



BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
AGENDA
NOVEMBER 5, 2020

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Notice is hereby given that a meeting of the Board of Directors of the San Lorenzo Valley Water District will be held on Thursday, November 5, 2020, at 5:30 p.m., via videoconference and teleconference.

There will not be any physical location for this meeting. Pursuant to the Governor's Executive Order N-29-20 this meeting will be conducted by video/teleconference. The meeting access information is as follows:

To join the meeting click the link below, or type it into your web browser:
<https://us02web.zoom.us/j/82155102585>

Or Dial:

+1 346 248 7799
+1 669 900 6833
+1 929 436 2866
+1 253 215 8782
+1 301 715 8592
+1 312 626 6799

Webinar ID: 821 5510 2585

Agenda documents are available on the District website at www.slvwd.com subject to staff's ability to post the documents before the meeting.

1. Convene Meeting/Roll Call:

2. Additions and Deletions to Closed Session Agenda:

Additions to the Agenda, if any, may only be made in accordance with the Ralph M. Brown Act ("Brown Act"), California Government Code Sections 54950 et seq., and in particular Section 54954.2(b) which allows, among other things, additions for which there is a need to take immediate action and the need for action came to the attention of the agency after the agenda was posted, as determined by a two-thirds vote of the Board of Directors (or if

less than two-thirds of the members are present, a unanimous vote of those members present).

3. Oral Communications Regarding Items in Closed Session:

This portion of the agenda is reserved for Oral Communications by the public for items that are on the Closed Session portion of the Agenda. Any person may address the Board of Directors at this time. Normally, presentations must not exceed five (5) minutes in length, and individuals may only speak once. Please state your name and town/city of residence for the record at the beginning of your statement. No actions may be taken by the Board of Directors on any Oral Communications presented; however, the Board of Directors may request that the matter be placed on a future agenda.

4. Adjournment to Closed Session:

At any time during the regular session, the Board of Directors may adjourn to Closed Session in compliance with, and as authorized by, the Brown Act, Government Code Sections 54954.5, and 54956.9 et seq.

- a. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager

Closed Session Note:

The Brown Act prohibits the disclosure of confidential information acquired in a closed session by any person present and offers various remedies to address willful breaches of confidentiality. These include injunctive relief, disciplinary action against an employee, and referral of a member of the legislative body to the grand jury. It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only a majority vote of the entire body can authorize the waive of the privilege.

5. Convene to Open Session at 6:30 p.m.:

6. Report of Actions Taken in Closed Session:

7. Additions and Deletions to Open Session Agenda:

Additions to the Agenda, if any, may only be made in accordance with the Brown Act, California Government Code Sections 54950 et seq., and in particular Section 54954.2(b) which allows, among other things, additions for which there is a need to take immediate action and the need for action came to the attention of the agency after the agenda was posted, as determined by a two-thirds vote of the Board of Directors (or if less than two-thirds of the members are present, a unanimous vote of those members present).

8. Oral Communications:

This portion of the agenda is reserved for Oral Communications by the public on any subject that lies within the jurisdiction of the District and is not on the agenda. Any person

may address the Board of Directors at this time. Normally, presentations must not exceed five (5) minutes in length, and individuals may only speak once. Please state your name and town/city of residence for the record at the beginning of your statement. Please understand that the Brown Act limits what the Board can do regarding issues not on the agenda. No action or discussion may occur on issues outside of those already listed on today's agenda. Any Director may request that a matter raised during Oral Communication be placed on a future agenda.

9. Unfinished Business:

Members of the public will be given the opportunity to address each agenda item prior to Board action. Normally, presentations must not exceed five (5) minutes in length, and individuals may only speak once during Oral Communications. Please state your name and town/city of residence at the beginning of your statement for the record.

- a. CZU WILDFIRE DAMAGE ASSESSMENT REPORT
Discussion and possible action by the Board and staff regarding wildfire related issues.
- b. URBAN WATER MANAGEMENT PLAN
Discussion and possible action by the Board regarding the District's UWMP.
- c. PANORAMA CONTRACT AMENDMENT
Discussion and possible action by the Board regarding an amendment to the Panorama contract.
- d. REDWOOD PARK TANK INITIAL STUDY-MITIGATED NEGATIVE DECLARATION
Discussion and possible action by the Board regarding approval of the IS-MND.
- e. GOVERNANCE TRAINING - MOVING FORWARD
Discussion and possible action by the Board regarding moving forward with governance training.

10. New Business:

Members of the public will be given the opportunity to address each agenda item prior to Board action. Normally, presentations must not exceed five (5) minutes in length, and individuals may only speak once. Please state your name and town/city of residence for the record at the beginning of your statement.

- a. DISTRICT MANAGER ANNUAL CONTRACT REVIEW
Discussion and possible action by the Board regarding annual compensation adjustment pursuant to the District Manager contract.
- b. HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY POLICY
Discussion and possible action by the Board regarding a new a harassment, discrimination, and retaliation policy for the District.

- c. **BOARD MEMBER RESIGNATION**
Discussion and possible action by the Board regarding the pending resignation of President Swan and the process to fill anticipated vacancy.

11. Consent Agenda:

The Consent Agenda contains items that are considered to be routine in nature and will be deemed adopted by unanimous consent if no Director states an objection. Any item on the consent agenda will be moved to the regular agenda upon request from an individual Director or a member of the public.

- a. **MINUTES FROM BOARD OF DIRECTORS MEETING
OCTOBER 15, 2020**
- b. **MINUTES FROM SPECIAL BOARD OF DIRECTORS MEETING
OCTOBER 21, 2020**
- b. **MULTIPLE USER VARIANCE RENEWALS FOR 2020/21**

12. District Reports:

No action will be taken and discussion may be limited at the Chairperson's discretion. The District encourages that questions be submitted in writing (bod@slvwd.com) on items listed in the District Reports. Questions submitted, if any, will be posted in the next available District Reports, along with a reply.

- **DEPARTMENT STATUS REPORT**
Receipt and consideration by the Board of Department Status Reports regarding ongoing projects and other activities.
 - Engineering
 - Legal
- **DIRECTORS REPORTS**
 - Director's Communication
 - Future Board of Directors Meeting Agenda Items

13. Written Communication: None

14. Informational Material:

- SLVWD Do Not Drink/Do Not Boil Orders Lifted-Press Banner
10.30.20

15. Adjournment

Certification of Posting

I hereby certify that on October 30, 2020, I posted a copy of the foregoing agenda in the outside display case at the District Office, 13060 Highway 9, Boulder Creek, California, said time being at least 72 hours in advance of the meeting of the Board of Directors of the San Lorenzo Valley Water District (Government Code Section 54954.2).

Executed at Boulder Creek, California on October 30, 2020.

Holly Hossack, District Secretary

San Lorenzo Valley Water District Emergency System Repairs

13060 CA-9, Boulder Creek, CA 95006



Weekly Progress Report #8 – October 30, 2020

System-wide Repairs

San Lorenzo Valley Water District

Sandis Civil Engineers

District Manager: Rick Rogers

President: Jeff Setera, P.E.

Director of Operations: James Furtado

Project Manager/Associate Principal: Chad Browning, P.E.

Resident/Design Engineer: Josh Wolff, P.E.



Work Sites 3
Water Treatment Plant/Lyon Tank Area 3
Foreman Diversion 3
Harmon Creek 3
Work Scheduled for Week of 11/2/2020 3
Appendix 1: Construction Schedule 6

Work Sites

Work was conducted at the following sites:

1. Water Treatment Plant/Lyon Tank Area
2. Foreman Diversion and Pipeline
3. Harmon Creek

Water Treatment Plant/Lyon Tank Area

Work completed includes:

1. Lewis & Tibbits continued construction of 10" and 12" DIP pipelines from Lyon and Little Lyon tanks down to Big Steel tank. Progress this week includes construction of 10" and 12" pipelines from the cross/bypass assembly to Little Lyon tank and installation of flex-tends.
2. Overflow pipe from Lyon tank has been slurried from tank edge to edge of paving.
3. Cupertino Electric installed replacement conduits in areas damaged by fire or by pipeline construction to reconnect the pumphouse at Big Steel to the power and control systems at the WTP. As of Friday afternoon, all conduits were installed and power conductors pulled & connected.

Foreman Diversion

Work completed includes:

1. Intake structure has been resealed by installing a Xypex mortar lining approx. $\frac{3}{4}$ " thick. Mortar is curing and will be complete next Friday (11/6/2020)
2. The new intake structure cover has been completed and installed.
3. Demo of control structure and removal of hazardous material completed at the old pressure break structure.

Harmon Creek

Work completed includes:

1. The pinch point in Harmon Creek upslope of the cemetery near the temporary PG&E staging area has been initially evaluated for debris flow mitigation requirements.

Work Scheduled for Week of 11/2/2020

The following work is scheduled:

1. Complete installation of DIP from Lyon tanks to Big Steel tank;
2. Slurry backfill overflow and outlet lines from Little Lyon tank to edge of paving;
3. Pressure test and disinfect DIP from Lyon tanks to Big Steel tank;
4. Install, connect, and test control runs for Big Steel Pumphouse;
5. Further evaluation and quantification of possible creek bed excavation/expansion at Harmon Creek

6. Site Photographs



Figure 1: Slurry Backfill near Lyon Tank



Figure 2: Removal of Hazardous Materials at Foreman Intake Pressure Break Structure



Figure 3: Pinch Point at Harmon Creek



Figure 4: Construction of new intake structure cover at Foreman Intake

Appendix 1: Construction Schedule

The working schedule is provided on the following 5 pages.

Emergency Repairs Tracking Schedule



Project Start:

Display Week:

TASK	ASSIGNED TO	PROGRESS	START	END	Sep 14, 2020							Oct 5, 2020							Oct 12, 2020							Oct 19, 2020							Oct 26, 2020							Nov 2, 2020							Nov 9, 2020																	
					14	15	16	17	18	19	20	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15											
					M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S				
Damaged Tree Removal	Travis Tree	95%	9/1/20	10/16/20	[Grey bar from Sep 14 to Oct 11]														[Green bar on Oct 12]																																													
Procure and Deliver new HPDE and valves	SLVWD	100%	8/31/20	9/20/20	[Grey bar from Sep 14 to Sep 20]																																																											
Clean tank interior	Lewis & Tibbitts	100%	9/7/20	9/9/20																																																												
Pipe and valve install and tie ins	Lewis & Tibbitts	100%	9/20/20	10/2/20	[Grey bar from Sep 20 to Sep 27]																																																											
Inspection, flushing and disinfect	SANDIS & SLVWD	100%	10/2/20	10/3/20																																																												
District review and acceptance	SANDIS & SLVWD	100%	10/3/20	10/4/20																																																												
Big Steel Booster Power and SCADA (WO-1925)																																																																
Demo and remove damaged equipment and appurtenances	Lewis & Tibbitts	100%	9/12/20	9/17/20	[Grey bar from Sep 14 to Sep 21]																																																											
Damaged Tree Removal	Travis Tree	100%	8/27/20	9/3/20																																																												
Procure new Elec equip and SCADA controller	SLVWD	100%	8/28/20	9/7/20																																																												
Repower	Cupertino Electric	100%	9/7/20	10/29/20	[Grey bar from Sep 14 to Oct 25]																																																											
SCADA controller	Cupertino Electric	25%	10/29/20	11/1/20																										[Green bar on Oct 29]		[Grey bar on Oct 30]	[Green bar on Oct 31]																															
Inspection and testing	SANDIS & SLVWD	0%	11/1/20	11/2/20																										[Green bar on Oct 29]				[Green bar on Oct 31]																														
District review and acceptance	SANDIS & SLVWD	0%	11/2/20	11/3/20																														[Green bar on Oct 31]																														
Alta Via & Monan Cross Country Main (WO-1921)																																																																
Demo and remove damaged piping	Anderson Pacific	100%	9/2/20	9/4/20																																																												
Procure piping and fittings (temp line)	Anderson Pacific	100%	8/27/20	9/6/20																																																												
Install piping (temp line)	Anderson Pacific	100%	9/4/20	9/11/20																																																												
Inspection, flushing and disinfect (temp line)	SANDIS & SLVWD	100%	9/11/20	9/15/20	[Grey bar from Sep 14 to Sep 21]																																																											
District review and acceptance (temp line)	SANDIS & SLVWD	100%	9/15/20	9/16/20	[Grey bar from Sep 20 to Sep 27]																																																											
Topographic Survey	SANDIS	100%	9/24/20	10/14/20	[Grey bar from Sep 20 to Oct 11]																																																											
Bid out expanded temporary pipeline	SANDIS	25%	10/26/20	11/5/20																										[Green bar on Oct 29]		[Grey bar on Oct 30]	[Green bar on Oct 31]		[Green bar on Oct 31]																													
Install exanded temporary pipeline	Anderson Pacific	0%	11/5/20	11/26/20	[Green bar from Oct 29 to Nov 26]																																																											
Design of UG pipeline	SANDIS	0%	10/14/20	11/10/20	[Green bar from Oct 12 to Nov 10]																																																											
Bid out UG Pipeline	SANDIS	0%	11/10/20	11/20/20	[Green bar from Oct 29 to Nov 20]																																																											

Emergency Repairs Tracking Schedule



Project Start:

Display Week:

TASK	ASSIGNED TO	PROGRESS	START	END	Sep 14, 2020							Oct 5, 2020							Oct 12, 2020							Oct 19, 2020							Oct 26, 2020							Nov 2, 2020							Nov 9, 2020													
					14	15	16	17	18	19	20	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15							
					M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
Install tank and piping	SLVWD	100%	8/29/20	9/1/20																																																								
Inspection, flushing and disinfect	SANDIS & SLVWD	100%	9/1/20	9/16/20																																																								
District review and acceptance	SANDIS & SLVWD	100%	9/16/20	9/16/20																																																								
Peavine Intake & Raw Water Pipeline (WO-1929)																																																												
Five Mile Pipeline (WO-1930)																																																												
Watershed - Soil Stabilization (WO-1932)																																																												
Riverside Grove Booster Sta (WO-)																																																												
Service Water Meters (WO-)	SLVWD	10%	9/1/20	9/22/20																																																								
<i>Insert new rows ABOVE this one</i>																																																												

MEMO

TO: Board of Directors
FROM: District Manager
PREPARED BY: Environmental Planner
SUBJECT: 2020 Urban Water Management Plan Consulting Award of Contract
DATE: November 5, 2020

RECOMMENDATION:

It is recommended that the Board of Directors review this memo and authorize the District Manager to work with Scotts Valley Water District to execute a professional services agreement with Water Systems Consulting, Inc. (WSC) to prepare an Urban Water Management Plan (UWMP) for the two agencies.

BACKGROUND

The California Water Code requires urban water suppliers within the state to prepare and adopt an UWMP for submission to the California Department of Water Resources (DWR). The UWMPs, which are required to be filed every five years, must satisfy the requirements of the Urban Water Management Planning Act of 1983 (the Act) and applicable regulations.

The purpose of the UWMP is for water suppliers to evaluate their long-term resource plans and establish management measures to ensure adequate water supplies are available to meet existing and future demands. The UWMP provides a framework to help water suppliers maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that sufficient water supplies are available for future beneficial use, and provide a mechanism for response during drought conditions.

California Water Code permits water suppliers to complete joint plans allowing for reduced preparation costs, contribute to area wide conservation, and improved local drought resistance. Scotts Valley Water District (SVWD) approached the San Lorenzo Valley Water District (SLVWD) with the idea of a joint UWMP and in September released a Request for Proposals (RFP). SLVWD and SVWD agreed to split the cost 50/50. The Districts received two proposals; Water Systems Consulting, Inc. (WSC) and West and Associates. Both proposals can be reviewed on the District's website through the Environmental Committee agenda here:

<https://www.slvwd.com/home/events/6661>

Staff from both SLVWD & SVWD reviewed and scored each proposal. On October 22, 2020 SLVWD's Environmental Committee held a special meeting and the committee scored the proposals. Both WSC and West & Associates were found to be qualified. WSC's proposal fee total was \$119,971 compared to West & Associates total fee of

\$42,900. However, SLVWD's District Manager and Environmental Planner (staff) and the Committee both reached the conclusion WSC was the highest ranking firm based on evaluation of the proposals against the selection criteria set forth in the RFP. Overall, the Committee and SLVWD staff expressed concern with the limited hours, vague scope, expedited schedule, limited experience with UWMPs, and unfamiliarity with the region reflected in West & Associates' proposal. The Committee made the recommendation that the District move forward with WSC to prepare the 2020 UWMP upon obtaining responses to a few questions. WSC responded to the questions attached as Exhibit A. SLVWD Staff and the Committee recommend moving forward with WSC's proposal based on the firm's higher ranking based on evaluating the proposal against the RFP's selection criteria and especially the following considerations:

- Firm's past coordination with the State (DWR) and a perceived better understanding of the UWMP requirements.
- Extensive knowledge of SLVWD & SVWD infrastructure and service areas.
- Experience with the Santa Margarita Groundwater Agency (SMGWA) and other regional agencies.
- Sub-consultant Montgomery & Associates.
- Previous experience preparing the District's past UWMPs and regional water suppliers UWMPs.

Submission of the completed 2020 UWMP is due to the Department of Water Resources on July 1, 2020. It is recommended the plan development move forward as quickly as possible to allow for smooth submittal. If approved the SLVWD & SVWD will enter into contract negotiations with WSC to negotiate potential cost savings. SVWD's Water Resources and Engineering Committee also recommended that the contract be awarded to WSC and this recommendation will be followed with a formal action from their Board of Directors on November 12, 2020.

FISCAL IMPACT:
Up to \$60,000

Budgeted: \$60,000

ATTACHMENTS:

Exhibit A - Redwood Park Tank Public Review Final IS-MND (with appendices)
Exhibit B - Redwood Park Tank IS-MND Responses to Comments (with letters)
Exhibit C - Mitigation Monitoring and Reporting Program

- Explain how environmental factors (in stream flows, water quality, and fauna/flora) will be incorporated into the UWMP

The Scotts Valley Water District & San Lorenzo Valley Water District (SVWD/SLVWD) 2020 Urban Water Management plan (UWMP) will inherently include analysis and consideration of supply constraints from environmental factors on supply and demand projections. The UWMP will explain strategies to manage shared resources for sustained municipal and environmental uses. The UWMP will include analysis and description of conjunctive use and water conservation. Conjunctive use includes management of the time and place of groundwater and surface water use dependent upon multiple criteria including stream flows and water quality. Analysis and description of water conservation measures are directly linked to environmental factors because water conservation is an effective strategy to reduce the need for water that can be put to beneficial environmental uses. Furthermore, the UWMP can be used as a resource to identify projects that can have environmental benefit. For example, the 2015 SLVWD UWMP identified the Zayante Creek Large Wood Project. In addition to the many benefits to riparian and instream fish habitat, this project builds up the streambed, slows the water in the creek, and allows for more percolation into the groundwater aquifer adding to aquifer storage and improving baseflow in the San Lorenzo Watershed. Projects like these will be described in the 2020 UWMP and the need for projects like these can be elicited from the 2020 UWMP.

- Describe in greater details how climate change requirements will be addressed in the UWMP
The UWMP climate change requirements are provided below.

According to the California Department of Water Resources (DWR) Draft Urban Water Management Plan Guidebook 2020 (UWMP Guidebook), there are several sections in the revised California Water Code (Water Code) relevant to UWMPs that refer to climate change, many of which are new since the 2015 UWMP Guidebook. The Water Code does not specify the technical nor general methods for how to consider climate change in the UWMPs, but it does emphasize in several sections that climate change is appropriate to consider, including the projected future uses, water supply characterization projections, and reliability of supplies.

The flexibility within the Water Code to conduct the analysis appropriately allows water suppliers to incorporate climate change as is relevant for their sources and water uses. DWR recommends that suppliers follow the guidance offered in Appendix I of the UWMP Guidebook for the different approaches to considering climate change in the UWMP service area(s) and its potential impacts on supplies and use in UWMP Chapters 4, 6, and 7. Additionally, Groundwater Sustainability Plans (GSP) may be a resource suppliers can use to help identify potential effects of climate change. Suppliers can also include a discussion of any planned actions to address noted vulnerabilities that are identified through the climate change assessment.

The SVWD/SLVWD 2020 UWMP will describe the considerations of the effects of climate change on water demands, supplies, and reliability, which will be addressed in Chapter 4 (Water Use Characterization), Chapter 6 (Water Supply Characterization), and Chapter 7 (Water Service Reliability Assessment) of the UWMP per the UWMP Guidebook. At minimum, the SVWD/SLVWD UWMP will consider and incorporate relevant information from DWR's "Climate Change Vulnerability Screening Form for Urban Water Management Planning" included in the DWR UWMP Guidebook, the Santa

Margarita Groundwater Agency's (SMGWA) Groundwater Sustainability Plan (GSP) effort, and the Santa Cruz Integrated Regional Water Management (IRWM) Plan.

MEMO

TO: Board of Directors
FROM: District Manager
PREPARED BY: Environmental Planner
SUBJECT: Panorama Environmental Inc. Contract Augment
DATE: November 5, 2020

Recommendation

It is recommended that the Board of Directors review this memo and approve the District to augment Panorama Environmental Inc. contract to continue post-fire response and fire planning work.

Background

In August 2020 the San Lorenzo Valley experienced significant fire damage during the CZU Lightning Fire Complex fires. Approximately, 1600 acres along the Ben Lomond Mountain were burned.

Prior to the CZU fires staff was working to prepare a Fire Management Plan (March 2020) through partnership with Panorama Environmental Inc. (Panorama). The plan will expand mapping, create fuel reduction projects, identify funding sources, improve road access for fire personnel and improve communications with Fire Prevention Agencies. The initial draft was slated for September 2020; however emergency response took precedence. The mapping database created by Panorama served the District well during the fires, helping our staff to make initial decisions based on real-time fire mapping overlaid on our infrastructure, and creating an efficient way to share infrastructure with CALFIRE, the County of Santa Cruz, and various state agencies.

Since August Panorama has taken on a number of tasks outside of their scope. Tasks include hazard tree assessments, watershed restoration planning, identifying emergency response grants (alternate funding from FEMA), organizing site visits with state agencies, erosion control and debris removal permitting, potential funding through the carbon market, and valuable feedback on various fire related topics.

Panorama continues to work on the Fire Management Plan is preparing for a presentation on the plan for the Environmental Committee's review in November. Fuel reduction and hardening will begin as soon as emergency response subsides.

It is important to note that part of the amendment includes \$8,000 of work completed outside of scope for post-fire response (including post-burn assessments, hazard tree evaluation and report, and assisting staff with meetings). Attached as exhibit A is Panorama's contract amendment scope & fee sheet.

FISCAL IMPACT:
\$40,400



October 27, 2020

Carly Blanchard
Environmental Planner
San Lorenzo Valley Water District

Subject: Agreement Amendment for Panorama to Assist with Post-Fire Recovery and Land Management Activities

Dear Ms. Carly Blanchard,

On August 16, 2020, the CZU Lightning Complex began burning in Santa Cruz County, which resulted in direct damage to San Lorenzo Valley Water District (SLVWD) infrastructure, vegetation and tree mortality, and erosion and potential debris flow issues on SLVWD owned- and managed-land. Panorama Environmental, Inc. (Panorama) has prepared this proposal to address a variety of tasks, primarily related to post-fire recovery, to augment and continue the tasks started in our existing scope dated March 26, 2020. This augment would add tasks under our existing contract.

Scope

Task 4: Project Management and Coordination

General

The Panorama team will continue to meet with SLVWD staff regularly to provide status updates on the tasks included in this scope augment, as well as to be kept apprised of SLVWD's needs and actions, as the post-fire recovery activities are quickly evolving. Panorama will attend relevant meetings with SLVWD including the Post Fire Debris Flow Discussion hosted by the County, and other regional meetings on post-fire recovery and fuel management activities.

Board Meetings

Panorama will prepare for and virtually attend up to four Board of Directors meetings. Panorama can present the status of the Vegetation Management Plan, hazard tree assessment, and research conducted to date at Board meetings.

Task 5: Post-Fire Recovery, Critical Asset Hardening, Vegetation, and Fuels Management Plan

Development of the Plan

Panorama began preparation of a vegetation management plan prior to the CZU fire and prepared a revised template considering the changed conditions on SLVWD land post-fire.

SLVWD provided feedback on the Post-Fire Recovery, Critical Asset Hardening, Vegetation, and Fuels Management Plan (plan) template on October 6, 2020. The plan will be comprised of three main treatment categories; post-fire recovery treatments, critical asset hardening and defensible space, and long-term vegetation management of SLVWD lands. The plan will focus on critical asset hardening and defensible space treatments. Panorama will develop the plan under this task. Components of the plan development are described below.

Post-Fire and Hazard Trees Assessments

The Panorama team conducted several site visits as part of the post-fire and hazard tree assessments. Memorandums will be prepared and submitted to SLVWD documenting the findings of the post-fire and hazard tree assessments. The memos will summarize potential treatment and salvage options to address the large portion of SLVWD lands that was burned as well as lay out a strategy to address the hazard trees on SLVWD lands. In addition to SLVWD-owned lands, the strategy will address SLVWD easements and the processes to gain the property owner permission for hazard tree identification and removal as well as how to conduct follow up in the coming years. The findings from these memos will be presented in the plan.

Optional Task - Modeling

High-level modeling was conducted prior to the CZU fire to determine the local fire hazard of SLVWD-owned lands and adjacent areas within Santa Cruz County. To address the large area of trees and vegetation that was burned and to increase the accuracy of modeling in the area, additional fire behavior modeling could be conducted using the latest information available on burn area, vegetation types, weather, and terrain. Each input would be reviewed in detail and adjusted, as appropriate, based on field visit observations. The Interagency Fuel Treatment Decision Support System (IFTDSS) platform would be used as a base for the fire hazard modeling. The benefits of this optional task would be to better understand the areas of highest hazard in order to focus and prioritize treatments. Model results may also help to strengthen future grant applications for funding to perform the work.

Task 6: Permitting for Erosion and Debris Flow Control Projects

SANDIS, the engineering firm contracted by SLVWD, has identified several erosion and debris flow control projects across SLVWD lands intended to protect high-value assets. The Panorama team will provide permitting support for these emergency projects. Based on a preliminary assessment, the following permits and exemptions may be applicable, depending upon the final project designs:

- Emergency exemption under the California Environmental Quality Act
- Emergency construction activity under the Construction General Permit
- Emergency Regional General Permit No. 5 U.S. Army Corps of Engineers
- Emergency 1600 Permit
- Fire Response Application Form for 401 Water Quality Certification

Task 7: Grants and Funding Assistance

Panorama will conduct follow-up with agency contacts and to continue to assist SLVWD in receiving funding through the Emergency Watershed Protection Program from the Natural Resources Conservation Service, disaster assistance programs from the Federal Emergency Management Agency, and California Forest Improvement Grant Program from CAL FIRE. In coordination with SLVWD, Panorama will identify whether any projects identified in the plan would qualify for funding under any of the grants or programs identified in the Project Funding Summary provided to SLVWD on September 28, 2020. The Panorama team will explore with SLVWD whether participation in the carbon market a suitable option for management of the southern parcel and we will set up meetings to discuss this opportunity.

Task 8: GIS Management

The interactive GIS database prepared for SLVWD will continue to be updated with new, relevant information.

Budget

The not-to-exceed budget for the post-fire recovery and land management tasks is provided in Table 2 below.

Table 1 Budget for Scope Augment

Task	Cost
Task 4: Project Management and Coordination	\$9,800
Task 5: Post-Fire Recovery, Critical Asset Hardening, Vegetation, and Fuels Management Plan	\$20,140
Task 6: Permitting for Erosion and Debris Flow Control Projects	\$5,340
Task 7: Grants and Funding Assistance	\$3,440
Task 8: GIS Management	\$1,680
Total	\$40,400
<i>Optional Re-Modeling Effort</i>	<i>\$24,750</i>

Schedule

Table 3 below provides a schedule for completion of the tasks contained in this task order.

Table 2 Schedule for Completion

Task	Description	Schedule for Completion
Task 4: Project Management and Coordination	<ul style="list-style-type: none"> • Attend County and SLVWD meetings • Prepare for and attend Board meetings 	Ongoing

Task 5: Post-Fire Recovery, Critical Asset Hardening, Vegetation, and Fuels Management Plan	<ul style="list-style-type: none">• Draft Plan• Final Plan	<ul style="list-style-type: none">• Early December 2020• January 2021
Task 6: Permitting for Erosion and Debris Flow Control Projects	<ul style="list-style-type: none">• Identify appropriate permits and exemptions• Prepare and submit all permits, notices, and notifications required	October and November 2020
Task 7: Grants and Funding Assistance	<ul style="list-style-type: none">• Coordinate with Guy Anderson, CAL FIRE• Coordinate with Whitney Haraguchi, NRCS• Meetings on carbon market opportunity• Other grant and funding coordination	Ongoing
Task 8: GIS Management	Updating GIS database	Ongoing

Please do let me know if you have any questions on the agreement amendment. We are pleased to continue working with you on this project.

Sincerely,



Tania Treis
Principal

MEMO

TO: Board of Directors

FROM: District Manager

PREPARED BY: Environmental Planner

SUBJECT: Discussion and Possible Action Regarding approving the Redwood Park Tank Initial Study & Mitigated Negative Declaration (IS-MND)

DATE: November 5, 2020

RECOMMENDATION

It is recommended that the Board of Directors review this memo and adopt the Initial Study and Mitigated Negative Declaration (IS-MND) for the Redwood Park Tank.

BACKGROUND

The District plans to retire two aging and leaking 20,000-gallon water storage tanks, referred to as the “Swim Water Storage Tanks,” located at 1045 Country Club Drive. Consequently, the District needs new water storage and pipeline infrastructure to support the North Service Area and meet fire flow requirements.

The District prepared a Draft Initial Study & Mitigated Negative Declaration (IS-MND) for the California Environmental Quality Act (CEQA) State Guidelines §15000 et seq. The original 30-day public review period commenced July 31 and was scheduled to end August 30, 2020. Due to the CZU Lightning Complex Fires in August 2020, the District chose to extend the public review period until October 2, 2020.

After the public review period the District worked with Rincon Consultants to finalize the IS-MND (exhibit A), respond to all public comments (exhibit B), and create a Mitigation Monitoring and Reporting Program (MMRP) (exhibit C).

PROJECT DESCRIPTION AND LOCATION

The Redwood Park Tank Project (“proposed project” or “project”) consists of the construction and operation of a new 125,000-gallon bolted steel water storage tank on a 6,530 square-foot parcel (Assessor’s Parcel Number 078-233-05) located northwest of the intersection of Country Club Drive and Dundee Avenue in Ben Lomond, California. The project site is currently undeveloped. The proposed footprint of the new 30-foot diameter water tank is clear of trees and thickly vegetated with ivy. A grove of native coast redwood and mixed hardwood species is located approximately 18 feet south of the proposed tank location.

The project would construct the following infrastructure at the project site:

- 125,000-gallon bolted steel water storage tank (30 feet in diameter, 24 feet in height)

- Two water pumps, housed in an 80 square-foot pumping station made from concrete masonry and fire-resistant roofing
- Baserock surfaced or paved driveway
- 400 linear feet of 8-inch high-density polyethylene (HDPE) water pipeline connecting the project (buried) site to the “Swim Water Storage Tanks” site on Country Club Drive
- Standby backup generator and propane tank for emergency power

FISCAL IMPACT: None

STRATEGIC PLAN:

Strategic Element 1.0 - Water Supply Management

Strategic Element 3.0 - Capital Facilities

BACK UP INFORMATION WILL BE POSTED TO THE
WEBSITE ON 11.2.20

MEMO

TO: Board of Directors
FROM: District Manager
SUBJECT: Governance Training
DATE: November 5, 2020

Recommendation:

It is recommended that the Board of Directors review this memo and the attached summary and conclusions from the July 22, 2020, Governance Training Workshop and to give direction to staff.

Background:

This year the District's Board of Directors contracted with Municipal Resource Group in fulfilling a 2018 Grand Jury Report recommendation to hold a workshop on dealing with contentious issues.

The goal of the presenter was to engage the Board in a discussion of good governance and board roles and the best way to work together to best serve the ratepayers of the District.

After the training, several points were discussed for the Board to consider. Those points are as follows:

- Yearly discussion and review of the Code of Conduct
- Manual for new Board Members, the role of a Board member
- Campaigning vs governing, removal of Board member's bios from the District's website
- Create a best practices document
- Adding language to the Code of Conduct, that covers the conduct of the Board, the staff, and the public in Board Meetings.

It is recommended that the Board review, discuss, and give staff direction.



August 5th, 2019

Rick Rogers
General Manager
San Lorenzo Valley Water District
13060 CA-9, Boulder Creek,
CA 95006

Mr. Rogers,

Here is my summary and conclusions from the workshop conducted on July 22nd. I suggest you review and confirm for accuracy. I look forward to presenting this information to the Board on August 6th.

Background:

My firm, Municipal Resource Group (MRG), was contracted to fulfil a 2018 Grand Jury recommendations to hold a workshop on dealing with contentious issues. I suggested framing the workshop around governance best practices, as the current board was not dealing with the same level of public contention as the Board in 2016, and the principles of good governance are always useful and can even help prevent toxic contentiousness. As a reminder, none of the current Board nor the General Manager were part of the 2016 Grand Jury investigation.

Process:

In February, I travelled to Boulder Creek and I spent at least one hour with each individual Board Member. We discussed a variety of topics and I found majority consensus on most topics that we discussed. I spoke, via phone, to District Counsel and of course, spoke at length with the District Manager. I also read the Grand Jury report and memos regarding the report; I read minutes from meetings and did outside research as well.

Ten days before I was set to return to Boulder Creek for the actual workshop, the State closed down for all intents and purposes and we went into a holding pattern.

We delayed scheduling a virtual workshop in the hope that we could still do this in person. It became clear that was not going to be possible, and the Board and GM Rogers wanted to move forward. I commend the Board for pushing forward on this topic.



I designed a workshop much like I would if I were to be in the same room with everyone. It was broadcast as a zoom webinar, and the public was able to attend.

To prepare the Board Members for the workshop, I sent them a number of articles and attachments that I have found very useful both when I was on Council myself and when doing governance workshops for other agencies.

The materials I used were:

- From Western Cities Magazine; *“Exceptional Councils” & “Beyond Ethics- establishing a Code of Conduct to Guide Your Council”*
- Scotts Valley Water District Board Best Practices
- San Lorenzo Valley’s Code of Conduct
- From The Association of Washington Cities; *“Ten traits of effective leadership”*
- From The Municipal Research and Services Center; *“Ten traits of an effective Councilmember”*

I broke the discussion down as follows:

- Attributes of the Ideal Board Member
- Campaigning vs Governing
- Contentious Issues Discussion
- Board Member & Staff Roles defined
- Team Norms

Despite the fact we were doing the workshop via Zoom- we were able to interact in a very natural way. Obviously, it is not ideal and in person would be better.

I hope the public appreciates that while many businesses and organizations participate in these types of exercises, it’s a really different experience to go through it as an elected official. It’s especially challenging because it is done in the public view; so when there are personality conflicts or issues, it is even more uncomfortable than in a business setting. There is also the nature of the “job.” A board member is politically elected; they operate in a political context. Building consensus, coalitions, etc. Typically, at this hyper local level, the best boards and councils aren’t particularly political, but politics can and do enter into the discussion. That’s why I thought it was important to spend some time on “campaigning vs governing” - since there is a campaign coming up.



My goal was to get them to discuss good governance and board roles and the best way to work together in order to best serve the rate payers of San Lorenzo Valley Water. My job was not to discuss specific issues and determine who is right or wrong...

The following were comments from the Board Members that were captured on whiteboards:

The Ideal Board Member:

- Represents everyone in the District- whether they voted for you or not
 - You do not always know who voted or campaigned for *or* against you
- Listens Openly- does not ascribe biases and prejudice
- Avoids premature boards
- Listens without assuming intent of speaker
- Has a History of Community Involvement
- Respects everyone. Respects staff and staff's time
- Experience with water issues; willing to learn

Campaigning VS Governing

- Campaign Promises
- Be aware of fake news
- In a campaign you are trying to win; differentiate between yourself and other candidates or current board; when governing you are trying to find common ground
- You have opponents in a campaign- but everyone thinks they are doing the best for the District
- Campaign is short term; governing is long term
- Governing in public is hard
- You learn when you get elected the amount of time it takes----

Code of Conduct for Meetings

- SLVWD wants to create an atmosphere that avoids contention
- Use the Brown Act to help you
- Let the public speak- don't threaten with arrest
- It's ok to ask clarifying questions during public comments-
- There's a spectrum of how different Board Members deal with pointed criticism;
- Avoid "setting the record straight"- legally ok- but can create contention



Summary of Discussion:

When we talked about dealing with contentious issues, a minority of the board felt that contention is not a bad thing; that it is the board's job to disagree and express those disagreements as part of the job. Contention goes beyond disagreement. Contention creates a toxic environment for Board members, the public, and staff. A majority of this board wants to disagree agreeably and then move on with consensus positions. A majority of the Board wants to engage in civil behavior that promotes public engagement.

When discussing "campaigning vs governing," I pointed out, in my opinion, that the Board Members' bios on the District website were more of campaign statements than simple qualifications. As stated earlier, I am not commenting on the validity of political opinions or campaign goals, but rather suggesting that once a campaign is over, the Board's goals be mutually agreed upon and stated as a body. This is something that the Board could easily change *if* desired.

There was a lot of discussion after lunch regarding the different roles of Board Members and staff. It is a well-established best practice that Board Members decide what is to be done and staff decides how to implement those decisions. There is a perception that some individual Board Members get very involved in the how and directing staff. Direction needs to come from the Board as a whole and at their regular public meeting. Not only does this provide transparency, but it allows staff to better manage the workload.

My initial goal was to have the Board create a "Best Practices" or "Team Norms" for the Board of the San Lorenzo Valley Water District. This document would be slightly different than the Code of Conduct in the Board Policies. The Board was satisfied with their current Code of Conduct and declined to create "team norms."

I recommend adding language to the Code of Conduct that covers the conduct of the Board, the staff and the public in Board Meetings. The purpose is not to limit public participation; but would foster a more conducive and respectful public participation environment. No one on the Board wanted to create any barriers to public participation, which is very commendable. I very much appreciate this and would only suggest that well considered guidelines would actually empower more people. I would also add stronger language to the Board Policies regarding the Brown Act and how it impacts the Board, meetings, and



agenda setting. The Board might consider adopting a new process for adding new topics to the agenda to further demonstrate a commitment to transparency.

Conclusion:

This Board cares greatly about distancing themselves from the behaviors of prior boards. They value the public, staff, and each other. The Board has worked to create a respectful atmosphere in Board meetings, and has even implemented changes that were discussed in our conversations back in February. Defining roles and improving communication between Board and staff is a priority and is crucial in balancing unlimited needs and limited resources. Acting and speaking as a body instead of individuals is crucial in challenging times.

Thank you for the opportunity to work with you all. I look forward to our discussion and can provide any clarification or further assistance.

Yours,

Amy Howorth
Consultant



NOSSAMAN LLP

Memorandum

TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, General Counsel

DATE: November 5, 2020

RE: District Manager Contract Review
502665-0001

RECOMMENDATION:

Review the District Manager's contract, and by motion of the Board of Directors, establish the District Manager's annual compensation to be effective as of October 19, 2020.

If time permits and an updated set of goals and objectives is available for discussion, the Board may also consider establishing mutually agreed upon goals and objectives for the year.

BACKGROUND:

Section 3 of the District Manager's contract provides as follows:

Compensation: The Manager shall be compensated for the first year at the rate of One Hundred Eighty Nine Hundred Ninety-Eight Thousand Dollars (\$180,998.00) annually, payable in equal installments biweekly on the same dates that other District employees are paid. Effective October 19, 2019, and each October 19th thereafter, the Manager shall be entitled to an annual cost of living adjustment, or its equivalent, given to District employees at the discretion of the Board based upon a satisfactory performance rating from the Board. The Manager shall receive a written evaluation which relates to achievement of mutually defined goals and objectives at least once a year from the Board. At the discretion of the Board, Manager will also be eligible for up to a yearly five percent (5%) merit increase based on performance.

A complete copy of the District Manager's contract is available here:

https://www.slvwd.com/sites/g/files/vyhlif1176/f/uploads/district_manager_employment_agreement.pdf

It is anticipated that at this November 5 regular meeting, the Board will report out of closed session whether or not the District Manager has received a satisfactory performance evaluation for this past year, which would entitle him to a cost of living

Memorandum
November 5, 2020
Page 2

(COLA) salary adjustment to be effective as of October 19, 2020. Under the District's Memorandum of Understanding (MOU) with management employees, the COLA increase for management will be 2.0% as of January 1. At the discretion of the Board, the District Manager may be eligible for an additional 5% merit increase based on performance.

Any percentage increase to the District Manager's salary that may be awarded by the Board would be applied to the salary currently in effect. Last year the District Manager received a 3.7% COLA adjustment and a 5% merit increase, which was applied to the annual salary amount of \$180,998.00 that is set forth in the District Manager's contract, resulting in an annual salary amount of approximately \$197,067 for 2019-20.

FISCAL IMPACT:

See above.



NOSSAMAN LLP

Memorandum

TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, General Counsel

DATE: November 5, 2020

RE: Discrimination, Harassment, and Retaliation Prevention Policy
502665-0001

RECOMMENDATION:

It is recommended that the Board of Directors (Board) review this memo, and adopt the attached Resolution No. 7 (20-21) which establishes a Discrimination, Harassment, and Retaliation Prevention Policy for the San Lorenzo Valley Water District (District).

BACKGROUND:

Both state and federal laws prohibit certain types of harassment and discrimination, including sexual harassment. On November 7, 2019 the Board adopted Resolution No. 12 (19-20) which established the San Lorenzo Valley Water District Sexual Harassment Policy for 2020. The District's Human Resources and Legal Counsel have reviewed the Sexual Harassment Policy and determined that to in order to comply with current law, the District needs a more broadly written policy that addresses all forms of illegal harassment, discrimination and retaliation, which may include but are not limited to sexual harassment.

It is recommended to review and approve the new policy now, so that it can be disseminated to District staff as part of legally required training to be completed this year.

ATTACHMENT:

Proposed Resolution No. 7 (20-21)

**SAN LORENZO VALLEY WATER DISTRICT
RESOLUTION NO. 7 (20-21)**

SUBJECT: SAN LORENZO VALLEY WATER DISTRICT DISCRIMINATION,
HARASSMENT, AND RETALIATION PREVENTION POLICY 2020-2021

WHEREAS, state and federal laws prohibit certain types of harassment, including sexual harassment, as well as discrimination and retaliation; and

WHEREAS, San Lorenzo Valley Water District is committed to ensuring and providing a work place free of discrimination, harassment and retaliation; and

WHEREAS, the Board of Directors of the San Lorenzo Valley Water District have reviewed the proposed new Discrimination, Harassment and Retaliation Prevention Policy (Exhibit A) and the existing Sexual Harassment Policy for 2020 (Exhibit B).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Lorenzo Valley Water District that Exhibit A the San Lorenzo Valley Water District Discrimination, Harassment and Retaliation Policy (Policy) is hereby adopted; the Policy shall take effect immediately superseding and replacing Exhibit B, and the Policy shall remain in effect for 2021.

FURTHER BE IT RESOLVED that the Policy shall be submitted annually to the District Counsel for review and to the Board of Directors for review and adoption for subsequent years.

PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 5th day of November 2020, by the following vote of the members thereof:

AYES:
NOES:
ABSENT:
ABSTAIN:

Holly B. Hossack,
District Secretary

Exhibit A

San Lorenzo Valley Water District Discrimination, Harassment and Retaliation Policy

[See Following Pages]

Forthcoming



SAN LORENZO VALLEY WATER DISTRICT
DISCRIMINATION, HARASSMENT, AND RETALIATION
PREVENTION POLICY

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Policy: Discrimination, Harassment, and Retaliation Prevention Policy

POLICY

San Lorenzo Valley Water District is an equal opportunity employer. San Lorenzo Valley Water District is committed to providing a professional work environment free from discrimination, harassment, and retaliation and disrespectful or other unprofessional conduct based on a protected category covered by this policy:

- Race
- Color
- Sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) and sexual orientation
- Religion or religious creed (including religious dress and grooming practices)
- National origin
- Ancestry
- Physical or mental disability
- Medical condition (including cancer)
- Genetic information/characteristics
- Marital status/registered domestic partner status
- Age (40 years and over)
- Veteran and/or military status
- Political affiliation
- Any other status protected by state or federal law.

San Lorenzo Valley Water District prohibits discrimination, harassment, disrespectful or unprofessional conduct whether based on those protected categories/characteristics, or based on a perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

In addition, San Lorenzo Valley Water District prohibits retaliation against a person who raises complaints of discrimination or harassment or who participate in workplace investigations.

All such conduct violates District Policy.

Scope of Protection

This policy applies to all persons involved in the operation of the San Lorenzo Valley Water District including any and all employees, supervisors, managers, co-workers, officers and Board or Committee Members of the District. The Policy also applies to vendors, customers, independent contractors, volunteers, job applicants and other persons with whom you come into contact while working. In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from San Lorenzo Valley Water District's premises, such as field work, work on a customer's property, business-related meetings and business-related social functions.

All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that the District has an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this policy. The District is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

Anti-Discrimination

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations. The District prohibits unlawful discrimination against any job applicant, employee, unpaid intern or volunteer by any Board member or employee of the District, including managers, supervisors and coworkers.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior toward persons because of their protected category/characteristic; allowing the protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law,¹ and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information because of their protected category/characteristic.

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, the District is not obligated to disclose the wages of other employees..

San Lorenzo Valley Water District may implement appropriate corrective action(s), up to and including formal discipline, in response to misconduct--including violations of this policy--even if the violation does not rise to the level of unlawful conduct.

¹ For example veterans preference is permitted under Government Code 18973.1.

Harassment Prevention

Harassment is a form of discrimination that is prohibited by law including Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940 et seq. Harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is the policy of the San Lorenzo Valley Water District that harassment is unacceptable and will not be condoned or tolerated.

Prohibited harassment, disrespectful or unprofessional conduct, includes but is not limited to the following behavior:

- Verbal conduct such as slurs, derogatory jokes or comments, insults, epithets, gestures, teasing, or unwanted sexual advances, invitations, comments, posts, or messages;
- Visual displays such as gestures, posting or distribution of derogatory, offensive and/or sexually oriented posters, symbols, cartoons, drawings, computer displays, emails, or messages or pictures via social media platforms;
- Physical conduct including assault, unwanted touching, physically threatening another person, intentionally blocking someone's normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Prohibited harassment is not just sexual harassment, but also harassment based on any protected category/characteristic.

Sexual Harassment

Sexual harassment is a type of unlawful harassment. Sexual harassment is generally categorized into two types:

1. Quid Pro Quo (“this for that”)

- Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

2. Hostile Work Environment

- Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples may include but are not limited to:
 - Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
 - Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
 - Leering, obscene or vulgar gestures or making sexual gestures.
 - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.
 - Impeding or blocking movement, unwelcome touching or assaulting others.
 - Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
 - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the motivation is sexual desire.

Anti-Retaliation

The District will not retaliate against you for filing a complaint or participating in any workplace investigation or complaint process and will not tolerate or permit retaliation by management, supervisors, employees or co-workers.

As used in this policy retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation may include but are not limited to: demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying an accommodation or not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

Reasonable Accommodation

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

The District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

TRAINING REQUIREMENTS

Every two years, all employees must attend discrimination, harassment and retaliation prevention training and education as required by law. Non-managerial employees must attend 1 hour of training, and supervisory or managerial employees must attend 2 hours training. The District Manager shall designate supervisory and managerial employees for the purpose of this policy.

The training and education shall be aimed at increasing employees' understanding of and preventing workplace sexual harassment (including harassment on the basis of sexual orientation, gender identity, and gender expression) and their role in creating an underlying culture of mutual respect in our workplace. Specific components of the training will include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one is witness to behavior that is not in keeping with this policy. The training and education will include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Publicizing:

This policy and reporting process shall be readily available to all officers, employees, applicants and members of the general public utilizing the District's facilities and services.

All new District officers and employees shall be given a copy of this Discrimination, Harassment, and Retaliation Prevention Policy at the time of appointment or hiring. All employees shall be required to sign an acknowledgment of this Discrimination, Harassment, and Retaliation Prevention Policy stating that he or she has read the policy and understands and agrees that it is the employee's responsibility familiarize himself/herself with its contents, including reporting procedures.

At least annually, on or about January 15th of each calendar year, or whenever the Board of Directors adopts revisions to this Discrimination, Harassment, and Retaliation Prevention Policy, the District Manager shall promptly distribute a copy of the revised policy to all officers and employees of the District via the District's website or another lawful method.

ADDRESSING AND REPORTING VIOLATIONS OF THIS POLICY

Any person who experiences or is witness to behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

A complaint may be brought forward verbally or in writing. Supervisors must immediately refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to Human Resources and the District Manager so the District can try to resolve the complaint. If the alleged offender is the District Manager, the alleged violation should be reported to any other supervisor or manager.

When the District receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The District may assign the investigation of a report of alleged violation to an outside party. The District will reach reasonable conclusions based on the evidence collected.

Complaints will be:

- Responded to in a timely manner;
- Kept confidential to the extent possible;
- Investigated impartially by qualified personnel in a timely manner;
- Documented and tracked for reasonable progress;
- Given appropriate options for remedial action and resolution; and
- Closed in a timely manner.

Even in the absence of a formal complaint, an investigation may be initiated where there is reason to believe that conduct that violates this policy has occurred. Anonymous complaints will also be investigated. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the District may continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation.

The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.

If the District determines that harassment, discrimination, retaliation or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The District also will take appropriate action to deter future misconduct.

Any employee determined by the Company District to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. An employee who knowingly makes a false report will be subject to appropriate disciplinary actions, up to, and including termination.

If employees engage in unlawful harassment, they may be held personally liable for the misconduct.

Contact information for the District Manager, Rick Rogers is:

Email: rrogers@slvwd.com or Phone: 831 430-4624

FILING OF COMPLAINTS OUTSIDE THE DISTRICT

An individual may file a formal complaint of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100 Elk

Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov

<https://www.dfeh.ca.gov>

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue

5 West, P.O Box 36025

San Francisco, CA94102-3661

1-800-669-4000 or 1-844-234-5122 (Deaf/hard-of-hearing callers only)

<http://www.eeoc.gov/employees>

CALIFORNIA STATE AGENCIES ONLY:

State Personnel Board Appeals Division

801 Capitol Mall Sacramento, CA

95814

(916) 653-0799 or TDD Line (916) 653-1498

appeals@spb.ca.gov

www.spb.ca.gov

CONFIDENTIAL
SENSITIVE PERSONNEL INFORMATION

SAN LORENZO VALLEY WATER DISTRICT
DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY
COMPLAINT FORM

COMPLAINANT INFORMATION

NAME:

WORK PHONE:

IMMEDIATE SUPERVISOR:

Please describe the conduct that you believe violates the Discrimination, Harassment or Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact Human Resources.

CONFIDENTIAL

C O N F I D E N T I A L
SENSITIVE PERSONNEL INFORMATION

PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY

Person #1 - Name: Position: Work Location:

Person #2 - Name: Position: Work Location:

Person #3 - Name: Position: Work Location:

PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS

Witness Name: Position: Work Location:

Witness Name: Position: Work Location:

Witness Name: Position: Work Location:

HAVE YOU COMPLAINED TO ANYONE AT SAN LORENZO VALLEY WATER DISTRICT ABOUT THIS MATTER?

If yes, explain the situation. When did you complain, to whom, and what was the result?

Please submit to the District Manager and/or Human Resources, or as otherwise specified in the Policy.

**SAN LORENZO VALLEY WATER DISTRICT
DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION POLICY**

CONFIRMATION OF RECEIPT

I have received my copy of the District's Harassment, Discrimination and Retaliation Prevention Policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that the District is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Employee's Signature: _____

Employee's Printed Name: _____

Date: _____

Exhibit B

San Lorenzo Valley Water District Sexual Harassment Policy for 2020

[See Following Pages]

SAN LORENZO VALLEY WATER DISTRICT SEXUAL HARASSMENT POLICY 2020

Adopted: November 7, 2019
Resolution No. 12 (19-20)

PURPOSE. It is legally mandated by state and federal laws that all employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940 et. seq. Sexual harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is the policy of the San Lorenzo Valley Water District that sexual harassment is unacceptable and will not be condoned or tolerated. San Lorenzo Valley Water District is committed to a workplace free of unlawful discrimination and harassment.

DEFINITION. Sexual harassment is generally defined as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. Sexual harassment may be written, verbal, physical and/or visual.

EXAMPLES. Sexual harassment manifests itself in many forms. The following provides a partial list of offensive conduct which would constitute sexual harassment:

- Written communications of a sexual nature, obscene letters, notes and/or invitations (this includes electronic formats).
- Verbal conduct such as making or using derogatory comments, slurs, jokes or epithets.
- Visual conduct such as leering, making sexual gestures, and/or displaying sexually suggestive objects, pictures, cartoons, calendars or posters.
- Physical conduct such as touching, assaulting, impeding and/or blocking movements.
- Sexual comments including graphic, verbal and/or visual commentary about an individual's body.
- Sexually degrading words used to describe an individual.
- Offering employment benefits in exchange for sexual favors (this may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).
- Unwanted sexual advances or propositions (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- Implied, actual and/or threatened retaliation after negative response(s) to sexual advances.
- Implied, actual and/or threatened offering and/or withholding employment benefits in exchange for sexual favors, or if requests for sexual favors are not met.

POLICY PUBLICIZING. All District officers and employees shall be informed of the District's Sexual Harassment Policy and reporting process prior to their need to know. Also, said policy and reporting process shall be readily available to all officers, employees and members of the general public utilizing the District's facilities and services.

All new District officers and employees shall be given a copy of this Sexual Harassment

Policy at the time of appointment or hiring. The contents of this policy shall be discussed with said officers and employees at said times by the responsible managing employee. All employees, at the time of hire, shall be required to sign an acknowledgment of this Sexual Harassment Policy stating that he or she has read the policy and knows its contents, including reporting procedures.

Whenever the Board of Directors adopts revisions to this Sexual Harassment Policy, the District Manager shall promptly distribute a copy of the revised policy to all officers and employees of the District.

At least annually, on or about June 15th of each calendar year, the District Manager shall distribute a copy of this Sexual Harassment Policy to all officers and employees of the District.

SUPERVISORY EMPLOYEE EDUCATION AND TRAINING. In accordance with California Government Code Section 12950.1, all supervisory employees of the District, at a minimum shall be provided no less than two (2) hours of sexual harassment education and training at least once every two (2) years. Solely for the purpose of this policy, supervisory employees shall be defined as individuals having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or effectively to recommend said actions. The District Manager shall designate supervisory employees for the purpose of this policy.

REPORTING PROCEDURES. Any officer or employee of the District or member of the public, who feels or believes that they have been or are being harassed by an officer or employee of the District is strongly encouraged to report such incident either verbally or in writing to the District Manager as promptly as feasible after the occurrence. Individuals who report an incident of alleged harassment can do so without fear of reprisal, regardless of the outcome of the report.

- a) Any supervisory employee who receives, witnesses or becomes aware of an incident of alleged harassment shall immediately report the matter to the District Manager.
- b) Upon receipt of a report of alleged harassment by an officer of the District, the District Manager shall assign the investigation of the alleged misconduct to an outside party.
- c) Upon receipt of a report of alleged harassment by an employee of the District, the District Manager shall promptly conduct a thorough and impartial investigation of the incident. All reports shall be kept confidential to the extent possible. Witnesses to sexual harassment and victims of sexual harassment shall not be retaliated against in any way for making a report or cooperating in an investigation. Any incident of implied, actual and/or threatened retaliation should be reported as set out in this policy. The District Manager may assign the investigation of a report of alleged harassment to an outside party.
- d) In the event the report of alleged harassment involves the District Manager, the incident shall be reported to the President of the Board of Directors. Thereafter, the President of the Board of Directors shall be responsible for processing the investigation and appropriate necessary actions.
- e) Any person who initiates a report of an alleged incident of harassment shall have the right to be accompanied by advocates(s) when discussing the incident. Said person shall be advised of this right prior to the commencement of discussions.
- f) A written record of any investigation of an alleged incident of harassment shall be maintained.

ENFORCEMENT PROCEDURES. The District's Sexual Harassment Policy shall be enforced by the District Manager unless otherwise stated in this policy. Upon conclusion of the investigation of an alleged incident of harassment, if it has been determined that

harassment has occurred in violation of this policy, the District may impose appropriate disciplinary action up to and including discharge.

- a) Officers and employees of the District who report harassment, and/or individuals cooperating in an investigation of a report of harassment shall be protected thereafter from any form of reprisal and/or retaliation regardless of the outcome of the report.
- b) Officers and employees of the District who knowingly make false reports will be subject to appropriate disciplinary actions.

-END OF POLICY-



NOSSAMAN LLP

Memorandum

TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, General Counsel

DATE: November 5, 2020

RE: Board Member Resignation and Vacancy
502665-0001

RECOMMENDATION:

Review President Swan's letter of resignation with an effective date of December 31, 2020, and by motion of the Board of Directors (Board), establish the process to fill the anticipated vacancy by either appointment or election.

Alternatively, the Board could reject the letter of resignation and make a determination that the Board seat is or will be vacant as of another date, and establish a corresponding process to fill the vacancy.

Alternatively, the Board could take no action at this time and revisit the issue at a subsequent meeting.

BACKGROUND:

By correspondence dated October 30, 2020, President Swan tendered his resignation from the San Lorenzo Valley Water District Board of Directors, to be effective as of December 31, 2020. (See Attachment A.) Director Swan was elected to serve on the Board in 2018, and he has served as Board President since December 2019.

Pursuant to California Government Code Section 1780, in the event of a vacancy in any elective office of a governing board of a special district, the remaining board members may fill the vacancy by appointment within sixty (60) days from the effective date of the vacancy, or when they were notified of the vacancy, whichever is later. (See Attachment B.)

Because the resignation letter specifies an effective date of December 31, the Board must make an appointment to fill the vacancy, if at all, no later than March 1, 2020. If the Board rejects the letter of resignation and determines that the Board seat is or will be vacant as of another date, then the 60 days to fill the vacancy will run from that earlier date.

Memorandum
November 5, 2020
Page 2

If the Board decides to fill the vacancy by appointment, pursuant to Government Code 1780(d)(1), notice of the vacancy must be posted in three or more conspicuous places in the District at least fifteen (15) days prior to the appointment. The District's Board Policy Manual requires establishing a closing date for the receipt of applications for the vacancy, and provides that interviews shall be conducted at the next regular Board meeting following the date of closure of applications. The Board Policy Manual further instructs that the appointment shall be made "without undue delay." (See Attachment C.)

Alternatively, Government Code Section 1780 allows the Board to call for an election to be held on the next established election date.¹ This alternative would result in election costs incurred by the District and a prolonged vacancy until after the next general election is held and results are certified. A prolonged vacancy would create governance challenges such as potential difficulty achieving quorum, and thereby impact the ability of the District to carry on District business.

Staff recommends that the Board fill the anticipated vacancy as soon as practicable by appointment. Assuming the resignation letter takes effect as specified on December 31, statutory notice of the vacancy could be posted on December 31, with a closing date of January 15 for the receipt of applications. (Although the notice could be posted earlier, the required 15 days would not start running until the effective date of the vacancy.) Pursuant to the Board Policy Manual, applicants would be scheduled for interview at the January 21 regular meeting of the Board. (See Attachment D.)

If the Board rejects the letter of resignation and determines that the Board seat is or will be vacant as of another date, then based on that date, corresponding deadlines for posting the notice and receipt of applications, and the meeting(s) for candidate interviews should be determined and set by the Board.

Concern has been expressed about whether a director who has moved out of the District can specify the effective date of his/her resignation, versus whether the director's Board seat is considered vacant immediately as of the date of the move. The law is ambiguous on this point. See the attached opinions of the California Attorney General which discuss the relevant law including Water Code Section 30508, which pertains to County Water Districts like the District. (Attachment E.) What is perfectly clear is that if the place of residence of an otherwise qualified director who is serving on the Board is moved outside the District, then the director cannot continue to serve on the Board if, after 180 days, he/she fails to re-establish a place of residence within the District.

¹ August 7, 2020 would have been the deadline to call for a special district election for inclusion on this November 2020 ballot.

Memorandum
November 5, 2020
Page 3

ATTACHMENTS:

Attachment A – President Swan’s Notice of Resignation
Attachment B – Government Code Section 1780
Attachment C – Board Policy Manual, Relevant Excerpts
Attachment D – Draft Schedule of Events; Draft Notice of Vacancy; Draft
Application
Attachment E – Attorney General Opinions

Attachment A

Stephen Swan
President, Board of Directors
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006

VIA EMAIL

October 30, 2020

Ms. Lois Henry
Vice President, Board of Directors
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
Email: lhenry@slvwd.com

District Secretary
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
Email: nhossack@slvwd.com

Dear Board Members:

I hereby submit my resignation from the Board of Directors (“Board”) of San Lorenzo Valley Water District (“District”) to be effective as of December 31, 2020. As you may know my wife and I have recently sold our house and I am retiring from my job. Regretfully I have determined that I am unlikely to secure work back in the Bay Area before the end of the year, when my term as Board President comes to an end, and it is unlikely that I’ll return to the San Lorenzo Valley to finish my four-year term as an elected director. I am therefore submitting this letter pursuant to the District’s Board Policy Manual and the Government Code. I understand that my vacant Board seat will be filled as provided for by law.

Sincerely,

/s/

Stephen Swan

Attachment B


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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599] (Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 4. Resignations and Vacancies [1750 - 1782] (Chapter 4 enacted by Stats. 1943, Ch. 134.)

ARTICLE 2. Vacancies [1770 - 1782] (Article 2 added by Stats. 1943, Ch. 134.)

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city

council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)

Attachment C

20. RESIGNATIONS

Resignations by Directors shall be in writing, state the effective date and be submitted to the President of the Board of Directors and District Secretary. In the event the President of the Board of Directors resigns, the resignation shall be submitted to the Vice-President of the Board of Directors and the District Secretary.

21. VACANCIES

Directors are expected to carry out their responsibilities to the best of their abilities. In order to accomplish this goal, Directors should be present for scheduled meeting or events whenever possible. In accordance with California Government Code section 1770 a Director position vacancy will occur whenever “he or she ceases to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness”, or when absent from the Board of Directors without the permission of the majority of the Board of Directors.

If such vacancy occurs, the Board of Directors will take action in accordance with California Government Code section 1770.

In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the District Board of Directors, after discussion and consideration, shall when deemed appropriate, instruct staff to:

- A) Place a public notice advising that a vacancy has occurred in accordance with applicable provisions of law; and
- B) Said notice shall advise prospective candidates of the steps to take to apply for appointment; and
- C) The District’s Board of Directors shall establish the closing date for the receipt of applications; and
- D) Applicants shall submit the following, by the date specified in the notice:
 - 1. a letter of interest, and
 - 2. a resume, with particular emphasis on the applicant’s knowledge of special districts, and
- E) Applicant(s) shall be interviewed at the next regularly scheduled meeting of the District’s Board of Directors following the date of closure for applications; and
- F) The District’s Board of Directors shall make the appointment without undue delay, but need not act at the same meeting.

22. INCONSISTENT, INCOMPATIBLE AND CONFLICTING EMPLOYMENT OR ACTIVITIES

Pursuant to the provision of the California Government Code section 1126, the Board of Directors of the San Lorenzo Valley Water District has determined that it would be

Attachment D

VACANCY IN OFFICE OF DIRECTOR
PROPOSED SCHEDULE OF EVENTS

<u>DATE</u>	<u>ACTION</u>
November 5, 2020	Board directs vacancy to be filled by appointment.
December 31, 2020	Staff posts Notice of Vacancy in accordance with Government Code Section 1780.
January 15, 2021	Last day to notify County Clerk of vacancy in accordance with Government Code Section 1780.
January 15, 2021	Closing date for the receipt of applications.
January 21, 2021	Interview applicants; possible appointment.
February 5, 2021	If appointment is made on January 21, last day to notify County Clerk of appointment pursuant to Government Code Section 1780.
March 1, 2021	Last date to make an appointment; last date to submit Notice of Election to County Clerk.
TBD	County's next established election date.

Notice of Vacancy

Interested persons are hereby notified that pursuant to Government Code §1780 there is a vacancy on the

SAN LORENZO VALLEY WATER DISTRICT

Board of Directors

The position to be filled is for a term ending when the November 2022 election results are certified.

The seat will go to election in 2022 for a new 4-year term.

Applications are available at the SLVWD Office located at:

13060 Highway 9, Boulder Creek, CA

On our website:

www.slvwd.com

By contacting the District Secretary:

hhossack@slvwd.com

(831) 430-4636

Applications are due _____ by ____ pm

Pursuant to Gov. Code §1780, this notice will be posted for 15 days in 3 or more conspicuous locations in the District from _____, 2020

Application for Appointment to Fill a Vacancy on the San Lorenzo Valley Water District Board of Directors

Instructions:

If you are interested in serving as a Director on the San Lorenzo Valley Water District Board, please complete this application and return it to the District Secretary, 13060 Highway, Boulder Creek, CA 95006 or hhossack@slvwd.com.

Due Date is _____ by _____ pm

Date: _____

Name: _____

Address where you live: _____

Mailing address (if different): _____

Phone (daytime): _____ Phone (evening): _____

Email: _____

Statement of Qualifications:

Please complete this section or attach a current resume.

EDUCATION:

Institution	Major	Degree	Year

WORK/VOLUNTEER EXPERIENCE:

Organization	City	Position	From	To

Letter of Interest:

Please briefly describe your qualifications and why you are interested in serving on the Board of Directors.

DRAFT

Certification:

I certify that the information contained in this application is true and correct. I authorize the verification of the information in this application.

Signature

Date

Attachment E

2012 Cal. AG LEXIS 7;

Office of the Attorney General of the State of California

95 Ops. Cal. Atty. Gen. 43

Reporter

2012 Cal. AG LEXIS 7; *; 95 Ops. Cal. Atty. Gen. 43;

No. 11-1113

October 09, 2012

Core Terms

domicile, quo warranto, elect, voter registration, registration, driver's license, county water district, post office box, registered, mailing, public office, telephone, usage, voter

Question

[*1]

THE ARROWBEAR PARK COUNTY WATER DISTRICT has requested leave to sue in quo warranto upon the following question:

Is Richard Kuritz unlawfully holding the office of director of the Arrowbear Park County Water District because he does not reside within the boundaries of the District?

CONCLUSION

Whether Richard Kuritz is unlawfully holding the office of director of the Arrowbear Park County Water District because he does not reside in the District presents substantial questions of fact and law warranting judicial resolution; accordingly, the application for leave to sue in quo warranto is GRANTED.

Opinion By: KAMALA D. HARRIS, Attorney General; DIANE EISENBERG, Deputy Attorney General

Opinion

ANALYSIS

Introduction

The Arrowbear Park County Water District (District) is a public corporation established and organized under the County Water District Law.¹ The District is located in the San Bernardino Mountains, in San Bernardino County. Richard Kuritz (Kuritz) was elected to a four-year term as a member of the District's Board of Directors (Board) in November 2009, and assumed office on or around December 4, 2009. The District, as [*2] proposed relator, alleges that Kuritz, the proposed defendant in this matter, is unlawfully serving as a member of the Board because, both at the time of his election and thereafter, Kuritz was not a resident of the District. The District requests that, pursuant to [Code of Civil Procedure section 803](#), we grant leave to sue in quo warranto to remove Kuritz from his office.² Kuritz has submitted no response to the District's application for leave to sue in quo warranto.³

Nature of and Criteria for Quo Warranto

[Code of Civil Procedure section 803](#) provides in pertinent part: "An action may be brought by the attorney-general, in the name of the people of this state, upon his own information, or upon a complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office . . . within this state."⁴ An action filed under the terms of this statute is known as a "quo warranto" action, and is the proper legal means for [*3] testing title to public office.⁵ A member of the governing board of a county water district holds a public office.⁶ Therefore, this proceeding is properly initiated to test whether Kuritz "unlawfully holds or exercises" office as a member of the Board of the District.

In determining whether to grant a particular application to sue in quo warranto, we do not resolve the matter on its merits but rather consider two questions: (1) Does the application present a substantial issue of fact or law appropriate for judicial resolution; and (2) If so, would granting the application serve the overall public interest?⁷ For the reasons given below, we answer both questions in the affirmative in this case.

Residency Requirement

¹ [Wat. Code §§ 30000-33901](#).

² Action taken on behalf of a county water district by its board of directors requires the affirmative votes of at least a majority of the members of the board. [Wat. Code § 30525](#). On October 20, 2011, a majority of the members of the District's Board authorized the District's legal counsel to initiate this quo warranto proceeding on behalf of the District.

³ In both written and telephonic communications with this office, Kuritz claimed to have formally resigned from the Board in late October 2011 (purportedly in order to save the taxpayers further expense on the issue of his residency). However, despite repeated requests from this office that Kuritz provide documentation of his resignation, and Kuritz's repeated promises to do so, this office has never received any evidence that Kuritz ever resigned from his office as Board Director. Counsel for the District has also informed this office that the District has not received any letter of resignation from Kuritz. This office also gave Kuritz the opportunity to provide some other response to the District's application for leave to sue in quo warranto, but no response has been received.

⁴ Although [Code of Civil Procedure section 803](#) refers to the complaint "of a private party," public officers and agencies may also apply to the Attorney General for leave to sue in quo warranto. [76 Ops.Cal.Atty.Gen. 157, 162 \(1993\)](#).

⁵ [Elliott v. Van Delinder, 77 Cal. App. 716, 719 \(1926\)](#) ("statutory procedure in the nature of quo warranto is the proper remedy by which directly to test the title to all public offices"); [Visnich v. Sacramento Co. Bd. of Educ., 37 Cal. App. 3d 684, 690 \(1974\)](#) ("title to an elective office cannot be litigated by any other means than in quo warranto"); [Nicolopoulos v. City of Lawndale, 91 Cal. App. 4th 1221, 1125-1126 \(2001\)](#); [93 Ops.Cal.Atty.Gen. 144, 145 \(2010\)](#); [81 Ops.Cal.Atty.Gen. 207, 208 \(1998\)](#).

⁶ [85 Ops.Cal.Atty.Gen. 239, 240 \(2002\)](#); [82 Ops.Cal.Atty.Gen. 68, 69 \(1999\)](#); [73 Ops.Cal.Atty.Gen. 268, 270 \(1990\)](#); [64 Ops.Cal.Atty.Gen. 288, 288 \(1981\)](#); [37 Ops.Cal.Atty.Gen. 21, 22 n. 1 \(1961\)](#); [32 Ops.Cal.Atty.Gen. 250, 252 \(1958\)](#).

⁷ [93 Ops.Cal.Atty.Gen. at 145](#); [89 Ops.Cal.Atty.Gen. 55, 56 \(2006\)](#); [88 Ops.Cal.Atty.Gen. 25, 26 \(2005\)](#).

[Water Code section 30500](#) provides: "Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district." Section 30021 provides that, for purposes of the County Water District Law, "voter" has the same meaning as it does in [*4] the Elections Code, and a voter "shall also be a resident of the district . . . involved." [Elections Code section 359](#) defines "voter" as any elector who is registered under the Elections Code, and [Elections Code section 321](#) in turn defines "elector" as "any person who is a United States citizen 18 years of age or older and a resident of an election precinct at least 15 days prior to an election." ⁸ [Elections Code section 349](#) defines "residence" as follows:

- (a) "Residence" for voting purposes means a person's domicile.
- (b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.
- (c) The residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence.

Thus, to be a candidate for, [*5] and serve on, a water district's governing board, a person must be domiciled within the district. If, at the time of his election, Kuritz was not domiciled within the District, he was not eligible to become a Director and is not entitled to retain that office. ⁹

Furthermore, under the provisions of [Water Code section 30508](#), even if Kuritz was domiciled within the District at the time of his election and thus initially eligible to become a Director, he would forfeit that office if he gave up his domicile in the District and did not re-establish his domicile there within 180 days. Section 30508 ¹⁰ refers to [Government Code section 244](#), which defines "residence," in the sense of domicile, ¹¹ for various purposes, and which states in pertinent part:

- (a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- (b) There can only be one residence.
- (c) A residence cannot be lost [*6] until another one is gained.
- ...
- (f) The residence can be changed only by the union of act and intent.

⁸ See also [Neilson v. City of Cal. City, 133 Cal. App. 4th 1296, 1312-1313 \(2005\)](#) (a "qualified elector" of a particular district is a properly registered voter of that district).

⁹ See [86 Ops. Cal. Atty. Gen. 82, 83 \(2003\)](#); [83 Ops. Cal. Atty. Gen. 181, 183 \(2000\)](#); [81 Ops. Cal. Atty. Gen. 98, 101 \(1998\)](#); [73 Ops. Cal. Atty. Gen. 197, 207 \(1990\)](#).

¹⁰ [Water Code Section 30508](#) states, in full:

If a director's place of residence, as defined in [Section 244 of the Government Code](#), is moved outside district boundaries or outside the boundaries of that director's division where elected from a division, and if within 180 days of the move or of the effective date of this section the director fails to reestablish a place of residence within the district or within the director's division, it shall be presumed that a permanent change of residence has occurred and that a vacancy exists on the board of directors pursuant to [Section 1770 of the Government Code](#).

[Government Code 1770\(e\)](#) provides that an office becomes vacant on the failure to satisfy a residency requirement.

¹¹ [Walters v. Weed, 45 Cal. 3d 1, 7-8 \(1988\)](#) ("residence" as used in [Govt. Code § 244](#) means "legal residence" or "domicile"); [Smith v. Smith, 45 Cal. 2d 235, 239 \(1955\)](#) ("residence" as used in [Govt. Code § 244](#) is synonymous with domicile); [Fenton v. Bd. of Directors, 156 Cal. App. 3d 1107, 1113 \(1984\)](#) ("residence" as used in [Govt. Code § 244](#) means "domicile"); [89 Ops. Cal. Atty. Gen. 44, 47 \(2006\)](#) (same).

As both [Elections Code section 349\(b\)](#) and [Government Code section 244\(b\)](#) provide, a person has only one domicile at any given time.¹² The main test for determining a person's domicile is "physical presence plus an intention to make that place his permanent home."¹³ Courts, and this office, have generally considered a range of factors as indicia of a person's domicile, including the address shown on the person's voter registration, driver's license, vehicle registration, homeowner's exemption (if any), other official papers such as tax records, and telephone listing; the person's mailing address for such things as bills and invoices; the location of bank accounts; where the majority of the person's business and personal contacts are; and the acts and declarations of the person.¹⁴

With this legal framework in mind, we proceed to the particulars of this matter.

Factual [*7] Allegations¹⁵

For the purposes of this opinion, we assume the following factual allegations to be true: Kuritz took his seat on the District's Board in December 2009. In August 2010, in response to complaints by certain members of the public and ratepayers of the District that Kuritz was not a resident of the District, counsel for the District, Mr. Joseph S. Aklufi (Aklufi), began an investigation of Kuritz's residence status. By October 6, 2010, Kuritz had produced some documentation, and additional information by letter, sufficient to lead Aklufi to believe that Kuritz was in compliance with the residency requirements of the County Water District Law. Aklufi terminated the District's inquiry into Kuritz's residence on October 8, 2010, and so informed Kuritz on that date. In or around October or November 2010, Kuritz also submitted to the general manager of the District a residential address on Music Camp Road, in Arrowbear Lake, which is located within the District.

However, on March 14, 2011, Aklufi advised Kuritz that additional allegations had been made by District residents and ratepayers that Kuritz did not reside in [*8] the District. In written communications between March 14 and March 16, 2011, Aklufi asked Kuritz to provide certain items generally considered indicative of residency, such as income tax returns, voter registration, auto insurance policies, and major bills (showing address), as well as any other documents that Kuritz might consider helpful in resolving questions concerning his legal residence. Kuritz did not provide the requested documents, nor did he provide any additional information.

Kuritz's residence was discussed at a regular meeting of the District's Board held on July 8, 2011, at which Kuritz was present. Aklufi presented evidence and information regarding Kuritz's residence, which was conflicting. As evidence in support of Kuritz's residency within the District, Aklufi cited two utility bills and a motor vehicle registration, all showing the Music Camp Road address; records indicating that Kuritz had a checking account and post office box in Running Springs (a village located adjacent to the service territory of the District); and voter registration in San Bernardino County. As evidence of residency outside the District, Aklufi reported that Kuritz did not own or rent real [*9] property within the District; there was no significant utility usage at the Music Camp Road address; Kuritz was registered to vote in San Diego County; the Franchise Tax Board address for Kuritz was in the city of San Diego; Kuritz's telephone numbers were all San Diego telephone numbers; Kuritz's business

¹² Courts have also consistently stated this principle. See e.g. [Smith, 45 Cal. 2d at 239](#); [DeMiglio v. Mashore, 4 Cal. App. 4th 1260, 1268 \(1992\)](#).

¹³ [Fenton, 156 Cal. App. 3d at 1116](#); see also [89 Ops. Cal. Atty. Gen. at 47](#); [86 Ops. Cal. Atty. Gen. at 83](#); [81 Ops. Cal. Atty. Gen. 94, 97 \(1998\)](#).

¹⁴ See e.g. [Fenton, 156 Cal. App. 3d at 1116](#) (voter registration; acts and declarations of party involved; mailing address) (citations omitted); [In re Marriage of Leff, 25 Cal. App. 3d 630, 642 \(1972\)](#) (location of owned property; voter registration; car registration; driver's license; intentions as manifested by acts and declarations); [Noble v. Franchise Tax Bd., 118 Cal. App. 4th 560, 569 \(2004\)](#) (vehicle registrations; driver's license; location of business office; address to which credit card and bank statements sent; location of post office box and checking accounts; place where medical care received); [86 Ops. Cal. Atty. Gen. 194, 197 \(2003\)](#) (address shown on voter registration, driver's license, vehicle registration, and tax records; declarations of intent); [85 Ops. Cal. Atty. Gen. 101, 104 \(2002\)](#) (address shown on tax returns, driver's license, automobile registration, homeowner's exemption, telephone listing, and voter registration); [85 Ops. Cal. Atty. Gen. 90, 93 \(2002\)](#) (same); [84 Ops. Cal. Atty. Gen. 154, 157 \(2001\)](#) (same); [72 Ops. Cal. Atty. Gen. 8, 14 \(1989\)](#) (voter registration, mailing address, where tax returns are filed, homeowner's exemption).

¹⁵ The facts as stated in this opinion are compiled from a verified statement of facts submitted by counsel for the District, a declaration from the District's general manager signed under penalty of perjury, and various records and documents submitted in support of the District's application. Kuritz has provided no evidence to controvert these allegations.

was in San Diego; Kuritz's family lived in San Diego; and neighbors of the Music Camp Road property stated that the residence was rarely occupied.

At this meeting, Kuritz promised to produce copies of federal income tax returns, but subsequently failed to do so, and he failed to respond to renewed requests for additional documentation such as credit card billings, automobile insurance policies, statements from the Social Security Administration, or other documents that would indicate the address at which Kuritz received important mail.

The Board held another regular meeting on August 12, 2011, at which Kuritz was present. Kuritz's residence status was again discussed. According to the minutes of the meeting, Kuritz refused to provide documentation in support of his residency on the ground that the Board did not have authority to request it. Kuritz also contended that the Board [*10] had no legal authority to take action regarding his residency. At the conclusion of the meeting, a majority of the Board passed a resolution declaring Kuritz's seat vacant because Kuritz had failed to prove his residency.¹⁶ The District's request to the Attorney General for permission to sue Kuritz in quo warranto followed.

Issues of Fact and Law¹⁷

The District concedes that Kuritz may have a residence within the boundaries of the District (the house on Music Camp Road), but contends that Kuritz's legal residence, in the sense of domicile, has been and is in San Diego, California. At all relevant times, the Music Camp Road property has been owned by Antoinette Kuritz, Kuritz's ex-wife.¹⁸ Kuritz represented to the District's general manager that Kuritz uses the Music Camp Road house with Antoinette Kuritz's permission, but without any formal rental or lease agreement. These facts alone would carry little weight, as there is no legal requirement that a person own or rent the dwelling that is one's domicile. However, [*11] the District has also submitted a variety of documents that raise questions as to whether the Music Camp Road house was or is Kuritz's domicile. These documents include a letter from a neighbor of the Music Camp Road house who reports that she rarely sees any lights on in the house and rarely sees Kuritz in the community; electricity bills for the Music Camp Road property for August and September 2010 that show electricity usage significantly lower than the average usage for the area; records showing that water usage at the Music Camp Road house for the period of 2009 through September 2011 was between 6 and 16 percent of the average water usage of each of the other four Board Directors during the same period; a copy of Kuritz's driver's license, valid from December 13, 2006 to January 25, 2012, which shows as Kuritz's address a post office box in the city of San Diego; an Earnings Withholding Order for Personal Income Tax issued by the Franchise Tax Board of the State of California, dated June 7, 2010, which shows Kuritz's mailing address as a post office box in the city of San Diego; and a record of voter registration from the County of San Diego indicating that Kuritz had last registered to vote [*12] in September 2003 and was, as of August 10, 2010, registered to vote in the County of San Diego.

While we do not consider these pieces of documentation all to be of equal weight, we believe that, taken in the aggregate, they indicate little physical presence at the Music Camp Road address, coupled with significant activity and evidence of residence within the city of San Diego. Moreover, while both we and courts have generally accorded great weight to a person's statements of intent regarding his or her domicile, as corroborated by the person's conduct,¹⁹ Kuritz has repeatedly refused to declare which residence he considers his domicile, or to provide this office with any evidence that would tend to prove domicile within the District.

We do not say here that no such materials exist. For example, the District itself acknowledges that Kuritz had or has a post office box in Running Springs, and a checking account in a bank located in Running Springs, indicating some presence or activity

¹⁶ As legal authority for the resolution, the Board cited [Water Code sections 30500, 30021, and 30508](#); [Elections Code section 349](#); and [Government Code section 1770](#).

¹⁷ The question of residence, in the sense of domicile, is a mixed question of fact and law. [Fenton, 56 Cal. App. 3d at 1117; 73 Ops. Cal. Atty. Gen. at 209.](#)

¹⁸ Property tax statements for the Music Camp Road residence are mailed to a post office box in the city of San Diego.

¹⁹ See e.g. [81 Ops. Cal. Atty. Gen. 95, 97 \(1998\)](#); [75 Ops. Cal. Atty. Gen. 26, 28 \(1992\)](#); [72 Ops. Cal. Atty. Gen. at 14](#); [Fenton, 156 Cal. App. 3d at 1117](#); [Mauro v. Dept. of Mental Hygiene, 207 Cal. App. 2d 381, 389 \(1962\)](#).

within the vicinity of the District. There are also suggestions in some of the District's submissions that, either before his election or [*13] during his term as Director, Kuritz changed the address for his driver's license and for a vehicle registration to one within the District, and may have registered to vote in San Bernardino County.

To be clear, it is not our role here to predict how a court would ultimately resolve the question of Kuritz's eligibility to hold the office of District Director. Rather, "the action of the Attorney General is a preliminary investigation, and the granting of the leave is not an indication that the position taken by the relator is correct, but rather that the question should be judicially determined and that quo warranto is the only proper remedy."²⁰ In this case, the District's allegations raise substantial issues of fact and law as to Kuritz's place of domicile, both at the time of Kuritz's election and thereafter, that are appropriate for judicial resolution.

The Public Interest

As a general rule, we have viewed the need for judicial resolution of a substantial question of fact or law as a sufficient "public purpose" to warrant the granting of leave to sue in quo warranto, absent other overriding considerations. [*14]²¹ No countervailing considerations are present in this instance. Both the public and the District have an interest in the integrity of public office and in the qualifications of their officials. Accordingly, the application for leave to sue in quo warranto is GRANTED.

Load Date: 2014-10-03

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²⁰ 12 Ops.Cal.Atty.Gen. 340, 341 (1949).

²¹ See [89 Ops.Cal.Atty.Gen. at 48](#); [85 Ops.Cal.Atty.Gen. at 93-94](#); [82 Ops.Cal.Atty.Gen. 78, 81-82 \(1999\)](#); [81 Ops.Cal.Atty.Gen. at 98](#).

1999 Cal. AG LEXIS 17

Office of the Attorney General of the State of California

82 Ops. Cal. Atty. Gen. 78

CA Attorney General Opinions

Reporter

1999 Cal. AG LEXIS 17 *; 82 Ops. Cal. Atty. Gen. 78 **

No. 99-104

April 15, 1999

Core Terms

section, has, was, appoint, quo warranto, vacancy, vacant

Request By: GUY B. MEYERS

Question

[*1]

GUY B. MEYERS has requested this office to grant leave to sue in quo warranto upon the following:

ISSUES OF FACT OR LAW

Is Lorraine Rollins unlawfully occupying the office of director of the Calaveras County Water District for the Fifth District?

CONCLUSION

Whether Lorraine Rollins is unlawfully occupying the office of director of the Calaveras County Water District for the Fifth District presents substantial issues of fact and law; it is in the public interest to grant leave to sue so that a judicial resolution of the issues presented may be obtained.

PARTIES

GUY B. MEYERS ("relator") seeks a judicial determination of the validity of the actions taken by the directors of the Calaveras County Water District ("CCWD") on December 16, 1998, declaring his office as director for the Fifth District to be vacant and replacing him on February 10, 1999, by appointing Lorraine Rollins ("defendant").

MATERIAL FACTS

On November 7, 1995, relator was elected to a four-year term as director of the CCWD for the Fifth District. On December 16, 1998, the directors of the CCWD voted to declare the office of director for the Fifth District to be vacant upon the ground that relator was no longer a resident [*2] of or domiciled in the Fifth District. On February 10, 1999, the directors appointed defendant to fill the declared vacancy in the office of the Fifth District.

Relator asserts that he was a resident of the Fifth District as of November 7, 1995, that he continues to be a resident of the Fifth District, and that it is his intent to remain a resident of the Fifth District. He declares that his driver's license bears a post office box mailing address in Valley Springs, Calaveras County, and that his vehicle registration shows the same mailing address. He further declares that his concealed weapons permit gives his address at a location on St. Andrews Street in Valley Springs and that he has received utility bills for that address. He further states that he is registered to vote in the Fifth District. Relator declares that he owns a business and "several pieces of real property in the Fifth District."

The Directors of the CCWD have presented evidence supporting their claim that relator's residence is located in the City of Lodi, San Joaquin County, including both a 1997 grant deed for the property and a trust deed executed in 1998 to secure a loan listing relator's residence as the Lodi [*3] property. Also presented are reports of witness interviews concerning relator's presence at the Lodi property and his absence from his claimed residence in Calaveras County.

Opinion By: BILL LOCKYER, Attorney General; ANTHONY M. SUMMERS, Deputy Attorney General

Opinion

[**79] ANALYSIS

The first issue to be resolved is whether relator's continued residence within the Fifth District is required during his term of office as a member of the CCWD's governing board. Under the County Water District Law ([Wat. Code, §§ 30000- 33901](#)), a director for the Fifth District of the CCWD must be a "voter" within the Fifth District at the time of his or her election to the board ([Wat. Code, § 30735](#)). Accordingly, he or she must be a "resident" of the Fifth District (see [Elec. Code, §§ 321, 359](#)), which means that within the Fifth District must be that single "place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning" ([Elec. Code, § 349](#), subd. (b); see [79 Ops.Cal.Atty.Gen. 243 \(1996\)](#)).

We have previously determined that in the absence of any statutory expression to the contrary, [*4] a residence requirement for election remains as a condition to the continued right to hold office. ([75 Ops.Cal.Atty.Gen. 26, 28 \(1992\)](#).) Here, [Water Code section 30508](#) provides a slight variation upon this requirement:

"If a director's place of residence, as defined in [Section 244 of the Government Code](#), is moved outside district boundaries or outside the boundaries of that director's division where elected from a division, and if within 180 days of the move or of the effective date of this section the director fails to reestablish a place of residence within the district or within the director's division, it shall be presumed that a permanent change of residence has occurred and that a vacancy exists on the board of directors pursuant to [Section 1770 of the Government Code](#)."

[Government Code section 244](#) in turn provides:

"In determining the place of residence the following rules shall be observed:

[80]** "(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.

"(b) There can only be one residence.

"(c) A residence cannot be lost until another is **[*5]** gained.

"(d) The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of such unmarried minor child.

"(e) The residence of an unmarried minor who has a parent living cannot be changed by his or her own act.

"(f) The residence can be changed only by the union of act and intent.

"(g) A married person shall have the right to retain his or her legal residence in the State of California notwithstanding the legal residence or domicile of his or her spouse."

Government Code section 1770 additionally states in part:

"An office becomes vacant on the happening of any of the following events before the expiration of the term:

"...

"(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged...

"...."

In 81 Ops.Cal.Atty.Gen. 94, 97 (1998), we recently analyzed the meaning of "residence" as that term is used in Government Code section 1770:

"...'Residence' for purposes **[*6]** of Government Code section 1770 means 'domicile, ' a place of physical presence coupled with an intention to make that place one's permanent home; a person may only have one domicile at any given time. (See Walters v. Weed (1988) 45 Cal.3d 1, 7; Smith v. Smith (1955) 45 Cal.2d 235, 239; DeMiglio v. Mashore (1992) 4 Cal.App.4th 1260, 1268; Fenton v. Board of Directors (1984) 156 Cal.App.3d 1107, 1113; 79 Ops.Cal.Atty.Gen. 21, 25-26 (1996); 73 Ops.Cal.Atty.Gen. 197, 208-209 (1990); 72 Ops.Cal.Atty.Gen. 8, 11 (1989).)"

[81]** It is readily apparent that substantial questions of fact and law exist as to whether relator's place of residence complies with the requirements of Water Code section 30508. If it does comply, he has the right to regain his office through quo warranto proceedings.

In 79 Ops.Cal.Atty.Gen. 21 (1996), we considered whether a quo warranto action should be filed where the mayor of the City of Parlier had been removed from office by **[*7]** the city council. The council declared the mayor's office vacant on the ground that he no longer resided in the city and appointed a replacement. We granted the mayor's application to sue in quo warranto to determine whether he had been unlawfully replaced. We stated:

"Applications for leave to sue in quo warranto normally involve a direct challenge to the right of a person to hold public office, usually on the ground that he or she has failed to meet the required qualifications for the particular office, such as a residency requirement. (73 Ops.Cal.Atty.Gen., *supra*, 200.) Here, the challenge is somewhat different in that it does not concern the qualifications of defendant, but rather those of the relator. Was relator subject to an ongoing residency requirement in holding the office of Mayor of Parlier, and if so, did he fail to maintain his status as a legal resident of the city?

"In 73 Ops.Cal.Atty.Gen. 197, *supra*, we determined that a quo warranto action was the proper remedy under circumstances parallel to those presented here. There a school personnel commissioner was removed from office by a school board for failing to maintain his residence **[*8]** within the school district. We granted leave to sue, since the current commissioner's title to the office was dependent upon the legitimacy of the board's prior determination that the office had become vacant. Our analysis relied primarily on the case of Klose v. Superior Court (1950) 96 Cal.App.2d 913. In Klose, the court stated:

"... where [an] appointing power considers a vacancy in office to exist, it may appoint a successor, without proceedings to declare the vacancy to exist, and that when it does so appoint [,] the official succeeded may by quo warranto question whether there was any vacancy.' ([Id., at p. 917.](#))" ([Id., at pp. 22-23.](#))

PUBLIC INTEREST

As a general rule, we have viewed the existence of a substantial question of fact or law as presenting a sufficient "public purpose" to warrant the **[**82]** granting of leave to sue. Accordingly, leave will be denied only in the presence of other overriding consideration. ([81 Ops.Cal.Atty.Gen. 94, 98 \(1998\).](#)) We find no countervailing considerations herein. Whether relator's residence within the Fifth District, both past and present, satisfies **[*9]** the requirements of [Water Code section 30508](#) is a matter for judicial resolution.

Accordingly, the application for leave to sue in quo warranto is GRANTED.

Load Date: 2014-10-04

CA Attorney General Opinions

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**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
MINUTES
OCTOBER 15, 2020**

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Thursday, October 15, 2020, at 5:30 p.m., via videoconference and teleconference.

1. Convene Meeting 5:30 p.m.

Roll Call: Director Fultz, Director Henry, Director Moran and President Swan were all present. Director Farris was absent.

Staff: R. Rogers-District Manager, G. Nicholls-District Counsel, H. Hossack-District Secretary

2. Additions and Deletions to Closed Session Agenda: None

3. Oral Communications Regarding Items in Closed Session: None

4. Adjournment to Closed Session: 5:31 p.m. (District Counsel noted that Director Farris was present for the Closed Session.)

a. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager

b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 022-601-05, commonly known as Manana Woods Well and Water Treatment Facility
Agency negotiator: Rick Rogers, District Manager and Gina Nicholls, District Counsel
Negotiating party: Scotts Valley Water District
Under negotiation: Price and terms of payment

c. CONFERENCE WITH LEGAL COUNSEL - ANITICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2),(3)
One Case

5. Convene to Open Session at 6:34 p.m.
6. Report of Actions Taken in Closed Session: President Swan announced that there were no reportable actions.
7. Additions and Deletions to Open Session Agenda: None
8. Oral Communications: None
9. Unfinished Business:
 - a. CZU WILDFIRE DAMAGE ASSESSMENT REPORT
R. Rogers introduced this item and shared the damage assessment report from Sandis Engineering.

J. Furtado said that the crew is working to get Big Lyon back into service.

R. Rogers said that the District and consultants are trying to determine the best way to replace piping.

B. Fultz questioned the replacement piping and the cooking of underground pipes.

R. Rogers said that fire should not impact the pipes.

Discussion by staff and Board regarding buried pipes.

R. Moran questioned what is happening to the hazardous material once it is removed.

J. Furtado responded with the process for disposal.

L. Henry questioned how ductile iron pipes are connected.

J. Furtado said that the pipes have gaskets but they are buried and it is believed that the buried gaskets are not effected by fire.

T. To asked if iron pipes rust.

R. Rogers said the pipes are lined and wrapped.

T. To asked if the pipes will survive earthquakes.

R. Rogers said during the 1989 earthquake there was no damage or leaks to the ductile piping.

Roll Call: Dir. Farris, Dir. Fultz, Dir. Henry, Dir. Moran, Pres. Swan were all present and were present when the Board reconvened at 6:3 p.m.

Staff: R. Rogers, J. Furtado-Director of Operations, N. Nicholls, N. Gillespie-Water Treatment & Systems Supervisor, C. Blanchard-Environmental Planner, H. Hossack

b. CZU WILDFIRE WATER QUALITY UPDATE
Rogers introduced this item and read the memo.

N. Gillespie said that he had nothing to add but was available to answer questions.

S. Swan questioned what sort of communication has been going on with the affected residents regarding the lifting of the DND/DNB order.

N. Gillespie responded that the District put out a notification to the affected customers with the process the District goes through to lift the order. Step one is background data. Step two is removal of all service laterals. Step three is water sampling of the affected zone. Then the District will present our case for removal of the water notice. This is all contingent on favorable lab results.

R. Rogers noted that the District is getting ready to update the website with additional mapping to show where the zones are. Then there will be a long-term VOC monitoring plan.

N. Gillespie at a minimum the VOC monitoring will continue until December of 2022.

J. Furtado noted that all Riverside Grove connections have been disconnected from all of the burnt homes and testing was done. We are now waiting for test results. Connections are being disconnected in the West Park area now and should be done this week. The District is on track to lift the order on October 28, 2020.

S. Swan questioned the format for the communication to the public.

N. Gillespie responded that the communication was posted on the website and on Facebook.

R. Moran questioned if the laterals that were removed went to burnt houses.

J. Furtado said that the laterals that were removed went to destroyed homes. Each resident received a letter regarding new service laterals inviting them to work with the District to get their new meters set.

R. Rogers added that the customer will not be charged the monthly charge until they start using water.

R. Moran asked how many homes were burnt.

S. Hill responded that approximately 120 homes were lost.

B. Fultz questioned if the 330 in the Do Not Zone includes the homes that were burned.

J. Furtado said that it doesn't include all of the homes that were burned. In some cases the whole mainline system was replaced resulting in early lifting of DND/DNB to homes that were burned.

B. Fultz is trying to determine how many customers are off line due to damage to homes and how many are off line due to the Do No notice.

R. Rogers said the numbers will be easy to put together. However, he is not sure if all of the homes have been repopulated.

B. Fultz said that there is a financial impact to the District for the DND/DNB notice by limiting water.

J. Furtado noted that some customers that repopulated 2 months ago and are still in the DND/DNB.

Discussion by the Board and staff regarding DND/DNB customers and pressure zones.

T. To said that the mail is not getting to addresses in fire affected areas in a timely manner.

J. Furtado responded that while the crews were working in the field they would hand letters to customers.

T. To said it would be nice to have compensation for water that is not potable.

10. New Business:

a. BOTTLED WATER AND WATER FILLING STATION

R. Rogers introduced this item and read from the memo.

B. Fultz questioned if the end of the year is long enough for the filling station or should the District make it more permanent.

R. Rogers said that there has been a lack of communication with with other water providers. We don't know where they stand in getting back into water service.

J. Furtado noted that the County said that the other water providers aren't communicating with them either.

Discussion by the Board and staff regarding bottled water and filling station.

S. Swan announced that he has sold his home and moved out of state. He will loose qualifications to serve on the Board and will be resigning.

11. Consent Agenda:

Nothing was questioned by the Board in the Consent Agenda.

12. District Reports:

DEPARTMENT STATUS REPORT

Receipt and consideration by the Board of Department Status Reports regarding ongoing projects and other activities.

- Environmental
- Operations
- Finance
- Legal

• COMMITTEE REPORTS

- Future Committee Agenda Items
- Committee Meeting Notes/Minutes
 - SMGWA Meeting Summary - 9.24.20

• DIRECTORS REPORTS

- Director's Communication
- Future Board of Directors Meeting Agenda Items

L. Farris questioned Environmental and Finance status reports.

Discussion by the Board and staff regarding status reports.

13. Written Communication:

- Email from L. Prather dated 9.28.20
- Petitions from N. Naccari received 10.2.20

14. Informational Material: None

15. Adjournment 7:40 p.m.



**SPECIAL MEETING
BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
MINUTES
October 21, 2020**

MISSION STATEMENT: Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Wednesday, October 21, 2020 at 6:30 p.m.

MINUTES

1. Convene Meeting 6:30 pm

Roll Call: Pres. Swan, Vice Pres. Henry, Dir. Fultz, Dir. Farris and Dir. Moran were all present.

Staff: G. Nicholls-Dist. Counsel and R. Rogers-Dist. Manger,

2. New Business:

- a. **LANDSLIDE AND DEBRIS FLOW HAZARD CONDITIONS**
Discussion and possible action by the Board regarding landslide and debris flow hazard conditions now threatening the San Lorenzo Valley, caused by the recent CZU Lightning Complex Wildfire.

R. Rogers introduced this item and read from the memo.

S. Swan questioned the status of the Watershed Task Force reaching out to the District.

R. Rogers said that the meeting was facilitated through the County with Supervisor McPherson's office taking the lead. Another meeting is scheduled for October 27th.

B. Fultz questioned what would be the appropriate actions to be taken by the residents and business owners of Boulder Creek in regard to the proximity to dangerous conditions.

R. Rogers said that he can't answer that at this time. The County is working on evacuation mapping.

Discussion by the Board and staff regarding appropriate actions to be taken.

L. Henry questioned the availability of a geologist to work with us.

R. Rogers said that is a possibility.

L. Henry asked if we are getting cooperation from the County.

R. Rogers responded that we are receiving a lot of cooperation with the County to determine if a project is needed and to develop a project.

L. Henry said this is sounding very scary for our community.

R. Rogers said that a lot more information will be coming from the County.

R. Moran thanked the Dist. Manager for being proactive. He was concerned about safety when we try to control nature. He thinks that information getting out to the public regarding safety is the most important facet of the program.

R. Rogers said that the County is focused on early warning for the community.

R. Moran said that rain up here in the mountains is unpredictable and he's happy to see that the County is aware of the possibilities.

S. Swan questioned if the County has developed a plan for public awareness.

R. Rogers said that the County is working on it. He added that he cannot answer technical questions but the meeting is being recorded and we will try to get answers to all questions.

B. Fultz questioned if we can have another meeting on this topic next week.

R. Rogers said that we can do that and Supervisor McPherson is also planning to address this information in a public meeting.

G. Mahood she said that she does not agree with the District/County trying to try to manipulate nature. The early warning is a better plan. Do not take responsibility for an act of God.

L. Ford said he'd like to hear discussion regarding the District protecting its own infrastructure. Our first concern should be to deliver safe water to our rate payers.

G. Nicholls requested that the public address and not use the Chat feature on the Zoom meeting.

E. J. Armstrong said that he appreciates the District. Find somebody to be the point person in this and concentrate on the water district.

B. Thomas questioned whether or not the Fire Dept. and School District are involved.

R. Rogers said that he doesn't know about the School Dist. but the Fire Departments are very involved.

B. Thomas said that she thinks we cannot solely look at the liability.

S. Swan asked if there are plans specifically addressing the District infrastructure.

R. Rogers said that yes, the District is working on diversion control and hardening our structures.

L. Farris questioned if there is an early warning system in place to give us time to evacuate.

R. Rogers said the County is working with USGS to install rain gauges throughout the District.

L. Farris said we should also monitor earth movement.

B. Fultz said safety and property protection is important to Government agencies. Liability is an issue if nothing is done, also.

L. Henry said that there are no easy answers here. This is an act of God we are talking about. What can be done to stop someone from suing the District?

S. Swan we are asking legal questions and we have a legal scholar on the phone.

G. Nicholls hesitates to comment. The key is what can the District do?

S. Swan have you encountered similar situations?

G. Nicholls said that she can try to research that. She believes that the District is doing the best she can with the situation by working with other agencies.

R. Moran said that he thinks that early warning is hard. Debris flows, in his experience, are quick. He thinks an aggressive education program, keeping people informed will be doing something. He lived through a debris flow when he was a child. Make sure that people are safe.

B. Fultz agreed with Dir. Moran. The difference is that we have been informed that there will be a debris flow. The District, the County, and the State need to step up to protect life and property.

L. Farris said soil saturation leads to mudflow. How can we monitor soil saturation?

G. Mahood responded to questions regarding monitoring devices for early warning. The best thing to do is evacuate.

M. Smolley made a comment as a geologist. He said he would identify the areas that are likely to have debris flows, educate the public, and have them prepared to evacuate. K-rail will only work with a very limited debris flow. Educate the public, prepare to evacuate for this season. In the longer term, the District should be looking at other measures.

B. Fultz questioned what should we be educating the public about.

L. Farris made a recommendation that the Engineering Committee schedule a meeting.

Discussion by the Board and staff regarding the Engineering Committee Special meeting.

B. Fultz said that we shouldn't minimize the potential of losing a home.

Discussion by the Board and staff regarding a recommendation by the Board and other agencies.

J. Sherman said that she is on the call tonight to find out about what is happening in individual neighborhoods. Where are the dangers?

J. Furtado said that the County has a map of debris flow potential. Our focus is on our watershed.

G. Mahood said if you look at the WERT report in the agenda you can find your neighborhood.

R. Rogers said that we will be setting up another meeting to keep the Board informed.

3. Adjournment 8:04 pm

Here is a link to the recording of the meeting:

<http://communitytv.org/watch/government-demand/>

M E M O

TO: Board of Directors

FROM: District Manager

PREPARED BY: Finance Department

SUBJECT: MULTIPLE USER VARIANCE RENEWALS FOR 2020/2021

DATE: November 5th,2020

RECOMMENDATION:

It is recommended that the Board of Directors review this memo and approve a one-year variance from Multiple User Status for the following property owners:

015953-000	006838-000	012426-000	006901-000	006179-000
006282-000	006855-000	014614-000	006933-000	013174-000
006337-000	006979-000	015705-000	006934-000	
006497-000	007223-000	006196-001	007194-000	
006512-000	007704-000	006432-000	008357-000	
006560-000	009988-000	006498-000	013523-000	
006659-000	010935-000	006643-000	016441-000	

BACKGROUND:

The Customer Service Department has completed its annual review of the accounts that have been given a variance from Multiple User Status, as provided in the District’s Utility Billing Policy. Those who qualify for the exemption are charged the 5/8” monthly basic fee as a single-family dwelling, while those who are multiple users are charged 1” monthly basic service fee.

Two (2) accounts were removed from the variance list because the property changed ownership, the unit was found to be a permanent single-family dwelling both units are occupied, or because the owner failed to send back the necessary compliance form. It is recommended that the accounts listed above be approved for a one-year variance from Multiple User Status. A resolution is attached.

FISCAL IMPACT:

Less than \$7,000

RESOLUTION NO. 6 (20-21)

SUBJECT: MULTIPLE USER VARIANCE RENEWALS FOR 2020/2021

WHEREAS, the Customer Service Department has completed its annual review of the accounts that have been given a variance from multiple user status as provided in the Utility Billing Policy; and

WHEREAS, those accounts who qualify for the exemption are charged the 5/8" meter monthly basic fee as a single family dwelling, while those who are multiple users are charged a 1" meter monthly basic service fee; and

WHEREAS, the Board of Directors has reviewed the multiple users variance list and desires to grant approval of a one-year variance from multiple user status;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the San Lorenzo Valley Water District that the accounts listed on the attached multiple user variance list be granted approval of a one-year variance from multiple user status.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of CA, on the 5th day of November, 2020 by the following vote of the members thereof:

AYES:
NOES:
ABSTAIN:
ABSENT:

Holly Morrison, District Secretary
San Lorenzo Valley Water District

MEMO

To: District Manager
From: Acting Engineering Manager
Subject: October 2020 Engineering Department Monthly Report
Date: November 5, 2020

Recommendation:

It is recommended that the Board of Directors review and file the Engineering Department Monthly Report for October 2020.

Projects in Construction:

Lompico Tank Replacement: Work on the Lompico Tank Replacement Project with our contractor, Anderson Pacific, is continuing. Lewis tank site, the two new tanks are erected and final touches are being complete to begin filling. System Piping, Paving, and Fencing are in progress. Madrone tank site, the two new tanks have been filled and tested, they are in progress of being put in to beneficial use. Paving and Fencing are in progress along with power for communications. The contractor will be moving in to the Kaski site to begin Demo and excavation in the beginning of November. Great progress is being made on this project and is on schedule.

2020 Pipeline Replacement Project: The Hillside and Reynolds site in north Boulder Creek is progressing. Trenching and main line pipe placement has been complete. Pressure testing, final connections, Hydrant runs, and service laterals will be complete in the first two weeks of November.

California Drive site in Ben Lomond is in process. The contractor has started staging, saw cut the asphalt for the layout of the piping, and is in progress of potholing all existing services and utilities. Trenching and piping is planned to begin the first week of November.

Projects in Design:

Water Master Plan: Akel Engineering is progressing with the District Water Master Plan. We are currently waiting on the collected District wide data to be populated in to the Plan. Completion of the Water Master Plan is forecasted for December 2020.

Glen Arbor Bridge Water Main Replacement Project: Work on the design of the Glen Arbor Pipeline is continuing. Preliminary alignment plans have been submitted by the designer and reviewed by staff. The consultant is working with County and State personnel regarding encroachment permits.

Redwood Park (Swim) Tank Replacement: Environmental review for the tank project has been in process. A draft IS-MND was submitted to the District for review, the review is complete and all information was forwarded back to Rincon Environmental. Work is continuing and progressing.

Lyon Slide Project: Contracts have been signed and a Notice to Proceed has recently been issued to Rincon Environmental for the environmental review of the Lyon Slide Project. A draft IS-MND was submitted to the District for review, and District staff is in progress of review.

 **NOSSAMAN** LLP | Memorandum

TO: Board of Directors,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, District Counsel

DATE: November 5, 2020

RE: Legal Department Status Report
502665-0001

I have been asked by the San Lorenzo Valley Water District (“District”) to provide information about the District’s legal expenditures in a format that is suitable for public disclosure.¹ Since the last legal department status report dated October 15, 2020, the most significant broad categories of expenses arise from providing legal advice and support in the following areas, listed in descending order of their approximate significance in terms of cost to the District:²

- Issues related to debris flow response
- Board meetings
- Personnel/employment
- District policies & procedures
- Contracts & real property
- Insurance coverage & FEMA funding
- Other

¹ Legal work performed for the District is confidential and privileged. Accordingly, the information provided herein is written in broad and general terms to avoid waiver and any disclosures that might compromise the District’s interests in pending or future legal matters.

² List includes general and special counsel work by Nossaman and other law firms, if any, representing the District; however, it excludes any such work performed by counsel appointed and paid by the District’s insurance providers (i.e., counsel not paid by the District).

Memorandum
November 5, 2020
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The most significant areas of effort over the next month are likely to include the following:

- Contracts & real property
- District policies & procedures
- Board meetings
- Insurance coverage & FEMA funding
- Personnel/employment

https://www.ttownmedia.com/press_banner/remaining-do-not-drink-do-not-boil-orders-lifted/article_982637c8-1963-11eb-ac59-0bc8abe02708.html

Remaining 'Do Not Drink-Do Not Boil' orders lifted

Staff report
Oct 30, 2020



The San Lorenzo Valley Water District (SLVWD), in conjunction with the State Water Resources Control Board, announced on Oct. 23 the cancellation of the “Do Not Drink-Do Not Boil” notice in all of its service areas.

Customers may resume using tap water for drinking, cooking and all other normal uses.

The newly-added cancellation areas include: All services west of the Hwy 236/Peone Drive intersection, including West Park Avenue, Boulder Brook Drive; Virginia Avenue; Ridge Drive.

Updated “Do Not Drink-Do Not Boil” orders maps can be found at bit.ly/2TmP01Y.

“The District’s water supply is non-detect for contaminants from the August CZU Lighting fire. The DND-DNB release occurred sooner than anticipated (due) to our staff’s tireless work sampling water quality and restoring the water distribution system,” Rick Rogers, SLVWD Manager said in a press release. “With the DND-DNB order lifted, the District can shift all of its focus to repairing the remaining fire damage...The Board of Directors and I want to sincerely thank all of our customers for their patience and understanding during this emergency. It is a pleasure to serve such a wonderful community.”