



AGENDA

1960 Elgin Street
Oroville, CA 95966
530-533-2000
www.loapud.com

Board of Directors
Regular Meeting
March 9, 2021 – 2:00 PM

Materials related to an item on the open meeting agenda that are provided to the Board of Directors, including those provided to the Board after distribution of the agenda packet, are available on the District website.

During this difficult time, we invite you to join today's scheduled meeting via Zoom by using your phone or computer to attend this meeting. Please call our District office at **(530)533-2000** for assistance in participating in the teleconference.

Dial in: 1-669-900-9128
Meeting ID: 815 1450 7211
Passcode: 538152

To ensure that our meetings are as orderly as possible, and to enable public participation at the proper times during the meeting, we are asking that everyone take a moment to ensure your line stays muted until public comment is invited. When it comes time for public comment, we will leave enough time for participants to unmute and speak to the entire group and our Board. Because attendees cannot see each other's mute status, we will simply need to be patient as we wait in between comments, and do our best not to speak over each other. Please state your name for the record before sharing comments. We are committed to keeping the public engaged throughout this crisis and appreciate your help in making that happen.

1. **SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA**
2. **MOMENT OF SILENCE**
3. **ROLL CALL AND ACKNOWLEDGEMENT OF VISITORS**

Individuals will be provided the opportunity to address the Board regarding matters NOT scheduled on the agenda. No action will be taken by the Board on these matters; however, the Board may ask questions for clarification and refer to staff or other resources for information and request staff reports at a subsequent meeting. Comments on items scheduled on the agenda may be made as they are considered by the Board.

4. **CONSENT AGENDA**

All items listed under the Consent Agenda are considered routine and will be enacted by one motion unless an item is removed. Consent Agenda items will be read by title only. There will be no separate discussion of these items unless members of the Board or person in the audience request a specific item to be removed from the Consent Agenda to the Regular Agenda for separate discussion, prior to the time the Board votes on the motion to adopt the Consent Agenda. If any item(s) is removed from the Consent Agenda, the item(s) will be considered immediately following action on the Consent Agenda.

- 4.1 **BOARD MEETING MINUTES: FEBRUARY 9, 2021**
- 4.2 **FINANCIAL REPORT MONTH ENDING: FEBRUARY 28, 2021**
- 4.3 **PAYMENT OF WARRANTS MONTH ENDING: FEBRUARY 28, 2021**

5. **ITEMS REMOVED FROM THE CONSENT AGENDA (IF ANY)**

6. **AMENDMENT TO BOARD POLICY 2151 - “EMPLOYEE COMPENSATION SCHEDULE”**

The Board will consider an amendment to the Board Policy 2151 - “Employee Compensation Schedule”.

DISCUSSION WITH POSSIBLE ACTION

7. **APPROVAL TO PURCHASE ADDITIONAL SOFTWARE UPGRADE – “BMS ACCOUNTS RECEIVABLE MODULE”**

The Board will consider approving the purchase of the additional software upgrade “BMS Accounts Receivable Module”

DISCUSSION WITH POSSIBLE ACTION

8. **LATERAL COMMITTEE REPORT**

The Board will be updated on the progress of the Lateral Committee.

DISCUSSION WITH POSSIBLE ACTION

9. **PERSONNEL COMMITTEE REPORT**

The Board will be updated on the progress of the Personnel Committee.

DISCUSSION WITH POSSIBLE ACTION

10. **2021-22 BUDGET FINANCIAL ADVISORY COMMITTEE APPOINTMENTS**

The Board President will consider appointing Directors to the 2021-22 Budget Financial Advisory Committee.

DISCUSSION WITH POSSIBLE ACTION

11. **CSDA ELECTION SEASON – NOMINATIONS REQUESTED**

The Board will consider submitting a nomination for CSDA Board of Directors – Seat A.

DISCUSSION WITH POSSIBLE ACTION

12. **SDRMA ELECTION SEASON**

The Board will be updated on the status of nominations for four (4) Directors at SDRMA.

DISCUSSION WITH POSSIBLE ACTION

REPORTS AND CONSULTATIONS

13. **SC-OR COMMISSIONER'S REPORT**
14. **BCSDA REPRESENTATIVES AND LAFCO REPORT**
15. **BOARD MEMBERS' MANAGER, AND STAFF COMMENTS**
 - Field Operations Supervisors Report
 - CALOES Grant Award Denial
16. **ADJOURNMENT**



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 1 – Salute To The Flag Of The United States



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021
RE: Item No. 2 – Moment Of Silence



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 3 – Roll Call And Acknowledgment Of Visitors



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021
RE: Item No. 4 – Consent Agenda

Item No. 4.1 **Board Meeting Minutes** - Minutes from the February 9, 2021 regular board meeting are included for the Board's review and approval.

Attachment Included

Item No. 4.2 **Financial Reports** - Profit and Loss report through February 2021 is ready for review and comment.

Attachment Included

Item No. 4.3 **Payment of Warrants** - The pending February 2021 Claims and Warrants are attached for review and Board approval for payment.

Attachment Included

**UNADOPTED
LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
FEBRUARY 9, 2021**

CALL TO ORDER

President Sharman called the meeting to order at 2:00 P.M. Directors present were Fairbanks, Hosley, Kuehner and Mastelotto. Field Operations Supervisor (FOS) Sanders, District Engineer Knibb, General Manager (GM) McCutcheon, and Clerk of the Board Hamblin represented the District.

SALUTE TO THE FLAG

Director Mastelotto led the meeting with the salute to the flag.

MOMENT OF SILENCE

President Sharman asked the Board to observe a moment of silence.

PASSING OF THE GAVEL

The gavel was passed from past President Kuehner to current President Sharman. The Board thanked Director Kuehner for his service.

CONSENT AGENDA

The Board reviewed the minutes of the Special Board Meeting of January 21, 2021, the Financial Report and the Warrant List for month ending January 31, 2021. After discussion, it was moved by Director Fairbanks and seconded by Director Kuehner that the items on the consent agenda be approved as presented. The motion passed with the following roll call vote:

Ayes: Directors Fairbanks, Hosely, Kuehner, Mastelotto and Sharman.

Chris Norton of California Special Districts Association (CSDA) joined the meeting at 2:06 P.M.

COVID 19 UPDATE

GM McCutcheon introduced Chris Norton of CSDA. Mr. Norton is the Northern Network Representative for CDSA. He updated the board on the current "Take Action Brief" and asked the Board to consider sending a letter of support to our U.S. Representatives regarding the Special District legislation (H.R. 535 and S. 91) that is being re-introduced to provide Special Districts with direct access to future local government pandemic relief.

No action taken.

Chris Norton left the meeting at 2:10 P.M.

PERSONNEL COMMITTEE REPORT

GM McCutcheon and Director Fairbanks updated the Board on the progress of the Personnel Committee. The next committee meeting is Thursday February 11, 2021 at 10:00 A.M.

No action taken.

LATERAL COMMITTEE REPORT

GM McCutcheon updated the Board on the progress of the Lateral Committee. The first draft of the amended policy is scheduled to be ready for review in April.

No action taken.

BUTTE LAFCo CALL FOR NOMINATIONS

GM McCutcheon presented the Butte LAFCo Call for Nominations for one (1) regular 'Non Enterprise' and one (1) Alternate "Enterprise/Non Enterprise" Member. Nominations are due March 11, 2021.

No action taken.

EASEMENTS ACCEPTED

GM McCutcheon updated the Board on four easements that were accepted on behalf of the District.

No action taken.

SC-OR COMMISSIONERS' REPORT

Director Fairbanks noted that a contract had been awarded to Duke Sherwood for demolition and disposal of a caustic building at the SC-OR facility.

BCSDA REPRESENTATIVES AND LAFCo REPORT

GM McCutcheon noted that he did not have anything to report for BCSDA.

Director Sharman updated the Board on the ongoing issues of El Medio Fire Protection District and the proposed sewer line project for the Town of Paradise/City of Chico.

BOARD MEMBER'S, MANAGER AND STAFF COMMENTS

District Engineer Knibb updated the Board on the status of the Las Plumas Lift Station and Ophir/Las Plumas projects.

ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned at 2:33 P.M.

Respectfully submitted,

Kelly Hamblin,
Clerk of the Board

Lake Oroville Area Public Utility District
Profit & Loss Budget Performance
February 2021

	Feb 21	Budget	Jul '20 - Feb 21	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
41100 - Sewer Service Charge	126,474.07	126,535.00	1,010,991.68	1,012,280.00	1,518,420.00
41150 - Pumping Charge	10,674.00	10,674.00	84,985.43	85,392.00	128,088.00
41200 - Kelly Ridge Pumping Chg (Taxes)	0.00	0.00	25,111.35	24,750.00	45,000.00
41250 - Permit/Inspection Fees	0.00	0.00	0.00	0.00	0.00
41300 - Connection Fee	0.00	0.00	-883.05	0.00	0.00
41350 - Other Services	0.00	0.00	33.70	0.00	0.00
41400 - Sales	0.00	0.00	10.90	0.00	0.00
Total Income	137,148.07	137,209.00	1,120,250.01	1,122,422.00	1,691,508.00
Gross Profit	137,148.07	137,209.00	1,120,250.01	1,122,422.00	1,691,508.00
Expense					
60000 - Office Salaries & Wages	20,672.40	21,391.00	193,580.06	186,813.00	272,834.00
61000 - Field Salaries & Wages	25,537.83	26,918.00	201,687.55	229,402.00	343,012.00
62000 - Office Emp Benefits	17,930.10	17,814.50	155,061.73	150,960.00	222,083.00
63000 - Field Emp Benefits	18,817.04	19,275.00	147,689.27	157,822.00	237,135.00
64000 - Professional Services	12,091.17	8,700.00	95,852.64	90,000.00	172,800.00
65000 - Utilities	7,466.29	7,874.00	60,393.92	62,992.00	94,488.00
66000 - Services & Supplies	1,855.25	4,800.00	22,515.28	78,195.00	106,195.00
67000 - Training/Membership/Fees	796.00	3,200.00	24,909.22	69,500.00	82,700.00
68000 - Operations and Maintenance	3,899.34	4,250.00	30,897.61	71,075.00	105,635.00
69000 - Fuel, Oil, Grease & Auto	3,801.57	4,500.00	21,097.72	37,500.00	55,500.00
Total Expense	112,866.99	118,722.50	953,685.00	1,134,259.00	1,692,382.00
Net Ordinary Income	24,281.08	18,486.50	166,565.01	-11,837.00	-874.00
Other Income/Expense					
Other Income					
70100 - Capacity Charge	0.00	0.00	0.00	0.00	0.00
70110 - Annexation Fee	0.00	0.00	0.00	0.00	0.00
70150 - Sewer Service Late Fees	-80.68	0.00	26,084.16	0.00	0.00
70200 - Interest	0.00	0.00	12,991.80	12,822.00	25,498.00
70250 - RD Surcharge	30,164.30	30,179.00	241,119.00	241,432.00	362,148.00
70300 - Other Income	0.00	0.00	7,505.36	0.00	0.00
70349 - Taxes (Parent Account for Taxes Received)	0.00	0.00	193,847.78	135,080.00	245,600.00
75000 - Special Income	0.00	0.00	0.00	0.00	0.00
75100 - Gain/Loss Sale of Fixed Assets	0.00	0.00	0.00	0.00	0.00
Total Other Income	30,083.62	30,179.00	481,548.10	389,334.00	633,246.00

Lake Oroville Area Public Utility District
Profit & Loss Budget Performance
 February 2021

	Feb 21	Budget	Jul '20 - Feb 21	YTD Budget	Annual Budget
Other Expense					
80100 · Capitalized Expenditure	14,652.45	0.00	105,134.14	168,893.00	188,893.00
80150 · District Projects CIP	0.00	0.00	0.00	182,480.00	457,780.00
80200 · Loan Principal	0.00	0.00	60,000.00	60,000.00	60,000.00
80250 · Loan Interest Expense	0.00	0.00	104,125.00	104,125.00	104,125.00
82000 · SC-OR Excess Flow Surcharges	0.00	0.00	0.00	0.00	0.00
85000 · Special Expense	0.00	0.00	0.00	0.00	0.00
Total Other Expense	14,652.45	0.00	269,259.14	515,498.00	810,798.00
Net Other Income	15,431.17	30,179.00	212,288.96	-126,164.00	-177,552.00
Net Income	39,712.25	48,665.50	378,853.97	-138,001.00	-178,426.00
64400 · Depreciation	47,000.00	47,000.00	376,000.00	376,000.00	564,000.00
Change in Net Assets	-7,287.75	1,665.50	2,853.97	-514,001.00	-742,426.00

Lake Oroville Area Public Utility District

Warrant List

FEBRUARY 1 - 28, 2021

Date	Num	Name	Memo	Gross	Amount
02/01/2021	22171	VOID			VOID
02/01/2021	22172	LOAPUD			\$ 10,623.12
02/03/2021	22173	CA Surveying & Drafting Supply			\$ 86.80
02/03/2021	22174	Comcast			\$ 331.44
02/03/2021	22175	Humana			\$ 881.67
02/03/2021	22176	Miry's Cleaning Services			\$ 260.00
02/03/2021	22177	Pacific Gas & Electric			\$ 5,209.51
02/03/2021	22178	Quadient Leasing USA, Inc			\$ 344.31
02/03/2021	22179	South Feather Water			\$ 33.11
02/03/2021	22180	Streamline			\$ 200.00
02/03/2021	22181	Vista Net, Inc.			\$ 185.00
02/03/2021	22182	Xerox Corporation			\$ 176.06
02/12/2021	22183	Batteries Plus Bulbs			\$ 22.86
02/12/2021	22184	Larry Nelson's Radio Repeater Site			\$ 1,000.00
02/12/2021	22185	Quadient Leasing USA, Inc			\$ 241.01
02/12/2021	22186	Recology Butte Colusa Counties			\$ 92.72
02/12/2021	22187	Umpqua Bank			\$ 254.55
02/12/2021	22188	AINSLIE, SHAWN J	PPE 02/15/2021	\$ 1,649.12	\$ 1,162.33
02/12/2021	22189	BRODERSON, ROBERT L	PPE 02/15/2021	\$ 2,556.28	\$ 1,694.25
02/12/2021	22190	CHRISTENSEN, TYLER W	PPE 02/15/2021	\$ 2,844.72	\$ 1,996.81
02/12/2021	22191	HAMBLIN, KELLY J	PPE 02/15/2021	\$ 2,045.33	\$ 1,377.18
02/12/2021	22192	KAHALEKULU, DARIN K	PPE 02/15/2021	\$ 2,682.33	\$ 1,778.80
02/12/2021	22193	TOMLINSON, LEVI M	PPE 02/15/2021	\$ 2,783.48	\$ 1,988.37
02/19/2021	22195	All Metals Supply			\$ 67.99
02/19/2021	22196	ANSWERLINE COMMUNICATIONS			\$ 238.80
02/19/2021	22197	Blue Shield of CA			\$ 11,145.80
02/19/2021	22198	Hobbs Pest Solutions, Inc			\$ 62.00
02/19/2021	22199	Humana			\$ 881.67
02/19/2021	22200	Minasian Law Firm			\$ 2,368.00
02/19/2021	22201	MJB Welding			\$ 46.72
02/19/2021	22202	MME			\$ 306.34
02/19/2021	22203	Orenco Systems			\$ 1,336.28
02/19/2021	22204	Paygov.us			\$ 2,495.54
02/19/2021	22205	Peterson Tractor			\$ 148.94
02/19/2021	22206	South Feather Water			VOID
02/19/2021	22207	Verizon Wireless			\$ 357.32
02/19/2021	22208	Vista Net, Inc.			\$ 110.00
02/19/2021	22209	South Feather Water			\$ 71.82
02/26/2021	22210	Alhambra			\$ 84.09
02/26/2021	22211	AT & T/SBC			\$ 798.88
02/26/2021	22212	Black Mountain Software			\$ 5,671.00
2/26/2021	22213	CA Water Service			32.76
					\$ 56,163.85

Lake Oroville Area Public Utility District

Warrant List

FEBRUARY 1 - 28, 2021

Date	Num	Name	Memo	Gross	Amount
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Subtotal from page 1	\$ 56,163.85
Subtotal from page 2	\$ 59,011.49
Total	\$ 115,175.34

GENERAL CHECKING ACCOUNT FIVE STAR BANK

\$ 115,175.34

THE ABOVE CLAIMS AND WARRANTS WERE APPROVED AT A REGULAR MEETING OF
THE LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT HELD ON:
Tuesday, March 9, 2021

President: _____

Director: _____

Director: _____

Director: _____

Director: _____



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 5 – Items Removed From Consent Agenda



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021

RE: Item No. 6 – Approval of Amendment to Board Policy 2151
"Employee Compensation Schedule"

Due to an increase in minimum wage requirements, the Employee Compensation Schedule for the 2020-21 budget will need to be amended, retroactive to January 1, 2021. There are currently no employees affected by this change.

Attachment Included

Recommended Action: Approve amendments to Board Policy 2151 "Employee Compensation Schedule".

TITLE: EMPLOYEE COMPENSATION SCHEDULE

NUMBER: 2151

ADOPTED: February 8, 1984

AMENDED: March 9, 2021

EFFECTIVE: January 1, 2021

Range No.	Position Title	Step A	Step B	Step C	Step D	Step E	Step F
1	Administrative Aide - Part Time & Temporary	13.00	13.21	13.42	13.63	14.31	15.03
2	Administrative Aide - Reg.	16.65	17.49	18.37	19.27	20.24	21.24
3	Utility Worker - Part Time & Temporary	13.00	13.42	13.63	14.31	15.03	15.78
4	Utility Worker I	18.74	19.65	20.64	21.66	22.74	23.88
5	Utility Worker II	19.65	20.64	21.66	22.74	23.88	25.08
5	Acct Receivable Clerk - Reg Operator - Part Time	20.60	21.63	22.73	23.86	25.05	26.30
6	Office Clerk	22.06	23.18	24.34	25.55	26.82	30.95
7	Operator - Regular Computer Support Specialist/ Administrative Assistant Accounts Receivable Clerk II	22.46	23.60	24.78	26.04	27.34	29.87
8	Foreman-F.O.T.	24.19	25.41	26.69	28.01	29.41	30.88
9	Bookkeeper/Clerk of the Board	24.77	26.03	27.33	28.72	30.14	34.45
10	Field Operations Supervisor	31.49	33.06	34.72	36.45	38.27	43.10



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021

RE: Item No. 7 – Authorization to Proceed With Additional Software Upgrade - Black Mountain Software Accounting Module

The conversion of the District's accounting system has begun. As part of this process, it was discovered that a necessary module for Accounts Receivable was not included in the original quote. The cost of this module is \$2,860.00 per the attached quote.

To mitigate an increase in the approved budget, this module will be purchased in lieu of another more expensive module (service orders) that was included in the approved budget.

Staff will evaluate the service orders module for purchase in the upcoming budget year instead.

Attachment Included

Recommended Action: Authorize the General Manager to purchase the Black Mountain Software module per the current fiscal year budget for \$2,860.00.



Lake Oroville Area Public Utility District
 Kelly Hamblin
 1960 Elgin St
 Oroville, CA 95966-6613
 kellyh@loapud.com

145 Southlake Crest, Ste 1
 Polson, MT 59860
 Teresa Van Buren
 800.353.8829 Option: 3

Product Description	Purchase Price	Annual Fees	One-Time Conversion	Total
Accounts Receivable	1,945.00	525.00	390.00	2,860.00
Subtotals:	\$1,945.00	\$525.00	\$390.00	
Grand Total:				\$2,860.00

Terms

1. Black Mountain Software (BMS) has made every effort to ensure the information contained within this quote is complete and accurate. However, we reserve the right to correct any error or omission related to price, product description or availability. Please remember that to completely understand this quote, you must consider, in addition to product and prices, the terms and conditions that follow either on this or separate pages.
2. Prices quoted herein do not reflect sale or use taxes imposed by any state or local government, or any unit or subdivision thereof; such taxes are the responsibility of the buyer. Buyer agrees to be responsible for the documentation relating to the payment of such taxes to the maximum extent legally permitted. Black Mountain Software will be responsible for the collection of such taxes and/or the documentation related thereto, only to the extent required by law.
3. Training is included with the installation of each software product. Unless specifically arranged, initial training will be conducted online. After initial training, free online training is always available for you and your staff as part of the annual service and support fee. Advanced scheduling is required. Except for initial training, hourly charges apply for training physically provided onsite (your offices) or in house (our offices).
4. All costs are based on prices in effect for 60 days from the date of this bid.
5. Annual service and support includes software updates and unlimited phone, email and internet support. The service is renewed annually and is non-refundable. Annual fees are subject to change.
6. If travel is required, actual expenses are billed as follows: When flying, charges include airfare, travel time at \$35 per hour per person, meals at \$42 per day, lodging at local rates, and rental car. When driving, charges include mileage at 56¢ per mile, travel time at 45¢ per mile per person, meals at \$42 per day, and lodging at local rates. Alaska and North Dakota may have higher rates.
7. Normal billing procedures for new clients or stand alone applications for current clients require a 25% down payment, billed at commitment, and 75% final payment billed upon completion of installation and initial training of the core products, i.e., Accounting, Payroll or Utility Billing. Add on applications for current clients are billed for full purchase price only at commitment and maintenance begins upon completion of installation and/or training. All billing will commence in full for all products after one year from commitment unless other arrangements have been made.
8. All of our software products are multi-user, with an unlimited number of licenses (seats). In addition, 'Read Only' access is available to limit data changes for specified users, while still providing lookup and printing capabilities.



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021

RE: Item No. 8 – Lateral Committee Report

Members of the Lateral Committee will provide a summary of Committee business and propose any items for action if necessary.

Recommended Action: None

Attachments

LOAPUD LATERAL COMMITTEE MEETING-SUMMARY-02-23-2021

MEETING INFORMATION

Objective: *Review of Policy Update-First Draft (Rough)*

Date: *February 23, 2021*

Time: *10 am*

Location: *LOAPUD Board Room, 1960 Elgin Street, Oroville CA 95966*

MEETING SUMMARY

The Lateral Committee (LC) met as scheduled at 10 AM on 02-23-2021 via Zoom and in person. The meeting lasted approximately one hour.

Present:

Dan Sanders, Keith Knibb, Angie Mastelotto, Larry Kuehner, Tyler Christensen, Scott McCutcheon

POINTS OF DISCUSSION

Policy Development: A draft and approach to updating existing District Rules and Regulations, specifically *Section 6.2-'Lateral Testing Program'* was presented and discussed. The timeline for presentation of this deliverable to the District BOD was discussed, and also the timing of meeting with the OAR to discuss how best to implement a POS provision. It was agreed that the draft should continue as proposed with input for content from all.

ACTION ITEMS

- 1. Draft Update to Regulations.** Keith, Dan, Tyler, and Scott were tasked with continuing to create the draft.
- 2. Research.** As always-the Committee is encouraged to continue to research for existing policy examples in place in other districts and agencies for ideas and inspiration.



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021

RE: Item No. 9 – Personnel Committee Report

Members of the Personnel Committee will provide a summary of Committee business and propose any items for action if necessary.

Recommended Action: None

Attachments



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 10 – Appointment of 2021-22 Budget Financial Advisory Committee

This committee will meet to review the draft 2021-22 fiscal budget. Approvals made during this phase will be figured into the final budget which will be presented for approval by the Board at the June regular board meeting. I expect we will have the draft budget available for review by the end of April. Once the committee has been appointed, we can schedule a meeting date for late April.

Recommended Action: President Sharman is requested to appoint two Board members to the Budget Financial Advisory Committee for the 2021-22 fiscal budget review.



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 11–CSDA Board of Directors Call for Nominations Seat A

California Special Districts Association (CSDA) has sent out a call for nominations for special district members who are interested in being a candidate for the CSDA Board of Directors Seat A.

Attachment Included

Recommended Action: No Recommended Action



**California Special
Districts Association**
Districts Stronger Together

RECEIVED
FEB 1 2021

LAKE OROVILLE AREA
PUBLIC UTILITY DISTRICT

DATE: January 28, 2021
TO: CSDA Voting Member Presidents and General Managers
FROM: CSDA Elections and Bylaws Committee
SUBJECT: CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS
SEAT A

The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2022 - 2024 term.

The leadership of CSDA is elected from its six geographical networks. Each of the six networks has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA Regular Member in good standing and located within the geographic network that they seek to represent.
(See attached CSDA Network Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration. Serving on the Board requires one's interest in the issues confronting special districts statewide.

Commitment and Expectations:

- Attend all Board meetings, usually 4-5 meetings annually, at the CSDA office in Sacramento.
- Participate on at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.
(CSDA reimburses Directors for their related expenses for Board and committee meetings as outlined in Board policy).
- Attend, at minimum, the following CSDA annual events: Special Districts Legislative Days - held in the spring, and the CSDA Annual Conference - held in the fall.
(CSDA does not reimburse expenses for the two conferences even if a Board or committee meeting is held in conjunction with the event)
- Complete all four modules of CSDA's Special District Leadership Academy within 2 years of being elected.
(CSDA does not reimburse expenses for the Academy classes even if a Board or committee meeting is held in conjunction with the event).

Nomination Procedures: Any Regular Member in good standing is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of Directors. **A copy of the member district's resolution or minute action and Candidate Information Sheet must accompany the nomination. The deadline for receiving nominations is March 29, 2021. Nominations and supporting documentation may be mailed or emailed.**

Mail: 1112 I Street, Suite 200, Sacramento, CA 95814
Fax: 916.442.7889
E-mail: amberp@csda.net

Once received, nominees will receive a candidate's letter. The letter will serve as confirmation that CSDA has received the nomination and will also include campaign guidelines.

CSDA will begin electronic voting on May 28, 2021. All votes must be received through the system no later than 5:00 p.m. July 16, 2021. The successful candidates will be notified no later than July 20, 2021. All selected Board Members will be introduced at the Annual Conference in Monterey, CA in August 2021.

Expiring Terms

(See enclosed map for Network breakdown)

Northern Network Seat A – Ralph Emerson, GM, Garberville Sanitary District*
Sierra Network Seat A – Noelle Mattock, Director, El Dorado Hills Community Services District*
Bay Area Network Seat A – Chad Davisson, GM, Ironhouse Sanitary District*
Central Network Seat A – Vacant
Coastal Network Seat A – Elaine Magner, Director, Pleasant Valley Recreation and Park District*
Southern Network Seat A – Jo MacKenzie, Director, Vista Irrigation District*

This year we will be using a web-based online voting system, allowing your district to cast your vote easily and securely. Electronic Ballots will be emailed to the main contact in your district May 28, 2021. All votes must be received through the system no later than 5:00 p.m. July 16, 2021.

*Districts can opt to cast a paper ballot instead; but you must contact Amber Phelen by e-mail Amberp@csda.net by **March 29, 2021** in order to ensure that you will receive a paper ballot on time.*

CSDA will mail paper ballots on May 28, 2021 per district request only. ALL ballots must be received by CSDA no later than 5:00 p.m. July 16, 2021.

The successful candidates will be notified no later than July 20, 2021. All selected Board Members will be introduced at the Annual Conference in Monterey, CA in August 2021.

(* = Incumbent is running for re-election)

If you have any questions, please contact Amber Phelen at amberp@csda.net.



**California Special
Districts Association**
Districts Stronger Together

2021 BOARD OF DIRECTORS NOMINATION FORM

Name of Candidate: _____

District: _____

Mailing Address: _____

Network: _____ (see map)

Telephone: _____
(PLEASE BE SURE THE PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE)

Fax: _____

E-mail: _____

Nominated by (optional): _____

**Return this form and a Board resolution/minute action supporting the candidate
and Candidate Information Sheet by mail or email to:**

CSDA
Attn: Amber Phelen
1112 I Street, Suite 200
Sacramento, CA 95814
(877) 924-2732

amberp@csda.net

DEADLINE FOR RECEIVING NOMINATIONS – March 29, 2021



**California Special
Districts Association**
Districts Stronger Together

2021 CSDA BOARD CANDIDATE INFORMATION SHEET

The following information **MUST** accompany your nomination form and Resolution/minute order:

Name: _____

District/Company: _____

Title: _____

Elected/Appointed/Staff: _____

Length of Service with District: _____

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

4. List civic organization involvement:

****Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office after March 29, 2021 will not be included with the ballot.**



California Special Districts Association
DISTRICT NETWORKS





Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 12 – SDRMA Nominations for Board of Directors

Four Director seats are available on the SDRMA Board of Directors for a 4 year term beginning in January 1st, 2022. The District is not eligible to nominate a representative from the District due to the requirements. A ballot will be supplied by SDRMA for candidate voting in late May or early June of this year.

Attachment Included

2021 Nomination Packet Checklist



SDRMA BOARD OF DIRECTORS NOMINATION AND ELECTION GUIDELINES

January 20, 2021, marks the official commencement of the election process for the SDRMA Board of Directors. Four seats on the Board of Directors are up for election in 2021.

For your convenience we have enclosed the necessary nomination documents and election process schedule. Please note that some items have important deadlines. All documents contained in this packet, as well as additional information regarding SDRMA Board elections, are available on our website www.sdrma.org and/or by calling SDRMA Member Services at 800.537.7790.

- ____ **Attachment One:** **SDRMA Board of Directors Fact Sheet:** This document reviews the Board of Directors' Roles and Responsibilities along with other important information.

- ____ **Attachment Two:** **SDRMA Board of Directors 2021 Nomination/Election Schedule:** Please review this document for important deadlines.

- ____ **Attachment Three:** **SDRMA Election Policy No. 2021-02:** A Policy of the Board of Directors of the Special District Risk Management Authority establishing guidelines for Director elections.

- ____ **Attachment Four:** **Sample Resolution for Candidate Nomination:** A resolution of the Governing Body of the Agency nominating a candidate for the Special District Risk Management Authority Board of Directors.

- ____ **Attachment Five:** **Candidate's Statement of Qualifications:** Please be advised that no candidate statements are endorsed by SDRMA. Candidate's Statements of Qualification will be distributed to the membership with the SDRMA election ballot, "exactly as submitted" by the candidate.

Please complete and return all required nomination and election documents to:

SDRMA Election Committee
C/O Paul Frydendal, COO
Special District Risk Management Authority
1112 "I" Street, Suite 300
Sacramento, California 95814

SDRMA BOARD OF DIRECTORS
FACT SHEET

SDRMA BOARD OF DIRECTORS ROLE AND RESPONSIBILITIES

Special District Risk Management Authority (SDRMA) is a public entity Joint Powers Authority established to provide cost-effective property/liability, worker's compensation, health benefit coverages and comprehensive risk management programs for special districts and other public agencies throughout California. SDRMA is governed by a Board of Directors elected from the membership by the programs' members.

Number of Board Members	SDRMA Board of Directors consists of seven Board Members , who are elected at-large from members participating in either program.
Board of Directors' Role	SDRMA Board of Directors provide effective governance by supporting a unified vision, ensuring accountability, and setting direction based on SDRMA's mission and purpose, as well as establishing and approving policy to ensure SDRMA meets its obligations and commitment to its members.
Board of Directors' Responsibilities	Board Member responsibilities include a commitment to: serve as a part of a unified governance body; govern within Board of Directors' policies, standards and ethics; commit the time and energy to be effective; represent and make policy decisions for the benefit, and in the best interest, of all SDRMA members; support collective decisions; communicate as a cohesive Board of Directors with a common vision and voice; and, operate with the highest standards of integrity and trust.
Four Seats For this Election	Elections for Directors are staggered and held every two years, four seats during one election and three seats in the following election. Four seats are up for election this year.
Term of Directors	Directors are elected for four-year terms . Terms for directors elected this election begin January 1, 2022 and end on December 31, 2025.
Board Member Travel Reimbursement	Board Members are reimbursed for reasonable travel and lodging in accordance with SDRMA Board Ordinance No. 2020-01 and applicable laws and are allowed to claim a stipend of \$220 per meeting day or for each day's service rendered as a Member of the Board.
Number of Meetings per Year	The Board meets from seven to ten times annually with an average of eight board meetings per year. Generally, the Board does not meet more than one meeting per month.
Meeting Location	SDRMA office in Sacramento, CA and at two conference locations.
Meeting Dates	Typically the first Wednesday and Thursday of the month.
Meeting Starting Times	Meetings are typically held 1:00 to 5:30 p.m. Wednesday and 8:00 to 10:00 a.m. Thursday.
Meeting Length	Meetings are four to six hours on average.
Average Time Commitment	Commitment per month ranges from 15 to 20 hours.

"The mission of Special District Risk Management Authority is to provide risk financing and risk management services through a financially sound pool to California public agencies, delivered in a timely and responsive cost-efficient manner."

SDRMA BOARD OF DIRECTORS
2021 NOMINATION/ELECTION SCHEDULE

2021 Nomination/Election Schedule



JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
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28						

MARCH						
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APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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31						

NOVEMBER						
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DECEMBER						
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TASK TIMELINE	
1/6	Board approves Election Schedule
1/20	Email Notification of Election and Nomination Procedure to Members in January at least 90 days prior to mailing Ballots (117 actual days)
5/3	Deadline to return Nominations
5/5	Tentative Election Comm. Reviews Nominations
5/18	Ballots available in MemberPlus at least 60 days prior to ballot receipt deadline (89 actual days)
8/16	Deadline to Receive Ballots
8/18	Tentative Election Comm. Counts Ballots
8/19	Election Committee Notifies Successful Candidates and Provides Them With Upcoming Board Meeting Schedule
11/3-4	Directors' Elect Invited to SDRMA Board Meeting
1/2022	Newly Elected Directors Seated and Election of SDRMA Board Officers

SDRMA BOARD OF DIRECTORS
ELECTION POLICY NO. 2021-02

A POLICY OF THE BOARD OF DIRECTORS OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY ESTABLISHING GUIDELINES FOR DIRECTOR ELECTIONS, DIRECTOR APPOINTMENTS, AND CREATION OF A SUPERVISING ELECTION COMMITTEE

WHEREAS, SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) is a joint powers authority, created pursuant to Section 6500, et. seq. of the California Government Code; and

WHEREAS, the Board of Directors recognizes that it is in the best interest of the Authority and its members to adopt a written policy for conducting the business of the Board; and

WHEREAS, establishing guidelines for Director elections and appointments will help ensure a process that is consistent for all nominees and candidates, will promote active participation by SDRMA members in the election/appointment process, and will help ensure election/appointment of the most qualified candidate(s); and

WHEREAS, the Bylaws provide the Board with the option of conducting the election using a mail-in ballot process; and

WHEREAS, the Board of Directors of SDRMA has an overriding and compelling interest in ensuring the accuracy of the election/appointment process of its Board members through the creation of an election committee;

NOW, THEREFORE, it is the policy of the Board of Directors of SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY, until such policy shall have been amended or rescinded, that the following procedures shall be followed when conducting Director elections or filling a Director vacancy by appointment:

1.0. Election Schedule

1.1. Not later than the first Board meeting of each election year, the Board of Directors shall approve an election schedule based on the following criteria and time frames.

2.0. Election Committee

2.1. The Board of Directors herein establishes an election committee with the following composition, duties and responsibilities; The five (5) members of the Election Committee shall include two (2) presently sitting members of the Board of Directors of SDRMA whose seats are not up for election, the Chief Operating Officer of SDRMA, and the CPA/auditor regularly used and retained by SDRMA at the time of counting ballots

of and for an election to the Board of Directors. For good reason found and stated, the Board of Directors of SDRMA may appoint any CPA/auditor who, in the discretion of the Board of Directors, would appropriately serve the Election Committee. The General Counsel for SDRMA shall also sit as a member of the Election Committee with the additional obligation of providing legal advice to the balance of the Committee as legal questions may arise.

3.0. Member Notification of Election

- 3.1. Authority staff shall provide emailed notification, of an election for the Board of Directors, to all member agencies during January of each election year. Such notification shall be provided a minimum of ninety (90) days prior to the distribution of ballots and shall include (1) where to locate election documents in MemberPlus; (2) the number of Director seats to be filled by election; and (3) a summary of nomination/election deadline dates.

4.0. Qualifications

- 4.1. A candidate seeking election, re-election or appointment to SDRMA's Board of Directors must be a member of the Governing Body or a management employee of an SDRMA member participating in both the Property/Liability and Workers' Compensation Programs. To qualify as a "management employee," the candidate must be a management-level (as determined by the Governing Body) employee whose wages are reported to the IRS on a "W-2" form. Only one (1) representative from any Member may serve on the Board of Directors at the same time. [Per Bylaws, Article II, (2) (b)]
- 4.2. Each nominated candidate must submit a properly completed "Statement of Qualifications" (required form attached) with an original wet signature (electronic signatures are not acceptable) on or before the filing deadline in May in order for the candidate's name to be placed on the official ballot. A candidate shall provide responses to all questions on the candidate's "Statement of Qualifications". Each nominated candidate's "Statement of Qualifications" must be filed in SDRMA's office on or before the aforementioned deadline by (1) personal delivery; (2) U.S. mail; or (3) courier. To assure the Statement of Qualifications has affixed the candidate's original wet signature, the Statement of Qualifications may not be delivered by electronic mail. When ballots are provided to the membership, each candidate's "Statement of Qualifications" form will be available to the membership exactly as submitted by the candidate to SDRMA. However, any attachments submitted by the candidate(s) with the Statement of Qualifications will not be provided by SDRMA with the ballots to any members.
- 4.3. If a nominated candidate elects not to use the provided form "Statement of Qualifications," and prepares instead the candidate's own completed form, the

candidate's form must include the title "Statement of Qualifications" and contain exactly all information required and requested by the provided form.

NOTE: The candidate's "Statement of Qualifications" form must be submitted as a part of the nominating process. When ballots are made available to the membership, each candidate's "Statement of Qualifications" form will be distributed "exactly as submitted" to SDRMA, except that any attachments submitted by the candidate will not be sent to any SDRMA members.

- 4.4. A candidate who does not submit a Candidate's Statement of Qualifications that complies with Section 4.2 or 4.3 will be disqualified by the SDRMA Election Committee.

5.0. Nominating Procedure

- 5.1. Candidates seeking election or reelection must be nominated by action of their respective Governing Body. Only one (1) candidate may be nominated per member agency and one (1) candidate shall not represent more than one (1) member agency. A resolution from the candidate's district/agency Governing Body nominating the candidate must be received by the Authority on or before the scheduled date in May. (A sample of the resolution is enclosed). Actual receipt by the Authority on or before the scheduled deadline date in May is required. The resolution nominating the candidate may be hand-delivered to the Authority or sent by U.S. mail or emailed to SDRMA. In the event a candidate is nominated by two (2) or more member agencies, he or she shall represent the member agency whose nominating resolution is first received by the Authority. The other member agency or agencies that nominated the candidate shall be entitled to select a replacement nominee as long as a resolution nominating the replacement is received by the Authority prior to the scheduled deadline date.
- 5.2. A member may not nominate a candidate unless that member is participating in both the Property/Liability and Workers' Compensation Programs and is in "good standing" on the date the nominations are due. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 5.3. No earlier than the day after the deadline for receipt of nominations, the Election Committee, as hereinabove defined and comprised, shall review all nominations received from members, and will reject any nominations that do not meet all of the qualifications specified and set forth in this policy. The Election Committee's decisions regarding the qualification of nominees are final. Following the Election Committee's review of all nominations, the Election Committee shall direct that a ballot be prepared stating and listing all of the qualified nominees. The ballot of qualified nominees shall be provided to the membership for election via MemberPlus as described below.

- 5.4. Upon verification or rejection of each nominee by the Election Committee, staff will email acknowledgment to both the nominee and the district/agency of its acceptance or rejection as a qualified nominee for election.
- 5.5. A nominee requesting that his/her nomination be withdrawn prior to the election, shall submit such requests in writing to SDRMA's office a minimum of three (3) days prior to the scheduled date for posting the ballots. After that date, all qualified nominees names shall appear on the ballot provided to the membership.

6.0. Terms of Directors

- 6.1. The election of directors shall be held in each odd-numbered year. The terms of the directors elected by the Members will be staggered. Four directors will serve four-year terms, to end on December 31 of one odd-numbered year. Three directors will serve four-year terms, to end on December 31 of the alternate off-numbered year. [Per Bylaws, Article II, (3), paragraph 1].

7.0. Campaigning

- 7.1. SDRMA staff will publish via MemberPlus each qualified candidate's "Statement of Qualifications", "exactly as submitted" by the candidate with the ballots to the membership.
- 7.2. Candidates, at their own expense, may distribute additional information to member agency(s) after the ballots have been published and prior to the election.
- 7.3. SDRMA staff is prohibited from actively promoting a candidate or participating in the election process while on Authority premises.
- 7.4. SDRMA staff may provide member information, mailing lists, financial reports or operational data and information, that is normally available through the Public Records Act, to candidates to assist them in their research and campaigning. In addition to obtaining such information under the Public Records Act, candidates may request SDRMA staff prepare mailing labels for the distribution of campaign materials to member agencies. Under existing policy, charges will apply for this service. The SDRMA logo is trademarked for use by SDRMA only. Neither the logo, nor any other Trademark of SDRMA may be used in any campaign literature. No campaign literature is to imply support of any candidate by SDRMA.
- 7.5. SDRMA election documents for the membership, including ballots and candidates' "Statement of Qualifications", shall be made available via MemberPlus upon sending out an e-blast announcement via email.

8.0. Limitations on Campaigning

8.1. As used in this section the following terms have the following meanings:

"Campaign Activity" means any activity that expressly advocates the election or defeat of a candidate or provides direct support to a candidate for his or her candidacy. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes or the use of public resources to nominate a candidate or vote in any Board of Directors election.

"Candidate" means an individual who has been nominated by the Member Agency to have his or her name listed on the ballot for election to the Board of Directors.

"Expenditure" means a payment of Member Agency funds that is used for communications that expressly advocate the election or defeat of a clearly identified candidate. "Expenditure" does not include the use of public funds to nominate a candidate or vote in any Board of Directors election.

"Public resources" means any property or asset owned by the Member Agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and Member Agency-compensated time.

8.2. An officer, official, employee, or consultant of a Member Agency may not expend or authorize the expenditure of any of the funds of the Member Agency to support or oppose the election or defeat of a candidate for the Board of Directors.

8.3. No officer, official, employee, or consultant of a Member Agency shall use or permit others to use public resources for campaign activity.

8.4. At any time during an election campaign, if a Member Agency or its officers, officials, employees or consultants violate this section, that Member Agency shall be ineligible to nominate a candidate for the Board of Directors election in which the violation occurred. Any candidate of an offending Member Agency shall be deemed to have withdrawn his or her candidacy. Prior to declaring a Member Agency ineligible to nominate a candidate or a specific candidate's candidacy withdrawn, the Elections Committee shall hold a hearing to determine whether or not a violation of this section occurred. The hearing shall be conducted pursuant to reasonable procedures that the Elections Committee shall prescribe, provided that the affected Member Agency or candidate shall have an opportunity to dispute the violation. At the conclusion of the hearing, the Elections Committee shall determine by a majority vote whether the violation occurred.

9.0. Balloting

- 9.1. A ballot containing nominees for the Board of Directors, accepted and approved by the Election Committee, shall be made available to each SDRMA member agency via MemberPlus, except as provided in Section 9.2 below, no less than sixty (60) days prior to the deadline for receiving ballots and the closing date for voting. Ballots shall show the date and time the ballots must be received in SDRMA's office.
- 9.2. In the event that the number of qualified/approved nominees is equal to or less than the number of director seats up for election, the distribution of the ballots as outlined in Section 9.1 shall be waived.
- 9.3. Only those qualified nominees approved by the Election Committee will be eligible candidates on the ballot. Write-in candidates shall not be accepted.
- 9.4. It is required that the Governing Body of each member vote on behalf of their agency at a public meeting and the ballot MUST be signed by an authorized agency official.
- 9.5. A member may not vote unless the member was a member of the Authority in "good standing" on or before the nomination due date for the pending election. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 9.6. A member may cast only one (1) vote for the same candidate. By way of example, if there are four (4) candidates on the ballot, a member may not cast two (2) to four (4) votes for any single candidate. Any ballot casting more than one (1) vote for the same candidate will be considered void.
- 9.7. A member may vote by using the official ballot provided by SDRMA, or a copy of SDRMA's original ballot, or a reasonable duplicate prepared by the member agency. Whichever of the three foregoing formats is used, the ballot must contain an original wet signature and confirmation that the ballot was approved at a public meeting of the agency's Governing Body. Ballots submitted without an original signature and/or without confirmation that the form of the ballot was approved at a public meeting of the agency's Governing Body will be considered void.
- 9.8. Ballots may be returned using either hand-delivered or mailed in ballots - faxed or e-mailed ballots will not be accepted. Mailed in ballots must be addressed to, and hand-delivered ballots must be delivered to, the Special District Risk Management Authority office presently located at 1112 I Street, Suite 300, Sacramento, California 95814-2865.

9.9. Any ballot received after the specified deadline will not be counted and will be considered void.

10.0. Election Results

10.1. All ballots will be tabulated at SDRMA's office only after the deadline for receiving ballots. Ballots will be tabulated by SDRMA's Election Committee, no more than five (5) days after the closing deadline. Candidates receiving the highest number of votes shall be declared the elected director(s).

10.2. In the event of a tie, a coin toss shall be used to determine the elected director. The coin toss shall be conducted by the Election Committee at the time and place of the conclusion of counting ballots.

PROCEDURE: In the event more than two (2) candidates tie, the coin toss shall be between two (2) candidates at a time based on the order in which their name appeared on the ballot. This process shall be repeated, as needed, in cases where there are more than two (2) candidates.

10.3. Excluding tie votes, within five (5) days after the ballots tabulated Authority staff shall advise the candidates and their respective agency via email of the final election results. Copies of the results shall also be emailed/distributed to SDRMA's Board of Directors, staff and consultants and published in the first available CSDA newsletter.

10.4. If a director-elect withdraws after the election or fails to accept the Director seat prior to December 31, the Board shall name a new director-elect by going back to the ballots and awarding the seat to the candidate receiving the next highest number of votes during the election.

10.5. Staff shall invite newly elected director(s) to attend the last Board meeting of the year after confirmation of election results. Director(s) elect will be reimbursed for expenses, except for director stipends, in accordance with approved director reimbursement policy (copy of policy shall be provided to newly elected directors).

10.6. A member or candidate dissatisfied with the election result may, within ten (10) days after the ballots are opened and tabulated, file with the Authority a written challenge and appeal. The challenge and appeal must clearly set forth the complaint and any and all facts in support of the challenge and appeal. Within ten (10) days after the ballots are opened and tabulated, the challenge and appeal shall be delivered and received by the Authority. Within five (5) days of receipt of the challenge and appeal, the Authority shall deliver the same to the Election Committee for decision. The Election Committee shall have absolute authority for deciding the challenge and appeal. Notice of the decision of

the Election Committee shall be provided to the party filing the challenge and appeal within ten (10) days.

11.0. Director Vacancy

11.1. If a director vacancy(s) occurs (Note 1), appointment of a replacement director for the balance of the unexpired term will be made by the remaining members of the SDRMA Board. In order to accomplish this in an orderly and consistent manner, when a vacancy(s) of an elected Director(s) occurs, the SDRMA Board of Directors, after discussion and consideration, shall, when deemed appropriate, instruct staff to:

- a) notify all then member entities via email that a vacancy has occurred; and
- b) said notice shall refer to the applicable Article in the By-laws in advising member entities and their eligible candidates of the steps to take to apply for appointment; and
- c) the SDRMA Board shall establish the closing date for the receipt of applications; and
- d) candidates shall submit the following, by the date specified in the notice:
 - i) a letter of interest; and
 - ii) a resume, with particular emphasis on the candidate's knowledge of special districts and risk management; and
 - iii) a resolution from, or a letter approved by, the candidate's Governing Body nominating the candidate; and
- e) the Election Committee shall review all applications received, and shall reject any that do not meet all of the qualifications specified and set forth in this policy; and
- f) upon verification or rejection of each application by the Election Committee, staff will email acknowledgement to both the applicant and the district/agency of its acceptance or rejection of the applicant as a qualified candidate for appointment; and
- g) candidates shall be interviewed at the next regularly scheduled meeting of the SDRMA Board of Directors following the date of closure for the applications. Interviews shall be in person, or if an unforeseen emergency arises, the interview may be by telephone or via Zoom at the same scheduled time; and
- h) the SDRMA Board shall make the appointment without undue delay, but need not act at the same meeting.

Note 1: If the Director vacancy occurs within nine (9) months after the date the ballots were counted and certified by the Election Committee or within nine (9) months after a candidate was appointed to fill a vacancy, then the Board shall have the option to interview and appoint the candidate(s) who did not receive sufficient votes to be elected OR to interview and appoint from the pool of candidates from 11.1.g) above. If the Director vacancy occurs in an election year after the Notification of Election is sent to the members, the Board may determine to fill the vacancy by appointing the candidate who receives the next highest number of votes in the election. If the Board determines in its sole discretion that none of these options is appropriate, then staff shall be instructed to proceed with the process described above in steps 11.1 a) to h).



Revised and adopted this 6th day of January 2021, by the Board of Directors of Special District Risk Management Authority, at a regular meeting thereof.

This Policy No. 2021-02 supersedes Policy No. 2019-08 and all other policies inconsistent herewith.

APPROVED:

Michael Scheafer, President
Board of Directors

ATTEST:

Laura S. Gill, ICMA-CM, ARM, ARM-P, CSDM
Chief Executive Officer

SAMPLE
RESOLUTION FOR
CANDIDATE NOMINATION

**Downloadable Resolution (MS Word Version) is provided in the
"2021 Election Information" link on the SDRMA Website**

[AGENCY NAME]

RESOLUTION NO.

A RESOLUTION OF THE GOVERNING BODY OF THE [AGENCY NAME] NOMINATING [CANDIDATE'S NAME]

AS A

CANDIDATE FOR ELECTION TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code, Section 6500 et.seq., for the purpose of providing risk management and risk financing for California Special Districts and other local government agencies; and

WHEREAS, the Joint Powers Agreement (JPA) and Bylaws of SDRMA set forth director qualifications, terms of office and election requirements; and

WHEREAS, the Board of Directors of SDRMA established procedures and guidelines for the Director Election process; and

WHEREAS, the Board of Directors of SDRMA established a policy requiring candidates seeking election to the SDRMA Board of Directors to be: 1) a member of the agency's governing body or management employee per SDRMA Election Policy 2021-02, Section 4.1 and be an active member agency of both SDRMA's Property/Liability and Workers' Compensation Programs, and 2) be nominated by Resolution of their member agency's governing body, and 3) each nominated candidate must submit a completed and signed "Candidate's Statement of Qualifications" on or before the May 3, 2021 filing deadline in order for the candidate's name to be placed on the official ballot.

NOW, THEREFORE, BE IT RESOLVED:

1. The governing body of [AGENCY NAME] nominates [CANDIDATE'S NAME], its [POSITION TITLE], as a candidate for the Board of Directors of the Special District Risk Management Authority.

2. [ONLY IF CANDIDATE IS NOT A MEMBER OF THE AGENCY'S GOVERNING BODY: The governing body of [AGENCY NAME] has determined that [CANDIDATE'S NAME] is a management employee for purposes of SDRMA Election Policy 2021-02, Section 4.1].

3. The governing body of [AGENCY NAME] further directs that a copy of this Resolution be delivered to SDRMA on or before the May 3, 2021 filing deadline.

ADOPTED this [DATE] of [MONTH/YEAR] by the Governing Body of [AGENCY NAME] by the following roll call votes:

AYES: [LIST NAMES of GOVERNING BOARD VOTES]

NAYES: "

ABSTAIN: "

ABSENT: "

APPROVED:

ATTEST:

President – Governing Body

Secretary

CANDIDATE'S STATEMENT
OF
QUALIFICATIONS

Provided are 2 sets of the **Candidate's Statement of Qualifications** Form and can be completed one of two ways as follows:

- 1 set is downloadable to be completed by hand, or
- 1 set is an online fillable PDF Form.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – **no attachments will be accepted**. No statements are endorsed by SDRMA.

Candidate*

District/Agency

Work Address

Work Phone

Home Phone

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)

What is your overall vision for SDRMA? **(Response Required)**

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature _____ Date _____



Manager's Report

To: Board of Directors
From: Scott McCutcheon, General Manager
Date: March 9, 2021

RE: Item No. 13 – SC-OR Commissioner's Report

Included in your packet-if available- are the February 2021 Minutes of the Regular Meeting of the Sewerage Commission – Oroville Region. Directors Fairbanks and Kuehner will present the SC-OR report if any information is available for reporting.

Attachment Included

MINUTES OF THE REGULAR MEETING OF THE SEWERAGE COMMISSION - OROVILLE REGION

(Held at the Commission office on February 24, 2021 at 5:00 p.m.)

1. Call to Order ❖

Chairman Hatley called the meeting to order at 5:00 p.m.

2. Roll Call ❖

Commissioners present were Commissioners Kuehner from the Lake Oroville Area Public Utility District, Pittman and Reynolds from the City of Oroville, and Hatley from the Thermalito Water and Sewer District. Commissioners Fairbanks and Latulippe were absent. Staff present was Manager Sturdevant, Environmental Compliance Manager Salsi and Temporary Assistant to the Manager Sousa.

3. Salute to the Flag ❖

Commissioner Hatley led Commissioners and staff in the salute to the flag.

4. Acknowledgment of Visitors ❖

Ken Shuey of Provost & Pitchard Consulting.

5. Board Meeting Minutes of the Regular Meeting held on January 27, 2021.❖

Upon motion by Chairman Reynolds to approve the minutes of the meetings, and second by Commissioner Kuehner, the minutes of the January 27, 2021 meeting were unanimously approved.

6. Authorization of Warrants ❖

Manager Sturdevant reported that he had met with Commissioner Fairbanks to review the warrants, and everything was found to be in order. Chairman Hatley asked why the expenditures were so high. Manager Sturdevant explained that a check transfer was made to our L.A.I.F. account in the amount of \$522,000, which skews the actual figure spent. He said it will be changed to be reflected in a separate section on the warrant list in the future. A motion was made by Chairman Hatley to approve warrants 26580-26625. in the total amount of \$1,150,990.87 from January 27, 2021 to February 24, 2021, including Commissioner fees and electronic fund transfers. The motion was seconded by Commissioner Reynolds, and the warrants were unanimously approved and ordered paid.

7. Fiscal Reports ❖

Manager Sturdevant stated the fiscal reports for January 2021 were in the packets for review. There were no questions and nothing further to report.

8. Provost and Pritchard Consulting Group's Request of a Budget Increase for Funding Applications in the Amount of \$25,000 ❖

Ken Shuey stated that he has been helping SC-OR with funding applications for 2½ years, investigating funding options for the treatment plant upgrades. He has done quite a bit of work that was not planned on, as he was asked to research alternate funding options. The original contract was \$184,000, and now Ken is asking for an additional \$48,000, though only \$25,000 has been requested at this meeting. Attorney Huber stated that the requested amount can be amended tonight to the requested \$48,000 if the Commissioners approve. Commissioner Reynolds said he would like to see backup for the increase request.

Chairman Hatley said he was confident that we gave direction to search out these other funding sources, which ate away at the funding original budget. The consensus of the board was to get more information on where the money was spent and copies of past invoices to be put in our next packets.

Ken Shuey stated that the project will be put on hold until the funding issue is resolved. He is close to the end of the contract. Once the funding is resolved he will complete the environmental document and will get it to Glen for review.

9. Adoption of the Contract Between the Sewerage Commission and Cole Huber LLP for Legal Services, and consideration to authorize the Manager to Sign the Contract. ❖

Manager Sturdevant stated that the contract was not approved in a previous meeting, so it is on the agenda for adoption. Attorney Huber recused himself from acting as general counsel on this item. Any comments he might make are in the capacity of his firm and not as SC-OR general counsel.

A motion was made by Chairman Hatley to adopt the contract between SC-OR and Cole Huber LLP for legal services, and authorize Manager Sturdevant to sign the contract. The motion was seconded by Commissioner Reynolds, and passed by the following vote: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

10. Resolution 02-21 – Establishing Repayment of Funds Expended from the Capital Outlay Reserve for the Construction of the Solar Array Project ❖

Manager Sturdevant said that resolution 03-04 had a specific time that the transfer had to be made based upon the receipt of the PG&E true-up statement. The month that the statement is received has been changed due to the upgrade of the solar array, so he was directed to change the resolution to reflect the transfer to be made whenever we receive the true-up statement, but no month is specified. The true-up was \$320,973.56.

Chairman Hatley made a motion to adopt Resolution 02-21 (Establishing Repayment of Funds Expended from the Capital Outlay Reserve for the Construction of the Solar Array Project). Commissioner Kuehner seconded the motion, and the motion passed by the following vote: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

11. Annual Transfer of Funds in Accordance with Resolution 02-21 ❖

Manager Sturdevant said that since the new resolution changed the month that the solar transfer is made based upon when the PG&E true-up statement is received, he would now like to transfer \$100,000. This transfer is based upon PG&E average cost charged per KWh, the solar KWh production total, and then we multiplied the average by the production cost to show an annual savings of \$243,510.66.

Commissioner Pittman made a motion to authorize the annual transfer of funds in accordance with Resolution 02-21 in the amount of \$100,000 from the general fund to the Capital Outlay Account. Commissioner Reynolds seconded the motion, and the motion passed by the following vote: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

12. Adoption of Job Descriptions and Policies 2861, 2862 & 2863 Created for New Positions in SC-OR Management Restructure ❖

Manager Sturdevant stated that these job descriptions have been created by himself, Ray Sousa and Mikah Salsi to create the redundancy in job coverage that the Board had requested. Attorney Huber reviewed the job descriptions. Commission Kuehner asked about the statement of performing other duties as assigned. That statement was included on the job descriptions of #2861 & #2862, and Attorney Huber stated we can add it to #2863 (Environmental Compliance Supervisor) at this meeting, which Manager Sturdevant was directed to do. Commissioner Pittman suggested that Manager Sturdevant sit down with each person who is filling these positions and make sure they understand the job description that they will be assuming.

A motion was made by Chairman Hatley adopt job descriptions 2861, 2862 as presented, and 2863 with a line item added stating they will perform other job duties as assigned. The motion was seconded by Commissioner Pittman, and passed by the following votes: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

13. Proposed Pay Scales for New Positions Created in SC-OR Management Restructure ❖

Manager Sturdevant performed his own salary survey, as the created positions were not covered in the salary survey done by Bryce Consulting. He compared SC-OR to the other grade IV plants in Northern California that we are in direct recruitment competition, which were the Cities of Redding, Chico and Yuba City. He then determined what he was comfortable with in creating those pay scales as they would fit within the budget, and explained his reasoning for this. The Commissioners agreed with his proposed wage scales and thought he did a good job in determining the scales.

A motion was made by Chairman Pittman to adopt the proposed hourly wage schedules for the newly created positions of Lead Operator, Plant Supervisor and Environmental Compliance Supervisor. The motion was seconded by Chairman Hatley, and passed by the following votes: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

14. Adoption of the Hourly Wage Schedule as Required by CalPERS ❖

A motion was made by Chairman Hatley to adopt the updated hourly wage schedule as required by CalPERS. The motion was seconded by Commissioner Reynolds, and passed by the following votes: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

15. Budget Increase Request for Jacobs Engineering for Task Order #29 (Auxiliary Influent Pump Station) ❖

Manager Sturdevant said that this item is regarding the new influent pump station for which we are waiting on the release of the grant funds. Some of what is detailed is what they propose to do during the upgrade. His and Mikah's thought process is that since the ground will be opened during this project, why not do what we can do now while it's open rather than wait. Part of their reasoning is: 1) If we wait 5 years and finance it, it is going to cost more money. 2) Why pay to dig up ground that has already been paid to be dug up during the construction of the influent pump station? Previous Manager Koch said he was given direction to pay for a new bar screen out of SC-OR's bank account. Adding the bar screen to the bid documents will be included in this increase. His recommendation is to approve the \$88,000 increase to do these projects, as it will be money well spent that will save us money in the long run.

Commissioner Kuehner suggested setting up a cost center for each project and task order to track the monies requested and spent.

A motion was made by Chairman Hatley to authorize the budget increase for Jacobs Engineer for task order #29 (auxiliary influent pump station) for an amount not to exceed \$88,000. The motion was seconded by Commissioner Kuehner, and passed by the following votes: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

16. Budget Increase Request from Jacobs Engineering for Task Order #34 ❖

Manager Sturdevant reported that he and Mikah had met with Jacobs regarding the final design of the upgrade task order #34 (Wastewater Treatment Plant Upgrade Final Design). In discussions he asked Jacobs for a cost to make changes to eliminate safety issues of the backwash equalization tank. This will increase the cost of this task order by \$62,411. He feels that it would be cost effective to eliminate this issue during the upgrade rather than waiting to do it at a later date when it will cost more and continue to be a safety issue.

A motion was made by Commissioner Kuehner to authorize the budget increase for Jacobs Engineer on task order #34 (Wastewater Treatment Plant Upgrade Final Design) for an amount not to exceed \$63,000. The motion was seconded by Commissioner Reynolds, and passed by the following votes: Reynolds – Yes, Hatley – Yes, Kuehner – Yes.

17. Attorney's Report ❖

Attorney Huber said he met with Manager Sturdevant and Plant Supervisor Salsi and they started compiling a task list for him.

18. Manager's Report ❖

Manager Sturdevant reported that he has received information from LOAPUD and TWSD that their crews have found breaks in our interceptor pipes. We will be looking for the best way to repair these issues.

He had hoped to bring information on the third auxiliary pump, but is still working on the VFD specifications. Commissioner Kuehner got us a price reduction on the pump by suggesting sole sourcing. This should be on the agenda for consideration at the next meeting.

Staff would like to investigate WIFIA (Water Infrastructure Finance and Innovation Act) funding. It is an expensive process to get through, but is almost guaranteed money. The major cost doesn't come due until we are through the initial process. He is only asking for permission to investigate this funding and what it would cost at this time. This funding is a low interest loan program that will only cover 49% of the project cost. It was the consensus of the Commission to proceed with investigating this funding.

The first round of interviews for an OIT, Grade I, II, or III advertised position were completed last week. There were 16 applicants; 14 were OIT's and two were Grade V applicants. Eight of these will be brought back for a second interview. There are some very good prospects, and some are local.

Ruddy Creek Pump Station – Manager Sturdevant believes this pump station is at its capacity and needs to be replaced. Assistant to the Manager, Ray Sousa, said the City committed to the upgrade in 1987 at their expense. The reason why the City agreed to pay for the upgrade is the City wanted to develop the airport and they needed sewer.

SC-OR had no obligation to sewer it, so the City said they would cover the impact. The plans were drawn but are outdated. Manager Sturdevant said the upgrade needs to be done now, and we will begin investigating this and bring it back to the board.

19. Visitor Comments ❖

None

20. Commissioner and Staff Comments ❖

Assistant to the Manager Sousa said he will work with the manager and plant supervisor on organizing task orders so we don't face what we did with Provost & Pritchard again.

Supervisor Salsi said that an email he received today regarding the grant was a draft grant agreement. It is some progress.

Commissioner Reynolds said he feels we have a good team at SC-OR.

21. Adjournment ❖

There being no further business, the meeting was adjourned at 6:42 p.m. to the regular meeting scheduled on March 24, 2021 at 5:00 p.m.

Respectfully submitted,



GLEN E. STURDEVANT, CLERK



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 14 – BCSDA Representatives' and LAFCo Report

BCSDA

No Report at this time.

LAFCo

The Butte LAFCO agenda for the March 4, 2021 regular meeting is attached for general information purposes. Included in the attachments is LAFCO agenda Item 6.1 Executive Officer's Report. President Sharman will report on any LAFCO business if there is any to report.

Attachment Included

BUTTE LOCAL AGENCY FORMATION COMMISSION
1453 DOWNER STREET, SUITE C, OROVILLE, CALIFORNIA 95965
TELEPHONE (530) 538-7784 FAX (530) 538-2847

REGULAR MEETING NOTICE OF THE COMMISSION

Location: **Meeting to be held via remote/zoom participation.**

Date/Time: **Thursday, March 4, 2021 - 9:00 a.m.**

SPECIAL NOTICE

Based on guidance from the California Department of Public Health and the California Governor's Office Order N-29-20 issued on March 17, 2020, in order to minimize the spread of the COVID-19 virus, Butte LAFCO has established a temporary meeting process and will be conducting the **March 4, 2021** LAFCo meeting via Zoom. The Commission meeting can be accessed by the public as follows:

JOIN MEETING:

Please click the link below to **join** the webinar:

<https://us02web.zoom.us/j/89615182121?pwd=ZEpQR2Y2WFZwN0JIS202dnIIS3FEZz09>

Passcode: 069250

Or iPhone one-tap :

US: +16699009128,,89615182121#,,,,*069250# or +13462487799,,89615182121#,,,,*069250#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 896 1518 2121

Passcode: 069250

PUBLIC COMMENTS:

Aside from participating in the Zoom meeting, comments from the public on the agenda items will also be accepted :

1. Via email to Commission Clerk (jstover@buttecounty.net)
2. Via phone (530-538-7784)
3. Mail to Butte LAFCo, 1453 Downer Street, Suite C, Oroville, CA 95965.

All comments received will be conveyed to the Commission for consideration during the meeting. All meetings conducted under these circumstances will be recorded and placed on the LAFCo website (www.buttelafco.org) for public access and accountability.

THANK YOU:

The Commission appreciates the public's adaptation and patience during this crisis and will endeavor to refrain from placing non-essential items, or matters of significant public interest on the agenda until such time greater public participation can be reasonably accommodated.

AGENDA

ALL ITEMS ARE OPEN FOR PUBLIC COMMENT

1. CALL TO ORDER

1.1 Roll Call

2. CONSENT AGENDA

2.1 Approval of the Minutes of February 4, 2021.

2.2 Acceptance of Independent Auditor’s Report and Financial Statements for Fiscal Year ending June 30, 2020.

The Independent Auditor’s Report and Financial Statements for Fiscal Year ending June 30, 2020 have been prepared by Horton McNulty & Saeteurn, LLP, Certified Public Accountants and are submitted for the Commission’s acceptance. **Action Requested:** Accept Independent Auditor’s Report and Financial Statements for Fiscal Year ending June 30, 2020.

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda (If any)

4.2 21-04 - South Feather Water and Power Agency (SFWPA) – Extension of Water Service – 170 Gold Avenue, Oroville.

Proposed is the extension of SFWPA domestic water service outside of its jurisdictional boundaries, to a single unincorporated parcel developed with a single-family residential use. An emergency authorization was approved to allow the parcel to connect to the District’s water system due to a disruption of an alternative water service connection. The subject territory is identified as Assessor’s Parcel Number 033-023-002 (170 Gold Ave) Oroville, CA. **ACTION REQUESTED:** Adopt Resolution No. 06-2020/21 approving the connection to domestic water services.

4.3 Report from Commission Chair – Executive Officer Performance Review

The Chair will provide a verbal report to the Commission. **ACTION REQUESTED:** Accept for information.

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (If any)

6. REPORTS AND COMMUNICATION

6.1 Executive Officer’s Report

6.2 Correspondence - None

7. ADMINISTRATION. The Commission will discuss and provide direction to the Executive Officer on administrative matters relating to the operation of the Commission.

8. ADJOURNMENT Adjourn to **Thursday, April 1, 2021** in the Board of Supervisors Chambers.

TO THOSE WHO PARTICIPATE IN LAFCO PROCEEDINGS: California Government Code Section 84308 requires you to disclose campaign contributions to LAFCO Commissioners if they amount to \$250 or more and were made within the last twelve months. Please announce your applicable campaign contributions when you speak.

* Any disabled person needing special accommodation to participate in the Commission proceeding is requested to contact LAFCo staff at (530) 538-7784 prior to meeting and arrangements will be made to accommodate you.

* Any person may address the Commission during the "Public Comment." Please see the rules regarding public comments below.

* Copies of Agenda documents relative to an Agenda item may be obtained from the Clerk of the Commission at a cost of \$.10 per page.

RULES APPLYING TO PUBLIC COMMENTS

1. Members of the public wishing to address the Commission upon any subject within the jurisdiction of Butte LAFCO may do so upon receiving recognition from the Chair at the appropriate time.
2. Comment on items not on the agenda should be made at the time indicated for "Public Comment" on the agenda. The Commission may not act on any matter so raised and will have to put off action until a meeting at which the matter can be put on the agenda.
3. Comment on specific agenda items may be made during the discussion of that agenda item, upon recognition by the Chair.
4. After receiving recognition, please stand and state your name and address before making your presentation, so that the Clerk may take down this information.
5. All documents to be presented to the Commission will be given to the Clerk of the Commission (original and eleven copies) prior to Call of Order of meeting. Such documents will be distributed to the Commission and made available for public inspection.

This agenda was mailed to those requesting notice and posted 72 hours in advance of the meeting at the following locations: Butte County Administration Building & LAFCo front entrance.

M E M O R A N D U M

TO: Local Agency Formation Commission

FROM: Stephen Lucas, Executive Officer

SUBJECT: **Agenda Item 6.1 - Executive Officer's Report**

DATE: February 25, 2021 for the meeting of March 4, 2021

ADMINISTRATION:

1. The terms of Special District Commissioners McGreehan (Regular Non-Enterprise) and Bradley (Alternate) will end on May 31, 2021. Staff has requested nominations from each Special District with the nominations period ending March 11, 2021. Staff has received three nominations to date.
2. Alternate Public Member Commission Figge has resigned her position (**Attachment 1**). Staff will begin the process to solicit interested parties to fill this vacated position.
3. The Budget Committee is scheduled to meet March 17, 2021 to discuss the creation of the FY 2021/22 Preliminary LAFCo budget. The Committee will then provide a recommendation to the Commission at its April 1, 2021 meeting.

PROJECT/GENERAL NOTES:

The following issues/proposals are at various stages of being reviewed, discussed and/or considered:

- *****NEW*** City of Gridley MSR/SOI Update** – The City has expressed an interest in updating its MSR and SOI Plan in anticipation of new development proposals being considered. Staff anticipates that the City and LAFCo may enter into a Letter Agreement to conduct this effort, similar to agreements with the City of Chico and City of Oroville.
- **Oroville Region Service Providers MSR** - The State Department of Housing and Community Development (HCD) has awarded a \$100,000 SB2 Planning Grant to Butte County to contract with LAFCo for the development a MSR update for backbone service providers in the Oroville region, including the SFWPA, LOAPUD, TWSD and SCOR. LAFCo entered into an Agreement with the County to manage and conduct the MSR. A Request for Proposals was circulated in January 2021 with a submittal deadline of March 1, 2021. *****NEW***** To date, we have received two proposals.
- **Town of Paradise/City of Chico Sewer Line** – The Town of Paradise is exploring options to provide wastewater treatment services to its existing commercial core along the Skyway. The preferred option is Alternative #3, conveying the Town's wastewater directly to the City of Chico's existing Water Pollution Control Plant. This alternative would represent an extension of services (GC56133) by the City of Chico outside of its jurisdictional and sphere of influence boundaries requiring LAFCo involvement. Staff recognizes that this proposed project is of

significant value to the Town and has been a long standing goal and it is important to have the Commission's involvement at the earliest stages of consideration. *****NEW***** The Town staff have presented the proposal to the Chico City Council, the Board of Supervisors and LAFCo and the City of Chico has agreed to proceed with the sewer options study.

- ***El Medio Fire Protection District*** – LAFCo was contacted by the County of Butte and City of Oroville in August 2020 to discuss concerns about the functionality of the El Medio Fire Protection District (EMFPD), primarily a lack of adequate funding. The EMFPD tax measure failed in November, 2020, and the District Board met on November 11, 2020 and unilaterally decided to “shut the doors” and lay-off its employees, under the belief they could self-dissolve. The Board met on November 19 and issued lay-off notices that took effect on Dec 25 at which time the District reasonably ceased to provide its empowered services. As directed by the Commission, Staff has engaged all parties to explore the issues at hand and the options available for District reorganization including contractual agreements, converting to a subsidiary district (governed by City Council) and dissolution. The EMFPD Board requested the City of Oroville to execute a contract for services and both the local fire unions have provided written support for a contractual agreement. Staff coordinated a meeting on December 4, 2020, with representatives from the District (Board Chair, Chief, Fire Captain), the County (Fire Chief, Deputy Administrative Officer) and the City of Oroville (Public Safety Director, Battalion Chief). Staff discussed various options that could be considered by all parties. There seemed to be preliminary concurrence that the City and the District would - prior to the December 25 shutdown - approve a contractual agreement or MOU that would allow the City to provide services to the District for payment. This effort was unsuccessful and the District effectively shut down operations on December 25, 2020. The Oroville City Council held a special meeting on January 28, 2021 to receive a presentation from CALFIRE related to the City contracting for fire services similar to Paradise, Biggs, Gridley and the County. This presentation included contingencies to address the issue of the EMFPD. The resolution of this concern will take considerable effort by all parties to find a reasonable outcome that results in both effective fire protection services and respects the concerns of the residents of all agencies. The issue cannot be solved alone by LAFCo, but most likely will require LAFCo action to resolve. Staff will remain actively involved and update the Commission regularly. ****NEW**** The City has delayed a decision on this matter until its March meeting.
- ****NEW**** ***Proposed Tuscan Water District*** – On September 2, 2020, Executive Officer circulated a Notice of Intent to Circulate Petition submitted by the proponents of the proposed Tuscan Water District formation. The proponents have submitted the petitions to the Executive Officer for review on February 22, 2021.
- ***Paradise Irrigation District/Camp Fire Recovery Update*** - The State Water Resources Control Board (SWRCB) in cooperation with Sacramento State University, Office of Water Programs (CSUS-OWP), continues to proceed with the Options Study for the Paradise Irrigation District. The group of stakeholders, including LAFCo, meets regularly to discuss the process and the path forward. Possible options include, the District merging with the Town of Paradise, reorganizing with another public or private water purveyor, expanding the District's customer base (Miocene residents, Butte Valley, Chico), temporary raw water transfers, Chico intertie, new businesses (bottled water, hydro power, fisheries help), partnership with the Town to operate the proposed sewer system, and rate increases. ****NEW****, On 2/5/21, GEI Consultants, Inc. was selected to prepare the Options Study. This selection was made by a 5-Person OWP Panel who reviewed and scored the 5 proposals per the scoring criteria in the RFP. Our next steps are to submit a proposed Work Plan Amendment to the State Water Board, adding in costs for GEI, and initiate contract negotiations with GEI for a contract with

Sacramento State. Following execution of these two documents, work can begin. Staff will keep the Commission apprised of this process.

- ***Miocene Canal*** - The destruction of the upper Miocene Canal by the Camp Fire has dewatered the middle and lower Miocene, causing great disruption to landowners dependent on the water supply for their farms/residences and the environment dependent on canal leakage over the decades to thrive. PG&E initially refused to repair the canal infrastructure, but entered a plea agreement for its criminal actions resulting in PG&E providing up to \$15 million over five years to restore water to the middle canal. ****NEW**** A number of options were considered to restore the Miocene flow and PG&E has tentatively decided to replace the destroyed upper Miocene ditch/flumes with pipes to carry the Feather River water to Kunkle Reservoir. This effort is anticipated to be completed by November 2021. It remains an open question as to how this water flow will be managed/maintained in the future with one possible scenario being to form a special district to finance and manage any future facilities. Staff continues to participate in discussions. Staff will continue to monitor and assist this effort towards the universal goal of re-establishing water flow in the Miocene Canal.
- ***Butte County Upper Ridge Community Plan (URCP)*** - The URCP would be an extension of the Butte County General Plan and provide policy guidance for the areas within the unincorporated portion of Butte County north of the Town of Paradise, including Magalia and Paradise Pines, collectively known as the *Upper Ridge*. The 2018 Camp Fire destroyed 2,158 homes within the area, especially in the lower Paradise Pines subdivision. The Upper Ridge Community Council (URCC) has identified benefits from a community plan, such as fire safety, evacuation routes, land use planning, community and economic development, affordable housing, infrastructure, recreation, and quality of life. Past interactions with the URCC have included questions concerning governance options and service provision options such as community services district or county service area, which would require LAFCo action to accomplish. Staff will continue to monitor the process for LAFCo interests. More information can be found at www.buttecounty.net/dds/urcp
- ***County of Butte, North Chico Village Vision Plan*** – The County in cooperation with the City of Chico, is developing an update to the "Village Core" in the 1995 North Chico Specific Plan (NCSP). The mixed-use North Chico Village, known as the heart of the NCSP, is a 484-acre portion of the larger 2,980-acre NCSP. The site is relatively flat and extensively planted with orchards at this time. Current zoning would support approximately 2,000 dwelling units, the area has been identified for urban development by both the City and County's General Plans since 1995, but has yet to be developed due to a lack of infrastructure and financing. The planning effort includes a "re-visioning" of the North Chico Village with an emphasis on increased residential development and density. The project will update existing constraints, provide for a mix of housing types, including multi-family and low-income. Staff will be tracking this project as it will require annexation to the City of Chico in order to build-out with full City services provided. More information can be found at www.northchicovillage.com
- ***Drainage/Reclamation District MSR Actions*** – The Drainage and Reclamation Districts MSR/SOI Plan adopted in 2018 called for a number of possible reorganizations among drainage districts. Staff has met with district staff and initiated a process to consider the dissolution of Drainage District No. 2 as it is completely overlaid by Butte Creek Drainage District and the detachment of territory from Butte Creek Drainage District that is overlaid with District 100. These actions will have no impact to current services, but will rather clean-up old boundaries that no longer make sense.

- **Bear/North Complex/West Zone Fire** - The Bear/North Complex-West Zone fire decimated 80,000 acres of Butte County including the communities of Berry Creek and Lake Madrone. Both the Lake Madrone Water District and the Berry Creek Community Services District experienced significant damages to their water distribution systems. The LMWD has a mutual aid agreement with the South Feather Water and Power Agency for assistance. There is a potential that these two agencies, only a short distance (approx. 1 mile) apart, may need to consider some form of reorganization in order to effectively rebuild their systems. LAFCo staff has connected both the Districts with the Butte County Office of Emergency Management for submitting damage assessments for future funding. Staff will continue to monitor the Districts and offer any assistance possible.
- **Thermalito Sewer and Water District** - Sphere of Influence Amendment and Annexation of the state owned clay pits recreation area southeast of the Oroville airport along Larkin Road. The State has yet to resolve a conflict between the State Parks Department and Department of Fish and Wildlife who share authority over the affected territory.
- **County of Butte** - Expansion of Powers for CSA 164 to add fire protection services. The County has placed this effort on hold.
- **City of Oroville MSR Update** – The City of Oroville is starting the process to evaluate its growth goals and has determined that the City needs to update its SOI to accommodate new development goals and at the same time update its MSR to reflect its current service capabilities and financial position. The City has requested LAFCo update its MSR at City expense and executed a Letter Agreement with LAFCo to prepare the MSR update. The City has entered into a contract with Policy Consulting Associates to complete the project under LAFCo supervision. The administrative draft is currently being prepared.

CALAFCO:

1. CALAFCO has released the 2020 Annual Report (**Attachment 1**).

LEGISLATION: The Legislative Committee held its kick-off meeting for the 2021 legislative year by discussing past proposals and what is new for this year.

- **Protest Provisions** - Of prominent importance is a review of the codes guiding the protest proceedings and elections, with an eye towards simplification and removing redundancies. This has been a years long negotiation with the CA Special Districts Association who resists any changes perceived to give LAFCo too much authority to reorganize underperforming special districts.
- **Extension of Services 56133** - CALAFCO has been discussing this code section for years to clarify the authority of LAFCo's to make determinations about the need for proposed local agency service extensions. This discussion also included a minor code amendment that removes any shadow of doubt that LAFCo's have the sole authority to make determinations as to the application of specified exemptions to the law, which is currently the widely accepted understanding of the law. Yet there are some who still believe an agency can make the determination to "self-exempt" which is in stark contrast to the intent of the law to place such decisions with LAFCo's. At this time, CALAFCO has made this a priority legislative proposal

for 2022 and San Diego LAFCo is currently working to move this legislation independently of CALAFCO. Butte LAFCo is on the record in support of this modification to 56133.

- CALAFCO Legislative Report (**Attachment 2**) – Of particular interest in Butte County are two bills:

[SB 55 \(Stern\)](#) Very high fire hazard severity zone: state responsibility area: development prohibition

[AB 1295 \(Muratsuchi\)](#) Residential development agreements: very high fire risk areas.

Both of these bills would prohibit the creation or approval of a new development in a very high fire hazard severity zone or a state responsibility area.

APPLICATION ACTIVITY:

APPLICATION ACTIVITY								
Project Status As of Feb. 25, 2021								
File	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCO Hearing Date	Certificate of Completion	SBE Submittal Date	Additional Comments
11-06	Butte County	CSA No. 114 - Expansion of Powers	02/02/11	N/A	pending	N/A	N/A	Incomplete - On Hold
18-09	TWSD	Clay Pit State Recreation Area Annexation						On hold. Incomplete Application
19-10	Durham I.D.	Holland Ave Annexation No. 1	04/03/19	11/12/19	12/05/19	01/22/20	01/22/20	SBOE to refund dues
19-12	County	CSA 158 - Mandville Park Subd. Annex	05/02/19	05/29/19	10/03/19			Approved w/ conditions - 218 Hearing
20-04	Chico	Ext of Services - 216 Centennial Ave	11/8/2019	11/08/19	12/05/19	N/A	N/A	Waiting for fees to be paid
20-05		Tuscan Water District Formation						New Notice of Intent received
20-06	OMAD	Dissolution / Annexation to BCMVCD	01/21/20	02/06/20	08/06/20	pending		Conditional approval - CalPERS payment to be paid by OMAD
20-08	Oroville	Municipal Service Review Update (MSR)	05/20/20	N/A				In progress
20-09	LAFCO	Oroville Region Sewer & Water MSR	N/A	N/A				In progress
21-01	Oroville	Lincoln Boulevard Annexation No. 1	07/02/20	07/29/20	10/01/20			Waiting for map/legal to record
21-02	LAFCO	DMAD SOI Amendment	N/A	N/A	11/05/20	N/A	N/A	Approved
21-03	Chico	Ext of Services - 2418 Guynn Ave	N/A	N/A		N/A	N/A	This application may be withdrawn
21-04	SFWPA	Ext if Services - 170 Gold Avenue	N/A	N/A	03/04/21	N/A	N/A	Emergency connection granted
21-05	Oroville	Feather Avenue Annexation No. 2	02/25/21					In progress

- Attachments: 1. Commissioner Figge Resignation Letter
 2. 2020 CALAFCO Annual Report
 3. CALAFCO Legislative Report – 2/25/21

February 18, 2021

Stephen Lucas, Executive Officer
Butte County Local Agency Formation Commission
1453 Downer St Suite C
Oroville, CA 95965

Dear Steve,

It is with sincere regret that I must resign as the Public Alternate Member of the Butte County Local Agency Formation Commission (LAFCo) which I was appointed to fill on June 4, 2020. I am currently under a physician's care for a serious medical problem. This recent health crisis has resulted in additional anxiety and it is important I eliminate responsibilities that may cause added stress.

It is certainly unfortunate that I cannot fulfill my four-year term and I am hoping that another candidate who was interested in serving as the Alternate Public Member may apply for this position as well as any other qualified and willing citizen.

In the short time I served as an Alternate, I was so impressed with the high caliber of the Commission and the dedicated and helpful staff. Please thank Chair Leverenz and the Commissioners for their fine service and I wish you all good health.

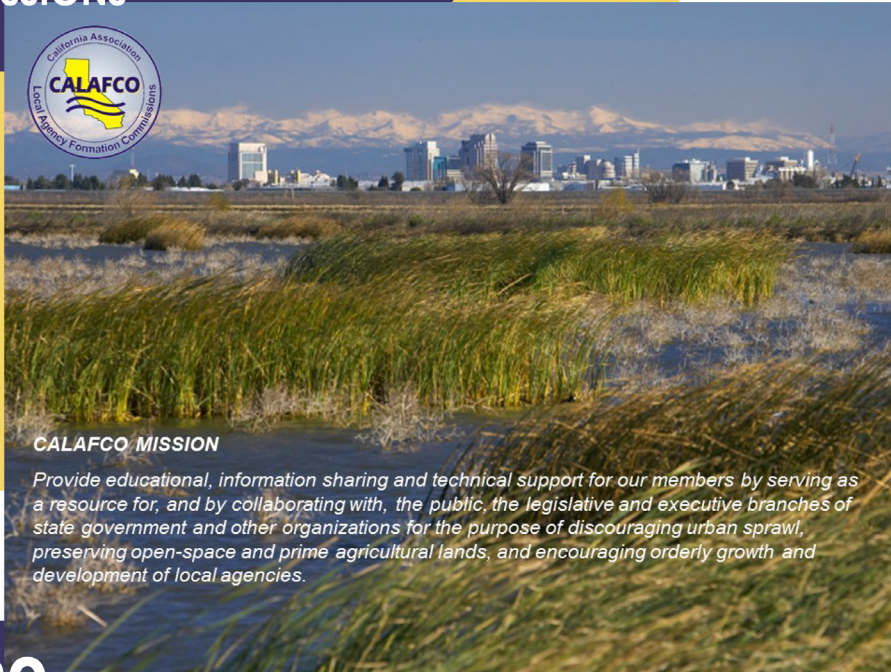
Sincerely,



Pam Figge

Cc: Jill Broderson, Management Analyst
Joy Stover, Commission Clerk

CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS



CALAFCO MISSION

Provide educational, information sharing and technical support for our members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

2020 ANNUAL REPORT

California Association of Local Agency Formation Commissions

Email: info@calafco.org

1020 12th Street, Ste. 222

Website: www.calafco.org

Sacramento, CA 95814

Tel: 916-442-6536





FROM THE CALAFCO EXECUTIVE DIRECTOR

For just about all of us, 2020 was quite a challenge. During the year, the California Association of Local Agency Formation Commissions (CALAFCO) dedicated itself to meet the new and evolving needs of our members. As they reinvented the way they work and deliver services, so did we.

Although we were unable to gather in person in March for our annual Staff Workshop or in October for our Annual Conference, we stayed connected with virtual meetings and virtual educational events. We learned from each other as we supported one another through a historic time. CALAFCO stood in support of our member LAFCOs by shifting the way we provide supportive services and adjusted priorities to meet their changing needs.

2020 will be remembered as the year we would all like to forget. But doing so means we also forget the many things we learned - about ourselves as strong, capable, and resilient beings, and about the power of collective support, collaborative and innovative problem solving, and about our ability to generate hope for systemic and sustainable change.

Without missing a beat, LAFCOs throughout the state continued to provide the necessary leadership in fulfilling their missions, and in supporting their respective local agencies and the communities they serve. I would like to take this opportunity to thank all of our member LAFCOs for their dedicated, focused and steadfast commitment to the work they do and the people they serve.

I also want to thank the CALAFCO regional staff for their support and contributions to the Association. A special thank you to our Associate member partners for their generous support of CALAFCO. Last but certainly not least, I want to express my gratitude to the CALAFCO Board of Directors, all of whom worked tirelessly throughout the year in support of the ideals and mission of CALAFCO and all LAFCOs. Through their leadership, vision and tenacity, the Association met the challenges of the year.

I'm proud to represent the Association and all 58 LAFCOs as well as our Associate Members, and present the 2020 Annual Report, which highlights the collective work of the past year and many of the achievements we realized. We hope you enjoy this new format of the Annual Report. I look forward to what we can accomplish together in 2021.

A handwritten signature in blue ink, which appears to read "Pamela Miller". The signature is fluid and cursive.

Pamela Miller
Executive Director
CA Association of Local Agency Formation Commissions



FROM THE 2019-2020 CALAFCO CHAIR OF THE BOARD

We are living in interesting times!

Every time I think it can't get worse; it does. At the time I wrote this article, we were plagued by record heat and fires. Often past chairs have written something like, "...it was a challenging but rewarding year". I will say it was a challenging year; I don't think I can call it rewarding, but I have been proud to see how CALAFCO rose to the challenge and pivoted to address the impacts thrown on us by this pandemic. We moved to virtual meetings, made Zoom available to our member LAFcos, held regular meetings with our member LAFco Executive Officers/Clerks and made a series of virtual CALAFCO U classes and on demand webinars available free to our members; we continue to focus on "value added" to our members. Much of the credit for this, and its success, is due to efforts by our Executive Director, Pamela Miller, who we were fortunate to retain, as an employee, after she announced her retirement; we are indebted to her. Of course many others pitched in to make this possible and the CALAFCO Board provided needed support.

We were forced to cancel our Annual Conference. Many LAFcos were directly impacted as were many government agencies. Many have died, the economy was rocked and many individuals struggle to meet basic needs; essential workers continue to provide service and others are forced to work out of economic necessity-risking their, and their family, health and lives.

My father, the youngest of four, was born in 1927. As I grew up, his parents from time to time, talked about the influenza pandemic of 1918. I used to find those stories surreal; people confined to their homes, a red notice nailed to the door and many deaths. My grandparents not only endured this pandemic but, in their lifetime, faced WWI, the Great Depression and WWII. Much of this is now delegated to "just history". My grandparents came thru it and someday 2020 will also be delegated to history.

I'm proud that CALAFCO more than survived this challenge. Our dues change let us avoid a structural deficit and a loss for the year even with the cancellation of the Annual Conference. Our prudent reserves may allow us to cover unexpected costs, especially legal costs as we navigated AB 5, converting Pamela and Jeni to employees.

We continue to proudly serve our member LAFcos and remain a viable and respected voice in Sacramento.
Thanks to all of you.

A handwritten signature in blue ink, appearing to read "Michael R. McGill".

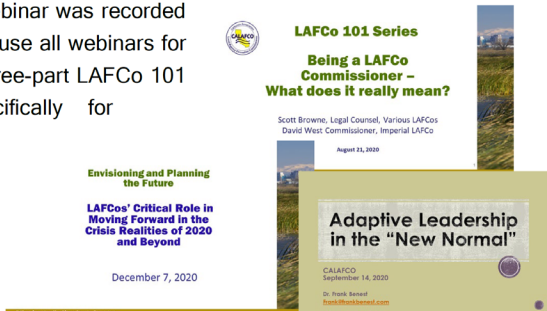
Michael R. McGill, P.E.
Chair of the Board, 2019-2020
CA Association of Local Agency Formation Commissions

In 2019, CALAFCO began a two-year strategic plan to define the Association’s priorities and guide the work. There were three main strategic areas each with actionable goals for each of the two years. This report highlights the achievements of the work in 2020 towards those goals.

1. Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.
2. Focus efforts on Association member development and communication.
3. Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

1. Serve as an educational resource

Given the COVID-19 pandemic, in-person training and educational opportunities were impossible from mid-March through the end of 2020. This meant the cancellation of our annual Staff Workshop and Annual Conference. However, in early summer, CALAFCO staff began looking at how to deliver short educational sessions virtually - something CALAFCO had never done before. From August through December, six webinars were successfully delivered at no cost to our members. Additionally, each webinar was recorded and a new section created on the CALAFCO website to house all webinars for member on-demand viewing. Webinar topics included a three-part LAFCo 101 series (including a newly designed session specifically for Clerks/Analysts and another for LAFCo Commissioners), adaptive leadership, and two sessions on LAFCos role in this "new/now normal" world of ours. In total, 274 LAFCo staff, commissioners and Associate Members attended these free educational offerings.



Early in January CALAFCO hosted a CALAFCO University session in Orange County focusing on legacy costs associated with reorganizations.

We are proud to continue to offer our members AICP credits when applicable for any educational session we host.

CALAFCO remains a coaching partner with Cal-ICMA and through this partnership all of our members receive free access to professional development webinars, one-to-one coaching and other professional development resources.



2. Focus efforts on Association member development and communication

In response to our members, CALAFCO developed a short series of News Bulletins and distributed them to the membership during the first three months of the State’s shutdown. The Bulletins advised members of the latest Executive Orders and other noteworthy news items that impacted LAFCoS and other local agencies.

Beginning mid-March, we hosted weekly meetings for LAFCo Executive Officers and another for LAFCo Clerks to allow for collaboration and information sharing. These meetings transitioned to virtual meetings and continue as monthly meetings into 2021, with as many as 32 Executive Officers attending the monthly meeting.

Knowing many of our members struggled to find effective ways for their Commissions to meet while maintaining transparency and public participation, CALAFCO purchased two Zoom licenses and provided the use of one of those licenses to our member LAFCoS, along with our toll-free conference calling system, at no cost, as a way for our members to continue conducting business transparently.

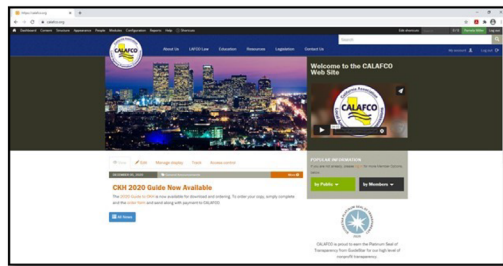


The events of 2020 were uncharted territory for many, and the fiscal aftermath will long be felt by all local agencies across the state. CALAFCO recognized this as a unique time for LAFCoS to champion the support of local agencies and help rebuild communities. In partnership with several Executive officers and one of our Associate Member partners, CALAFCO created a series of messaging materials to assist our member LAFCoS in their facilitation of local discussions on the

revitalization of their respective communities. These resources were introduced and distributed in December.

In addition to our normal communication tools of Quarterly Reports and list serves, we also hosted virtual regional roundtables in December for our member LAFCoS (as a replacement for our in-person roundtables at the Annual Conference) as well as a LAFCo Legal Counsel roundtable in October. With so many of our members meeting virtually, our Executive Director was able to attend sixteen (16) different LAFCo meetings the second half of the year.

In response to the membership survey in 2019, CALAFCO staff spent time this year updating several of the most frequently used sections of the CALAFCO website. In addition to the creation of the new webinar archive, the CALAFCO University archives was updated, along with several sections within the LAFCo Law section. Other sections were completely reorganized and updated for easier member access to resource information and materials. CALAFCO is proud to continue earning the GuideStar Platinum Seal of Transparency for high level of nonprofit transparency.



3. Serve as an information resource and legislative and policy advocate

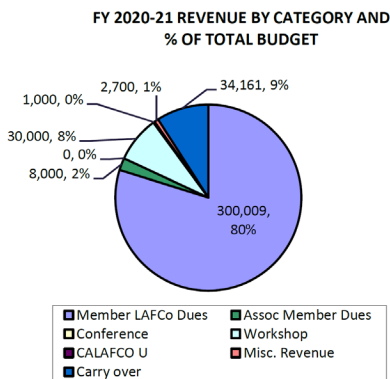
In addition to the work of enhancing the CALAFCO website as an informational resource, CALAFCO continued to participate in the Department of Water Resources' County Drought Advisory Group and lead the efforts of the 18-member Protest Provisions Stakeholder Working Group (Working Group).

The 2020 legislative year turned out to be unlike any other and the pandemic turned legislation inside-out. The focus of the Legislature quickly turned to COVID response as well as responding to a historic year of wildfires and calls for social and racial justice and equity. At the direction of the CALAFCO Board, we ended our efforts to obtain state-level grant funding for LAFCos through sponsored legislation and did not sponsor an Omnibus bill in 2020. Instead, the Board made the proposal to make changes to statute pertaining to extension of services the legislative priority, along with the ongoing efforts of the Working Group. After seeking feedback and consensus from Executive Officers as directed by the Board, in late January the Executive Committee approved moving forward with seeking legislation. Given the late timing, the Association was unsuccessful in securing an author. As a result, CALAFCO did not sponsor any bills in 2020. It is uncertain if any bills (other than Omnibus) would have successfully passed through the Legislature given the shift in their focus mid-year. CALAFCO continued to support our membership through legislative action where appropriate and fiercely guarded LAFCo authority when necessary, tracking 32 bills and taking positions on 7 bills.

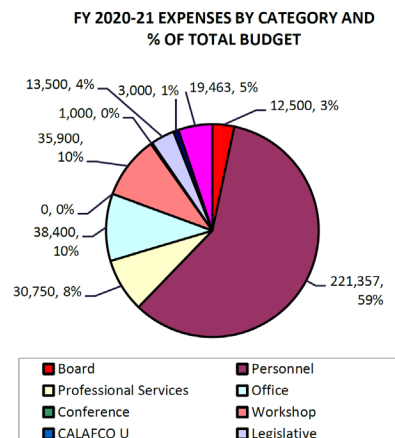
Other 2020 highlights

There were several other highlights in 2020 that were not part of the two-year strategic plan. First, we successfully transitioned our two primary part-time contractors (Executive Director and Administrator) to part-time employees effective September 1 in compliance with AB 5. Additionally, for the first time, CALAFCO conducted a virtual election for the Board of Directors.

CALAFCO Financials 2020



In July, the Board of Directors adopted a revised budget without any Conference revenue/expenses, with new estimated employer costs and the retention of the Executive Director. The lack of the planned 15% Conference net profit created a structural deficit that can be covered by the net balance carryover into FY 2020-21, which ended up



larger than expected at the end of FY 2019-20 due to cost savings in other budget areas. By the end of 2020 it appeared savings into FY 2020-21 was continuing in many areas that will help the Association's financial outlook going into another uncertain fiscal year.

Looking ahead to 2021

Our LAFCoS are strong and resilient and led with remarkable courage during 2020. CALAFCO remains committed to continue building a resilient and sustainable Association that supports our members in their work. To focus resources on our members' highest priorities in 2021, the CALAFCO Board of Directors' biennial strategic planning workshop in January will create the foundation for the Association's next two-year strategic plan. As we move into our 50th year, CALAFCO remains committed to:

- Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.
- Focus efforts on Association member relations, development, recognition and communication.
- Continue development of a strong and sustainable Association.
- Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders.

CALAFCO 2019-2020 BOARD OF DIRECTORS AND STAFF

OFFICERS (Oct 2019 – Oct 2020)

CHAIR - *Michael McGill*, Contra Costa LAFCo, District Member (Coastal)

VICE CHAIR - *Michael Kelley*, Imperial LAFCo, County Member (Southern)

SECRETARY - *Anita Paque*, Calaveras LAFCo, Public Member (Central)

TREASURER - *Bill Connelly*, Butte LAFCo, County Member (Northern)

IMMEDIATE PAST CHAIR - *Josh Susman*, Nevada LAFCo, Public Member (Northern)

MEMBERS (Oct 2019 – Oct 2020)

Cheryl Brothers, Orange LAFCo, City Member (Southern)

David Couch, Humboldt LAFCo, City Member (Northern)

Shiva Frentzen, El Dorado LAFCo, County Member (Central)

Blake Inscore, Del Norte LAFCo, City Member (Northern)

Gay Jones, Sacramento LAFCo, District Member (Central)

Jo MacKenzie, San Diego LAFCo, District Member (Southern)

Margie Mohler, Napa LAFCo, City Member (Coastal)

Tom Murray, San Luis Obispo LAFCo, Public Member (Coastal)

Jane Parker, Monterey LAFCo, County Member (Coastal)

Daniel Parra, Fresno LAFCo, City Member (Central)

David West, Imperial LAFCo, Public Member (Southern)

STAFF

EXECUTIVE DIRECTOR - *Pamela Miller*

ADMINISTRATOR - *Jeni Tickler*

LEGAL COUNSEL - *Clark Alsop*, Best Best & Krieger

CPA - *James Gladfelter*, Alta Mesa Group

EXECUTIVE OFFICER - *Stephen Lucas*, Butte LAFCo (Northern)

DEPUTY EXECUTIVE OFFICERS - *Christine Crawford*, Yolo LAFCo (Central); *Martha Poyatos*, San Mateo LAFCo (Coastal); and *Gary Thompson*, Riverside LAFCo (Southern)

CALAFCO 2020 Annual Report

A SNAPSHOT LOOK AT 2020 by the numbers

MEMBERSHIP

58 Member LAFCos

26 Associate Members

4 Regions

16 Member Board of Directors

Over **750** Commissioners & Staff supported



EDUCATION

300 Total attendees

7 Events

6 Webinars

1 CALAFCO U

LEGISLATION

32 Bills monitored, tracked, engaged and positions taken



ADMINISTRATION

8 List serves with **286** subscribers

58,843 Webpage views(www.calafco.org)

Over **60** meetings hosted for Member LAFCos

2 P/T Staff + **2** P/T Consultants + **4** Regional Staff

CALAFCO Daily Legislative Report as of Thursday, February 25, 2021

1

[AB 339](#) (Lee D) State and local government: open meetings.

Current Text: Introduced: 1/28/2021 [html](#) [pdf](#)

Introduced: 1/28/2021 **Status:** 1/29/2021-From printer. May be heard in committee February 28.

Summary: Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

Position: Watch **Subject:** Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker. The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. This bill is sponsored by the Leadership Council for Justice and Accountability.

[AB 361](#) (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/1/2021 [html](#) [pdf](#)

Introduced: 2/1/2021 **Status:** 2/12/2021-Referrred to Com. on L. GOV.

Summary: Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

Position: Watch **Subject:** Other

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. This bill is sponsored by the CA Special Districts Association (CSDA).

[AB 703](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021 **Status:** 2/17/2021. May be heard in committee March 19.

Summary: Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

Position: Watch

2

[AB 1195](#) ([Garcia, Cristina D](#)) **Southern Los Angeles County Regional Water Agency.**

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021 **Status:** 2/19/2021-From printer. May be heard in committee March 21.

Summary: Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency's jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed.

Position: Watch

[SB 55](#) ([Stern D](#)) **Very high fire hazard severity zone: state responsibility area: development prohibition.**

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020 **Status:** 2/3/2021-Referred to Com. on RLS.

Summary: Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development in a very high fire hazard severity zone or a state responsibility area.

3

[AB 11](#) ([Ward D](#)) **Climate change: regional climate change authorities.**

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020 **Last Amended:** 1/21/2021 **Status:** 1/15/2021-referred to Com on NAT. RES.

Summary: Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their

regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Position: Watch

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities. The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

[AB 473](#) (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021 **Status:** 2/18/2021- Referred to Com. on JUD.

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would be operative on January 1, 2023.

Position: Watch

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 474](#) (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021 **Status:** 2/18/2021- Referred to Com. on JUD.

Summary: Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021 **Status:** 2/18/2021. May be heard in committee March 20.

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would

require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks.

Position: Watch

Subject: Climate Change

[AB 1246](#) (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021 **Status:** 2/22/2021-Read first time.

Summary: Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

[AB 1250](#) (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021 **Status:** 2/22/2021-Read first time.

Summary: The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

Position: Watch

[AB 1295](#) (Muratsuchi D) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021 **Status:** 2/22/2021-Read first time.

Summary: Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Position: Watch

[SB 96](#) (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020 **Status:** 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A.

Summary: Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the

Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021 **Status:** 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Position: Watch **Subject:** Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested).

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021 **Status:** 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

[SB 499](#) (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021 **Status:** 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Summary: Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Position: Watch

Subject: Disadvantaged Communities

Total Measures: 28

Total Tracking Forms: 28

2/25/2021 9:46:35 AM



Manager's Report

To: Board of Directors

From: Scott McCutcheon, General Manager

Date: March 9, 2021

RE: Item No. 15 –Board Members, Staff, and Manager Comments

15.1 Field Operations Supervisor Report

February 2021 Field Operations Activity Report is included for your review and comment.

Attachment Included

15.2 CalOES-Grant Denial

Unfortunately, the District was not selected for a PSPS Award through CalOES. The denial letter and pertinent information is attached

Attachment Included

GAVIN NEWSOM
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR



February 4, 2021

RECEIVED
FEB 10 2021
LAKE GROVILLE AREA
PUBLIC UTILITY DISTRICT

Scott McCutcheon
General Manager
Lake Oroville Area Public Utility District
1960 Elgin Street
Oroville, CA 95966-6613

SUBJECT: **NOTIFICATION OF AWARD DENIAL**
Fiscal Year (FY) 2020 Community Power Resiliency Allocation to Special Districts

Dear Mr. McCutcheon:

The California Governor's Office of Emergency Services (Cal OES) received your agency's proposal for the FY 2020 Community Power Resiliency Allocation Program Request for Proposal (RFP). Through the competitive RFP process, we received 233 proposals. Unfortunately, your proposal was not selected for funding. Your proposal score was 101.33 out of a possible 156 points. Please find enclosed a copy of the appeal guidelines and your agency's scores.

You have 15 calendar days from the date of this letter to appeal. All appeals must adhere to the procedures detailed in the appeal guidelines. Formal letters of appeal should be directed to:

Cal OES Office of Legal Affairs
3650 Schriever Avenue
Mather, California 95655
appeals@caloes.ca.gov

We encourage your agency to check the Cal OES website for future funding opportunities. Thank you for your interest in this RFP.

Sincerely,

GINA BUCCIERI-HARRINGTON
Assistant Director

Enclosure



3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8513 TELEPHONE

PROGRAM NAME: COMMUNITY POWER RESILIENCY ALLOCATION TO SPECIAL DISTRICTS PROGRAM

ID#	SUBRECIPIENT	RAW SCORE	a. Program Plan				b. Emergency Plan	c. Priority Funding	Budget Narrative	COMP. ASSESSMENT	TOTAL
			20	20	20	20					
203	Lake Oroville Area Public Utility District	101.33	13.00	12.67	15.67	15.33	20.67	7.33	8.33	8.33	101.33
			20	20	20	20	40	12	12	12	156
			1	2	3	4					



Appeal Guidelines for Competitive Funding Decisions For State and Federal Grant Money

Effective for appeals received on or after September 1, 2011.

PURPOSE

The purpose of these Guidelines is to provide a process for resolution of disputes between a Grant Applicant and The California Governor's Office of Emergency Services (Cal OES) concerning a competitive funding decision. These Guidelines supersede the appeals procedure formerly administered by the California Council on Criminal Justice.

GROUND FOR APPEAL

Any Applicant who is denied state or federal funding by Cal OES may appeal Cal OES's decision in this regard. There is no particular format required for an appeal, but the documents supporting the appeal must clearly establish that the appealing party (hereafter Appellant) has standing to appeal and sufficient grounds to proceed with an appeal.

Standing: An Appellant must have standing to appeal; i.e., the appeal must demonstrate that the Appellant is directly affected by the funding decision. Only those who have submitted a proposal have standing to appeal Cal OES's decision to deny state or federal funding for that particular proposal.

Grounds: The appeal documents shall identify grounds for appeal. The appeal must show that (a) Cal OES did not follow its criteria or priorities (as specified in the applicable Request for Proposal (RFP) with respect to evaluating the Appellant's proposal; AND (b) this failure constitutes a sufficiently substantial error justifying a change in the funding decision. An appeal will be rejected if it fails to show that both of these criteria are met. Only the information provided by the Appellant in the original RFP will be considered as part of the appeal process. The Appellant cannot provide new or different information to support their original RFP.

Appeal Address: A hard copy of all documents referred to in this procedure shall be emailed, mailed, faxed, or hand-delivered to:

Cal OES Office of Legal Affairs
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655
appeals@caloes.ca.gov

APPEAL PROCESS AND TIMELINES

In case of a dispute regarding compliance with timelines, the date the document was postmarked or date stamped by Cal OES (in the case of a fax or hand-delivery) shall govern. Failure of the appealing party to comply with timelines shall constitute grounds for rejection of the appeal.

Level One Appeal to Cal OES Assistant Director

Step 1 Standing: Within fifteen (15) calendar days of the date of the letter from Cal OES denying funding, the Appellant shall file an appeal in writing, together with any supporting documents or information necessary to determine standing for the appeal and grounds on which to base the appeal. (See Above). If the Cal OES Chief Counsel does not establish standing for an appeal, the appeal and decision will be returned.

Step 2 Review: If it is determined that there is standing for the appeal to advance, the Cal OES Assistant Director of Finance and Administration, or his or her designee, will review the issues in the documentation submitted by the Appellant to determine if there are sufficient grounds to overturn the original grant decision. It is critical that the Appellant submit all documentation that may support their appeal. Appellant cannot however amend or supplement their original proposal as part of the appeal process. The Assistant Director shall make a written determination on the appeal within ten (10) calendar days, or as soon as practical, after receipt of the Level One appeal. This decision shall indicate the decision reached and the reasons therefore.

Level Two Appeal to Cal OES Chief Deputy Director

A second level appeal may only be submitted if there are new facts or documentation that was not available at the time of the first level appeal. Cal OES will not reconsider previously submitted materials. Within five (5) calendar days of receiving the Level One appeal decision, the Appellant may file a Level Two appeal in writing with the Cal OES Chief Deputy Director, or his/her designee (same address as above), together with any supporting documents or information, including a copy of the Level One decision.

The appeal must state the issues in the dispute, and the relevance of the documentation not submitted under the first level appeal. The Chief Deputy Director shall issue a written decision on the appeal that includes the Chief Deputy Director's ruling and the basis for his/her ruling.

The Chief Deputy Director's decision shall be deemed a final judgment and is non-appealable.

Cal OES reserves the right to request a telephone meeting or personal meeting with any Appellant. However, there is no requirement under this appeal process for a hearing or meeting with the Appellant and Cal OES.

Third-Party Rights

No rights or remedies will accrue to third parties as a result of this appeals process, or the actions or consequences stemming from this process.