



Minutes for Meeting of Board of Directors January 14, 2021

1. Roll Call

President Woo called the meeting to order at 9:00 am. Director Rupp conducted the roll call. The meeting was conducted within all Brown Act requirements.

Members Present:

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

Director Lindberg

Staff:

John Friedenbach, General Manager Dale Davidsen, Superintendent Chris Harris, Business Manager Heather Bitner, Board Secretary Sherrie Sobol, Program Analyst

Members Absent:

None

Others Present:

Nathan Stevens, District Engineer Steve McHaney, GHD Rick Guggiana, GHD Robert Hemsted, Trinidad Rancheria

2. Flag Salute

President Woo led the flag salute.

3. Accept Agenda

On motion by Director Lindberg, seconded by Director Rupp, the Board Accepted the Agenda for the January 14, 2021 Regular Meeting by the following Roll Call Vote:

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

There was no public comment.

4. Minutes

A discussion of appropriate content for minutes occurred, with a consensus by the Board that future requests for quotes made by directors be annotated as a direct quotation.





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On motion by Director Latt, seconded by Director Fuller, the Board Approved the Minutes of the December 10, 2020 Regular Meeting, and December 16, 2020 Special Meeting at the January 14, 2021 Regular Meeting by the following Roll Call vote:

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

There was no public comment.

5. Public Comment

There was no public comment.

6. Consent Agenda: Newspaper articles of local/water interest

Article 6.1, page 2 was pulled for discussion. A question of whether the District has notified the Leaseholder's Association and RLCSD of the risk from the runoff after the August Complex fires was posed. Staff responded that although erosion control measures are being done at this time, and the District is actively doing what they can, they will pass on the information to RLCSD. The US Geological Survey (USGS) has reported that the District should be prepared for a 200% increase in surface water runoff due to the fires. In response, the lake levels were lowered prior to the rains.

Although there was consensus about the level and range of topics curated, there was a request to notate the source of the article if it is not self-evident.

On motion by Director Rupp, seconded by Director Latt, the Board Approved the Consent Agenda at the January 14, 2021 Regular Meeting by the following Roll Call vote:

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

There was no public comment.

7. Correspondence

Mr. Friedenbach introduced a letter from the Federal Energy Regulatory Commission (FERC) approving the use of GEI employee Daniel Wade, as the FERC Part 12 consultant for the District. Additional information was provided regarding the consultant's qualifications.

Mr. Wade can be used on two consecutive Part 12 reports. Mr. Friedenbach will share Mr. Wade's resume via email to the Directors. Bill Rettberg of GEI will be available to assist, as he has worked for many years with the District. The Part 12 report is due Nov, 2021, with a kickoff meeting starting





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soon. The report is required every five years, and is a deep dive into dam safety, construction, operations, maintenance, etc. A technical analysis with a geologic survey is included. Plunge Pool and lake underwater assessments have been completed. The dam survey of the monitoring locations was completed last September. Each of these reports will be components within the comprehensive report, costing the District approximately \$80,000 to prepare.

Staff was asked if there is anything new in this year's requirements for the report. The last Part 12 study suggested the District conduct a seismic evaluation for a Cascadia event (9.2 earthquake) as the controlling seismic event to see if the dam could withstand it. That study costs several hundred thousand dollars and grant funding efforts have been unsuccessful. Staff is working diligently to try to secure grant funding. If we have to fund the study internally, it will require a couple of years of advanced charges to the municipal customers to accumulate enough to pay for the study.

There was no public comment.

8. Continuing Business

8.1 Water Resource Planning

- a) Local Sales: Staff met with Nordic Aquafarms, who are moving forward with their permitting process. A meeting with Nordic to discuss water supply and water quality should occur before the end of January. An internal local sales meeting regarding what type of contract regulating retail sales to Nordic is still being scheduled. There was no public comment.
 - i.) review and possibly approve MOU with Trinidad Rancheria

Mr. Friedenbach provided background on the Trinidad Rancheria request to extend a water line to the Rancheria. A draft MOU has been approved by the Rancheria Tribal Council with some changes. District counsel has provided guidance on the draft presented. The District frequently asks for support from other entities in support of grant applications and sees no reason not to support the tribe's efforts.

Staff stated this MOU is between HBMWD and Trinidad Rancheria only. Should a separate MOU with MCSD become necessary, the District may involve district counsel, but Mr. Friedenbach wanted to get the Board's approval first. The MOU with the Rancheria covers more topics than a feasibility study, such as negotiating a definitive agreement for the mainline extension. Either the District or Rancheria can choose to stop the process anywhere along the way, but a basis for cost can be established with the feasibility study. Staff recommends the Board approve the draft MOU.

Westhaven CSD has stated they are not interested in the possible expansion of the service line, but there may be interest at the City of Trinidad (Council meeting on Jan. 26th). Once we have the demand quantity, we can analyze feasibility. Excess industrial water is not what will be delivered.

Mr. Robert Hemstad addressed the Board and thanked them for the collaborative effort. There was no other public comment.





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On motion by Director Latt, seconded by Director Lindberg, the Board Approved Participation in the MOU with Trinidad Rancheria at the January 14, 2021 Regular Meeting by the following Roll Call vote:

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

ii.) Consider waiver of conflict with Mitchell Law Firm

President Woo, Director Rupp and Mr. Friedenbach attended MCSD Board meeting, in which they approved participation in a feasibility study for possibly extending the water lines from their northern portion of their distribution grid. Further discussion is needed between the two districts, however, as the two districts share the same law firm there is technically a conflict of interest. A waiver of conflict is needed, explaining the nature of the work that is being performed for each client in order to provide informed consent. This waiver will be brought back to the Board next month for possible approval. Clarification of the MCSD Board's assertion that the water delivery relationship would have MCSD and HBMWD as the wholesaler, with Trinidad Rancheria a retail customer of MCSD, will be needed.

The City of Trinidad will consider participation in the feasibility study at their meeting on January 26, 2021. There was no public comment.

b.) Transport Sites Reservoir

Additionally, there's an article of interest regarding the Sites reservoir. There was no public comment.

c.) Instream Flow

The committee met with the consultants and are moving forward with updating the Habitat Conservation Plan, which will be brought back to the Board for review. There was no public comment.

8.2 Cannabis Impacts on the Mad River Watershed

Staff proposed a Mad River Policy Committee meeting to discuss a revision to the policy matrix for responding to applications for a conditional use permit that go through the Planning Commission. A meeting date was set for Wednesday, January 20, 2021 at 5:00 pm via Zoom. There was no public comment.





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8.3 Disaster Declaration at Ruth Lake

a) Land License Agreement-Pacific State, Sukut, P31

An update to the Fire Disaster at Ruth Lake was presented. Ms. Harris introduced the Land License Agreement with the subcontractors of Cal OES, which addresses the problems due to the lack of public lodging and open space availability. Legal counsel has reviewed and staff recommends that the Board approve the land license agreement.

On motion by Director Latt, seconded by Director Rupp, that the Board approve the Land License Agreement with Pacific States, Sukut, P31, A Joint Adventure at the January 14, 2021 Regular Meeting by the following vote:

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

There was no public comment.

b) Land License Agreement- Morris Logging

Morris Logging is a salvage logging operator, whose contract was approved at the December meeting. Staging for this operation requires a large plot of land. They will be housing 10 trailers on site while performing salvage logging operations on District property. Staff is working with Trinity County regarding the temporary land use agreement. Disposal service, potable water and portable toilet services are being brought on site. Morris Logging will be using water from Ruth Lake for dust fallout prevention. RLCSD will conduct quagga inspections and provide inspection stickers for the water tankers once they pass inspection.

The GPS coordinates listed in the contract are off by 5 miles, and will be amended in the contract prior to signature.

On motion by Director Lindberg, seconded by Director Rupp the Board approved the Land License Agreement with Morris Logging at the January 14, 2021 Regular Meeting by the following Roll Call vote:

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

There was no public comment.





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c) District letter to Ruth Lake CSD re wildfire disaster recovery RLCSD cannot sublease lots under their lease agreement. However, the RLCSD Board approved support for allowing an exception for a short-term sublease for subcontractors and state agencies for the purpose of disaster recovery, potentially sunsetting June of 2021. There was no public comment.

d) Email from CDFW re debris removal

Emergency woody debris removal from streams around the lake is needed for disaster recovery. If that woody debris gets into the lake it could potentially get into the spillway and cause dam failure. The California Conservation Corps (CCC) are installing erosion control measures and removing woody debris, which requires California Department of Fish and Wildlife (CDFW) approval. CDFW did a site visit and provided approval since these waterways dry up during the summer and are not potential salmonid habitat. The Board expressed their desire to commend CDFW on this. Mr. Friedenbach sent a letter to the supervisor acknowledging their excellent work. There was no public comment.

e) Current erosion control and Fire Recovery Stats

The Board approved \$200,000 total at last meeting for fire recovery. Staff is working with FEMA, and each individual lease site is considered separate and requires documentation for each. The FEMA recovery effort is 75% paid by FEMA and 25% required District match. For the FEMA recovery funding, CalOES pays 75% of the 25% match or 18.75% which leaves only 6.25% match for the District to pay. The District has received notice that the USDA/NRCS grant funding has been approved for \$1.9M with a District match of \$323,000. Erosion control (\$31,000 of grant funding) has covered almost 4.5 miles. The invoice for erosion control labor should be coming shortly. The insurance claim has been submitted (\$12,700) for the domestic water system and work at the hydro plant, fencing, and an outbuilding. The deductible is \$2,500 for the entire incident and can be applied to FEMA's matching requirements. Some additional items may not be covered.

Ms. Harris shared photos of the CCC deploying wattles for erosion control, which are anticipated to last for several seasons. They are designed to deteriorate over time. Mr. Davidson noted they are biodegradable with some exception, but that netting can be removed. There was no public comment.

f.) Article regarding wildfires

Mr. Friedenbach noted that wildfire recovery will take several years. Timber management, erosion control and potentially a new log boom at the lake will be installed to prevent woody debris from getting to the spillway. Requests have been made regarding a collaborative effort with Congress, the USFS, etc., without response at this point. There was no public comment.

The Board took a break at 10:30 am and reconvened at 10:38 am.

8.4 Retail Rate Study

Ms. Harris recapped the retail rate study, moving forward with option B, a 5-year rate plan designed to fully recover the costs of operating and maintaining the retail water system. In order to spread the rate over 5 years, the phase in approach will prevent large increases the first year. A public hearing





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will consider approval of the resolution increasing rates for retail water service. The rate increase will allow the District to break even in 5 years but will not recover costs from previous year's losses as there isn't a way to do so without artificially inflating the rates.

Data analysis completed 5 years ago did not have the level of detail in the new accounting software. This detailed information revealed a shortfall. As a practical matter, the shortfall (approximately \$25,000) needs to come out of reserve funds.

The concern about subsidizing the shortfall for retail customers through other wholesale rate payers was brought forward and needs to remain in the forefront. Director Rupp will look into how other ACWA members deals with the issue.

The Public Hearing date will be at the March 11, 2021 meeting at 5:30pm. Protests are required to be received in writing in order to be considered. There was no public comment.

8.5 Humboldt County General Plan: Critical Watershed

The Mad River Policy committee met with Supervisors Wilson and Madrone, Sr. Planner Michael Richardson and Planning Director John Ford to discuss designation of the Mad River as a Critical Watershed (or Critical Water Supply). Supervisor Madrone relayed his personal experience prior to being a county supervisor and his attempt to have Luffenholtz Creek enforced as a designated Critical Watershed. In order to have water protection measures enforced, he had to resort to suing the county, over a 12-year period. Staff prefers to come up with parameters agreeable to the District and Planning staff for the protection of Mad River Watershed once the Critical Watershed designation is in place.

Planning staff are preparing a general guidance document that fits within the General Plan for Humboldt County and will be brought back to the Board. Planning Director Ford notified staff about the requirement for a public process for a Critical Water Supply Designation. Staff recommended considering a similar model as was used for the water resource planning effort by getting members of different public and economic sectors together on a steering committee. The District's best interest would be to take the lead to steer the process. Staff's initial thoughts are to begin with stakeholders along the geography of the Mad River and layer in industry as affected, which may flush out issues we aren't currently aware of. The ultimate goal is to make a presentation in front of the Board of Supervisors and include a public process with all stakeholders prior to presentation.

Members of the Board expressed strong concern over the potentially lengthy public process, but as it supports the District's mission of protecting the water supply, they are supportive. Productive conversation from the public is part of the necessary process and we may even discover that critical water supply designation is something the District won't follow up on through the County's General Plan. The public process requirements are at the Board of Supervisor level. Staff suggested we wait for Planning Department's guidance, and can pose any questions to Director Ford when he makes his presentation to the Board in February. Board members may reach out to Board of Supervisors individually to find out their thoughts. There was no public comment.





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8.6 LAFCo

Staff is considering additional topics to include for the Question #10 response to LAFCo relative to the muni service review. If Directors have items to add, please contact staff. LAFCo is aware of the Trinidad Rancheria waterline request and review won't likely be completed prior to progress on that topic. Additionally, the District has operations and property in Trinity that have not previously been considered in the District's Municipal Service Review. Humboldt LAFCo is also LAFCo for Trinity County and they want to address that in the Municipal Service Review. There was no public comment.

9. New Business

9.1 Officer and Committee Assignments

At the first meeting in January of odd-numbered years, the Board must elect a president. Other officer and committee assignments are generally discussed at this time as well. Mr. Friedenbach suggested the creation of a new ad-hoc committee. The Board concurred to keep Officer appointments the same as last year:

President: Director Woo Vice-President: Director Latt

Secretary-Treasurer: Director Rupp

Assistant Secretary-Treasurer: Director Fuller

Clarification of the committees enticed Director Lindberg to volunteer to take Director Woo's place on the audit committee, and Director Latt will serve with Director Fuller on the Mad River Policy Committee. A new ad-hoc advisory committee composed of the General Manager and two Board members is needed to administer the Master Lease Agreement with Trinity County for Ruth Lake. As there are two years to review the agreement with Trinity County, and the designation with Ruth Lake CSD (RLCSD), committee member duties will include attending those board meetings, reporting out to the District Board and recommending any actions. Director Rupp and Director Latt were appointed to this committee. The committee will be called the Trinity County Master Lease Committee. All other assignments remained the same as previously appointed.

An updated chart of Officers and Committee Assignments is attached. There was no public comment.

9.2 Temporary Modification to District Vacation Hours and Leave Bank Policies

Ms. Harris introduced the memo regarding the impact to excess vacation/administrative time off as a result of the shelter in place requirements for COVID. Staff requests that a one-time exception to the payout requirement of excess vacation/administrative time off hours for this calendar year be considered.





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On motion by Director Rupp, seconded by Director Lindberg, the Board temporarily modify the policy as requested:

Section 4001.1: "Vacation days in excess...will be paid out by the District at the end of the calendar year in which the accumulation limit is exceeded with the exception of calendar year 2020, where the employee may opt-out by completing the appropriate form and providing it to the Main office by January 31, 2021."

Section 4001.3: "Floating Holiday hours cannot be accrued or cashed-in with the exception of calendar year 2020, where these hours will carry-over to the end of calendar year 2021."

Section 4001.4: "Management Leave hours cannot be accrued or cashed-in with the exception of calendar year 2020, where these hours will carry-over to the end of calendar year 2021."

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

There was no public comment.

9.3 Current COVID-19 Paid Leave Extension

Staff recommends that the District voluntarily continue the policy through March 31, 2021. There was no public comment.

On motion by Director Rupp, seconded by Director Latt, the Board Approved the Extension of the District's Current COVID-19 Paid Leave Extension by the following Roll Call vote:

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

9.4 Quagga Inspection Summary and Substrate Monitoring

This item reports out which inspections have been done, any failures, etc. for the District's Quagga Prevention Plan which is implemented by RLCSD. 2014 had most inspections, 2018 had least number of inspections. Due to COVID and fires, lake activity has decreased, but an equivalent number of inspections have been conducted. The District supports the inspections with a grant and RLCSD take the responsibilities very seriously. Substrate structures are also inspected quarterly as an early warning detection point. There are four locations inspected and fortunately no veligers have been detected. The prevention plan is so important because there's no way to stop an infestation once it occurs. There was no public comment.





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9.5: Memo re District Minutes format

At the Board's request, the issue was brought forward to discuss the style of Minutes provided. A survey of local Governing Boards and municipal customer Boards, revealed that Action and Summary minutes are the styles used. Although many are reluctant to potentially lose the detail of the District's style of Detailed minutes, a consensus was reached that in the interest of efficiency the Summary style of minutes should be utilized going forward.

Additionally, the record retention policy was discussed with regards to the Board meeting audio recording. The policy provides for destruction of the audio recording only after 30 days *and* adoption of the corresponding minutes. The Board agreed to keep the current record retention policy. There was no public comment.

9.6 Cal/OSHA required COVID-19 Prevention Plan (CPP)

Staff has customized the template provided to suit HBMWD to be in compliance with Cal OSHA requirements to adopt a COVID-19 Prevention Plan.

On motion by Director Rupp, seconded by Director Fuller, the Board approved the CAL OSHA COVID-19 Prevention Plan at the January 14, 2021 Regular Meeting by the following Roll Call vote:

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

There was no public comment.

- **9.7 CLOSED SESSION:** Public Employee Performance Evaluation for General Manager (pursuant to Section 54957(b)
- (a). The Board adjourned to Closed Session at 2:52 pm and returned to Open Session at 3:05pm. There was no public comment.
 - (b)Open Session report out: There was no reportable action from Closed Session. There was no public comment.

10. Reports from Staff

10.1 Engineering

a) 12kV Switchgear Replacement (\$755,832 District Match)

Nathan Stevens joined the meeting at 11:00am and discussed a change order for the 12kV contract. Additional staff from GHD were in attendance, as well. The quote for a District requested change order for the controller upgrade has not arrived so he would like to pull this action request. He requested a special meeting which will be scheduled at a later date via email once the quote for the change order is reviewed internally.





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Mr. Stevens submitted a grant application to Cal OES, under the Community Power Resiliency Program, which was created in response to PSPS preparedness needs. The grant amount is \$215,000, and if approved would recoup the cost of the proposed change order. The performance period for the grant is July 2020-Oct 2021 so he anticipates the response shortly.

Mr. Stevens introduced the idea of having an approved switchgear submittal by the end of February, and shipped by the manufacturer by the end of July. The grant performance termination date has been extended to March 22, 2022 and should allow plenty of time for construction. Mr. Friedenbach clarified for the Board that the battery project is a separate project with separate funding, and dependent on the completion of 12kV project. Mr. Stevens also clarified that even though several staff members are attending the Board meeting in support of the project, only one will be charging time. There was no public comment.

- b) Collector Mainline Redundancy Hazard Mitigation Grant (\$790,570 District Match) There is no progress to report. There was no public comment.
- c) Reservoir Structural Retrofit Hazard Mitigation Grant (\$914,250 District Match)
 A draft geotechnical report which will provide design parameters, was submitted to staff this week in advance of a meeting to be held in the next week. The draft 60% drawings will be submitted to the District by January 29, and everything's on schedule. Deadline is now July 31, 2021 for CEQA analysis. There was no public comment.
- d) TRF Generator Hazard Mitigation Grant (\$460,431 District Match)
 There is no status update other than a resubmittal of a new notice of interest. A new full application will be submitted under the new disaster declaration and is due March, 2021. There was no public comment.
- e) Appeal of FEMA Funding Denial for Collector 4 Emergency Restoration Work District staff continues communication with FEMA, and Cal OES staff sent an additional RFI. \$364K is a significant amount and staff will keep the Board apprised of the appeal status. There was no public comment.
- f) R.W. Matthews Dam Spillway Retrofit Scoping Project BRIC Grant The grant application was submitted on Dec 3, 2020. It could be Oct, 2021 before a response is received. There was no public comment.

g) HMG Program

Staff has worked closely with Cal OES and are submitting under the most recent hazard declaration, and under the subgrant called Advanced Assistance. Staff will need to gather data and perform studies (such as the seismic stability analysis required for the FERC Part 12 report), to determine if any retrofits may be required. This information will be used to repackage an application for the Hazard Mitigation Advance Assistance program. GHD didn't charge for the grant applications and





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Mr. Stevens believes we should be in a good position to receive funding for these studies. There was no public comment.

h) Status report re: other engineering work in progress

Mr. Stevens will be out of town for the February meeting but Steven McHaney will be standing in. He is well qualified to provide support. There was no public comment.

10.2. Financial

a) Financial Report

Ms. Harris provided the Board with highlights from the December financial report. There is a challenge with the county information in that we are receiving it six months in arrears. Also, the subtotal of holiday and overtime is at 71% of the annual budgeted amount, and is directly attributed to the fires. Fire disaster overtime charges are reimbursable from FEMA.

Monthly Expenses by Vendor totaled \$274,614.81. Director Fuller noted the bills were all in order. There was no public comment.

On motion by Director Rupp, seconded by Director Fuller, the Board approved acceptance of the December 2020 Financial Report & Vendor Detail Report in the amount of \$274,614.81 by the following Roll Call vote:

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

10.3. Operations

Mr. Davidsen reported out on operations including maintenance, staffing needs during emergency conditions, new equipment, COVID impacts, and training. If Ruth Lake receives the 190% more runoff than average as predicted by the USGS, then production of hydro power will increase. A faulty transformer at Collector 2 was replaced via warranty and the District received an upgraded transformer.

The general manager was asked what tier the staff receives the COVID-19 vaccine? Staff responded that a voluntary choice to be vaccinated will be encouraged when available, hopefully in Phase 1-b as requested of the Humboldt County Health Department. There is no timeline for vaccine availability. There was no public comment.

11. Management

11.1 CSDA

Staff introduced the CSDA webinars that are available free to District employees and Directors. There was no public comment.





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11.2 CalPERS Pension and UAL Restructuring Analysis

Staff introduced a letter from the Weist law firm regarding a third-party evaluation of the CalPERS unfunded liability and proposes funding solutions of the District. Board members may participate in the February 23, 2021 meeting at 10am. Director Woo requested a report back from the meeting. There was no public comment.

12. Director Reports & Discussion

12.1 General comments or reports from Directors

Director Latt requested that each meeting have an agenda item on the McNamara/Peepe remediation. There was no public comment.

12.2 ACWA

ACWA recommended water workers be designated as tier 1-b for vaccine availability. Director Rupp attended a finance meeting regarding the cashflow implications of not selling the ACWA building. COVID has impacted the marketing of the building and the ACWA Board has directed their staff to keep the real property for a while longer. There was no public comment.

12.3 ACWA - JPIA

There were no nominations. There was no public comment.

12.4 Organizations on which HBMWD Serves: RCEA, RREDC

RCEA had a great Board turnout in December. They do not have a Board president selected at this time. RREDC canceled the December meeting. There was no public comment.

Adjournment

Attest:

The meeting adjourned at 3:06pm.

Sheri Woo, President

J. Shuce Rupp, Secretary/Treasurer