

***Mendocino County Russian River Flood Control &  
Water Conservation Improvement District***

**STAFF REPORT**

To: Board of Trustees  
From: E. Salomone, General Manager  
Meeting: Monday, November 7, 2022  
RE: Agenda Item 7a: October 2022 Financial Reports Summary

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Revenue

September 2022: Additional revenue not shown on previous report: None  
October 2022: none

Ordinary Expenses

September 2022: Additional expenses not shown on previous report: None

October 2022: \$39,004.72 in expenses at time of writing this report, notably:

- \$12,000 Consulting for Audit, CPA services, Strategic Plan consulting
- \$7,237.50 USGS stream gage 4th annual pymt of 4
- \$4,521.50 Legal Counsel, September service dates
- \$ 600.00 Trustee bi-annual stipends
- \$775.00 Training Costs: ACWA conference registration

Note:

A check was issued to E. Salomone to correct a payroll error. For six payrolls a new pay code in QuickBooks was used to record the company health insurance stipend to Salomone. The pay code was correctly taxing the company contribution, but incorrectly did not add the amount to the paycheck. The check covered payment for those 6 pay periods. A new pay code was set up going forward that is correctly adding stipend to the paycheck.

Other

- Accountant continues to address various issues. In October, stipend in lieu of medical and CalPERS 457 Roth payroll items were corrected, an underpayment to GM due to payroll item adjustments was rectified, and adjustments to CalPERS/QB reporting & payments were completed.
- Financial reports subject to change after corrections and adjustments by Accountant and Auditor.
- Reconciliations are up to date for Savings account but Accountant addressing issues in others.
- Additional reports or information available upon request.

Recommendation:

Move to accept and file the financial reports for October 2022.

Attachments:

1. Income & Expense / Budget Vs Actual Report – October only
2. Income & Expense / Budget Vs Actual Report – Fiscal Year to date
3. Profit & Loss Previous Year Comparison Report
4. Balance Sheet Previous Year Comparison Report
5. Monthly Payment Detail Report
6. Contracted Water Worksheet

**Russian River Flood Control District**  
**Income & Expense / Budget vs. Actual**  
**October 2022**

Cash Basis

	<u>Oct 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>	0.00	0.00	0.00	0.0%
<b>Expense</b>				
<b>Consulting</b>	12,000.00	0.00	12,000.00	100.0%
<b>Election</b>	0.00	0.00	0.00	0.0%
<b>Fees, County &amp; LAFCo</b>	0.00	0.00	0.00	0.0%
<b>Gage</b>	7,237.50	0.00	7,237.50	100.0%
<b>Groundwater Sustainability</b>	0.00	0.00	0.00	0.0%
<b>Insurance, Liability</b>	0.00	0.00	0.00	0.0%
<b>Insurance, Workers Comp</b>	446.66	0.00	446.66	100.0%
<b>Legal</b>	4,521.50	0.00	4,521.50	100.0%
<b>Memberships</b>	0.00	0.00	0.00	0.0%
<b>Meters Expense</b>	0.00	0.00	0.00	0.0%
<b>Office Operating Expenses</b>	153.41	0.00	153.41	100.0%
<b>Payroll Expenses</b>	13,156.02	0.00	13,156.02	100.0%
<b>Rent, Utilities</b>	0.00	0.00	0.00	0.0%
<b>Stipends, Meetings</b>	600.00	0.00	600.00	100.0%
<b>SWRCB Permits</b>	0.00	0.00	0.00	0.0%
<b>Training Costs</b>	775.00	0.00	775.00	100.0%
<b>Unfunded Pension Liability</b>	0.00	0.00	0.00	0.0%
<b>Vehicle</b>	114.63	0.00	114.63	100.0%
<b>Water Resiliency</b>	0.00	0.00	0.00	0.0%
<b>Total Expense</b>	<u>39,004.72</u>	<u>0.00</u>	<u>39,004.72</u>	<u>100.0%</u>
<b>Net Ordinary Income</b>	<u>-39,004.72</u>	<u>0.00</u>	<u>-39,004.72</u>	<u>100.0%</u>
<b>Net Income</b>	<u><b>-39,004.72</b></u>	<u><b>0.00</b></u>	<u><b>-39,004.72</b></u>	<u><b>100.0%</b></u>

**Russian River Flood Control District**  
**Income & Expense / Budget vs. Actual**  
**July 2022 through June 2023**

Cash Basis

	<u>Jul '22 - Jun 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Interest-LAIF	0.00	2,500.00	-2,500.00	0.0%
Interest-SBMC	12.61	500.00	-487.39	2.5%
Property Taxes	4,115.28	55,000.00	-50,884.72	7.5%
Water Sales	4,512.00	348,935.00	-344,423.00	1.3%
<b>Total Income</b>	8,639.89	406,935.00	-398,295.11	2.1%
<b>Expense</b>				
Consulting	22,232.20	20,000.00	2,232.20	111.2%
Election	0.00	5,000.00	-5,000.00	0.0%
Fees, County & LAFCo	1,268.73	2,500.00	-1,231.27	50.7%
Gage	14,475.00	15,000.00	-525.00	96.5%
Groundwater Sustainability	0.00	68,000.00	-68,000.00	0.0%
Insurance, Liability	6,084.87	7,000.00	-915.13	86.9%
Insurance, Workers Comp	1,786.64	7,000.00	-5,213.36	25.5%
Legal	10,106.00	20,000.00	-9,894.00	50.5%
Memberships	0.00	7,000.00	-7,000.00	0.0%
Meters Expense	186.89	2,000.00	-1,813.11	9.3%
Office Operating Expenses	1,590.89	5,000.00	-3,409.11	31.8%
Payroll Expenses	54,553.44	175,010.00	-120,456.56	31.2%
Payroll Taxes- old	0.00			
Rent, Utilities	2,250.00	5,000.00	-2,750.00	45.0%
Stipends, Meetings	2,325.00	6,000.00	-3,675.00	38.8%
SWRCB Permits	0.00	17,000.00	-17,000.00	0.0%
Training Costs	1,232.52	4,000.00	-2,767.48	30.8%
Unfunded Pension Liability	7,011.00	9,500.00	-2,489.00	73.8%
Vehicle	543.93	2,000.00	-1,456.07	27.2%
Water Resiliency	3,737.00	40,000.00	-36,263.00	9.3%
<b>Total Expense</b>	129,384.11	417,010.00	-287,625.89	31.0%
<b>Net Ordinary Income</b>	-120,744.22	-10,075.00	-110,669.22	1,198.5%
<b>Other Income/Expense</b>				
Other Expense				
Prior Year Expense	9,262.89			
<b>Total Other Expense</b>	9,262.89			
<b>Net Other Income</b>	-9,262.89	0.00	-9,262.89	100.0%
<b>Net Income</b>	<b>-130,007.11</b>	<b>-10,075.00</b>	<b>-119,932.11</b>	<b>1,290.4%</b>

**Russian River Flood Control District**  
**Profit & Loss Prev Year Comparison**  
**July through October 2022**

Cash Basis

	<u>Jul - Oct 22</u>	<u>Jul - Oct 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Interest-LAIF	0.00	298.45	-298.45	-100.0%
Interest-SBMC	12.61	76.39	-63.78	-83.5%
Property Taxes	4,115.28	0.00	4,115.28	100.0%
Water Sales	4,512.00	0.00	4,512.00	100.0%
<b>Total Income</b>	<u>8,639.89</u>	<u>374.84</u>	<u>8,265.05</u>	<u>2,205.0%</u>
<b>Expense</b>				
Consulting	22,232.20	2,550.00	19,682.20	771.9%
Fees, County & LAFCo	1,268.73	1,396.13	-127.40	-9.1%
Gage	14,475.00	13,267.50	1,207.50	9.1%
Groundwater Sustainability	0.00	4,000.00	-4,000.00	-100.0%
Insurance, Liability	6,084.87	6,144.80	-59.93	-1.0%
Insurance, Workers Comp	1,786.64	-736.63	2,523.27	342.5%
Legal	10,106.00	15,893.64	-5,787.64	-36.4%
Memberships	0.00	4,140.00	-4,140.00	-100.0%
Meters Expense	186.89	54.15	132.74	245.1%
Office Operating Expenses	1,590.89	1,324.32	266.57	20.1%
Payroll Expenses	54,553.44	49,595.95	4,957.49	10.0%
Payroll Taxes- old	0.00	0.00	0.00	0.0%
Rent, Utilities	2,250.00	1,931.29	318.71	16.5%
Stipends, Meetings	2,325.00	600.00	1,725.00	287.5%
Training Costs	1,232.52	365.00	867.52	237.7%
Unfunded Pension Liability	7,011.00	8,419.00	-1,408.00	-16.7%
Vehicle	543.93	103.52	440.41	425.4%
Water Resiliency	3,737.00	7,397.32	-3,660.32	-49.5%
<b>Total Expense</b>	<u>129,384.11</u>	<u>116,445.99</u>	<u>12,938.12</u>	<u>11.1%</u>
<b>Net Ordinary Income</b>	<u>-120,744.22</u>	<u>-116,071.15</u>	<u>-4,673.07</u>	<u>-4.0%</u>
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
Meter Purchase	0.00	1,884.53	-1,884.53	-100.0%
Prior Year Expense	9,262.89	0.00	9,262.89	100.0%
<b>Total Other Expense</b>	<u>9,262.89</u>	<u>1,884.53</u>	<u>7,378.36</u>	<u>391.5%</u>
<b>Net Other Income</b>	<u>-9,262.89</u>	<u>-1,884.53</u>	<u>-7,378.36</u>	<u>-391.5%</u>
<b>Net Income</b>	<u><u>-130,007.11</u></u>	<u><u>-117,955.68</u></u>	<u><u>-12,051.43</u></u>	<u><u>-10.2%</u></u>

**Russian River Flood Control District**  
**Balance Sheet Prev Year Comparison**

Cash Basis

As of October 31, 2022

	Oct 31, 22	Oct 31, 21	\$ Change	% Change
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
LAIF	492,004.78	490,416.36	1,588.42	0.3%
SBMC Checking	342,494.56	183,678.34	158,816.22	86.5%
SBMC Savings	100,101.10	267,892.85	-167,791.75	-62.6%
<b>Total Checking/Savings</b>	<b>934,600.44</b>	<b>941,987.55</b>	<b>-7,387.11</b>	<b>-0.8%</b>
<b>Total Current Assets</b>	<b>934,600.44</b>	<b>941,987.55</b>	<b>-7,387.11</b>	<b>-0.8%</b>
<b>Fixed Assets</b>				
<b>Accumulated Depreciation</b>				
<b>Meters &amp; Vehicles</b>				
At Cost	104,822.42	104,822.42	0.00	0.0%
Meters & Vehicles - Other	45,258.49	35,027.36	10,231.13	29.2%
<b>Total Meters &amp; Vehicles</b>	<b>150,080.91</b>	<b>139,849.78</b>	<b>10,231.13</b>	<b>7.3%</b>
<b>Total Fixed Assets</b>	<b>90,138.19</b>	<b>79,907.06</b>	<b>10,231.13</b>	<b>12.8%</b>
<b>Other Assets</b>				
<b>Deferred Outflows</b>				
	24,734.00	24,734.00	0.00	0.0%
<b>Total Other Assets</b>	<b>24,734.00</b>	<b>24,734.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>TOTAL ASSETS</b>	<b><u>1,049,472.63</u></b>	<b><u>1,046,628.61</u></b>	<b><u>2,844.02</u></b>	<b><u>0.3%</u></b>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Accounts Payable</b>				
2000 · Accounts Payable,	0.00	-128.33	128.33	100.0%
<b>Total Accounts Payable</b>	<b>0.00</b>	<b>-128.33</b>	<b>128.33</b>	<b>100.0%</b>
<b>Other Current Liabilities</b>				
Accrued Expenses	7,237.50	0.00	7,237.50	100.0%
Payroll Liabilities	1,956.08	1,950.03	6.05	0.3%
2150 · Vacation Accrual	12,384.00	12,384.00	0.00	0.0%
<b>Total Other Current Liabilities</b>	<b>21,577.58</b>	<b>14,334.03</b>	<b>7,243.55</b>	<b>50.5%</b>
<b>Total Current Liabilities</b>	<b>21,577.58</b>	<b>14,205.70</b>	<b>7,371.88</b>	<b>51.9%</b>
<b>Long Term Liabilities</b>				
Deferred Inflows	471.00	471.00	0.00	0.0%
Net Pension Liability	50,063.00	50,063.00	0.00	0.0%
<b>Total Long Term Liabilities</b>	<b>50,534.00</b>	<b>50,534.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Total Liabilities</b>	<b>72,111.58</b>	<b>64,739.70</b>	<b>7,371.88</b>	<b>11.4%</b>
<b>Equity</b>				
3000 · Opening Bal Equity	541,116.95	541,116.95	0.00	0.0%
3900 · Retained Earnings	566,251.21	558,727.64	7,523.57	1.4%
Net Income	-130,007.11	-117,955.68	-12,051.43	-10.2%
<b>Total Equity</b>	<b>977,361.05</b>	<b>981,888.91</b>	<b>-4,527.86</b>	<b>-0.5%</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>1,049,472.63</u></b>	<b><u>1,046,628.61</u></b>	<b><u>2,844.02</u></b>	<b><u>0.3%</u></b>

**Russian River Flood Control District**  
**Monthly Payment Detail**  
As of October 31, 2022

Cash Basis

Type	Date	Name	Memo	Original Amount	Paid Amount
<b>SBMC Checking</b>					
Bill Pmt...	10/02/2022	Cardmember Service	Credit card 8/12-9/13/22	-913.08	-913.08
Bill Pmt...	10/04/2022	John Reardan	Board Meeting Stipend Jan-June 2022	-600.00	-600.00
Bill Pmt...	10/04/2022	Herum/Crabtree/Suntag		-4,521.50	-4,521.50
Bill Pmt...	10/05/2022	State Compensation Insura...	2022-23 FY Policy charges 9/9-10/9/22	-446.66	-446.66
Bill Pmt...	10/06/2022	Comcast Business	Internet services for 9/13-10/12/22	-76.47	-76.47
Check	10/11/2022	Salomone, Elizabeth A		-3,708.00	-3,708.00
Bill Pmt...	10/11/2022	Intuit	Monthly Payroll Subscription	-2.00	-2.00
Bill Pmt...	10/21/2022	US Cellular	Cell service 9/14- to 10/13/22	-51.49	-51.49
Bill Pmt...	10/29/2022	Leap Solutions Group, Inc	Invoice #5520 Strat Plan consulting	-2,150.00	-2,150.00
Bill Pmt...	10/29/2022	Nigro & Nigro PC	FY 2020-2021 Audit	-9,500.00	-9,500.00
Bill Pmt...	10/29/2022	Roxanne V. Berg, CPA	CPA services	-350.00	-350.00
Bill Pmt...	10/29/2022	USGS	Gages, Bill #91010951 4th pymt FY 22	-7,237.50	-7,237.50
Check	10/31/2022	Internal Revenue Service		-873.92	-873.92
Check	10/31/2022	Salomone, Elizabeth A	Payroll correction due to pay code error	-3,708.00	-3,708.00
Total SBMC Checking					-34,138.62
<b>TOTAL</b>					<b>-34,138.62</b>

# Project Water Worksheet as of November 1, 2022

*No changes from October 2022*

**Please note:  
The District is under Declaration#21-02,  
Stage III: Water Supply Crisis**

	<b>Current 2022 totals in Acre Feet</b>																																	
<b>Project Water Licensed to MC RRFC &amp; WCID:</b>	<b>7940</b>																																	
<b>Contracted Non-Retail Suppliers:</b>	<b>4917</b>																																	
<b>Contracted Retail Suppliers:</b>	<b>2907.15</b>																																	
<table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 40%; text-align: center;">Calpella CWD</td> <td style="width: 10%; text-align: center;">85</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">Henry Station Mutual Water Co</td> <td style="text-align: center;">8</td> <td></td> </tr> <tr> <td style="text-align: center;">Hopland PUD</td> <td style="text-align: center;">222</td> <td></td> </tr> <tr> <td style="text-align: center;">Millview CWD - Municipal Use</td> <td style="text-align: center;">970</td> <td></td> </tr> <tr> <td style="text-align: center;">Millview CWD - Wheeled Municipal Use</td> <td style="text-align: center;">189.15</td> <td></td> </tr> <tr> <td style="text-align: center;">Millview CWD - Irrigation Use</td> <td style="text-align: center;">12</td> <td></td> </tr> <tr> <td style="text-align: center;">Rogina Water</td> <td style="text-align: center;">800</td> <td style="text-align: right;">*</td> </tr> <tr> <td style="text-align: center;">River Estates Mutual Water Company</td> <td style="text-align: center;">26</td> <td></td> </tr> <tr> <td style="text-align: center;">Willow CWD - Municipal Use</td> <td style="text-align: center;">515</td> <td></td> </tr> <tr> <td style="text-align: center;">Willow CWD - Irrigation Use</td> <td style="text-align: center;">80</td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Contracted Municipals:</b></td> <td style="text-align: center;"><b>2907.15</b></td> <td></td> </tr> </tbody> </table>	Calpella CWD	85		Henry Station Mutual Water Co	8		Hopland PUD	222		Millview CWD - Municipal Use	970		Millview CWD - Wheeled Municipal Use	189.15		Millview CWD - Irrigation Use	12		Rogina Water	800	*	River Estates Mutual Water Company	26		Willow CWD - Municipal Use	515		Willow CWD - Irrigation Use	80		<b>Contracted Municipals:</b>	<b>2907.15</b>		
Calpella CWD	85																																	
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<b>Contracted Municipals:</b>	<b>2907.15</b>																																	
<b>Contracted Total:</b>	<b>7824.15</b>																																	

**Uncontracted Water Supply for 2021:** **115.85**

\*Rogina verbally requested to reduce from 800af to 400af in March 2022 but the permanent contract amendment was not completed and has been scheduled for Jan 2023.

**Contract Adjustments in 2022:**

Surplus water transferred from customers in 2022:	n/a	
Emergency water transferred from customers in 2022:	-400	Rogina to Redwood Valley
Requested surplus by customers for 2022:	n/a	

**Adjusted contract total:** **7424.15**

**Redwood Valley County Water District:**

Uncontracted water available to RVCWD as surplus in 2022:	n/a	
Customer transferred surplus water available to RVCWD in 2022:	n/a	
Emergency water made available by RRFC to RVCWD in 2022:	60	not allocated to a contract
Emergency water transferred to RVCWD by Customer(s) in 2022:	400	

**Total:** **7824.15**

5 **DRAFT MINUTES**  
6 **Regular Meeting of**  
7 **October 3, 2022**  
8

9 IN COMPLIANCE WITH ASSEMBLY BILL 361, THIS MEETING WAS HELD VIA ZOOM.

10  
11 **1. Roll Call**

12 President Watt called the meeting to order at 5:02 PM.

13  
14 Trustees Present: Christopher Watt, President  
15 Alfred White, Vice President  
16 Matthew Froneberger, Treasurer  
17 Tyler Rodrigue, Trustee (arrived 5:20 PM)  
18 John Reardan, Trustee  
19

20 Staff: Elizabeth Salomone, General Manager  
21 Jeanne Zolezzi, Legal Counsel  
22

23 **2. Approval of Agenda**

24 Vice President White moved to approve the agenda. Treasurer Froneberger seconded the motion.  
25 The motion was approved by the following vote:

26 Ayes: 4 (Reardan, Froneberger, White, Watt)  
27 Absent: 1 (Rodrigue)

28 **3. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

29 Gov. Code § 54956.9(d) *Significant exposure to litigation:* (2 potential cases)  
30 The Board entered Closed Session at 5:04 PM and returned to Public Session at 5:37 PM with direction given to  
31 staff and no reportable action.

32 **4. Public Expression**

33 No one from the public indicated interest in speaking.

34 **PUBLIC HEARING (5:35 PM)**

35 **5. Declaration #22-01 Stage III: Water Warning**  
36

37 GM Salomone presented the staff report and item. President Watt opened the public hearing at 5:39 PM.  
38

39 Mendocino County Farm Bureau Executive Director Devon Boer asked about significant changes from the  
40 previous Declaration and the overall conservation goals (percentages.) GM reviewed the staff report and Draft  
41 Declaration and provided information on overall water use conservation by District customers.  
42

43 Redwood Valley County Water District Board Member Bree Klotter asked for more information on how the  
44 Declaration impacts water supply from the District to Redwood Valley County Water District (RVCWD.) She  
45 asked if the District would be able to provide water to RVCWD. GM Salomone responded.  
46

(Continued...)



48 President Watt closed the Public Hearing at 5:50 PM.

49

50 Vice President White moved to approve Declaration #22-01 Stage III: Water Warning. Trustee Reardan  
51 seconded the motion. The motion was approved by the following vote:

52 Ayes: 5 (Reardan, Rodrigue, Froneberger, White, Watt)

## 53 **ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

### 54 **6. Water Supply Conditions Update and District Response**

55 GM Salomone presented the item, reviewing the staff report. Public comment was offered by Mendocino  
56 County Farm Bureau Executive Director Devon Boer and Redwood Valley County Water District Board  
57 Member Bree Klotter.

### 58 **7. Water Resiliency Planning**

59 GM Salomone presented the item, reviewing the staff report.

### 60 **8. Fiscal Year 2020-2021 Audit of Financial Statements**

61 GM Salomone presented the item. Public comment was offered by Redwood Valley County Water District Board  
62 Member Bree Klotter.

63 Vice President White moved to approve the Annual Audit of Financial Statements and Independent Auditor's  
64 Report for Fiscal Year 2020-2021 and direction to General Manager to sign the management representation  
65 letter and other documents necessary for finalization. Treasurer Froneberger seconded the motion. The  
66 motion was approved by the following vote:

67 Ayes: 5 (Reardan, Rodrigue, Froneberger, White, Watt)

## 68 **REGULAR BUSINESS, INFORMATION, AND REPORT ITEMS**

### 69 **9. Consent Calendar**

- 70 a) Acceptance of the September 2022 Financial Report
- 71 b) Approval of July 18, 2022 Special Meeting Minutes
- 72 c) Approval of September 12, 2022 Regular Board Meeting minutes
- 73 d) Approval of letter to State Social Security Administrators Office regarding tax withholdings
- 74 e) Approval of Resolution #22-03 Authorizing the State of California Social Security Program  
75 for California Public Agencies
- 76 f) State of Emergency

77

78 Vice President White moved to approve the Consent Calendar items a-f. Trustee Reardan seconded the motion.  
79 The motion was approved by the following vote:

80 Ayes: 5 (Reardan, Rodrigue, Froneberger, White, Watt)

81

(Continued...)

83 **10. Trustee & Committee Reports**

84 *Vice President White* noted he was unable to attend the October Upper Russian River Water Agency (URRWA)  
85 meeting and President Watt volunteered to attend in his place.

86 **11. General Manager Report & Correspondence**

87 GM presented the written report, noting the West Fork Russian River stream flow gage is no longer being  
88 maintained by United States Geologic Survey (USGS) through a contract with United States Army Corp of  
89 Engineers (USACE.) A private contractor has been engaged by USACE and Sonoma Water is taking steps to  
90 identify the continued availability of data, with support from the District and other stakeholders.

91 **12. Direction on Future Agenda Items**

92 GM noted agenda items will be brought forward from the Strategic Plan in the coming months.

93 **ADJOURNMENT**

94  
95 Trustee Reardan moved to adjourn the meeting at 6:14 PM. Vice President White seconded the motion. The  
96 motion was approved by the following vote:

97 Ayes: 5 (Reardan, Rodrigue, Froneberger, White, Watt)

98

***APPROVED by Board of Trustees on November 7, 2022***

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President of the Board of Trustees

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Secretary of the Board of Trustees

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<b><i>President</i></b>	<b><i>Vice President</i></b>	<b><i>Treasurer</i></b>	<b><i>Trustee</i></b>	<b><i>Trustee</i></b>
<i>Christopher Watt</i>	<i>Alfred White</i>	<i>Matthew Froneberger</i>	<i>Tyler Rodrigue</i>	<i>John Reardan</i>

***Mendocino County Russian River Flood Control  
& Water Conservation Improvement District***

**STAFF REPORT**

To: Board of Trustees  
From: E. Salomone, General Manager  
Meeting: Monday, November 2, 2022  
RE: Agenda Item 7b: State of Emergency

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**The Strategic Plan** relevant priority are **Advocacy:** Improving public awareness and understanding of the importance of water issues; and **Administration:** Fostering District resources in alignment with the District's Mission to steward water resources for the benefit of people and environment.

**Background**

The Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing. Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 ("AB 361"), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing. The Governor of California issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect. Additionally, on September 29, 2021, the Mendocino County Health Officer issued a Health Recommendation urging public bodies in Mendocino County to continue meeting remotely through online meetings to lower the risk of COVID-19 transmission.

On November 1, 2021, the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District adopted Resolution #21-04 Making Findings and Determinations Under Assembly Bill 361 For Continued Virtual Meetings. Consistent with the provisions of Government Code Section 54953(e), the Board found and determined that (1) a state of emergency related to COVID-19 is currently in effect; and (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19. Based on such facts, findings and determinations, the Board authorized staff to conduct remote teleconference meetings of the Board under the provisions of Government Code Section 54953(e). 3. This Resolution took effect immediately.

**Recommended Action:**

- Move to reaffirm the previously adopted Resolution #21-04 Making Findings and Determinations under Assembly Bill 361 for Continued Virtual Meetings, determining that (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; and/or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

**Attachments:**

- Resolution #21-04 Making Findings and Determinations under Assembly Bill 361 for Continued Virtual Meetings, dated November 1, 2021

# Resolution #21-04

of the

## Mendocino County Russian River Flood Control & Water Conservation Improvement District

### Making Findings and Determinations Under Assembly Bill 361 For Continued Virtual Meetings

**WHEREAS**, the Mendocino County Russian River Flood Control & Water Conservation Improvement District Board of Trustees, hereinafter referred to as the “Board of Trustees,” is committed to preserving and nurturing public access to and participation in meetings of the Board; and

**WHEREAS**, the Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing; and

**WHEREAS**, the Legislature recently enacted Assembly Bill 361, Chapter 165, Statutes of 2021 (“AB 361”), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

**WHEREAS**, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

**WHEREAS**, pursuant to the Governor’s executive orders, the Board has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff, and Board members; and

**WHEREAS**, the Governor’s Executive Order N-29-20 related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

**WHEREAS**, AB 361, effective as of October 1, 2021 allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Board has considered the circumstances of the state of emergency; and

**WHEREAS**, state or local officials continue to recommend measures to promote social distancing; and

**WHEREAS**, on September 29, 2021, the Mendocino County Health Officer issued a Health Recommendation urging public bodies in Mendocino County to continue meeting remotely through online meetings to lower the risk of COVID-19 transmission; and

**WHEREAS**, the continuation of virtual meetings will allow for full participation by members of the public until the present state of emergency has ended; and **WHEREAS**, the Board desires to continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

**NOW, THEREFORE, BE IT RESOLVED** that, the District Board hereby resolves as follows:

1. The above recitals are true and correct.
2. Consistent with the provisions of Government Code Section 54953(e), the Board finds and determines that (1) a state of emergency related to COVID- 19 is currently in effect; and (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board under the provisions of Government Code Section 54953(e). 3. This Resolution shall take effect immediately.

**ADOPTED** 1<sup>st</sup> of November, 2021 by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District, by the following vote:

Christopher Watt	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Alfred White	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Matthew Froneberger	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Tyler Rodrigue	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
John Reardan	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent



Signed: \_\_\_\_\_  
Christopher Watt, Board of Trustees President

1/11/21  
Date



Attest: \_\_\_\_\_  
Elizabeth Salomone, General Manager

1/11/21  
Date