

# **SAN JUAN WATER DISTRICT**

Board of Director's Board Meeting Minutes

November 20, 2024 – 6:00 p.m.

## **BOARD OF DIRECTORS**

Manuel Zamorano	President (absent)
Ted Costa	Vice President
Ken Miller	Director
Dan Rich	Director
Pam Tobin	Director

## **SAN JUAN WATER DISTRICT MANAGEMENT AND STAFF**

Paul Helliker	General Manager
Donna Silva	Director of Finance
Tony Barela	Director of Operations
Andrew Pierson	Director of Engineering
Devon Barrett	Customer Service Manager
Greg Turner	Water Treatment Manager
Greg Zlotnick	Water Resources Manager
Teri Grant	Board Secretary/Administrative Assistant
Nancy Ashjian	General Counsel
Elizabeth Ewens	Water Counsel

## **OTHER ATTENDEES**

Anonymous	
Amber Beckler	
Anthony Wong	
Cheryl Berkema	
Clovis Miller & Family	
Gary Flanagan	
Heather Boyce	
Hunter	
Karen Humphrey	
Kevin	
Sandy Harris	
Stacy Helliker	
Steve	
Tammy	
Wes Trummell	
Ray Riehle	Citrus Heights Water District
Caryl Sheehan	Citrus Heights Water District
Al Johnson	Citrus Heights Water District
Shawn Huckaby	Fair Oaks Water District
Mike McRae	Fair Oaks Water District
Kris Johnson	Granite Bay MAC
Suzanne Jones	Placer County Board of Supervisors

Jim Peifer	Regional Water Authority
Craig Locke	Sacramento Suburban Water District
Entela Fallstead	SJWD Employee
Jed Thorne	SJWD Employee
Mark Hargrove	SJWD Employee
Mike Spencer	SJWD Employee

## **AGENDA ITEMS**

- I. Roll Call**
- II. Public Forum and Comments**
- III. Consent Calendar**
- IV. New Business**
- V. Old Business**
- VI. Information Items**
- VII. Directors' Reports**
- VIII. Committee Meetings**
- IX. Upcoming Events**
- X. Adjourn**

Vice President Costa called the meeting to order at 6:00 p.m.

### **I. ROLL CALL**

The Board Secretary took a roll call of the Board. The following directors were present in the Boardroom: Ted Costa, Ken Miller, Dan Rich and Pam Tobin. President Manuel Zamorano was absent.

### **II. PUBLIC FORUM**

Ms. Suzanne Jones, Placer County Board of Supervisors' Board Chair, addressed the Board and voiced concern about Brown Act violations and stated that the Placer County District Attorney has been notified. She strongly recommended that the Board think about their actions at the meeting and about their communications outside of a public meeting.

Mr. Ray Riehle, Citrus Heights Water District Board Member, addressed the Board and stated that the CHWD Board is very concerned with any movement forward with the merger with SSWD, mainly due to concerns regarding future water rights. In addition, he voiced concern regarding the governance of a merged agency. He respectfully asked that the Board reconsider spending money on the merger.

Ms. Cheryl Berkema addressed the Board and voiced concern that there has been little communication to the public about the proposed merger and no opportunity for public input, as compared to the public hearings regarding rates.

Ms. Sandy Harris addressed the Board and voiced concern regarding communications to the public about the merger and would like the Board to reconsider spending money on a study at this time.

### III. CONSENT CALENDAR

All items under the Consent Calendar are considered to be routine and are approved by one motion. There was no separate discussion of these items unless a member of the Board, audience, or staff requested a specific item removed. Consent Calendar item documents are available for review in the Board packet.

**1. Minutes of the Board of Directors Meeting, October 16, 2024 (W & R)**

*Recommendation: Approve draft minutes*

**2. Treasurer's Report – Quarter Ending September 30, 2024 (W & R)**

*Recommendation: Receive and file*

**3. Board Policy on the Prevention of Discrimination, Harassment, Violence in the Workplace and Abusive Behavior (W & R)**

*Recommendation: To approve BOD-2.5 Policy on Prevention of Discrimination, Harassment, Violence in the Workplace and Abusive Conduct and to amend BOD-2.3 Ethics Policy*

**4. Records Management Policy Revisions (W & R)**

*Recommendation: To adopt Resolution 24-08 revising Board Policy Adm-3.6 Records Management Policy*

Director Tobin requested that Consent Calendar items 3 and 4 be removed for discussion.

***Director Miller moved to approve the Consent Calendar items 1 and 2. Director Rich seconded the motion, and it carried with 4 Aye votes. (President Zamorano absent).***

Vice President Costa opened the floor to Director Tobin regarding Consent Calendar item 3. Director Tobin suggested that any policy changes be held off until the new Board member is seated. In addition, she suggested that a third party be hired to review current policies to ensure that they align with legal requirements and best practices. She also had concern that the policies were placed on the Consent Calendar instead of under the regular agenda items.

In response to Director Miller's question, General Counsel Ashjian informed the Board that Legal Counsel Jones did review the policy. GM Helliker explained that the policy is composed of elements that are included in the Personnel Manual and are being moved into a Board policy since there is no Board policy on these particular items. He explained that the policies on the Consent Calendar were reviewed by Legal Counsel and the Legal Affairs Committee, and it is the standard practice of the Board to place items on the Consent Calendar that have been reviewed by a committee.

Vice President Costa stated that Director Tobin's comment regarding that the full Board is not present, and a new Board member will be at the next Board meeting had merit; however, he stated that her other arguments were without merit.

***Director Tobin moved to move Consent Calendar item 3 (Board Policy on the Prevention of Discrimination, Harassment, Violence in the Workplace and Abusive Behavior) to the next Board meeting when there is a full Board present. Director Rich seconded the motion.***

Mr. Mike McRae addressed the Board and noted that once Sacramento County confirms the votes, he anticipates filling the Division 4 seat on the San Juan Board. He voiced concern that Board members are not considered regular employees and questioned the legality of this policy.

Ms. Berkema addressed the Board and agreed with Mr. McRae's position and voiced concern regarding staff and Board member inter-relationships. In addition, she was concerned with whistleblowing and ethics training for District staff and Board members.

Ms. Jones addressed the Board and stated that this item should have been an action item on a previous Board agenda and not on the Consent Calendar.

Mr. Gary Flanagan addressed the Board and believes that this item is a way to control and manipulate Board members.

Director Miller stated that this item was reviewed by the Legal Affairs Committee (2 directors) and a recommendation was provided to the Board for consideration which was very transparent. He called for the question.

***The motion carried with 4 Aye votes. (President Zamorano absent).***

Vice President Costa opened the floor to Director Tobin regarding Consent Calendar item 4. Director Tobin voiced concern regarding Board policy 2.3.32 and a 30-day retention policy. The Board Secretary inquired what section Director Tobin was reviewing in order to present it to the audience on the projector. It was discovered that Director Tobin was reviewing and commenting on the previous policy which was delayed until the December Board meeting.

***Director Tobin moved to move Consent Calendar item 4 (Records Management Policy Revisions) to the next Board meeting when there is a full Board present. Director Rich seconded the motion.***

Director Tobin would like to meet with Legal Counsel Jones prior to the Board meeting to discuss the policies – Vice President Costa directed GM Helliker to arrange that meeting.

Mr. McRae addressed the Board and encouraged the Board to delay the revisions to the Records Management Policy since the District is a party to a lawsuit and he believes that it would be best not to change this policy at this time.

Ms. Berkema addressed the Board and was concerned about the 30-day retention period for audio recordings and whether or not the District is following the state guidelines. Vice President Costa encouraged the public to return to the next Board meeting when this topic will be discussed.

Ms. Jones addressed the Board and encouraged the Board to make sure that the retention periods match state and local laws. GM Helliker explained that Legal Counsel reviewed the document thoroughly and confirmed the citations in the retention schedule. The Board Secretary informed the Board and public that the Retention Schedule, located on the District's website, contains links to the authorizing code that the retention period is based on for each item.

Ms. Kris Johnson addressed the Board and inquired what the compelling reason was for making the retention so short. The Board Secretary explained that it was set at 30 days based on prior legal counsel's recommendation.

***The motion carried with 3 Aye votes. (Director Miller voted No and President Zamorano was absent).***

#### **IV. NEW BUSINESS**

##### **1. Recognition of Service of Kenneth H. Miller (W & R)**

GM Helliker conducted a brief presentation recognizing Director Ken Miller's 40 years of service at the District and thanked him for his service and guidance. A copy of the presentation will be attached to the meeting minutes. Director Miller thanked the Board and staff and stated that it has been a very rewarding experience, especially seeing the District's accomplishments over the years. Director Rich read Resolution 24-09 and highlighted the amendment to the resolution to include naming the Administration Building the Kenneth H. Miller Administration Building. The Board and public members congratulated Director Miller and thanked him for his service.

***Director Rich moved to adopt Resolution 24-09 Recognizing Kenneth H. Miller for 40 Years of Service to the District with an amendment that the Board hereby names the Administration Building the Kenneth H. Miller Administration Building. Vice President Costa seconded the motion, and it carried with 4 Aye votes. (President Zamorano absent)***

##### **2. Censure of Pamela J. Tobin (W & R)**

Vice President Costa announced the agenda item and Director Tobin stated that her middle initial is E. Director Rich stated that he added this item to the agenda and would like to amend the resolution to correct the middle initial to E. Director Rich explained that a censure is a formal vote of disapproval of a member's conduct and he read a written statement that will be attached to the meeting minutes. The written statement outlines the reasons he brought this request for the Board's consideration. In response to Vice President Costa's comment, Director Rich indicated that the comments in the written statement are consistent with the resolution.

Vice President Costa commented that the Brown Act violation allegations are pretty serious and then questioned if Director Tobin sent out a mailer. Director Tobin confirmed that she sent out a mailer and that the use of the District's logo was totally unintentional and that it was not her intention to misrepresent and that she did not seek endorsement from the Board. She stated that she received a cease and desist notice from GM Helliker and did not do further mailers. In addition, she questioned the posting indicating that there was an illegal use of the District's logo and who determined that it was illegal.

Director Tobin stated that she disagrees with a lot of Director Rich's comments and that she brought issues to the Board that they needed to be made aware of that were disregarded. In response to Vice President Costa asking if the District's logo was still on her website, Director Tobin stated that it was not and that she took it off. Director Rich commented that the logo on her website is the District's logo.

Vice President Costa inquired if there was any evidence that the four Board members conspired to censure Director Tobin. Director Tobin responded that she did not have a source but there was no due process. She rebutted that she was not taken off as the RWA representative for the reasons that Director Rich stated, and that she wants to be open and transparent and able to discuss actions that put the District at risk.

Vice President Costa and Director Tobin discussed President Zamorano's conversation with her that occurred in November, and her interactions with GM Helliker, her attorney, and the FPPC. Vice President Costa inquired of Directors Rich, Miller and Tobin if they had discussed any topic that was on tonight's agenda with him and none of them had done so. They discussed the committee assignments, and Vice President Costa commented that if he is chair next year, he will move committee assignments around.

Vice President Costa voiced concern regarding Director Tobin's campaigning at the Citrus Heights Chamber of Commerce event at City Hall. Director Tobin informed the Board that she asked in advance to speak at the event, and it was approved for her to do so.

Director Miller asked the public if they had attended more than one Board meeting over the last six months, and a few raised their hand that they had. He stated that to understand the Board and their actions, attending one or two meetings is not adequate to have knowledge about the process.

Director Rich commented that the resolution does not prohibit Director Tobin from performing the duties that she was elected to do. Vice President Costa commented that she could perform her duties for internal meetings but would not be allowed to represent the District in any external meetings.

Vice President Costa opened the floor for public comment.

Ms. Caryl Sheehan, Citrus Heights Water District Board member, addressed the Board and indicated that she is opposed to the resolution and requested that this item be removed from the agenda or at the least delayed until the next Board meeting when the newly elected Board members are seated.

Mr. Wes Trumell, from Fair Oaks, addressed the Board and voiced concern that there may be a conflict of interest with regard to Director Rich and Tobin voting on this issue since they are implicated in the resolution, and made some comments about the contents of the resolution.

Mr. McRae addressed the Board and commented that it's clear that there is friction on the Board and that this process is not extending the olive branch. He also commented that using the logo should not be an issue or be considered a show of endorsement or be considered illegal. He recommended that the Board delay this permanently or until the next Board meeting. Director Miller commented that it would be a copyright infringement as well and it is strictly prohibited by state law – Mr. McRae added that may be true if a court of law determines his interpretation is true.

Ms. Amber Beckler addressed the Board, stating that she has attended previous Board meetings, and voiced concern about censuring a newly elected, not certified, Board member. She suggested hiring an independent conflict management consultant to help the Board work through underlying challenges. Vice President Costa informed the public that the Board already did this. In addition, she was concerned with taking away Director Tobin's ability to represent her division. She stated that censuring is highly serious and encouraged the Board to remove this item completely.

Mr. Flanagan addressed the Board and stated that he received the email regarding improper use of the District's logo and that the District does not support any candidates and thought it was fine until the part regarding pursuing legal action. He commented that the information sent out showed bias and was wrong.

Ms. Johnson addressed the Board stating that she supports Director Tobin as an active member of the Board, believes there should have been previous discussions with Director Tobin prior to this action, and is very disappointed in seeing this being considered.

Ms. Berkema addressed the Board and pointed out that the censure resolution does not have a time limit. She stated that, on social media, Director Rich and GM Helliker repeatedly posted messages in opposition of Director Tobin and gave a bad impression of San Juan Water.

Ms. Jones addressed the Board and highly recommended that the action be tabled or removed completely from the agenda. She stated that there are some very potential illegalities and unethical conduct by members of the Board and the General Manager if the Board passed the resolution tonight. In addition, she informed the Board that she spoke to Placer County District Attorney, Morgan Gire, today and

based on what he has read and has seen here, there is enough cause for them to have an investigator look into all of this. Vice President Costa encouraged her to proceed and provide his name. She stated that if they find anything substantive, the Placer County DA is good friends with the Sacramento County District Attorney as well. She then stated that if the Board passes this without due process for Director Tobin, she will recommend that Director Tobin file a complaint with both the Sacramento County grand jury and the Placer County grand jury. She further commented that the Board works for the ratepayers as elected officials.

Ms. Sandy Harris addressed the Board and voiced concern regarding the 3<sup>rd</sup> statement of the resolution since Director Tobin represents the District on the regional committees and provides detailed summaries of those meetings to the Board and feels it would be a huge mistake to remove her from those responsibilities.

Director Miller explained that he asked his question earlier about attendance at Board meetings since Board meetings are open to the public and it seemed like some members of the public do not believe that the Board is transparent. In response to Director Miller's comment of whether there is a ratepayer or a Supervisor giving the Board direction, Ms. Jones responded that she is both. He commented that the situation that the Board is dealing with needs to be acted upon.

Director Tobin commented that she has had a differing opinion on how the District should be run, with accountability being key. She commented that the District was removed from the CIA Voluntary Settlement Agreement due to a breach of confidentiality by the General Manager which removed the District from attending meetings and the District had to hire a Water Attorney because the District was not involved in those talks. She stated that each time she brings something to the attention of the Board that she gets retaliated against. She informed the public that she filed a complaint with the California Department of Civil Rights regarding the retaliation and bullying that she has experienced and feels that the censure is a way to shut her up and make her go away. In addition, she commented that the District used to be a leader in the region and the District is no longer there. She further commented that the General Manager was not appointed to the ACWA Water Management Committee due to his actions. She suggested that the Board hire a consultant to bring the Board together and teach them how to be better Board members and work cohesively.

In response to Vice President Costa's questions about the Board's attempt to shut Director Tobin up and the use of the District's logo, Director Tobin responded that the censure is an attempt to shut her up and it was not her intention to use the District logo.

GM Helliker asked to provide Ms. Karen Humphrey's written chat comments, as she was having technical difficulties with her audio. The Board Secretary read Ms. Humphrey's comments which stated that she strongly opposed the censure and asked that it be withdrawn. In addition, she commented that she was concerned with Director Tobin being unable to continue to hold external positions including as Past



President of ACWA, one of the few women ever to hold the position. GM Helliker responded in the chat that Director Tobin was not being prevented from serving as Past President, only from representing San Juan.

Director Rich commented that he presented the resolution because it has been an accumulation of many actions by Director Tobin over the years, including misrepresentation and name calling, which became public over the election period. He commented that the censuring will not stop Director Tobin from performing the duties that she was elected to do and is basically a formal complaint from the Board. In addition, he explained that the 2<sup>nd</sup> item is an attempt to have Director Tobin stop making false allegations, which has been discussed in the past. He explained that the 3<sup>rd</sup> item is to remove her from external committees during the censure since she has been making statements that are unprofessional and unqualified to people outside the Board.

In response to Director Tobin's comment about ACWA Immediate Past President position, Director Rich responded that she would continue to be the ACWA Immediate Past President, as nobody could take that away from her.

Vice President Costa commented that San Juan has a problem that started when GM Helliker came on board with a specific management style that has been backed by the Board and that one Board member cannot supersede the policy of the Board. He commented that when Director Tobin became ACWA Vice President, she was removed from being the RWA representative. In addition, he pointed out that when the Board voted not to send Director Tobin to the ACWA DC conference in Washington, that was the Board's decision which should not be challenged.

Director Tobin commented that Washington was very important to attend and denying her that opportunity was nothing more than a retaliatory move. She commented that President Zamorano stated in a public meeting that he was voting no because she needed to be nicer to staff. Ms. Jones commented that it was protected speech, and the Board can't censure Director Tobin for protected speech. Vice President Costa responded that the Board is not censuring her for protected speech.

Vice President Costa commented that the Board requested Director Tobin to meet once a month with GM Helliker, about three years ago, to get their differences straightened out but she refused to meet. Director Tobin stated that she started meeting with him but discontinued doing so because he has more twists and turns than a country road. Ms. Jones stated that Director Tobin does not work for the General Manager, he works for her, and Vice President Costa commented that Ms. Jones, as a County Supervisor, meets with her general manager and other staff, which she responded that she meets twice a month with her staff person.

***Director Rich moved to adopt Resolution 24-10 Censuring Pamela E. Tobin. Vice President Costa seconded the motion.***

Director Tobin commented that the Board should listen to the ratepayers.

Ms. Berkema commented that she would like to be on Director Tobin's EEOC complaint and that she would like to file a complaint with the Board regarding Paul Helliker and Director Rich.

Ms. Jones inquired if Vice President Costa interacts with any other water agencies. Vice President Costa stated that he attends a lot of those meetings as that's the only way to know what's going on in those agencies. Ms. Jones commented that she works closely with PCWA and they are not happy about anything that is happening with this Board.

Ms. Beckler asked Legal Counsel to clarify the rules around conflict of interest for voting on this particular matter. Legal Counsel Ashjian responded that she does not know the circumstances of Director Rich's involvement regarding campaigning for Director Miller. Legal Counsel Ashjian stated that for censuring there is not any kind of recusal and there is no conflict to have both Director Rich and Director Tobin included in the vote. In addition, Legal Counsel Ashjian commented that as for campaigning, she is not aware of the circumstances and that would need to be investigated.

Mr. Flanagan commented that this action should be delayed and the attorney should look into the Nextdoor posts and whether or not Director Rich should be allowed to vote or recuse himself. In addition, he commented that Director Miller should also recuse himself since he lost the election to Director Tobin and may be vindictive.

Vice President Costa asked Legal Counsel Ashjian about the accusations that were just made. The member of the public said he did not make any accusations and that he made recommendations. Vice President Costa asked Legal Counsel Ashjian if there were any reason why any of the four Board members should not vote on this agenda item. Legal Counsel Ashjian responded that Legal Counsel Jones looked into the Nextdoor posts and there does not seem to be any conflict. Director Rich stated that he was concerned about the resolution, so Legal Counsel Jones reviewed it as well. In response to Vice President Costa's question regarding delaying this action, Director Rich stated that he did not want to hold this over to the next meeting.

A member of the public inquired if the censure would impact Director Tobin's job in any way or not allow her to serve on any committees. Vice President Costa said that it would not impact her job and that she would be allowed to serve on internal committees.

Legal Counsel Ashjian informed the Board that she had talked to Legal Counsel Jones on this particular item with regard to NextDoor and there is no conflict of interest with the censure motion.

Director Miller inquired how Mr. Flanagan would know his state of mind after the election and possible vindictive actions since the election results have not been finalized and certified. Mr. Flanagan stated it could be the perception.

Mr. Tom Gray addressed the Board and stated that at least four times, in public meetings, a director has used foul language during a Board meeting, and the Board has never taken any action.

***The motion carried with 3 Aye votes and 1 No vote (Director Tobin voted No and President Zamorano was absent).***

Director Tobin wanted her objection noted in the minutes and then left the meeting.

Vice President Costa called for a break at 8:15 pm.

Vice President Costa called the meeting back to order at 8:22 pm.

### **3. Water Treatment Plant Memorandum of Understanding (W)**

Ms. Silva reviewed the staff report which was included in the Board packet. She explained the Water Treatment Plant operators' work schedules and the fact that a Memorandum of Understanding (MOU) is needed due to the unique work schedules. She informed the Board that there is an existing MOU, but it was not approved by the Board, which is a requirement of CalPERS. She explained that without Board approval, the shift operators will not be entitled to a pension that is based on the compensation they receive for working their assigned normal work schedule under the terms of the MOU that has governed their employment for the past 20 years.

Ms. Silva reported that the revised MOU does not include substantive changes to the WTP Operator pay or benefits, and is similar to the existing MOU, but she pointed out two changes: 1) a change to the work week from Saturday 3:00 pm through Saturday 2:59 pm to Saturday 12:00 am through Friday 11:59 pm so that the WTP Operators can be in alignment with the rest of the District and utilize the electronic timesheet system, and 2) a change in the work schedule from one 24-hour day on, and two off, to two days on-four days off.

Ms. Silva explained that it was discovered that the method that the District has been utilizing to report the WTP Operator's time to CalPERS is incorrect and it needs to be corrected. She explained that part of the \$7,500 is to correct the erroneous reporting that has occurred over the years and the other part is to capture the overtime from their regular pay.

Ms. Silva informed the Board that, if approved by the Board, staff will be sending the MOU to the CalPERS Special Compensation unit for review; therefore, if there are substantive issues with the MOU, staff will return to the Board with recommended edits. In addition, she informed the Board that the shift operators and the day operators would like to further discuss and analyze the unpaid sleep shift, so this might be brought to the Board at a later date for consideration.

***Director Miller moved to approve the Water Treatment Plant Memorandum of Understanding. Director Rich seconded the motion, and it carried with 3 Aye votes. (Director Tobin and President Zamorano absent)***

**4. District's 457 Deferred Compensation Plan (W & R)**

Vice President Costa delayed this agenda item to the December meeting so that President Zamorano will be in attendance.

**5. ACWA General Session Membership Meeting Delegate (W & R)**

GM Helliker explained that the Board needs to appoint a delegate for the ACWA General Session Membership meeting.

***Vice President Costa moved to appoint Director Dan Rich as delegate to serve as the authorized voting representative at the December ACWA General Session Membership meeting. Director Miller seconded the motion, and it carried with 3 Aye votes. (Director Tobin and President Zamorano absent)***

**V. OLD BUSINESS**

**1. Fiscal Year 2023-2024 Results of Operations – Budget to Actual (W & R)**

Ms. Silva provided a staff report which was included in the Board packet. She informed the Board that the independent audit is complete, and she expects the auditors to meet with the Finance Committee in December. She informed the Board that the Annual Comprehensive Financial Report is being worked on as well. She reported the following information for the fiscal year ending June 30, 2024:

Wholesale Operations	Revenues higher than budget and mid-year estimate Expenses lower than budget and mid-year estimate Transferred \$3,204,740 into the Capital Reserve
Wholesale Capital	Revenues slightly higher than budget Expenses lower than budget and mid-year estimate Capital Reserve at \$27,364,647 as of June 30, 2024
Retail Operations	Revenues higher than budget and mid-year estimate Expenses lower than budget and mid-year estimate Transferred \$4,607,311 into the Capital Reserve
Retail Capital	Revenues lower than budget (due to funding delays on the Kokila Reservoir Replacement Project) Expenses lower than budget and mid-year estimate Capital Reserve at \$23,110,283 as of June 30, 2024

In response to Vice President Costa's comment, Ms. Silva agreed that she will be meeting with the new Division 4 Director, presumably Mr. McRae once the election is certified, and will go over the District's financials with him. In response to Mr.

McRae's question, Ms. Silva reported that the wholesale debt is approximately \$41.5 million and the retail debt is approximately \$15 million.

**2. Evaluation of Potential Groundwater Well Sites (W & R)**

Vice President Costa delayed this agenda item to the December meeting so that President Zamorano will be in attendance.

**3. Conjunctive Use and Groundwater Banking Activities Update (W & R)**

GM Helliker reported that he spoke with Dan York, Sacramento Suburban Water District, regarding the financial information on the groundwater banking activities. He explained that the item was put on hold while the merger discussions were happening and SSWD will be providing a financial proposal for an agreement. Vice President Costa mentioned that he is meeting with Trevor Joseph tomorrow to discuss potential of banking water.

**4. 2024 Hydrology and Operations Update (W & R)**

GM Helliker reviewed data which included the current reservoir storage levels across the state, data on releases, temperature and precipitation outlooks, and storage levels and projections at Folsom Reservoir. He informed the Board that releases were increased in November due to issues with dissolved oxygen and temperature.

**VI. INFORMATION ITEMS**

**1. GENERAL MANAGER'S REPORT**

**1.1 General Manager's Monthly Report (W & R)**

GM Helliker provided the Board with a written report for October which was included in the Board packet.

**1.2 Miscellaneous District Issues and Correspondence**

GM Helliker reported that he participated in a meeting with the SGA Ad Hoc Committee regarding the Water Bank. The meeting was focused on the previously banked water issue, and he attended in order to support FOWD and CHWD. He expects the committee to provide its recommendation to the SGA Board in the next few months regarding the amount of Water Accounting Framework water that should be credited in the new water bank accounting system.

GM Helliker reported that the Water Forum met on October 31<sup>st</sup> and reached an agreement regarding the funding methodology. He reported that the final agreement divides up the Water Forum budget as follows: 40% based on connections; 40% based on American River diversions; and 20% based on groundwater use. He reviewed the allocations and explained that the District's pro-rated share will be \$219,000 for the wholesale customer agencies. He mentioned that when the Healthy Rivers and Landscape's funding is figured in, the District's share will drop to \$197,000.

GM Helliker reported that the State Water Resources Control Board will hold five workshops on the Bay-Delta Water Quality Control Plan and the Healthy Rivers and Landscapes program (the Voluntary Agreement Program) through January, with the first one held today. He informed the Board that the workshop focused on the unimpaired flows approach, which the State Water Board is proposing to be the foundation of their Water Quality Control Plan.

**2. DIRECTOR OF FINANCE AND HUMAN RESOURCES' REPORT**

**2.1 Miscellaneous District Issues and Correspondence**

No report.

**3. DIRECTOR OF OPERATIONS' REPORT**

**3.1 Miscellaneous District Issues and Correspondence**

No report.

**4. DIRECTOR OF ENGINEERING SERVICES' REPORT**

**4.1 Miscellaneous District Issues and Correspondence**

No report.

**5. LEGAL COUNSEL'S REPORT**

**5.1 Legal Matters**

No report.

**VII. DIRECTORS' REPORTS**

**1. SACRAMENTO GROUNDWATER AUTHORITY (SGA)**

Vice President Costa reported that SGA will meet next month.

**2. REGIONAL WATER AUTHORITY (RWA)**

Mr. Zlotnick reported that he attended the RWA meeting and voted against authorizing Mr. Jim Peifer to participate formally in the discussions on the update of the Water Forum Agreement. Mr. Zlotnick explained that there was nothing provided that showed how Mr. Peifer's participation would be guided as an RWA representative since the RWA board had not discussed it. GM Helliker noted that it was in the context of what the SJWD Board discussed last month regarding the Purveyor Specific Agreement that was discussed at the Water Forum. GM Helliker stated that Mr. Peifer was to talk about the Water Bank but decided to talk about creating an environmental block of water instead, even though that idea had not been discussed with interested parties.

**3. ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA)**

**3.1 ACWA - Pam Tobin**

No report.

**3.2 Joint Powers Insurance Authority (JPIA) - Pam Tobin**

No report.

**4. CVP WATER USERS ASSOCIATION**

Vice President Costa reported that CVP Water Users Association will meet at the ACWA Fall Conference. GM Helliker stated that he will attend that meeting and noted that he also attended the recent Open House that was well attended.

**5. OTHER REPORTS, CORRESPONDENCE, COMMENTS, IDEAS AND SUGGESTIONS**

Vice President Costa reported that the 2025 officers will be elected at the next Board meeting, and if he is elected Board President then he would like to have the committee list in the Board packet and an agenda item to appoint the committee members. In addition, he mentioned that the evaluation of the General Manager is in March and he would like the process to go smoother; GM Helliker mentioned that he will be providing his retirement plan to the Board at that time.

Director Miller thanked everyone for their support over the years that he has been on the Board and the recognition for that service. The Board Secretary noted that Director Miller holds the record for one of the shortest regular Board meetings at 16 minutes in June 2000.

**VIII. COMMITTEE MEETINGS**

**1. Finance Committee – November 12, 2024**

The committee meeting minutes were included in the Board packet.

**2. Legal Affairs Committee – November 13, 2024**

The committee meeting minutes were included in the Board packet.

**IX. UPCOMING EVENTS**

**1. 2024 ACWA Fall Conference**

December 3-5, 2024  
Palm Desert, CA

**X. ADJOURN**

**The meeting was adjourned at 9:20 p.m.**

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EDWARD J. "TED" COSTA, President  
Board of Directors  
San Juan Water District

ATTEST: \_\_\_\_\_  
TERI GRANT, Board Secretary



# Director Ken Miller



First Seated: 1978, served through 1985

Elected in 1992 and again in 1996, 2000, 2004, 2008, 2012, 2016 and 2020



Served as Board President 7 times







# Droughts and Floods!



**1986 Flood**

**1988-92 Drought**

**1997 Flood**



**2013-15 Drought**

**2017 Flood**





# Major Projects!



1979 Water treatment plant begins operations

1980 Hinkle Reservoir covered and lined

1997 Cooperative Transmission Pipeline completed

2000 Water Forum Agreement adopted

2005 Retail division becomes fully metered

2010 Additional delivery pipeline installed

2011 Solar facility installed

2017 Major water treatment plant renovations completed

2020 CVP contract changed to repayment agreement

2022 Hinkle Reservoir relined and recovered

WATER  FORUM



The resolution of censure before the Board tonight is necessitated by Tobin's illegal use of the San Juan's logo on her campaign materials. Not only did she use the logo on a mailer, but she has used it on her campaign webpage, where it continues to be displayed. When San Juan staff discovered this illegal use of San Juan's logo, they took immediate steps to notify voters and the general public that San Juan was not endorsing any candidate for the Board of Directors.

Instead of taking action to correct the violation, Tobin exacerbated the situation by filing charges with the Fair Political Practices Commission against San Juan's General Manager, alleging that the District's clarification of its lack of endorsement of any candidate was a violation of the Political Reform Act. Ironically, had the District endorsed any candidate, that action itself would have been a violation of the Act, so a clarification that the District was indeed NOT doing so was completely consistent with the Act. For these reasons, the FPPC summarily dismissed Tobin's complaint the day after she filed it.

Such false allegations against San Juan personnel are unfortunately all too common from Tobin. Other examples provided in the resolution include her false allegations on social media and her website that Dan Rich and Paul Helliker are "aggressively pushing merger" with Sacramento Suburban Water District and that our motives are not in the best interest of the community. Given the utter lack of evidence for these claims, both Helliker and I have refuted them. Tobin has also repeatedly accused Helliker, me and other Board members of violations of various statutes, including the Brown Act and Government Code 1090 ("self-dealing"). Given the total failure by Tobin to provide any evidence to support these claims, San Juan's legal counsel has stated that they have no merit.

Tobin has also made false statements in front of regional bodies in which San Juan is a member, and on which Tobin used to represent the District. The President of the Board of Directors had to take the time to attend meetings of these bodies, to clarify that Tobin was not speaking for the District and that her comments were erroneous. As a result of these and similar actions, Tobin was removed from her role as District representative on those bodies.

The San Juan Board of Directors has warned Tobin repeatedly to stop making such false allegations and to avoid making abusive statements toward staff and other Board members. Yet, as evidenced by her recent posts on social media and her complaints to the FPPC, she has failed to heed these warnings. Not even mentioned in the resolution is probably the most egregious statement that she posted on social media, which is that Director Ken Miller is "suffering from cognitive challenges". As noted in the tribute to Ken this evening, nothing could be further from the truth.

For all of these reasons, the Board has before it a resolution of censure against Tobin. This resolution also contains yet another admonition that Tobin stop making false allegations against the District and its employees, which are violations of the District's policies, including those adopted tonight. Finally, the resolution removes Tobin from any position representing the District. I urge the Board to approve this resolution