

Staff Report

TO: Board of Directors

FROM: Jennifer Hanson, General Manager

DATE: April 13, 2022

SUBJECT: Repealing Declaration of Emergency COVID-19

ADMINISTRATION

RECOMMENDATION:

Adopt Resolution No. 2022-24 repealing the March 26, 2020 Declaration of Emergency for COVID-19 and direct the General Manager to take appropriate actions to implement this Resolution.

BACKGROUND:

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 the novel coronavirus (COVID-19) pandemic. 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.

On March 26, 2020, NID adopted Resolution No. 2020-08 in response to the worldwide pandemic, finding that a local emergency exists throughout Nevada Irrigation District service area. As a result of the condition of the local emergency, the Board authorized and directed the General Manager to:

- a) Enter into contracts with neighboring agencies establishing for 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 turn-offs for the duration of the emergency;
 - e) Suspend all 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.

Since the beginning of the pandemic, there have been approximately 9.1 million cases of COVID-19, and 89,078 deaths in California due to the virus. Nevada County has seen approximately 16,095 cases and 136 deaths while Placer County has seen approximately 62,798 cases and 610 deaths from COVID-19 since March 2020.

Cases in both counties and throughout the nation continue to drop and public health restrictions continue to ease though the guidance of the Centers of Disease Control, California Department of Public Health, and local public health officials.

NID maintains critical infrastructure, providing essential public water service to customers throughout the counties of Nevada, Placer and Yuba. Since the pandemic began, NID staff have risen to meet the challenge of our time. NID has successfully navigated the complexities of this pandemic and have proved to be excellent stewards of our public water systems, hydroelectric generation facilities and recreational amenities for our customers and our community.

As the COVID-19 threat is not entirely absent from the community, NID will continue to monitor the ongoing risk and adapt as necessary or as directed by local, state and/or federal officials. NID will continue to provide workplace prevention and protection measures in order to maintain safe working conditions including, but are not limited to, physical distancing, sanitation, tracking COVID-19 exposures, offering COVID paid sick leave as directed by applicable law, and following Emergency Temporary Standards, where necessary.

Penalties and Delinquent Accounts

To date, the District has waived over \$173,000 in late payment penalties. NID participated in the California Water and Wastewater Arrearage Program which paid approximately \$178,000 in delinquent customer balances. The program guidelines prohibit the District from collecting penalties on balances that were paid by the state; in compliance with these guidelines and as directed by the District

Resolution 2020-08 the District has waived penalties for all customers for the since March 26, 2020.

All past due balances did not qualify for the Arrearage Program and treated water delinquent accounts balances total more than \$750,000. These charges will continue to accrue and be billed to customers. If a customer fails to pay these fees, the fee may eventually be transferred to the customer's property taxes for collection (assuming they are an inside district customer). The \$750,000 represents approximately 2,944 accounts that are 25+ days delinquent, making them subject to penalty charges. Of those customers, approximately 500 are/will soon be 70+ days delinquent with a collective balance of roughly \$150,000, or an average of \$300 per account. These 500 accounts are subject to a turn-off pending proper notification (described below). Staff estimates that following notification, many accounts will make payment or enter into a payment agreement reducing turn offs to less than 100 accounts.

Turn-Off Process (Rules & Regulations Section 6)

Per State of California guidelines, NID's Rules and Regulations define that customers will be sent several bills and reminders before they receive a final turn-off notice. Each bill will clearly have a notice of delinquency printed on the bill (in red). A turn-off notice cannot be issued until after a minimum of 60 days from the original past-due bill issuance. If Resolution No. 2022-24 is adopted and the turn-off moratorium is lifted, staff projects a first round of turn offs would not occur until after June 15, 2022.

BUDGETARY IMPACT:

Staff estimates an additional \$600,000 of revenue in delinquency payments throughout the year and an additional \$150,000 of revenue through future property tax collection.

Attachments: (1)

- Resolution No. 2022-24: Repealing Declaration of Emergency COVID-19
- Resolution No. 2020-08: Declaration of Emergency COVID-19



RESOLUTION NO. 2022-24
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

REPEALING DECLARATION OF EMERGENCY COVID-19

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 26, 2020 the Board of Directors of Nevada Irrigation District passed Resolution No. 2020-08, Declaration of Emergency COVID-19; and

WHEREAS, Since March 2020, the State of California has seen approximately 9.1 million cases of and 89,078 deaths due to the SARS-COVID-19 novel coronavirus pandemic; and

WHEREAS, Nevada County has seen approximately 16,095 cases and 136 deaths while Placer County has seen 62,798 cases and 610 deaths from COVID-19 since March 2020; and

WHEREAS, Cases in both counties and throughout the nation continue to drop and public health restrictions continue to ease though the guidance of the Centers of Disease Control, California Department of Public Health, and local public health officials; and

WHEREAS, NID's Resolution No. 2020-08 establishing a Declaration of Emergency related to COVID-19, among other terms, suspended all billing delinquency fees for its customers totaling more than \$173,000 to date; and

WHEREAS, NID's Resolution No. 2020-08 further suspended all water shut-offs for nonpayment of water bills for the duration of the emergency;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of Nevada Irrigation District:

1. The Board of Directors hereby determines that conditions of local emergency due to COVID-19 no longer exist within Nevada Irrigation District; consequently Resolution No. 2020-08, establishing a Declaration of Emergency for COVID-19 is repealed; and
2. The Board of Directors hereby authorizes and directs the General Manager to resume the collection of delinquency fees as defined in Rules & Regulations, Section 6, from the date of adoption of this Resolution; and
3. The Board of Directors hereby authorizes and directs the General Manager to resume water turn-offs as defined in Rules & Regulations, Section 6; and
4. The Board of Directors hereby directs the General Manager to continue appropriate COVID-19 workplace prevention and protection measures to maintain safe working conditions for all employees. Such actions taken by the General Manager may include, but are not limited to, physical distancing, sanitation, tracking COVID-19 exposures, offering COVID paid sick leave as directed by applicable law, and continue to follow Emergency Temporary Standards where applicable.
5. The Board of Directors hereby authorizes the General Manager to take appropriate actions to implement this resolution.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 13th day of April 2022, by the following vote:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

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Repealing Declaration of Emergency COVID-19
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President of the Board of Directors

Attest:

Secretary to the Board of Directors



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