

AGENDA

Board of Trustees – Special Meeting
Monday, January 8, 2018, 5:30 pm at the District Office

1. Roll Call
2. Public Expression- See End of Agenda for Information on Public Expression
3. Urgent Items
4. Approval of Agenda
5. Approval of December 4, 2017 Regular Meeting Minutes and December 11, 2017 Special Meeting Minutes
6. December Financial Report (Accounts Payable, Income/Expenses/%, Balance Sheet, YTD Comparison)
7. Committee Reports
 - a) None

Items for Discussion and Possible Action:

8. Consideration of Ordinance #17-01 Establishing Regulations and Rules for Meter Installation – *Strategic Plan: RA Goal 3*
9. Consideration of a CEQA Notice of Exemption for Ordinance #17-01
10. Consideration of Budget Line Item Amendment – Meters Expense
11. Discussion of Upper Russian River Water Agency and Consolidation Efforts – *Strategic Plan: RWR Goal 3*
12. Master Calendar – January and February
13. Board Member Reports
14. General Manager Report
15. Closed Session –Public Employee Performance Evaluation: Government Code Section 54954.5. (General Manager)
16. Closed Session –Public Employment: Government Code Section 54954.5. (General Manager)
17. Direction on Future Agenda Items
18. Adjournment

ACTION ITEMS – All agenda items are potential action items unless otherwise noted.

PUBLIC EXPRESSION – The Board welcomes public participation in its Board meetings. Comments shall include any item not on the agenda that is within the subject matter jurisdiction and authority of the District. No action may be taken on any item not appearing on the agenda; however, the Board may direct such items to be placed on the agenda of a future meeting or may request additional information on any such item. The Board may limit testimony to three (3) minutes per person and not more than ten (10) minutes for a particular subject. All items on the agenda are considered action items unless otherwise noted. All times and the order of business are approximate and subject to change. (Posted 01-05-18)

<i>President</i>	<i>Vice President</i>	<i>Treasurer</i>	<i>Trustee</i>	<i>Trustee</i>
<i>William Carson</i>	<i>Matthew Froneberger</i>	<i>Tyler Rodrigue</i>	<i>Alfred White</i>	<i>John Reardan</i>

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Mendocino County
RUSSIAN RIVER FLOOD CONTROL &
WATER CONSERVATION IMPROVEMENT DISTRICT
151 Laws Avenue, Suite D Ukiah, CA 95482
(707) 462-5278 rrfc@pacific.net

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MINUTES
Regular Meeting
December 4, 2017

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1. Roll Call

President William Carson called the regular meeting to order at 5:30pm in the District Offices.

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Members Present:

William Carson, President
Matthew Froneberger, Vice President
Alfred White, Trustee
John Reardan, Trustee
Tyler Rodrigue, Treasurer

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Staff: Tamara Alaniz, General Manager

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2. Public Expression

No one showed interest in speaking.

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3. Urgent Items

No urgent items were discussed or added to the agenda.

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4. Approval of Agenda

Vice President Froneberger moved to approve the agenda as presented. Trustee White seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

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5. Approval of the November 6, 2017 Regular Meeting Minutes

Trustee White moved approval of the Minutes for November 6. Trustee Reardon seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

6. November Financial Report (Accounts Payable, Profit/Loss/%, Balance Sheet, YTD Comp)
Finance Committee needs to meet and review the LAIF policy. Options for bookkeeping assistance were discussed.

Trustee Reardon moved the financial report be accepted as presented and filed. Vice President Froneberger seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

7. Committee Report

There were no committee reports offered.

President *Vice President* *Treasurer* *Trustee* *Trustee*
William Carson *Matthew Froneberger* *Tyler Rodrigue* *Alfred White* *John Reardan*

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ITEMS FOR DISCUSSION AND POSSIBLE ACTION

8. First Review of Draft Ordinance #17-01 Establishing Regulations and Rules for Meter Installation – Strategic Plan: RA Goal 3

Ad Hoc Committee members presented and further suggestions were offered for the development of the draft meter ordinance, including a request for legal counsel advice on conflict of interest issues for Trustees.

Trustee White moved a Special Meeting be scheduled for December 11, 2017 at 5:30pm to consider the suggested changes to the meter ordinance #17-01. Trustee Reardon seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardon, Rodrigue, White)

9. Discussion of Upper Russian River Water Agency (URRWA) and Consolidation Efforts (Strategic Plan: RWR Goal 3)

GM Alaniz reported no meeting of URRWA is scheduled for December and updated on water rights for the County Water Districts, as well as updates on support for Redwood Valley and Millview County Water Districts.

10. Master Calendar – December 2017

There were no comments offered.

11. Board Member Reports

President Carson: The Farm Bureau has expressed interest in the meter ordinance development.

12. General Manager Report

GM Alaniz reported no progress on cannabis related water district issues, noting the State adopted regulations contradict Mendocino County regulations.

13. Closed Session Government Public Employee Performance Evaluation: Code Section 54954.5 (General Manager)

The Board entered closed session at 6:50 pm and returned to public session at 6:56 pm, reporting out that the GM evaluation is proceeding as scheduled, due to be complete in January 2018.

14. Direction on Future Agenda Items

The Board did not request any future agenda items.

Vice President Froneberger moved to approve cancellation of the January 1, 2017 Regular Meeting and scheduling of a Special Meeting on January 8, 2017. Trustee White seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardon, Rodrigue, White)

15. Adjournment

Trustee White moved to adjourn at 6:57 pm. Trustee Reardon seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardon, Rodrigue, White)

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MINUTES
Special Meeting
December 11, 2017

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1. Roll Call

President William Carson called the regular meeting to order at 5:30pm in the District Offices.

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Members Present:

William Carson, President
Matthew Froneberger, Vice President
Tyler Rodrigue, Treasurer
Alfred White, Trustee
John Reardan, Trustee

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Staff: Tamara Alaniz, General Manager

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(Members of the audience: Jim Nelson, Pete Souza, Mike Hildreth, Frost Pauli, Mike Milovina, Jason McConnell, Suzanne Jahnke, Devon Jones)

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2. Public Expression

No one showed interest in speaking.

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3. Urgent Items

No urgent items were discussed or added to the agenda.

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4. Approval of Agenda

Treasurer Rodrigue moved approval of the Agenda for December 11, 2017. Trustee White seconded the motion. The motion was approved by unanimous vote:

Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

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ITEMS FOR DISCUSSION AND POSSIBLE ACTION

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5. Discussion of Fair Political Practices Commission Conflict of Interest Determination

GM Alaniz presented a letter from District Legal Counsel regarding the ruling of the Fair Political Practices Commission clarifying any conflict of interest questions on voting for the Meter Ordinance item. The Commission ruled that it is not a conflict of interest for any current Board Member to vote on the Meter Ordinance, even when it would result in the board member receiving reimbursement from the District for a previously installed meter.

Trustee Reardan noted for the record that he is employed by a District customer and he will not be influenced by that in the vote on the Meter Ordinance.

President *Vice President* *Treasurer* *Trustee* *Trustee*
William Carson *Matthew Froneberger* *Tyler Rodrigue* *Alfred White* *John Reardan*

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51 Trustee White noted for the record that he is employed by a District customer and he will not be
52 influenced by that in the vote on the Meter Ordinance.

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54 Treasurer Rodrigue noted for the record that he is a customer of the District and he will not be
55 influenced by that in the vote on the Meter Ordinance.

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57 **6. Discussion of Draft Ordinance #17-01 Establishing Regulations and Rules for Meter**
58 **Installation – Strategic Plan: RA Goal 3**

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60 Questions and comments on the draft Meter Ordinance were offered by the Board and audience
61 on the following topics:

- 62
63 • Responsibility and procedures for security, repairs, replacement, testing, maintenance,
64 and seasonal removal of meters
65 • Meter lifespan and accuracy requirements
66 • State water rights reporting requirements for SB 88

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68 Trustee Reardan moved to schedule a Public Hearing at a Special Meeting to be held on January
69 8, 2018 to consider adoption of Ordinance #17-01. Vice President Froneberger seconded the
70 motion. The motion was approved by unanimous vote:

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72 Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

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74 **7. Direction on Future Agenda Items**
75 No future agenda items were requested.

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77 **8. Adjournment**
78 Vice President Froneberger moved that the meeting be adjourned at 6:32 pm. Trustee White
79 seconded the motion. The motion was approved by unanimous vote:

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81 Ayes: 5 (Carson, Froneberger, Reardan, Rodrigue, White)

Russian River Flood Control District
Transaction List by Vendor
December 2017

	<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Amount</u>
Alaniz, Tamara (vendor)	Bill Pmt -Check	12/04/2017	IRS Tax Return - Federal Withholding Reimbursement	-184.21
Alfred White	Bill	12/28/2017	July - December 2017 Board Meeting Stipend	-650.00
Cardmember Service	Bill	12/26/2017	Dec 2017 Statement	-458.84
Elizabeth Salomone	Bill Pmt -Check	12/04/2017	November 29, 2017 Invoice	-170.00
Herum/Crabtree/Suntag	Bill Pmt -Check	12/11/2017	11/30/17 Invoice #86923	-8,259.96
Intuit	Check	12/08/2017	Monthly Fee	-2.00
John Reardan	Bill	12/28/2017	July - December 2017 Board Meeting Stipend	-400.00
Matthew Froneberger	Bill	12/28/2017	July - December 2017 Board Meeting Stipend	-275.00
Mendocino County Water Agency	Bill Pmt -Check	12/11/2017		-5,000.00
Ricoh USA, Inc.	Bill Pmt -Check	12/04/2017	Invoice 99710674	-67.23
	Bill	12/26/2017	Invoice 99863076	-67.23
Sonoma County Water Agency	Bill Pmt -Check	12/11/2017	Invoice WTR-00000793 (invoice received 12/01/2017)	-8,000.00
State Board of Equalization	Bill Pmt -Check	12/04/2017		-9,465.43
SWRCB - Operator Certification	Bill Pmt -Check	12/11/2017	D2 Op Cert - Alaniz #43509	-80.00
Tyler Rodrigue	Bill	12/28/2017	July - December 2017 Board Meeting Stipend	-275.00
US Cellular	Bill Pmt -Check	12/04/2017	Invoice #0220371541	-83.12
US Treasury	Deposit	12/05/2017	Deposit	184.21

Russian River Flood Control District
Transaction List by Vendor
December 2017

	<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Amount</u>
USGS				
	Bill	12/20/2017	Bill #90594456	-6,743.75
William Carson				
	Bill	12/28/2017	July - December 2017 Board Meeting Stipend	-525.00
Willow County Water District				
	Bill Pmt -Check	12/11/2017	December 2017 Rent and Utilities	-591.66

Russian River Flood Control District
Income & Expense / Budget vs. Actual
July 2017 through June 2018

Accrual Basis

	Jul '17 - Jun 18	Budget	% of Budget
Ordinary Income/Expense			
Income			
Interest-SBMC	0.00	120.00	0.0%
Other Inc	-158,087.92		
Property Taxes			
Current Secured	2,411.41	34,000.00	7.1%
Current Unsecur	47.84	1,390.00	3.4%
Highway Prop. Rental	0.00	1.00	0.0%
HOPTR	200.49	396.00	50.6%
Prior Secured	-15.95	120.00	-13.3%
Prior Unsecured	73.79	90.00	82.0%
SB813	129.32	396.00	32.7%
URDA Pass thru	723.18	10,000.00	7.2%
Total Property Taxes	3,570.08	46,393.00	7.7%
Uncategorized Income	0.00	0.00	0.0%
Water Sales			
Application Fee	1,200.00	800.00	150.0%
Water Sales - Other	705.00	325,000.00	0.2%
Total Water Sales	1,905.00	325,800.00	0.6%
Total Income	-152,612.84	372,313.00	-41.0%
Expense			
Account-Audit	3,600.00	3,000.00	120.0%
Bank Charges	0.00	0.00	0.0%
Conservation Program	0.00	6,000.00	0.0%
Consulting	9,497.15	7,000.00	135.7%
District Vehicle	810.04	5,000.00	16.2%
Election	329.74	36,000.00	0.9%
Fees	0.00	0.00	0.0%
Flood Control	0.00	0.00	0.0%
Frost WDMP	6,800.00	7,000.00	97.1%
Gage	13,487.50	12,500.00	107.9%
Insurance			
Employee Life	0.00	6,078.12	0.0%
Liability Insurance	63.54	2,500.00	2.5%
Vehicle	0.00	0.00	0.0%
Workmens Comp	0.00	1,056.00	0.0%
Total Insurance	63.54	9,634.12	0.7%
ISRP	0.00	4,526.54	0.0%
Legal	9,596.16	20,000.00	48.0%
Meeting Stipends	2,275.00	4,000.00	56.9%
Membership	6,435.72	5,500.00	117.0%
Meters Expense	8,784.00	35,000.00	25.1%
Miscellaneous	0.00		
Office Expense	701.55	4,000.00	17.5%
Payroll Expenses			
CalPERS Company Match	3,465.84	12,600.00	27.5%
CALPERS Fees	0.00	120.00	0.0%
CalPERS Unfunded Pns. Liability	854.20	1,200.00	71.2%
Employee 457 Plan	0.00	5,921.88	0.0%
Gross Wages	55,600.65	105,000.00	53.0%
Payroll Expenses - Other	404.00	24.00	1,683.3%
Total Payroll Expenses	60,324.69	124,865.88	48.3%
Payroll Taxes			
FICA	3,447.24	6,240.00	55.2%
Medicare	806.21	2,000.00	40.3%
Payroll Taxes - Other	0.00	0.00	0.0%

Russian River Flood Control District
Income & Expense / Budget vs. Actual
July 2017 through June 2018

Accrual Basis

	<u>Jul '17 - Jun 18</u>	<u>Budget</u>	<u>% of Budget</u>
Total Payroll Taxes	4,253.45	8,240.00	51.6%
Postage, Copies & Reproductions	49.00	400.00	12.3%
Reconciliation Discrepancies	-46.01		
Rent	3,640.00	6,400.00	56.9%
SGMA			
USGS Modeling	0.00	8,300.00	0.0%
SGMA - Other	5,000.00	5,000.00	100.0%
Total SGMA	5,000.00	13,300.00	37.6%
SWRCB Permits	9,465.43	11,500.00	82.3%
Telephone	1,411.32	1,700.00	83.0%
Training	80.00	2,500.00	3.2%
Travel/Mileage	788.09	2,500.00	31.5%
UC Modeling	8,000.00	19,340.50	41.4%
Uncollectable Accounts	0.00		
Utilities	578.76	1,700.00	34.0%
Total Expense	155,925.13	351,607.04	44.3%
Net Ordinary Income	-308,537.97	20,705.96	-1,490.1%
Other Income/Expense			
Other Expense			
Operating Reserves	0.00	25,000.00	0.0%
Total Other Expense	0.00	25,000.00	0.0%
Net Other Income	0.00	-25,000.00	0.0%
Net Income	-308,537.97	-4,294.04	7,185.3%

Russian River Flood Control District

Balance Sheet

As of December 31, 2017

Accrual Basis

	Dec 31, 17	Dec 31, 16
ASSETS		
Current Assets		
Checking/Savings		
LAIF		
FERC	1.00	1.00
LAIF - Other	211,251.68	1,978.56
Total LAIF	211,252.68	1,979.56
Operating Reserve	0.00	33,881.77
SBMC Checking	207,318.17	184,310.90
SBMC Savings	217,442.81	367,222.11
Total Checking/Savings	636,013.66	587,394.34
Accounts Receivable		
Accounts Receivable	2,744.77	2,021.77
Total Accounts Receivable	2,744.77	2,021.77
Other Current Assets		
Interest Receivable	367.56	588.26
Taxes Receivable	3,515.19	3,515.19
Total Other Current Assets	3,882.75	4,103.45
Total Current Assets	642,641.18	593,519.56
Fixed Assets		
Meters		
At Cost	19,635.04	19,635.04
Total Meters	19,635.04	19,635.04
Total Fixed Assets	19,635.04	19,635.04
TOTAL ASSETS	662,276.22	613,154.60
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
*Accounts Payable	9,440.83	8,629.71
Total Accounts Payable	9,440.83	8,629.71
Other Current Liabilities		
Dental	-9,372.00	-9,372.00
Health	0.00	-142,578.01
Payroll Liabilities		
CalPERS	-199.43	-199.43
CalPERS 457 Def Comp	-493.50	-709.41
CalPERS Match	573.56	573.56
Federal Withholding	0.00	180.18
Life Insurance	-527.00	-527.04
State Withholding CA	-676.36	-596.68
Total Payroll Liabilities	-1,322.73	-1,278.82
Total Other Current Liabilities	-10,694.73	-153,228.83
Total Current Liabilities	-1,253.90	-144,599.12
Total Liabilities	-1,253.90	-144,599.12
Equity		
Opening Bal Equity	462,253.39	462,253.39
Retained Earnings	498,689.01	421,376.41
Net Income	-297,412.28	-125,876.08

Russian River Flood Control District

Balance Sheet

As of December 31, 2017

Accrual Basis

	<u>Dec 31, 17</u>	<u>Dec 31, 16</u>
Total Equity	663,530.12	757,753.72
TOTAL LIABILITIES & EQUITY	<u>662,276.22</u>	<u>613,154.60</u>

Russian River Flood Control District
Fiscal Year Comparison
July through December 2017

Accrual Basis

	Jul - Dec 17	Jul - Dec 16	% Change
Retained Earnings	508,853.36	431,540.76	17.9%
Other Inc	-148,715.92	0.00	-100.0%
Property Taxes			
Current Secured	2,411.41	2,340.98	3.0%
Current Unsecur	47.84	37.86	26.4%
HOPTR	200.49	206.51	-2.9%
MCRDA Pass thru	0.00	701.42	-100.0%
Prior Secured	-15.95	-3.82	-317.5%
Prior Unsecured	73.79	21.68	240.4%
SB813	129.32	173.58	-25.5%
URDA Pass thru	723.18	0.00	100.0%
Total Property Taxes	3,570.08	3,478.21	2.6%
Water Sales			
Application Fee	1,200.00	1,600.00	-25.0%
Water Sales - Other	705.00	1,699.05	-58.5%
Total Water Sales	1,905.00	3,299.05	-42.3%
Account-Audit	-3,600.00	0.00	-100.0%
Conservation Program	0.00	-1,300.50	100.0%
Consulting	-8,457.15	-2,668.36	-216.9%
District Vehicle	-810.04	0.00	-100.0%
Election	-329.74	0.00	-100.0%
Engineering			
Water Accounting	0.00	-750.00	100.0%
Total Engineering	0.00	-750.00	100.0%
Fees	0.00	-716.53	100.0%
Frost WDMP	-6,800.00	0.00	-100.0%
Gage	-13,487.50	-13,062.50	-3.3%
Insurance			
Liability Insurance	-63.54	0.00	-100.0%
Workmens Comp	0.00	-1,243.00	100.0%
Total Insurance	-63.54	-1,243.00	94.9%
ISRP	0.00	-10,227.67	100.0%
Legal	-9,596.16	-4,624.32	-107.5%
Meeting Stipends	-2,275.00	-1,450.00	-56.9%
Membership	-6,435.72	-4,240.00	-51.8%
Meters Expense	-8,784.00	-10,166.51	13.6%
Miscellaneous	0.00	0.00	0.0%
Office Expense	-701.55	-1,792.03	60.9%
Payroll Expenses			
CalPERS Company Match	-3,465.84	-3,540.76	2.1%
CALPERS Fees	0.00	-650.00	100.0%
CalPERS Unfunded Pns. Liability	-854.20	-484.20	-76.4%
Gross Wages	-55,600.65	-53,492.49	-3.9%
Roth IRA	0.00	-500.00	100.0%
Traditional IRA	0.00	-1,400.00	100.0%
Payroll Expenses - Other	-404.00	0.00	-100.0%
Total Payroll Expenses	-60,324.69	-60,067.45	-0.4%
Payroll Taxes			
FICA	-3,447.24	-3,205.63	-7.5%
Medicare	-806.21	-749.71	-7.5%
Total Payroll Taxes	-4,253.45	-3,955.34	-7.5%
Postage, Copies & Reproductions	-49.00	-35.55	-37.8%
Reconciliation Discrepancies	46.01	0.00	100.0%
Rent	-3,120.00	-3,640.00	14.3%
SGMA	-5,000.00	0.00	-100.0%

Russian River Flood Control District

Fiscal Year Comparison

July through December 2017

Accrual Basis

	<u>Jul - Dec 17</u>	<u>Jul - Dec 16</u>	<u>% Change</u>
SWRCB Permits	-9,465.43	-10,077.33	6.1%
Telephone	-1,327.98	-1,381.17	3.9%
Training	-80.00	-90.00	11.1%
Travel/Mileage	-788.09	-683.57	-15.3%
UC Modeling	-8,000.00	0.00	-100.0%
Uncollectable Accounts	0.00	0.00	0.0%
Utilities	-468.41	-481.51	2.7%
Operating Reserves	0.00	0.00	0.0%
TOTAL	<u>211,441.08</u>	<u>305,664.68</u>	<u>-30.8%</u>

ORDINANCE #17-01

**AN ORDINANCE ESTABLISHING REGULATIONS AND RULES FOR
METER INSTALLATION BY THE MENDOCINO COUNTY RUSSIAN RIVER
FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT**

WHEREAS, Senate Bill 88 was signed by Governor Edmund G. Brown Jr. on June 24, 2015. Sections 15 through 18 of SB 88 add measurement and reporting requirements for the District as a water right diverter (**SB 88**).

WHEREAS, pursuant to the legislation, the State Water Board adopted regulations requiring measurement for water right holders who divert 10 acre-feet of water or more per year requiring annual reporting (**Regulations**). SB 88 and the Regulations are collectively referred to in this Ordinance as the “**Measuring Requirements**.”

WHEREAS, pursuant to the Measuring Requirements, starting on January 1, 2016, the District is required to measure its diversions hourly and certify the accuracy of all measurement equipment. For existing equipment, the standard is currently fifteen percent (15%) accuracy. For newly installed equipment, the standard is currently ten percent (10%) accuracy. This means that all Service Connections must be measured and tested to certify the accuracy.

WHEREAS, while all existing Service Connections under the District’s water right License 13898 (“**License**”) are metered, they are not all compliant with the Measuring Requirements.

WHEREAS, the purpose of this Ordinance is to require Customers to install Meters capable of meeting the Measuring Requirements and consistent with the requirements of this Ordinance.

WHEREAS, the Board of Trustees has determined that it is in the best interest of the District to own Meters at all diversion points authorized under the License, and will purchase all Approved Meters.

NOW, THEREFORE, The Board of Trustees of the Mendocino County Russian River Flood Control and Water Conservation Improvement District does ordain as follows:

Article 1	General Provisions
Article 2	Definitions
Article 3	Meters

**ARTICLE 1
GENERAL PROVISIONS**

Sections:

- 1.1 Short Title**
- 1.2 Tense, Gender and Number**
- 1.3 Notices**
- 1.4 Severability**
- 1.5 Penalties for Violation**
- 1.6 Attorneys' Fees**
- 1.7 Non-Responsibility of District**
- 1.8 Conflict**

1.1 **Short Title.** This Ordinance shall be known and may be cited as “Meter Ordinance.”

1.2 **Tense, Gender and Number.** As used herein, the present includes the past and future tenses, and the future includes the present; the masculine gender includes the feminine and neuter; and the singular number includes the plural, and the plural the singular.

1.3 **Notices.**

1.3.1 Service of Notice. Whenever notice is required to be given under this Ordinance it may be given either by personal delivery to the person to be notified or be deposited in the United States mail in a sealed envelope, first class postage prepaid, addressed to the person to be notified at his last known business or residence address as the name appears in the public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in any regularly maintained United States Postal Service receptacle intended to receive mail.

1.3.2 Proof of Notice. Proof of giving any notice required by this code may be made by the certificate of any officer or employee of the County or by affidavit of any person over the age of eighteen years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

1.4 **Severability.** If any provision of this Ordinance is held by a court of competent jurisdiction or an arbitrator or arbitration panel to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way notwithstanding such invalidity, illegality or unenforceability.

1.5 **Penalties for Violation.** It shall be unlawful for any person to violate any provision or to fail to comply with any requirement of this Ordinance. Any Customer who violates any provision or fails to comply with any requirement of this Ordinance shall be deemed to have violated the Customer’s Water Sale and Purchase Agreement shall be subject to the remedies provided therein, including default of contract terms and contract termination..

1.6 **Attorneys' Fees.** If the District prevails in any action to enforce the provisions of this Ordinance, or of any resolution adopted by the Board to implement this Ordinance, or the provisions of any state or federal statute that it has a duty to enforce, it shall be entitled to receive from the opposing party or parties its reasonable attorneys' fees incurred in prosecuting the action.

1.7 **Non-Responsibility of District.** The District shall not be responsible for any loss or damage caused by any vandalism, theft, negligent or unlawful act of any customer or any other person in installing, securing, maintaining, supplying or using any facilities, equipment or appliance for which water is furnished by the District. Customer is responsible for seasonally removing meters from flood prone areas where flooding could destroy District meters.

1.8 **Conflict.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE 2 DEFINITIONS

Sections:

- 2.1 Generally**
- 2.2 Approved Meter**
- 2.3 Board**
- 2.4 Business Day**
- 2.5 Customer**
- 2.6 District**
- 2.7 General Manager**
- 2.8 Measuring Requirements**
- 2.9 Meter**
- 2.10 Person**
- 2.11 State Water Board**

2.1 **Generally.** Unless otherwise provided or the context otherwise requires, the following definitions shall apply to this Ordinance and to any resolution, rule, regulation or order made pursuant to this Ordinance.

2.2 **Approved Meter.** "Approved Meter" means a McCrometer MC MAG 3000 Meter.

2.3 **Board.** "Board" means the Board of Trustees of the District.

2.4 **Business Day.** "Business Day" means any day other than a Saturday, Sunday or any other day on which banking institutions in the State of California are authorized by law or executive action to close.

2.5 **Customer.** “Customer” means any individual, corporation, limited liability company, partnership, trust, public agency or special district whose Application for Purchase of Water from the District is accepted by the District, and who executed a Water Sale and Purchase Agreement in the form approved by the District’s Board of Trustees.

2.6 **District.** “District” means the Mendocino County Russian River Flood Control and Water Conservation Improvement District.

2.7 **General Manager.** “General Manager” means that individual hired by and working under the direction of the Board who is responsible for the administration of the District’s business and the development, maintenance and operation of its facilities and programs.

2.8 **Measuring Requirements.** “Measuring Requirements” shall mean the requirements of SB 88, as implemented in Article 3 (commencing with Section 1840) Chapter 12 of Part 2 of Division 2 of the Water Code and the implementing regulations adopted by the State Water Board, as they may be amended from time to time.

2.9 **Meter.** Meter means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.

2.10 **Person.** “Person” means any human being, individual, company, limited liability company, partnership, corporation, governmental entity, governmental agency, special district, public corporation, political subdivision, the State of California, the United States of America and any federally recognized Indian tribe or band, or any group or combination of the foregoing acting in concert.

2.11 **“Point of Delivery” or “Service Connection”** shall mean the location(s) where Customer diverts Project Water from the Russian River as identified in EXHIBIT D to the Customer’s Water Sale and Purchase Agreement.

2.12 **State Water Board.** “State Water Board” means the State Water Resources Control Board.

ARTICLE 3 METERS

Sections:

- 3.1 Revocation**
- 3.2 Meter Requirements**
- 3.3 Installation**
- 3.4 Meter Standards**
- 3.5 Ownership**
- 3.6 Meter Access**
- 3.7 Meter Testing**

- 3.8 Change in Location**
- 3.9 Change in Equipment**
- 3.10 Back-up Measurement**
- 3.11 Altering Meters**
- 3.12 Violations**

3.1 **Revocation.** Article 5 of Ordinance No. 00-1 of the District is hereby revoked in its entirety.

3.2 **Meter Requirements.** All deliveries of water sold by the District to a Customer shall be metered with an Approved Meter, except as provided in Section 3.4.4. Upon the approval of an application from a Customer for the purchase and delivery of water by the District to the Customer, the District shall furnish and the Customer shall install an Approved Meter of such size and at such diversion point as the applicable request, subject to the approval of the District, and compliance with this Ordinance. After approval of a Customer's application by the District, the Customer shall install an Approved Meter at the Service Connection. The Customer and the District shall mutually agree as to the size and location of the Meter. The District shall not be liable for rents or other charges related to Customer' placement or installation of Customer's Meter. All Meters will be tested by the District prior to full operation.

3.3 **Installation.** Meters required by this Ordinance for existing Customers shall be installed by the Customer in accordance with the standards set forth in Section 3.4 no later than March 1, 2018. All Meters shall be located at the Service Connection unless a new location is approved in writing by the District prior to installation. All Meters must be easily accessible to meter readers and repairmen.

3.4 **Meter Standards.** The District will require that all water diverted at Customer Service Connections be metered with Approved Meters.

3.4.1 For Customers without Approved Meters, the District will purchase Approved Meters and make them available to the Customer. The Customer is responsible for proper installation of the Approved Meter at the Customer's Service Connection. The Approved Meter will remain property of the District after installation.

3.4.2 The District will purchase Approved Meters from those Customers that have already purchased and installed Approved Meters. The purchase price for Approved Meters will be the cost of the meter only, documented by a written receipt provided by the Customer. Customers without receipts will receive the unit cost as provided by a McCrometer sales quotation obtained by the District. Upon such payment, the Approved Meters will be owned by the District.

3.4.3 Customers with an SB 88 compliant Meter that is not an Approved Meter will have a period of three (3) years to install an Approved Meter, and shall coordinate in advance with District on its installation. District will not take ownership of any Meter that is not an Approved Meter, but shall take title to the Approved Meter upon installation.

3.4.4 Customers with domestic meters that are not used for irrigation shall not be required to install Approved Meters, but must maintain, at all times, Meters that meet the Measuring Requirements.

3.5 **Ownership.** All Approved Meters will be owned by the District. It shall be the responsibility of the Customer to report to the District if Meters are not in good working order at all times. After installation of any Meter, District approval will be required to:

- Change the location of the Meter from the existing Service Connection
- Alter, or
- Interfere in any way with the Meter.

3.6 **Meter Access.** It is the Customers' responsibility to provide District representatives adequate access to Meters and remote reading devices, and District shall have the authority to enter Customer's property for the purpose of reading the Meter and testing the accuracy of Meters. Obstacles that prevent convenient access to the Meter must be removed. Customers must provide an accessible location for their meter so they can be easily read, tested, or inspected by authorized District employees or vendors. If Meter access is required by the District, the Customer shall provide such access as noted on bills, or otherwise presented.

Meters shall be read at a frequency established by the General Manager as specified in the Water Sale and Purchase Agreement to permit the computation, operation and mailing of bills as soon thereafter as practicable, and in compliance with the legal requirements imposed by the State Water Board on the District.

3.7 **Meter Testing.**

3.7.1 A Meter may be tested whenever the District has reason to believe it is failing to function properly. It is the District's right to contract for or independently inspect, test, and to require service of such Meters. Authorized employees or contracted vendors of the District shall be permitted to inspect and test Meters when requested by the District. A Meter is considered accurate when it meets the requirements of the Measuring Requirements.

3.7.2 Meters shall be checked for accuracy whenever a Meter is installed or repaired, and at regular intervals thereafter upon request of the District or the State Water Board, in accordance with the Measuring Requirements. Meters not determined to be accurate shall be repaired or replaced by the District within a period not to exceed sixty (60) days, or as soon as can be coordinated with the customer after the inaccuracy is detected. The district shall contact the customer directly to coordinate installation, testing and/or repair.

3.8 **Changes in Location.** No Meter shall be relocated from the existing Service Connection without the prior written approval of the General Manager. All relocation work shall be done by the Customer or under Customer's direction. All costs of relocating a Meter shall be borne by the Customer where the Meter is moved for the Customer's convenience or to provide required access to the Meter.

3.9 **Changes in Equipment.** A larger Meter that is required because of a material change in the size, character, or extent of a Customer's equipment, operation, or water supply needs, will be supplied by the District after notification by the Customer as required in Section 3.5, and in compliance with this Ordinance. Installation cost will be the responsibility of the Customer.

3.10 **Back-up Measurement.** Customers shall be prepared to provide another acceptable method of computing diversions during any period of Meter failure to avoid the loss of such information. Two acceptable back-up methods consist of using hour meters and records on pumping rates or use of power company records and pump efficiency tests that are no more than three (3) years old and are adjusted for average pumping level during the period of use. If special circumstances exist where either of these back-up procedures cannot be used, or are impracticable to use, the Customer shall request approval of another alternative back-up procedure from the District. The District will provide assistance and will review the requested alternative back-up procedure and notify the Customer whether the proposed back-up procedure is approved or denied. If a meter does not register, and no back-up measurement is in place, amounts of water sold and delivered will be established based on previous use.

3.11 **Altering Meters.** It shall be a violation of this Ordinance for any person to alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with or procure or cause or direct any person to alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any Meter to improperly or inaccurately measure and record. Customers shall be responsible for paying for the cost of damages caused by neglect, abuse or other Customer action as determined by the General Manager or Board of Trustees. Customer is responsible for seasonally removing meters from flood prone areas where flooding could destroy District meters.

3.12 **Violations.** The District may, at its option, either discontinue service or require installation of a District owned Meter of appropriate size at Customers' cost.

Notice of Exemption

TO: County Clerk
Mendocino County
501 Low Gap Road
Ukiah, CA 95482

FROM: Mendocino County Russian River Flood
Control and Water Conservation
Improvement District
151 Laws Avenue, Suite D
Ukiah, CA 95382

Project Title: Adoption of Ordinance #17-01 Establishing Regulations and Rules for Meter Installation

Project Location: Within the boundaries of the Mendocino County Russian River Flood Control and Water Conservation Improvement District

Project Location County: Mendocino County

Description of Nature, Purpose, and Beneficiaries of Project:

In order to comply with the requirements of Senate Bill 88, the District is requiring all customers to install meters of certain standards to which the District will take title.

Name of Public Agency Approving Project: Mendocino County Russian River Flood Control and Water Conservation Improvement District

Exempt Status: (*check one*)

- Ministerial (Sec. 21080(b)(12); 125268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(43); 15269(b)(c))
- Categorical Exemption. State type and section number: Existing Facilities 15301(b);
- Statutory Exemptions. State code number:

Reasons why project is exempt:

Existing Facilities: The project involves the minor alterations of existing public or private structures, involving no expansion of use beyond that currently existing.

Lead Agency Contact Person: Tamara Alaniz, General Manager (707) 462-5278

Signature: _____
Tamara Alaniz, General Manager

Date: _____

AFFIDAVIT OF COUNTY CLERK FILING AND POSTING

I declare that on _____, I received and posted this Notice is required by California Public Resources Code Section 2115.2. Said Notice will remain posted for thirty (30) days from the filing date.

By: _____ Date: _____

January 2018

January 2018							February 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	4	5	6	7	8	9	10
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29		

Monday	Tuesday	Wednesday	Thursday	Friday
<p>Jan 1, 18</p> <p>9:00am 10:30am LAFCo Board Meeting (501 Low Gap - County Office Building)</p>	<p>2</p> <p>9:00am 11:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah)</p>	<p>3</p> <p>5:00pm 6:30pm Water Districts JPA Board Meeting (Laws Avenue Office) 6:00pm 8:00pm City of Ukiah Council Meeting (Council Chambers, 300 Seminary Ave.,</p>	<p>4</p>	<p>5</p>
<p>8</p> <p>Completed GM Evaluation Due 5:30pm 7:00pm RRFC Board Meeting 6:30pm 8:00pm Willow County Water District Board Meeting (Laws Avenue Office)</p>	<p>9</p>	<p>10</p> <p>6:00pm 7:30pm Calpella County Water District Meeting (Calpella Elementary School Library)</p>	<p>11</p> <p>6:00pm 7:30pm Inland Water and Power Commission (Conference Room 5, City of Ukiah) 6:30pm 8:00pm Hopland PUD Board Meeting (25 Center Street, Hopland)</p>	<p>12</p>
<p>15</p> <p>4:00pm 4:30pm MCFB Water Committee (Farm Bureau Office)</p>	<p>16</p> <p>9:00am 11:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah) 9:00am 10:30am RCD Board Meeting (410 Jones Street, Suite 500) 6:30pm Millview County Water District Board Meeting (</p>	<p>17</p> <p>6:00pm 7:00pm City of Ukiah Council Meeting (Council Chambers, 300 Seminary Ave., Ukiah)</p>	<p>18</p> <p>5:00pm 6:30pm Redwood Valley Water District Board Meeting (2370 Webb Ranch Road (East Road to Road D to Colony Drive to Webb Ranch Road))</p>	<p>19</p>
<p>22</p>	<p>23</p>	<p>24</p>	<p>25</p>	<p>26</p>
<p>29</p>	<p>30</p>	<p>31</p>	<p>Feb 1</p>	<p>2</p>
<p>Jan 29 - Feb 2</p>	<p>Jan 22 - 26</p>	<p>Jan 15 - 19</p>	<p>Jan 8 - 12</p>	<p>Jan 1 - 5</p>

February 2018

February 2018							March 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10	4	5	6	7	8	9	10
11	12	13	14	15	16	17	11	12	13	14	15	16	17
18	19	20	21	22	23	24	18	19	20	21	22	23	24
25	26	27	28				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday
Jan 29	30	31	Feb 1	2
<p>9:00am 10:30am LAFCo Board Meeting (501 Low Gap - County Office Building)</p> <p>5:30pm 7:00pm RRFC Board Meeting</p>	<p>9:00am 11:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah)</p>	<p>5:00pm 6:30pm Water Districts JPA Board Meeting (Laws Avenue Office)</p> <p>6:00pm 8:00pm City of Ukiah Council Meeting (Council Chambers, 300 Seminary Ave., Ukiah)</p>	<p>6:00pm 7:30pm Inland Water and Power Commission (Conference Room 5, City of Ukiah)</p> <p>6:30pm 8:00pm Hopland PUD Board Meeting (25 Center Street, Hopland)</p>	<p>9:00am 10:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah)</p>
<p>6:30pm 8:00pm Willow County Water District Board Meeting (Laws Avenue Office)</p>	<p>9:00am 11:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah)</p> <p>5:00pm 6:30pm Millview County Water District Board Meeting (410 Jones Street, Ukiah)</p>	<p>6:00pm 7:30pm Calpella County Water District Meeting (Calpella Elementary School Library)</p>	<p>5:00pm 6:30pm Redwood Valley Water District Board Meeting (2370 Webb Ranch Road (East Road to Road D to Colony Drive to Webb Ranch Road))</p>	<p>10:00am 3:00pm Public Policy Facilitation Committee (Santa Rosa, TBD)</p>
<p>4:00pm 4:30pm MCFB Water Committee (Farm Bureau Office)</p>	<p>9:00am 11:30am Board of Supervisors Meeting (501 Low Gap Road, Ukiah)</p>	<p>6:00pm 7:00pm City of Ukiah Council Meeting (Council Chambers, 300 Seminary Ave., Ukiah)</p>	<p>10:00am 3:00pm Public Policy Facilitation Committee (Santa Rosa, TBD)</p>	<p>10:00am 3:00pm Public Policy Facilitation Committee (Santa Rosa, TBD)</p>
26	27	28	Mar 1	2

Feb 26 - Mar 2

Feb 19 - 23

Feb 12 - 16

Feb 5 - 9

Jan 29 - Feb 2

General Manager's Report – January 8, 2018

Agenda Item 8. Ordinance #17-01 Establishing Regulations and Rules for Meter Installation

In order to ensure customer equity and protect the District interests, especially pertaining to water rights license 13898 and SB 88 compliance, the Board scheduled this public hearing to adopt its Meter Ordinance. The ordinance is proposing that customers install McCrometer McMag 3000 meters that are purchased and owned by the District.

A Special Meeting to consider the Meter Ordinance was held on December 11, 2017 where customers in attendance and provided feedback on language in the Meter Ordinance. Those recommendations have been incorporated into Ordinance #17-01.

For those customers who have already invested in the installation of compliant meters, the District would purchase "Approved Meters" (McMag 3000) from the customer at their cost with proof of receipt or at cost in specifications provided by the meter vendor. If customers have a meter that is SB 88 compliant but is not an "Approved Meter", they must be replaced with an approved, District-owned meter within 3 years.

Staff will be working with customers on their individual site specifics for installation. At least one customer has to make significant changes on their site to accommodate the Approved Meter. He's been asked to attend the Board meeting to discuss this further.

A motion to adopt Ordinance #17-01 and direct staff to work with customers on implementation.

Agenda Item 9. Consideration of a CEQA Notice of Exemption for Ordinance #17-01

Counsel has prepared the Notice of Exemption for Ordinance #17-01.

A motion to approve the NOE for Ordinance #17-01 and direct staff to file the notice with appropriate fees to the County Clerk's office.

Agenda Item 10. Consideration of Budget Line Item Amendment – Meters Expense

The FY 2017-18 Budget for meters expense is currently at \$35,000. When this FY budget was crafted, it was based on actuals from FY 2016-17 and the extent of costs for compliance with SB 88 was not well known. With the last several months of work on the Meter Ordinance, the direction of the Board has been to purchase and own its own meters. This item is to request an amendment to the FY 2017-18 Meters Expense line item, increasing the amount from \$35,000 to \$160,000 to cover the costs of purchasing the District Approved Meters.

A motion to approve FY 2017-18 Meters Expense line item increase to \$160,000 to cover the cost of purchasing the District Approved Meters.

Agenda Item 11. Discussion of Upper Russian River Water Agency (URRWA) and Consolidation Efforts

The URRWA met on January 3, 2018. Staff continues to work on water rights resolutions for the CWDs, with FEMA and the County for fire prevention mitigation grants in RVCWD, and have requested Congressional relief for RVCWD and forgiveness its 40-year old US Bureau of Reclamation loan.

January 2019 is the start of the new state legislative session. State Senator McGuire is interested in sponsoring a bill to be introduced at that time. The Senator's staff will draft and introduce the bill on our behalf at no cost to the Districts.

Staff will develop a timeline of activities needed over the next year to work toward beginning both the LAFCO and legislative process for consolidation by the January 2019 date.

Agenda Item 15. Closed Session –Public Employee Performance Evaluation: Government Code Section 54954.5. (General Manager)

Agenda Item 16. Closed Session –Public Employment: Government Code Section 54954.5. (General Manager)

Other Items

- The County continues to work on permitting requirements for cannabis – no additional requests for “will serve” letters have come into the office.