

**AGENDA
REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT**

6425 Main Street,
Georgetown, California 95634

**TUESDAY, NOVEMBER 14, 2023
2:00 P.M.**

BOARD OF DIRECTORS

Mitch MacDonald,
President

Donna Seaman, Vice President

Mike Thornbrough, Treasurer

Michael Saunders, Director

Robert Stovall, Director

MISSION STATEMENT

It is the purpose of the Georgetown Divide Public Utility District to:

- Provide reliable water supplies.
- Ensure high-quality drinking water.
- Promote stewardship to protect community resources, public health, and quality of life.
- Provide excellent and responsive customer services through dedicated and valued staff.
- Ensure fiscal responsibility, accountability are observed by balancing immediate and long-term needs.

NOTICE: This meeting will be held in person in the Board room of the Georgetown Divide Public Utility District office, located at 6425 Main Street in Georgetown. This meeting will be open to all members of the public. Pursuant to Resolution 2022-70, the public may also choose to participate via video conference at:

<https://us02web.zoom.us/j/81476655076?pwd=UIZJNEw4eVZ1STJNTHZ5TXFiNGp3Zz09>

Meeting ID: **814 7665 5076** and Passcode: **982328** or via teleconference by calling **1-669-900-6833**, Please note that any person attending via teleconference will be sharing the phone number from which they call with the Board and the public.

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

2. ADOPTION OF AGENDA

3. PUBLIC FORUM (Please review the below criteria before participating in the public forum.)

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item. The Board President will call for public comment. Those wishing to address the Board on a matter that is not on the agenda, and within the jurisdictional authority of the District, may do so during the Public Forum. Follow the procedures for speaking:

- A. Public members desiring to provide comments, must raise their hand and wait to be recognized by the Board President, speak from the podium, and begin by stating their name.
- B. If participating via teleconference, please utilize the raise your hand feature. The President will call upon you by addressing you by the name or phone number indicated.
- C. Comments must be directed only to the Board.
- D. Disruptive conduct shall not be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination of the privilege to address the Board of Directors.
- E. There is a three (3)-minute time limit per speaker and/or 15 minutes in total.
- F. The Board is not permitted to take action on items addressed under the Public Forum.
- G. The Board President is responsible for maintaining an orderly meeting.

4. CONSENT CALENDAR

A. Approval of Minutes

- October 10th Regular Board Meeting

B. Consider Adopting Irrigation Ordinance 2023-04 Establishing Rules and Regulations for Irrigation Service

C. Consider Adopting Updated Policy 1010 Basis of Authority

D. Consider Adopting Updated Policy 1045 Legal Counsel and Auditor

E. Consider Adopting Updated Policy 4060 Ethics Training

F. Consider Adopting Updated Policy 4100 Members of the Board of Directors

G. Receive WDR Technical Memo and Report

- Accept the technical memo detailing WDR.

5. Office/Finance Manager's Report

- Optimized Investment Partners Investment Report-David Bilby

6. INFORMATIONAL ITEMS

A. Board Reports

B. Legislative Liaison Report

C. Operation Manager's Report

- Monthly Water Demand Assessment

D. Water Resources Manager's Report

E. General Manager's Report

7. COMMITTEES

A. Irrigation Committee – Ray Griffiths, Chairman – Next Meeting December 4, 2023

- **Board Liaisons:** Directors Seaman and Thornbrough

B. Finance Committee – Andy Fisher, Chairman - Next Meeting December 7, 2023

- **Board Liaisons:** Directors MacDonald and Stovall

C. Ad-Hoc Committee for Policy Manual – Next Meeting November 20, 2023.

- **Board Liaisons:** Directors Saunders, Seaman

D. Ad-Hoc Grant Writing Committee – Next Meeting December 6, 2023

- **Board Liaisons:** Directors Saunders and Stovall

E. AD-Hoc Labor Negotiations Committee- Meetings Held as Necessary

- **Board Liaisons:** Directors Thornbrough and MacDonald

8. ACTION ITEMS

A. Consider Adoption of Policy 2216 Vehicle Replacement Policy

- **Possible Action-** Approve Resolution 2023-XX adopting Policy 2216 Vehicle Replacement

B. Consider Adjustments to Board of Directors and Committees Regular Meeting Days and Times.

- **Possible Action-** Identify and direct potential changes to the Board of Directors and GDPUD Committees regular meeting days and times and adopt Resolution 2023-XX pursuant to such direction.

9. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Gov. Code § 54956.9(d)(1))

Name of Case: GDPUD v. PG&E

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Gov. Code § 54956.9(d)(1))

Name of Case: In re: Aqueous Film-Forming Foams Products Liability Litigation, Case No. 2:18-mn-2873-RM

C. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)

Agency Designated Representative: General Manager Schneider

Employee Organizations: Local 1, Local 339

D. Report out of Closed Session

10. BOARD MEMBER REQUESTS FOR ADDITIONS TO FUTURE MEETING AGENDAS

- A. Opportunity for Board members to discuss and provide input for future meetings.

11. NEXT MEETING DATE AND ADJOURNMENT

- A. The next Regular Meeting will be December 12, 2023, at 2:00 PM., at the Georgetown Divide Public Utility District, 6425 Main Street, Georgetown, California 95634.

In accordance with Government Code Section 54954.2(a), this agenda was posted on the District's bulletin board at the Georgetown Divide Public Utility District office, at 6425 Main Street, Georgetown, California, on November 9, 2023.



Nicholas Schneider, General Manager

11-09-23
Date

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, contact the District Office by telephone at 530-333-4356 or by fax at 530-333-9442. Requests must be made as early as possible and at least one full business day before the start of the meeting.

Public documents related to an item on the open session portion of this agenda, which are distributed to the Board less than 72 hours prior to the meeting, shall be available for public inspection at the office of the Georgetown Divide Public Utility District, 6425 Main Street, Georgetown, California 95634, and at the time of the meeting.

Unless otherwise noted below, Board actions include a determination they are not a "Project" under Section 15378 under the California Environmental Quality Act (CEQA) Guidelines.



**ACTION ONLY MINUTES
REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT**

6425 Main Street,
Georgetown, California 95634

**TUESDAY, OCTOBER 10, 2023
2:00 P.M.**

BOARD OF DIRECTORS

Mitch MacDonald,
President

Donna Seaman, Vice President Mike Thornbrough, Treasurer
Michael Saunders, Director Robert Stovall, Director

MISSION STATEMENT

It is the purpose of the Georgetown Divide Public Utility District to:

- Provide reliable water supplies.
 - Ensure high-quality drinking water.
 - Promote stewardship to protect community resources, public health, and quality of life.
 - Provide excellent and responsive customer services through dedicated and valued staff.
 - Ensure fiscal responsibility and accountability are observed by balancing immediate and long-term needs.
-

A full copy of the meeting is available at: <https://www.youtube.com/watch?v=I35YTQrFraQ>

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

President MacDonald called the meeting to order at 2:01 p.m.

Roll Call was taken:

Present: Stovall, Saunders, Thornbrough, Seaman and MacDonald

Absent: None

President MacDonald led the pledge of allegiance.

2. ADOPTION OF AGENDA

Public Comment:

Cherie Carlyon

Director Stovall motioned to adopt the agenda. Director Saunders seconded the motion.

President MacDonald called for the vote.

Ayes: Director Seaman, Director Thornbrough, Director Saunders, Director Stovall, and President MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

3. PUBLIC FORUM

No comments were received.

4. CONSENT CALENDAR

A. Approval of Minutes

- September 12th Regular Board Meeting
- September 26th Special Board Meeting

B. Consider Adopting Updated Policy 4115 Duties of Board President

C. Consider Adopting Updated Policy 4215 Rules of Order for Conducting Board and Committee Meetings

D. Consider Adopting Updated Policy 4125 Duties of Board Treasurer

Director Stovall requested that item 4.C. be pulled from the consent calendar for discussion.

Public Comment:

No comments were received.

Director Saunders motioned to approve the Consent Calendar minus item 4. C. Director Seaman seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

Item 4.C. discussion involved clarification on item 5040.7.1. Questions regarding the reasoning for this item were raised. Examination of Robert's Rules of Order explained that the rules are meant for larger bodies with member numbers in the double digits. Strict enforcement of the rules is not necessary for smaller bodies, lending less formality and easier discussion and debate while preventing weaponization of the rules discouraging discussion while obstructing the body's purpose and mission. Consensus is more easily achieved. Director Stovall raised concerns that future Boards may suspend the rules and consequently the entire policy. Proposed policy language change requiring a 4/5ths majority for rule suspension went to vote.

Public Comment:

Cherie Carlyon

Director Stovall motioned to adopt Policy 4215 Rules of Order for Conducting Board and Committee Meetings with an amendment to item 5040.7.1, temporary motion to suspend rules, adjusting to require a 4/5ths majority vote. Director Saunders seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion passed **unanimously with an amendment**.

5. Office/Finance Manager's Report

General Manager Nicholas Schneider fielded Director inquiries regarding the Financial Reports. Inquiries included tax revenue amounts, Pers UAL changes, and fund summary calculations.

Public Comment:

Cherie Carlyon

6. INFORMATIONAL ITEMS

A. Board Reports

Director Stovall expressed a preference for focusing his work on local committees.

Director Thornbrough delivered an update regarding the American Rescue Funds awarded to the Grizzly Flats community. They have been able to meet fund qualification standards and their project will be moving forward.

Director Saunders reviewed his report highlights. The Director has been elected as the Association of California Water Agencies (ACWA) Region 3 Vice Chair for the upcoming term.

Director Seaman shared that the Irrigation Committee recommended the Irrigation Ordinance to the Board for approval in their most recent meeting.

President MacDonald attended the ribbon cutting for Senator Marie Alvarado-Gil's El Dorado Hills office opening. The Director will be attending the approaching JPIA/ ACWA conference this November.

B. Legislative Liaison Report

Director Saunders delivered the report.

C. Operation Manager's Report

- Monthly Water Demand Assessment

General Manager Nicholas Schneider delivered the report highlights. Director Saunders requested that CIP updates be included in future Operation Manager's reports.

D. Water Resources Manager's Report

- Bennett Engineer's WDR Presentation-Dave Harden

Water Resource Manager Alexis Elliot shared report highlights focusing on the recent update to Station 16. Dave Harden District Engineer noted the issue is identified as coming from septic tanks. The remedy is the installation of a larger pump station, recommending that pumping power be increased in the future. This would need inclusion in CIPs with the benefit of preventing spills.

Dave Harden Bennett Engineering delivered an update on the WDR situation in ALT. The zone was formed by this Board for Health and Safety at the state level. Examination of separating the CDS was explored, though as it is a zone under state health and safety this action is unavailable. Findings indicate that many of the lots have insufficient soil for disposal systems.

Public Comment:

Cherie Carlyon

E. General Manager's Report

General Manager Nicholas Schneider reviewed the report highlights. Award of \$25,000 in state appropriations funding was announced. There was discussion regarding freshwater jellyfish which have appeared in the Stumpy Meadows Reservoir. No concerns have been identified.

Public Comment:

Cherie Carlyon

7. COMMITTEES

A. Irrigation Committee – Ray Griffiths, Chairman – Next Meeting October 17, 2023

- **Board Liaisons:** Directors Seaman and Thornbrough

The Committee has recommended the Irrigation Ordinance 2023-04 to the Board for approval.

B. Finance Committee – Andy Fisher, Chairman - Next Meeting October 26, 2023

- **Board Liaisons:** Directors MacDonald and Stovall

The Committee reviewed the State Water Resource Control Board's water use regulation's water budget component. The November and December regular meetings will be combined into a Special Meeting on December 7th.

C. Ad-Hoc Committee for Policy Manual – Next Meeting November 2, 2023

- **Board Liaisons:** Directors Saunders, Seaman

Director Saunders delivered the report. The Asset Management, Environmental Policy, and Personnel Manual are under Committee review, updates will be delivered in December.

D. Ad-Hoc Grant Writing Committee – Next Meeting December 6, 2023

- **Board Liaisons:** Directors Saunders and Stovall

The October Committee meeting was canceled thus no update was delivered.

E. AD-Hoc Labor Negotiations Committee- No Meeting Scheduled

Public Comment:

No comments were received.

8. ACTION ITEMS

A. Consider Customer Leakage Consideration Request

General Manager Nicholas Schneider delivered the report. The public petitioner delivered a statement and requested that her meter be replaced, and the bill adjusted.

Public Comment:

Cherie Carlyon

Director Thornbrough motioned to approve the customer appeal also approving that this action will not count as the one leakage consideration allowed every three years per Policy 2170 Leakage Consideration. Director Seaman seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

B. Consider Affirming a First Amendment to Employment Agreement with the General Manager

Legal Counsel Frank Splendorio delivered the report. Director Saunders shared that the base salary took into consideration Compensation Survey results, delivering fair market value. This negates the need for recruitment which can double costs. The offer gives security to the District and General Manager Schneider given the commitment he has

shown in moving his family from the Mojave for the position. Board Discussion highlighted the value delivered by Mr. Schneider in his oversight of the acquisition of over \$2,000,000 in grants during his first year.

Public Comment:

Cherie Carlyon
Steve Dowd

Director Thornbrough motioned to affirm the First Amendment to Employment Agreement between GDPUD and Nicholas Schneider as presented. Director Seaman seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

C. Consider Adopting Amendments to Policy 2135 Procurement Policy

General Manager Nicholas Schneider delivered the report. This item was in coupling with the General Manager contract provision maintaining cohesion between the documents.

Public Comment:

No comments were received.

Director Saunders motioned to approve adopting the amendments to Policy 2135 the Procurement Policy. Director Thornbrough seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

D. Consider Accepting Salary Compensation and Staffing Survey results from (Sloan Sakai) Management Strategies LLP

Barbara Cochran of Sloan Sakai Management Strategies LLP delivered the report and answered the resulting inquiries from the Board and the Public.

Public Comment:

Cherie Carlyon

Director Thornbrough motioned to acknowledge that the Board of Directors had received the Compensation and Staffing Survey results. Director Stovall seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**

E. Consider Supporting the STREAM Act

The General Manager Nicholas Schneider delivered the report.

Public Comment:

No comments were received.

Director Saunders motioned to support the ability to send a letter of support for the STREAM Act. Director Seaman seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

F. Consider Award of Contract to Blain Stumpf for Gravel

Operations Manager Adam Brown delivered the report. This contract award and action will assist with access to distribution infrastructure during the wet seasons.

Public Comment:

Cherie Carlyon

Director Seaman motioned to approve the award of contract to Blain Stumpf and authorize the General Manager to execute said contract for the purchase of gravel. Director Saunders seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

G. Consider Accepting Amendment to the Capital Improvement Projects Plan

The General Manager and Operations Manager delivered the report. Adam Brown reviewed the changes to the CIP amounts.

Public Comment:

Cherie Carlyon

Director Seaman motioned to accept the amended Capital Improvements Plan for FY 2023-24 with its associated budget amendment. Director Saunders seconded the motion.

President MacDonald called for the vote.

Ayes: Seaman, Thornbrough, Saunders, Stovall, and MacDonald

Nays: None

Abstentions: None

The motion Passed **Unanimously**.

9. Public Hearing

President MacDonald opened the Public Hearing for Ordinance 2023-04 at 5:38 p.m.

Public Comment:

No comments were received.

A. Irrigation Ordinance Establishing Rules and Regulations for Irrigation Service 2023-04

President MacDonald closed the Public Hearing at 5:41 p.m.

General Manager Nicholas Schneider read Ordinance 2023-04 Rules and Regulations for Irrigation Service.

Board Comments:

Director Saunders shared that updating the Ordinance has been in process since 2018. The last workshop for the Ordinance took place in 2018. In March 2021 there was a presentation to the Board after the Irrigation Committee had been formed. The Director extended thanks to all who worked on the Ordinance throughout this process.

The Board provided feedback and edits to the Ordinance. Being as these changes were substantive there was no adoption. The Ordinance was requested to come before the Board for approval during its next session.

10. CLOSED SESSION

President MacDonald adjourned the meeting to a closed session at 5:58 p.m.

- A. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9(d)(1))**
Name of Case: GDPUD v. PG&E
- B. Conference with Legal Counsel—Existing Litigation (Gov. Code § 54956.9(d)(1))**
Name of case: City of Camden, et al., v. E.I. DuPont de Nemours and Company, et al.
- C. Conference with Legal Counsel—Existing Litigation (Gov. Code § 54956.9(d)(1))**
Name of case: Cari McCormick v. California Public Employees’ Retirement System, et al.
- D. Report out of Closed Session**
There was no report out of the closed session.

President Macdonald adjourned the closed session and opened the meeting to an open session at 6:21 p.m.

11. BOARD MEMBER REQUESTS FOR ADDITIONS TO FUTURE MEETING AGENDAS

Director Seaman requested that the lab testing fees be researched and a follow-up on the RFP which is in development.

Director Saunders requested that a member of the U.S. Forest Service Deliver a presentation regarding the situation at Stumpy Meadows.

Director Thornbrough requested a follow-up action item regarding the fund transfer to CIP.

12. NEXT MEETING DATE AND ADJOURNMENT

- A.** The next Regular Meeting will be November 14, 2023, at 2:00 PM., at the Georgetown Divide Public Utility District, 6425 Main Street, Georgetown, California 95634.

Director Thornbrough motioned to adjourn the meeting. Director Saunders seconded the motion. The motion passed by acclamation. The meeting adjourned at 6:25 p.m.

Nicholas Schneider, General Manager

Date

GDPUD Board Meeting
Tuesday, Oct. 10, 2023
Public Comments by Cherie Carlyon

Item 3-- Public Forum

I don't see anything on today's agenda for the board to discuss the public comment changes that the Board President reported out at the August meeting and that I brought up at the September meeting during my public and written comments. There are several consent items concerning board policies, but nothing about public comments. We were told that it would be discussed at this meeting.

Item 8B GM Employment Agreement

Wow, what a sweetheart deal!

\$190,000 is more than the \$185,900 budgeted for his salary. In 5 years with a potential 5% annual increase and a 5% inflation increase, his salary will be over \$300,000. Do the math. I see a big 5 year rate increase coming for ratepayers.

Giving him 6 months severance is crazy. That's like a contract poison pill for future boards.

Why allow him to bank more vacation pay?

Well, at least the contract is an at will employment contract.

Item 8D Salary and Staffing Study

When this item was put out as an RFP, it was to include:

1. Develop and recommend the labor market agencies and job classes to survey.
2. Collect and analyze base salary and benefit survey data for the selected survey classes.
3. Develop a salary plan for all classes in the district using market data and internal relationships to ensure consistency with the labor market and internal equity within the district organization.
4. Analyze job descriptions and functions then report on appropriate staffing levels and formulate an appropriate staffing level plan.

This study only covers the salary survey portion and has totally neglected reporting the staffing level portion required by the RFP. The survey firm should be required to complete this part of the RFP. In my opinion, the office is over staffed and an actual staff level survey would show us that. This report needs to have the staffing level portion of the RFP completed.

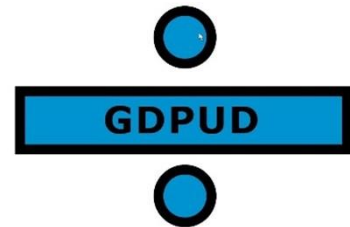
Including districts with 101-293 employees is totally inappropriate to compare to a district of 28 employees. These large districts need to be eliminated and the median and average salaries need to be recalculated to be an honest report. Also, it should have included the low to high job salary schedules of each water district, instead of just the high salary.

Do some of these position in the survey require a degree? Not knowing that, will unfairly award our employees with a higher salary. A few of the positions really need a job description to compare to GDPUD's, such as the Executive Assistant, Office/Finance Manager and HR/IT due to their unique job descriptions, otherwise this report is comparing apples to oranges.

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4.B.



AGENDA SECTION: CONSENT CALENDAR

SUBJECT: Adoption of Ordinance 2023-04 Establishing Rules and Regulations for Irrigation Service

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Georgetown Divide Public Utility District (District) provides irrigation service to customers under rules and regulations adopted by Ordinance 2005-01 (**Attachment 1**). During the Board meeting of February 13, 2018, the Board expressed their desire to review and update the Irrigation Ordinance. The General Manager received direction to develop a process providing for customer input and staff analysis.

At the Board meeting on March 13, 2018, the Board approved the General Manager's recommendation that Staff conduct a series of public workshops to gather input from the community, analyze their suggestions, and make recommendations to the Board on potential updates and changes to the Ordinance. On August 14, 2018, the Board approved the Staff's Irrigation Ordinance Update Plan which included two public workshops. The first workshop was held on September 20, 2018. Participants in the public process were offered three opportunities to provide input: (1) online survey; (2) public comments during the workshop; (3) written comments submitted during Workshop #1 and to the District office. The Second workshop was held on October 10, 2018. March of 2021 a presentation was delivered to the Board with the results. An Irrigation Advisory Committee was established to advise the Board on matters related to irrigation service in August 2022.

DISCUSSION

In February of 2022, the Irrigation Committee was appointed members and began work to amend and update Ordinance 2005-01 Establishing Rules and Regulations for Irrigation Service using the public input previously submitted at the aforementioned workshops. The Committee weighed issues and concerns and developed the amended Irrigation Ordinance. During the September 19th, 2023 meeting the Committee voted to recommend the Ordinance with their amendments to the Board of Directors for adoption. During the October 10, 2023, Regular Board of Directors Meeting the Ordinance received further edits.

Attachment one contains Ordinance 2005-01 which outlines the amendments and edits from the Board of Directors. **Attachment two** contains the updated Committee and Board-approved Ordinance 2023-04 Establishing Rules and Regulations for Irrigation Service.

FISCAL IMPACT

This action has no fiscal impact.

CEQA ASSESSMENT

Not a CEQA Project

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District (GDPUD) adopt Ordinance 2023-04 Establishing Rules and Regulations for Irrigation Service.

ATTACHMENTS

1. Ordinance 2005-01 Establishing Rules and Regulations for Irrigation Service with changes indicated (redlined).
2. Ordinance 2023-04 Establishing Rules and Regulations for Irrigation Service

ORDINANCE 2023-XX

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR IRRIGATION SERVICE IN THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

BE IT ENACTED by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT ("District"), County of El Dorado, State of California, as follows:

SECTION 1. Definitions:

- a) Acres Managed: Area served by irrigation service.
- b) Acres Irrigated: Area served that directly receives or utilizes irrigation supply.
- c) Alternate Boxes: Irrigation service connection point that does not allow for measuring of water supplied.
- d) Backflow Assembly: Testable device that does not allow reverse flow used to protect potable water supplies from contamination or pollution due to backflow.
- e) Ditch Tenders: District staff tasked to operating and maintaining the District's raw water conveyance system.
- f) Easement: A continuous ~~12.5 feet~~12.5-foot easement on either side of the centerline of a District canal or District raw water conveyance system, to include a total of 25 feet.
- g) Ingress/Egress: Legal term referring to entering, leaving and returning to a property.
- h) Irrigation Service Account: A contract with the District that is processed by District staff and approved by the Board of Directors in association with the required annual application.
- i) Irrigation Water: Non-potable seasonal water service supplied by the District.
- j) Livestock: Domesticated animals raised in an agricultural setting to provide labor and produce diversified products for consumption.
- k) Out-of-District: Parcel not within the District service area.

- l) Right of Entry: The right of District Ditch Tender to Ingress/Egress onto a real property without committing trespass to operate and maintain the District's raw water conveyance system.
- m) Turbulent Water: Chaotic changes in pressure and flow velocity.

SECTION 2. General Conditions:

- a) Control of System: District Works shall be under exclusive control and management of District personnel duly appointed by the Board of Directors.
- b) The District shall not be liable for interruption, shortage, or insufficiency of irrigation water supply, or for any loss or damage occasioned thereby. This would include loss of plant material or other loss related to a lack of water.
- c) The District shall not be liable for damage to person or property resulting directly or indirectly from privately owned conduits, meters or measuring devices.
- d) Irrigation water is used at the customer's own risk and the customer agrees to hold the District, its officers, and employees free and harmless from liability and damages that may occur as the result of defective water quality, shortages, fluctuation in flow or pressure, interruptions in service or for failure to deliver water.
- e) Pumping of water by the customer is done at the customer's risk. The District assumes no liability for damage to pumping equipment or other damages as a result of turbulent water, shortages, excess of water or other causes.
- f) No purchaser of water from the District acquires a proprietary or vested right by reason of use. No purchaser acquires a right to resell water or to use for a purpose other than that for which it was applied nor to use it on premises other than indicated on the application. The terms, conditions, priorities, and allocation of irrigation service may be altered and amended by the Board of Directors. The District does not guarantee irrigation service customers the right to future service.
- g) The District expressly asserts the right to recapture, reuse and resell all waters originating from any point within District Works.

- h) District staff and other agents of the District shall have access and right of entry to the Easement and all lands irrigated from its water system and to all conduits for the purpose of inspection, examination, measurements, surveys, or other necessary purposes of the District with the right of installation, maintenance, control and regulation of all meters and other measuring devices, gates, turnouts, and other structures necessary or proper for the measurement and distribution of water. No unauthorized people are allowed on district facilities on private property.
- i) No bridges, crossing, pipe, or other structures shall be placed in or over a canal without written permission of the District. Maintenance of the canal crossings shall not be the District's responsibility but shall rest with the owner of the crossing. Where the owner fails to maintain the crossing, the District may perform the necessary repairs or removal at the expense of the owner. Notice of the District's intent will be given, if possible, to the owner prior to the work commencing.
- j) No rubbish, garbage, refuse, chemicals, or animal matter from any source may be placed within the Easement or allowed to be emptied into any ditch, canal, or reservoir of the District. This does not include the application of herbicides by the District that have been approved to be applied adjacent to drinking water conveyance systems. Any chemical treatments performed within the Easement by property owners must be approved by District staff.
- k) District canals or reservoirs shall not be used for human or animal swimming or bathing. Greenwood Lake, Sweetwater Lake, and Walton Lake may be utilized as stormwater capture reservoirs and thus would not be acceptable for swimming.
- l) Livestock or any domesticated animal shall not be permitted to contaminate the water supply nor destroy or damage the canal system or use thereof. –Property owners are liable for any damage due to any livestock or domesticated animals.
- m) No conveyance system shall cause a cross connection with the District's water system with any other source of water.
- n) Any irrigation customer that is connected to the District's potable water system, a backflow assembly is required to be installed and certified annually by an American Water Work Association (AWWA) backflow prevention assembly tester.

- o) No buildings, corrals or other structures, fences, trees, lines or bushes shall be permitted upon rights-of-way or use thereof be made in any way except by written authority of the District. Construction of fences and/or gates is not permitted without written approval of the specifications by the General Manager.
- p) All District repairs, maintenance, and improvements to the canal shall follow Federal, State, and local regulations.
- q) Violation of Rules and Regulations: Failure to comply with rules and regulations of the District shall be sufficient cause for terminating irrigation service as determined by the Board of Directors.
- r) Any person dissatisfied with any determination of the District management shall have the right to appeal to the Board of Directors.
- s) Amendments: The Board of Directors of the District may at their discretion alter, amend, or add to these rules and regulations. The Board of Directors will follow applicable laws during this process.

SECTION 3. Application for an Irrigation Service Account:

- a) No irrigation service will be rendered until a complete application for an Irrigation Service Account has been approved and is on file at the office of the District. Applications will be accepted between January 1st and March 1st for the impending irrigation season. The application for service shall state that the customer agrees to abide by the terms and conditions for service as established in the Irrigation Ordinance.
- b) Applications will be approved where the District Works have sufficient capacity to meet service requested. Applications will be considered for approval utilizing the following priority system:
 - Priority 1. Applications for Irrigation Service to any parcels that received irrigation service during the immediate past irrigation season, irrespective of whether or not there is an increased or decreased request for water
 - Priority 2. Applications for Irrigation Service to parcels with the most recent active Irrigation Service Account during any of the previous five (5)

irrigation seasons, with further prioritization based on recent active Irrigation Service.

Priority 3. All other applications for Irrigation Service.

- c) Competing applications within the same priority level, will be determined by public lottery.
- d) Applications and priority are specific to the section of ditch the parcel is located near.
- e) Notwithstanding the above priority schedule, delinquent accounts will be deferred to Priority 3 for upcoming irrigation season.

~~f) Applications for an increase to service will receive Priority 3 status for the requested increase.~~

~~g~~f) Applications must in all cases be signed by the holder of title to the property requesting irrigation service. If the property requesting irrigation service is leased, two months of charges must be paid in advance. The landowner of leased property shall be responsible for all charges or assessments.

~~h~~g) Applications for an Irrigation Service Account to benefit a parcel of land that is not adjacent to the District Works must be accompanied by a legally recorded easement that allows the conveyance of water to the parcel requesting irrigation service. The easement shall grant the District the right of ingress and egress for inspection, installation and maintenance purposes.

~~i~~h) New applications for Out-of-District Irrigation Service Accounts will not be approved by the Board of Directors. An existing Out-of-District Irrigation Service Account that is inactive for two or more years will be deleted from the District's accounts and the service will be permanently removed.

SECTION 4. Distribution of Water:

- a) Historically the irrigation season has been considered from May 1 through September 30 of each year. This constitutes a five-month time period in which irrigation water is delivered. However, the Board of Directors shall consider changes to the irrigation season to respond to climactic conditions and may implement such changes by a majority vote. This can include extending, shortening or adjusting the irrigation season for any reason. District must respond and comply with any state mandates that arise in regard to water use efficiency.

- b) The District does not guarantee irrigation water under pressure from the District Works. Pressure requirements of the customer are the sole responsibility of the customer, and the District shall not be liable for any damage to equipment used to provide pressure to the customer.
- c) Water is distributed under continuous flow. Water shall be used continuously during all days and nights including holidays and Sundays and no allowances shall be made for failure to use water when it is made available. Failure to use water on schedule shall not entitle the customer to any rebate. Additionally, any service that does not comply with the continuous flow required could be penalized by the District up to, and including, termination of service. The District will make all reasonable attempts to notify customers of any outages for both emergency and non-emergency purposes.
- d) Irrigation service is provided for the entire irrigation season. Customers shall pay for irrigation service for the entire irrigation season regardless of their interest or ability to use water.
- e) When interruptions to irrigation service due to failure of the District infrastructure extend beyond three (3) consecutive business days, proportionate adjustments for such water loss will only be made if (ia) Customer notification to District is actually received and verified by the District; or (iib) District staff had actual knowledge of interruptions to Irrigation Service.
- f) Irrigation customers shall pay a proportionate amount for irrigation service when the irrigation season is extended or shortened by the Board of Directors.
- g) Unauthorized connections or the taking of water in an amount greater than applied and paid for, by any means, is a misdemeanor under California Penal Code Section 498 and shall be subject to criminal prosecution under Section 498 and any other applicable laws. In addition, the District may bring a civil action for damages and may refuse future service to the parcel.
- h) Irrigation customers shall prevent any unnecessary or wasteful use of water. Should a customer permit wasteful use of water, the District may discontinue service if such condition is not corrected within five (5) days after giving the parcel owner written notice of intention to terminate service.
- i) No more than one parcel shall be served through each Irrigation Service Account. However, consent will be given with the prior

written approval of the Board of Directors to allow for multiple properties to utilize one diversion point. Any such approval shall be recorded against each parcel with the caveat that the agreement expires upon any change of ownership. Each Irrigation Service Account shall have independent service lines and sumps. Any legal issues that arise between authorized parties as a result of these agreements will be the sole responsibility of the irrigation account holder.

- j) The minimum irrigation service for each Irrigation Service Account shall be one miner's inch, from the open ditch system, and one-half miner's inch from the irrigation pipeline system.
- k) All pumped services shall utilize a sump provided by the customer and acceptable to the District.
- l) All Irrigation Service Accounts must have an appropriate measuring device which shall be installed by the District. The customer shall pay the cost thereof including the cost of installation. The District shall approve the location of the measuring device.
- m) Customers receiving irrigation service who request a change in flow rate during the season shall be charged a fee set by the Board of Directors for the adjustment.
- n) Replacement of measuring devices shall be at the expense of the customer if the replacement is necessary due to tampering or abuse.
- o) Alternate Boxes -The Board of Directors shall not approve any new applications for Alternate Boxes.
- p) Unusual costs incurred by the District to provide irrigation service shall be paid in full by the applicant or customer. An estimate of the expense shall be approved by the property owner prior to work commencing.

SECTION 5. Charges, Rates and Billings:

- a) The District will maintain a uniform rate schedule which may be changed from time to time upon action of the Board of Directors. The rate schedule, by reference, is attached hereto and made a part of these rules and regulations.
- b) Irrigation billings are regularly -made bi-monthly (every two months) in advance in as much as is practicable.
- c) All penalties shall be charged as outlined on the billings.

- d) Disconnected irrigation service accounts shall pay a fee to re-establish service.
- e) Irrigation service accounts requesting verification of flow will pay a fee if the delivered flow is within 10% of the contracted amount.
- f) The District will actively market available water and develop a waitlist to grow Irrigation Service Accounts.

SECTION 6. Additional Irrigation Service Sales

- a) The District reserves the right to pursue additional revenue through additional irrigation water sales. This can be done through an extended delivery time frame or by other means. These sales may be limited in availability, service areas, and duration.

SECTION 7. Repeal

- a) ~~(a)~~—Upon the effective date of this Ordinance 2023-__ all previously adopted Ordinances pertinent to the Rules and Regulations for Irrigation Service will be superseded and repealed, including, but not limited to, Ordinance 79-2, 79-8, 87-1, 04-01, and 2005-01.

SECTION 8. Effective Date

- a) ~~(a)~~ That this Ordinance shall become effective thirty (30) days after ~~is-its~~ adoption and shall be posted and published as required by law.

PASSED AND ADOPTED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT this _____ day of _____, 2023.

AYES:

NOES: None

ABSENT: None

, President
Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:

, 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 2023-XX 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 _____ day of _____, 2023.

, Clerk and ex officio Secretary of the
Georgetown Divide Public Utility District

ORDINANCE 2023-XX

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR IRRIGATION SERVICE IN THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

BE IT ENACTED by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT ("District"), County of El Dorado, State of California, as follows:

SECTION 1. Definitions:

- a) Acres Managed: Area served by irrigation service.
- b) Acres Irrigated: Area served that directly receives or utilizes irrigation supply.
- c) Alternate Boxes: Irrigation service connection point that does not allow for measuring of water supplied.
- d) Backflow Assembly: Testable device that does not allow reverse flow used to protect potable water supplies from contamination or pollution due to backflow.
- e) Ditch Tenders: District staff tasked to operating and maintaining the District's raw water conveyance system.
- f) Easement: A continuous 12.5 feet easement on either side of the centerline of a District canal or District raw water conveyance system, to include a total of 25 feet.
- g) Ingress/Egress: Legal term referring to entering, leaving and returning to a property.
- h) Irrigation Service Account: A contract with the District that is processed by District staff and approved by the Board of Directors in association with the required annual application.
- i) Irrigation Water: Non-potable seasonal water service supplied by the District.
- j) Livestock: Domesticated animals raised in an agricultural setting to provide labor and produce diversified products for consumption.
- k) Out-of-District: Parcel not with the District service area.
- l) Right of Entry: The right of District Ditch Tender to Ingress/Egress onto a real property without committing

trespass to operate and maintain the District's raw water conveyance system.

m) Turbulent Water: Chaotic changes in pressure and flow velocity.

SECTION 2. General Conditions:

- a) Control of System: District Works shall be under exclusive control and management of District personnel duly appointed by the Board of Directors.
- b) The District shall not be liable for interruption, shortage, or insufficiency of irrigation water supply, or for any loss or damage occasioned thereby. This would include loss of plant material or other loss related to a lack of water.
- c) The District shall not be liable for damage to person or property resulting directly or indirectly from privately owned conduits, meters or measuring devices.
- d) Irrigation water is used at the customer's own risk and the customer agrees to hold the District, its officers, and employees free and harmless from liability and damages that may occur as the result of defective water quality, shortages, fluctuation in flow or pressure, interruptions in service or for failure to deliver water.
- e) Pumping of water by the customer is done at the customer's risk. The District assumes no liability for damage to pumping equipment or other damages as a result of turbulent water, shortages, excess of water or other causes.
- f) No purchaser of water from the District acquires a proprietary or vested right by reason of use. No purchaser acquires a right to resell water or to use for a purpose other than that for which it was applied nor to use it on premises other than indicated on the application. The terms, conditions, priorities, and allocation of irrigation service may be altered and amended by the Board of Directors. The District does not guarantee irrigation service customers the right to future service.
- g) The District expressly asserts the right to recapture, reuse and resell all waters originating from any point within District Works.
- h) District staff and other agents of the District shall have access and right of entry to the Easement and all lands irrigated from its water system and to all conduits for the purpose of inspection,

examination, measurements, surveys, or other necessary purposes of the District with the right of installation, maintenance, control and regulation of all meters and other measuring devices, gates, turnouts, and other structures necessary or proper for the measurement and distribution of water. No unauthorized people are allowed on district facilities on private property.

- i) No bridges, crossing, pipe, or other structures shall be placed in or over a canal without written permission of the District. Maintenance of the canal crossings shall not be the District's responsibility but shall rest with the owner of the crossing. Where the owner fails to maintain the crossing, the District may perform the necessary repairs or removal at the expense of the owner. Notice of the District's intent will be given, if possible, to the owner prior to the work commencing.
- j) No rubbish, garbage, refuse, chemicals, or animal matter from any source may be placed within the Easement or allowed to be emptied into any ditch, canal, or reservoir of the District. This does not include the application of herbicides by the District that have been approved to be applied adjacent to drinking water conveyance systems. Any chemical treatments performed within the Easement by property owners must be approved by District staff.
- k) District canals or reservoirs shall not be used for human or animal swimming or bathing. Greenwood Lake, Sweetwater Lake, and Walton Lake may be utilized as storm water capture reservoirs and thus would not be acceptable for swimming.
- l) Livestock or any domesticated animal shall not be permitted to contaminate the water supply nor destroy or damage the canal system or use thereof. Property owners are liable for any damage due to any livestock or domesticated animals.
- m) No conveyance system shall cause a cross connection with the District's water system with any other source of water.
- n) Any irrigation customer that is connected to the District's potable water system, a backflow assembly is required to be installed and certified annually by an American Water Work Association (AWWA) backflow prevention assembly tester.
- o) No buildings, corrals or other structures, fences, trees, lines or bushes shall be permitted upon rights-of-way or use thereof be made in any way except by written authority of the District.

Construction of fences and/or gates is not permitted without written approval of the specifications by the General Manager.

- p) All District repairs, maintenance, and improvements to the canal shall follow Federal, State and local regulations.
- q) Violation of Rules and Regulations: Failure to comply with rules and regulations of the District shall be sufficient cause for terminating irrigation service as determined by the Board of Directors.
- r) Any person dissatisfied with any determination of the District management shall have the right to appeal to the Board of Directors.
- s) Amendments: The Board of Directors of the District may at their discretion alter, amend, or add to these rules and regulations. The Board of Directors will follow applicable laws during this process.

SECTION 3. Application for an Irrigation Service Account:

- a) No irrigation service will be rendered until a complete application for an Irrigation Service Account has been approved and is on file at the office of the District. Applications will be accepted between January 1st and March 1st for the impending irrigation season. The application for service shall state that the customer agrees to abide by the terms and conditions for service as established in the Irrigation Ordinance.
- b) Applications will be approved where the District Works have sufficient capacity to meet service requested. Applications will be considered for approval utilizing the following priority system:
 - Priority 1. Applications for Irrigation Service to any parcels that received irrigation service during the immediate past irrigation season, irrespective of whether or not there is an increased or decreased request for water
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 - Priority 3. All other applications for Irrigation Service.

- c) Competing applications within the same priority level, will be determined by public lottery.
- d) Applications and priority are specific to the section of ditch the parcel is located near.
- e) Notwithstanding the above priority schedule, delinquent accounts will be deferred to Priority 3 for upcoming irrigation season.
- f) Applications for an increase to service will receive Priority 3 status for the requested increase.
- g) Applications must in all cases be signed by the holder of title to the property requesting irrigation service. If the property requesting irrigation service is leased, two months of charges must be paid in advance. The landowner of leased property shall be responsible for all charges or assessments.
- h) Applications for an Irrigation Service Account to benefit a parcel of land that is not adjacent to the District Works must be accompanied by a legally recorded easement that allows the conveyance of water to the parcel requesting irrigation service. The easement shall grant the District the right of ingress and egress for inspection, installation and maintenance purposes.
- i) New applications for Out-of-District Irrigation Service Accounts will not be approved by the Board of Directors. An existing Out-of-District Irrigation Service Account that is inactive for two or more years will be deleted from the District's accounts and the service will be permanently removed.

SECTION 4. Distribution of Water:

- a) Historically the irrigation season has been considered from May 1 through September 30 of each year. This constitutes a five-month time period in which irrigation water is delivered. However, the Board of Directors shall consider changes to the irrigation season to respond to climactic conditions and may implement such changes by a majority vote. This can include extending, shortening or adjusting the irrigation season for any reason. District must respond and comply with any state mandates that arise in regard to water use efficiency.
- b) The District does not guarantee irrigation water under pressure from the District Works. Pressure requirements of the customer are the sole responsibility of the customer, and the District shall

not be liable for any damage to equipment used to provide pressure to the customer.

- c) Water is distributed under continuous flow. Water shall be used continuously during all days and nights including holidays and Sundays and no allowances shall be made for failure to use water when it is made available. Failure to use water on schedule shall not entitle the customer to any rebate. Additionally, any service that does not comply with the continuous flow required could be penalized by the District up to, and including, termination of service. The District will make all reasonable attempts to notify customers of any outages for both emergency and non-emergency purposes.
- d) Irrigation service is provided for the entire irrigation season. Customers shall pay for irrigation service for the entire irrigation season regardless of their interest or ability to use water.
- e) When interruptions to irrigation service due to failure of the District infrastructure extend beyond three (3) consecutive business days, proportionate adjustments for such water loss will only be made if (a) Customer notification to District is actually received and verified by the District; or (b) District staff had actual knowledge of interruptions to Irrigation Service.
- f) Irrigation customers shall pay a proportionate amount for irrigation service when the irrigation season is extended or shortened by the Board of Directors.
- g) Unauthorized connections or the taking of water in an amount greater than applied and paid for, by any means, is a misdemeanor under California Penal Code Section 498 and shall be subject to criminal prosecution under Section 498 and any other applicable laws. In addition, the District may bring a civil action for damages and may refuse future service to the parcel.
- h) Irrigation customers shall prevent any unnecessary or wasteful use of water. Should a customer permit wasteful use of water, the District may discontinue service if such condition is not corrected within five (5) days after giving the parcel owner written notice of intention to terminate service.
- i) No more than one parcel shall be served through each Irrigation Service Account. However, consent will be given with the prior written approval of the Board of Directors to allow for multiple properties to utilize one diversion point. Any such approval shall be recorded against each parcel with the caveat that the

agreement expires upon any change of ownership. Each Irrigation Service Account shall have independent service lines and sumps. Any legal issues that arise between authorized parties as a result of these agreements will be the sole responsibility of the irrigation account holder.

- j) The minimum irrigation service for each Irrigation Service Account shall be one miner's inch, from the open ditch system, and one-half miner's inch from the irrigation pipeline system.
- k) All pumped services shall utilize a sump provided by the customer and acceptable to the District.
- l) All Irrigation Service Accounts must have an appropriate measuring device which shall be installed by the District. The customer shall pay the cost thereof including the cost of installation. The District shall approve the location of the measuring device.
- m) Customers receiving irrigation service who request a change in flow rate during the season shall be charged a fee set by the Board of Directors for the adjustment.
- n) Replacement of measuring devices shall be at the expense of the customer if the replacement is necessary due to tampering or abuse.
- o) Alternate Boxes -The Board of Directors shall not approve any new applications for Alternate Boxes.
- p) Unusual costs incurred by the District to provide irrigation service shall be paid in full by the applicant or customer. An estimate of the expense shall be approved by the property owner prior to work commencing.

SECTION 5. Charges, Rates and Billings:

- a) The District will maintain a uniform rate schedule which may be changed from time to time upon action of the Board of Directors. The rate schedule, by reference, is attached hereto and made a part of these rules and regulations.
- b) Irrigation billings are made bi-monthly (every two months) in advance.
- c) All penalties shall be charged as outlined on the billings.
- d) Disconnected irrigation service accounts shall pay a fee to re-establish service.

- e) Irrigation service accounts requesting verification of flow will pay a fee if the delivered flow is within 10% of the contracted amount.
- f) The District will actively market available water and develop a waitlist to grow Irrigation Service Accounts.

SECTION 6. Additional Irrigation Service Sales

- a) The District reserves the right to pursue additional revenue through additional irrigation water sales. This can be done through an extended delivery time frame or by other means. These sales may be limited in availability, service areas, and duration.

SECTION 7. Repeal

(a) Upon the effective date of this Ordinance 2023-__ all previously adopted Ordinances pertinent to the Rules and Regulations for Irrigation Service will be superseded and repealed, including, but not limited to, Ordinance 79-2, 79-8, 87-1, 04-01, and 2005-01.

SECTION 8. Effective Date

(a) That this Ordinance shall become effective thirty (30) days after is adoption and shall be posted and published as required by law.

PASSED AND ADOPTED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT this fourteenth day of November, 2023.

AYES:

NOES: None

ABSENT: None

Mitch MacDonald, 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

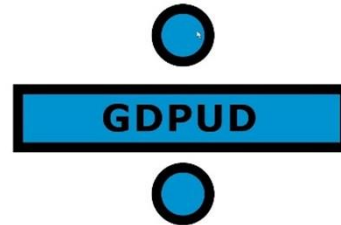
I hereby certify that the foregoing is a full, true, and correct copy of Ordinance 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, El Dorado County, California, at a meeting duly held on the fourteenth day of November, 2023.

Nicholas Schneider, Clerk and ex officio Secretary of the
Georgetown Divide Public Utility District

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4.C.



AGENDA SECTION: Consent Calendar

SUBJECT: Policy 1010 Basis of Authority

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Ad Hoc Policy Committee was established to standardize the process of developing, reviewing, and adopting policies and procedures.

DISCUSSION

The committee is currently reviewing the District's Guidelines and Policies which process has included a review by legal counsel. The substantive change to policy language occurred in Section 1010.02 subsection a. Amendments further defined committee member authority, emphasizing that the Board as a whole is the sole entity authorized in decision-making and commitments concerning the District.

FISCAL IMPACT

This action has no fiscal impact.

CEQA ASSESSMENT

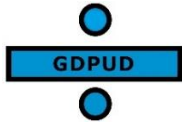
This is not a CEQA Project

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District (GDPUD) adopt Resolution 2023-XX approving Policy 1010 Basis of Authority.

ATTACHMENTS

1. Redlined Policy 4070 Basis of Authority
2. Resolution 2023-XX adopting Policy 1010 Basis of Authority
3. Exhibit A, Policy 1010, Basis of Authority



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Basis of Authority

POLICY NUMBER: 1010 Adopted: June 25, 2013 Amended: November 14, 2023

FORMER NUMBER: 4070

Section 1010.01 Purpose

The legal authority for the Georgetown Divide Public Utility District is derived from the California Government Code, Public Utility Code, Public Utility District Act, and related laws.

Section 1010.02

The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority except as specifically authorized. As individuals, Directors may not commit the District to any policy, act, contract, or expenditure.

- a. **Committee members may not commit the District to any policy, act, contract, or expenditure. All recommendations should go before the Board.**

Section 1010.03

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

Certification

I hereby certify that the foregoing is a full, true, and correct copy of Policy 1010 amended by the Board of Directors of the Georgetown Divide Public Utility District on November 14, 2023.

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

**RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING POLICY 1010 BASIS of AUTHORITY**

WHEREAS, the Board of Directors of the Georgetown Divide adopted Policy 4070, Basis of Authority, on June 25, 2013;

WHEREAS, the ad hoc Policy Committee of the Board of Directors reviewed Policy 4070 and directed Staff to prepare Policy 1010 in the new policy format and with changes to establish the Basis of Authority;

WHEREAS, Policy 1010 is made a part of this Resolution as **Exhibit A**; and

WHEREAS, the committee's recommendation was presented to the Board of Directors at its regular meeting of November 14, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Policy 1010, Basis of Authority, be adopted, and the General Manager shall be authorized to certify the policy and include it in the District's Policy and Procedures Manual.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of November 2023 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, 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 2023-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 14th day of November 2023.

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

ATTACHMENT:

Exhibit A – Policy 1010 – Basis of Authority

DRAFT



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Basis of Authority

POLICY NUMBER: 1010 Adopted: June 25, 2013 Amended: November 14, 2023

FORMER NUMBER: 4070

Section 1010.01 Purpose

The legal authority for the Georgetown Divide Public Utility District is derived from the California Government Code, Public Utility Code, Public Utility District Act, and related laws.

Section 1010.02

The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority except as specifically authorized. As individuals, Directors may not commit the District to any policy, act, contract, or expenditure.

- a. Committee members may not commit the District to any policy, act, contract, or expenditure. All recommendations should go before the Board.

Section 1010.03

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

Certification

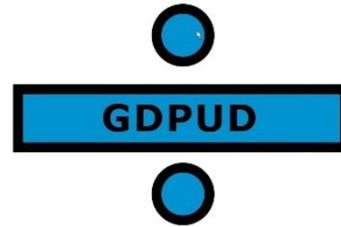
I hereby certify that the foregoing is a full, true, and correct copy of Policy 1010 amended by the Board of Directors of the Georgetown Divide Public Utility District on November 14, 2023.

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

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4.D.



AGENDA SECTION: Consent Calendar

SUBJECT: Policy 1045 Legal Counsel and Auditor

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Ad Hoc Policy Committee was established to standardize the process of developing, reviewing, and adopting policies and procedures.

DISCUSSION

The committee is currently reviewing the District's Guidelines and Policies. The process has included a review and update of previously approved policies. The Ad-Hoc Policy Committee has reviewed and is submitting Policy 1045 to the Board for approval consideration. The purpose of Policy 1045 is to establish the duties and role of Legal Counsel and Auditors. Applying the committee's process for reviewing and updating District policies to the new standards of the District Policy and Procedures Manual, Policy 4048 was updated, Legal Counsel and Auditor, originally adopted June 25, 2013. **Attachment 1** is Policy 4048 reformatted with Committee amendments indicated.

FISCAL IMPACT

This action has no fiscal impact.

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 Resolution 2023-XX approving Policy 1045 Legal Counsel and Auditor.

ATTACHMENTS

1. Redlined Policy 4048 Legal Counsel and Auditor
2. Resolution 2023-XX
3. Exhibit A, Policy 1045 Legal Counsel and Auditor



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 1045 ———— **Adopted:** June 25, 2013
Amended: November 14, 2023

REFERENCES Former Policy Number: 4048

Section 1045.01 Purpose

The purpose of this policy is to establish the procedures governing the Board of Directors of the Georgetown Divide Public Utility District.

Section 1045.02 Definitions

For the purposes of this policy, unless otherwise apparent from the context, certain words and phrases used in this policy are defined as follows:

Section 1045.03

The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities. Legal Counsel shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Legal Counsel.

Section 1045.04

Legal Counsel shall be the legal adviser of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve District legal documents, i.e., contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues to the Board President and/or the Board, in both Open and Closed Session. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board. The Board sets the rates per the purchasing policy. Legal Counsel may be removed by a 3/5ths vote.

1045.2.2

The Legal Counsel reports to the Board as a whole but is available to each director for consultation regarding legal matters affecting or concerning the District. No Board member may request a legal opinion of legal counsel without concurrence by the Board President except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities. ~~All correspondence with legal counsel is to be copied to the Board President.~~

Legal Counsel and Auditor

Section 1045.05

The Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. Selection of the Auditor

shall be done in a noticed public meeting and at least every threefive years. The Auditor may be removed by a 3/5ths vote.

1045.5.1

The Board may appoint a committee to oversee the work of an independent auditor, which will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter which is appointed by the Board for Audit Compliance.

Certification

I hereby certify that the foregoing is a full, true, and correct copy of Policy ____ amended by the Board of Directors of the Georgetown Divide Public Utility District on _____, 2023.

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

**RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING POLICY 1045 LEGAL COUNSEL AND AUDITOR**

WHEREAS, the Board of Directors of the Georgetown Divide adopted Policy 4048, Legal Counsel and Auditor, on June 25, 2013;

WHEREAS, the ad hoc Policy Committee of the Board of Directors reviewed Policy 4048 and directed Staff to prepare Policy 1045 in the new policy format and with changes to establish the roles and duties of Legal Counsel and Auditor;

WHEREAS, Policy 1045 is made a part of this Resolution as **Exhibit A**; and

WHEREAS, the committee's recommendation was presented to the Board of Directors at its regular meeting of November 14, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Policy 1045, Legal Counsel and Auditor, be adopted, and the General Manager shall be authorized to certify the policy and include it in the District's Policy and Procedures Manual.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of November 2023 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, 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

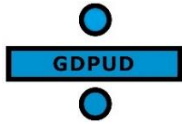
I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 14th day of November 2023.

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

ATTACHMENT:

Exhibit A – Policy 1045 – Legal Counsel and Auditor

DRAFT



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 1045 **Adopted:** June 25, 2013 **Amended:** November 14, 2023

Former Number: 4048

Section 1045.01 Purpose

The purpose of this policy is to establish the procedures governing the Board of Directors of the Georgetown Divide Public Utility District.

Section 1045.03

The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities. Legal Counsel shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Legal Counsel.

Section 1045.04

Legal Counsel shall be the legal adviser of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve District legal documents, i.e., contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues to the Board President and/or the Board, in both Open and Closed Session. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board. The Board sets the rates per purchasing policy. Legal Counsel may be removed by a 3/5ths vote.

1045.2.2

The Legal Counsel reports to the Board as a whole but is available to each director for consultation regarding legal matters affecting or concerning the District. No Board member may request a legal opinion of legal counsel without concurrence by the Board President except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

Section 1045.05

The Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. Selection of the Auditor shall be done in a noticed public meeting and at least every three years. The Auditor may be removed by a 3/5ths vote.

1045.5.1

The Board may appoint a committee to oversee the work of an independent auditor, which will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter which is appointed by the Board for Audit Compliance.

Certification

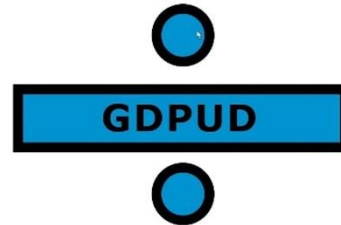
I hereby certify that the foregoing is a full, true, and correct copy of Policy 1045 amended by the Board of Directors of the Georgetown Divide Public Utility District on November 14, 2023.

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

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4.E.



AGENDA SECTION: Consent Calendar

SUBJECT: Policy 4060 Ethics Training for Elected Board Members

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Ad Hoc Policy Committee was established to standardize the process of developing, reviewing, and adopting policies and procedures.

DISCUSSION

The committee is currently reviewing the District's Guidelines and Policies. The process has included a review and update of previously approved policies. The Ad-Hoc Policy Committee has reviewed and is submitting Policy 4060 to the Board for approval consideration. The purpose of Policy 4060 is to establish procedures governing the Board of Directors. Applying the committee's process for reviewing and updating District policies to the new standards of the District Policy and Procedures Manual, Policy 4095 was updated, Ethics Training, originally adopted June 25, 2013. **Attachment 1** is Policy 4095 reformatted with Committee amendments indicated.

FISCAL IMPACT

This action has no fiscal impact.

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 Resolution 2023-XX approving Policy 4060 Ethics Training for Elected Board Members.

ATTACHMENTS

1. Redlined Policy 4095 Ethics Training for Elected Board Members
2. Resolution 2023-XX Adopting Policy 4060
3. Exhibit A, Policy 4060 Ethics Training for Elected Board Members



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Ethics Training

POLICY NUMBER: 4060

Adopted: 06/25/2013

Amended:

FORMER NUMBER: 4095

REFERENCES:—

Section 4060.01 Purpose

The purpose of this policy is to establish the procedures governing the Board of Directors of the Georgetown Divide Public Utility District.

Section 4060.02 Definition

For the purposes of this policy, unless otherwise apparent from the context, certain words and phrases used in this policy are defined as follows:

Section 4060.03

All directors and designated executive staff of Georgetown Divide Public Utility District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2. The GDPUD General Manager is a designated executive staff required to receive this training.

Section 4060.04

This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees, and other bodies that are subject to the Ralph M. Brown Act.

4060.5

All ethics training shall comply with Government Code Section 53235, and/or be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

4060.6

Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

Ethics Training

4060.6.1

District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records

shall be maintained for at least five years after directors receive the training.

4060.7

District staff shall provide the General Manager and Board of Directors with information on available training that meets the requirements of this policy at least once every year.

4060.8

Ethics training may consist of either a training course or a set of self-study materials with tests and may be taken at home, in person, or online.

4060.9

Any director of GDPUD who serves on the board of another agency is only required to take the training once every two years.

Certification

I hereby certify that the foregoing is a full, true, and correct copy of Policy ____ amended by the Board of Directors of the Georgetown Divide Public Utility District on _____, 2023.

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

**RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING POLICY 4060, ETHICS TRAINING FOR ELECTED BOARD MEMBERS**

WHEREAS, the Board of Directors of the Georgetown Divide adopted Policy 4095, Ethics Training, on June 25, 2013;

WHEREAS, the ad hoc Policy Committee of the Board of Directors reviewed Policy 4095 and directed Staff to prepare Policy 4060 in the new policy format and with changes to establish the procedure for Ethics Training for Elected Board Members;

WHEREAS, Policy 4060 is made a part of this Resolution as **Exhibit A**; and

WHEREAS, the committee's recommendation was presented to the Board of Directors at its regular meeting of November 14, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Policy 4060, Ethics Training for Elected Board Members, be adopted, and the General Manager shall be authorized to certify the policy and include it in the District's Policy and Procedures Manual.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of November 2023 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, 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 2023-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 14th day of November 2023.

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

ATTACHMENT:

Exhibit A – Policy 4060 – Ethics Training for Elected Board Members

DRAFT



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Ethics Training for Elected Board Members

POLICY NUMBER: 4060 **Adopted: June 25, 2013** **Amended: November 14, 2023**
FORMER NUMBER: 4095

Section 4060.01 Purpose

The purpose of this policy is to establish the procedures governing the Board of Directors of the Georgetown Divide Public Utility District.

Section 4060.02

All directors and designated executive staff of Georgetown Divide Public Utility District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2. The GDPUD General Manager is a designated executive staff required to receive this training.

Section 4060.03

This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees, and other bodies that are subject to the Ralph M. Brown Act.

Section 4060.4

All ethics training shall comply with Government Code Section 53235, and/or be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

Section 4060.5

Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

4060.5.1

District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training.

Ethics Training

Section 4060.6

District staff shall provide the General Manager and Board of Directors with information on available training that meets the requirements of this policy at least once every year.

Section 4060.7

Ethics training may consist of either a training course or a set of self-study materials with tests and may be taken at home, in person, or online.

Section 4060.8

Any director of GDPUD who serves on the board of another agency is only required to take the training once every two years.

Certification

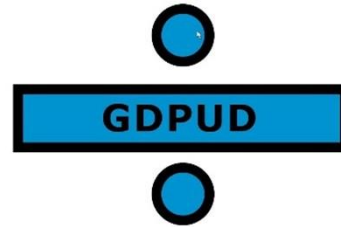
I hereby certify that the foregoing is a full, true, and correct copy of Policy 4060 amended by the Board of Directors of the Georgetown Divide Public Utility District on November 14, 2023.

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

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4.F.



AGENDA SECTION: Consent Calendar

SUBJECT: Policy 4100 Members of the Board of Directors

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Ad Hoc Policy Committee was established to standardize the process of developing, reviewing, and adopting policies and procedures.

DISCUSSION

The committee is currently reviewing the District's Guidelines and Policies. The process has included a review and update of previously approved policies. The Ad-Hoc Policy Committee has reviewed and is submitting Policy 4100 to the Board for approval consideration. The purpose of Policy 4100 is to establish guidelines for the behavior of the individual members of the Board of Directors. Applying the committee's process for reviewing and updating District policies to the new standards of the District Policy and Procedures Manual, Policy 4050 was updated, **Attachment 1** is Policy 4050 reformatted with Committee amendments indicated.

FISCAL IMPACT

This action has no fiscal impact.

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 Resolution 2023-XX approving Policy 4050 Members of the Board of Directors.

ATTACHMENTS

1. Redlined Policy 4050 Members of the Board of Directors
2. Resolution 2023-XX adopting Policy 4100
3. Exhibit A, Policy 4100, Members of the Board of Directors



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4050 **Adopted:** 06/25/2013 **Amended:**

REFERENCES:

Section 4050.01 Purpose

The purpose of this policy is to establish guidelines for the behavior of the individual members of the Board of Directors.

Section 4050.02 Definitions

~~For the purposes of this policy, unless otherwise apparent from the context, certain words and phrases used in this policy are defined as follows:~~

~~**Abstention:** An instance of declining to vote for or against a proposal or motion.~~

Section 4050.01

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4050.1.1 Information exchanged before meetings shall be distributed through the General Manager or designee, and all Directors will receive all information being distributed.

4050.1.2 Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request as stated in policy 1050.

Section 4050.02

Directors shall at all times conduct themselves with courtesy to all in attendance.

SECTION 4050.03

Directors shall defer to the president for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

SECTION 4050.04

Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

Members of the Board of Directors

SECTION 4050.05

Directors shall ~~refrain~~~~abstain~~ from participating in consideration on any item involving a personal or financial conflict of interest. Recusal requires - announcing there is a conflict, recusal and not being present to listen to any of the deliberations or vote, only allowed to return after the matter has concluded. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

SECTION 4050.06

Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

Certification

I hereby certify that the foregoing is a full, true and correct copy of Policy 4050 amended by the Board of Directors of the Georgetown Divide Public Utility District on October 10, 2023.

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

**RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING POLICY 4100 MEMBERS OF THE BOARD OF DIRECTORS**

WHEREAS, the Board of Directors of the Georgetown Divide adopted Policy 4050, Members of the Board of Directors, on June 25, 2013;

WHEREAS, the ad hoc Policy Committee of the Board of Directors reviewed Policy 4050 and directed Staff to prepare Policy 4100 in the new policy format and with changes to establish the guidelines for Members of the Board of Directors;

WHEREAS, Policy 4100 is made a part of this Resolution as **Exhibit A**; and

WHEREAS, the committee's recommendation was presented to the Board of Directors at its regular meeting of November 14, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Policy 4100, Members of the Board of Directors, be adopted, and the General Manager shall be authorized to certify the policy and include it in the District's Policy and Procedures Manual.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of November 2023 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, 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 2023-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 14th day of November 2023.

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

ATTACHMENT:

Exhibit A – Policy 4100 – Members of the Board of Directors

DRAFT



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Policy and Procedures Manual

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4100 **Adopted:** June 25, 2013 **Amended:** November 14, 2023

FORMER NUMBER: 4050

REFERENCES: 1020 Conflict of Interest Code

Section 4100.01 Purpose

The purpose of this policy is to establish guidelines for the behavior of the individual members of the Board of Directors.

Section 4100.02

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4100.2.1 Information exchanged before meetings shall be distributed through the General Manager or designee, and all Directors will receive all information being distributed.

4100.2.2 Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request as stated in policy 1050.

Section 4100.03

Directors shall at all times conduct themselves with courtesy to all in attendance.

SECTION 4100.04

Directors shall defer to the president for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

SECTION 4100.05

Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

SECTION 4100.06

Directors shall refrain from participating in consideration on any item involving a personal or financial conflict of interest. Where recusal is required, announcing there is a conflict, and not being present to listen to any of the deliberations or vote, only allowed to return after the matter has concluded. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

SECTION 4100.07

Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

Members of the Board of Directors

Certification

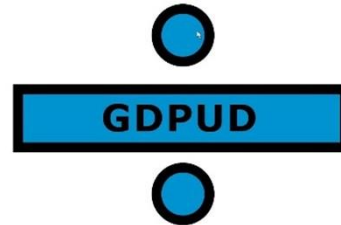
I hereby certify that the foregoing is a full, true, and correct copy of Policy 4100 amended by the Board of Directors of the Georgetown Divide Public Utility District on November 14, 2023.

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

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of November 14, 2023

Agenda Item No. 4. G.



AGENDA SECTION: CONSENT CALENDAR

SUBJECT: Receive WDR Report and Technical Memo

PREPARED BY: Alexis Elliott, Water Resource Manager

Approved By: Nicholas Schneider, General Manager

BACKGROUND

The Auburn Lake Trails Wastewater Management Zone (Zone) consists of a well-established housing development located north of Highway 193, beginning approximately two miles east of Cool in El Dorado County, California, and encompasses an area of approximately 2,500 acres created by Trans-Land Company in 1972. The Zone was formed on March 19, 1985. The Zone was formed as a requirement of the Final Judgment in the Class Action lawsuit, Case # 34594, Superior Court of California (1984). This creation of the Zone and the court's final judgment does not allow for any additional buildable lots, or additional buildings on developed lots to be permitted or constructed, beyond the wastewater disposal capacity of each buildable lot. The District has records of the capacity of each buildable lot (or adjoining lot, if designated). The purpose of the Zone is to preserve and protect the environment and public health through an approved management program for individual and small community wastewater disposal systems in lieu of an area-wide sewage collection, treatment, and disposal system. As set forth in Resolution 84-6, the District shall investigate, test, design, operate, monitor, inspect, and if necessary, maintain and repair the wastewater disposal systems within the Zone at the individual homeowner's expense. A Waste Discharge Requirement Order No. R5-2002-0031 (the Order) was issued by the Regional Water Quality Control Board (RWQCB) to act as the managing document for the Zone.

DISCUSSION

The Waste Discharge Requirement (WDR) for Auburn Lake Trails had not been updated since an Order was issued by the RWQCB in 2002. Since its issuance new septic technologies and been developed, building regulations have been modified, and monitoring and sampling requirements have been updated. The District's belief was that an updated WDR could potentially allow for various types of wastewater technologies to be employed, additional single-family dwellings developed, and reduction of monitoring and sampling requirements. To address the aforementioned criteria a Request for Proposal (RFP) was released in March 2022 for services to complete an *Auburn Lake Trails Wastewater Management Zone – Waste Discharge Requirement Update*. The task was given to Bennett Engineering and the WDR update started in June of 2022. The District's intent with the WDR update was to evaluate the current WDR and prepare a Report of Discharge for submittal to the RWQCB. The findings of the update are outlined in the technical memorandum attached.

FISCAL IMPACT

Project was not to exceed \$53,434.

CEQA ASSESSMENT

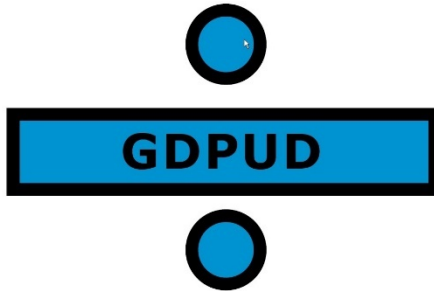
Not a CEQA Project

RECOMMENDED ACTION

See WDR technical memo recommendations section. Staff recommends the Board of Directors of the Georgetown Divide Public Utility District (GDPUD) accept receipt of the WDR report and Technical Memo.

ATTACHMENTS

1. WDR Technical Memo



Auburn Lake Trails Waste Discharge Zone

PERMITTING STUDY AND FINDINGS REPORT

November 6, 2023

Prepared for:

Georgetown Divide Public Utility District
P.O. Box 4240
6425 Main St
Georgetown, CA 95634

Prepared by:

David Harden, PE



TRUSTED ENGINEERING ADVISORS

Bennett Engineering Services
1082 Sunrise Ave, Suite 100
Roseville, CA 95661

1 Purpose of Report

This document serves to memorialize the effort set forth to alter the permit for the Auburn Lake Trails Wastewater Disposal Zone. It also serves as a reference for the Georgetown Divide Public Utility District (GDPUD or District) for inquiries about the availability to permit additional dwelling units, whether an Accessory Dwelling Unit (ADU) or additional residential units (single family, multi-family, or duplexes) within the Auburn Lake Trails (ALT) community. Additionally, it provides explanation regarding the permitting under the Waste Discharge Requirements (WDR) Order from the State for the entire ALT On-site Wastewater Disposal Zone and the Community Disposal System (CDS) and how it compares to a Local Agency Management Plan (LAMP).

2 Executive Summary

The Auburn Lake Trails On-site Wastewater Disposal Zone was created in accordance with California Health and Safety Code section 6960, at the request of the ATL Property Owners Association (POA) and the developer Transamerica Development Company (TADCO), due to the potential for a nuisance or hazard to public health (April 24, 1984, letter). The Zone was also formed as a requirement of the Final Judgment in the Class Action lawsuit, Case # 34594, Superior Court of California (1984). This creation of the Zone and the court's final judgement does not allow for any additional buildable lots, or additional buildings on developed lots to be permitted or constructed, beyond the wastewater disposal capacity of each buildable lot. The District has records of for the capacity of each buildable lot (or adjoining lot, if designated).

Additionally, this information was identified in the existing WDR Order No. R5-2002-0031 and is the governing document for the Zone to ensure that the ALT On-Site Wastewater Disposal Zone does not cause a nuisance or hazard to public health. This order does allow for new on-site wastewater disposal technologies to be utilized withing the ALT.

3 Background

The following is an abbreviated list of the history of the Zone and the governing regulations and permits. In-depth information can be found in documents referenced at the end of this memo.

- 1971 – Regional Water Quality Control Board (RWQCB), Board Order 72-2 – GDPUD was determined to one of the responsible parties for compliance with requirements for wastewater discharge to land.
- 1984 – Formation of the Zone, per final judgement in Class Action lawsuit Case No. 34594
 - District investigation of septicable lots
 - District adoption of ordinance and sole responsibility for the Zone
 - County ordinance for ALT separated from county LAMP authority
 - Regional Board issues WDR Order No. 84-126 with discharge requirements and GDPUD accepted full responsibility for WDR Order compliance.
- 2001 – GDPUD received current WDR Order No R5-2002-0031 to be consistent with the State's plans and polices for water quality.
- 2017 – Received Notice of Violation for exceeding Average Daily Flow
 - Performed I&I study and Water Balance for CDS
 - Capacity evaluation showed adequate capacity.

- 2019 – Inquiry to Regional Board regarding advanced technologies for on-site disposal
 - New technologies **are allowed** with proper technical evaluations and County review.
 - Potential for DWR under General State Order WQ 2014-0152-DWQ was identified.
 - Request for new WDR was not pursued, as it wasn't warranted with the allowance of new advanced technology systems.
- 2020 – GDPUD Completed a Feasibility Study to evaluate long term needs for the CDS. No project was determined to be needed, but additional maintenance efforts were identified to maintain existing capacity.
- 2022 – GDPUD Requested a consultant evaluation for update to WDR permit. As part of update the follow was to be considered:
 - New septic technologies for replacement or new construction
 - Building regulations
 - Monitoring and Sampling Requirements
 - RWQCB Correspondence

4 Approach to Permitting Changes

As part of the effort to evaluate and update the WDR, discussions with the RWQCB indicated that there was potential for GDPUD to become a Local Area Management Program (LAMP) agency, which is usually a county responsibility. A plan was developed and proposed to the county to have the private on-site wastewater treatment systems (OWTS) added to a LAMP or develop its own LAMP. This approach presented the opportunity to have GDPUD manage the CDS separate from OWTS and allow permitting under the State General Order for disposal under 100,000 gallons per day limit for the CDS. It would also require the County to assist with this process to rescind ordinance and designation of responsibility for the LAMP to GDPUD. This plan was presented to the El Dorado County Environmental and Health Department, however the County pointed out that there are legal issues that prohibit making any change to the existing structure of the Zone. The County provided a response with reservation about the legal feasibility to modify the exiting permit structure of the Zone, based on the list of legal and historical documentation referenced in this memorandum.

5 Findings

An evaluation of historical documentation and legal findings for the creation of Zone was performed to better understand the issues that prohibit these changes to the Zone. As a result of the research, it has been determined that the findings from the 1984 studies dictated the maximum number of lots, sewer capacity of each lot to support buildings, and permit requirements. The findings are as follows (paraphrased):

- Superior Court Judgment 1984 - Case #34594, Agreement of Compromise and Settlement of Class Action
 - Part I, Section 6(f).
 - *Accordingly, it is the common objective of the parties in structuring the Settlement to create a subdivision Project consisting of that number of residential lots determined but the GDPUD as capable of utilizing on-site septic systems. That number is currently estimated to be 1105 and in no event shall ever exceed 1110... (later reduced to 1100 by County ordinance).*
 - The results of this mean that there is no possibility of additional lots beyond the approved plan within the ALT.

- Part II, Section 3(b).
 - *The GDPUD studies will determine the number of lots within the subdivision that will satisfy all governmental requirements for septic systems though (i) use of advanced waste disposal technologies, or (ii) through the creation of an adequate waste disposal area on property adjacent to such lots by easement.*
 - These are RWQCB required mitigation measures for adverse lot conditions such as shallow soil, high groundwater, or fractured rock.
 - The studies were reviewed and found to be very thorough. It would be very costly to perform these studies again. Even with newer advanced disposal technologies, the site conditions are not suitable for any expansion of lots or ADUs, due to the adverse lot conditions in the Zone. Each lot would need an extensive study to prove increased disposal capacity is available.
- Part II, Section 4(c)(iii)
 - *Once an easement lot is conveyed to an owner of a potentially septicable lot, it may not be conveyed...separately from the existing potentially septicable lot... and the deed shall contain restrictions limiting the owner to one buildable site.*
 - ADUs or a separate livable structure on the separate lot are not allowed.
- Part II, Section 4(c)(iv)(b)
 - *The maintenance obligations with respect to all such leach fields and collection systems shall rest solely with the owner users and GDPUD.*
 - The County cannot take responsibility for any of the OWTS in the ALT Zone as a LAMP or a lead agency.
 - This is what prompts the all-inclusive WDR permit with the State.
- Part II, Section 10(i)
 - *... GDPUD must, if deemed necessary by it, form an on-site waste management zone, secure Regional Water Quality certification, and...secure other agency approvals.*
 - GDPUD cannot make changes to the existing Zone configuration without the County and state agency approvals.
- Part II, Section 10(iii)
 - *Approval by GDPUD and El Dorado County of the CDS...that the site be used only as a waste disposal site for the 138 ALT lots now scheduled to be connected to it.*
 - No additional lots are to be connected to the CDS. This number is not to be confused with the total number of allowable lots within the Zone.

As a result of the investigation, it is important to note that the Zone contains all 1100 lots within the ALT community, including all 138 lots served within the CDS and all privately owned OWTS within the Zone. All lots within the Zone are subject to the requirements and limitations determined in the Final Judgement by the Superior Court of California, California Health and Safety Code, RWQCB permits, the Ordinances of El Dorado County, and the policies adopted by GDPUD.

6 Conclusion

The existing permit structure and management of the ALT Zone by GDPUD has been scrutinized, evaluated, and reconsidered time and time again over several decades and administrations. While the amount of land available for development in the ALT looks promising on the surface, the subsurface disposal capacity for wastewater is not available. This fact was determined by GDPUD in agreement with the ALT POA, and the developer (TADCO); and has been ruled on by the Superior Courts of California, written into law by El Dorado County Ordinance, and adopted by the GDPUD board. Additionally, the State has provided a permit under WDR Order No. R5-2002-0031, approved by the county, that allows GDPUD to ensure that water quality objectives are met.

Although the current WDR permit is over 20 years old, it is still valid and is not scheduled for renewal or revision; as long as compliance is being maintained, and the State does not create new water quality objectives that would impact the ALT Zone. Any request for a new WDR permit by GDPUD could initiate future studies, improvements to collection and disposal facilities, changes to monitoring and reporting requirements (increased or decreased), and potential reclassification to a different threat and complexity category which may change annual permit fees (increased or decreased). Any changes to the permit will affect fees for all the residents in the ALT, because it is all inclusive as the Zone. Any violations to the permit within the Zone either by the CDS or the OWTS are considered a violation by the District, based on the findings from this evaluation and analysis. The cost for services of the CDS and the OWTS should not be separate or divided, as they all fall under the same permit.

All property owners within the ALT have the right to pursue studies and technologies to increase capacity for wastewater disposal on predetermined buildable lots. All costs (including any costs incurred by the District) shall be borne by the property owner for all work, investigations, engineering, permitting, reviews, needed to determine the capacity for additional wastewater disposal. The District will not be financially responsible for any further study, reviews, or investigations in the Zone for expansion of wastewater disposal capacity, allowance of ADU's, or permit changes. The District will provide property owners with relevant parcel data on file, upon request.

The District, the County and the RWQCB must all review and approve any plans, studies, engineering reports, etc. for new technologies (not listed in the WDR or County ordinances) or increased capacity findings. Only after approvals are provided will any additional dwelling units or building expansions be considered. All existing requirements for wastewater disposal or permitting within the Zone shall continue unamended based on these findings.

7 Recommendation

It is recommended that GDPUD continue to operate und the existing WDR No. R5-2022-0031 to avoid unnecessary costs of reporting, studies, and potential unplanned improvements at this time. The RWQCB may require a permit renewal in the future, but there is no indication from RWQCB that a permit renewal will be required anytime soon. It is also recommended that attention be given to improvement within the Zone that reduce potential contamination to water quality, including but not limited to:

- Allowing advanced technologies systems for wastewater disposal for the OWTS
- Maintain or increase inspection of OWTS
- Reduce inflow and infiltration (I&I) in the CDS collection system
 - Perform smoke tests
 - Perform septic tank inspections within the CDS to identify illicit stormwater connections or leaking tanks

- Install flow meters within the collection system to monitor where higher flows of I&I are entering the system
- Periodic I&I studies (every 5 years)
- Video inspect the collection system (every 5 years, may be staged by section annually)
- Improvements to sewer lift station (PS 16) to prevent sanitary sewer overflows (SSO)
 - SSO's have occurred that show there is excess I&I entering the collection system
 - Included in GDPUD current Capital Improvement Program
- Perform routine and advanced maintenance on the CDS disposal site to maintain leach field capacity

8 Referenced Documents

1. EDC Ordinance Code Chapter 110.32 - Onsite Wastewater Treatment Systems and the associated LAMP
2. EDC Ordinance Code Chapter 110.33 - Guidelines for Wastewater Disposal System for Auburn Lake Trails Subdivision
3. Agreement of Compromise and Settlement of Class Action, dated June 7, 1984, between the Auburn Lake Trails POA and the Transamerica Development Company
4. Current WDR Order No. R5-2002-0031 for GPUD and ALT
5. Prior WDR Order No. 84-126 for GPUD and ALT
6. Resolution 84-6 adopted by the GPUD Board of Directors on August 8, 1984, adopting an onsite wastewater disposal zone for the ALT subdivision
7. Correspondence to GPUD General Manager from Transamerica Development Company, dated April 4, 1984, including attachment entitled, Summary of On-Site Disposal Suitability, Auburn Lake Trails Subdivision, May 1984, Revised June 1984, Revised July 6, 1984
8. "Auburn Lake Trails Suitability Study for On-Site Waste Disposal, April 1980" – conducted by GDPUD
9. "Assimilation Study" – conducted by Larry Walker Associates, Inc. (LWA), probably sometime between 1980 and 1984.
10. "Auburn Lake Trails Assimilation Alternative; Preliminary Report on the Technical Feasibility, April 1983"
11. "Analysis of On-site Disposal Suitability, Phase I and the Community Disposal System, August 1983" by LWA

I am available by phone (530) 906-1806 or e-mail at: dharden@ben-en.com if you have any questions or would like to discuss this document.

Sincerely,



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GDPUD Contract District Engineer

