

MINUTES OF REGULAR MEETING
February 3, 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
Brian Laddusaw, Finance Director
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, February 3, 2022, by teleconferencing at District Office, 3590 Rubidoux Boulevard, Jurupa Valley, California.

ITEM 4. APPROVAL OF MINUTES

Approval of Minutes for January 20, 2022, Board Meeting.

Director Trueba moved, and Director Murphy seconded to approve the January 20, 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 February 4, 2022, Salaries, Expenses and Transfers.

Consideration to Approve the February 4, 2022, Salaries, Expenses and Transfers.

Director Trowbridge moved, and Director Murphy seconded to Approve the February 4, 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.

*General Manager Sims requested the Board authorize addition of DM 2022-11 Consider Adoption of Resolution No. 2022-885 as an emergency Item 13. All other items will be renumbered as 13 to 14 (CLOSED EXECUTIVE SESSION), 14 will be 15 (Director’s Comments) and Adjournment will become Item 16.

Director Murphy moved, and Director Trowbridge seconded the Board of Directors re-number the agenda and authorize the addition of agenda Item 13. DM 2022-11. Consider Adoption of Resolution No. 2022-885, a Resolution of the Board of Directors Authorizing Submittal of Application(s) for all CalRecycle Grants the Rubidoux Community Services District is Eligible.

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 to address the board.

ITEM 7. CORRESPONDENCE AND RELATED INFORMATION

There was nothing to offer at this time.

ITEM 8. MANAGER’S REPORT

Operations Report:

Presented at the second board meeting of the month.

Emergency and Fire Report:

Chief Kibby reported that in the month of January there were 25 business inspections. There were 204 responses (medical calls), public assists (10), residential structure fires (3), traffic collisions (13), vehicle fires (5), wildland fires (3), for a total of 287 calls for the district. There was a significant incident at the Blue Rhino facility off Agua Mansa. They had a propane leak in one of their cylinders. It exploded. The gas had a flash fire within the chamber and took out their refurb facility for 24 hours. They were back up and running in 24 hours. The lot behind the fire station was cleaned out for a day, but then everyone moved back in.

ITEM 9. Consider Adopting Resolution No. 2022-884, a Resolution Rescinding Resolution No. 2019-859 and Adopting a Revised Discontinuation of Residential Water Service for Non-Payment Policy. DM 2022-07.

BACKGROUND

At the regularly scheduled Board of Directors meeting on December 19, 2019, the Board considered and adopted Resolution No. 2019-859 establishing a written policy related to the discontinuation of residential water service for non-payment for consistency with Senate Bill 998 (“SB 998”).

SB 998 requires retail water agencies, defined as a public water system that supplies water to more than 200 service connection, to have a written policy on discontinuation of water service of residences for non-payment. The shut-off policy is to be available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean and/or in each language spoken by more than 10% of customers. The policy is required to be posted on the District’s website and be provided to customers in writing upon request. The policy requires a customer to be delinquent for a period of at least 60 days before water service is discontinued. If the customer is willing to sign an alternative payment arrangement to pay the delinquent balance amount on their account over a series of payments while keeping their recent balances on their account current, they would avoid being shutoff. The original policy adopted by the Board with Resolution No. 2019-859 is attached to DM 2022-07 for reference.

As required by SB 998, the District’s water shutoff policy went into effect February 1, 2020. Shortly thereafter through a series of executive orders and senate bills related to COVID-19, a water shutoff moratorium was put into place on March 4, 2020 and remained in place until December 31, 2021. For a period of 22 months the District has been disallowed to shut off customers water meters for non-payment. During this period a small percentage of District customers have gone many months not paying any bills or paying less than the balance owed. While the District’s gross revenue remains relatively unaffected by COVID-19, the District’s ability to “turn” its accounts receivables into cash has become a challenge. Historically, the risk of water meter shutoff motivates customers to keep their District account current. With the risk eliminated for most of the last two years, many customers have actively chosen not to pay their bills.

Although the water shutoff moratorium has increased the District’s accounts receivable balance, the executive orders signed by Governor Newsom never alleviated the responsibility of the customer to pay the debt once the moratorium ended. Thus, on January 1, 2022, many customers who have not remained current on their accounts will face the District’s shutoff cycle and timeline.

When Executive Order N-42-20 was first issued there was no end date established by Governor Newsom for the moratorium to expire. As noted above, the risk of shutoff motivates customers to pay their bills. Historically the District has enjoyed minimal accounts deemed past due. An account past due is defined as a balance owed the District for greater than 60 days. For comparison purposes and to highlight the effect the water shutoff moratorium has had on the District’s accounts receivable balances, the table below illustrates past due balance as of February 29, 2020, immediately before the shut off moratorium started, and then every quarter thereafter until December 31, 2021, when the shut off moratorium ended.

Month Ending	Balance – 61+ Days Delinquent
2/29/2020	\$ 1,527
6/30/2020	\$ 17,808
9/30/2020	\$ 51,376
12/31/2020	\$ 121,868
3/31/2021	\$ 172,246
6/30/2021	\$ 193,941
9/30/2021	\$ 263,367
12/31/2021	\$ 361,160

During this moratorium on shutoffs and in response to the COVID-19 pandemic, many financial assistance programs were established by the Federal and State government to provide financial relief and alleviate the burden of mounting rent and utility bills. Some of the more notable programs include United Lift and the Community Action Partnership (“CAP”) of Riverside County ‘Low-Income Household Drinking Water and Wastewater Assistance Program’ (“LIHWAP”). Application to these programs were based on the customer initiation. A third program, the California Water and Wastewater Arrearage Payment Program administered through State Water Quality Resources Control Board made funding available to water service providers. This program, applicable to community water systems only, made available approximately \$1 billion in COVID-19 relief funds for delinquent water and sewer bills. The District applied for funds under this program and received approximately \$90,000 in December 2021 to apply towards customer water arrearages. The wastewater portion of the program is set to begin February 2022.

Although these programs have proven to be helpful in alleviating past due balances, many customers still carry delinquent balances. Effective January 1, 2022, delinquent customers will no longer have the protection of a water shutoff moratorium and the District will once again follow its written shutoff policy. In preparation of the moratorium ending, staff reviewed the policy adopted by the Board in December 2019 and determined the policy could use some revisions. A redline copy of the original policy is attached. Though the revisions are relatively minor in nature, the proposed modifications make the policy better align with already established District procedures with regards to mailing final notices and the posting of red cards while remaining compliant with requirements of SB 998. In addition, the District created forms customers can complete when certifying medical and/or financial hardship, or when applying for a payment arrangement.

Staff recommends the Board of Directors consider adoption of Resolution No. 2022-884. If approved, Resolution No. 2022-884 rescinds Resolution No. 2019-859 the District’s old water shut-off policy in its entirety and replaces it with the revised one and related supplemental forms.

Director Trowbridge moved, and Director Murphy seconded the Board of Directors consider adopting Resolution No. 2022-884.

Roll call:

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

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 10. Consider Approval of the Notice of California Environmental Quality Act Categorical Exemption for Local Agency Formation Commission Boundary Adjustments and Authorization for Staff to File it with the Appropriate Agencies. DM 2022-08.

BACKGROUND

As the Board may recall, the Rubidoux Community Services District (“District”) is in the process of adjusting its boundaries in the “fringe” areas between it and neighboring Districts, namely Jurupa Community Services District (JCSD), West Valley Water District (WVWD) and Riverside Public Utilities (RPU). These are herein after referred to as “Neighboring Agencies”. This effort also includes the District annexing into the District areas that are not within the District but which the District completely encircles. These areas are commonly referred to as “Donut Holes”.

The aforementioned “fringe” areas are areas along the District’s boundary where there’s been historical service of water and/or sewer by the District for properties within a Neighboring Agency’s legal boundary. They also include areas that are within the District’s legal boundaries that are serviced by a Neighboring Agency. The District has negotiated with the Neighboring Agencies to confirm concurrence with adjusting these services so each Agency is serving customers that are within their legal boundaries after the Boundary Adjustments are made.

Categorical exemptions are identified in Section 15300 of the State CEQA Guidelines as “*a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provision of CEQA.*” To determine whether a project is categorically exempt from CEQA, certain findings must be made for a project to verify it qualifies for a specific exemption class and can appropriately be exempted from the requirement for the preparation of a higher-level environmental document.

District staff finds the proposed boundary adjustments has no environmental impact as the proposed boundary adjustments only adjusts service boundaries to put customers correctly into the boundary of the Agency providing the actual service. Given there is no environmental impact associated with this effort, the District meets the requirements for filing a Categorical Exemption under CEQA. Donut Hole areas within the District will be added to the District’s service area potentially bringing new customers to the District if these parcels are ever developed. These areas are small and comprised of single lots or slightly larger areas that could be subdivided in the future. When these areas are developed the owner will be responsible for analyzing its projects environmental impacts pursuant to CEQA. In their current state there is no environmental impact pursuant to CEQA to include these areas into the Boundary of the District.

Director Murphy moved, and Director Trowbridge seconded the Board of Directors:

- 1. Find in its sole discretion of the Project meets the requirements for a Categorical Exemption for both Class I and Class 3 Exemptions (CEQA Section 15301(b) and Section 15303(e)) appropriate for the project.**
- 2. Authorize the General Manager or designee to sign the Notice of Exemption.**
- 3. Direct staff to file the Notice of Exemption with appropriate agencies.**

Roll call:

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

Noes – 0

Abstain – 0

Absent – 0

The motion was carried unanimously.

ITEM 11. First Reading of Ordinance No. 2021-129 an Ordinance to Implement Requirements of SB 1383. DM 2022-09.

BACKGROUND

At the December 16, 2021, regular Board Meeting of Rubidoux Community Services District (“District”), Directors Memorandum 2021-85 was presented for the First Reading of Ordinance 2021-129, attached. Upon the reading of Ordinance 2021-129, the Board requested a continuance of the First Reading to provide time for staff to make modifications to the proposed Ordinance. Subsequently, the Ordinance was modified by Staff and presented to the Solid Waste Committee on January 20, 2022. Modifications included:

- a) Language limiting inspection access by the District on residential property.
- b) Modification of penalty amounts the District may impose on customers to match the MINIMUM fines contained in Senate Bill 1383.

Presented today is Ordinance 2021-129 with additional minor edits requested by the Solid Waste Committee (noted in red) on pages 19 and 20.

The following schedule is proposed for passing, approving, and adopting Ordinance No. 2021-129:

- February 3, 2022 – First reading of Ordinance 2021-129
- Prepare Notice of Public Hearing for Publication in Press Enterprise and RCSD website no later than February 7, 2022.
- February 17, 2022 – Hold Second Reading and hold Public Hearing for approval and Adoption of Ordinance 2021-129.

Director Murphy moved, and Director Trueba seconded the Board of Directors authorize the General Manager to:

- 1. Schedule the Second Reading of Ordinance No. 2021-129 entitled – “An Ordinance of the Board of Directors of Rubidoux Community Services District Adopting Mandatory Organic Waste Disposal Reduction and Making a Determination of Exemption Under CEQA Guidelines Sections 15061(B)(3) and 15308” for February 17, 2022.**
- 2. Schedule the Public Hearing for Adoption of Ordinance No. 2021-129 at the regular Meeting for February 17, 2022.**

Roll call:

Ayes – 4 (Murphy, Skerbelis, Trowbridge, Trueba)

Noes – 0

Abstain – 0

Away – 1 (Muniz)

The motion was carried by majority vote.

ITEM 12. Consider Pipeline Use and Maintenance Agreement. DM 2022-10.

BACKGROUND

Rubidoux Community Services District (“District”) has coordinated with Aramark Uniform and Career Apparel (“Aramark”) to enable Aramark’s ability to continue its uniform cleaning operation in the City of Jurupa Valley. As the Board may recall the District sewage flows is collected and discharged to the City of Riverside (“Riverside”) for treatment and disposal. The District owns 3,055 MGD of treatment capacity in Riverside’s facility through a series of agreements dating back to 1978. Pursuant to the capacity agreements between Riverside and the District, the District is obligated to comply with certain discharge limits established in the NPDES Permit issued to Riverside by the State Water Resources Control Board for discharge of recycled water to the Santa Ana River.

The District’s overall total dissolved solids (“TDS”) concentration in its sewage with Aramark’s discharge far exceeded Riverside’s TDS discharge limits prompting Riverside to object to annexations of lands to the District’s service area. For example, the Agua Mansa Commerce Park and Rio Vista developments were both projects Riverside objected being annexed to the District taking proactive steps to propose a TDS Mitigation Strategy.

In effort to address this matter, the District coordinated with Aramark to move Aramark’s high TDS effluent to the Inland Brine Line (“IEBL”). This involved the District: 1) reimbursing Aramark sewer capacity fees so Aramark could defray a portion of the costs to purchase IEBL discharge rights, 2) converting a sewer pipeline in Hall Avenue for Aramark to use as a lateral from its discharge point at its property to a connection point with the IEBL, and 3) building some piping to enable Aramark’s domestic strength sewage to continue discharging to the District’s collection system. All this has been completed and the overall TDS concentration in District

sewage has reduced significantly. This has enabled Riverside to waive its objections to the Agua Mansa Commerce Project.

The District continues to own the sewer pipeline in Hall Avenue used by solely by Aramark to discharge to the IEBL but collects no funds from Aramark. Aramark pays the Santa Ana Watershed Project Authority who owns the IEBL fees and charges for discharges to the IEBL.

Due to the nature of the discharge from Aramark, the Hall Avenue Pipeline needs to be cleaned a couple of times per year to avoid the potential of sewer overflow. As mentioned above the District currently does not collect funds from Aramark, making costs associated with cleaning the Hall Avenue Pipeline an expense against the District Sewer Operating Fund. The District Sewer Operating Fund is funded by rates and charges paid by customers who benefit from the pipelines, facilities, and treatment services provided. Since Aramark is the only customer who benefits from the Hall Avenue Pipeline, the cost of its operation and maintenance should not be paid by the balance of the District's sewer customers.

Staff estimates the annual cost to operate and maintain the Hall Avenue Pipeline is currently \$4,200. This is based on two pipe cleaning operations a year and replacement reserve funding.

Staff prepared the attached "Pipeline Use and Maintenance Agreement" which has been reviewed by District Counsel and Aramark's Counsel. The agreement if executed provides a contractual relationship between the District and Aramark requiring Aramark to pay \$4,200 per year for costs the District incurs related to their use of the Hall Avenue Pipeline. The annual cost can be adjusted based on changes in the local consumer price index.

From an equity standpoint this agreement provides mutual benefit to the parties. Aramark receives the security of the District maintaining the Hall Avenue Pipeline, and the District gets reimbursed for costs it incurs from Aramark versus from other District customers who do not use this facility.

Director Trowbridge moved, and Director Trueba seconded the Board of Directors:

- 1. Approve the Pipeline Use and Maintenance Agreement and authorize the General Manager to sign it.**

Roll call:

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

Noes – 0

Abstain – 0

Absent – 0

ITEM 13. Consider Adoption of Resolution No. 2022-885, a Resolution of the Board of Directors Authorizing Submittal of Application(s) for All CalRecycle Grants the Rubidoux Community Services District is Eligible. DM 2022-11.

BACKGROUND

The State of California approved Senate Bill 1383 ("SB 1383") to implement new regulations to minimize placement of organics in landfills with the overarching goal of reducing methane

pollution. As a solid waste provider to customers, Rubidoux Community Services District (“District”) is mandated to comply with SB 1383.

Compliance with SB 1383 necessitates the District adopting an Ordinance to provide the District with legal authorities to implement the requirements of SB 1383 on customers within its service area. In addition, there are a variety of efforts the District will need to do. Examples include outreach and education of customers to advise them of what they need to do to comply with the new requirements. There are programmatic processes are all work efforts the District will need to administer either with District staff or with Burrtec over the next couple of years.

CalRecycle is the state of California agency overseeing compliance with SB 1383. Given the added effort all solid waste service providers in the state will face with compliance with SB 1383, the state has made grant funding available to help defray some of the costs. Once such grant opportunity is SB 1383 Local Assistance Grant Program. Through this program the state has indicated there is a \$49,500 funding allocation for the District.

Staff through assistance with consultant Blais & Associates has prepared and submitted the grant application to CalRecycle. In addition to the application CalRecycle requires each entity submitting applications for grant funding to submit a resolution indicating the governing body of the entity authorizes the submittal of the grant application. Attached Resolution No. 2022-885 is a resolution authorizing submittal of application(s) for all grants the District is eligible and authorizing the General Manger, or designee, to execute various documents associated with receipt of grant funding.

Compliance with SB 1383 is not an option and will increase costs to the District. Receiving grant funding will defray some of the added costs. It is recommended the Board of Directors adopt Resolution No. 2022-885 to enable the District to apply for grant funding as it becomes available.

Director Trowbridge moved, and Director Trueba seconded the Board of Directors:

- 1. Consider approving and adopting Resolution No. 2022-885, a Resolution of the Board of Directors Authorizing Submittal of Application(s) for all CalRecycle Grants the Rubidoux Community Services District is Eligible.**

Roll call:

Ayes – 4 (Muniz, Skerbelis, Trowbridge, Trueba)

Noes – 1 (Murphy)

Abstain – 0

Absent – 0

The vote carried 4 Yes votes and 1 No vote.

ITEM 14. CLOSED EXECUTIVE SESSION. Pursuant to Government Code Section 54956.9: Baker Litigation Case No. RIC2003649.

ITEM 15. Directors Comments

Director Murphy had requested at a previous meeting a report from the Fire Department about the number of times they had to deploy to the bridges at the Santa Ana River looking for people floating down the river. He would like to know how many times that occurred during this rainy season. Additionally, he would like the Chief to enlighten the board at the next meeting as to his statement “that they cleared the lot of the people and they showed back up the next day.”

Director Trueba adjourned the meeting at 5:16 PM.