

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

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, December 5, 2022
RE: Agenda Item 7a: November 2022 Financial Reports Summary

Revenue

October 2022: Additional revenue not shown on previous report: None
November 2022: None

Ordinary Expenses

October 2022: Additional expenses not shown on previous report: \$3,708 in Payroll Expenses.

November 2022: \$89,255.70 in expenses at time of writing this report, notably:

- \$4,608.75 Consulting for Accounting services
- \$68,750.00 Groundwater Sustainability Agency FY 2022-23 contribution
- \$1,753.03 Legal Counsel, October service dates

Note:

Two checks have been issued to E. Salomone to correct payroll errors identified by the Accountant. For two sets of six payrolls, a new pay code in QuickBooks was used to record the company health insurance stipend to Salomone. The pay code was correctly taxing the company contribution but did not add the payment amount to the paycheck. The two checks covered payments for those two sets of 6 pay periods. A new pay code was set up going forward that is correctly adding stipend to the paycheck.

Other

- Financial reports subject to change after corrections and adjustments by Accountant and Auditor.
- Reconciliations are up to date as of the end of October; November statements not available in time for report.
- Additional reports or information available upon request.

Recommendation:

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

Attachments:

1. Income & Expense / Budget Vs Actual Report – November 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 – October 2022
6. Monthly Payment Detail Report – November 2022
7. Contracted Water Worksheet

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

Cash Basis

	Nov 22	Budget	\$ Over Budget	% of Budget
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	0.00	0.00	0.00	0.0%
Total Income	0.00	0.00	0.00	0.0%
Expense				
Consulting	5,850.01	0.00	5,850.01	100.0%
Election	0.00	0.00	0.00	0.0%
Fees, County & LAFCo	0.00	0.00	0.00	0.0%
Gage	0.00	0.00	0.00	0.0%
Groundwater Sustainability	68,750.00	0.00	68,750.00	100.0%
Insurance, Liability	0.00	0.00	0.00	0.0%
Insurance, Workers Comp	0.00	0.00	0.00	0.0%
Legal	1,753.03	0.00	1,753.03	100.0%
Memberships	0.00	0.00	0.00	0.0%
Meters Expense	0.00	0.00	0.00	0.0%
Office Operating Expenses	1,620.81	0.00	1,620.81	100.0%
Payroll Expenses	13,167.52	0.00	13,167.52	100.0%
Rent, Utilities	0.00	0.00	0.00	0.0%
Stipends, Meetings	0.00	0.00	0.00	0.0%
SWRCB Permits	0.00	0.00	0.00	0.0%
Training Costs	0.00	0.00	0.00	0.0%
Unfunded Pension Liability	0.00	0.00	0.00	0.0%
Vehicle	72.27	0.00	72.27	100.0%
Water Resiliency	0.00	0.00	0.00	0.0%
Total Expense	91,213.64	0.00	91,213.64	100.0%
Net Ordinary Income	-91,213.64	0.00	-91,213.64	100.0%
Net Income	-91,213.64	0.00	-91,213.64	100.0%

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	0.00	2,500.00	-2,500.00	0.0%
Interest-SBMC	12.61	500.00	-487.39	2.5%
Property Taxes	4,115.28	55,000.00	-50,884.72	7.5%
Water Sales	4,512.00	348,935.00	-344,423.00	1.3%
Total Income	8,639.89	406,935.00	-398,295.11	2.1%
Expense				
Consulting	28,082.21	20,000.00	8,082.21	140.4%
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	14,475.00	15,000.00	-525.00	96.5%
Groundwater Sustainability	68,750.00	68,000.00	750.00	101.1%
Insurance, Liability	6,084.87	7,000.00	-915.13	86.9%
Insurance, Workers Comp	1,786.64	7,000.00	-5,213.36	25.5%
Legal	11,859.03	20,000.00	-8,140.97	59.3%
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	3,211.70	5,000.00	-1,788.30	64.2%
Payroll Expenses	72,260.11	175,010.00	-102,749.89	41.3%
Payroll Taxes- old	0.00			
Rent, Utilities	2,250.00	5,000.00	-2,750.00	45.0%
Stipends, Meetings	2,325.00	6,000.00	-3,675.00	38.8%
SWRCB Permits	0.00	17,000.00	-17,000.00	0.0%
Training Costs	1,232.52	4,000.00	-2,767.48	30.8%
Unfunded Pension Liability	7,011.00	9,500.00	-2,489.00	73.8%
Vehicle	616.20	2,000.00	-1,383.80	30.8%
Water Resiliency	3,737.00	40,000.00	-36,263.00	9.3%
Total Expense	225,136.90	417,010.00	-191,873.10	54.0%
Net Ordinary Income	-216,497.01	-10,075.00	-206,422.01	2,148.9%
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	-225,759.90	-10,075.00	-215,684.90	2,240.8%

Russian River Flood Control District
Profit & Loss Prev Year Comparison
July through November 2022

Cash Basis

	Jul - Nov 22	Jul - Nov 21	\$ Change	% Change
Ordinary Income/Expense				
Income				
Interest-LAIF	0.00	298.45	-298.45	-100.0%
Interest-SBMC	12.61	76.39	-63.78	-83.5%
Property Taxes	4,115.28	0.00	4,115.28	100.0%
Water Sales	4,512.00	0.00	4,512.00	100.0%
Total Income	8,639.89	374.84	8,265.05	2,205.0%
Expense				
Consulting	28,082.21	2,550.00	25,532.21	1,001.3%
Fees, County & LAFCo	1,268.73	1,396.13	-127.40	-9.1%
Gage	14,475.00	13,267.50	1,207.50	9.1%
Groundwater Sustainability	68,750.00	4,000.00	64,750.00	1,618.8%
Insurance, Liability	6,084.87	6,144.80	-59.93	-1.0%
Insurance, Workers Comp	1,786.64	-806.82	2,593.46	321.4%
Legal	11,859.03	15,893.64	-4,034.61	-25.4%
Memberships	0.00	5,670.00	-5,670.00	-100.0%
Meters Expense	186.89	54.15	132.74	245.1%
Office Operating Expenses	3,211.70	1,481.42	1,730.28	116.8%
Payroll Expenses				
CalPERS 1959 Survivor Billing	10.00	72.40	-62.40	-86.2%
CalPERS 457 Employee Def Comp	0.00	1,437.50	-1,437.50	-100.0%
CalPERS Company Match	3,741.00	3,637.10	103.90	2.9%
CalPERS Roth 457(b) expense	2,900.00	0.00	2,900.00	100.0%
Employee Health Insurance	9,888.00	4,200.00	5,688.00	135.4%
Gross Wages	51,354.16	47,916.70	3,437.46	7.2%
Medicare	840.77	694.79	145.98	21.0%
Payroll Taxes- FICA, etc	3,526.18	2,970.83	555.35	18.7%
Total Payroll Expenses	72,260.11	60,929.32	11,330.79	18.6%
Payroll Taxes- old	0.00	0.00	0.00	0.0%
Rent, Utilities	2,250.00	3,111.47	-861.47	-27.7%
Stipends, Meetings	2,325.00	600.00	1,725.00	287.5%
Training Costs	1,232.52	490.00	742.52	151.5%
Unfunded Pension Liability	7,011.00	8,419.00	-1,408.00	-16.7%
Vehicle	616.20	103.52	512.68	495.3%
Water Resiliency	3,737.00	7,397.32	-3,660.32	-49.5%
Total Expense	225,136.90	130,701.45	94,435.45	72.3%
Net Ordinary Income	-216,497.01	-130,326.61	-86,170.40	-66.1%
Other Income/Expense				
Other Expense				
Meter Purchase	0.00	1,884.53	-1,884.53	-100.0%
Prior Year Expense	9,262.89	0.00	9,262.89	100.0%
Reserves	0.00	68,750.00	-68,750.00	-100.0%
Total Other Expense	9,262.89	70,634.53	-61,371.64	-86.9%
Net Other Income	-9,262.89	-70,634.53	61,371.64	86.9%
Net Income	-225,759.90	-200,961.14	-24,798.76	-12.3%

Russian River Flood Control District Balance Sheet Prev Year Comparison

As of October 31, 2022

Cash Basis

	Oct 31, 22	Oct 31, 21	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
LAIF				
Capital Reserve	48,000.00	48,000.00	0.00	0.0%
Emergency Reserve	28,000.00	28,000.00	0.00	0.0%
Operating Reserve	153,000.00	156,000.00	-3,000.00	-1.9%
WaterSupplyReliability Reserve	259,411.40	256,411.40	3,000.00	1.2%
LAIF - Other	3,593.38	2,004.96	1,588.42	79.2%
Total LAIF	492,004.78	490,416.36	1,588.42	0.3%
SBMC Checking	341,482.56	183,678.34	157,804.22	85.9%
SBMC Savings	100,101.10	267,892.85	-167,791.75	-62.6%
Total Checking/Savings	933,588.44	941,987.55	-8,399.11	-0.9%
Total Current Assets	933,588.44	941,987.55	-8,399.11	-0.9%
Fixed Assets				
Accumulated Depreciation	-59,942.72	-59,942.72	0.00	0.0%
Meters & Vehicles	150,080.91	139,849.78	10,231.13	7.3%
Total Fixed Assets	90,138.19	79,907.06	10,231.13	12.8%
Other Assets				
Deferred Outflows	24,734.00	24,734.00	0.00	0.0%
Total Other Assets	24,734.00	24,734.00	0.00	0.0%
TOTAL ASSETS	1,048,460.63	1,046,628.61	1,832.02	0.2%
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable	0.00	-128.33	128.33	100.0%
Other Current Liabilities				
Accrued Expenses	8,706.51	0.00	8,706.51	100.0%
Payroll Liabilities				
1959 Survivor Benefits (Liab)	1.00	1.00	0.00	0.0%
CalPERS- Employee contr (liab.)	337.50	323.46	14.04	4.3%
CalPERS 457 Def Comp (Liab)	0.00	143.75	-143.75	-100.0%
CalPERS Company Match (Liab)	879.50	363.71	515.79	141.8%
CalPERS Roth 457(b) payable	750.00	0.00	750.00	100.0%
Employee Health Insurance	1,908.00	-600.00	2,508.00	418.0%
Federal Withholding	-873.92	646.00	-1,519.92	-235.3%
FICA	0.00	594.18	-594.18	-100.0%
Medicare	0.00	138.96	-138.96	-100.0%
State Withholding CA	0.00	338.97	-338.97	-100.0%
Payroll Liabilities - Other	750.00	0.00	750.00	100.0%
Total Payroll Liabilities	3,752.08	1,950.03	1,802.05	92.4%
2150 · Vacation Accrual	12,384.00	12,384.00	0.00	0.0%
Total Other Current Liabilities	24,842.59	14,334.03	10,508.56	73.3%
Total Current Liabilities	24,842.59	14,205.70	10,636.89	74.9%
Long Term Liabilities				
Deferred Inflows	471.00	471.00	0.00	0.0%
Net Pension Liability	50,063.00	50,063.00	0.00	0.0%
Total Long Term Liabilities	50,534.00	50,534.00	0.00	0.0%
Total Liabilities	75,376.59	64,739.70	10,636.89	16.4%
Equity				
3000 · Opening Bal Equity	541,116.95	541,116.95	0.00	0.0%

Russian River Flood Control District
Balance Sheet Prev Year Comparison

Cash Basis

As of October 31, 2022

	<u>Oct 31, 22</u>	<u>Oct 31, 21</u>	<u>\$ Change</u>	<u>% Change</u>
3900 · Retained Earnings	566,513.35	558,727.64	7,785.71	1.4%
Net Income	-134,546.26	-117,955.68	-16,590.58	-14.1%
Total Equity	973,084.04	981,888.91	-8,804.87	-0.9%
TOTAL LIABILITIES & EQUITY	<u>1,048,460.63</u>	<u>1,046,628.61</u>	<u>1,832.02</u>	<u>0.2%</u>

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

Cash Basis

Type	Date	Name	Memo	Paid Amo...
SBMC Checking				
Bill Pmt -Check	10/02/2022	Cardmember Service	Credit card 8/12-9/13/22	-913.08
Bill Pmt -Check	10/04/2022	John Reardan	Board Meeting Stipend Jan-June 2022	-600.00
Bill Pmt -Check	10/04/2022	Herum/Crabtree/Suntag		-4,521.50
Bill Pmt -Check	10/05/2022	State Compensation Insurance Fund	2022-23 FY Policy charges 9/9-10/9/22	-446.66
Bill Pmt -Check	10/06/2022	Comcast Business	Internet services for 9/13-10/12/22	-76.47
Check	10/11/2022	Salomone, Elizabeth A	Payroll correction due to pay code error for 6 ...	-3,708.00
Bill Pmt -Check	10/11/2022	Intuit	Monthly Payroll Subscription	-2.00
Bill Pmt -Check	10/21/2022	US Cellular	Cell service 9/14- to 10/13/22	-51.49
Bill Pmt -Check	10/29/2022	Leap Solutions Group, Inc	Invoice #5520 Strat Plan consulting	-2,150.00
Bill Pmt -Check	10/29/2022	Nigro & Nigro PC	FY 2020-2021 Audit	-9,500.00
Bill Pmt -Check	10/29/2022	Roxanne V. Berg, CPA	CPA services	-350.00
Bill Pmt -Check	10/29/2022	USGS	Gages, Bill #91010951 4th pymt FY 22	-7,237.50
Check	10/31/2022	Internal Revenue Service		-873.92
Check	10/31/2022	Salomone, Elizabeth A	Payroll correction due to pay code error for 6 ...	-3,708.00
Total SBMC Checking				-34,138.62
TOTAL				-34,138.62

Russian River Flood Control District
Monthly Payment Detail

As of November 30, 2022

Cash Basis

Type	Date	Name	Memo	Paid Amount
SBMC Checking				
Bill Pm...	11/09/2022	Cardmember Service	Credit card 9/14 - 10/13/22	-295.37
Bill Pm...	11/09/2022	Comcast Business	Internet services for 10/20-11/19/22 and contract termin...	-364.82
Bill Pm...	11/09/2022	Intuit	Monthly Payroll Subscription	-5.00
Bill Pm...	11/16/2022	UVB Groundwater Sustainabilty Agency	Member dues for FY 2022-23	-68,750.00
Bill Pm...	11/16/2022	Herum/Crabtree/Suntag	Legal Counsel October service dates	-1,753.03
Bill Pm...	11/16/2022	Eide Bailly	Bookkeeping, October service Dates	-4,608.75
Bill Pm...	11/18/2022	US Cellular	Cell service 10/14/22-11/13/22 service	-51.49
Bill Pm...	11/23/2022	Chevalier Vineyard Management, Inc.	Meter Reading/annual downloads Oct & Nov	-1,241.26
Total SBMC Checking				-77,069.72
TOTAL				-77,069.72

Project Water Worksheet as of December 1, 2022

No changes from previous report.

**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="text-align: right;">Calpella CWD</td><td style="text-align: center;">85</td><td></td></tr> <tr><td style="text-align: right;">Henry Station Mutual Water Co</td><td style="text-align: center;">8</td><td></td></tr> <tr><td style="text-align: right;">Hopland PUD</td><td style="text-align: center;">222</td><td></td></tr> <tr><td style="text-align: right;">Millview CWD - Municipal Use</td><td style="text-align: center;">970</td><td></td></tr> <tr><td style="text-align: right;">Millview CWD - Wheeled Municipal Use</td><td style="text-align: center;">189.15</td><td></td></tr> <tr><td style="text-align: right;">Millview CWD - Irrigation Use</td><td style="text-align: center;">12</td><td></td></tr> <tr><td style="text-align: right;">Rogina Water</td><td style="text-align: center;">800</td><td style="text-align: right;">*</td></tr> <tr><td style="text-align: right;">River Estates Mutual Water Company</td><td style="text-align: center;">26</td><td></td></tr> <tr><td style="text-align: right;">Willow CWD - Municipal Use</td><td style="text-align: center;">515</td><td></td></tr> <tr><td style="text-align: right;">Willow CWD - Irrigation Use</td><td style="text-align: center;">80</td><td></td></tr> <tr style="background-color: #e0e0e0;"><td style="text-align: right;">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		
Calpella CWD	85																																	
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River Estates Mutual Water Company	26																																	
Willow CWD - Municipal Use	515																																	
Willow CWD - Irrigation Use	80																																	
Contracted Municipals:	2907.15																																	
Contracted Total:	7824.15																																	

Uncontracted Water Supply for 2021: **115.85**

*Rogina verbally requested to reduce from 800af to 400af in March 2022 but the permanent contract amendment was not completed and has been scheduled for Jan 2023.

Contract Adjustments in 2022:

Surplus water transferred from customers in 2022:	n/a	
Emergency water transferred from customers in 2022:	-400	Rogina to Redwood Valley
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 made available by RRFC to RVCWD in 2022:	60	not allocated to a contract
Emergency water transferred to RVCWD by Customer(s) in 2022:	400	

Total: **7824.15**

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

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

10 **1. Roll Call**

11 President Watt called the meeting to order at 5:32 PM.

- 12 Trustees Present: Christopher Watt, President
13 Alfred White, Vice President (left at 7:02 PM)
14 Matthew Froneberger, Treasurer
15 Tyler Rodrigue, Trustee
16 John Reardan, Trustee
17

18 Staff: Elizabeth Salomone, General Manager

19 Other: John Bailey, Trustee term commencing December 2, 2022
20

21 **2. Approval of Agenda**

22 Vice President White moved to approve the agenda. Trustee Reardan seconded the motion.

23 The motion was approved by the following vote:

24 Ayes: 5 (Reardan, Rodrigue, Froneberger, White, Watt)
25

26 **3. Public Expression**

27 Redwood Valley County Water District Board Member, Bree Klotter, thanked the Board for addressing surplus
28 water issues with an agenda item during this meeting.
29

30 **ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

31 **4. Water Supply Conditions Update and District Response**

32 GM Salomone presented the item, reviewing the staff report and noting all Russian River curtailments by the State
33 Water Resources Control Board have been suspended and Sonoma Water Agency has filed a Temporary Urgency
34 Change Petition to take effect when the current one expires.
35

36 **5. District Surplus Water Policy Development Workshop**

37 GM Salomone presented the item with a PowerPoint slideshow. Comments and questions were offered by
38 Redwood Valley County Water District Board Members Bree Klotter and Adam Gaska, John Bailey, as well as
39 Trustees. Adam Gaska noted the need for and supported improved communication. John Bailey suggested a ‘best
40 practices’ guide for customers.

41 President Watt noted that in the not-so-distant past, “system surplus” was common and therefore “District
42 Surplus” was more easily identified. Recent changes in Eel River diversions and precipitation patterns have
43 decreased the amount of water available and when, while consumptive and instream flow demands have generally
44 remained the same. This is not a situation the District has experienced before to this degree and there is no
45 playbook. The level of precision in the beneficial and efficient use of water must improve. He commended GM
46 Salomone in the work and noted this may be an adaptable process based on variables that continue to change.

49 Board consensus to direct Staff and Legal Counsel to work on a policy and/or procedure, keeping the process
50 adaptable to account for variables while not being overly cumbersome. A customer workshop for early 2023 was
51 suggested.

52

53 **6. Budgeting for Strategic Plan Implementation**

54 GM Salomone presented the Staff Report. Comments and questions were offered by Trustees.

55 Trustee Rodrigue expressed concern over raising rates to increase revenue without clear indication of beneficial
56 results in reliability and any assumption that the District not raising rates since 2009 indicates a need to increase
57 them doesn't take into account the District's cost effective management.

58 President Watt noted agreement that Trustee Rodrigue's comments must be considered in the process of
59 evaluating District revenue and potential rate increases. He further noted there are variables affecting the District's
60 ability to sell water, some changing so slowly as to be almost imperceptible. The District has not taken responsive
61 actions that yielded much in the way of results. While it remains an unknown if investing funds sooner and longer
62 in working to preserve and improve water supply reliability would have improved the current situation, the Board
63 must now look carefully at what can be done to make a difference in the water supply security and reliability as laid
64 out in the Strategic Plan. The Board will need to consider the Strategic Plan implementation steps and costs being
65 brought forward by GM Salomone, establishing what is necessary and identifying funds.

66 John Bailey noted that in his experience in private business, non-profit, and government agencies, contingency
67 plans and adequate reserves must be built in to meet what situations might demand. While recognizing the
68 consideration of not unduly raising rates, he pointed out the cost of living is escalating, and the District needs to
69 consider 5-10 year planning projections setting suitable levels of revenue to meet challenges in unprecedented
70 circumstances.

71

72 Trustee Rodrigue provided clarification on his comments, noting he has no issue with raising funds to make
73 investments that will yield a return for constituents, with the need for disciplined scale and scope of these
74 investments in representing constituents equitably.

75

76 Treasurer Froneberger stressed the need for additional support to the single employee of the District, particularly
77 legal counsel, engineering, and project management if the District Board supports the implementation of Strategic
78 Plan priorities.

79

80 Redwood Valley County Water District (RVCWD) Board Member Adam Gaska highlighted how RVCWD did
81 not invest sufficiently to address contingencies being experienced currently and encouraged the District to
82 prepare.

83

84 Treasurer Froneberger added that just to keep up means the District needs to chase the rate of inflation and the
85 consumer price index. If the District wants to expand and enhance responses to conditions, the District must
86 exceed.

87

88 Trustee Rodrigue suggested all the speakers are 'on the same page.' The point to consider is what is being invested
89 in, measuring benefits and costs, justifying the return on investment and risk management that District
90 constituents would expect of District leadership.

91

92

(Continued...)

94 President Watt appointed Tyler Rodrigue and himself to a Budgeting for Strategic Plan Implementation Ad Hoc
95 Committee to consider a scope of work and establish annual costs to proposed actions.

96

97 *Vice President White left the meeting at 7:02 PM.*

98

99

100 **REGULAR BUSINESS, INFORMATION, AND REPORT ITEMS**

101 **7. Consent Calendar**

- 102 a) Acceptance of the October 2022 Financial Report
- 103 b) Approval of October 3, 2022 Regular Meeting Minutes
- 104 c) State of Emergency

105

106 GM Salomone noted reconciliations are now up to date. The Transactions Report shows two checks for \$3,708.00
107 each being issued to E. Salomone to correct payroll errors. The District's Accountant will review the payments
108 and recommend any corrective action(s) needed.

109

110 Trustee Reardan moved to approve the Consent Calendar items a-c with direction to GM to provide a follow up
111 report on the two checks noted above at the next Board meeting. Treasurer Froneberger seconded the motion.

112 The motion was approved by the following vote:

113 Ayes: 4 (Reardan, Rodrigue, Froneberger, Watt)

114 Absent: 1 (White)

115 **8. Trustee & Committee Reports**

116 *Trustee Reardan* provided an update on the Mendocino County Inland Water & Power Commission
117 (MCIWPC) efforts to establish a group to address outreach, education, and other activities related to the
118 Commission. Legal Counsel advised MCIWPC to establish an Ad Hoc Committee of the Commission. He
119 provided an update on the first meeting of this group.

120 *Treasurer Froneberger* provided a report from the Mendocino County Local Agency Formation Commission
121 meeting.

122 **9. General Manager Report & Correspondence**

123 GM presented the written report, sharing additional information on the General Manager annual
124 performance evaluation.

125 President Watt appointed Tyler Rodrigue and himself to GM Annual Performance Evaluation Ad Hoc
126 Committee.

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(Continued...)

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10. Direction on Future Agenda Items

GM Salomone identified topics including but not limited to remote meetings, Ad Hoc Committee updates, presentation on FIRO, and other items from the Strategic Plan.

ADJOURNMENT

Trustee Reardan moved to adjourn the meeting at 7:36 PM. Treasurer Froneberger seconded the motion. The motion was approved by the following vote:

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

APPROVED by Board of Trustees on December 5, 2022

President of the Board of Trustees

Secretary of the Board of Trustees

President ***Vice President*** ***Treasurer*** ***Trustee*** ***Trustee***
Christopher Watt *Alfred White* *Matthew Froneberger* *Tyler Rodrigue* *John Reardan*

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

STAFF REPORT

To: Board of Trustees
From: E. Salomone, General Manager
Meeting: Monday, December 5, 2022
RE: Agenda Item 7c: State of Emergency

The Strategic Plan relevant priority are **Advocacy:** Improving public awareness and understanding of the importance of water issues; and **Administration:** Fostering District resources in alignment with the District's Mission to steward water resources for the benefit of people and environment.

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