine Generation; and \$98,457 for 18,000lb Excavator. President Woo commended staff for their good work on the reallocation. On motion by Director Rupp, seconded by Director Fuller, the Board voted 4-0 by roll call vote to approve the reallocation. Director Latt was absent.

e) FY 2020/2021 Budget Presentation: total proposed budget & revenue estimates

Staff is aware of the Board’s concern about how the District’s budget impacts the individual retail customers serviced by the wholesale municipal customers. Ms. Harris discussed the importance of Retail Rate Studies. The results from the study are the determining factor for utility billing rates for all municipalities. The utility billing rates need to be set at a level to cover the agency’s reserves and cover the costs of operation. Once an agency has completed the Retail Rate Study, the water billing rates are typically established for the next five years. Most Agencies the District serves have implemented a “pass-through” rate so as the cost of wholesale water changes, the pass-through rate is changed. The pass-through charges only impact water that is used. The combination of using a Consumer Price Index to adjust for inflation and adjusting the pass-through rates allow the various municipalities to keep their rates more current and in line with the current expenses. Ms. Ryan is currently working on the District’s rate study that will be completed in 2021.

Ms. Harris provided a review of the proposed FY2020/21 budget. There are no changes since the May 14<sup>th</sup> presentation to the Service & Supply budget, Salaries & Wages Budget, Employee Benefits Budget. In regards to the Special Projects Budget, there may be some slight changes in Advanced Charges for Grant Projects based on the final June financials. This will be addressed in the final Budget meeting on July 9<sup>th</sup>.

Ms. Harris recapped the two new requests in the Salary & Wages budget previously discussed-adjusting the permanent part-time staff starting rate and COLA. Staff is proposing to adjust the permanent part-time staff hourly rate to \$17.60 with a five- step wage scale identical to the Maintenance Work. The current rate is \$15.46 per hour. The starting rate to work at the new In and Out Burger is \$15.50. There are two permanent part-time positions, both are at Ruth

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Hydro. This is a critical operation, security and safety position. The starting wage for full time staff doing the same work is \$26.75 per hour.

Staff is requesting a 3% COLA. Last month, Director Latt requested to see the financial impact of a 1%, 1.5% and 2% COLA. Ms. Harris provided the information ranging from .75% to 3.5%. She stated a 3% COLA for staff is less than 1% (.88%) of the customer charges to the Municipalities and .4% of the total budget. Director Rupp stated he will not be able to attend the July meeting. He supports the budget as presented. It is a good budget. Director Latt suggested reducing the COLA to 2.5%. Director Rupp responded he has no issue with a 3% COLA. In the past, the District has provided COLA that were less than other local counterparts. The requested COLA would be good for morale and is a miniscule part of the operations at less than 1%. Director Latt stated he was persuaded by Director Rupp's comments and withdraws the recommendation for a 2.5% COLA.

**10.3 Operations**

Mr. Davidsen provided the May Operational Report. He stated 6.15 inches of rainfall was recorded at Ruth Lake which is good news. The annual May maintenance was not typical this year. Due to COVID-19, only part of the crew went and not all maintenance was completed. Another maintenance trip will be planned to complete the work. Mr. Singh of the Division of Safety of Dams (DSOD) conducted their annual dam inspection. The report received was a good one and recommended a few trees be removed near the dam. On May 19<sup>th</sup>, Westhaven CSD had a leak in their system that required them to issue a boil water notice. Mr. Davidsen contacted them to see if the District could be of any assistance. They were happy to have additional help and Mr. Klingonsmith was able to locate their leak. Westhaven CSD was very appreciative. Mr. Davidsen stated in regards to COVID-19, everyone is dealing with the modified staffing arrangements as best as possible. Work takes a bit longer and is less efficient, and erodes away at productivity. He noted that COVID-19 has really impacted operations at Essex and morale is down. Director Rupp inquired if there is anything the Board can do to help. Mr. Davidsen stated he appreciated the offer however, there is nothing at this time.

**11. MANAGEMENT**

**11.1 California Special Districts Association (CSDA)**

Mr. Friedenbach shared the agenda for the Humboldt Area Chapter of the CSDA. Some of the smaller agencies are feeling the impact of loss of revenue from customers not paying their bills. He also shared CSDA Take Action Brief. He stated this was informational only and the District has not taken any action.

**11.2 Director Terms**

Mr. Friedenbach stated Director Rupp is now the longest serving Director of HBMWD. He surpassed former Director Lloyd Hecathorn by a few days with twenty-four and half years of service to the District. Director Rupp was presented with gifts from staff and the Board to mark the occasion. Mr. Friedenbach noted that no ratepayer funds were used to purchase gifts which made Director Rupp chuckle. Director Rupp did not realize he was now the longest serving Director and was surprised. Barbara Hecathorn (recently retired Director) congratulated him on the milestone and stated Lloyd would be proud and noted he was instrumental in getting Director Rupp to join the Board. Dennis Mayo, Director of McKinleyville CSD, Carol Rische former general manager and others congratulated and thanked Director Rupp for serving on the Board. Director Rupp expressed his thanks for the acknowledgement and stated it is a pleasure to serve on the Board.



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**12. DIRECTOR REPORTS & DISCUSSION**

**12.1 General -comments or reports from Directors**

Director Fuller stated the online engagement and public process allowing email and virtual comments has been good. She would like to see this continue in the future. President Woo suggested adding this topic to a future agenda.

**12.2 ACWA**

Director Rupp stated he attended a finance committee meeting. The Spring Conference will be virtual this year and held in July.

**12.3 ACWA – JPIA**

Director Rupp attended an Executive Committee meeting. Rates for Workers' Compensation insurance will decrease however; it is expected that Property Insurance will increase.

Mr. Friedenbach stated he included the information regarding Employee Benefits-COVID-19 treatment coverage updates for informational purposes only.

**12.4 Organizations on which HBMWD Serves: RCEA, RREDC**

**RCEA**

President Woo referred the Board to the RCEA minutes listed in the Board Packet.

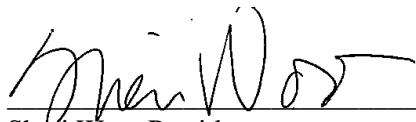
**RREDC**

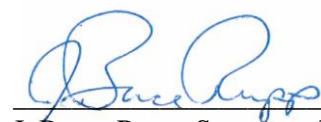
Director Latt stated they met on May 18<sup>th</sup>. The speaker was Scott Adair from the Humboldt County Office of Economic Service. They have a financial resources clearinghouse on their website. RREDC has funded twenty-five loans in the amount of \$640,000 all COVID-19 related.

**ADJOURNMENT**

The meeting adjourned at 4:31 pm.

Attest:

  
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Sheri Woo, President

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