

XI. B

ROSTER OF PUBLIC AGENCY MEMBERS

New Del Puerto Water District

Members of this Board are required to file conflict of interest Disclosure Statements

MEMBERSHIP SELECTION: Elected

MEMBERSHIP

	<u>NAME</u>	<u>REPRESENTING</u>	<u>TERM EXPIRES</u>
1	Bill Koster	Division 1	12/3/2021
2	Ivan E Bays	Division 2	12/1/2023
3	Peter Lucich	Division 3	12/3/2021
4	Zach Maring	Division 4	12/1/2023
5	Kyle Perez	Division 5	12/1/2023
6	Jarod Lara	Division 6	12/31/2021
7	James Jasper	Division 7	12/1/2023

MEETINGS: Third Wednesday of each month at 8:30 a.m. 17840 Ward Ave., Patterson CA 95363

CONTACT: Anthea Hansen
New Del Puerto Water District

MAILING ADDRESS: P O Box 1596
Patterson, CA 95363
Phone: 892-4470
Fax: 892-4469
Email: ahansen@delpuertowd.org
Website:

REVISED: 10/1/2019

FILE: DW17

For Additional Information Regarding This Agency Please See the Fact Sheet.

For Corrections Please Notify Board of Supervisors, 567-4926

Updated: 10/6/2020

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MEMORANDUM

ATTORNEY WORK-PRODUCT
PRIVILEGED AND CONFIDENTIAL

TO: Public Agency Clients
FROM: Lauren D. Layne
Kenneth J. Price
Gabriel A. Delgado
BAKER MANOCK & JENSEN, PC
DATE: January 15, 2021
RE: New Social Media Requirements Under the Brown Act (AB 992)

PUBLIC AGENCY NOTIFICATION

The purpose of this memorandum is to inform our public agency clients of Assembly Bill (“AB”) 992, a new law that went into effect on January 1, 2021. AB 992 is the first amendment of the Ralph M. Brown Act (the “Brown Act”) that addresses public officials’ social media use.

A. Brown Act Requirements on Communications; Serial Meetings

Under the Brown Act, meetings of governing bodies of public agencies are generally required to be open and public. A meeting may be held by “a majority of the members of a legislative body at the same time and location ... to *hear, discuss, deliberate, or take action* on any item within the subject matter jurisdiction of the legislative body.”¹ It also provides that such meetings must be properly noticed so that the public has an opportunity to “directly address the governing body on any item of interest to the public.”²

The Brown Act prohibits public officials from taking action outside of a properly noticed, public meeting. More specifically, it provides that a majority of a legislative body may not use “a series of communications of any kind, directly or through intermediaries” among a majority of the members of the same legislative body (a quorum) concerning a matter within the subject matter jurisdiction of the agency.³ Such serial meetings of the governing body typically occur

¹ Govt. Code § 54952.2(a) (*emphasis added*).

² Govt. Code § 54954.3(a).

³ Govt. Code § 54952.2(b)(1).

where one member communicates with all other members of the legislative body individually, or when there is a chain of communication from one member to another, then to another.

B. AB 992 - New Requirements Regarding Social Media Use

Social media offers a variety of social media platforms (e.g., Facebook, Twitter, Instagram) as a means for public officials to communicate their thoughts and opinions concerning agency business. AB 992 applies to any “internet-based social media platform” that is “open and accessible to the public.”⁴ The new law amends the Brown Act to clarify the types of communications a public official may have online. Subject to the public agency’s social media policy, a public official *may* communicate on social media to answer questions, provide information to the public, and solicit information from the public with respect to matters within the subject matter jurisdiction of the local agency.⁵ However, public officials and members of the governing body of a local agency may not use social media to “discuss among themselves” official agency business.⁶ This includes “communications made, posted or shared” between members of the governing body, including comments or use of digital icons that express reactions (i.e., emojis).⁷ Further, members of the governing body are *prohibited* from responding “directly to any communication on internet-based social media platform regarding a matter within their subject matter jurisdiction” that is made by another member of the same governing body.⁸ Such direct communication could result in a violation of the Brown Act as a serial meeting.

CONCLUSION

While each of our public agency clients differs in terms of social media presence and online communications with the public, our firm recommends that all of our clients follow their adopted social media policies and, if applicable, limit online communications to (1) answering questions, (2) providing information to the public, or (3) soliciting information from the public. Members of the governing body should refrain from communications concerning official agency business on social media; however, if a member of your governing body comments, posts, shares or otherwise communicates any agency-related business on social media, the remaining members ***must not respond***. A simple reply comment, posting an emoji, or even clicking the like button could be a violation of the Brown Act. Baker Manock & Jensen is available to provide you with further guidance on AB 992, as well as assist your agency with preparation of policies to ensure compliance with the new law. Please do not hesitate to contact our office with any questions or to seek further guidance.

⁴ “Open and accessible to the public” means “that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform ..., and cannot be blocked from doing so, except when [the platform] determines that an individual violated its protocols or rules.” (Govt. Code § 54952.2(b)(3)(B)(iii).)

⁵ Govt. Code § 54952.2(b)(2)

⁶ Govt. Code § 54952.2(b)(3)(A).

⁷ Govt. Code § 54952.2(b)(3)(B)(i).

⁸ Govt. Code § 54952.2(b)(3)(A).

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XI. C.

Anthea Hansen

From: Holm, Lisa M <lholm@usbr.gov>
Sent: Thursday, January 07, 2021 2:10 PM
To: Janet Roy; Mora, Gabriel; Anthea Hansen; Munson, Angela E; Reynoso, Jesus C; Reyes, Richard E; Hyatt, David E; Jaclyn Hoobler; Adam Scheuber
Subject: Re: [EXTERNAL] RE: WIIN Conversion - Full Cost transfers discussion

To follow up on one aspect of our discussion, Contractors electing lump sum payment are conditionally exempt from RRA from the Effective Date of the Contract to their receipt of the official Exemption Letter.

Thanks,

Lisa

Lisa M Holm, P.E.
 Chief, Contracts and Water Rights Branch, Division of Resource Management
 California-Great Basin Region, Bureau of Reclamation
 916-978-5250

10/11/2020

From: Janet Roy <jroy@slwd.net>
Sent: Wednesday, December 30, 2020 10:04 AM
To: Mora, Gabriel <gmora@usbr.gov>; Anthea Hansen <ahansen@delpuertowd.org>; Munson, Angela E <amunson@usbr.gov>; Holm, Lisa M <lholm@usbr.gov>; Reynoso, Jesus C <JReynoso@usbr.gov>; Reyes, Richard E <rereyes@usbr.gov>; Hyatt, David E <dhyatt@usbr.gov>; Jaclyn Hoobler <jhoobler@delpuertowd.org>; 'Adam Scheuber' <ascheuber@delpuertowd.org>
Subject: [EXTERNAL] RE: WIIN Conversion - Full Cost transfers discussion

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I have a meeting on this day in the morning. I may be done in time but not positive.

Janet

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: "Mora, Gabriel" <gmora@usbr.gov>
Date: 12/30/20 9:59 AM (GMT-08:00)
To: Janet Roy <jroy@slwd.net>, Anthea Hansen <ahansen@delpuertowd.org>, "Munson, Angela E" <amunson@usbr.gov>, "Holm, Lisa M" <lholm@usbr.gov>, "Reynoso, Jesus C" <JReynoso@usbr.gov>,

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"Reyes, Richard E" <rereyes@usbr.gov>, "Hyatt, David E" <dhyatt@usbr.gov>, Jaclyn Hoobler <jhoobler@delpuertowd.org>, 'Adam Scheuber' <ascheuber@delpuertowd.org>
Subject: WIIN Conversion - Full Cost transfers discussion

All,

Some questions have come up specific to a transfer between Del Puerto WD and San Luis WD where the water is applied to Full Cost lands within San Luis WD.

Del Puerto WD has converted to a WIIN Act Contract and has transferred water to San Luis WD who has not yet converted under the WIIN Act.

This discussion will cover:

- Applicable rates for transfer from a WIIN Converted Contract to a non-WIIN Converted Contract.
- Full Cost Rates that are applicable between both Contract types (WIIN vs. non-WIIN)
- Requirements for Exemption status from RRA.
- Any additional topics that come up for discussion regarding this issue.

This will be the preliminary invite but please suggest alternate times/dates if this will not work out for your schedule.

Thank you,

Gabe

Please join the Microsoft Teams link below.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

2020 WATER RATE AFTER CONTRACT CONVERSION

ILLUSTRATION ONLY Component:	2020 Ag
Bureau Cost of Service Rate (estimate per 2020 Ratebooks)	\$ 26.98
Estimate based on a 35% Ag Service Allocation for O & M and the 7-year average deliveries for Construction Repayment	
Authority O & M Rate	\$ 22.69
Estimate based on projected actual deliveries of all water types in a 25% Allocation year	
Restoration Fund Rate	\$ 11.11
Trinity Public Utilities District Assessment (Final)	\$ 0.12
Rounding Profit/(Subsidy) of Basic Rate from Rate Stabilization Fund	\$ 0.10

\$ **61.00**

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United States Department of the Interior

BUREAU OF RECLAMATION
P.O. Box 25007
Denver, CO 80225-0007



IN REPLY REFER TO:

84-55000
2.2.4.23

Ms. Anthea Hansen
Manager
Del Puerto Water District
P.O. Box 1596
17840 Ward Avenue
Patterson, CA 95363-1596

Subject: Exemption from the Ownership and Full-Cost Pricing Provisions of Federal Reclamation Law

Dear Ms. Hansen:

This letter serves as official notification that Del Puerto Water District (District) is exempt from the ownership and full-cost pricing provisions of Federal reclamation law.¹ The exemption remains in effect until the requirements of Federal reclamation law, including Section 203(a) of the Reclamation Reform Act of 1982 (RRA), dictate otherwise.

The Bureau of Reclamation, as mandated by Section 4011 of the Water Infrastructure Improvements for the Nation Act (Public Law No. 114-322; WIIN Act), has acted on the District's request to pre-pay and convert the District's water service contract. The District paid in full its applicable irrigation construction cost as specified in contract 14-06-200-922-LTR1-P.

All follow-up actions are complete with respect to the September 16, 2020, final RRA water district review conducted by Reclamation. The RRA forms submittal requirements no longer apply to the District as a result of this exemption. Therefore, upon receipt of this letter, the District may discard all the landholder RRA forms in its files by burning, shredding, or pulping them in accordance with the Privacy Act of 1974 disposal requirements. This exemption does not relieve the District of any other existing or future obligations to the United States, and other contract provisions that remain relevant (such as water conservation provisions) are still in effect.

Congratulations to the District for completing repayment of its construction cost obligation to the United States and achieving exemption from the ownership and full-cost pricing provisions of Federal reclamation law.

¹ Section 213 of the Reclamation Reform Act of 1982 and Section 426.16 of the Acreage Limitation Rules and Regulations (43 CFR part 426) provide that land in a district is exempt from the ownership and full-cost pricing provisions of Federal reclamation law when a district has fully repaid its construction cost obligation in accordance with the terms of its repayment contract with the Bureau of Reclamation.

If you have any questions regarding this matter, please contact the RRA team member assigned to the California-Great Basin Region, Ms. Angela Munson, at (303) 445-2042.

For the hearing impaired please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

Acting for **LISA**
VEHMAS

Digitally signed by LISA
VEHMAS
Date: 2020.12.28
12:43:53 -07'00'

Christopher J. Beardsley
Director, Policy and Programs

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