



## Board of Directors

Russ Baggerly, Director  
Angelo Spandrio, Director  
Brian Brennan, Director

Pete Kaiser, Director

### CASITAS MUNICIPAL WATER DISTRICT Meeting to be held at the

Meeting will be held via teleconference. To attend/listen to the meeting please call (888) 788-0099 or (877) 853-5247 (Toll Free US) and enter Meeting ID: 235-137-611.

#### Special Meeting Agenda March 21, 2020 @ 9:00 AM

Right to be heard: Members of the public have a right to address the Board directly on any item of interest to the public which is within the subject matter jurisdiction of the Board. The request to be heard should be made immediately before the Board's consideration of the item. No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of §54954.2 of the Government Code and except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under section 54954.3 of the Government Code.

1. ROLL CALL
2. PUBLIC COMMENTS
3. REVIEW AND APPROVE A CASITAS MUNICIPAL WATER DISTRICT EMERGENCY DECLARATION AND ORDERS.
  - 3.a. Review and approval of an Emergency Declaration and Orders.  
[Board Memo on District Emergency Declaration 032020 \(1\).pdf](#)  
[Draft Emergency Declaration and Orders 032120-1.pdf](#)
4. ADJOURNMENT

# MEMORANDUM

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TO: Board of Directors  
From: Michael L. Flood, General Manager  
RE: **Casitas Municipal Water District Emergency Declaration and Order  
Related to the 2020 COVID-19 Outbreak**  
Date: March 20, 2020

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## RECOMMENDATION:

The Board of Directors declare a District emergency and approve the recommended order therein.

## BACKGROUND:

During the week of March 9, 2020; District Management took the following actions in regard to the COVID-19 public health emergency:

- Email to all employees in regard to the public health recommendations issued by both State and Federal authorities.
- Departmental planning for work-at-home provisions.
- Review and development of COVID-19-related public information materials.
- Planning for remote Board and Committee meetings.

During the week of March 16, 2020; District Management took the following actions in regard to the COVID-19 outbreak public health emergency:

- Reinforcement of public health recommendations issued by both State and Federal authorities.
- Issuance of additional sanitizing supplies and personal protective gear to employees.
- Closure of the public lobby at the Administration Building.
- Limitations of contact between employees of different facilities by facility to facility isolation.
- Arrangements made for those whose position can accomplish work from home to do so to the greatest extent possible.
- Suspension of new camping reservations for thirty days.
- Departmental planning for flexible schedules.

## DISCUSSION:

### Contents of the Order:

1. All Conservation Penalties identified in the Casitas MWD Water Efficiency Allocation Plan are hereby suspended for the billing periods of February, March, and April 2020.

Reason: With customers being in their residences more during the emergency, there is a greater likelihood that Stage 3 allocations will be exceeded. This will also provide some measure of economic relief to all customer classes considering the status of Lake Casitas is currently above a Stage 3 level.

2. All billing delinquency fees and penalties identified in the Casitas MWD Rates and Regulations are hereby waived for the billing periods of February, March, and April 2020.

Reason: This is consistent with what other utilities are doing to bring comfort to customers.

3. Suspend all water service shutoffs for non-payment until further notice.

Reason: The public must have access to water during this public health emergency.

4. The General Manager or his designee are authorized the use of District Emergency Reserve funds up to a sum total of \$250,000.00 to meet the District's needs during this Casitas-declared emergency.

Reason: Allows purchasing of materials and contract labor on an as-needed basis.

5. The General Manager or his designee adjust District staffing in his sole discretion to meet the needs of the District as well as the safety, health and ongoing availability of all Casitas MWD employees. This includes, where the General Manager or his designee deems appropriate, use of paid administrative leave, work-from-home arrangements, and needed additional budgetary payroll discretion to meet the needs of the District and its employees during this Casitas-declared emergency.

Reason: Allows staff members to operate on flexible schedules in order to minimize contact between staff members and helps avoid 'chain-reaction' quarantine events that may occur when a particular staff member becomes subject to a public health quarantine.

In addition, District Human Resources attorneys Liebert-Cassidy-Whitmore (LCW) in their March 6, 2020 Special Bulletin *'How Public Employers Should Respond to Employees' Exposure To COVID-19'* recommends that people ordered to stay at home as a result of this public health emergency are deprived of a property right:

*Public employees who are sent home are deprived of their property right to employment and are entitled to due process, even where they receive pay during their leave by drawing down leave balances.*

In order to ensure no additional due process (via a Skelly hearing or similar) is required, LCW suggests:

*We suggest that public employers provide required due process as follows:*

- 1.) Employees who are sent home who are either*
  - (a) at-will with no property rights in employment; or*
  - (b) put on a fully paid leave not requiring them to draw down leave balances*

*No due process required.*

Paid administrative leave also ensures all employees are available to return to work on the shortest notice possible providing improved operational flexibility.

6. All standing Board of Directors meetings are hereby cancelled during the duration of this Casitas-declared emergency.

Reason: This provides the Board flexibility to schedule meetings on short (24-hour notice to cope with changing conditions.

7. All standing Board of Directors Committee meetings are hereby cancelled during the duration of this Casitas-declared emergency.

Reason: This provides the Board flexibility to schedule meetings on short (24-hour notice to cope with changing conditions.

8. The General Manager or his designee is to coordinate, schedule, and conduct at least one Special Board Meeting per seven-day period for the purpose of the ongoing needs of the Board of Directors to be informed and provide direction to the General Manager.

Reason: Keeps the Board informed on a regular basis and provides staff the ability to discuss future needed Board actions.

9. The General Manager or his designee make decisions as to the ongoing operation of the Lake Casitas Recreation Area up to and including its partial or full closure for the duration of Casitas-declared emergency.

Reason: State of California campgrounds are currently closed with Casitas suspending new camping reservations as a result. Further actions may be required to comply with public health orders or changes to District conditions.

10. The General Manager or his designee take into account the ongoing needs of the Lake Casitas Recreation Area Camp Hosts in relation to a full or partial closure.

Reason: Camp Hosts are ongoing contractual residents of the LCRA and would likely have trouble finding another location if they were ordered out of the park. Their continued presence would be consistent with ongoing public health directives. Their impact on District staff is negligible.

11. The General Manager or his designee take into account the ongoing needs of the long-term wintertime camping guests commonly known at the District as 'Snowbirds' in relation to a full or partial closure.

Reason: Snowbirds are temporary residents of the campground that are part of a Casitas program that ends on April 5, 2020. Their presence would have a negligible impact on District staff as well.

#### BUDGETARY IMPACT:

Known budgetary impacts would be limited to:

1. Extent that District Reserves are used (up to \$250,000)
2. Waived fees and penalties which could be significant. The District collected an average of \$83,000.00 in Conservation Penalties per month in the 2019 fiscal year.

Salaries would be expected to be within the current approved budget.

Staff will track expenses related to this public health emergency and seek reimbursement should an opportunity through a State or Federal agency become available.

# AN EMERGENCY DECLARATION AND ORDERS OF THE CASITAS MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS RELATED TO THE 2020 COVID-19 OUTBREAK

The Board of Directors of the Casitas Municipal Water District hereby declares that a District emergency condition exists in relation to the COVID-19 outbreak in light of the following facts:

- On March 4, 2020, the Governor of the State of California declared a state of emergency exists in the State of California related to the COVID-19 outbreak.
- On March 12, 2020, the County of Ventura Public Health Department declared a local health emergency exists in Ventura County related to the COVID-19 outbreak.
- On March 13, 2020, the President of the United States of America declared a state of emergency exists in the United States of America related to the COVID-19 outbreak.
- On March 19, 2020, the Governor of the State of California issued Executive Order # N-33-20 placing a ‘stay-at-home’ order for all people in California.
- During the continually-tightening provisions of Federal, State and local public health authorities, issues of COVID-19 exposure, transmission, testing, and possible quarantine of individuals has led to uncertainty for the ongoing availability status of District staff members, consultants, and vendors.
- The District’s core functions must be maintained for the health and safety of the community under any and all conditions including the COVID-19 outbreak.

- With the assumed ongoing close coordination of District Staff with Ventura County Office of Emergency Services staff that will have begun as a result of a Ventura County OES webinar meeting scheduled on Friday, March 20<sup>th</sup>, 2020, the Casitas Municipal Water District Incident Command Center will have been initialized as per the Casitas Municipal Water District Emergency Response Plan.
- District customers will be spending more time in their homes during the COVID-19 outbreak leading to additional water use possibly past their current Stage 3 allocations.
- District customers may need additional time to pay their water bills without the fear of late fees and penalties.
- District staff continues to discuss, analyze and execute operational adjustments that have led to the need to consider expanded staff discretion.
- Additional staff discretion needs also to be considered to meet the uncertainties of the ongoing COVID-19 outbreak.

Further, as a result of this emergency declaration, the Board of Directors orders:

1. All Conservation Penalties identified in the Casitas MWD Water Efficiency Allocation Plan are hereby suspended for the billing periods of February, March, and April 2020.
2. All billing delinquency fees and penalties identified in the Casitas MWD Rates and Regulations are hereby waived for the billing periods of February, March, and April 2020.
3. All water service shutoffs for non-payment are hereby suspended until further notice.

4. The General Manager or his designee are authorized the use of District Emergency Reserve funds up to a sum total of \$250,000.00 to meet the District's needs during this Casitas-declared emergency.
5. The General Manager or his designee may adjust District staffing, in his sole discretion, to meet the needs of the District and to ensure the health, safety, and ongoing availability of all Casitas MWD employees. This includes, where the General Manager or his designee deems appropriate, use of paid administrative leave, work-from-home arrangements, and needed additional budgetary payroll discretion to meet the needs of the District and its employees during this Casitas-declared emergency.
6. All standing Board of Directors meetings are hereby cancelled during the duration of this Casitas-declared emergency.
7. All standing Board of Directors Committee meetings are hereby cancelled during the duration of this Casitas-declared emergency.
8. The General Manager or his designee shall coordinate, schedule, and conduct at least one Special Board Meeting per seven-day period for the purpose of the ongoing needs of the Board of Directors to be informed and provide direction to the General Manager. Special meetings shall be noticed and held pursuant to Government Code Section 54956 but shall be subject to Governor Newsom's Executive Orders N-25-20 and N-29-20.
9. The General Manager or his designee may exercise discretion as to the ongoing operation of the Lake Casitas Recreation Area up to, and including, its partial or full closure for the duration of Casitas-declared emergency.
10. The General Manager or his designee shall take into account the ongoing needs of the Lake Casitas Recreation Area Camp Hosts in relation to a full or partial closure.
11. The General Manager or his designee shall take into account the ongoing needs of the long-term wintertime camping guests commonly known at the District as 'Snowbirds' in relation to a full or partial closure.



This emergency declaration shall remain in place for thirty days from the date of its approval unless acted upon by the Board of Directors to either terminate or extend its duration.