



HUMBOLDT BAY MUNICIPAL WATER DISTRICT  
828 7<sup>th</sup> Street, Eureka



Minutes for Meeting of Board of Directors  
June 10, 2021

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**1. Roll Call**

The meeting was called to order at 9:00 am, and was conducted within all Brown Act requirements. Time Set items were noted and Roll Call was taken.

**Members Present:**

Director Bruce Rupp  
Director Michelle Fuller was present from 11:00am-3:00pm.  
Director David Lindberg  
Director Sheri Woo  
Director Neal Latt

**Staff:**

John Friedenbach, General Manager  
Dale Davidsen, Superintendent  
Chris Harris, Business Manager  
Heather Bitner, Board Secretary  
Dee Dee Simpson, Accounting and HR Assistant  
Sherrie Sobol, Regulatory Analyst was present for Item 9.3

**Members Absent:**

None

**Others Present**

Jennifer Kalt, Humboldt Baykeeper  
Nathan Stevens, GHD  
Dr. Paul Rosenfeld, SWAPE  
Matt Hagemann, SWAPE  
Pam Tobin, ACWA  
Cathy Green, ACWA  
Linda Miller, member of the public

Due to Time Set Items, the agenda items were addressed out of chronological order.

**2. Flag Salute**

The meeting began with a flag salute.

**3. Accept Agenda**

On motion by Director Lindberg seconded by Director Rupp, the Board Accepted the Agenda as modified for the June 10, 2021 Regular Meeting by the following Roll Call Vote:

Director Michelle Fuller	ABSENT
Director Neal Latt	AYE
Director Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

**4. Public Comment**

There was no public comment.



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**5. Minutes**

5.1 Minutes of May 7, 2021 Regular Meeting

On motion by Director Lindberg, seconded by Director Rupp, the Board Approved the Minutes as corrected and amended for the May 7, 2021 Regular meeting, by the following Roll Call Vote:

Director Michelle Fuller	ABSENT
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

5.2 Minutes of May 20, 2021 Special Meeting

Approval of May 20, 2021 minutes were deferred until the following meeting. There was no public comment.

**6. Consent Agenda**

On motion by Director Rupp seconded by Director Latt the Board Approved the Consent Agenda for the June 10, 2021 Regular Meeting by the following Roll Call Vote:

Director Michelle Fuller	ABSENT
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

**7. Correspondence**

7.1 FERC letter dated April 30, 2021 re 2019-20 DSSMR (Dam Safety Surveillance and Monitoring Reports)  
Action levels need to be established for the survey markers and any other thresholds indicated by Federal Energy Regulatory Commission (FERC). Staff will work with District engineer and GEI Consultants to address this issue.

7.2 U.S. Capitol Christmas Tree decorations needed  
Staff introduced that the national tree is going to come from our Six-Rivers Forest and there is a request from USFS for handmade ornaments and tree skirts before September 1, 2021. This item was presented for general awareness.

There was no public comment.



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## 8. Continuing Business

### 8.1 Water Resource Planning-status report on water use options under consideration

#### a. Local Sales

##### i. Nordic Aquafarms update

District staff met with Nordic staff, who is moving forward with their CEQA permitting process. There is a public meeting through the Planning Commission tonight. A question that has come up was how much water is needed. Staff provided calculations to Nordic regarding flow. The District previously diverted up to 65 M gallons/day for the pulp mills industrial water needs, and Nordic's maximum would be 1/20<sup>th</sup> that amount, or up to 3 M gallons/day.

1. News articles re EIR

2. Planning commission agenda This item was discussed during Item 8.1ai.

##### ii. Trinidad Rancheria Feasibility Study update - (Time set 10:00 am)

Staff met with Trinidad Rancheria's staff. Topics included were a calculation of the pipeline size and route from McKinleyville CSD to the Rancheria. A meeting with Cal Trans right-of-way senior staff for a proposed right of way is the next step. Upon completion, the feasibility portion of the project will be complete. If the Board wants to pursue, the District staff would bring back a Mainline Extension agreement proposal. The Rancheria is pursuing grant funding options for the engineering and design portions of the project. An engineering firm hired by the Rancheria will perform detailed calculations of: pressure, grade and elevation changes, pump station locations, etc. The sizing of the pipe needed will be based on the needs of the Rancheria's approved site build out plan.

iii. Board of Supervisor's Drought Commission - The Humboldt County Board of Supervisor's meeting on May 25<sup>th</sup> was attended by Ms. Harris, who provided a presentation on the District's status of water availability. The District received a compliment from Supervisor Bohn on the work done at Ruth Lake to clean up after the 2020 wildfires.

There was no public comment.

#### b. Transport – no report

#### c. Instream Flow committee meeting report out

The Habitat Conservation Plan (HCP) goals and Multi Species Recovery Plan (MSRP) developed by NMFS are being reviewed by the committee.

### 8.2 McNamara and Peepe (Time Set 9:15 am)

Director Woo recused herself due to a remote conflict of interest. Director Woo is employed by SHN Engineers and Geologists, which performs work on the McNamara and Peepe site. Director Woo is a SHN minority shareholder, and her interest in the McNamara-Peepe site is remote.

#### a. DTSC letter approving surface water sampling

Mr. Matt Hagemann, a geologist, and Dr. Paul Rosenfeld, a dioxin expert both from SWAPE, Soil/Water/Air Protection Enterprises (SWAPE) were introduced. Surface water sampling results have demonstrated that dioxins found were below the Maximum Contaminant Level (MCL), but above the public health thresholds. An EPA Toxic



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Equivalence Factors (TEQ's) paper was included as a reference document in the Board packet.

Dr. Paul Rosenfeld, a PhD soil chemist and dioxin expert, discussed that MCL's are negotiated contaminant levels for the allowable amounts found in drinking water. MCLs consider the cost of treating and removing the contaminant, in addition to the risk to the public into account. For TCDD (dioxin) the MCL is 30 picograms per liter. The public health goal for dioxin is more health protective at 0.05 picograms/liter. The public health standard is 12 orders of magnitude less a gram.

Mr. Matt Hagemann introduced the results showing that dioxins were found in the surface water samples. He is familiar with the site and has conducted inspections. Dioxin is typically not found in water, but in the case of the McNamara and Peepe site, it may have adhered to an organic matter or fat particle of some sort, and cannot dissolve in water.

The Board asked if based on the findings, what are the chances that the dioxins present could reach the water supply and affect the health of the public we serve? Mr. Hageman stated: given the distance between the intake of the District's water supply and the samples at the McNamara and Peepe site, there is low risk that the District's water supply has any concentration of dioxin. Mr. Hageman also stated that he doesn't know for sure, and recommends that DTSC, as the lead agency for the site, pay for periodic dioxin monitoring, as well as dioxin sampling of sediment from the TRF facility.

Mr. Hagemann clarified the reporting limit (RL) listed on the chart in section 4.0 (8.2b page 5 of the Board packet). The method detection limits are dependent on many variables, and when testing is in the parts/trillion, it is extremely difficult to achieve accuracy below 1 part /trillion or 1 picogram/liter. Mr. Hagemann reiterated his confidence in the lab that provided the testing in terms of quality control and equipment. Testing equipment may not be capable to detect the public health standard, even in a state-of-the-art lab.

The Board noted that public health goals that are impossible to detect are a concern. Staff indicated that the District's Consumer Confidence Report (CCR) include standards and goals and will be brought to the July Board meeting for discussion.

Jennifer Kalt, of Humboldt Baykeeper, noted that DTSC has been requesting a new remediation plan for the site for three years, and asked what sampling should be included at any additional sites to determine the extent of contamination? She suggested potentially downstream towards the river at Hall Creek would be an appropriate sampling site. It appears that the contamination is coming from up slope of the cap in the storm water. She would like to see more sampling to determine how far up site and where else the dioxins may be located in order to form a new remediation plan. Dioxin could also be attributed to soil disturbance on the site that has been done over many years.



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Linda Miller, provided public comment. Her concern is for the Hall Creek wildlife and natural resources that may be exposed to dioxin. Are there additional actions if there was a different target such as wildlife preservation that we could request from DTSC?

The Board directed staff to request that SWAPE put their recommendations into writing and that they be provided to the General Manager to integrate into a letter to DTSC to be approved at the next meeting.

Director Woo returned to the meeting at the conclusion of discussion at 9:57am.

- b. SHN report on Surface Water Sampling was discussed within the context of the previous agenda item.

**8.3** DTSC site investigation workplan for McNord Lumber Mill site

Staff introduced the letter from DTSC to the property owner of a previous mill site (McNord) near Hall Creek and the McNamara-Peepe site. The current owners want to develop the property and they reached out to the District to discuss our concerns about potential contamination. The property owner has proposed a voluntary site investigation plan to DTSC. DTSC has not taken jurisdiction over the testing of this property. The District does not recommend any action until sampling has occurred and the test results are known. Staff noted that Jennifer Kalt has been involved and attended meetings with staff and the McNord property owner. There was no public comment.

**8.4** Ruth Lake Emergency Declaration

- a. Cal OES soil sample thresholds – Staff reported back regarding the Board’s request regarding Lease Lot soil samples. Background levels of each contaminant were provided. If the testing results are higher than allowable after factoring in background levels, then CalOES continues to remove soil until results are below the threshold.
- b. News articles re Ruth Lake clean-up efforts –The Board asked if there has been progress on the boat lot side of the lake. USFS has allowed the District to cross their property to perform debris cleanup. Part of the agreement is that the District must remove the access road created by previous lease lot holders after the debris is removed. This will be done by CalOES. Ms. Harris noted that there is also a trespass cannabis grow on District property. Law enforcement is needed to assist with the abatement of the trespass-grow.
- c. Cal Fire Forest Health Grant – Staff -discussed the grant application to begin reforestation of the property around the lake and headwaters in the amount of nearly \$5M. There is an overdemand for tree seedling supply. Part of the funds from the \$15,000 grant from North Coast Resource Partnership (NCRP) was used to hire Mark Andre, registered professional forester at BBW and Associates to provide technical support for the grant application. Staff also acquired a donation of 150,000 tree seedlings to be used as an in-kind match in the amount of \$75,000. No match is required for this grant, but having a match improves the chances of grant award.



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**9. New Business**

**9.1 CLOSED SESSION: THREAT TO PUBLIC SERVICES OR FACILITIES - Gov. Code 54957 (Time Set 3:45 pm)**

Consultation with:  
John Friedenbach, General Manager HBMWD,  
Dale Davidson, HBMWD Superintendent  
Nathan Stevens, PE, GHD  
Ryan T. Plotz, Mitchell Law Firm, LLP

The Board adjourned to Closed Session at 3:37 pm and reconvened at 4:36pm. There was no public comment.

**9.2 Report Out from Closed Session**

There was nothing to report out from Closed Session. There was no public comment.

**9.3 Public Hearing: Urban Water Management Plan (UWMP) (Time Set 1:30 pm)**

a. Resolution 2021-11: Adoption of the District’s 2020 Urban Water Management Plan

Ms. Sherrie Sobol introduced the UWMP, which is required to be updated every five years to show reliable water supplies. This year the District was required to show five years of adequate supply if there were a drought, rather than the historical requirement of three years. Ms. Sobol recommended the Board approve Resolution 2021-11. The Public Hearing Closed at 1:40pm.

The District must have an approved UWMP in order to be eligible to apply for state grant funding. The Mad River watershed is a very unique hydrologic area. Although conservation may be needed, the District can provide adequate water supply for our Municipal Customers, even during a five year drought. When GHD performed the calculations, urban water management supply was considered, not necessarily in conservation mode, for five years of drought. Projections were required for the next 20 years, including anticipated population growth rate (.7%) from the 2010 census (2020 census figures have not been published). Historical droughts did not require curtailment of any domestic or industrial supply.

On motion by Director Rupp seconded by Director Fuller the Board approved Resolution 2021-11: Adoption of the District’s 2020 Urban Water Management Plan, by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

**9.4 Joint Board Meeting with Ruth Lake Community Services District date moved to July 9, 2021**  
Staff introduced the draft agenda for RLCSD Joint meeting.



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On motion by Director Latt, seconded by Director Rupp, the Board Approved moving the Joint Board Meeting with RLCSD to July 9, 2021 by the following Roll Call Vote:

Director Michelle Fuller	ABSENT
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

**9.5 Humboldt County drought**

**a. News articles re drought**

Staff stated the reservoir level at Ruth Lake is currently at 96%, despite other state reservoir levels being critically low. Mad River flow levels at Essex are lower than normal for this time of year due to low flow from tributaries.

The Humboldt County Board of Supervisors (BOS) formed a drought taskforce in response to the state crisis. On behalf of the District, Ms. Harris participated in the BOS May 25<sup>th</sup> meeting when the issue of drought was discussed.

**10. Reports from Staff**

**10.1 Engineering (Time set 11:00 am)**

**a. 12 kV Switchgear Replacement (\$755,832 District Match)**

The 12KV switchgear payment request (number 08) from Sequoia for \$57,000 was for November 2020 through April 2021. They are finalizing change orders for the generator controller upgrade, and construction is occurring. The electrical contractor has completed their installation and foundation slab work has begun. The switchgear equipment is under construction and will be shipped to the site in July. Construction is anticipated to be completed in November 2021.

The requested grant extension for the performance period to March 2022 was accepted by CalOES. The Board asked if PG&E will be ready to complete the switchover. Mr. Stevens has coordinated with PG&E and they are aware of the importance of the HBMWD project and have assured the District that they will complete the switchover in a timely manner. The District is still waiting for the cut-over schedule from the electrical contractor.

**b. Collector 2 Communications Underground – North Coast Railroad Authority (NCRA) license:** Staff presented the concept of an amendment of the license agreement with NCRA to accommodate the need for an expanded easement. The formal license agreement amendment will be brought forward to the Board at a future meeting. The Board concurred that staff should proceed with the proposed amendment and bring final documents back for consideration.

**c. Collector Mainline Redundancy Hazard Mitigation Grant – (\$790,570 District Match) – no report**

**d. Reservoirs Structural Retrofit Hazard Mitigation Grant (\$914,250 District Match)-** The original total cost estimate was \$2.9M and the newer estimate is closer to \$5M, including a 30% contingency to



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accommodate the increase in construction costs. District staff has been working with GHD staff to see if there are potential reductions in cost, as well as working with CalOES to request additional grant funding.

The project to work on the domestic and industrial seismic tank retrofits is being separated into two projects for bidding purposes: the Korblex site, and the terminal reservoir at Samoa peninsula. This strategy provides flexibility in the bids. Phase 1 deliverables need to be provided to CalOES a month earlier than the previously approved deadline, so GHD requested a one-month extension to accommodate, which was approved by CalOES.

- e. TRF Generator Hazard Mitigation Grant (\$460,431 District Match) – CalOES sent an RFI clarifying the level of preliminary engineering design for Phase 1. Design will be at 50% level, aligning with FEMA’s standard. The Board commented that the Timber Harvest Plan will need additional outreach to the community prior to tree removal. Staff noted that a 3-acre conversion has been planned with a Registered Professional Forester (RPF) and will allow siting of the TRF backup generator and the Tesla battery bank at the TRF. The District will not remove trees on steep terrain with water dependent habitat. Redwood and spruce are the tree species that will be harvested. The RPF estimated the District may net between \$50,000-\$100,000 from the sale of the timber.
- f. Appeal of FEMA Funding Denial for Collector 4 Emergency Restoration Work – A \$60,000 check was received via mail for this disaster, with no written explanation. Staff thinks it may be administrative fees as it is significantly less than what was requested, so staff will research. CalOES does not send a description with its grant payments.
- g. R.W. Matthews Dam & Spillway Seismic Stability Analysis and Design HMGP Advance Assistance Project – nothing to report.
- h. Status report re: other engineering work in progress – nothing to report.

There were no public comments.

## 10.2 Financial

- a. Financial Report– accept May 2021 financial statement & vendor detail report  
Grant administrative funding and advance charges have accumulated to allow transfer of approximately \$1M to an interest-bearing reserve account. Unrestricted General Reserve funds are at \$4.5M currently.

There is a challenge in having updated information from the County, and the 1% property tax revenue that is refunded to the Munis may need to be estimated. Computations will be based on last year’s 1% tax revenue.

The fiscal year 20-21 Project Budget Reallocation will be brought to the Board in July. Expenses related to Projects came to \$120,000 in May. The first FEMA disaster relief reimbursement funds have been received in the amount of \$16,000. The COVID-19 FEMA grant funds still have not been received.

Director Fuller reviewed the bills. There was a question about a bill for an herbicide used at the dam. Mr. Davidsen clarified that this is an annual fee for service needed to keep the larger vegetation from taking root in the dam. An environmentally sensitive herbicide is used and a permit is obtained from Trinity County.





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On motion by Director Rupp, seconded by Director Latt, the Board accepted the May 2021 Financial Statement and Vendor Detail Report in the amount of \$216,412.92 by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

**b. FY 2021-22 Budget presentation**

Staff introduced the power point presentation included in the Board packet. There is an estimated increase in the medical premium in the amount of \$44,000 primarily resulting from the increase in HMO plan costs. The Service and Supply budget increase is anticipated to be 3.5%. The Salary and Benefits budget has a 2% COLA increase recommendation, and CA minimum wage increases to \$15.00/hr.

Potential retirement vacancies are a concern, and a temporary staffing position was added to accommodate a transfer of knowledge for any onboarding that may occur.

72% of the District budget is the Project budget. The total estimated for all budgets is \$21M. There is an estimated 2.6% increase to the Muni customers for next fiscal year. Funding sources include \$8.8M in grants, or 46% of the District’s revenue.

- i. HSU article re 2020 CPI - This article was provided as reference material to the budget discussion.

**c. Annual Appropriations Resolution 2021-12**

As required by the California state constitution an annual appropriations limit based on per capita income increases, and population decreases is required. The resolution limits the amount of tax appropriations at \$1,376,643.00 to be collected in the 2021-22 fiscal year.

On motion by Director Rupp seconded by Director Lindberg the Board Ratified Resolution 2021-12: Limit for Appropriation from Taxes by the following Roll Call Vote:

Director Michelle Fuller	AYE
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.



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### 10.3 Operations

a. Monthly report on projects and operations

Staff reviewed the Operations report. There was one, four-day shutdown of the hydro plant due to scheduled maintenance. Cleanup and repair to previous vandalism at the Essex location have been completed. Continued cleanup, including cooperation from the homeless encampment on the north side of the river near the Hwy. 299 bridge, is ongoing. Renovations for the Headquarters building are still being evaluated by staff.

There are challenges with coordinating the scheduling of hydro power production with PG&E for hydro plant repairs. An updated standard operating procedure (SOP) for scheduling work production changes with California Independent System Operator (CAISO) at the hydro plant is in progress. Several staff attended 40-hour cyber security webinar and technical training on electrical motors and planning and system repairs and upgrades for small systems. There was no public comment.

### 11. Management

a. ACWA

i. US EPA revisions to Unregulated Contaminant Monitoring -

Staff described the letter from ACWA regarding the (polyfluoroalkyl substances) PFAS. The UCMR-5 rule is a way for EPA to require testing in unregulated water systems to determine if contaminants of concern are affecting the public drinking water systems. The District has participated in the previous four UCMRs. The District has tested for PFAS and the results showed a “non-detect for PFAS” in our water system.

- ii. 2021 ACWA Spring conference report out – Mr. Friedenbach attended the conference and thanked the Board for supporting his attendance. The session with Carla Newman, Director of the Department of Water Resources (DWR), who spoke on the issue of small dams and the lack of funding for regulatory compliance was particularly memorable.

b. CSDA

Director Fuller left the meeting at 3:15pm.

i. COVID-19 fiscal impact to local government –

The federal legislature has made funding available for COVID-19, but it has not trickled down to special districts yet. Our district’s impact is approximately \$7,000, but other local small districts have more significant impacts due to the pandemic.

c. Return to In-Person Board meetings-

Staff posed the question to the Board of when they may want to return to in-person meetings. It is anticipated that the state economy will be reopened on June 15. However, modifications to relaxing the Brown Act will not be rescinded until September 30, 2021. In-person Board meetings come with OSHA requirements safeguarding District employees.

The Board agreed that getting back to in-person sessions should be the goal, within OSHA guidelines, and directed Staff to agendize the topic on the July meeting. There was no public comment.

### 12. Director Reports & Discussion

**12.1** General -comments or reports from Directors- there were no reports

**12.2** ACWA

- a. Nomination of J. Bruce Rupp as Chair of the ACWA Region 1 Board for calendar year 2022.

Director Rupp was invited to serve as the Chair of the Region 1 committee. If elected, there will be additional expense to the District to accommodate additional travel.



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On motion by Director Latt seconded by Director Lindberg the Board nominated Director J. Bruce Rupp as Chair of the ACWA Region 1 Board; and Approved Resolution 2021-10 by the following Roll Call Vote:

Director Michelle Fuller	ABSENT
Director Neal Latt	AYE
Director David Lindberg	AYE
Director Bruce Rupp	AYE
Director Sheri Woo	AYE

There was no public comment.

- b. Pam Tobin, candidate for President of the 2022 ACWA Executive Committee (**Time Set 10:30 am**) Ms. Tobin, a candidate for the presidency of ACWA spoke to the Board and requested support and a resolution of concurrence. The Board generally concurred and requested that staff bring back a resolution of concurrence for consideration at the July Board meeting. There was no public comment.
- c. Cathy Green, candidate for Vice President of the 2022 ACWA Executive Committee (**Time Set 10:45 am**) Ms. Green spoke to the Board and requested support of her candidacy for ACWA vice-presidency, and a resolution of concurrence. The Board generally concurred and requested that staff bring back a resolution of concurrence for consideration at the July Board meeting. There was no public comment.

Director Rupp reported out from the ACWA Spring Conference: Directors Rupp and Fuller attended the ACWA Spring Conference. Secretary Wade Crowfoot spoke and gave very positive direction.

**12.3 ACWA – JPIA**

Report out on ACWA-JPIA Spring Conference -

Director Rupp attended the JPIA Spring Conference. There are three vacant positions for the Executive Committee, with the incumbents running unopposed. New agency members were approved and the audit was approved. The Employee Benefits Committee met and discussed changes to retiree benefits.

**12.4 Organizations on which HBMWD Serves:**

- a. RCEA- Director Woo reported a salary schedule update. The Offshore Wind project was granted \$11M by the state, and that will cover the matching funds that were initially being requested from RCEA.
- b. RREDC- There was no meeting held.

There was no public comment.

**Adjournment:** The meeting adjourned at 4:36pm.

Attest:

\_\_\_\_\_  
 Sheri Woo, President

\_\_\_\_\_  
 J. Bruce Rupp, Secretary/Treasurer