

MINUTES OF THE SPECIAL MEETING OF THE FLORIN RESOURCE CONSERVATION DISTRICT/ELK GROVE WATER DISTRICT

Tuesday, November 26, 2013

The special meeting of the Board of Directors of the Florin Resource Conservation District was called to order at 6:30 p.m. by Barrie Lightfoot, Chair, at 9257 Elk Grove Blvd.

Call to Order, Roll Call and Pledge of Allegiance.

Committee Members: Chuck Dawson – present
Barrie Lightfoot – present
Tom Nelson – present
Don Menasco – present
Elliot Mulberg - present

Associate Members: Davies Ononiwu and Mike Schmitz

Staff: Mark J. Madison, General Manager
Michelle Costa, Administrative Assistant II (Confidential)
Steve Shaw, Water Treatment Foreman
Bruce Kamilos, Associate Civil Engineer

Consultants: Walt Sadler, HydroScience and Ann Siprelle, Best, Best & Krieger LLC

Press: Roy Herberger, Elk Grove Citizen

Backflow/Cross-Connection Program Ordinance

General Manager Mark Manager presented the Elk Grove Water District Backflow/Cross-Connection Program Draft Article 8 (3rd Version) of Ordinance 06.22.11.01. Mr. Madison stated the distinct changes between the second and third versions of the draft ordinance. These changes were derived from feedback from the Board of Directors and public comments at the November 19, 2013 Special Board Meeting. Highlights of the changes include the following:

- Discussion of Site Surveys
- Installation of Backflow Devices on Flat-Rate Accounts.
- Installation Costs in Section 8.12.
- Other Issues to Review if Needed

Chairman Barrie Lightfoot stated the goal of the meeting was to get a clear consensus from the Board of Directors on the Backflow/Cross Connection Program.

Mr. Madison began the discussion reaffirming the goal of the special meeting is to be in alignment on the draft Article 8, so that it can be presented at the public hearing on December 11, 2013.

A lengthy discussion began regarding the requirements for site surveys.

Mr. Madison referenced Title 17, Article 1, Section 7584.b Responsibility and Scope, which states, “The conducting of surveys to identify water user premises where cross-connections are likely to occur”. He stated that the Elk Grove Water District (EGWD) would like to avoid going into businesses, but if needed the Cross-Connection Control Specialist may need to evaluate if there is a potential degree of hazard that could threaten our Public Water System. This version of Article 8 would provide EGWD the authority to access with adequate noticing.

Director Elliot Mulberg requested that the purpose of Article 8, Section 8.1 be more detailed. The consensus from the Board was to state the purpose more clearly in Section 8.1. Mr. Madison said he will expand and be more specific on Section 8.1.

Vice-Chairman Chuck Dawson and Director Tom Nelson both discussed the duty of educating the public on the need for backflow prevention devices.

Mr. Madison requested guidance from the Board of Directors, if the minimum requirements should be eliminated. Associate Civil Engineer Bruce Kamilos added that the pre-defined list was developed due to the activities being performed that create the potential for a hazard to occur.

Chairman Barrie Lightfoot stated a key factor is protecting the water system. Mr. Madison reiterated the primary intent of the Backflow/Cross Connection Control Program is to protect the public water system and this language will be stated in Section 8.1.

A lengthy discussion on the appeal process began.

Mr. Madison suggested that Section 8.14 of the draft ordinance include additional language on the customer's right to appeal. Any orders by the Cross-Connection Control Specialist shall be appealable to the General Manager and the General Manager may direct staff to conduct a site inspection. The Board of Directors is in favor of this addition to Section 8.14.

During a discussion on Section 8.5, Director Elliot Mulberg requested verbiage be added stating the right to discontinue water service. Mr. Madison stated the update would be done.

Mr. Madison requested direction from the Board of Directors on whether to keep Section 8.5.C.1 which describes the option for EGWD to install the customer's backflow prevention device.

Associate Director Mike Schimtz suggested changing the order of Section 8.5.C.1 so that the order of 8.5.C.1 and 8.5.C.2 is switched in the order it appears. The Board of Directors concurred and the change will be made on the draft ordinance, Section 8.5, C.

A lengthy discussion on Section 8.12, Fees and Charges began.

Mr. Madison reviewed the Elk Grove Water District Cross-Connection Control Fee Schedule. He asked if EGWD is justified in charging for labor when the backflow device is installed during normal business hours. He stated that labor costs should be included in the fee schedule, as it is the customer's device.

Director Tom Nelson posed the question if labor costs were not included, would that be considered a gift of public funds. Ann Siprelle, attorney advised this would not be a gift of public funds. She further stated that under Proposition 218, customer water rates are designed to deliver water service, the cross connection devices are not directly related to supplying water.

Director Tom Nelson requested that local contractors be notified of the Backflow Cross/Connection Control program, since the customers have 30 days to install a device. Mr. Madison stated that an information notice or public outreach could be provided.

The Board of Directors concluded that labor costs would remain in the fee schedule.

A discussion on Equipment Fees began.

Mr. Madison requested direction from the Board of Directors regarding if equipment fees should be removed. The Board of Directors concluded the equipment fees would remain.

A discussion on the 6% Administrative Fee began.

Mr. Madison explained this was a reasonable amount to approximate the administrative efforts. He further stated that this cost could be eliminated from the fee schedule. Mr. Madison requested direction from the Board of Directors and the 6% Administrative Fee be was declared to be removed from the fee schedule.

Mr. Madison informed the Board of Directors that he would do further investigation into the question of sales tax being charged on an assembled device and would provide follow up on the details.

Director Chuck Dawson posed a question regarding the need to charge a backflow inspection replacement testing tag fee. Director Tom Nelson inquired the purpose of an inspection tag. Walt Sadler explained it is a way to visually verify that a device has been tested and provides the tester information. The reason for the tag fee is there is a cost associated with printing tags.

After the discussion concluded, The Board of Directors determined that the Replacement Testing Tag Fee would be removed from the fee schedule.

Mr. Madison reviewed next steps that include a public hearing on December 11, 2013. The notification for the public hearing will be published on two separate dates, in the Elk Grove Citizen.

Respectfully submitted,

Stefani Phillips

Stefani Phillips, Secretary

SP/mcn