

REGULAR BOARD MEETING MINUTES
July 21, 2021
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Kathy Hoffman, President
Rebecca Kujawa, Vice President
Charlie Johnson, Director
Deborah Philips, Director
Mark Roberts, Director

Board Members Absent: None

Staff Present: Don Bartz, General Manager
George Cardenas, Engineering Manager
Sean Wright, Water Operations Manager
Kim Ward, HR Manager/Executive Secretary
Jennifer Oakes, Water Conservation Program Admin.

District Counsel: Steve Kennedy, General Counsel (Zoom)

REGULAR BOARD MEETING – 6:00 p.m.

Call to Order

President Hoffman called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Directors were present at Roll Call.

1) Approval of Agenda

Mr. Bartz requested to remove Item 6i. Director Philips moved to approve the Agenda as amended. President Hoffman seconded the motion. Motion carried 5-0.

2) Public Comment

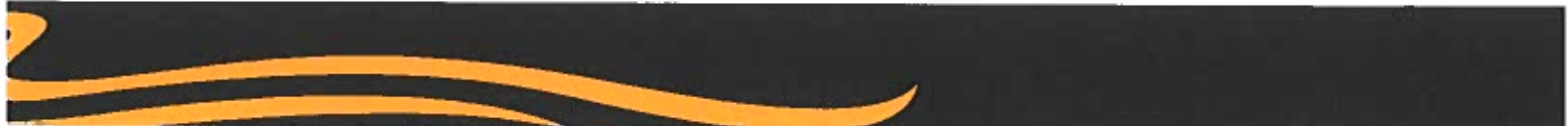
a) **General Public** – None

b) **Community Reports**

- **County Supervisor** – Samuel Shoup, Field Representative for Supervisor Cook, did not have anything new to report but answered questions from the Board.

3) Consent Items

Director Roberts moved to approve the Consent Items. Vice President Kujawa seconded the motion. Motion carried 5-0.



4) Matters Removed from Consent Items

None

5) Presentations/Appointments

None

6) Continued/New Agenda Items**a) Public Hearing on Standby & Availability Fees for 2021/2022**

President Hoffman declared the public hearing open at 6:06 p.m.

1. Secretary's Report

Ms. Ward reported that the District received zero written protests, objections, or comments, relating to the water standby and availability fees.

2. Attorney's Report on Action Taken Prior to this Hearing

Mr. Kennedy reported the notice of public hearing was published in the Mountaineer Progress on July 1st, July 8th, and July 15th, 2021. Additionally, notice of public hearing was posted in the District Office and on the District's website beginning on June 28, 2021. Copies of the report were made available in the District office for public review. Compliance with all legal requirements for this hearing were within the manner and time specified in the Government Code.

3. Staff's Report

Mr. Bartz reported the water standby charge report reflects each parcel of land within the District's boundaries for acreage within 660 feet of a water line.

The preliminary water standby charge report was filed with the Secretary on June 28, 2021. The updated report details 3,717 parcels for a total assessment of \$289,392.70. This amount may change as parcels connect to the system before the final report is filed with the County by the August 2021 deadline.

4. Public Comments, Protests, and Objections

There were no public comments, protests, or objections.

Vice President Kujawa moved to close the public hearing. Director Philips seconded the motion. Motion carried 5-0 and the hearing was closed at 6:08 p.m.

b) Discussion & Possible Adoption of Resolution No. 2021-14; Establishing Standby & Availability Fees for 2021/2022

Staff Recommendation: For the Board to adopt Resolution No. 2021-14; Establishing Standby & Availability Fees for 2021/2022.

Mr. Bartz presented this item.

After discussion, Director Philips moved adopt Resolution No. 2021-14. Director Roberts seconded the motion. Motion carried 5-0.



c) **Public Hearing on Delinquent Water User Charges**

President Hoffman declared the public hearing open at 6:14 p.m.

1. **Secretary's Report**

Ms. Ward reported that the District received zero written protests, objections, or comments, relating to the delinquent water user charges.

2. **Attorney's Report on Action Taken Prior to this Hearing**

Mr. Kennedy reported the notice of public hearing was published in the Mountaineer Progress on July 1st, July 8th, and July 15th, 2021. Additionally, notice of public hearing was posted in the District Office and on the District's website beginning on June 28, 2021. Copies of the report were made available in the District office for public review. Compliance with all legal requirements for this hearing were within the manner and time specified in the Government Code.

3. **Staff's Report**

Mr. Bartz reported that the Delinquent Water User Charges Report was filed with the Secretary on July 12, 2021, and details 246 customer accounts amounting to a total of \$152,173.64.

The Delinquent Water User Charges Report reflects each affected parcel of real property and the total amount of charges and delinquencies for each affected parcel as of June 30, 2021. The final list will be submitted to the County of San Bernardino for collection not later than August 10, 2021, and will be updated as necessary until submittal.

4. **Public Comments, Protests, and Objections**

There were no public comments, protests, or objections.

Director Philips moved to close the public hearing. Vice President Kujawa seconded the motion. Motion carried 5-0 and the hearing was closed at 6:16 p.m.

d) **Discussion & Possible Adoption of Resolution No. 2021-15; Confirming, or Modifying and then Confirming, the Report of Delinquent Water User Charges for the Purpose of Collection of Said Charges on the San Bernardino County Tax Roll**

Staff Recommendation: For the Board to adopt Resolution No. 2021-15; Confirming, or Modifying and then Confirming, the Report of Delinquent Water User Charges for the Purpose of Collection of Said Charges on the San Bernardino County Tax Roll.

Mr. Bartz presented this item.

After discussion, Director Roberts moved to adopt Resolution No. 2021-15. Director Johnson seconded the motion. Motion carried 5-0.

e) **Second Reading of Ordinance No. 2021-02; Establishing Water Conservation and Water Supply Shortage Restrictions and Regulations & Discussion Regarding Resolution No. 2021-16; Implementing Stage 1 Mandatory Restrictions on Water Use**



Staff Recommendation: For the Board to waive the second reading of Ordinance No. 2021-02; Establishing Water Conservation and Water Supply Shortage Restrictions and Regulations and to discuss Resolution No. 2021-16 regarding initiation of Stage 1 water use restrictions.

Mr. Bartz presented this item.

After discussion, Director Roberts moved to waive the reading of Ordinance No. 2021-02. Director Philips seconded the motion. Motion carried 5-0.

f) **Public Hearing on Proposed Revisions to (1) the District's Water Conservation Ordinance and (2) the Board's Resolution Imposing Mandatory Restrictions on Water Use**

President Hoffman declared the public hearing open at 6:23 p.m.

1. **Secretary's Report**

Ms. Ward reported that the District received one written protest, objection, or comment, relating to the delinquent water user charges (see attached).

2. **Attorney's Report on Action Taken Prior to this Hearing**

Mr. Kennedy reported the notice of public hearing was published in the Mountaineer Progress on July 1st, July 8th, and July 15th, 2021. Additionally, notice of public hearing was posted in the District Office and on the District's website beginning on June 28, 2021. Copies of the Ordinance & Resolution were made available in the District office for public review. Compliance with all legal requirements for this hearing were within the manner and time specified in the Government Code.

3. **Staff's Report**

Mr. Bartz reported at the June 16, 2021, Board meeting, the Board adopted the District's 2020 Urban Water Management Plan and Water Shortage Contingency Plan. California Water Code and the District's UWMP require the District to adopt a water conservation ordinance. As a result of new state requirements which were incorporated into the District's new Water Shortage Contingency Plan, the District's existing water conservation ordinance was rendered obsolete and a new water conservation ordinance must be adopted. This includes a six-stage model of water shortage levels and associated shortage responses. At the July 7, 2021, Board meeting, the Board waived the first reading of the Ordinance and reviewed the Draft Water Conservation Ordinance where minor modifications were made. The second reading of the Ordinance occurred preceding this public hearing.

The District has been in Stage 2 of the old conservation ordinance (Ordinance No. 2016-01) since March 16, 2016, when Resolution No. 2016-02 was adopted as a response to the 32% conservation order issued by the state to the District at the time.

The statewide drought emergency ended on April 7, 2017, when Governor Brown issued Executive Order B-40-17 and retained the provisions of Executive Order B-

37-16 which made water conservation a way of life. As part of Executive Order B-40-17, certain water efficient activities were permanently prohibited and the District was required to implement permanent, long-term conservation solutions. The District chose to remain in Stage 2 of Ordinance No. 2016-02 in response to that Executive Order.

The District was notified on February 25, 2021, by the Mojave Basin Area Watermaster that the District's Free Production Allowance for Water Year 2021-2022 will be reduced to 60% in the Oeste basin and 55% in the Alto basin in accordance with the Stipulated Judgement entered in connection with the Mojave Basin Area Adjudication. This is the percentage amount the District is allowed to pump from these basins without incurring replacement water obligations.

On July 8, 2021, Governor Newsom issued Executive Order N-10-21 which calls on all Californians to voluntarily reduce water use by 15% to prepare for the potential continued dry conditions. Staff anticipates a conservation order to be handed down by the state at any time and therefore recommends to continue to remain in a conservation stage at this time in compliance with Executive Order B-40-17. Stage 1 of Ordinance 2021-02 has similar requirements and restrictions as Stage 2 of Ordinance 2016-01 and Stage 1 restrictions will adequately meet the District's conservation goals at this time. The reduction goal during a Stage 1 Water Shortage condition is 10%.

4. **Public Comments, Protests, and Objections**

Written comments/questions submitted by Ms. Rhoden were read into the record and questions were answered by staff.

Director Philips moved to close the public hearing. Vice President Kujawa seconded the motion. Motion carried 5-0 and the hearing was closed at 6:50 p.m.

g) **Discussion & Possible Adoption of Ordinance No. 2021-02; Establishing Water Conservation and Water Supply Shortage Restrictions and Regulations**

Staff Recommendation: For the Board to adopt Ordinance No. 2021-02; Establishing Water Conservation and Water Supply Shortage Restrictions and Regulations.

Mr. Bartz presented this item.

After discussion, Director Johnson moved to adopt Ordinance No. 2021-02. Director Philips seconded the motion. Motion carried 5-0.

h) **Discussion & Possible Adoption of Resolution No. 2021-16; Implementing Stage 1 Mandatory Restrictions on Water Use**

Staff Recommendation: For the Board to Adopt Resolution No. 2021-16; Establishing Water Conservation and Water Supply Shortage Restrictions and Regulations which will enact a Stage 1 Water Shortage of the District's Water Conservation Ordinance.

Mr. Bartz presented this item.



After discussion, Director Philips moved to adopt Resolution No. 2021-16. Director Roberts seconded the motion. Motion carried 5-0.

i) **Discussion & Possible Approval to Prepare and Issue Request for Proposal for Well Drilling and Construction of New Wells**

No action taken; this item was removed from the Agenda.

j) **Update on the Proposed Civic Center & Phelan Park Expansion Projects**

Staff Recommendation: None

Mr. Cardenas reported Phase 1 plans have been submitted to the county for approval. TRLS is preparing the grading plan to submit in August. Steeno is working with David Evans and Napa Auto Parts on their site plan for the improvements.

No action taken; not an action item.

k) **Update on the Status of Negotiations for the Consolidation of Sheep Creek Mutual Water Company into the District**

Staff Recommendation: None

Mr. Cardenas noted the water rights analysis will be prepared in 8-12 weeks once approved by the state. The overall report will be completed in a year.

No action taken; not an action item.

7) **Committee Reports/Comments**

- a) **Antelope Valley Adjudication Committee (Ad Hoc)** – Nothing to report.
- b) **Engineering Committee (Standing)** – Met last week; new well and water masterplan were discussed.
- c) **Finance Committee (Standing)** – Met yesterday and reviewed the preliminary financial reports for June, solar project report, and reserves. The financial position looks good.
- d) **Legislative Committee (Standing)** – Meets next month.
- e) **Parks, Recreation & Street Lighting Committee (Standing)** – Meets next week.
- f) **Waste & Recycling Committee (Standing)** – Meets in September.

8) **Staff and General Manager's Report**

Nothing further to report.

9) **Reports**

a) **Director's Report**

Philips – Attended ASBCSD where there was a presentation on project financing. Also attended the Piñon Hills Chamber meeting where True North provided a presentation.

Kujawa – Also attended ASBCSD and the Piñon Hills Chamber meeting.

Johnson – Attempted to attend the Piñon Hills Chamber meeting.

Roberts – Nothing to report.



b) **President’s Report** – Nothing to report.

10) **Correspondence/Information** – The items in the packet were noted.

11) **Review of Action Items**

- a) **Prior Meeting Action Items** – Complete
- b) **Current Meeting Action Items** – None

12) **Set Agenda for Next Meeting**

- **Regular Board Meeting** – August 4, 2021
 - o Approval for Well Installation
 - o GM Evaluation
 - o Future: Presentation by True North
 - o Future: Standby Fees

13) **Recess to Closed Session**

With no further business before the Board, the Board recessed to closed session at 7:18 p.m.

Closed Session: Conference with Legal Counsel
 [Government Code Section 54956.9(d)4]
 Initiation of Litigation
 One Potential Case

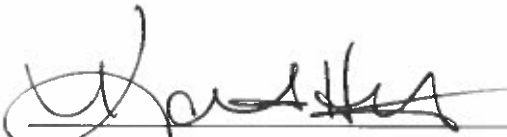
14) **Return to Open Session** – Announcement of Reportable Action

The Board returned to open session at 8:45 p.m.; there was no reportable action.

15) **Adjournment**

With no further business before the Board, the meeting was adjourned at 8:45 p.m.

Agenda materials can be viewed online at <https://www.pphcsd.org>



 Kathy Hoffman, President of the Board

8-12-21

 Date



 Kimberly Ward, HR Manager/Executive Secretary

8/12/2021

 Date



Kim Ward

From: Kim Ward
Sent: Wednesday, July 21, 2021 3:19 PM
To: Don Bartz
Subject: FW: Comments for Board meeting 7/21/21/ Agenda items 6.e thru h

From: cheryl rhoden [mailto:rhodenccl@yahoo.com]
Sent: Wednesday, July 21, 2021 11:53 AM
To: Kim Ward <KWard@pphcsd.org>; DDBartz@pphcsd.org; Kathy Hoffman <khoffman@pphcsd.org>; Charlie Johnson <charlie@cnjohnson.com>; Mark Roberts <MRoberts@pphcsd.org>; Rebecca Kujawa <Rkujawa@pphcsd.org>; Deborah Philips <dphilips@pphcsd.org>
Subject: Fw: Comments for Board meeting 7/21/21/ Agenda items 6.e thru h

July 21, 2021

Cheryl D. Rhoden
P.O. Box 720234
Pinon Hills, Ca. 92372

Members of the Board
General Manager, Don Bartz, Kim Ward
Phelan-Pinon Hills Community Services District
4176 Warbler Rd.
Phelan, CA. 92371

Via Email

Re: Board meeting July 21, 2021, Agenda Items 6e thru 6h, Water Conservation Ordinance and Resolution

Dear Board Members, Mr. Bartz, and Ms. Ward:

I support the implementation of the Ordinance and have the following questions and suggestions for Board and staff consideration:

1) The Staff report mentions that the CSD is at 'full production.' The Resolution declares a "water shortage" but does not quantify what measurements will be used to declare the Stages of the shortage that will require action to implement the subsequent Stages of the Ordinance. Would that declaration be based on a percentage of production? If so, what percentage? Is it based on the ability of the CSD to meet the ordered reductions of 60% and 55% in the Oeste and Alto sub-basins? Identifying how the staff will quantify the various stages of the shortage will allow for objective determinations.

2) The Ordinance and Resolution call for increasing percentages of usage reduction. It does not define the basis for the percentage. Is that a prior year month-to-month comparison? Is it a mean average of multiple years? Is it a District wide reduction?

3) The issue of allowing some recognition or credit to those who reduced their usage and maintained a lower use was raised during Board discussion at the First Reading of the Ordinance. I support Board consideration of a policy that reflects that consideration.

The following suggestions for consideration are in the order of the Ordinance:

Section 1, Stage 1:

a. I agree with the limitations for watering in summer. The winter limitation to water only between 9am-3pm overlooks that there are plenty of days when you don't have to worry about frozen pipes. In addition, evaporation occurs in the winter as well. I suggest considering changing that clause to: ..."winter watering between Nov. and May should recognize the reduced need for landscape irrigation during those months."

c. You may want to consider that there are "impervious surfaces" that should be exempt such as the cleaning of solar collectors, windows, etc. Such use of water could be included in the section that requires a shut-off nozzle for washing cars.

m. This section does not define "measurable rain." Our District can have a downpour in one area and nothing in another area. How will that be determined?

p. This section requires customers to install "timed irrigation systems." Phelan and Pinon Hills have a higher percentage of residents living below the poverty line than does either the State of California or the County of San Bernardino. Likewise, we have a higher percentage of people who are senior citizens on fixed income. This requirement would be an unnecessary cost for those individuals. Timers are useful for those who work. However, timers do not adjust for weather changes or precipitation. You have to manually override the system - which is effectively what I currently do with my manual valves. If the goal is to limit the duration of irrigation - which I support - the language in this section should reflect that whether through the use of timers or manual operation of an irrigation system.

Section 6, Stage 3:

14.2 & 3:

This section sets out the Enforcement provisions of the Ordinance. I strongly suggest reconsideration of a 30-day requirement to fix a violation. From my own experience, securing a plumber to evaluate the problem; find the leak; and effect the repair can take longer than 30 days in some instances. Consideration should be given to a customer who is making a good-faith-effort to correct a violation. Consideration should also be given to the fact that timely receipt of a notice of violation is compounded by current delivery levels of the USPS.

When we had "the leak from hell" CSD staff was instrumental in offering guidance. The ability to receive a timely printout of water use over a 24-hour period allowed us to identify the fact that - although we had fixed one leak - there was still a problem. I encourage the CSD to adopt a protocol that notifies customers that print-out record is available for use to monitor the effectiveness of a repair as the new smart meters will customers to do for themselves.

I also suggest reconsideration of the provision that escalates enforcement for a "second violation within 24 months." A customer could have an entirely different leak and be subject to these enforcement

provisions. Staff should have the discretion to ascertain that a first violation was cured and that a second violation for a different problem should not automatically subject a customer to more severe restrictions.

I also suggest that consideration should be given to modifying the \$500 fine to be implemented in stages. As mentioned previously, our community has more families at a low-income level than the state or county.

There is no question that the State of California and the entire Western United States are experiencing severe drought conditions. In the Mojave Basin those conditions are exacerbated by the illegal cannabis grows. The maps contained in the Mojave Water Agency July 22, 2021 agenda of both legal and illegal grow operations clearly delineate a proliferation of such grow operations. County efforts to step-up enforcement of the illegal grows cannot come soon enough. Likewise, the efforts of the CSD to address the problem by identifying such users and working with the various enforcement agencies is appropriate and needed. I encourage the Board to consider requesting that the County place a moratorium on all new hemp operations for the duration of the drought conditions. The County should also consider a limitation on new well permits that will allow only residential use. Expanded agricultural use for high-water use crops should be limited or prohibited.

I appreciate all the efforts of the staff and Board of the CSD. We have a well run and forward thinking water operation. I particularly appreciate the innovative use of technology to enhance the CSD efforts. If feasible, I hope that use of the drone to identify water leaks can be expanded to assist property owners in identifying leaks. The availability of that tool might have saved me a lot of expensive digging. I also appreciate the gardening classes that are offered and suggest that the class on irrigation be offered at various times and perhaps such a tutorial be posted on the website.

Thank you for your consideration.

Sincerely,
Cheryl D. Rhoden

