



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

AGENDA

April 6, 2021
2:00 p.m.
CCWD Board Room

Calaveras County Water District
120 Toma Court
San Andreas, California 95249

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

The following alternatives are available to members of the public to watch these meetings and provide comments to the Board before and during the 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](tel:+16892060281),473334384# United States, Orlando

Phone Conference ID: 473 334 384#

ORDER OF BUSINESS

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT:**
3. **APPROVAL OF MINUTES:**
 - 3a. Approval of Minutes for the February 2, 2021 Committee Meeting
4. **NEW BUSINESS**
 - 4a Federal Legislative Update
(Mia O'Connell, O'Connell & Dempsey and Michael Minkler, General Manager)
 - 4b 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, June 1, 2021, 2:00 p.m.
10. **ADJOURNMENT**



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

MINUTES FEBRUARY 2, 2021

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
Jessica Self, External Affairs Manager

Others Present:

Mia O'Connell, O'Connell & Dempsey

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:

- 3a. Approval of Minutes for the August 4, 2020 and October 6, 2020 Committee Meetings

Directors Davidson/Ratterman Approved Minutes from the Legal Affairs Committee meetings of August 4, 2020 and October 6, 2020

4. NEW BUSINESS

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

Director Ratterman was appointed as the Chairperson for the Committee for 2021.

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

Discussion: Ms. O'Connell reported on the following items:

- 1) an update on the status of the District's request to the Army Corp of Engineers for Water Resources Development Act (WRDA) funding for the Copper Cove Wastewater Treatment Plant upgrade.
- 2) the possibility of an earmark funding application available in April or May of 2021.
- 3) the possibility of Hydro Power reform being a priority for the current Congress and what that could mean for the District.
- 4) a meeting with the Bureau of Reclamation last week.

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

Discussion: Mr. Minkler reported on the following items:

- 1) SB 222-Water Affordability Assistance Program 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, focusing 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.
- 2) 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.
- 3) AB 59 Mitigation Fee Act: Fees: Notices and Timelines; 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.
- 4) Water Resilience Portfolio Initiative: Review of Governor Newsom's Water Resiliency 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.

5. OTHER BUSINESS

Mr. Arnold reported on The Association of California Water Agencies (ACWA), in coordination with the IRWM Roundtable of Regions (ROR), 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 is to provide this information to California Legislation to advocate for IRWM funding support and to promote the various IRWM groups across California.

6. GENERAL MANAGER COMMENTS

Discussion: Mr. Minkler reported the pre-treatment plant in Jenny Lind has been operational after the recent storm and the facility is seeing the benefits from it.

7. DIRECTOR COMMENTS

Director Davidson had nothing to report.

Director Ratterman had nothing to report.

8. FUTURE AGENDA ITEMS

There were no future agenda item requests.

9. NEXT COMMITTEE MEETING

Tuesday, April 6, 2021, 2:00 p.m.

10. ADJOURNMENT

The meeting was adjourned at 3:00 p.m.

Respectfully Submitted,

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: April 6, 2021
TO: Michael Minkler, General Manager
FROM: Jessica Self, External Affairs 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 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. Numerous water agencies oppose this bill unless it is amended. They feel this bill needs significant work in order to make it a reasonable, efficient and effective state-wide low-income rate assistance program. It is likely the authors will address comments received from a joint water agency coalition letter and amend this bill.

STAFF ANALYSIS: Oppose SB 222 unless amended. Staff recommends that CCWD sign the coalition.

2. 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. Numerous water agencies oppose this bill unless it is amended. Specifically, the proposed debt forgiveness mandate would violate the State constitution; and the bill's proposal for debt forgiveness also would jeopardize the financial stability of public water agencies – agencies that provide an essential government service of purveying safe drinking water.

STAFF ANALYSIS: Oppose SB 223 unless amended. Staff recommends that CCWD sign the coalition.

3. California Senate Bill 323 (SB 323) | Water / Sewer Rates

AUTHOR: Senator's Caballero and Hurtado

SUMMARY: This proposal would authorize a local agency or interested person to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service. The proposal would require an interested party bring an action within 120 days after the local agency adopts the fee or charge. Currently, Proposition 218, which governs property-related water, wastewater, and sewer rates, requires agencies to follow extensive noticing and public hearing requirements prior to adopting new rate structures. Water districts have been increasingly called to court with Proposition 218 challenges to their rate structures. Furthermore, impacts from Covid-19, including Governor Newsom's executive order prohibiting shutoffs, have made water districts' revenue and financial planning even more unpredictable.

STAFF ANALYSIS: Approve SB 323. If passed, this bill will make existing legal protections consistent to improve predictability for utility providers. In addition, this bill will still allow customers to bring challenges forward within a reasonable, but limited amount of time.

4. CALIFORNIA ASSEMBLY BILL 1376 (AB 1376) | Water Quality: State Certification

AUTHOR: Assembly Member Adam C. Gray

SUMMARY: FERC relicensing includes the requirement to obtain a water quality certification from the State Water Resources Control Board. Water quality certifications can result in significant costs and operational impacts to public water

agencies and therefore should not become final without clear and coherent opportunities that allow the public to review, comment, or provide feedback. AB 1376 would ensure the State Water Board must abide by such a process before a water quality certification becomes final.

STAFF ANALYSIS: Support AB1376. ACWA has taken a support position on this bill and hydropower agencies are generally in strong support of this bill.

5. CALIFORNIA ASSEMBLY BILL 1431 (AB 1431) | Forestry: Forest Carbon Plan: State Goals.

AUTHOR: Assembly Member Jim Frazier

SUMMARY: Existing law requires the Department of Forestry and Fire Protection to implement various fire protection programs intended to protect forest resources and prevent uncontrolled wildfires. This bill would establish state goals for fuel treatment and vegetation management. Specifically, this bill seeks to codify goals that were outlined in a May 2018 report titled "The California Forest Carbon Plan: Managing Our Forest Landscapes in a Changing Climate". This was a multi-stakeholder report written by California state agencies and conservancies, federal agencies, and two local government associations, the Rural Counties Representatives of California (RCRC) and the California State Association of Counties (CSAC). RCRC is the sponsor of this bill. The report outlined a comprehensive strategy to restore the resilience of California's forests, forested watersheds, and wildlands while reducing the impacts of climate change and criteria pollutants from catastrophic wildfires.

STAFF ANALYSIS: Continue monitoring AB1376. AB 1431 is a broad, high-level bill that does not specify funding sources or detailed actions to complete the listed goals. However, these details are more thoroughly explored in the California Forest Carbon Plan report, which the bill is based on. AB 1431 would codify state goals to increase forest management and improve headwaters health across the state. This would provide a framework for further action by federal, state, and local agencies.

6. CALIFORNIA ASSEMBLY BILL 703 (AB 703) | Open meetings: Local Agencies: Teleconferences

AUTHOR: Assembly Member Blanca Rubio

SUMMARY: AB 703 is an attempt to modernize remote meeting requirements. It would eliminate "teleconference locations" for the public and would eliminate the requirement that at least a quorum of members of a legislative body participating remotely to be located within the agency's jurisdiction in order to establish a quorum. This is one of several bills proposing changes to the Brown Act.

STAFF ANALYSIS: Support AB 703.