

**REPORT TO THE BOARD OF DIRECTORS
SPECIAL MEETING OF OCTOBER 4, 2022
AGENDA ITEM NO. 9.A.**



AGENDA SECTION: NEW BUSINESS

**SUBJECT: DECLARATION OF THE EXISTENCE OF A LOCAL
EMERGENCY DUE TO THE MOSQUITO FIRE**

PRESENTED BY: Nicholas Schneider, General Manager

BACKGROUND

On September 8, 2022, Governor Newsom proclaimed a state of emergency existed in El Dorado, Placer, and Riverside counties due to wildfires (Attachment 1). The Mosquito Fire began in Placer County on September 6, 2022, and quickly expanded into El Dorado County threatening communities including Georgetown, Volcanoville, and Quintette, and also impacted the infrastructure of the Georgetown Divide Public Utility District.

The Governor's State of Emergency Order provides for assistance to local governments pursuant to the California Disaster Assistance Act (Cal. §8680). A local declaration of emergency is required to be eligible for disaster assistance funding.

DISCUSSION

The District has submitted a FEMA Request for Public Assistance, which was required by October 7, 2022. The final application is due 60 days after the declaration of local emergency.

The District continues to assess the impact of the Mosquito wildland fire in coordination with the CalFire Command Center, and the U.S. Department of Forestry which has deployed a Burned Area Emergency Response (BAER) team to assess ecological, hydrological conditions after the fire. This BAER report will be helpful as the District identifies necessary stabilization and repair projects. The district staff is working its district engineer, Bennett Engineering to ensure the work that needs to be done is completed correctly. Additionally, staff is pursuing help with fulfilling help to complete the FEMA documentation. The sensitive nature of the fire emergency and the need to ensure proper environmental concerns are understood, addressed, and considered an important step in the process moving forward.

FISCAL IMPACT

Expenses related to the District's emergency response, the closure of the District office, and post-fire recovery and restoration continue to be incurred. These disaster-related expenses are being closely tracked as the disbursement of disaster funding is on a reimbursement basis. Much of these expenses can be submitted to FEMA for reimbursement, the reimbursement amounts for this emergency work can potentially be reimbursed at approximately 75%. The additional 25% of the costs will come from a mix of local funding as well as the potential to receive funding from CalOES.

CEQA ASSESSMENT

This action is not CEQA-related.

RECOMMENDED ACTION

It is recommended that the Board of Directors adopt Resolution 2022-XX declaring a local emergency in the Georgetown Divide Public Utility District due to the Mosquito Fire

ALTERNATIVE ACTION

The Board may choose to request substantive changes to the Resolution for Staff to implement.

ATTACHMENTS

1. Governor's State of Emergency Proclamation
2. Resolution 2022-XX Declaring a Local Emergency

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on August 31, 2022, I proclaimed a State of Emergency to exist in California due to an Extreme Heat Event; and

WHEREAS on September 5, 2022, the Fairview Fire began burning in Riverside County near the City of Hemet; and

WHEREAS the Fairview Fire has burned more than 19,000 acres, caused civilian casualties, forced school and road closures, and continues to threaten homes, structures and other critical infrastructure, necessitating the evacuation of tens of thousands of residents in Riverside County; and

WHEREAS Hurricane Kay, despite the potential to be downgraded to a tropical storm, is still expected to bring strong winds to southern California, increasing fire danger and potentially impacting the Fairview Fire's behavior; and

WHEREAS the Federal Emergency Management Agency approved a Fire Management Assistant Grant to assist with the mitigation, management, and control of the Fairview Fire; and

WHEREAS on September 6, 2022, the Mosquito Fire began burning in Placer County near Oxbow Reservoir; and

WHEREAS the Mosquito Fire has burned more than 6,000 acres, burned into the town of Michigan Bluff, has damaged and destroyed homes, threatens multiple communities and critical infrastructure, and has necessitated school closures and the evacuation of thousands of individuals in Placer County; and

WHEREAS the Mosquito Fire has burned into El Dorado County and is threatening multiple communities including Georgetown, Volcanoville, and Quintette, prompting evacuations; and

WHEREAS these wildfires continue to burn in El Dorado, Placer, and Riverside counties, and the combined effects of the Extreme Heat Event, these wildfires, as well as multiple other wildfires across the State, are compounding impacts on firefighting and other response resources; and

WHEREAS extreme drought conditions, high temperatures, and dry fuels has increased the intensity and spread of these wildfires, causing imminent threat to life and safety; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these wildfires; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these wildfires, by reason of their magnitude, are

or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these wildfires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these wildfires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in El Dorado, Placer, and Riverside counties.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.
4. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time periods beginning September 5, 2022, and ending on the close of business on March 6, 2023, for the Fairview Fire in Riverside County, and beginning September 6, 2022, and ending on the

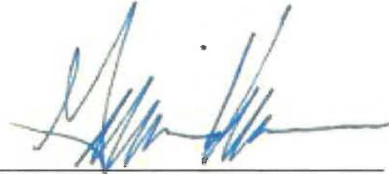
close of business on March 7, 2023, for the Mosquito Fire in El Dorado and Placer counties, and who are otherwise eligible for unemployment insurance benefits.

5. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, or certificate of title, or registration stickers, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.
6. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident of El Dorado, Placer, or Riverside County, who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
7. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.
8. Any fairgrounds that the Office of Emergency Services determines are suitable to assist individuals impacted by these fires shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
9. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of September 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

RESOLUTION 2022-xx

**OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
TO MAKE AN EMERGENCY DECLARATION RELATED TO
ITS WATER SYSTEM SUPPLY INFRASTRUCTURE AND
ALLOCATION OF FUNDING TO PROVIDE EMERGENCY REPAIRS**

WHEREAS, the Georgetown Divide Public Utility District (the “District”) is a public utility district formed under California Government Code Section 15501 et seq. to provide public utility services within the District's service area, including water and sewer services; and

WHEREAS, the District owns, operates, and maintains approximately 70 miles of supply ditch/conduits, several small regulating reservoirs, two raw water treatment plants, and a treated water distribution system through the District's service area of approximately 270 square miles.

WHEREAS, the District's primary source of water is conveyed by the supply ditch/conduits from the Stumpy Meadows reservoir.

WHEREAS, a wildfire started on September 6, 2022 that spanned both Placer and El Dorado Counties, and a state of emergency was proclaimed by Governor Newsom on September 8, 2022. This created a sudden, generally unexpected occurrence or set of circumstances, involving a clear and imminent danger to the critical infrastructure of the District. Damage done by the fire threatens the stability of the levee roads along the supply ditch/conduits, leaving them unable to be accessed for maintenance and repair; potentially causing water service outages. Water service outages pose a threat to public safety within the District.

WHEREAS, pursuant to Public Contract Code Section 22050, the Board of Directors deems it is in the public interest to immediately authorize the expenditure of District funds needed to safeguard the health, safety and welfare of the residents of the District and take immediate action to repair the levee roads, damaged conveyance ditch/conduits, install BMPs and alternative applications for Erosion Control and remove burned trees and vegetation that pose as a future hazard.

WHEREAS, the Board of Directors further finds that the need for the immediate repair of District infrastructure in order to protect the public health, safety and welfare, will not permit a delay resulting from a competitive solicitation for bids and that prompt action, including authorization to expend all funds for such repair without competitive bidding, is necessary to respond to the emergency described herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, that the public interest and necessity demand the immediate expenditure of funds of the District to safeguard the public health, safety and welfare, without strict compliance with the provisions of Public Contract Code; the sum shall be used to immediately repair infrastructure to safeguard the public health, safety and well-being and make repairs and improvements to other infrastructure as necessary to improve capacity and reliability.

BE IT FURTHER RESOLVED that the District's General Manager or his designees is authorized to enter into any contract or agreement in order to immediately perform the repairs to the infrastructure; the District's General Manager or his designees will report back to the Board of Directors regarding said activity at its next regularly scheduled meeting, and each regular meeting

thereafter, pursuant to Public Contract Code Section 22050. All acts of the District's General Manager or his designees in addressing this emergency taken prior to the effective date hereof are hereby duly ratified by the Board of Directors.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a regular meeting of said Board held on the 11th day of October 2022, by the following vote:

AYES:

NOES

ABSENT/ABSTAIN:

Michael Saunders, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

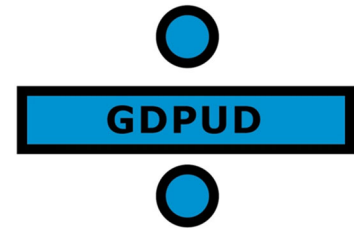
Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

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 11th day of October 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 OCTOBER 11, 2022
AGENDA ITEM NO. 9.B.**



AGENDA SECTION: NEW BUSINESS

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE
2022-02, REPLACING ORDINANCE 2011-22, AND CONSIDER
SETTING A DATE FOR A PUBLIC HEARING

PREPARED BY: Jessica Buckle, Office Finance Manager

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The need to amend Ordinance 2011-02, Delinquencies Rates and Related Fees, was raised in response to numerous customer inquiries to the Staff and the Board of Directors. Staff presented proposed amendments to the Finance Committee on August 25, 2022 and the committee voted to endorse Staff's recommended amendments, as follows:

1. Implement a \$25.00 minimum account balance policy to avoid late fees and lock offs.
2. Update the "immediate" water reactivation charge to \$75.00 and update the water reactivation fee "at the District's convenience" charge to \$25.00.
3. Remove the line from the current Ordinance that states our Staff are able to receive payments in the field. This has been discontinued due to safety concerns.
4. Update our current late fee penalties to a single 10% fee on all delinquent account balances over \$25.00 on Day 30.

During the regular Board meeting of September 13, 2022, the Board considered Staff's recommended changes. The Board directed Staff to amend Ordinance 2011-02 and set the replacement Ordinance 2022-02 for a public hearing.

DISCUSSION

Ordinance 2022-02 (Attachment 1) is attached for Introduction and First Reading. At the Board's direction, a Notice of Public Hearing will be published in the newspaper at least five days before the meeting where the Ordinance will be adopted. The agenda containing the public hearing will be posted 72 hours prior to the meeting, and within 15 days after adoption, the Notice of Hearing and listing of the vote must be published in the newspaper, and a full copy of the Ordinance must be posted at the District Office.

FISCAL IMPACT

This was outlined in the Staff Report of September 13, 2022. See chart below depicting the difference between a set fee and a percentage fee penalty.

See chart below depicting the difference between a set fee and a percentage fee penalty.

Aug 1, 2022 penalty @ \$12 (actual revenue)=	\$10,092.00
Sept 1, 2022 penalty @ 1% (actual revenue)=	\$52.40
Oct 1, 2022 penalty @ \$12 (actual revenue)=	\$12,996.00
<i>(Aug 1 penalty if charged @ 10% x \$195,651.70 due) =</i>	<i>\$19,565.17</i>
<i>(Oct 1 penalty if charged @ 10% x \$221,375.80 due) =</i>	<i>\$22,137.58</i>

CEQA ASSESSMENT

Not a CEQA Project

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District set the attached Ordinance 2022-02 for public hearing for the next regular meeting of November 15, 2022.

ALTERNATIVES

Reject the proposed Ordinance update.

ATTACHMENTS

1. Ordinance No. 2011-02
2. Ordinance No. 2022-02

**ORDINANCE NO. 2011 - 02
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
REVISING DELINQUENCY RATES
AND RELATED FEES**

Be it enacted by the board of directors of the Georgetown Divide Public Utility District that:

WHEREAS, the Georgetown Divide Public Utility District ("District") currently charges a flat delinquency fee of Twenty-Five Dollars (\$25.00) for any utility bill up to Two Hundred Fifty Dollars (\$250.00) that remains unpaid for more than thirty (30) days after the billing date and Ten Percent (10%) per month thereafter; and

WHEREAS, for any utility bill in excess of Two Hundred Fifty (\$250.00) that remains unpaid for more than thirty (30) days after the billing date the District currently charges a delinquency fee of Ten Percent (10%) of the unpaid amount and Ten Percent (10%) per month thereafter; and

WHEREAS, the District currently charges a Fifty Dollar (\$50.00) fee to immediately reactivate service for a customer; and

WHEREAS, the District currently charges a Fifteen Dollar (\$15.00) fee to reactivate service for customers at the District's convenience; and

WHEREAS, the District currently charges a Fifteen Dollar (\$15.00) fee to collect payments due the District in the field; and

WHEREAS, the District currently charges a Twenty Five Dollar (\$25.00) fee to customers whose payments are returned "not sufficient funds" by the District's financial institution; and

WHEREAS, the fees were established to encourage timely payments and cover the estimated administrative burden to staff; and

WHEREAS, the administrative burden has been reestablished based on the current delinquency activity and the delinquency rates are hereby amended to be reasonable and reflect the cost to the District to administer delinquent accounts.

NOW, THEREFORE, be it ordained as follows:

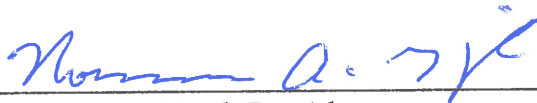
1. Any utility bill that remains unpaid for more than thirty (30) days after the billing date will be charged a flat fee of Twelve Dollars (\$12.00) and One Percent (1%) bimonthly thereafter of the unpaid balance.
2. No late fees will be reversed from a customer's account until the account has paid on time for a full year after the late fee was incurred.
3. The remaining delinquency related fees are reasonable and will remain the same.

PASSED AND ADOPTED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT this tenth day of May, 2011.

AYES: McLane, Neeley and Otermat

NOES: Griffiths and Krizl

ABSENT: None

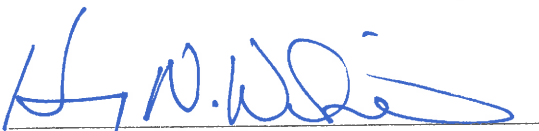


Norman A. Krizl, President

Board of Directors

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:

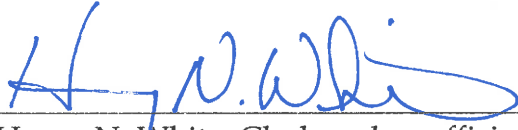


Henry N. White, Clerk and ex officio

Secretary, Board of Directors

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance 2011-02 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 tenth day of May 2011.



Henry N. White, Clerk and ex officio Secretary of the
Georgetown Divide Public Utility District

**ORDINANCE 2022-02
AN ORDINANCE OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
REVISING DELINQUENCY RATES AND RELATED FEES**

BE IT ACKNOWLEDGED that the Georgetown Divide Public Utility District (“District”) adopted Ordinance 2011-02 on May 10, 2011, establishing rates and fees on delinquent accounts;

BE IT FURTHER ACKNOWLEDGED, that the District desires to replace Ordinance 2011-02 with Ordinance 2022-02.

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, COUNTY OF EL DORADO, STATE OF CALIFORNIA, as follows:

WHEREAS, late fees and lock-offs will be imposed on accounts with a delinquent balance of more than Twenty-Five Dollars (\$25.00);

WHEREAS, a Ten Percent (10%) penalty fee on all delinquent account balances over Twenty-Five Dollars (\$25.00) will replace the previous flat delinquency fee of Twelve Dollar (\$12.00) for any utility that remains unpaid for more than thirty (30) days after the billing date and One Percent (1%) bimonthly, thereafter, of the unpaid balance;

WHEREAS, the service fee for immediate reactivation of water is increased from Fifty Dollars (\$50.00) to Seventy-Five dollars (\$75.00);

WHEREAS, the service fee for reactivating water at the district’s convenience is increased to Twenty-Five dollars (\$25.00) from Twelve Dollars (\$12.00);

WHEREAS, District staff will not have the ability to receive district payments in the field is fees due to safety concerns;

WHEREAS, the District will charge a Twenty-Five Dollar (\$25.00) fee to customers whose payments are returned “not sufficient funds” by the District’s financial institution;

WHEREAS, these fees were established to encourage timely payments and cover the estimated administrative burden to staff; and

WHEREAS, the administrative burden has been reestablished based on the current delinquency activity and the delinquency rates are hereby amended to be reasonable and reflect the cost to the District to administer delinquent accounts.

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

1. a balance of less-than or equal to Twenty-Five Dollars (\$25.00) is required on accounts to avoid late fees and lock-offs.

2. a Ten Percent (10%) penalty fee will be applied on all delinquent account balances over Twenty-Five dollars (\$25.00) on Day 30.
3. the service fee for immediate reactivation of water is Seventy-Five dollars (\$75.00).
4. the service fee for reactivating water at the district's convenience is Twenty-Five dollars (\$25.00).
5. District staff will not have the ability to receive district payments in the field due to safety concerns.
6. the District will charge a Twenty Five Dollar (\$25.00) fee to customers whose payments are returned for "not sufficient funds" by the District's financial institution

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT held on the eleventh day of October 2022, by the following vote:

AYES:

NAYS:

ABSENT:

Michael Saunders, 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 2022-02** 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 eleventh day of October 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 OCTOBER 11, 2022
AGENDA ITEM 9.C.**



AGENDA SECTION: NEW BUSINESS

SUBJECT: AMENDING DISTRICT POLICY 2021-1012.01, THE ROLE AND RESPONSIBILITIES OF THE FINANCE COMMITTEE

PREPARED BY: Gloria Omania, Retired Annuitant, Interim Board Clerk

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The Board of Directors (“Board”) adopted District Policy 2021-1012 redefining the role and responsibilities of the Finance Committee, and amended the policy on March 8, 2022, to expand the membership to seven public members, District Policy 2021-1012.01. This policy includes Exhibit A, Finance Committee Conceptual Timeline, as a guide for the committee’s monthly tasks.

DISCUSSION

During the course of the committee’s work over the past year, it was determined this conceptual timeline is no longer relevant due to the new accounting software (Tyler) and the monthly financial reporting by staff. District Policy 2021-1012.02 amends the policy to remove Exhibit A.

FISCAL IMPACT

There is no fiscal impact.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

Staff recommends that the Board of Directors adopt Resolution 2022-xx amending District Policy 2021-1012.01, the Role and Responsibilities of the Finance Committee, by removing Exhibit A, Finance Committee Conceptual Timeline.

ATTACHMENTS

1. Resolution 2022-xx

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
AMENDING DISTRICT POLICY 2021-1012.01, THE ROLE AND
RESPONSIBILITIES OF THE FINANCE COMMITTEE

WHEREAS, the Georgetown Divide Public Utility District (“District”) amended Resolution 2021-1012 redefining the role and responsibilities of the Finance Committee on March 8, 2022; and

WHEREAS, this policy includes Exhibit A, Finance Committee Conceptual Timeline, as a guide for the committee’s monthly tasks; and

WHEREAS, the conceptual timeline is no longer relevant due to the new accounting software and the monthly financial reporting by staff.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT that District Policy 2021-1012.01, is amended with the removal of Exhibit A, Finance Committee Conceptual Timeline.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 11th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Michael Saunders, 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 11th day of October 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 OCTOBER 11, 2022
AGENDA ITEM 9.D.**



AGENDA SECTION: NEW BUSINESS

SUBJECT: CONSIDER APPROVING POLICY ON THE ROLE AND RESPONSIBILITIES OF THE IRRIGATION COMMITTEE

PREPARED BY: Gloria Omania, Retired Annuitant – Interim Board Clerk

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The Irrigation Committee was established by the Board of Directors to advise them on matters related to irrigation service. The draft policy on the role and responsibilities of the Irrigation Committee was provided to the newly appointed committee (Attachment 1) to serve as a guideline for conducting the committee’s business until the policy could be adopted. The newly formed committee was tasked with reviewing this draft policy. On May 19, 2022, the Irrigation Committee reviewed the draft policy and had no recommended changes.

DISCUSSION

As directed by the Board, Staff has prepared the attached draft policy for the Board’s review and approval.

On September 13, 2022, Director Seaman requested that the Board consider including a provision that would establish lack of attendance as a basis for removing members from the committee. On May 26, 2022, when the Board approved the District policy for the Finance Committee, the matter of removal of members was addressed and staff was directed to prepare a policy that would apply to all Board committees that would include this provision. (Attachment 2 is the relevant staff report from the meeting of October 12, 2021.

FISCAL IMPACT

None.

CEQA ASSESSMENT

This is not a CEQA project.

POSSIBLE ACTIONS

Staff recommends that the Board of Directors adopt Resolution 2022-XX (Attachment 3) approving District Policy 2022-XX Role and Responsibilities of the Irrigation Committee.

ATTACHMENTS

1. Proposed Policy on the Role and Responsibilities of the Irrigation Committee
2. Staff Report dated October 12, 2021
3. Draft Resolution 2022-XX Adoption of Policy

POLICY TITLE: Irrigation Committee Role and Responsibilities

POLICY NUMBER: XXX:

1. **Purpose.** The Irrigation Committee was established in January 2020 to provide recommendations to the Board of Directors on matters related to the District’s Irrigation services and allow Irrigation customers an opportunity to provide feedback to this committee. The Committee is advisory nature and the Committee, and its members have no authority to set policy, expend funds, or make obligations on behalf of the Board and/or the District.
2. **Brown Act:** The Irrigation committee is a committee formed formally under the Board of Directors Policy 5000.3 and must comply with the Brown Act. The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California’s “Open Meetings Laws” in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed, and compliance is constitutionally mandated. Committee members must be knowledgeable of the Brown Act and there will be annual/bi-annual training.
3. **Membership; Quorum.** The Committee shall be comprised of no more than seven (7) public members. A quorum shall consist of four (4) public members currently appointed to the Committee.
4. **Board Liaison(s).** One Director up to a maximum total of two (2) Directors, shall be appointed to the Committee as Board Liaison members.
 - a) The duties of the Board Liaison include presenting relevant data to the Board and arranging for any presentation of important progress on projects to the Board by the Committee chairperson.
 - b) The Board Liaison’s role will be advisory to the Committee-
 - c) The Board Liaison will not have a vote on the Committee.
 - d) Only Two (2) Board of Directors can be present at any of the Committee meetings
 - e) If a regular Liaison cannot attend a meeting, that member will contact the Board President and the Board President will arrange for another member to attend the meeting. If there are three members present the Board Liaison is authorized to request the non-liaison Board member to leave.
5. **Selection of Committee Members.**
 - (a) A Notice of Vacancy on the Irrigation Committee shall be posted on the District’s website and social media sites, and must be published in a newspaper of general circulation in the District with instructions for applying, including a deadline for submittal.
 - (b) All applicants who reside within the District boundaries and are current irrigation water customers will be eligible for consideration by the Board.
 - (c) Applications must be submitted by the stated deadline and must include a Statement of

Interest, the number of years as an irrigation water customer, and the area in the District the applicant resides. Applications can be mailed or hand-delivered to the General Manager at the District Office, located at 6425 Main Street, Georgetown, CA 95634, or transmitted by email to gm@gd-pud.org or the Board President.

- (d) The General Manager will distribute all applications to the Board of Directors.
- (e) All applicants shall be available for personal comments at the Board of Directors during the selection board meeting.
- (f) The Board of Directors will ask questions of the applicants during the Board meeting and will publicly vote on each applicant to be appointed. In the case where there are more applicants than Committee seats, the Board of Directors will submit their ranking of the applicants to the President after the questioning period and the applicant(s) with the highest number of first place, then second place if needed, etc.. will be selected and announced as the appointee(s).
- (g) Those Irrigation Committee members who resign or who do not renew their two-year commitment shall provide a letter of resignation to the Irrigation Committee Chair, the President of the Board of Directors, and the General Manager.
- (h) The Board of Directors will confirm appointments or resignations by Resolution of the Board.

6. Role of the Committee. The primary role of the Committee is to provide recommendations to the Board of Directors (“Board”) from their direction, or in response to Board approved proposals on matters related to the District’s Irrigation water services. [Additional mission to be provided by the committee.](#)

- (a) Present all Committee findings and proposals to the Board for approval.
- (b) Accept all projects requested by the Board.

7. Meetings. [The committee shall meet at least quarterly, and more often if needed or requested by the Board or the Committee.](#) Meetings shall be held at the District’s offices unless otherwise stipulated by an emergency or Executive Order

- (a) At any meeting of the Irrigation Committee, the majority of the members currently appointed shall constitute a quorum for purposes of conducting business or meetings. Unless otherwise posted, a majority vote of those present and voting shall be sufficient to adopt any motion. A quorum cannot be under three (3) public appointed members.
- (b) All meetings of the Committee shall be open and public, and all persons shall be permitted to attend any meeting of the committee as provided by Government Code Section 54950 et seq
- (c) All meetings of the Committee shall be held in the GDPUD offices at 6425 Main Street, Georgetown, CA 95634, unless there is a special need to hold a meeting at a different location.
- (d) The proceedings of all meetings of the Committee shall be conducted in accordance with GDPUD Board Policy Numbers 5000, 5030 and 5040.
- (e) The Committee shall follow the order of business for the conduct of its meetings by the agenda. The order can be changed during the Adoption of the Agenda by majority vote.
- (f) Any meeting may be adjourned to a time and place stated in the Order of Adjournment. Less than a quorum may also adjourn from time to time. If all members are absent, the Secretary may declare the meeting adjourned to a stated time and place and shall cause each notice to be given in the same manner as for special meetings.
- (g) Special meetings may be called at any time at the direction of the Chairperson or by a majority of the Committee. However, scheduling must be coordinated with the General Manager and Board President to ensure there are no conflicts with other scheduled

Committee, Board, County, Regional, or Legislative meetings. A minimum of Forty-Eight hours advance written notice of special meetings shall be provided by the Chairperson to the Board President and General Manager stating the time and business to be transacted. The public shall be notified through the district regular communications and procedures, in accordance with Government Code Section 54950 et seq – At least Twenty-four (24) hours prior to the meeting.

- (h) The Committee Secretary shall maintain meeting minutes, including a complete record of all transactions, findings, and determinations, and present a full statement to the General Manager for the Board prior to the next Board meeting. A signed copy of meeting minutes shall be filed with the Staff Liaison.

8. Terms. The terms of office shall be two (2) years. Committee members may be reappointed to subsequent terms by providing their letter of intent to the Board and the General Manager, and then the Board voting on the Committee members to be reappointed during a Board meeting.

9. Removal. All committee members serve at the will of the Board, and any member may be removed by an affirmative vote of three (3) members of the Board. The Committee member removal will follow procedure as described in [Board Policy XXX.X](#)

10. Officers. The committee shall designate from among its members a Chair, Vice-Chair, and Secretary. The Chair shall preside over the meetings, and in the Chair's absence, the Vice-Chair shall preside. If both the Chair and the Vice-Chair are absent, the remaining members, if a quorum exists, shall select from among themselves a person to preside over the meeting. The Board Clerk, or Staff designee, shall prepare agendas and minutes of every meeting and shall be responsible for transmitting the agenda and the final copy of all minutes to the General Manager or designee. Items needing Board action shall be transmitted as soon as possible to the General Manager or designee for inclusion on the next available Board agenda.

11. Agenda.

- (a) The General Manager, in cooperation with the Board President and the Chair of the Irrigation Committee, shall prepare an agenda for each regular and special meetings of the Irrigation Committee Meeting in accordance with the Ralph M. Brown Act (California Government Code Section 54950).
- (b) During the last item of the Irrigation Committee agenda before adjournment, a Committee member may bring up items they would like the Committee to review and for what purpose. Requests affirmed by a majority vote of the Committee shall be reported to the Board of Directors by the Committee Chair at the next meeting of the Board of Directors.
- (c) Requests for additional information by Committee members should be directed to the Irrigation Committee Chair. The Chair will provide the Board Liaison with these requests. The requests will then be given and discussed with the General Manager with a copy to the Board President. Only the General Manager can direct staff for reports. Only the Board can direct the General Manager.

12. Board Reports. The Committee shall report on its activities to the Board at the following meeting after the Committee meets. The Board Report shall be either oral or written and shall include a description of the activities of the Committee for the proceeding, and any on-going or outstanding activities or tasks. The Board Report will be given at the next Regular Board Meeting by the Irrigation Committee Chair or Vice-Chair. Committee member minutes can be used to satisfy this requirement if the Chair or Vice-Chair is not present at the Board of Directors meeting.

DRAFT

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF OCTOBER 12, 2021
AGENDA ITEM 8.B.**



AGENDA SECTION: OLD BUSINESS

SUBJECT: APPROVING THE DISTRICT POLICY ON THE ROLE AND RESPONSIBILITIES OF THE FINANCE COMMITTEE

PREPARED BY: Gloria Omania, Interim Board Clerk

APPROVED BY: Andy Coyan, General Manager

BACKGROUND

The Board of Directors (“Board”) created the ad hoc Finance Policy Committee (“Committee”) at the regular meeting of January 12, 2021, to review and redefine the roles and responsibilities of the Finance Committee. The Committee submitted recommended changes to the policy and Staff reformatted this document into District Policy 2021-0914, as directed by the Board through Resolution 2021-16, and inserted additional language related to Brown Act provisions requested by Board President Michael Saunders.

During the Regular Meeting of September 14, 2021, the Board considered District Policy 2021-0914 (**Attachment 1**). The Board discussion related primarily to Section 8. Removal, and the Board directed Staff to bring this item back at the regular meeting of October 12, 2021, for reconsideration by the Board.

DISCUSSION

As directed by the Board, Staff made changes to the District Policy, submitted as **Attachment 2** of this report for the Board’s reconsideration. District Policy No. 2021-1012, includes the following changes:

- Added to Background Section: *The Board of Directors (“Board”) of the Georgetown Divide Public Utility District (“District”) formally established the Finance Committee (“Committee”) under District Policy 5000.3 which requires the committee to comply the Ralph M. Brown Act, California’s “Open Meetings Laws” adopted by the Legislature in 1953. Commonly referred to as the Brown Act, these provisions are contained in Government Code Section 54950 et seq. The Brown Act is broadly construed, and compliance is constitutionally mandated. Committee members must be knowledgeable about Brown Act provisions and are required to take annual and bi-annual training.*
- Added to Section 2. Memberships: A quorum shall consist of a simple majority of the total number of members currently appointed to the Committee, *but no less than three (3) public members.*

Approval of District Policy on the Role and Responsibilities of Finance Committee

Board Meeting of September 14, 2021
Agenda Item # 8.F.

- Changed Section 8. Removal: *All committee members serve at the will of the Board, and any member may be removed by an affirmative vote of three (3) members of the Board. The removal of a Finance Committee member shall follow procedures that will be outlined in a District Policy on Board Committees.*

The following points for procedures on the removal of committee members is being proposed by President Saunders for inclusion in a yet-to-be adopted District Policy that will apply to all District committees:

Removal of Public Committee Members:

- The vote for removal must be added to the agenda of a Regular Meeting of the Board.
- Public members are volunteers and may not have had experience with governance, thus it is recommended that remedial actions be taken before recommending removal, depending on the infraction or violation.
- The Board of Directors may recommend:
 - the Board issue a warning letter (providing any remedial courses of actions, trainings, expectations); or
 - remove the committee member from the committee.
- An affirmative vote of three (3) members of the Board is required for any of the recommended options.

This proposed policy will be developed by Staff for consideration by the Board of Directors. Upon adoption, the policy will be included as an addendum to the District Policy on the Role and Responsibilities of the Finance Committee.

FISCAL IMPACT

There is no fiscal impact.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

Staff recommends that the Board of Directors adopt Resolution 2021-41 (**Attachment 3**) approving District Policy 2019-1012, the Role and Responsibilities of the Finance Committee.

ATTACHMENTS

1. Draft District Policy presented Sept. 14, 2021
2. District Policy 2021-1012 Role and Responsibilities of Finance Committee
3. Resolution 2021-41

**RESOLUTION NO. 2022-XX
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING THE DISTRICT POLICY ON THE ROLE
AND RESPONSIBILITIES OF THE IRRIGATION COMMITTEE**

WHEREAS, the Irrigation Committee was established to advise the Board on matters related to irrigation service; and

WHEREAS, the committee was provided with a draft policy as a guide for moving the committee forward; and

WHEREAS, the committee reviewed the policy on May 19, 2022, and had no recommended changes to the policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT THE DISTRICT POLICY ON THE ROLE AND RESPONSIBILITIES OF THE IRRIGATION COMMITTEE (EXHIBIT A) IS HEREBY APPROVED.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utilities District at a meeting of said Board held on the 11th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Michael Saunders, 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 the 11th day of October, 2022.

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