

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF DECEMBER 13, 2022
AGENDA ITEM NO. 9.C.**



AGENDA SECTION: ACTION ITEMS

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE 2022-03, AMENDING AND REPLACING ORDINANCE 2015-02, THEFT OF WATER AND TAMPERING WITH DISTRICT FACILITIES, AND SET FOR PUBLIC HEARING

PREPARED BY: Jessica Buckle, Office Finance Manager

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

Pursuant to existing law, Ordinance 2015-02 of the Georgetown Divide Public Utility District was enacted on November 10, 2015, to create enforceable penalties for theft and tampering violations that the District could then prosecute either criminally or civilly, and recover monetary damages caused by the violations (Attachment 1).

During the 2021-2022 Legislature, California Senate Bill 427 was introduced and authorized water service agencies the ability to adopt an ordinance setting administrative procedures for imposing, enforcing, collecting, and reviewing administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine.

This bill became law in July of 2021 requiring the District to update Ordinance 2015-02.

DISCUSSION

This is the introduction and first reading of Ordinance 2022-03, amending and replacing Ordinance 2015-02.

FISCAL IMPACT

No cost to the district. Any future water theft and/or tampering violations will result in heftier fines.

CEQA ASSESSMENT

This is not a CEQA Project.

RECOMMENDED ACTION

It is recommended the Board of Directors of the Georgetown Divide Public Utility District receive the introduction and first reading of Ordinance 2022-03, Theft of Water and Tampering with District Facilities, and set it for public hearing at the next regular Board meeting of January 10, 2023.

ALTERNATIVES

Request substantive changes to the Resolution for staff to implement, or reject the Resolution.

ATTACHMENTS

1. Ordinance 2015-02
2. Ordinance 2022-03
3. Resolution 2022-XX

ORDINANCE NO. 2015-02
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ESTABLISHING A DISTRICT ORDINANCE FOR THE THEFT OF WATER
AND TAMPERING WITH DISTRICT FACILITIES

Be it enacted by the Board of Directors of the Georgetown Divide Public Utility District that:

WHEREAS, California Penal Code section 498 prohibits the theft of utility services, including water; and

WHEREAS, California Penal Code section 624 prohibits every person from willfully damaging, tampering with, or digging up water pipes or waterworks; and

WHEREAS, California Penal Code section 625 prohibits every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any disconnected utility connection after having been notified that the same has been closed or shut for specific cause, by order of competent authority; and

WHEREAS, any person who violates Penal Code sections 498, 624, or 625 is guilty of a misdemeanor; and

WHEREAS, California Civil Code section 1882 et seq. authorizes the Georgetown Divide Public Utility District (the "District") to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

- a. Diverts, or causes to be diverted, utility services by any means whatsoever.
- b. Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.
- c. Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.
- d. Tampers with any property owned or used by the utility to provide utility services.

e. Uses or receives the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility; and

WHEREAS, pursuant to California Government Code section 53069.4, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, because water is a vital resource, the District has determined that it is appropriate to impose civil administrative fines for the theft of water to protect this vital resource; and

WHEREAS, the District Board of Directors finds that this Ordinance is in the best interest of the District to protect the health, safety and welfare of the community; and

WHEREAS, the Board of Directors finds that this Ordinance is consistent with state law and the policies of the District.

NOW, THEREFORE, the Board of Directors of the Georgetown Divide Public Utility District does ordain as follows:

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THEFT OF SERVICE
AND TAMPERING VIOLATIONS

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Violations.

- a. For the purposes of this Ordinance, "water theft" means and includes all of the following:
 1. the use, diversion, receipt or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility; and
 2. the use, diversion, receipt, or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities.

3. For the purposes of this ordinance, “unauthorized use” includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of a hydrant meter in violation of the terms and conditions of a hydrant meter permit.
- b. “Tampering” with District equipment or facilities is considered grounds for discontinuance of utility service. “Tampering” shall include, but not be limited to:
1. Opening valves at the Curb or meters that have been turned off by District personnel.
 2. Breaking, picking or damaging cut-off locks.
 3. Bypassing meter in any way.
 4. Taking unmetered water from hydrants by anyone other than authorized officials of a recognized fire department, fire insurance company or District employee for any purpose other than firefighting, testing or flushing of hydrants.
 5. Use of sprinkler system water service for any purpose other than fire protection.
 6. Removing, disabling or adjusting meter registers.
 7. Connecting to or intentionally damaging water lines, valves or other appurtenances.
 8. Moving the meter or extending service without permission of the District.
 9. Any intentional act of defacement, destruction or vandalism to District property or an act that affects District property.
 10. Unauthorized use of a pump or device for removal of water from the ditch system.
 11. Any intentional blockage or obstruction of District property.

- c. Water theft and tampering are prohibited. Each act of water theft or tampering constitutes a misdemeanor.
- d. If any person takes water from a fire hydrant without authorization or otherwise tampers with District property, the District will submit a record of the vehicle license plate number or photo (if available) to El Dorado County Sheriff Department for investigation.
- e. The District may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code.

Section 3. Administrative Penalties. In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

- a. require the immediate removal of any equipment, connections or tools used to accomplish the water theft that is attached to District property;
- b. charge the customer or perpetrator an administrative penalty of:
 - 1. \$150 for the first violation;
 - 2. \$250 for a second violation within a twelve-month period; and
 - 3. \$350 for each violation thereafter within a twelve-month period.

Section 4. Other Remedies. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District facilities, bypasses a meter, or otherwise makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may:

- a. turn off the water service and install a lock;
- b. estimate, if necessary, the water taken and charge the customer, offender or water recipient three times the normal rate of the water taken from the District facility;

- c. charge the customer, offender or water recipient for the damage to the District lock, meter or other property;
- d. remove the meter and plug the service;
- e. terminate and remove the service from its connection to the water main;
- f. charge a deposit of two times the amount of the average use to reestablish service;
- g. require the return of any District hydrant meter; and
- h. prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

Section 5. Notice.

- a. A “Notice of Violation” will be mailed or delivered to the customer for the following:
 - 1. Evidence suggests the possibility of theft of service, including irrigation water, at the customer’s property.
 - 2. If the violation does not constitute an immediate threat of safety or equipment integrity to the system, the customer will be ordered to immediately cease any unlawful practice.
- b. A “Notice of Violation” will be mailed or delivered to the customer after service is cut-off for the following:
 - 1. In the opinion of the District’s General Manager, theft of service is clearly evident on the customer’s property and immediate action is necessary.
 - 2. In the opinion of the District’s General Manager, there is an immediate danger to public health or safety.

Section 6. Payment and Appeal Procedures. The District shall calculate the amount of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record, an invoice for payment of the damages or penalty(ies) may be sent to the offender, water user or recipient.

- a. All costs relating to the District's processing and handling of the water theft, investigation and enforcement thereof, and potential charges for reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender, water user or recipient. These charges include, but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall deposit twice the average bi-monthly water bill, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.
- b. All charges relating to the District's processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne by the offender, water user or recipient, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.
- c. Any person (an "appellant") who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit pursuant to Section 4(h), shall comply with the following procedures:
 1. The appellant shall submit an appeal request to the District no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.
 2. A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request.
 3. If an appeal request is denied, the appellant may resubmit the appeal request to the District Board of Directors no later than fifteen (15) calendar days from the date of the denial.
 4. The appellant may request to provide evidence in writing or in person in support of his or her appeal.
 5. The decision by the District Manager or if appealed to the Board of Directors, their final decision, shall be final.

6. Within ten (10) days after the denial of the appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.
7. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

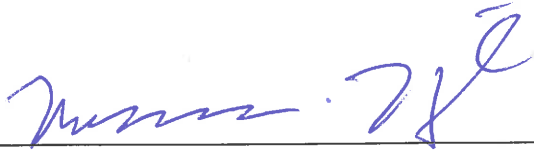
Section 7. Effective Date. This Ordinance shall become effective and in full force thirty days after its passage.

I HEREBY CERTIFY that the foregoing Ordinance was duly INTRODUCED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on the 13th day of October, 2015, and was PASSED AND ADOPTED by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on this 10th day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:



Norman A. Krizl, President
Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:



Wendell B. Wall, Clerk and ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance 2015-02 duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, El Dorado County, California, at a meeting duly held on the 10th day of November 2015.



Wendell B. Wall, Clerk and ex officio

Secretary of the

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ORDINANCE NO. 2022-03
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ESTABLISHING A DISTRICT ORDINANCE FOR THE THEFT OF WATER
AND TAMPERING WITH DISTRICT FACILITIES

Be it enacted by the Board of Directors of the Georgetown Divide Public Utility District that:

WHEREAS, California Senate Bill 427 updates the fine levels for theft of services

WHEREAS, California Penal Code section 498 prohibits the theft of utility services, including water; and

WHEREAS, California Penal Code section 624 prohibits every person from willfully damaging, tampering with, or digging up water pipes or waterworks; and

WHEREAS, California Penal Code section 625 prohibits every person who, with intent to defraud or injure, opens, or causes to be opened, or draws water from any disconnected utility connection after having been notified that the same has been closed or shut for a specific cause, by order of competent authority; and

WHEREAS, any person who violates Penal Code sections 498, 624, or 625 is guilty of a misdemeanor; and

WHEREAS, California Civil Code section 1882 et seq. authorizes the Georgetown Divide Public Utility District (the "District") to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:

- a. Diverts, or causes to be diverted, utility services by any means whatsoever.
- b. Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.
- c. Prevents any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means.

d. Tamper with any property owned or used by the utility to provide utility services.

e. Uses or receives the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility; and

WHEREAS, pursuant to California Government Code section 53069.45, the District may, by ordinance, make the violation of any ordinance enacted by its Board of Directors subject to a civil administrative fine or penalty; and

WHEREAS, because water is a vital resource, the District has determined that it is appropriate to impose civil administrative fines for the theft of water to protect this vital resource; and

WHEREAS, the District Board of Directors finds that this Ordinance is in the best interest of the District to protect the health, safety, and welfare of the community; and

WHEREAS, the Board of Directors finds that this Ordinance is consistent with state law and the policies of the District.

NOW, THEREFORE, the Board of Directors of the Georgetown Divide Public Utility District does ordain as follows:

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THEFT OF SERVICE
AND TAMPERING VIOLATIONS

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Violations.

a. For the purposes of this Ordinance, “water theft” means and includes all of the following:

1. the use, diversion, receipt, or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral, or other District facility or connection to a District facility; and

2. the use, diversion, receipt, or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities.
 3. For the purposes of this ordinance, “unauthorized use” includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of a hydrant meter in violation of the terms and conditions of a hydrant meter permit.
- b. “Tampering” with District equipment or facilities is considered grounds for discontinuance of utility service. “Tampering” shall include, but not be limited to:
1. Opening valves at the Curb or meters that have been turned off by District personnel.
 2. Breaking, picking, or damaging cut-off locks.
 3. Bypassing meter in any way.
 4. Taking unmetered water from hydrants by anyone other than authorized officials of a recognized fire department, fire insurance company, or District employee for any purpose other than firefighting, testing, or flushing of hydrants.
 5. Use of sprinkler system water service for any purpose other than fire protection.
 6. Removing, disabling, or adjusting meter registers.
 7. Connecting to or intentionally damaging water lines, valves, or other appurtenances.
 8. Moving the meter or extending service without the permission of the District.
 9. Any intentional act of defacement, destruction, or vandalism to District property or an act that affects District property.
 10. Unauthorized use of a pump or device for removal of water from the ditch system.

11. Any intentional blockage or obstruction of District property.
- c. Water theft and tampering are prohibited. Each act of water theft or tampering constitutes a misdemeanor.
- d. If any person takes water from a fire hydrant without authorization or otherwise tampers with District property, the District will submit a record of the vehicle license plate number or photo (if available) to El Dorado County Sheriff Department for investigation.
- e. The District may report any water theft to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code.

Section 3. Administrative Penalties. In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:

- a. Require the immediate removal of any equipment, connections, or tools used to accomplish the water theft that is attached to District property; and
- b. Charge the customer or perpetrator an administrative penalty of:
 1. \$130 for the first violation of water meter tampering; and
 2. \$500 for a second violation of water meter tampering within a twelve-month period; and
 3. \$1000 for the third violation of water meter tampering and \$1300 for each violation of water meter tampering thereafter within a twelve-month period.
4. Water theft violations not resulting from meter tampering shall be enforced:
 - a. \$1000 for the first violation; and
 - b. \$2000 for the second violation; and
 - c. \$3000 for the third violation and each additional violation thereafter.

d. "Water theft" means an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the Penal Code.

4. If the value of all utility services obtained in violation of this section totals more than nine hundred fifty dollars (\$950) or if the defendant has previously been convicted of an offense under this section or any former section which would be an offense under this section, or of an offense under the laws of another state or of the United States which would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in a county jail for not more than one year, or in the state prison.

Section 4. Other Remedies. In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in the Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District facilities, bypasses a meter, or otherwise makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may:

- a. Turn off the water service and install a lock; and
- b. Estimate, if necessary, the water taken and charge the customer, offender, or water recipient three times the normal rate of the water taken from the District facility; and
- c. Charge the customer, offender, or water recipient for the damage to the District lock, meter, or other property; and
- d. Remove the meter and plug the service; and
- e. Terminate and remove the service from its connection to the water main.
- f. Charge a deposit of two times the amount of the average use to reestablish service.
- g. Require the return of any District hydrant meter; and
- h. Prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

Section 5. Notice.

- a. A "Notice of Violation" will be mailed or delivered to the customer for the following:
 1. Evidence suggests the possibility of theft of service, including irrigation water, at the customer's property.
 2. If the violation does not constitute an immediate threat of safety or equipment integrity to the system, the customer will be ordered to immediately cease any unlawful practice.
- b. A "Notice of Violation" will be mailed or delivered to the customer after service is cut-off for the following:
 1. In the opinion of the District's General Manager, theft of service is clearly evident on the customer's property and immediate action is necessary.
 2. In the opinion of the District's General Manager, there is an immediate danger to public health or safety.

Section 6. Payment and Appeal Procedures. The District shall calculate the number of damages and penalty(ies) to be imposed, and shall send a bill to the customer, or if the offender is not a customer of record, an invoice for payment of the damages or penalty(ies) may be sent to the offender, water user or recipient.

- a. All costs relating to the District's processing and handling of the water theft, investigation, and enforcement thereof, and potential charges for the reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is no customer of record, by the offender, water user or recipient. These charges include but are not limited to, service call charges, water charges, turnoff of service, charges for damage to District facilities and equipment, and plug or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in any way involved in or related to, or associated with, parties involved in the water theft, shall deposit twice the average bi-monthly water bill, plus the standard meter reinstallation fee, in addition to all service call charges, and an amount representing any damage to District property.
- b. All charges relating to the District's processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne

by the offender, water user or recipient, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

- c. Any person (an “appellant”) who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit pursuant to Section 4(h), shall comply with the following procedures:
 1. The appellant shall submit an appeal request to the District no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.
 2. A response to the appeal request shall be provided by the District within thirty (30) calendar days from receipt of the appeal request.
 3. If an appeal request is denied, the appellant may resubmit the appeal request to the District Board of Directors no later than fifteen (15) calendar days from the date of the denial.
 4. The appellant may request to provide evidence in writing or in person in support of his or her appeal.
 5. The decision by the District Manager or if appealed to the Board of Directors, their final decision shall be final.
 6. Within ten (10) days after the denial of the appeal is deemed final, the appellant shall pay any disputed penalty(ies) imposed by the District.
 7. The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision.

Section 7. Effective Date. This Ordinance shall become effective and in full force thirty days after its passage.

I HEREBY CERTIFY that the foregoing Ordinance was duly INTRODUCED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on the 13th day of December 2022, and was PASSED AND ADOPTED by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on this 10th day of January 2015, by the following vote:

AYES:

NOES:

ABSENT:

TBD, President
Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance 2022-03 ~~2015-02~~ duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, El Dorado County, California, at a meeting duly held on the 10th day of January 2023.

Nicholas Schneider, Clerk and ex officio
Secretary of the
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
APPROVING THE FIRST READING OF ORDINANCE 2022-03 AMENDING AND
REPLACING ORDINANCE 2015-02, THEFT OF WATER AND TAMPERING WITH
DISTRICT FACILITIES, AND SET FOR PUBLIC HEARING

WHEREAS, pursuant to existing law, Ordinance 2015-02 of the Georgetown Divide Public Utility District was enacted on November 10, 2015, to create enforceable penalties for theft and tampering violations that the District could then prosecute either criminally or civilly, and recover monetary damages caused by the violations and

WHEREAS, during the 2021-2022 Legislature, California Senate Bill 427 was introduced to authorize water service agencies to adopt an ordinance setting administrative procedures for imposing, enforcing, collecting, and reviewing administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine

WHEREAS, this bill became law in July of 2021 requiring the District to update Ordinance 2015-02, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT that this is the introduction and first reading of Ordinance 2022-03, amending, and replacing Ordinance 2015-02.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 13th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

TBD, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2022-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 13th day of December 2022.

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF DECEMBER 13, 2022
AGENDA ITEM NO. 9.D.**



AGENDA SECTION: ACTION ITEMS

**SUBJECT: CONSIDER OPPORTUNITIES TO BUILD AND STRENGTHEN
THE GDPUD ADVOCACY TEAM**

PREPARED BY: Gloria Omania, Retired Annuitant

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

A part of achieving an organization's goals is the strength of its advocacy team established through partnerships. One area of support is through association memberships. The Georgetown Divide Public Utility District's memberships include the Association of California Water Agencies (ACWA), the California Special District's Association (CSDA), and the Mountain Counties Water Resources Association (MCA). Attachment 1 provides information about these memberships and how their websites can be a valuable resource for the District and its customers.

Establishing and strengthening partnerships with other local, regional, and federal elected officials will help efforts to obtain grants, and funding and help to advocate for legislation and regulations that benefit the District.

DISCUSSION

Staff has identified the following opportunities to strengthen the GDPUD Advocacy Team:

(1) Join the Regional Water Authority (RWA) (Attachment 2).

A key component of the RWA's strategic plan is advocacy with a goal to "ensure that regional needs and concerns are positively represented on legislative and regulatory policies and actions" through their Advocacy Program. The District has been invited to become a member of the RWA. This membership helps to develop a regional approach to water and grant funding. Please see the attached map to show neighboring water agencies that are also active members of the RWA.

The annual cost of a membership subscription is \$2,109.

(2) Join the California Municipal Utilities Association (CMUA). The CMUA recently received the National Award for Advocacy, a prestigious national recognition for "its leadership and advocacy that brought much-needed financial assistance to millions of struggling California utility customers."

A membership to CMUA will assist the District to identify opportunities to assist our ratepayers and ensure advocacy for both water and energy issues.

The annual cost of a membership subscription is \$2,000.

- (3) Join the Community Water Systems Alliance (CWSA). The Community Water Systems Alliance is an initiative in California to provide a voice in Sacramento for water systems serving disadvantaged communities that are reliably and affordably providing water to low-income and income-limited residents such as seniors.

A membership to CWSA will assist the District to identify opportunities to assist our Disadvantaged ratepayers. The annual cost of a membership subscription is \$500.

- (4) Authorizing a Request for Qualifications (RFQ) for federal advocacy services. An advocacy strategy to assist the District in identifying and obtaining funding opportunities. This will help in building relationships with the Federal agencies that provide infrastructure investments. This will set up the district to obtain appropriations and allow the District to meet with the Legislators who can influence the projects.

Examples of Agencies that a Federal advocate can assist with, are USBR, FEMA, FERC, EPA, and NRCS

FISCAL IMPACT

The memberships are low-cost ways to develop a presence in State advocacy. The costs will be \$2,109 for the RWA, \$2,000 for CMUA, and \$500 for the CWSA. It is anticipated that the Federal advocate will be approximately \$2000 to \$4000 per month.

CEQA ASSESSMENT

This is not a CEQA Project

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District (GDPUD) adopt the attached Resolution approving/authorizing

- (1) Adopt Resolution 2022-xx approving a membership subscription to the Regional Water Authority.
- (2) Adopt Resolution 2022-xx approving a membership subscription to the California Municipal Utilities Association.
- (3) Adopt Resolution 2022-xx approving a membership subscription to the Community Water Systems Alliance.
- (4) Adopt Resolution 2022-xx authorizing the general manager to prepare an RFQ for federal advocacy services.

ALTERNATIVES

Request substantive changes to the Resolutions for staff to implement or reject the Resolutions.

ATTACHMENTS

1. RWA Grant Success
2. RWA Maps

Representing Regional Needs on Legislative and Regulatory Policies

In 2013, the Regional Water Authority Board of Directors approved a five-year strategic plan. A key component of the plan was advocacy. The Board's goal: Ensure that regional needs and concerns are positively represented on legislative and regulatory policies and actions. To achieve this goal, RWA launched the Advocacy Program and dedicated resources to a contract lobbyist and staffing for the program. Since 2015, RWA members have worked together to develop the program by creating a structure, identifying priorities, setting goals and engaging members in a vision. In 2016, RWA launched the program on a subscription basis. In 2019, the Advocacy Program embarked as a permanent program offered to members. The transition was testament to the program's accomplishments and results.

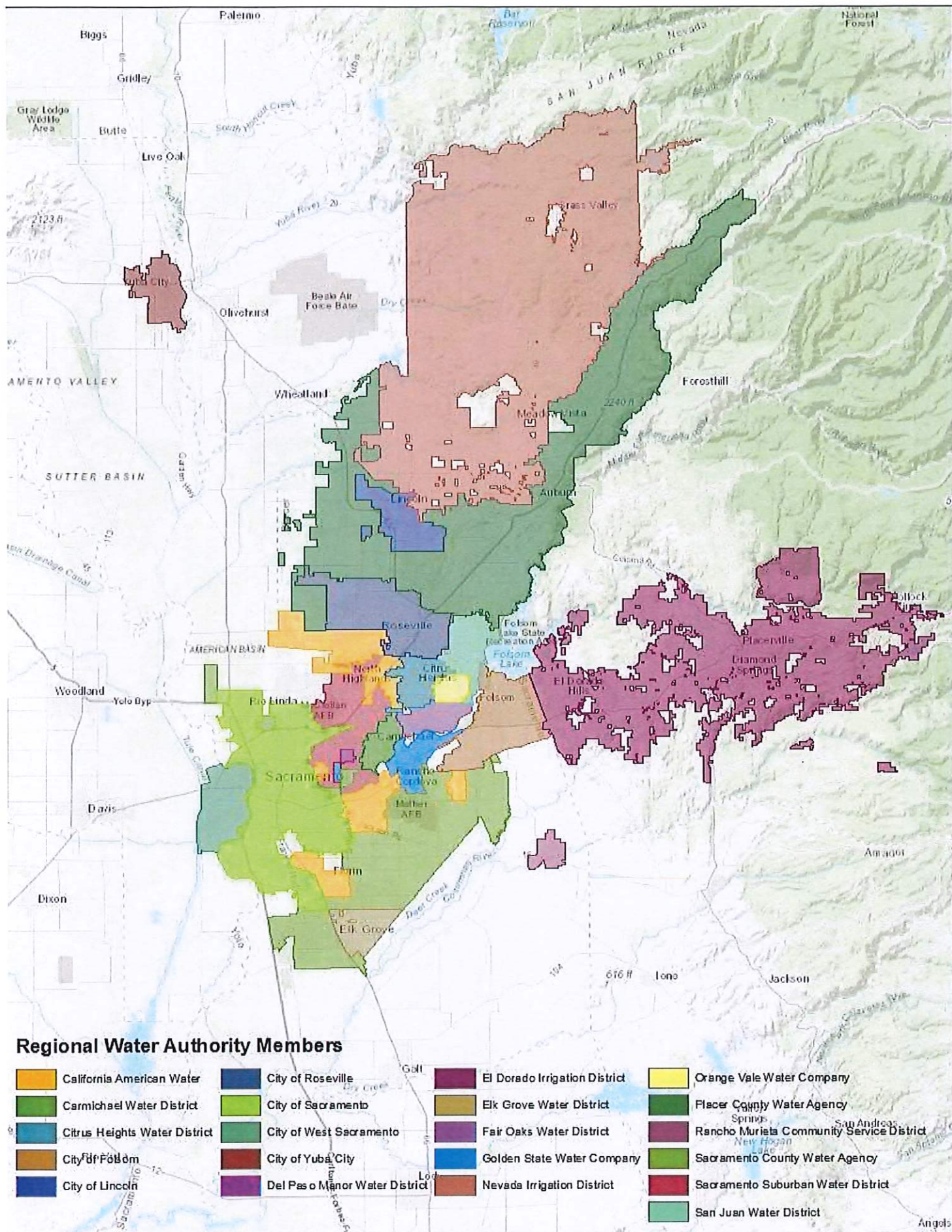
Since 2004, RWA has led the region in collaborative planning to improve water supply and water quality for all uses in the American River basin. Today, the American River Basin Integrated Regional Water Management Plan, created and managed by RWA, provides a framework to identify, evaluate and prioritize a wide variety of water resources-related projects and programs. The IRWM Plan brings together diverse stakeholders in order to maximize the benefits of integrated planning in the region.

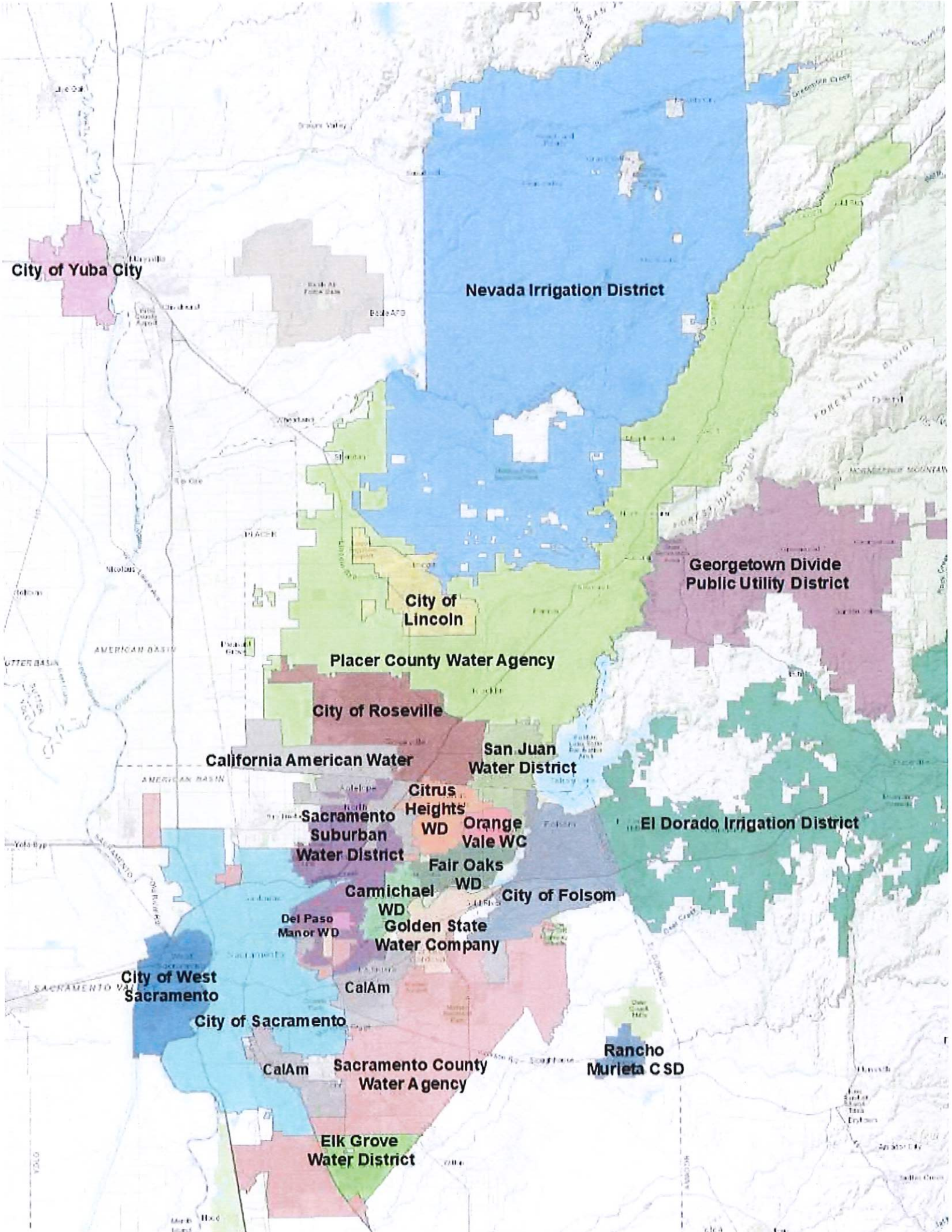
As a result of past and current planning, RWA has assisted local agencies in securing substantial grant awards to complete projects to help the region meet its collaborative planning objectives. These regional grant successes include:

- A \$22 million grant from the California Department of Water Resources in 2002 to construct 12 projects including pipelines, pumps, water treatment plant expansions and other facilities that will help the region better manage surface and groundwater supplies. Construction of all projects was completed in 2009. The expanded capacity to practice conjunctive use* benefits not only the region, but other parts of the state and the environment through water transfers in dry years.
- A \$25 million grant from DWR in 2006 to help the region move forward with a variety of projects that will improve water supply, water quality and protection of the lower American River and the lower Consumes River. The program, which will be completed in 2015, includes a suite of 14 infrastructure projects such as groundwater wells, surface water pipelines, water treatment plants and water recycling facilities. In addition to local benefits, the projects will generate statewide benefits by improving habitat and the quality of water reaching the Sacramento-San Joaquin Delta.

- A \$16 million grant from DWR awarded in 2011 to fund 15 more high-priority projects for the region that further expands the range of water resources benefits to flood damage reduction, water conservation and watershed protection.
- A nearly \$10 million grant from DWR awarded from the 2014 IRWM Drought Grant Program. When complete, the 17 projects receiving funds will greatly enhance the region's water supply reliability during extreme dry conditions by increasing our ability to move water within the region through the completion of new pipelines, intertwines, booster pumps and groundwater wells.

**Conjunctive use is the coordinated use of surface water supplies during wet years and groundwater supplies during dry years.*





Water Service Area	Color
City of Yuba City	Pink
Nevada Irrigation District	Blue
Georgetown Divide Public Utility District	Dark Purple
City of Lincoln	Light Green
Placer County Water Agency	Light Green
City of Roseville	Dark Red
California American Water	Dark Red
San Juan Water District	Dark Red
Citrus Heights WD	Orange
Orange Vale WC	Orange
Fair Oaks WD	Dark Blue
City of Folsom	Dark Blue
El Dorado Irrigation District	Dark Green
Sacramento Suburban Water District	Dark Purple
Gamichael WD	Dark Purple
Del Paso Manor WD	Dark Purple
Golden State Water Company	Dark Purple
City of West Sacramento	Light Blue
City of Sacramento	Light Blue
CalAm	Light Blue
Sacramento County Water Agency	Light Blue
Elk Grove Water District	Light Green
Rancho Murietta CSD	Light Blue

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
APPROVING JOINING THE REGIONAL WATER AUTHORITY

WHEREAS, part of achieving an organization’s goals is the strength of its advocacy team established through partnerships, and

WHEREAS, establishing and strengthening partnerships with other local, regional, and federal elected officials will help efforts to obtain grants, funding and help to advocate for legislation and regulations that benefit the District, and

WHEREAS, a key component of the Regional Water Authority (RWA) strategic plan is advocacy with a goal to “ensure that regional needs and concerns are positively represented on legislative and regulatory policies and actions” through their Advocacy Program, and

WHEREAS, the District has been invited to become a member of the RWA, and

WHEREAS, This membership helps to develop a regional approach to water and grant funding,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT the Board approve a membership to the Regional Water Authority for an amount of \$2,109.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 13h day of December 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2022-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 13th day of December 2022.

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
APPROVE MEMBERSHIP IN CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION (CMUA)

WHEREAS, the California Municipal Utilities Association (CMUA) received the National Award for Advocacy, for “its leadership and advocacy that brought much-needed financial assistance to millions of struggling California utility customers.”

WHEREAS, membership to CMUA will assist the District identify opportunities to assist our ratepayers and ensure advocacy for both water and energy issues. The annual cost of a membership subscription is \$2,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT that approves membership in the California Municipal Utilities Association (CMUA).

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 13h day of December 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

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Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
APPROVE MEMBERSHIP IN COMMUNITY WATER SYSTEMS ALLIANCE (CWSA)

WHEREAS, the Community Water Systems Alliance is an initiative in California to provide a voice in Sacramento for water systems serving disadvantaged communities that are reliably and affordably providing water to low-income and income-limited residents such as senior

WHEREAS, membership to CWSA will assist the District identify will assist the District to identify opportunities to assist our Disadvantaged ratepayers. The annual cost of a membership subscription is \$500.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT that approves membership in the Community Water Systems Alliance.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 13h day of December 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

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Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT AUTHORIZING A REQUEST
FOR QUALIFICATIONS (RFQ) FOR FEDERAL ADVOCACY SERVICES

WHEREAS: Examples of agencies that a Federal advocate can assist with include the US Bureau of Reclamation (USBR), Federal Emergency Management Agency (FEMA), Federal Energy Regulatory Commission (FERC), Environmental Protection Agency (EPA), and Natural Resources Conservation Service (NRCS).

WHEREAS, An advocacy strategy is needed to assist the District in identifying and obtaining funding opportunities, and

WHEREAS, this will help build relationships with the Federal agencies that provide infrastructure investments, and

WHEREAS, this will set up the district to obtain appropriations and allow the District to meet with the Legislators who can influence the projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT authorize a request for qualifications (RFQ) for federal advocacy services.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 13h day of December 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2022-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 13th day of December 2022.

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT