President Daniels called the regular meeting to order at 6:02 pm via Zoom teleconference.

Mr. Nelson provided an update on the temporary Brown Act changes due to COVID-19. He reviewed the District’s remote Board Meeting procedures and the public comment process. He emphasized that the District will continue to comply with State executive orders and implement best practices.

1. **CALL TO ORDER AND ROLL CALL**
   **Board Members Present:**
   Dr. Bruce Daniels, President
   Rachél Lather, Vice-President
   Carla Christensen
   Dr. Bruce Jaffe
   Dr. Thomas LaHue

   **District Counsel:**
   Joshua Nelson, District Counsel

   **Staff Members Present:**
   Ron Duncan, General Manager
   Shelley Flock, Conservation and Customer Service Field Manager
   Taj Dufour, Engineering Manager
   Leslie Strohm, Finance Manager
   Traci Hart, Human Resources Manager
   Christine Mead, Operations & Maintenance Manager
   Melanie Mow Schumacher, Special Projects-Communications Manager
   Emma Olin, Executive Assistant/Board Clerk
   Greg Wilson, Water Quality Program Coordinator
   Rebecca Rubin, Public Outreach Coordinator

   **Others Present:**
   3 members of the public

2. **PUBLIC HEARING** - None

3. **ANNOUNCEMENT BY BOARD MEMBERS OF ITEMS REMOVED FROM CONSENT AGENDA**

   Director Christensen requested that Items 4.6 and 4.8 be removed from the Consent Agenda for discussion. She noted that a public member also requested that Item 4.8 be removed for discussion.
Director Jaffe requested that Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.7, 4.10 and 4.11 be removed from the Consent Agenda for discussion. He stated that a public member requested that these items be removed for discussion.

President Daniels removed Consent Agenda Items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10 and 4.11.

4. CONSENT AGENDA

MOTION: Director LaHue; Second: Director Jaffe; To approve Consent Agenda Item 4.9. Motion passed by unanimous roll call vote.

4.1 Approval of Minutes
   4.1.1 March 3, 2020 – Regular Meeting Minutes
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.2 Board Planning Calendar
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.3 Special Board Assignments Status Report
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.4 General Manager Purchase Order Approval
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.5 February Warrants
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.6 Production Reports
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.7 Consider Approval of Scopes of Work for Professional Consulting Services related to the Pure Water Soquel Program
   Action: Removed from Consent; Discussed; Discussed at the end of Administrative Business

4.8 Annual Update on Water Supply Conditions and Request for Board Approval to Continue Under Current Stage 3 Water Shortage Stage Declaration per Resolution No. 19-08
   Action: Removed from Consent; Discussed at the end of Administrative Business

4.9 Reinstate the April 21, 2020 Board Meeting
   Action: Approved

4.10 Adopt Resolution 20-11, Cal-OES Form 130, Designation of Soquel Creek Water District’s Agent Resolution for Non-State Agencies
   Action: Removed from Consent; Discussed at the end of Administrative Business

5. ORAL AND WRITTEN COMMUNICATIONS (items not on the Agenda)

Written communications addressed to the Board are available online.

One public comment was heard.
Director LaHue expressed support for reviewing the landscape plans for Granite Way Well. Director Jaffe stated a discussion of the aesthetics of District facilities is planned to be agendized.

6. **REPORTS** – None

7. **ADMINISTRATIVE BUSINESS**

7.1 Conditional and Unconditional Will Serve Letters – None

7.2 Provide Update and Request Board Direction Regarding District Response to COVID-19, and Adopt Resolution 20-12, Proclaiming Local Emergency and Delegating Authority

Mr. Duncan provided an update on the District’s response to the COVID-19 pandemic. He discussed the following:
1. Temporary changes to the Brown Act for conducting public meetings
2. Modifications to staff workflow
3. Modifications to customer service (waiving of late fees, no water shutoffs, etc.)

Mr. Duncan emphasized the importance of communication during this time.

Mr. Duncan stated that this item is presented to solicit any Board input/direction on the District’s response and adopt Resolution 20-12, declaring a local emergency. He stated that this item also asks for input on the District’s Continuity of Operations Plan (COOP), which is applicable for other disruptions and emergencies including and beyond COVID-19.

One public comment was heard.

Board discussion ensued, and Mr. Duncan and Mr. Nelson responded to a variety of Board questions.

There was consensus among the Board that if they are unable to meet then to to delegate authority in the following order (if the Board President and/or Vice-President are unable to provide policy guidance to staff): 1) the previous District Board President, and 2) the District Board Member who has served the longest amount of time on the Board, and so forth by Board seniority. Mr. Duncan confirmed that this direction will be incorporated in Resolution 20-12.

Director Jaffe discussed the possibility of waiving all late fees and not requiring customers to contact staff. Board discussion ensued.

Ms. Strohm confirmed that staff is working with customers to establish payment plans (for up to 12 months), and water will not be shutoff due to nonpayment. She stated that there is appropriate staffing for an influx of customer service calls.

Mr. Duncan explained that the COVID-19 pandemic is an evolving situation, and the Board may adjust its policy modifications as appropriate.

Director Jaffe suggested that staff make the District’s COVID-19 response (and waiving of late fees) more prominent on the District’s website and home page.
MOTION: Director Christensen; Second: Vice-President Lather; To adopt Resolution 20-12, declaring a local emergency and making the following determinations a-d below.

a) if the Board is not able to meet during to emergency situations then authority will be delegated to the Board President and Vice-President and both must agree to the course of action; and

b) if the Board President and/or Vice-President are unable to provide policy guidance to staff, authority will be delegated in the following order: 1) the previous District Board President, and 2) the District Board Member who has served the longest amount of time on the Board, and so forth by Board seniority.

c) triple the procurement policy limit for the Finance/Business Manager and the General Manager. (At the current time this would result in the Finance/Business procurement limit increasing from $25K to $75K, and for the General Manager from $50K to $150K); and

d) designate the District’s General Manager or designee, acting as the Director of Emergency Services, is hereby authorized to declare that any of the District’s current or future public works projects constitute an Essential Governmental Function under the terms of the County of Santa Cruz’s shelter-in-place order dated March 31, 2020 as it may be amended or any future similar order issued by a regulatory agency;

Motion passed by unanimous roll call vote.

MOTION: Director Christensen; Second: Director LaHue; To direct staff to also incorporate 1a, the version of 1b that is approved, and 1c into the COOP, so they may be implemented during other emergencies too; Motion passed by unanimous roll call vote.

MOTION: Director Christensen; Second: Director Jaffe; To direct staff to update the website making the District’s COVID-19 response (and waiving of late fees) more prominent on the home page and other areas as needed. Motion passed by unanimous roll call vote.

Mr. Nelson stated that the Board’s direction on 1(b) above will be incorporated in Resolution 20-12.

7.3 Seawater Intrusion Prevention (SWIP) Recharge Project of the Pure Water Soquel Program, CWO 20-3000, Adopt Plans and Specifications, Call for Bids and Adopt Findings of Project Substantially Complex

Mr. Dufour reviewed Item 7.3, stating that the bid documents are ready to be released for the Seawater Intrusion Prevention (SWIP) Recharge Wells Project of the Pure Water Soquel Program. He highlighted the following:

- The procurement method for the project is traditional design, bid, build (DBB);
- The Engineer’s estimate is $1,847,000;
- The recharge wells will be constructed similarly to the Twin Lakes Church Well.

One public comment was heard.

Director Christensen discussed the outreach efforts for nearby residents (e.g. Montessori school). Mr. Dufour stated that there are mitigation measures in place to minimize impacts. Mr. Duncan confirmed that staff is in communication with the school.
Director Christensen discussed the possibility of modifying the gate at the pickleball court at Willowbrook during well construction. Mr. Dufour stated that the site plans are not finalized, noting the court is in a county park.

**MOTION:** Director LaHue; Second: Director Christensen; To adopt Resolution No. 20-13 adopting plans and specifications for the Seawater Intrusion Prevention Recharge Wells Project of the Pure Water Soquel Program, CWO 20-3000; Motion passed by unanimous roll call vote.

**MOTION:** Director LaHue; Second: Director Christensen; To adopt Resolution No. 20-14 setting prevailing wages and calling for bids for Seawater Intrusion Prevention Recharge Wells Project of the Pure Water Soquel Program, CWO 20-3000. Motion passed by unanimous roll call vote.

**MOTION:** Director LaHue; Second: Director Christensen; To adopt Resolution No. 20-15, to approve the findings and consider the Seawater Intrusion Prevention Recharge Wells Project of the Pure Water Soquel Program, “substantially complex,” and authorize a retention amount for progress payments of ten percent (10%). Motion passed by unanimous roll call vote.

7.4 Headquarters Office Trailer—Approve Preliminary Environmental Assessment & Categorical Exemption

Mr. Dufour stated that the Board approved the purchase of an office trailer to meet the demand for additional office space at the District’s headquarters at the May 7, 2019 Board Meeting. He stated that staff is now requesting Board approval of the preliminary environmental assessment and finding of a Categorical Exemption for the addition of an office trailer to the District’s headquarters and direct staff to file the appropriate documents with the County.

**MOTION:** Director Christensen; Second: Vice-President Lather; To approve the Preliminary Environmental Assessment and finding of a Categorical Exemption for the Addition of an Office Trailer to the District’s Headquarters and direct Staff to file a Notice of Determination and Notice of Exemption. Motion passed by unanimous roll call vote.

**MOTION:** Director Christensen; Second: Vice-President Lather; To approve the installation of a Soquel Creek Water District office trailer, with the approximate dimensions of 24ft x 60ft, at the District Headquarters as shown on Attachment 4. Motion passed by unanimous roll call vote.

7.6 Authorize Entering into a Professional Services Agreement for Operations and Maintenance At-Risk (OMAR) Services for Phase 1 of the Pure Water Soquel Advanced Water Purification Facility Project – discussed out of order

Ms. Mow Schumacher stated that Item 7.6 is presented to the Board to request authorization to enter into an agreement with CH2M Hill Engineers, Inc., for Operations and Maintenance At-Risk Services (OMAR) for Phase 1 of the Advanced Water Purification Facility Project. She noted that CH2M Hill Engineers, Inc. is a subsidiary of Jacobs Engineering Group.

Ms. Mow Schumacher reviewed the procurement and selection process used to recommend the OMAR team.

Ms. Mow Schumacher reviewed the scope of work for Phase 1 of the project. She noted that the fixed monthly retainer for OMAR Phase 1 is included in Attachment 2 (the staff memo incorrectly states Attachment 1).
Ms. Mow Schumacher stated that the cost for Phase 1 of the Treatment Facilities Project is an amount not to exceed $300,000. This is included in the Fiscal Year 2019/2020 Budget.

One public comment was heard.

There was consensus among the Board to authorize the agreement with CH2M Hill Engineers, Inc., subsidiary of Jacobs Engineering Group and approve the scope of work.

President Daniels noted that the City of Santa Cruz is currently working with the District on the design committee.

MOTION: Director LaHue; Second: Director Christensen; To authorize the Board President to sign the Professional Services Agreement for Operations and Maintenance At-Risk Services (OMAR) for Phase 1 of the Advanced Water Purification Facility Project with CH2M Hill Engineers, Inc., subsidiary of Jacobs Engineering Group. Motion passed by unanimous roll call vote.

MOTION: Director LaHue; Second: Director Christensen; To approve the Scope of Services, as presented in Attachment 1, and authorize the General Manager to sign a purchase order in the amount not to exceed $300,000. Motion passed by unanimous roll call vote.

7.5 2019 Consumer Confidence/Water Quality Report – discussed out of order

Ms. Mead introduced Mr. Wilson, the District’s Water Quality Program Coordinator.

Mr. Wilson reviewed the draft 2019 Consumer Confidence/Water Quality Report. He reported that the District’s water met all established drinking water health standards set by the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (SWRCB).

Mr. Wilson stated that the SWRCB requested the following changes prior to submittal:
- Standardize units in tables
- Update Spanish language statement on first page

One public comment was heard.

Ms. Mead and Mr. Wilson responded to public comment.

In response to a question posed by President Daniels regarding the Unregulated Contaminant Monitoring Rule data, Mr. Wilson explained that the data in the report is from past year’s data. He stated that because the SWCRB recommends reporting the data for five years, the data was included in the report. Regarding the 1-butanol, subsequent tests were non-detect, so it is not an active concern. The haloactic acids are an expanded set of compounds from the normal monitoring, and the results are in line with concentrations regularly detected.

Director Christensen thanked staff for the good report, stating that it is informative and clear. She suggested that the report include additional information about the water transfer with the City of Santa Cruz in the footnote (specifically addressing water quality during the transfer). Mr. Duncan agreed.
MOTION: Director Christensen; Second: Director Jaffe; To approve the 2019 Consumer Confidence/Water Quality Report and direct staff to include additional information about the water transfer with the City of Santa Cruz in the footnote. Motion passed by unanimous roll call vote.

4. CONSENT AGENDA - ITEMS REMOVED FOR DISCUSSION

4.1 Approval of Minutes

4.1.1 March 3, 2020 – Regular Meeting Minutes

One public comment was heard.

Mr. Nelson explained that the District’s maintains “action” minutes, and he recommended approval of the March 3, 2020 minutes.

Director Christensen noted a typo on Page 2 of the minutes (spelling of announcement).

MOTION: Director LaHue; Second: Director Christensen: To Approve Item 4.1: March 3, 2020 – Regular Meeting Minutes. Motion passed by unanimous roll call vote.

4.2 Board Planning Calendar

Director LaHue noted an error in the calendar. He stated the Santa Cruz Mid-County Groundwater Agency (MGA) meeting will be held on June 18, 2020 (not on May 21, 2020).

One public comment was heard.

INFORMATION ONLY

4.3 Special Board Assignments Status Report

One public comment was heard.

INFORMATION ONLY

4.4 General Manager Purchase Order Approval

One public comment was heard.

INFORMATION ONLY

4.5 February Warrants

One public comment was heard.

MOTION: President Daniels; Second: Director LaHue: To Approve Item 4.5 February Warrants. Motion passed by unanimous roll call vote.
4.6 Production Reports

Director Christensen discussed low rainfall in February, and she noted an increase in water production.

Director Jaffe asked if customers are using more or less water during the shelter-in-place due to COVID-19. Mr. Duncan stated that the production data for this period is still being collected.

INFORMATION ONLY

4.7 Consider Approval of Scopes of Work for Professional Consulting Services related to the Pure Water Soquel Program

One public comment was heard.

MOTION: Director Jaffe; Second: Director LaHue: To authorize the Board President to amend the existing professional consultant services agreement with Montgomery & Associates, approve the FY 2019–2020 Scope of Work as presented by Montgomery & Associates, and authorize the General Manager to sign a purchase order in the amount not to exceed $68,864. Motion passed by unanimous roll call vote.

MOTION: Director Jaffe; Second: Director LaHue: To authorize the Board President to amend the existing professional consultant services agreement with Hanson Bridgett, approve the FY 2019–2020 Scope of Work as presented by Hanson Bridgett, and authorize the General Manager to sign a purchase order in the amount not to exceed $39,250. Motion passed by unanimous roll call vote.

4.8 Annual Update on Water Supply Conditions and Request for Board Approval to Continue Under Current Stage 3 Water Shortage Stage Declaration per Resolution No. 19-08

Ms. Flock reviewed Item 4.8, which requests Board authorization to continue the Stage 3 Water Supply Shortage (with associated 25% curtailment target and demand reduction measures) and no emergency rates.

One public comment was heard.

Board and staff responded to public comment.

MOTION: Director LaHue; Second: Director Jaffe: To retain (and do not rescind) current Resolution No. 19-08 Declaring a Stage 3 Water Supply Shortage (with Associated 25% Curtailment Target & Demand Reduction Measures) and no Emergency Rates Motion passed by unanimous roll call vote.

4.10 Adopt Resolution 20-11, Cal-OES Form 130, Designation of Soquel Creek Water District’s Agent Resolution for Non-State Agencies

One public comment was heard.

Mr. Nelson explained that this is a standard resolution to file the California Office of Emergency Services (Cal-OES) Form130, which ensures that the District is eligible for Federal Emergency Management Agency (FEMA) reimbursement.

Mr. Duncan emphasized that FEMA reimbursement helps District customers.
MOTION: Director Jaffe; Second: Vice-President Lather: To adopt Resolution 20-11, Cal-OES Form 130, Designation of Soquel Creek Water District’s Agent Resolution for Non-State Agencies, and designate the General Manager, the Finance and Administrative Services Manager and the Supervising Accountant as the District’s authorized agents. Motion passed by unanimous roll call vote.

8. CLOSED SESSION

8.1 Conference with Legal Counsel – Pending Litigation Pursuant to Government Code Section 54956.9(d)
123-TCP
San Bernardino Superior Court Case No. CGC-16-554039, Judicial Council Coordination Proceeding No. 4435
(Soquel Creek Water District v. The Chemical Company, et al.)

8.2 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code section 54956.9(d)(1)
Santa Cruz County Superior Court Case No. 19 CV00181; CA Sixth District Court of Appeals Case No. 19AP00031
(Steinbruner vs. Soquel Creek Water District et al.)

At 8:13 pm, President Daniels announced that the Board will meet in closed session to discuss Items 8.1 and 8.2.

One public comment was heard prior to the start of closed session.

Mr. Duncan responded to public comment.

CONVENE TO CLOSED SESSION – 8:16 pm

RETURN TO OPEN SESSION – 9:36 pm

President Daniels adjourned the closed session and returned to open session at 9:36 pm.

Ms. Rubin reported that the Board discussed Items 8.1 and 8.2 in closed session. No action was taken.

9. ADJOURNMENT

President Daniels adjourned the meeting at 9:36 pm.

SUBMITTED: 

Emma Olin, Board Clerk

APPROVED:

Dr. Bruce Daniels, President