

TUOLUMNE CITY SANITARY DISTRICT

TCS
18050 BOX FACTORY ROAD
TUOLUMNE, CA 95379

REGULAR MEETING STAFF REPORT FEBRUARY 1, 2023

PHONE: 209.928.3517
FAX: 209.928.4550
EMAIL: brendatsd@frontier.com

To: Board of Directors
From: Dave Andres, General Manager
Subject: Management Report
Date: January 25, 2022

Agenda Item: IV(b)

I am currently working with staff on a number of activities. These activities include the following:

- **Status of Community Services District (CSD) Application**

There is nothing new to report in respect to the CSD formation. Staff met with County staff to discuss the Tuolumne Lighting District, among other items, on January 11, 2023. It was agreed to send an inquiry to PG&E to determine if the transfer of the Lighting District would affect funding for the underground project in Tuolumne. County staff has taken the position that it is in the public interest to keep the lighting district, because the Rule 20A underground project would lose these credits and local ratepayers would have to pickup the tab. That is why the inquiry was made to PG&E to determine if this is actually the case. In addition, we have not received any proposed changes to the *Property Tax Sharing Agreement* that is currently under review by County Counsel. As you are aware there are no taxes subject to exchange in respect to the formation of the CSD. In addition, the Parks & Recreation District has proposed to hold a public meeting to determine there continued participation in the community services district. Nothing has been scheduled so far in this regards.

- **State Revolving Fund Program Update**

The District has submitted reimbursement claims with the Department of Water Resources (DWR) for work under the Wastewater Collection System Construction Project. At least one of these reimbursement requests has not been paid within the 45-day period designated by the state. As a result, we will be able to claim reimbursement from the state for the \$19,500 fee to set-up the Revolving Credit line under our agreement with the Rural Community Assistance Corporation (RCAC). We have not yet borrowed from the line of credit, but in the event we need to, the District will be reimbursed for any interest payments made to RCAC. In addition, DWR has not yet decided on our request for additional funding of Phase 2 of the Wastewater Treatment and Wastewater Collection System Projects.

- **TEDA Sewer Main Relocation Project**

District staff and the Tuolumne Economic Development Agency (TEDA) have completed work on correcting a bottleneck created by the winter shutdown of construction of their dam reconstruction project. The current 8-inch temporary pipeline has been replaced with one of adequate size to handle winter flows subject to inflow and infiltration (I & I). This temporary repair worked well during the recent rain events. In addition, staff is currently working on a permanent easement and maintenance agreement on this project. We are awaiting the legal description to be drawn up so that the maintenance agreement can be recorded. When the draft agreement is completed we will bring it back to your Board for your review.

- **General Manager Recruitment**

District staff initiated the recruitment process for General Manager last month. Unfortunately only one applicant has applied for the position, but has subsequently withdrawn due to the acceptance of other employment. Staff has extended the final filing date for the position to February 17th, 2023 and has initiated additional advertising. I will update you on the status of the recruitment at your next meeting.

- **AB 361 Remote Meetings**

Assembly Bill ("AB") 361, signed into law on September 16, 2021, amends Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950 *et seq.*). A local agency may use teleconferencing in any of the following circumstances:

(A) The legislative body holds a meeting during *a proclaimed state of emergency*, and state or local officials have imposed or recommended measures to promote *social distancing*.

(B) The legislative body holds a meeting *during a proclaimed state of emergency for the purpose of determining*, by majority vote, *whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees*.

(C) The legislative body holds a meeting during *a proclaimed state of emergency* and *has determined*, by majority vote, pursuant to subparagraph (B) that, *as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees*.

Staff has discussed this issue with legal counsel and based on the above criteria it is not recommended that we institute remote meetings under AB 361. The other issue is that effective February 28, 2023 the Governor's proclaimed emergency declaration will expire, thus requiring some other local emergency to trigger the use of remote meetings under AB 361.