



## Legislation Text

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**File #:** 2020-0582, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-481-0124

**Vote Requirement:** Informational Only

**Supervisory District(s):** All

### **Title:**

Informational presentation by representatives of the State Water Resources Control Board (SWRCB) regarding the process for appointment of a water system Administrator, and the potential consolidation of West Water Company with County Service Area 41 (CSA-41) - Fitch Mountain Water System.

### **Recommended Action:**

Receive an informational presentation by representatives of the State Water Resources Control Board (SWRCB) regarding the process for appointment of a water system Administrator, and the potential consolidation of West Water Company with County Service Area 41 (CSA-41) - Fitch Mountain Water System.

### **Executive Summary:**

The SWRCB proposes to bring the County into both intermediate and long term roles administering and operating struggling small water systems in the future, starting with West Water Company (West Water) on the outskirts of the City of Cloverdale. Regarding West Water, there are three potential roles involved: 1) to continue to perform emergency repairs and operation under an emergency funding agreement (addressed in a separate Board item on today's agenda), 2) enter into a proposed agreement to serve as Administrator of the system during an intermediate period (ostensibly fully funded by the State and subject to a separate agreement), and 3) eventually to administratively consolidate West Water with CSA-41-Fitch Mountain Water System, and operate it permanently. The SWRCB has taken initial steps to require the third action through an order to West Water to negotiate with CSA 41-Fitch Mountain Water System for voluntary consolidation. A final order has not yet been issued. It is uncertain at this time whether the SWRCB will allow the County to operate as the interim Administrator without taking on the long-term permanent administrative consolidation. The SWRCB presentation may help serve to clarify the options.

Representatives of the SWRCB will present information regarding the appointment of an Administrator, the consolidation process, the potential role/s the County is being asked to assume, and to answer questions by the Board.

### **Discussion:**

Assembly Bill 2501 (AB 2501), which was approved by the Governor and filed with the Secretary of State on September 28, 2018 among other things amended Health and Safety Code section 116686 to require the State Water Board to develop standards, terms and procedures in part dealing with the selection of water systems Administrators. An Administrator can have either limited or full scope managerial control over aspects of the

designated water system.

Section 106.3 of the Water Code provides that it is the policy of the state that every human being has the right to safe, clean, affordable and accessible water adequate to human consumption, cooking, and sanitary purposes. SWRCB has expressed concerns with some struggling small water systems in Sonoma County and of particular concern at this time is West Water Company, located on the outskirts of the City of Cloverdale.

SWRCB staff will go over the program and facts underlying the SWRCB order for West Water and Sonoma County's Service Area (CSA) 41- Fitch Mountain Water System to voluntarily negotiate a long term, permanent, administrative consolidation. If the County and West Water do not come to agreement to consolidate, SWRCB has indicated that it will order a mandatory consolidation. Note that the proposed consolidation is an administrative one, not physical. The systems would not be connected, but the administration would be.

As set out in a separate item on the Board's consent calendar agenda for this date, the County has been serving West Water in an emergency operator capacity at the request of the SWRCB since last summer, and a request for SWRCB reimbursement for that work is proposed for the Board's consideration in that item. While related, the reimbursement item does not obligate the County in any way to serve in the Administrator role being discussed in this presentation, nor does it commit the County agree to the consolidation being pursued separately by the SWRCB.

As context it should be noted that, in addition to West Water, there are likely to be at least two more struggling water systems presented to the County for proposed consolidation with CSA 41, at a later date.

**Prior Board Actions:**

None.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21- 22Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

Board item is informational only, no fiscal impacts are anticipated.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Presentation

**Related Items "On File" with the Clerk of the Board:**

None.