



Staff Report

for the Administrative Practices Committee Meeting of February 2, 2021

TO: Administrative Practices Committee Members

FROM: Chip Close, Water Operations Manager
Aurora Tipton, Customer Service Administrator

DATE: January 25, 2021

SUBJECT: NID Resolution 2020-08 and Delinquent Irrigation Accounts

OPERATIONS

RECOMMENDATION:

Review and discuss NID Resolution 2020-08 (COVID-19 Emergency) in relation to delinquent 2020 irrigation water accounts, and advance a recommendation to the Board of Directors as necessary.

BACKGROUND:

On April 2, 2020, Governor Newsom enacted executive order N-42-20 as part of the state's response to the COVID-19 emergency. The executive order suspended the authority of water system providers from discontinuing residential water service for non-payment. The order also extended to businesses in critical infrastructure sectors that are vital to protect the health and well-being of all Californians.

The District, in an effort to abide by the governor's E.O., enacted its own COVID-19 emergency via Resolution 2020-08, which suspended customer turn-offs and all delinquent fees for the duration of the emergency. Unfortunately, the District's resolution is not specific in the type of water service protected by the resolution. Staff is seeking clarification if the intent was to include seasonal agricultural water service in addition to domestic water.

Since the adoption of Resolution 2020-08, 286 seasonal agricultural water accounts have yet to pay for their 2020 irrigation water despite multiple reminders and full deliveries for the 2020 season. Normally staff would notify these customers that their account was delinquent, and at risk of becoming inactive and ineligible for future irrigation water until payment is made. Staff recommends that we proceed with notification that these customer's service will not be turned on for the 2021

water season until payment or satisfactory payment arrangements have been made.

BUDGETARY IMPACT:

The 286 delinquent seasonal agricultural water accounts result in a loss of revenue of \$190,000.

Attachment:

- CA Executive Order N-20-42
- NID Resolution # 2020-08 "Declaration of Emergency COVID – 19"

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-42-20

WHEREAS on March 4, 2020, I proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS it is the established policy of the State under Water Code section 106.3 that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes; and

WHEREAS to limit the spread of COVID-19 it is crucial that Californians wash their hands regularly and thoroughly; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of work hours or wages, or layoffs related to COVID-19, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS many small businesses that provide services essential to the health and well-being of Californians have experienced substantial reductions in income, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS the California Public Utilities Commission has directed private water utilities under its jurisdiction to implement customer service protections, including a moratorium on service disconnections, during the COVID-19 emergency; and

WHEREAS more than 100 public and private water systems have voluntarily agreed to halt disconnections as well; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations concerning water shutoffs specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and the statutes of the State of California, and in particular, Government Code sections 8567, 8570, 8571, and 8627, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The authority of urban and community water systems, as defined in Health and Safety Code section 116902, subdivision (d), to discontinue residential service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment under Health and Safety Code sections 116908 and 116910, is suspended.
- 2) Water systems not subject to the requirements of Health and Safety Code sections 116908 and 116910 shall not discontinue residential

service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment.

- 3) Water systems shall restore any residential service to occupied residences that has been discontinued for nonpayment since March 4, 2020.
- 4) Water systems shall not discontinue service to any business in the critical infrastructure sectors designated by the State Public Health Officer as critical to protect the health and well-being of all Californians that qualifies as a small business under 13 C.F.R. § 121.201 of the Small Business Administration's regulations.
- 5) The State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency (i) to address non-payment or reduced payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress.

Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

Nothing in this Order modifies the obligations of urban and community waters systems to comply with provisions of the Water Shutoff Protection Act not specifically addressed by this Order or other applicable laws, regulations, and guidelines.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd day of April 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



RESOLUTION NO. 2020-08
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

DECLARATION OF EMERGENCY
COVID-19

WHEREAS, international, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by the novel coronavirus named “SARS-CoV-2” and the disease it causes has been named the “coronavirus disease 2019”, abbreviated “COVID-19”; and

WHEREAS, the Centers for Disease Control and Prevention has stated that certain populations face elevated risk and widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time, resulting in the potential for critical infrastructure to be affected; and

WHEREAS, the widespread transmission of COVID-19 may affect the District’s rate of absenteeism and continuity of operations; and

WHEREAS, on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and that the federal government would make \$50 billion in emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 20, 2020, the Governor of the State of California adopted Executive Order N-33-20 that, among other things, “order[ed] all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>”; and

WHEREAS, Nevada Irrigation District operates and maintains critical infrastructure, which includes seven water treatment plants, seven hydroelectric power plants, ten

reservoirs, over 300 miles of pipelines and 460 miles of canals to provide essential public water services to over 27,500 customers throughout the counties of Nevada, Placer and Yuba and wholesale electric generation to Pacific Gas & Electric Company and other power purchasers; and

WHEREAS, Nevada Irrigation District and its directors and employees are exempt from the limitations imposed by Executive Order N-33-20 because the District must maintain continuity of operations of federal critical infrastructure sectors, including the government facilities sector, water and wastewater systems sector, food and agriculture sector, energy sector, dams sector, and emergency services sector as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, the emergency conditions prevailing because of the COVID-19 pandemic can potentially exceed the services, personnel, equipment, and facilities of the District and, in the absence of emergency response and action, could potentially lead to the interruption of essential public water services, affect critical water infrastructure, and/or affect the generation of hydroelectric power.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of Nevada Irrigation District as follows:

1. All recitals set forth above are true, correct, and valid and are adopted herein as findings by the Board of Directors.
2. That a local emergency now exists throughout Nevada Irrigation District, and such period of local emergency shall continue for so long as conditions so warrant that designation, at the discretion of the Board of Directors.
3. As a result of the condition of local emergency, the General Manager is authorized and directed to:
 - a. Enter into contracts with neighboring agencies establishing mutual aid;
 - b. To implement the recommendations and directives of federal, state and local health officials regarding COVID-19;
 - c. Temporarily modify the terms and conditions of employment of District employees, as necessary or appropriate to implement the recommendations and directives of health officials regarding COVID-19, while also ensuring continuity of operations of District's federal critical infrastructure sectors, including water, dams, and energy;
 - d. Suspend customer turn-offs for the duration of the emergency;
 - e. Suspend all customer delinquent fees for the duration of the emergency;
 - f. Transfer \$250,000 from Hydroelectric reserves to COVID-19 Emergency Response Project (FATR #2462);
 - g. Take such further reasonable and necessary actions to locally respond to the COVID-19 pandemic and to avoid and/or mitigate interruption of essential hydroelectric power generation and public water services to the District's customers.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 26th day of March 2020, by the following vote:

AYES:	Directors: Wilcox, Peters, Miller, Bierwagen, Heck
NOES:	Directors: None
ABSENT:	Directors: None
ABSTAINS:	Directors: None



President of the Board of Directors

Attest:



Secretary to the Board of Directors