

MINUTES OF REGULAR MEETING
April 7, 2022
RUBIDOUX COMMUNITY SERVICES DISTRICT

DIRECTORS PRESENT: Armando Muniz
Bernard Murphy
John Skerbelis
F. Forest Trowbridge
Hank Trueba, Jr.

DIRECTORS ABSENT:

STAFF PRESENT: Jeffrey Sims, General Manager
Ted Beckwith, District Engineer
Brian Jennings, Customer Service Manager
Miguel Valdez, Operations Manager

Call to order: the meeting of the Board of Directors of the Rubidoux Community Services District by President Trueba, at 4:00 P.M., Thursday, April 7, 2022, by teleconferencing and in-person at District Office, 3590 Rubidoux Boulevard, Jurupa Valley, California.

ITEM 4. APPROVAL OF MINUTES

Approval of Minutes for March 17, 2022, Board Meeting.

Director Skerbelis moved, and Director Muniz seconded to approve the March 17, 2022, Regular Board Minutes as presented.

Roll call:

Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 5. Consideration to Approve the April 8, 2022, Salaries, Expenses and Transfers.

Consideration to Approve the April 8, 2022, Salaries, Expenses and Transfers.

Director Murphy moved, and Director Muniz seconded to approve the April 8, 2022, Salaries, Expenses and Transfers.

Roll call:

Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 6. PUBLIC ACKNOWLEDGE OF NON-AGENDA MATTERS

There were no members of the public in attendance to address the board.

ITEM 7. CORRESPONDENCE AND RELATED INFORMATION

No correspondence and related information was included in the Board Packet.

ITEM 8. MANAGER’S REPORT

Operations Report:

Operation Manager Miguel Valdez reported RCSD started moving water to Jurupa after flushing. The flushing effort was insufficient, and sediment was stirred up resulting in several customer complaints. After additional flushing and operational modifications, the goal is to stay on and keep it at a steady state. This will be a good test with temperatures being really hot this weekend. Staff will watch the tank levels. The tanks have stayed at 80% full, which is the desired level.

Emergency and Fire Report:

Presented at the second board meeting of the month.

ITEM 9. PUBLIC HEARING – Amendment to the 2020 Urban Water Management Plan, Water Shortage Contingency Plan, adoption of related Ordinance 2022-130 to Implement the Water Shortage Contingency Plan. DM 2022-26.

BACKGROUND

As the Board may recall, the Rubidoux Community Services District (“District”) adopted its 2020 Urban Water Management Plan (“UWMP”) on June 17, 2021 (Director’s Memorandum 2021-37) in accordance with the Urban Water Management Planning Act which requires every urban water supplier to update at least once every five (5) years on or before July in years ending in six and one. The District also adopted its 2020 Water Shortage Contingency Plan (“WSCP”) at the same time. This action was memorialized by adoption of Resolution No. 2021-878 (UWMP) and Resolution 2021-879 (WSCP).

The WSCP is included as part of the UWMP in Section 8 thereof but is required to be treated as a standalone plan for the public hearing and adoption procedures for the purpose of allowing the

WSCP to be revised and readopted on a shorter timeline than the rest of the UWMP. In a letter dated January 14, 2022, the California Department of Water Resources (“DWR”) determined the district’s 2020 UWMP. In a letter dated January 14, 2022, the Department of Water Resources determined the district’s 2020 UWMP and 2020 WSCP as submitted prior to the July 1, 2021, deadline was consistent with statutory requirements. A water supplier may choose to amend their UWMP and/or WSCP when needed. California Water Code Section 10642 requires agencies to make their plans available for public inspection prior to adoption and conduct a public hearing at which the public may submit or verbalize comments on the draft amendments to the 2020 UWMP and/or WSCP.

After adoption of the 2020 UWMP and WSCP it was determined the population and water demand projections of the UWMP did not include the newly annexed Shadow Rock Development area and therefore would be inconsistent with the forthcoming *District 2022 Water Master Plan*. To correct this, an amended UWMP has been prepared. This change to the UWMP requires rescinding enabling Resolution 2021-878 and adopting a new enabling Resolution 2022-888.

On October 19, 2021, Governor Newsom issued an Emergency Drought Proclamation expanding the drought emergency and encouraged the State Water Board to supplement voluntary conservation measures by prohibiting certain wasteful water uses. Prohibited use regulations are not new in California. Similar regulations were in place during the state’s last severe drought.

On December 1, 2021, The California Department of Water Resources (“DWR”) announced a zero percent initial allocation for public water agencies of contracted water supplies from the State Water Project (“SWP”) in 2022. The decision reflects California’s severe drought conditions and the State’s objectives to prioritize deliveries for human health and safety needs and for the environment.,

On January 4, 2022, the State Water Board adopted emergency water use regulations to boost drought resilience. The prohibitions apply to specific uses and apply to all water users, including individuals, businesses, and public agencies, and can be enforced through warning letters, water audits, or fines., The prohibitions will remain in pace for one year unless extended, modified, or removed. The intent of the emergency water use regulations ensures Homeowners’ Associations (“HOA’s”), cities, and counties don’t unlawfully restrain homeowners from taking water conservation actions. The State Water Board has the authority to impose monetary penalties to enforce adopted emergency water use regulations and can delegate implementation to local governments or other agencies having the authority to enforce infractions. To have the legal authority at the local level, such as at the District, the District needs to adopt by Ordinance after noticed public hearing, the proposed regulations, enforcement guidelines and associated penalties. Proposed Ordinance No. 2022-130 accomplished all this.

On January 20, 2022, DWR announced it would increase the State Water Project allocation to 15 percent of requested supplies for 2022 due to storms in December. Since that time the State has continued to experience little to no rainfall and in response announced on March 18, 2022, State Water Project allocations would be reduced downward to 5 percent of requested supplies for 2022.

Although the District currently has adequate groundwater supplies, it may be called upon by the State to reduce water consumption to various levels ranging from 0% to more than 50% in six separate ranges at 10% increments as detailed in the WSCP. Beyond drought concerns, the

District may also experience a shortage of water due to shutdowns of its water treatment facilities caused by seismic events or power outages. In these types of emergency events, the District may need to implement certain stages of its WSCP to manage water demand while the emergency event is mitigated.

Furthermore, the District adopted Ordinance Number 20101-111, attached, addressing outdoor landscaping to promote water conservation and minimize waste. Since that time the City of Jurupa Valley has been incorporated and the city has adopted their own Water Efficient Landscape Ordinance as Ordinance 2015-17 in 2015 to comply with the State Mandate to have such an ordinance. Since the District's ordinance is outdated and superseded by the City's ordinance and redundant, it will be rescinded by Resolution 2022-130.

The proposed amendment to modify the WSCP language enables the WSCP to be meaningful, enforceable, and consistent with Proposed Draft Ordinance 2022-130. This requires rescinding the previous WSCP enabling Resolution 2021-879 and adopting a new enabling Resolution 2022-888 when adopting the proposed Draft Ordinance 2022-130.

Autumn DeWoody of Webb will make a presentation regarding the amendments to the UWMP and WSCP for the Board and public. After the presentation is made, a Public Hearing will be opened so the public can provide input on each plan. Once the public input is complete, and assuming there are no substantive modifications required to the UWMP, WSCP, or proposed Ordinance No. 2022-130, the Board can close the Public Hearing and schedule the second reading of Ordinance No. 2022-130. This could be scheduled as soon as the next Board Meeting on April 21, 2022, where at that meeting the Board would consider adoption of Ordinance No. 2022-130, Resolution No. 2022-888 signifying approval of the District amended 2020 UWMP, and Resolution No. 2022-887 signifying approval of the District amended 2020 WSCP.

In compliance with California Water Code appropriate notifications were made so the District's amendments to the 2020 UWMP and WSCP and Ordinance 2022-130 would be reviewed by interested parties and provide input to the District regarding the draft 2020 UWMP and WSCP. Below are the various notifications provided:

Date	Notice	Code Section
February 3, 2022	Notice 1: 60-day notice and public hearing notice to City and Counties	WC 10621(b) and 10642
March 3 & March 10, 2022	English Language Public Notice in <u>The Press Enterprise</u> newspaper	WC 10642 and GC 6066
March 4 & March 11, 2022	Spanish Language Public Notice in <u>La Prensa</u> newspaper	WC 10642 and GC 6066
March 3, 2022	Public Posting on District website and hardcopy of UWMP and WSCP made available at District customer counter	WC 10642

Within 30 days of adoption of the amended UWMP and WSCP, they will be resubmitted to DWR for review (WC 10621(e)). Electronic copies will also be sent to the California State Library, the City, and each County in the service area (WC 10635(c)).

As of the writing of this Director's Memorandum, no written or oral comments have been received regarding the District's intent to amend the 2020 UWMP and 2020 WSCP, adopt

Ordinance 2022-130, and rescind Ordinance No. 2010-111. A hardcopy of the amendment to the 2020 UMWP and 2020 WSCP is available for review at the District office located at 3590 Rubidoux Blvd., Jurupa Valley, CA and on the District's website – www.rcsd.org.

This afternoon's Public Hearing for Ordinance No. 2022-130 was posted at the District office, on the District's website, and noticed in the Press Enterprise and La Prensa Newspapers more than 10 days from today.

Finally, as of the writing of this DM, the District has not received any oral or written comments as it pertains to Ordinance No. 2022-130.

After the presentation by Webb and input by the public the Board can, provided no substantive comments or revisions are brought up by the public or Board, consider accepting the first readings of Ordinance No. 2022-130, the amendment to the District's 2020 UWMP, and the amendment to the 2020 WSCP. The Board then can also schedule a second reading of proposed Ordinance 2022-130 and possible adoption along with Resolution No. 2022-887 (WSCP), and Resolution No. 2022-884 (UWMP).

Autumn DeWoody of Webb added the change is to reflect consistency with the Water Master Plan Update, which will be coming soon for adoption. The two documents - Water Master Plan and UWMP, now match when it comes to population projections and demand projections with inclusion of the Lennar Shadow Rock project. This project was originally not included in the UWMP and when add it the population count and demands increased. Unfortunately, the way the plan is set up, these slight changes show up in many other tables throughout. Also changed were how future water supply projects were called so the UWMP is consistent with the Water Master Plan. We modified the description of the potential connection through Mission Bridge to be more general, referring to a future neighbor agency connection. There were also overall general grammar improvements. Overall, there's no change in the conclusion of the document.

The changes to the water shortage contingency plan are chapter 8 of the UWMP. The state wants it to be treated as its own independent document because they want you to amend it as you go and refine it. The changes reflect the development of the ordinance. It clarified after a lot of discussion, some clarity in the shortage stages 4, 5, & 6. That's when actions become mandatory and refer to the future rates schedule to clarify protocols in the event of a declared stage so there is no conflict in the future. We talked about rescinding the District's Ordinance No. 111. It also reflects the December 2021 Emergency Response Plan that was uploaded to the EPA. Now the Water Shortage Contingency Plan matches the Ordinance.

Mr. Sims explained the Ordinance is the Board's setting of policy to establish legal authorities to implement certain things that effect the customers. The Ordinance gives the District staff legal authority to implement and make it as a requirement for the customers. With approval of the first reading of the ordinance, staff will follow up at the next meeting with the second reading and for Ordinance 2022-130 adoption.

President Trueba opened the PUBLIC HEARING for the Amendment to the 2020 Urban Water Management Plan, Water Shortage Contingency Plan, adoption of related Ordinance 2022-130 to Implement the Water Shortage Contingency Plan.

Director Murphy inquired about how they measure the amount of water. Ms. DeWoody responded from the cumulative consumption based on the water billings. Director Murphy

additionally asked how they get the information for the dry year conditions. Ms. DeWoody responded that you look back to the urban plan and in there we assumed of what a single dry year represents for your district.

Director Murphy asked for clarification on some of the changes in the plan. He also asked how is reducing water consumption good for the environment? Mr. Sims stated the primary goal is for public health and safety. In theory if there is a limited resource of water, there needs to be a way somehow to make sure there's some amount of water for health, safety, and fire.

There being no members of the public to comment at the Hearing, President Trueba closed the Hearing.

Director Skerbelis moved, and Director Muniz seconded the Board of Directors:

- 1. If no substantial comments on Ordinance 2022-130 are received during the Public Hearing accept the first reading of Ordinance No. 2022-130 as completed.**
- 2. If no substantial comments regarding amendment of the District's 2020 UWMP are received accept the amendments as proposed complete and accepted.**
- 3. If no substantial comments regarding amendment of the District's WSCP are received accept the amendments as proposed complete and accepted.**
- 4. Schedule the second reading of Ordinance 2022-130 for the next regularly scheduled Board on April 21, 2022, to consider adopting the following:**
 - a. Ordinance 2022-130**
 - b. Resolution No. 2022-887 (WSCP)**
 - c. Resolution No. 2022-888 (UWMP)**

Roll call:

Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 10. Consider Adoption of Resolution No. 2022-886 Authorizing Execution of Amended and Restated Joint Community Facilities Agreement by and Jurupa Unified School District with Respect to CFD No. 19. DM 2022-27.

BACKGROUND

The Board of Directors of Rubidoux Community Services District ("District") on May 16, 2019, approved Resolution No 2019-851 authorizing participation in proposed Jurupa Unified School District Community Facilities District No. 19 ("JUSD CFD No. 19"). To be a participant JUSD CFD No. 19, the District entered into a Joint Community Facilities Agreement ("JCFA") with

JUSD outlining the various terms and conditions related to the appropriate use of bond proceeds once JUSD CFD No. 19 bonds are sold. Attached for background is DM 2019-28 dated May 16, 2019. JUSD CFD No. 19 proposes funding for public facilities related to Tract No. 37640, a 215 dwelling unit residential development located along Avalon Street just north of the 60 Freeway.

Community Facilities Districts (“CFD”) are common financing mechanisms used to finance public facilities. Developers work with the various public agencies providing public services to their proposed project to identify eligible costs due to each agency. Eligible costs include for example school fees, water and sewer capacity fees, and mitigation fees for parks, traffic, and storm drain. In addition to fees, master planned public physical improvements benefitting the public can be financed, such as master planned water and sewer pipelines, streets, and storm drains. The agency receiving the greatest amount of the funding from the proposed CFD acts as the lead agency to form the CFD and sell the bonds.

Since adoption of Resolution No. 2019-851 and execution of the JCFA for JUSD CFD No. 19, Tract No. 37640 was sold to Century Communities of California, LLC., and Century Communities is requesting the JCFA to be amended and restated to:

1. Correct the ownership to Century Communities of California, LLC (“Century”)
2. Enable JUSD CFD No. 19 to fund master planned water and sewer improvements
3. Adjust District fees funded by JUSD CFD No. 19

The District anticipates receiving \$2,862,725 in water and sewer capacity related fees from JUSD CFD No. 19 bond proceeds. Some of these funds the District will reimburse back to Century for eligible costs associated with the construction of District master planned facilities – 1) a 24” diameter water pipeline through Tract No. 37640 between Avalon Street and UPRR tracks, and 2) sewer pipeline in Avalon Street between Raye Street and just north of the 60 Freeway. Due to these facilities being in the current District Master Plans they are eligible for reimbursement against water and sewer capacity fees due for the project. The detailed terms and conditions regarding reimbursement for these facilities will be subject to separate agreement between the District and Century. Amendment and restatement of the JCFA enables these costs to be eligible for reimbursement from JUSD CFD No. 19.

District Counsel Harper has reviewed the amended and restated JCFA.

Proposed Resolution No. 2022-886 rescinds Resolution No. 2019-851 and authorizes execution of the amended and restated JCFA.

Director Muniz moved, and Director Trueba seconded the Board of Directors authorize the General Manager to make minor non-substantial modifications as determined by the General Manager:

1. **Adopt Resolution No. 2022-886**
2. **Approve the Amended and Restated JCFA**

Roll call:

Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 11. Consider Blais & Associates Proposal to Prepare Sub-Application for CalOES Hazard Mitigation Plan Funding. DM 2022-28.

BACKGROUND

The Rubidoux Community Services District (“District”) Board of Directors on August 5, 2021, authorized staff to hire Blais & Associates (“Blais”) to prepare and file a “Notice of Interest” for grant funding administered through California Office of Emergency Services (“CalOES”) for preparation of a Local Hazard Mitigation Plan (“LHMP”). A LHMP documents known local hazards facing a public entity and identifies ways to mitigate the hazards. Examples of potential local hazards facing the District include:

1. Above ground potable water storage tanks needing refurbishment to meet current seismic codes.
2. Fire hazards about the District such as vegetated hills and the Santa Ana River that create high demand on District water storage and water production facilities.
3. Planned power outages by SCE during high wind events.

The District’s current LHMP is outdated and was deemed inadequate when CalOES reviewed it as part of the District funding application for refurbishment of District potable water storage tanks. The District \$3 million funding application was rejected in part due to the lack of having a current LHMP. Fortunately, CalOES has competitive grant funding opportunities for preparation of LHMP’s.

Blais submitted the Notice of Interest to CalOES pursuant to authorization received August 5, 2021. Based on the Notice of Interest, the District received an email, Attachment 1, from CalOES inviting the District to take the next step and submit a complete project sub-application. The sub-application is due April 8, 2022. Blais has provided a proposal to prepare the sub-application with a cost of \$2,645.00, Attachment 2.

The District paid Blais \$1,260.00 to prepare and file the Notice of Intent. This next step will cost an additional \$2,645.00, bringing the total to \$3,905.00. To be competitive for funding of up to \$200,000, staff is recommending the Board approve the additional funding. There is a 25% local match requirement of \$50,000 if awarded the maximum amount of \$200,000 for a net value of \$150,000. Should the Board approve this additional funding, total expenditures for this grant funding will be \$3,905.00, or 2.6% of the sought after \$150,000.

In the absence of receiving grant funding for preparation of an LHMP, the District will need to fund the total cost from funds generated by customer paid revenue and property tax proceeds. Funding for this \$2,645.00 expense is included in the approved FY 2022 Budget: Water Fund Operating Expense – Line (Consulting Fees LHMP).

Director Trowbridge moved, and Director Muniz seconded the Board of Directors to authorize the General Manager to:

- 1. Execute a task order with Blais & Associates in the amount of \$2,645.00 to prepare the sub-application to CalOES for grant funding under the Hazard Mitigation Grant Program using funds in the approved FY 2022 Budget: Water Fund Operating Expense – Line 41 (Consulting Fees LHMP).**

Roll call:

Ayes – 5 (Muniz, Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 12. Directors Comments

Director Trueba inquired if there has been any action on the bid on the building on Mission Blvd. GM Sims responded that Craig Olsen has been notified that there has been authorization to move forward on the building. The District has been asked to submit a letter of intent that there is an interest in purchasing the building. A letter has been submitted, and they can move forward at their Board of Supervisors meeting. Staff has met with Roger Clark at Ruhnau Clark. Staff is going to ask for a 90-day due diligence period with the County. It will take 60-90 days to get the purchase agreement. The District will get the preliminary fire report, the termite inspection, and a Phase 1 environmental report. The District will likely have a commercial building inspector look at it. Roger believed all the HVAC will be replaced. It is hopeful that at the first meeting in May, the proposal will be presented to the Board, or sooner. Staff has requested Ruhnau Clark give a proposal or prepare the construction documents for the remodel. The District may consider hiring a part time project manager for this project.

Director Trueba mentioned he and Director Murphy were at the Interagency Coordination Meeting and on April 23rd there will be an event called “Meet the Machines”. At the Skyview Events Center there will be a lot of equipment from different agencies on display. They are hopeful that the District can participate with some piece of equipment (machine) and have someone there to answer questions.

Director Murphy reported that he went by the property behind the fire station and there has been a noticeable change. Landscape screening has been put up. He will have more to report at the next meeting. Additionally, he reported that there was a Trash Committee Meeting on April 6th. He would like to get some input from the Board regarding raising trash rates. There’s a mix on the trash rates. For residential customers, when we receive rate increase information from Burrtec, the District adds \$0.25/month/customer and send it out; for commercial, we add a percentage and send it out. We also subsidize the cost of what it takes to put that bill out. The Trash Committee will be meeting again next Wednesday, and we’re going to talk about what options to do. The current staff proposal is to raise residential from \$0.25 by \$0.75 to \$1.00 per customer per month for the admin fees. It has been at \$0.25 since 2008. One way is we can raise what we charge for residential, the other is the rate we charge commercial. There is also the issue of subsidizing the cost by using the property tax income. His question to the Board was if that was a good mix, using property tax money to subsidize the trash enterprise or not?

Mr. Sims added that at the Trash Committee Meeting, they will show a 3-4 year plan to reduce out the property tax subsidy to the trash enterprise.

Director Skerbelis stated that this needs to be added to the April 21st Board Agenda for discussion.

Director Murphy inquired about an email from the interagency council regarding some retirement of some personnel. He would like to get some more information on the email.

With inflation going up, Director Murphy would expect the union to be asking for an opener. The response was that the union already has asked. He would like the personnel committee to do a comparison between the change in the consumer index over the last ten years versus the COLA adjustments the District has given employees. When it comes time to vote on this issue, he would like to know the job classification of the personnel who worked Thanksgiving Day 2021. There were years we gave COLA of 2% and the actual cost of living increase was 0%. That's something to consider and he would like the committee to keep that in mind.

Director Trueba adjourned the meeting at 5:21 PM.