



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

AGENDA

February 2, 2021
2:00 p.m.
CCWD Board Room

Calaveras County Water District
120 Toma Court (P.O. Box 846)
San Andreas, California 95249

Based on guidance from the California Department of Public Health and the Governor's Office, to minimize the potential spread of the COVID-19 virus, the Calaveras County Water District will convene its public meetings of the Board of Directors telephonically until further notice.

The following teleconference information is being provided for public participation in the February 2, 2021 Legal Affairs Committee Meeting

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 689-206-0281,,527757427# United States

Phone Conference ID: 527 757 427#

ORDER OF BUSINESS

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT:** At this time, members of the public may address the Committee on any non-agendized item. No action can be taken on matters not listed on the agenda. Comments are limited to three minutes per person.
3. **APPROVAL OF MINUTES:**
 - 3a. Approval of Minutes for the August 4, 2020 and October 6, 2020 Committee Meetings

* No paperwork

Committee Members

Scott Ratterman, Director

Jeff Davidson, Director

4. NEW BUSINESS

4a Appoint new chairperson to Legal Affairs Committee
(Michael Minkler, General Manager)

4b* Federal Legislative Update
(Mia O’Connell, O’Connell & Dempsey and Michael Minkler, General Manager)

4c State Legislative Update
(Michael Minkler, General Manager)

5. OTHER BUSINESS

6. GENERAL MANAGER COMMENTS

7. DIRECTOR COMMENTS

8. FUTURE AGENDA ITEMS

9. NEXT COMMITTEE MEETING Tuesday, April 6, 2021, 2:00 p.m.

10. ADJOURNMENT



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

MINUTES

August 4, 2020

The following Committee Members were present:

Director Ratterman
Director Davidson

Staff Present:

Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Brad Arnold, Manager of Water Resources

Others Present:

Mia O'Connell, O'Connell & Dempsey, via teleconference

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Director Ratterman called the meeting to order at 2:10 p.m.

2. PUBLIC COMMENT:

There was no public comment.

3. APPROVAL OF MINUTES:

Approved Minutes from the Legal Affairs Committee meeting of June 17, 2020.

4. FEDERAL

Federal Affairs Update

(Michael Minkler, General Manager)

- Federal Infrastructure Funding Legislature
- House Approval of the Water Resources Development Act of 2020 and FY 2021
- Water Infrastructure Improvement Act of 2016 Update
- Consider Support for S4308

Discussion: Ms. O'Connell reported on the following items: 1) the House approval of the Water Resources Development Act (WRDA) of 2020 and FY 2021 Energy-Water Appropriations Bill.

Once the proposals for Section 7001 are submitted, they are included in the Annual Report of the Army Corps of Engineers (Corps) that is submitted to Congress. This is the path the District is taking to increase the authorization for Copper Cove and the proposal is in review; 2) the House stimulus funding provides an additional \$17 billion in emergency funding to accelerate work on the Corps projects to put Americans back to work and improve water infrastructure, which may not pass in the Senate; 3) a possible Washington, D.C. visit in the Spring if it is safe to travel; and 4) discussed inviting Congressman McClintock for a site visit in Copperopolis.

Mr. Minkler reported on the following items: 1) coordination with U.S. Bureau of Reclamation to discuss the District's request of permanent storage in New Melones Reservoir; and 2) requested Committee support for S4308 Special Districts Provide Essential Services Act, and the Committee gave direction to Mr. Minkler for support.

5. STATE

State Affairs Update
(Michael Minkler, General Manager)

- Upper Mokelumne River Watershed Authority (UMRWA) Legislative Issues Update
(Michael Minkler, General Manager and Brad Arnold, Manager of Water Resources)

Discussion: Mr. Arnold advised the Committee that staff is recommending a support position on SB 1348 and AB 2421. SB 1348 (Stern) and AB 2421 (Quirk) pertain to fuel management/forest health and standby generation/emergency conditions. SB 1348 would require the California Department of Forestry and Fire Protection (Cal Fire) to take on additional responsibilities related to defensible space and vegetation regulations and would expand eligible activities for Cal Fire local assistance grant funding. AB 2421 would expedite some reviews required for installation of emergency standby generators for wireless communication towers, which could help improve cellular signal preparedness for power outage conditions like the Public Safety Power Shutoffs (PSPS). Both bills appear to benefit emergency preparedness in the region by providing regulation clarity, potential funding, and improving infrastructure. UMRWA is asking its members to take part in joint letters of support for SB 1348 and AB 2421. Staff will continue to monitor these bills and related legislative updates provided by UMRWA. Staff will update the Committee as new info is received and regarding the status of the UMRWA member support letter for SB 1348 and AB 2421. The Committee gave direction to bring these items to the full Board for approval.

Mr. Minkler discussed additional State Legislation: 1) California Environmental Quality Act (CEQA) reform bills that the Association of California Water Agencies (ACWA) is reviewing; 2) the push for Voluntary Agreements on the Mokelumne, Yuba, and Tuolumne Rivers; 3) Sustainable Groundwater Management Act (SGMA) implementation. Mr. Arnold drafted a Joint Powers Agreement to create an entity to formalize the agency; 4) the Safe and Affordable Clean Water Fund; and 5) a new program called 30x30 which is to preserve and protect 30% of the state's land and ocean water by 2030. ACWA has taken an oppose unless amended due to vague language.

6. OTHER BUSINESS

There was no additional business.

7. GENERAL MANAGER COMMENTS

Mr. Minkler reported that Pat Burkhardt was promoted to Construction and Maintenance Manager.

8. DIRECTOR COMMENTS

Director Davidson had nothing to report.

Director Ratterman had a call from a customer about a sewage smell in her area and it was fixed immediately. She was very happy.

9. FUTURE AGENDA ITEMS

There were no future agenda items requested.

10. NEXT COMMITTEE MEETING

October 6, 2020, 2:00 p.m.

11. ADJOURNMENT

The meeting adjourned at approximately 3:04 p.m.

Respectfully Submitted,

Rebecca Hitchcock
Clerk to the Board



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

MINUTES

OCTOBER 6, 2020

The following Committee Members were present:

Director Ratterman
Director Thomas (Alternate)

Staff Present:

Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Brad Arnold, Manager of Water Resources

Others Present:

Ralph Copeland

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Director Ratterman called the meeting to order at 2:00 p.m.

2. PUBLIC COMMENT:

There was no public comment.

3. APPROVAL OF MINUTES:

Director Thomas asked to table the approval of minutes since he did not attend the August 4, 2020 meeting.

4. FEDERAL

- 4a Discussion/Direction regarding Proposal for Permanent Storage in New Melones Reservoir
(Brad Arnold, Manager of Water Resources)

Discussion: Mr. Minkler introduced the proposal created by Brad Arnold, Manager of Water Resources. He expressed that Mr. Arnold has done a fantastic job creating the proposal. Mr. Arnold reviewed the development of the proposal highlighting some key CCWD background

information and providing a review of New Melones Reservoir historical operating data, justification of water supplies made available for storage, and an overview of some of the factors leading to CCWD's request. CCWD's specific request is that up to 8,200 acre-feet of storage in New Melones Reservoir be made available as a permanent share for CCWD, for use in its Ebbetts Pass and Copper Cove/Copperopolis Service Areas. Storage in New Melones Reservoir and future Service Area consumptive use of the stored water would not, and cannot, increase CCWD's net consumption of its Stanislaus River water rights to satisfy the requirements of WIIN §4006 and Reclamation guidelines for establishing storage. Staff recommended presenting the proposal to the Board of Directors for their consideration and approval to send the proposal to the Bureau of Reclamation for review. Director Thomas asked about the conservation portion of the proposal. Director Ratterman stated this has been in the works for many years and he is proud to get to this point. The Committee approves presenting to the full Board.

Public Comment: Ralph Copeland is excited about the proposal. He asked about the 8,200-acre feet of water and how it would affect Copperopolis.

4b Update on WRDA Funding Proposal for Copper Cove Wastewater Treatment Plant
(Michael Minkler, General Manager)

Discussion: Mr. Minkler updated the Committee on the progress of the Water Resources Development Act of 2020 (WRDA). It has not been fully approved and sent to the President's desk, but the Army Corp of Engineers has accepted CCWD's proposal. The Federal Government still does not have a budget and funding is unknown at this point. CCWD is doing outreach to ensure the Copper Cove Wastewater Treatment Plant project is included in the Army Corp of Engineers workplan.

Public Comment: Ralph Copeland asked about the Copper Cove Wastewater Treatment Plant project details. He also asked about CV Developers responsibility regarding the capacity in Copperopolis.

4c Federal Legislative Update
(Michael Minkler, General Manager)

Discussion: Mr. Minkler reported that the House of Representatives? has acted on all its bills, and the Senate has not. There has not been much movement on the Federal Legislative front.

Public Comment: There was no public comment.

5. STATE

5a State Legislative Update
(Michael Minkler, General Manager)

Discussion: Mr. Minkler reported that the legislative session has ended and there was not a lot of action on water legislation. The focus was on COVID-19 and wildfires. He also reported he would be the moderator for the ACWA Webinar on Biomass and Forest Management. Mr. Minkler also reported CCWD sent a letter of support for AB1588 which gives veterans credit for their time in the military towards certification in water and wastewater treatment plant operations. He was happy to report that this did pass and has been signed into law.

Public Comment: There was no public comment.

6. OTHER BUSINESS

Director Thomas recommended someone from staff attend the CSDA on Rate setting on the 15th of October.

7. GENERAL MANAGER COMMENTS

Mr. Minkler reported that there is a lot of construction going on at the Reach 1 and the Techite Line project sites.

8. DIRECTOR COMMENTS

Director Thomas had nothing to report.

Director Ratterman stated that he is proud of staff and Michael with the enormous number of projects going on at the same time, while short staffed.

9. FUTURE AGENDA ITEMS

Director Ratterman would like to hear more about WRDA and the Storage at New Melones Reservoir.

10. NEXT COMMITTEE MEETING

December 1, 2020 at 2:00 p.m.-Possibly cancel due to the ACWA Conference.

11. ADJOURNMENT

The meeting adjourned at approximately 2:52 p.m.

Respectfully Submitted,

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: February 2, 2021
TO: Legal Affairs Committee
FROM: Michael Minkler, General Manager
SUBJECT: Federal Legislative Update

RECOMMENDED ACTION:

Provide a general update and discussion on legislative affairs including the following Federal legislative affairs update. Staff recommends the Legislative Affairs Committee forward specific topic(s) to the Board of Directors for additional consideration or to make formal positional statements, as applicable.

SUMMARY:

Below is a list of federal legislative affairs topics for review and discussion during the Calaveras County Water District (CCWD) Legal Affairs Committee (LAC) meeting, as reviewed by CCWD staff and Mia O'Connell:

- *Fiscal Year 2021 Energy and Water Development in the Omnibus Appropriations and COVID Relief Act*
 - Low Income Household Drinking Water and Wastewater Emergency Assistance Program (Dept. of Health and Human Services)
- *Final Agreement on Water Resources Development Act (WRDA)*
 - Section 7001 WRDA Submittal to Army Corps of Engineers Annual Report for Copper Cove Authorization Increase
- *CCWD Proposal for Storage in New Melones Reservoir (Bureau of Reclamation)*
 - Update from meeting with Bureau of Reclamation Central California Area Office staff on February 26, 2021.

Agenda Item

DATE: February 2, 2021
TO: Legal Affairs Committee
FROM: Michael Minkler, General Manager
SUBJECT: California State Legislative Update

RECOMMENDED ACTION:

Provide a general update and discussion on legislative affairs including the following California State legislative affairs topics. Staff recommends the Legislative Affairs Committee forward specific topic(s) to the Board of Directors for additional consideration or to make formal positional statements, as applicable.

SUMMARY:

Below is a list of California state legislative affairs topics for review and discussion during the Calaveras County Water District (CCWD) Legal Affairs Committee (LAC) meeting, as reviewed by CCWD staff:

1. CALIFORNIA ASSEMBLY BILL 59 (AB 59) | Mitigation Fee Act: Fees: Notices and Timelines
AUTHOR: Assembly Member Jessie Gabriel (D-Woodland Hills)

SUMMARY: Existing law (Government Code §66022) allows a party to challenge a connection fee or capacity charge within 120 days from the date the agency adopts the fee or charge. AB 59 would repeal §66022 and would grant a party 270 days from the date the agency charges the connection fee or capacity charge to file a challenge in court.

STAFF ANALYSIS: Oppose SB 59. In practice, §66022 protects fees and charges from lawsuits following the statute of limitations, which gives CCWD (and other agencies) the certainty necessary to invest in services and future developments.

2. CALIFORNIA SENATE BILL 222 (SB 222) | Water Affordability Assistance Program

AUTHOR: Assembly Member Bill Dodd (D-Napa)

SUMMARY: The State Water Resources Control Board (SWRCB) is required to develop a plan for implementation of the Low-Income Water Rate Assistance Program

(LIRA), started in 2015, focused on providing funding assistance for water service providers and recommending best practices aimed at keeping water utility rates low. SB 222 creates a framework for LIRA to fund these efforts by establishing a Water Affordability Assistance Fund but does not specify the funding source(s) but could include new water taxes on bills and/or bottled water.

STAFF ANALYSIS: Monitor SB 222 progress.

3. California Senate Bill 223 (SB 223) | Residential Water Service – Shutoffs, Arrearages, and Repayment Plans

AUTHOR: Assembly Member Bill Dodd (D-Napa)

SUMMARY: The Water Shutoff Protection Act (WSPA) requires certain actions related to discontinuation of water service due to nonpayment by “urban and community water systems.” WSPA went into effect on April 1, 2020, however, Governor Newsom suspended the authority for shutoffs by water utilities via Executive Order N-42-20 due to the COVID-19 pandemic. Under SB 223, water suppliers must provide repayment plans of at least 12 months, waive disconnection and reconnection fees for low-income households, and wait until a customer is four months late and owes over \$400 to shut off water, among other protections. However, it remains unclear how SB 223 fits with WSPA requirements.

STAFF ANALYSIS: Oppose SB 223. WSPA already provides guidelines for actions related to discontinuation of water service.

4. California Senate Bill 45 (SB 45) | Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

AUTHOR: Senator Anthony Portantino (D-La Cañada Flintridge)

SUMMARY: SB 45 would establish the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 (Bond) which proposes approximately \$5.5 billion for providing safe drinking water and protecting water supply and water quality from climate risks.

STAFF ANALYSIS: Monitor SB 45 progress.

5. California Senate Bill 208 (SB 208) | Sierra Nevada Conservancy: Sierra Nevada Region: Subregion: Definitions: Annual Report

AUTHOR: Senator Brian Dahle (R-Bieber)

SUMMARY: Existing law requires the Sierra Nevada Conservancy (SNC) to make an annual report to the California Legislature and to the Secretary of the Natural Resources Agency regarding expenditures, land management costs, and administrative costs. SB 208 would require SNC to include, in its annual report for 2022, recommendations for legislation to change the name and governing board of

the SNC to align it with its recent expansion into Shasta, Siskiyou, and Trinity Counties.

STAFF ANALYSIS: Monitor SB 208 progress

ADDITIONAL TOPICS

- Water Resilience Portfolio Initiative: Review of Governor Newsom’s Water Resiliency Portfolio (Portfolio) on July 28, 2020, per Executive Order N-10-19. The Portfolio provides for the Newsom Administration’s blueprint for equipping California to cope with more extreme droughts and floods, rising temperatures, declining fish populations, over-reliance on groundwater, and other challenges. Several water infrastructure projects and programs, notably the Delta Conveyance Project, are recommended in the Portfolio which will be used to set guidelines for other state water resources planning documents and other related efforts (e.g., California Department of Water Resources California Water Plan 2023 Update).

More information, and a copy of the final Portfolio, is available at:
<https://waterresilience.ca.gov/>

- Integrated Regional Water Management (IRWM) Fact Sheets: The Association of California Water Agencies (ACWA), in coordination with the IRWM ‘Roundtable of Regions’ (ROR), is leading an effort to develop “fact sheets’ for each of the California IRWM groups, which would include information regarding IRWM project and program successes, state grant funding awarded, organizational goals, etc. The intent of ACWA and ROR is to provide this information to California Legislation to advocate for IRWM funding support and to promote the various IRWM groups across California. CCWD is a member of two IRWM groups: 1) Mokelumne-Amador-Calaveras IRWM, and 2) Tuolumne-Stanislaus IRWM, which have been asked to develop the fact sheet materials. CCWD staff will continue to monitor and provide the LAC on updates regarding IRWM program legislative affairs.