



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

OUR MISSION

Protect, enhance, and develop Calaveras County's water resources and watersheds to provide safe, reliable, and cost-effective services to our communities.

Regular Board Meeting
Tuesday, June 7, 2022
2:00 p.m.

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

Board Chambers are open to the public and the following alternative is available to members of the public who wish to participate in the meeting virtually:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 323-647-8603,,588444949#](#)

Phone Conference ID: 588 444 949#

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at 209-754-3028. Notification in advance of the meeting will enable CCWD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at CCWD for review by the public.

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. **ROLL CALL**

2. **PUBLIC COMMENT**

3. **APPROVAL OF MINUTES**

- 3a Approval of Minutes for April 5, 2022 Committee Meeting
(Rebecca Hitchcock, Clerk to the Board)

COMMITTEE MEMBERS

Scott Ratterman, Director Jeff Davidson, Director

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)

4c Discussion on District Legislative Advocacy Policy
(Michael Minkler, General Manager)

5.* OTHER BUSINESS

6.* GENERAL MANAGER COMMENTS

7.* DIRECTOR COMMENTS OR FUTURE AGENDA ITEMS

8. NEXT COMMITTEE MEETING

- Tuesday August 9, 2022, 1:00 p.m.,

9. ADJOURNMENT



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

**MINUTES
APRIL 5, 2022**

The following Committee Members were present:

Director Ratterman
Director Davidson

Staff Present:

Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Jessica Self, External Affairs Manager
Brad Arnold, Water Resources Manager
John Griffin, Senior Civil Engineer

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 1:03 p.m.

2. PUBLIC COMMENT:

There was no public comment.

3. APPROVAL OF MINUTES:

3a Approval of Minutes for the October 6, 2021 and February 1, 2022
Committee Meetings.

Directors Ratterman/Davidson approved Minutes from the Legal Affairs Committee meetings of the October 6, 2021 and February 1, 2022.

4. NEW BUSINESS

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

Discussion: Ms. O'Connell reported on the following items: 1) it is Appropriations time for Fiscal Year 2023; 2) the Army Corps of Engineers appropriations work plan process and timing; 3) scheduling of Congressman McClintock's tour; and 4) the scheduling of Washington, D.C. visits which would be virtual.

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

Discussion: Mr. Minkler reported on the following items: 1) AB1717 Prevailing wage and the Committee agreed to bring this to the full Board to approve an oppose position for this bill; 2) AB2728 Unlawful Cannabis Activity; 3) Unpermitted Cannabis Cultivation; 4) SB 1235 Portable Equipment for Emergency Events; 5) Executive Order N-7-22 Drought. Brad Arnold gave details on the Executive order and how CCWD is preparing; and 6) the Governor signed the Voluntary Agreement even though there is still disagreement with the Mokelumne River Stakeholders.

5. OTHER BUSINESS

None

6. GENERAL MANAGER COMMENTS

Mr. Minkler reported on his upcoming vacation.

7. DIRECTOR COMMENTS

Director Davidson had nothing to report.

Director Ratterman reported on the Mountain Counties Water Resources Association event called Water, Wildfires, and Wine on October 20, 2022 and the Caldor Fire Tour starting June 22, 2022.

8. FUTURE AGENDA ITEMS

Director Ratterman would like staff to bring a Legislative Advocacy Policy on adopting positions to the next Committee meeting.

9. NEXT COMMITTEE MEETING

Tuesday, June 7, 1:00 p.m.

10. ADJOURNMENT

The meeting was adjourned at 1:56 p.m.

Respectfully Submitted,

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: June 7, 2022

TO: Legal Affairs Committee

FROM: Michael Minkler, General Manager

SUBJECT: Discussion regarding Draft Legislative Advocacy Policy

SUMMARY:

Staff will present options for the District to adopt a Legislative Advocacy Policy. This policy is intended to guide District Board of Supervisors and staff in considering legislative or regulatory proposals that are likely to have an impact on the District and allow for a timely response to important Legislative issues.

Attachment: Draft Legislative Advocacy Policy

POLICY TITLE: Legislative Advocacy Policy *DRAFT*****

POLICY NUMBER:

Purpose

The purpose of the policy is to guide Calaveras County Water District (District) officials and staff in considering legislative or regulatory proposals that are likely to have an impact on the District and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited,¹ the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds.²

The purpose for identifying Legislative Advocacy Procedures is to provide clear direction to District staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Procedures will ensure that legislative inquiries and responses will be administered consistently with “one voice” as to the identified Advocacy Priorities adopted by the Board of Directors. The Legislative Advocacy Procedures and Advocacy Priorities will provide the District General Manager, or other designee, discretion to advocate in the District’s best interests in a manner consistent with the goals and priorities adopted by the Board of Directors. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of the District.

Policy Goals

- Advocate the District’s legislative interests at the State, County, and Federal levels.
- Inform and provide information to the Board of Directors and district staff on the legislative process and key issues and legislation that could have a potential impact on the district.
- Serve as an active participant with other local governments, the California Special Districts Association, and local government associations on legislative and regulatory issues that are important to the district and the region.
- Seek grant and funding assistance for District projects, services, and programs to enhance services for the community.

Policy Principles

The Board of Directors recognizes the need to protect District interests and local control, and to identify various avenues to implement its strategic and long-term goals. It is the policy of the District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors.

¹ Cal. Gov. Code § 54964.

² Cal. Gov. Code § 53060.5; *Stanson v. Mott* (1976) 17 Cal. 3d 206.

This policy provides the District General Manager, or other designee, the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Directors to set Advocacy Priorities to provide policy guidance. The Board of Directors shall establish various Advocacy Priorities and, so long as the position fits within the Advocacy Priorities, staff is authorized to take a position without board approval.

Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the District the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors. However, the Legal Affairs Committee has the authority to adopt a position when consideration by the full Board of Directors is not feasible within the time-constraints of the legislative process.

Generally, the District will not address matters that are not pertinent to the district's local government services, such as social issues or international relations issues.

Legislative Advocacy Procedures

It is the policy of the District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the District.

Monitoring legislation is a shared function of the Board of Directors and General Manager or designated staff. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The General Manager, or other designee, will act on legislation utilizing the following procedures:

1. The General Manager or other designee shall review requests that the District take a position on legislative issues to determine if the legislation aligns with the district's current approved Advocacy Priorities.
2. The General Manager or other designee will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.
3. If the matter aligns with the approved priorities, the District's response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the General Manager or designee. The General Manager or designee shall advise staff to administer the form of advocacy, typically via letters signed by the General Manager, or designee, on behalf of the Board of Directors.

4. All draft legislative position letters initiated by the General Manager or designee shall state whether the district is requesting “support”, “support if amended”, “oppose”, or “oppose unless amended” action on the issue, and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the district, e.g. “the funding the district will lose due to this bill could pay for X capital improvements.”
 - a. Support – legislation in this area advances the district’s goals and priorities.
 - b. Oppose – legislation in this area could potentially harm, negatively impact or undo positive momentum for the district, or does not advance the district’s goals and priorities.
5. The General Manager may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager or designee.
6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the District shall be included as a copy or “cc” on the letter. The appropriate contacts at the Association of California Water Agencies, California Special Districts Association and other local government associations, if applicable, shall be included as a cc on legislative letters.
7. A position may be adopted by the General Manager or designee if any of the following criteria is met:
 - a. The position is consistent with the adopted Advocacy Priorities;
 - b. The position is consistent with that of organizations to which the district is a member, such as the Association of California Water Agencies and California Special Districts Association; or
 - c. The position is approved by the Board of Directors or the Legal Affairs Committee.
8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Directors at the next regularly scheduled Board Meeting. When appropriate, the General Manager or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

Advocacy Priorities

Revenue, Finances, and Taxation

Ensure adequate funding for special districts’ safe and reliable core local service delivery. Protect special districts’ resources from the shift or diversion of revenues without the consent of the affected districts. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies. Protect and preserve special districts’ property tax allocations and local flexibility with revenue and diversify local revenue sources.

Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs. Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

Governance and Accountability

Enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits all approaches. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.

Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.

Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

Human Resources and Personnel

Promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees.

Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

Infrastructure, Innovation, and Investment

Encourage prudent planning for investment and maintenance of innovative long-term infrastructure. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands. Promote the efficient, effective, and sustainable delivery of core local services.