

***Mendocino County Russian River Flood Control &
Water Conservation Improvement District***

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, August 8, 2022
RE: Agenda Item 11a: August 2022 Financial Reports Summary

Revenue

July 2022: Additional revenue not shown on previous report: None

August 2022: None

Ordinary Expenses

July 2022: Additional expenses not shown on previous report: None

\$29,023.45 in expenses at time of writing this report, notably:

- \$3,125 Consulting for Bookkeeping services
- \$1268 LAFCo annual fees
- \$645.22 Office Operating includes annual QuickBooks payroll subscription
- \$1,500 Rent – 4 months prepay office rent
- \$3,737 Water Resiliency - Engineering

Other

- New bookkeeper continues to address various issues.
- Financial reports subject to change after corrections and adjustments by Bookkeeper and Auditor
- Reconciliations are up to date from last statements. (August 2022)
- Additional reports or information available upon request.
- No changes to the contracted water worksheet from last month.

Recommendation:

Move to accept and file the financial reports for August 2022.

Attachments:

1. Income & Expense / Budget Vs Actual Report – August only
2. Income & Expense / Budget Vs Actual Report – Fiscal Year to date
3. Profit & Loss Previous Year Comparison Report
4. Balance Sheet Previous Year Comparison Report
5. Monthly Payment Detail Report
6. Contracted Water Worksheet

Russian River Flood Control District
Income & Expense / Budget vs. Actual
August 2022

Cash Basis

	<u>Aug 22</u>	<u>Budget</u>	<u>\$ Over Bu...</u>	<u>% of Bud...</u>
Ordinary Income/Expense				
Income				
Interest-LAIF	0.00	0.00	0.00	0.0%
Interest-SBMC	0.00	0.00	0.00	0.0%
Property Taxes	0.00	0.00	0.00	0.0%
Water Sales	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Total Income	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Expense				
Consulting	3,125.50	0.00	3,125.50	100.0%
Election	0.00	0.00	0.00	0.0%
Fees, County & LAFCo	1,268.73	0.00	1,268.73	100.0%
Gage	0.00	0.00	0.00	0.0%
Groundwater Sustainability	0.00	0.00	0.00	0.0%
Insurance, Liability	0.00	0.00	0.00	0.0%
Insurance, Workers Comp	446.66	0.00	446.66	100.0%
Legal	0.00	0.00	0.00	0.0%
Memberships	0.00	0.00	0.00	0.0%
Meters Expense	0.00	0.00	0.00	0.0%
Office Operating Expenses	645.25	0.00	645.25	100.0%
Payroll Expenses	14,303.77	0.00	14,303.77	100.0%
Payroll Taxes- old	0.00			
Rent, Utilities	1,500.00	0.00	1,500.00	100.0%
Stipends, Meetings	0.00	0.00	0.00	0.0%
SWRCB Permits	0.00	0.00	0.00	0.0%
Training Costs	350.09	0.00	350.09	100.0%
Unfunded Pension Liability	0.00	0.00	0.00	0.0%
Vehicle	193.30	0.00	193.30	100.0%
Water Resiliency				
Water Resiliency - Other	3,737.00	0.00	3,737.00	100.0%
Total Water Resiliency	<u>3,737.00</u>	<u>0.00</u>	<u>3,737.00</u>	<u>100.0%</u>
Total Expense	<u>25,570.30</u>	<u>0.00</u>	<u>25,570.30</u>	<u>100.0%</u>
Net Ordinary Income	-25,570.30	0.00	-25,570.30	100.0%
Other Income/Expense				
Other Expense				
Prior Year Expense	9,262.89			
Total Other Expense	<u>9,262.89</u>			
Net Other Income	<u>-9,262.89</u>	<u>0.00</u>	<u>-9,262.89</u>	<u>100.0%</u>
Net Income	<u>-34,833.19</u>	<u>0.00</u>	<u>-34,833.19</u>	<u>100.0%</u>

Russian River Flood Control District
Income & Expense / Budget vs. Actual
July 2022 through June 2023

Cash Basis

	<u>Jul '22 - Jun 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Interest-LAIF	919.41	2,500.00	-1,580.59	36.8%
Interest-SBMC	0.00	500.00	-500.00	0.0%
Property Taxes	0.00	55,000.00	-55,000.00	0.0%
Water Sales	4,512.00	348,935.00	-344,423.00	1.3%
Total Income	5,431.41	406,935.00	-401,503.59	1.3%
Expense				
Consulting	6,999.50	20,000.00	-13,000.50	35.0%
Election	0.00	5,000.00	-5,000.00	0.0%
Fees, County & LAFCo	1,268.73	2,500.00	-1,231.27	50.7%
Gage	0.00	15,000.00	-15,000.00	0.0%
Groundwater Sustainability	0.00	68,000.00	-68,000.00	0.0%
Insurance, Liability	6,084.87	7,000.00	-915.13	86.9%
Insurance, Workers Comp	893.32	7,000.00	-6,106.68	12.8%
Legal	1,530.00	20,000.00	-18,470.00	7.7%
Memberships	0.00	7,000.00	-7,000.00	0.0%
Meters Expense	186.89	2,000.00	-1,813.11	9.3%
Office Operating Expenses	1,290.23	5,000.00	-3,709.77	25.8%
Payroll Expenses	27,804.33	175,010.00	-147,205.67	15.9%
Payroll Taxes- old	0.00			
Rent, Utilities	2,250.00	5,000.00	-2,750.00	45.0%
Stipends, Meetings	0.00	6,000.00	-6,000.00	0.0%
SWRCB Permits	0.00	17,000.00	-17,000.00	0.0%
Training Costs	410.09	4,000.00	-3,589.91	10.3%
Unfunded Pension Liability	7,011.00	9,500.00	-2,489.00	73.8%
Vehicle	330.79	2,000.00	-1,669.21	16.5%
Water Resiliency	3,737.00	40,000.00	-36,263.00	9.3%
Total Expense	59,796.75	417,010.00	-357,213.25	14.3%
Net Ordinary Income	-54,365.34	-10,075.00	-44,290.34	539.6%
Other Income/Expense				
Other Expense				
Prior Year Expense	9,262.89			
Total Other Expense	9,262.89			
Net Other Income	-9,262.89	0.00	-9,262.89	100.0%
Net Income	-63,628.23	-10,075.00	-53,553.23	631.5%

Russian River Flood Control District Profit & Loss Prev Year Comparison

August 2022

Cash Basis

	Aug 22	Aug 21	\$ Change	% Change
Ordinary Income/Expense				
Income				
Interest-SBMC	0.00	30.31	-30.31	-100.0%
Total Income	0.00	30.31	-30.31	-100.0%
Expense				
Consulting	3,125.50	0.00	3,125.50	100.0%
Fees, County & LAFCo	1,268.73	0.00	1,268.73	100.0%
Gage	0.00	6,633.75	-6,633.75	-100.0%
Insurance, Workers Comp	446.66	429.91	16.75	3.9%
Legal	0.00	881.28	-881.28	-100.0%
Office Operating Expenses	645.25	612.26	32.99	5.4%
Payroll Expenses				
CalPERS 1959 Survivor Billing	2.00	2.00	0.00	0.0%
CalPERS 457 Employee Def Comp	0.00	287.50	-287.50	-100.0%
CalPERS Company Match	747.00	727.42	19.58	2.7%
CalPERS Roth 457(b) expense	450.00	0.00	450.00	100.0%
Employee Health Insurance	1,236.00	1,200.00	36.00	3.0%
Gross Wages	10,937.50	9,583.34	1,354.16	14.1%
Medicare	176.51	138.96	37.55	27.0%
Payroll Taxes- FICA, etc	754.76	594.17	160.59	27.0%
Total Payroll Expenses	14,303.77	12,533.39	1,770.38	14.1%
Payroll Taxes- old	0.00	0.00	0.00	0.0%
Rent, Utilities	1,500.00	657.60	842.40	128.1%
Training Costs	350.09	365.00	-14.91	-4.1%
Vehicle	193.30	0.00	193.30	100.0%
Water Resiliency	3,737.00	0.00	3,737.00	100.0%
Total Expense	25,570.30	22,113.19	3,457.11	15.6%
Net Ordinary Income	-25,570.30	-22,082.88	-3,487.42	-15.8%
Other Income/Expense				
Other Expense				
Prior Year Expense	9,262.89	0.00	9,262.89	100.0%
Total Other Expense	9,262.89	0.00	9,262.89	100.0%
Net Other Income	-9,262.89	0.00	-9,262.89	-100.0%
Net Income	-34,833.19	-22,082.88	-12,750.31	-57.7%

Russian River Flood Control District Balance Sheet Prev Year Comparison

Cash Basis

As of August 31, 2022

	Aug 31, 22	Aug 31, 21	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
LAIF	492,004.78	490,117.91	1,886.87	0.4%
SBMC Checking	416,870.24	244,879.31	171,990.93	70.2%
SBMC Savings	100,088.49	267,880.52	-167,792.03	-62.6%
Total Checking/Savings	1,008,963.51	1,002,877.74	6,085.77	0.6%
Other Current Assets				
Taxes Receivable	3,984.00	3,984.00	0.00	0.0%
Total Other Current Assets	3,984.00	3,984.00	0.00	0.0%
Total Current Assets	1,012,947.51	1,006,861.74	6,085.77	0.6%
Fixed Assets				
Accumulated Depreciation	-24,542.00	-24,542.00	0.00	0.0%
Meters & Vehicles	144,342.38	134,111.25	10,231.13	7.6%
Total Fixed Assets	119,800.38	109,569.25	10,231.13	9.3%
Other Assets				
Deferred Outflows	64,366.00	64,366.00	0.00	0.0%
Total Other Assets	64,366.00	64,366.00	0.00	0.0%
TOTAL ASSETS	1,197,113.89	1,180,796.99	16,316.90	1.4%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Other Current Liabilities				
Accrued Expenses	10,263.00	10,263.00	0.00	0.0%
Payroll Liabilities	10,625.53	3,015.86	7,609.67	252.3%
Total Other Current Liabilities	20,888.53	13,278.86	7,609.67	57.3%
Total Current Liabilities	20,888.53	13,278.86	7,609.67	57.3%
Long Term Liabilities				
Net Pension Liability	36,024.00	36,024.00	0.00	0.0%
Total Long Term Liabilities	36,024.00	36,024.00	0.00	0.0%
Total Liabilities	56,912.53	49,302.86	7,609.67	15.4%
Equity				
3000 · Opening Bal Equity	541,116.95	541,116.95	0.00	0.0%
3900 · Retained Earnings	662,012.64	653,921.15	8,091.49	1.2%
Net Income	-62,928.23	-63,543.97	615.74	1.0%
Total Equity	1,140,201.36	1,131,494.13	8,707.23	0.8%
TOTAL LIABILITIES & EQUITY	1,197,113.89	1,180,796.99	16,316.90	1.4%

Russian River Flood Control District
Monthly Payment Detail
As of August 31, 2022

Cash Basis

Type	Date	Name	Memo	Original A...	Paid Amou...
SBMC Checking					
Bill Pmt -Check	08/02/2022	Cardmember Service	Credit card 5/15-6/12/22	-558.68	-558.68
Bill Pmt -Check	08/03/2022	Comcast Business	Internet services for 7/13-8/12/22	-76.47	-76.47
Bill Pmt -Check	08/05/2022	State Compensation Insurance Fund	2021-22 FY Policy charges 7/9-8/9/22	-446.66	-446.66
Bill Pmt -Check	08/08/2022	Intuit	Annual & Monthly Payroll Subscripti...	-502.00	-502.00
Bill Pmt -Check	08/15/2022	Balance Hydrologics	Water supply analysis project, 3rd pymt	-3,737.00	-3,737.00
Bill Pmt -Check	08/15/2022	Ilena Pegan	promotional materials	-150.00	-150.00
Bill Pmt -Check	08/15/2022	McCrometer	Invoice 583784	-7,244.00	-7,244.00
Check	08/15/2022	Alaniz, Tamara (vendor)	Reimbursement for overpaid taxes	-9,262.89	-9,262.89
Bill Pmt -Check	08/17/2022	Mendocino County Auditor-Contro...	LAFCo Apportionment Fee FY 2022-...	-1,268.73	-1,268.73
Bill Pmt -Check	08/17/2022	Christiansen Properties	Office rent for Sepr thru Dec 2022	-1,500.00	-1,500.00
Bill Pmt -Check	08/17/2022	Eide Bailly	Bookkeeping, July service Dates	-2,610.00	-2,610.00
Bill Pmt -Check	08/19/2022	US Cellular	Cell service 7/14- to 8/13/22	-51.49	-51.49
Bill Pmt -Check	08/31/2022	Chevalier Vineyard Management, I...	Meter Reading Assistance	-365.50	-365.50
Total SBMC Checking					-27,773.42
TOTAL					-27,773.42

Project Water Worksheet as of September 9, 2022

**Please note:
The District is under Declaration#21-02,
Stage III: Water Supply Crisis**

	Current 2022 totals in Acre Feet																																	
Project Water Licensed to MC RRFC & WCID:	7940																																	
Contracted Non-Retail Suppliers:	4917																																	
Contracted Retail Suppliers:	2907.15																																	
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 40%; text-align: center;">Calpella CWD</td><td style="width: 10%; text-align: center;">85</td><td style="width: 50%;"></td></tr> <tr><td style="text-align: center;">Henry Station Mutual Water Co</td><td style="text-align: center;">8</td><td></td></tr> <tr><td style="text-align: center;">Hopland PUD</td><td style="text-align: center;">222</td><td></td></tr> <tr><td style="text-align: center;">Millview CWD - Municipal Use</td><td style="text-align: center;">970</td><td></td></tr> <tr><td style="text-align: center;">Millview CWD - Wheeled Municipal Use</td><td style="text-align: center;">189.15</td><td></td></tr> <tr><td style="text-align: center;">Millview CWD - Irrigation Use</td><td style="text-align: center;">12</td><td></td></tr> <tr><td style="text-align: center;">Rogina Water</td><td style="text-align: center;">800</td><td style="text-align: right;">*</td></tr> <tr><td style="text-align: center;">River Estates Mutual Water Company</td><td style="text-align: center;">26</td><td></td></tr> <tr><td style="text-align: center;">Willow CWD - Municipal Use</td><td style="text-align: center;">515</td><td></td></tr> <tr><td style="text-align: center;">Willow CWD - Irrigation Use</td><td style="text-align: center;">80</td><td></td></tr> <tr style="background-color: #e0e0e0;"><td style="text-align: center;">Contracted Municipals:</td><td style="text-align: center;">2907.15</td><td></td></tr> </table>	Calpella CWD	85		Henry Station Mutual Water Co	8		Hopland PUD	222		Millview CWD - Municipal Use	970		Millview CWD - Wheeled Municipal Use	189.15		Millview CWD - Irrigation Use	12		Rogina Water	800	*	River Estates Mutual Water Company	26		Willow CWD - Municipal Use	515		Willow CWD - Irrigation Use	80		Contracted Municipals:	2907.15		
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Willow CWD - Irrigation Use	80																																	
Contracted Municipals:	2907.15																																	
Contracted Total:	7824.15																																	
Uncontracted Water Supply for 2021:	115.85																																	
<small>*Rogina verbally requested to reduce from 800af to 400af in March 2022 but the permanent contract amendment was not completed.</small>																																		
Contract Adjustments in 2022:																																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Surplus water transferred from customers in 2022:</td> <td style="width: 20%;"></td> <td style="width: 20%; text-align: right;">n/a</td> </tr> <tr> <td>Emergency water transferred from customers in 2022:</td> <td></td> <td style="text-align: right;">-400</td> </tr> <tr> <td>Requested surplus by customers for 2022:</td> <td></td> <td style="text-align: right;">n/a</td> </tr> </table>	Surplus water transferred from customers in 2022:		n/a	Emergency water transferred from customers in 2022:		-400	Requested surplus by customers for 2022:		n/a																									
Surplus water transferred from customers in 2022:		n/a																																
Emergency water transferred from customers in 2022:		-400																																
Requested surplus by customers for 2022:		n/a																																
Adjusted contract total:	7424.15																																	
Redwood Valley County Water District:																																		
Uncontracted water available to RVCWD as surplus in 2022:	n/a																																	
Customer transferred surplus water available to RVCWD in 2022:	n/a																																	
Emergency water transferred to RVCWD by Customer(s) in 2022:	400																																	
Total:	7824.15																																	

5 **DRAFT MINUTES**
6 **Regular Meeting of**
7 **August 8, 2022**

8
9 IN COMPLIANCE WITH ASSEMBLY BILL 361, THIS MEETING WAS HELD VIA ZOOM.

10
11 **1. Roll Call**

12 Vice President White called the meeting to order at 5:00 PM.

- 13
14 Trustees Present: Christopher Watt, President
15 Alfred White, Vice President
16 Matthew Froneberger, Treasurer
17 Tyler Rodrigue, Trustee
18 John Reardan, Trustee (Arrived 5:05 PM)

- 19
20 Staff: Elizabeth Salomone, General Manager
21 Jeanne Zolezzi, Legal Counsel

22
23 **2. Public Expression** - No one from the public indicated interest in public expression.

24
25 **3. Approval of Agenda**

26 GM Salomone recommended adding an item to the Consent Calendar: Agenda Item 8i: Employment
27 Contract Addendum.

28
29 Vice President White moved to approve the agenda adding the urgent item as recommended. Treasurer
30 Froneberger seconded the motion.

31 The motion was approved by the following vote:

- 32 Ayes: 4 (Froneberger, Rodrigue, Watt, White)
33 Absent: 1 (Reardan)

34 **CLOSED SESSION**

35 **4. Conference with Legal Counsel – Anticipated Litigation**
36 **Gov. Code § 54956.9(d) Significant exposure to litigation: (2 potential cases)**

37 The Board entered Closed Session at 5:30 PM and returned to Public Session at 5:39 PM.

38 Report out: (1) Direction was given to Staff. (2) Due to discrepancies in past payroll item, Board directed
39 Staff to issue payment on amounts owed.

40 **ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

41 **5. Water Supply Conditions Update and District Response**

42 GM Salomone presented the item, reviewing the staff report.

43 **6. Water Resiliency Planning**

44 GM Salomone presented the item, reviewing the staff report.

45 (Continued...)

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7. Strategic Planning

GM Salomone presented the item, reviewing the staff report.

REGULAR BUSINESS, INFORMATION, AND REPORT ITEMS

8. Consent Calendar

- a) Acceptance of the July 2022 Financial Report
- b) Approval of December 6, 2021 Regular Board Meeting minutes
- c) Approval of June 6, 2022 Regular Board Meeting minutes
- d) Approval of June 14, 2022 Special Board Meeting minutes
- e) Approval of July 11, 2022 Regular Board Meeting minutes
- f) Ratification of contract with Nigro & Nigro, PC for audit services.
- g) Adoption of Policy # 22-01 Capitalization Threshold
- h) State of Emergency

Board to reconsider the circumstances of the state of emergency and determine by majority vote that (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; and/or (ii) State or local officials continue to impose or recommend measures to promote social distancing as previously passed in Board Resolution #21-04.

- i) Employment Contract Addendum

Vice President White moved to approve the Consent Calendar with the addition of 8i. Trustee Reardan seconded the motion. The motion was approved by the following unanimous vote:

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

9. Trustee & Committee Reports

Treasurer Froneberger noted he will be absent at the October 3, 2022 Board meeting.

10. General Manager Report & Correspondence

GM presented the written report.

11. Direction on Future Agenda Items – none noted.

CLOSED SESSION

12. Conference with Real Property Negotiations (Government Code § 54956.8)

The Board entered Closed Session at 6:05 PM and returned to Public Session at 6:30 PM. No reportable action to report.

ADJOURNMENT

Vice President White moved to adjourn the meeting at 6:35 PM. Trustee Rodrigue seconded the motion. The motion was approved by the following unanimous vote:

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

***Mendocino County Russian River Flood Control
& Water Conservation Improvement District***

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, September 12, 2022
RE: Agenda Item 11c: Groundwater Sustainability Agency Board
and Technical Advisory Committee Appointments

The Strategic Plan relevant priorities are: (a) **Advocate** for security and use of water beyond District's direct authority through participation in relevant organizations representative of the District's Mission.

Background

The District is a member of the Groundwater Sustainability Agency (GSA) Joint Powers Agency (JPA) and appoints a representative to the GSA Board, an alternate representative to the GSA Board, and a representative to the Technical Advisory Committee (TAC.) Board members must be elected officials and the TAC member can be either an elected official or an employee.

Currently, Vice President Alfred White serves as the Regular GSA Board representative and Trustee John Reardan as the alternate. General Manager Elizabeth Salomone serves on the TAC.

It is recommended to continue with the current slate as shown on the **attached** draft Resolution #22-02. However, John Bailey will begin serving on the District Board in January 2023 and has expressed interest in representing on the GSA if a position became available. It is recommended that the Board review all assignments and appointments in January 2023 to affirm Trustees are comfortable with their workload.

Recommended Action

Move to approve Resolution #22-02 Affirming the Appointment of Representatives to the Ukiah Valley Basin Groundwater Sustainability Agency and Technical Advisory Committee as follows:

Trustee Alfred White as the Director
Trustee John Reardan as the Alternate Director
General Manager Elizabeth Salomone as Technical Advisory Committee Member

Attachments:

- DRAFT Resolution #22-02 Affirming the Appointment of Representatives to the Ukiah Valley Basin Groundwater Sustainability Agency

Resolution #22-02
**of the Mendocino County Russian River Flood Control &
Water Conservation Improvement District**

**Affirming the Appointment of Representatives to the
Ukiah Valley Basin Groundwater Sustainability Agency**

WHEREAS, groundwater in the Ukiah Basin is a vital resource to meet the water supply needs for customers of the District;

WHEREAS, the County of Mendocino, City of Ukiah, Upper Russian River Water Agency and the District have come together as Member Agencies to improve management of groundwater in the Ukiah Valley Basin under a Joint Powers Agreement (JPA) creating the Ukiah Valley Basin Groundwater Sustainability Agency (GSA);

WHEREAS, each of the Member Agencies is a local agency as defined by the Sustainable Groundwater Management Act of 2014 (SGMA), duly organized and existing under and by virtue of the laws of the State of California with the ability to exercise powers related to groundwater management; and,

WHEREAS, Article 7 of the GSA JPA provides for the appointment and re-appointment by Resolution of Directors and Alternate Directors on the Agency Board of Directors to serve as representatives of each Member Agency, including the District.

BE IT FURTHER RESOLVED that for the calendar years of 2022 and 2023, Trustee Alfred White remains serving as the Director and Trustee John Reardan remains serving as Alternate Director to represent the District on the Ukiah Valley Basin Groundwater Sustainability Agency in the event that the Director representing the District cannot attend a GSA Board of Directors meeting. General Manager Elizabeth Salomone remains serving as the appointee to represent the District on the Technical Advisory Committee.

ADOPTED by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District on 12th day of September, 2022.

John Reardan	Yes / No / Abstain / Absent
Tyler Rodrigue	Yes / No / Abstain / Absent
Alfred White	Yes / No / Abstain / Absent
Matthew Froneberger	Yes / No / Abstain / Absent
Christopher Watt	Yes / No / Abstain / Absent

Signed: _____

Christopher Watt, President

Attest: _____

Elizabeth Salomone, General Manager

***Mendocino County Russian River Flood Control
& Water Conservation Improvement District***

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, September 12, 2022
RE: Agenda Item 11d: State of Emergency

The Strategic Plan relevant priority is to **Administer** District resources in alignment with the District's Mission Statement to proactively manage the water resources of the upper Russian River for the benefit of the people and environment of Mendocino County.

Background

The Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing. Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 ("AB 361"), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing. The Governor of California issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect. Additionally, on September 29, 2021, the Mendocino County Health Officer issued a Health Recommendation urging public bodies in Mendocino County to continue meeting remotely through online meetings to lower the risk of COVID-19 transmission.

On November 1, 2021, the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District adopted Resolution #21-04 Making Findings and Determinations Under Assembly Bill 361 For Continued Virtual Meetings. Consistent with the provisions of Government Code Section 54953(e), the Board found and determined that (1) a state of emergency related to COVID-19 is currently in effect; and (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19. Based on such facts, findings and determinations, the Board authorized staff to conduct remote teleconference meetings of the Board under the provisions of Government Code Section 54953(e). 3. This Resolution took effect immediately.

Recommended Action:

- Move to reaffirm the previously adopted Resolution #21-04 Making Findings and Determinations under Assembly Bill 361 for Continued Virtual Meetings, determining that (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; and/or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

Attachments:

- Resolution #21-04 Making Findings and Determinations under Assembly Bill 361 for Continued Virtual Meetings, dated November 1, 2021

Resolution #21-04

of the

Mendocino County Russian River Flood Control & Water Conservation Improvement District

Making Findings and Determinations Under Assembly Bill 361 For Continued Virtual Meetings

WHEREAS, the Mendocino County Russian River Flood Control & Water Conservation Improvement District Board of Trustees, hereinafter referred to as the “Board of Trustees,” is committed to preserving and nurturing public access to and participation in meetings of the Board; and

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 (“AB 361”), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor’s executive orders, the Board has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff, and Board members; and

WHEREAS, the Governor’s Executive Order N-29-20 related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, AB 361, effective as of October 1, 2021 allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing; and

WHEREAS, on September 29, 2021, the Mendocino County Health Officer issued a Health Recommendation urging public bodies in Mendocino County to continue meeting remotely through online meetings to lower the risk of COVID-19 transmission; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until the present state of emergency has ended; and **WHEREAS**, the Board desires to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE, BE IT RESOLVED that, the District Board hereby resolves as follows:

1. The above recitals are true and correct.
2. Consistent with the provisions of Government Code Section 54953(e), the Board finds and determines that (1) a state of emergency related to COVID- 19 is currently in effect; and (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board under the provisions of Government Code Section 54953(e). 3. This Resolution shall take effect immediately.

ADOPTED 1st of November, 2021 by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District, by the following vote:

Christopher Watt	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Alfred White	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Matthew Froneberger	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Tyler Rodrigue	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
John Reardan	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent



Signed: _____
Christopher Watt, Board of Trustees President

1/11/21
Date



Attest: _____
Elizabeth Salomone, General Manager

1/11/21
Date