



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

# Agenda

## Utility Commission Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

June 20, 2023

6:30 PM

### REGULAR UTILITY COMMISSION AGENDA

#### CALL TO ORDER

#### ROLL CALL

Utility Commission Members:

Zaid Akhter, Lisa Ladd, Mark Menz, Amanda Ross, Aaron Silva, Bhaskar Vempati and Tad Widby

#### REPORT ON POSTING OF AGENDA

Agendas for the Utility Commission are posted at the Folsom City Hall and City website. (Pursuant to California Government Code Section 54954.2, the agenda for this meeting was properly posted on or before 6:30 p.m. on June 16, 2023).

#### BUSINESS FROM THE FLOOR

This item is intended for comments or suggestions from the public for presentation to the Utility Commission. Any matters discussed before the Utility Commission which are not on the agenda cannot be acted upon by the Commission.

#### MINUTES

1. Approval of the Minutes of the May 16, 2023 Regular Meeting

#### DIRECTORS' REPORTS

#### NEW BUSINESS

1. Review of water and wastewater related senate and assembly bills

#### Future Meetings

July 18, 2023

6:30 pm

Regular Meeting

City Hall

August 15, 2023	6:30 pm	RECESS	
September 19, 2023	6:30 pm	Regular Meeting	City Hall

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*Copies of the written documentation relating to each item of business described above are on file in the Environmental and Water Resources Department, Folsom City Hall, 50 Natoma St., Folsom, California and are available for public inspection during regular office hours which are 8:00 a.m. to 5:00 p.m., Monday through Friday. We request advance notification to facilitate your requests. Copies of documents may be purchased for \$0.10 per page.*

*Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Folsom City offices, and City website. The City Hall phone number is 916-461-6000. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and an operator will assist you.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Environmental and Water Resources Department at 916-461-6162. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

***Please mute or turn off cellular phones, tablets, and other electronic devices during the meeting.***



CITY OF  
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# Utility Commission Regular Meeting

## Draft Minutes

City Council Chambers | 50 Natoma Street, Folsom CA 95630

May 16, 2023

6:30 PM

### Call to Order

Chair Menz called the meeting to order at 6:30 p.m.

### Roll Call

PRESENT: L. Ladd, M. Menz, B. Vempati, T. Widby.

ABSENT: Z. Akhter, A. Ross, A. Silva.

STAFF PRESENT: Marcus Yasutake: Environmental & Water Resources Director

Mark Rackovan: Public Works Director

Emma Atkinson: Administrative Assistant, EWR

### Business from the Floor

None.

### Minutes

Approval of the Minutes of the April 18, 2023, Regular Meeting.

Commissioner Vempati motioned to accept the minutes.

Commissioner Menz seconded the motion.

Motion carried with the following vote:

AYES: Commissioners Ladd, Widby

ABSENT: Commissioners Akhter, Ross, Silva

ABSTAIN: None.

### Directors' Reports

- Director Rackovan reported that the draft budget for FY2023-24 was presented at the City Council meeting on April 25<sup>th</sup>. At this meeting, City Council approved signing an agreement with other Sacramento County jurisdictions regarding the edible food recovery program.
- Director Rackovan shared a presentation of a proclamation of National Public Works Week, which included details of the City Works Day Event, and the ROADEO training and competition, both scheduled for May 17.
- Brian Reed and Marie McKeeth both won Public Works Manager of the Year Awards from the American Public Works Association, Sacramento Chapter. They are receiving the awards at a dinner where Mayor Rodriguez will also be in attendance.
- Director Yasutake announced that a new temporary employee started work in the meter division today, EWR's new GIS Technician will start work next week, and an additional City GIS Technician will start shortly afterwards.

Commissioner Menz: how many applicants were there? *Director Yasutake: I don't know the number of applicants, but I believe there were 10 or 12 candidates interviewed.*

- Director Yasutake provided information that EWR and PW will begin working together regarding the new California Air Resources Control Board resolution regarding use of electric vehicles, to better understand the impact on operations.

Commissioner Menz: Will you be looking at the 25 horsepower devices as well? *This resolution is specifically about vehicles.*

- Director Yasutake informed the Commission that he will bring information to the June meeting regarding the various State Assembly and Senate Bills relating to water and wastewater.

## **New Business**

- **2022 Water Use Recap:**

Director Yasutake presented the City's water use data from 2022.

Commissioner Menz: Is there any anticipated need for additional land at the Water Treatment Plant? *No; There are planned projects that expand operations at the plant, but they will not require additional land.*

Commissioner Widby: Is there anything different about Ashland, relative to the rest of the Folsom water, in terms of rights and availability? *San Juan Water District has similar water contracts to Folsom.*

Commissioner Widby: Do you see a difference coming in per capita use? *Due to city wide conservation measures driven by State laws, an increase in per capita use, on average, is not expected.*

Commissioner Vempati: Do we use recycled water for irrigation? *No, we do not have recycled water in the City. Regional San has an Echo Water project that will produce recycled water, but that will not supply Folsom. We are working on a non-potable master plan, that includes an agreement with Aerojet for them to provide the City with non-potable water.*

Commissioner Vempati: What do we do to quantify losses? *EWR hired a consultant to perform Leak and Loss Detection, to identify leaks around the City and the associated volume of water. This includes two rounds of leak detection work performed over a 3-year period. City staff complete repairs on City lines and may also perform leak detection.*

Commissioner Widby: What percentage of water is lost? *For the last audit, it was about 11%.*

## **Adjournment**

Meeting adjourned at 7:25 pm.

## **Respectfully Submitted:**

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Emma Atkinson, Administrative Assistant.

## **Approved:**

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Mark Menz, Utility Commissioner Chair.

DATE: June 2, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **WATER AND WASTEWATER RELATED SENATE AND ASSEMBLY BILLS**

### **BACKGROUND**

Each year, the California state legislature drafts proposed bills related to water.

### **DISCUSSION**

The Environmental and Water Resources Department will discuss various water and wastewater related bills introduced by the Senate or Assembly. For Calendar Year 2023, there are not any bills introduced related to the City's wastewater collections operations. The provided in this discussion are water related bills. The following bills are included in the discussion:

#### Assembly Bill 249

Would require a community water system that serves a schoolsite with a building constructed before January 1, 2010, to test for lead in the potable water system of the schoolsite before January 1, 2027.

Position: Oppose unless amended, same as RWA and ACWA

#### Issues:

- The United States Environmental Protection Agency is currently working on the Lead and Copper Rule Improvements (LCRI) to strengthen the current Lead and Copper Rule Revisions adopted in December 2021 and this bill could be in conflict with federal requirements.
- Bill requires the City to test every potable "outlet" at a schoolsite – water fountain or faucet used for drinking or preparing food
- Each schoolsite shall have its own sampling plan developed by the City in conjunction with the school

#### Assembly Bill 460

Establishes expansive authority for the State Water Resources Control board to issue interim relief orders.

Position: Oppose, same as RWA and ACWA

Issues:

- Seeks to bypass current judicial review processes already in place
- Due process for water rights holders is potentially deprived
- Provides the SWRCB with the ability to curtail diversions and impose penalties without having a hearing if the SWRCB considers the matter to be urgent

#### Assembly Bill 754

Would require an urban water management plan, if a reservoir is identified as an existing or planned source of water, to include specified information related to water storage and conservation, including, among other things, a target water supply storage curve, and an automatic conservation plan that would be implemented when the reservoir storage level falls below the target water supply storage curve.

Position: Oppose, same as RWA, ACWA and CMUA

Issues:

- Duplicative of current Water Shortage Contingency Plans
- Does not account for all of an agencies water supply portfolio
- Reservoirs serve multiple purposes and are not always in control by a water agency
- In years like 2023, some reservoirs are purposely drawn down to lower levels to allow for inflow from precipitation and snow melt, which could lead to implementing conservation measures when not needed

#### Assembly Bill 755

Would require an agency when conducting a cost-of-service analysis to identify the incremental costs incurred by the major water users, defined as the highest 10 percent of users, in the single-family residential class and the incremental costs, as defined, that would be avoided if major water users met the standards in the urban water use efficiency objective. The bill would also require the incremental costs incurred by the major water users to be made publicly available by posting the information on the public entity's internet website.

Position: Oppose, same as RWA, ACWA, and MUA

Issues:

- Could lead to legal challenges under Proposition 218, which states the City cannot charge a customer more than what it costs to provide water service for that customer
- The highest 10 percent of users can change on an annual basis
- Requires the City to calculate a water efficiency goal for approximately 2,100 SFR accounts (10%) and then calculate the costs avoided in these 10% met their water use efficiency goal

#### Assembly Bill 1072

Would require on and after January 1, 2025, urban wholesale water suppliers and urban water suppliers to offer technical assistance and financial incentives to low-income residential customers to

install efficient water conservation devices and climate resilient landscaping. Would require suppliers to allocate a minimum of 40 percent of program funds to low-income households and disadvantaged communities within their service areas. Makes an urban wholesaler water supplier and urban water suppliers ineligible for state funds if they are not in compliance with the above.

Position: Oppose unless amended, same as RWA and ACWA

Issues:

- Typically, low-income housing in California is for renters and not homeowners
- Rebates at water agencies are set up to offer incentives to the “homeowner” not the “resident” inside the home
- Could potentially lead to a Prop 218 challenge because the bill requires 40% of rebate funds be allocated to low-income housing and an agency would need to be sure that non-ratepayer funds be used to cover this 40%

#### Assembly Bill 1337

Would authorize the State Water Resources Control Board to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter’s priority of right. The bill would authorize the board to adopt regulations to implement this provision.

Position: Oppose, same as RWA and ACWA

Issues:

- Expands instances on when diverting water is considered a trespass
- Provides the SWRCB with the authority to adopt regulations to implement the bill
- Provides the SWRCB authority to issue cease and desist orders when a water right holder fails to curtail diversion when water is unavailable under the water right’s holder priority of right, but does not address if the diversion is used for public health and safety

#### Assembly Bill 1572

Would prohibit the use of potable water, as defined, for the irrigation of nonfunctional turf located on commercial, industrial, municipal, institutional, and multifamily residential properties, as specified.

Position: Oppose unless amended, same as RWA and ACWA

Issues:

- Current definition is inconsistent with SWRCB definition
- Includes multi-family residential housing, which is in conflict with the State’s urban water use objective where MFR is considered residential
- Potential statewide impacts to disadvantaged communities because of potential costs to retrofit these areas to continue to water for trees

#### Assembly Bill 1573

Would make significant revisions to MWELo including requiring specific low water use plants, 75

percent native plants, and only allow for regionally and site-specific “appropriate” plants. The bill also includes a definition of non-functional turf.

Position: Oppose unless amended, same as RWA, ACWA, and CMUA

Issues:

- Using native plants may lead to plant species that are not as water efficient as other plants
- Finding native plants can be challenging and costly compared to current plants types allowed under the Model Water Efficient Landscape Ordinance
- Definition of non-functional turf is not the same as AB 1572

### Senate Bill 389

Would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right.

Position: Oppose, same as RWA, ACWA and CMUA

Issues:

- Would authorize the SWRCB to investigate the validity and scope of any water right holder without even demonstrating a reason for initiating an investigation
- Would authorize the SWRCB to issue an information order to a water rights holder for technical reports or other reports related to the diversion of water
- SWRCB already has the authority to investigate water rights using fair due process and this bill would shift the burden of proof to the water right holder