



RESOLUTION NO. 2019-21
RESOLUTION NO. PFA-03
ORDINANCE NO. 2019-01

AGENDA

MISSION STATEMENT

“Our team is dedicated to protecting, enhancing, and developing our rich water resources to the highest beneficial use for Calaveras County, while maintaining cost-conscious, reliable service, and our quality of life, through responsible management.”

Regular Board Meeting
Wednesday, March 27, 2019
1:00 p.m.

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

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**

At this time, members of the public may address the Board on any non-agendized item. The public is encouraged to work through staff to place items on the agenda for Board consideration. No action can be taken on matters not listed on the agenda. Comments are limited to three minutes per person.

3. **CONSENT AGENDA**

The following items are expected to be routine / non-controversial. Items will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed for later discussion.

3a Approval of Minutes for the Board Meetings of January 23, 2019.

BOARD OF DIRECTORS

Russ Thomas, President Bertha Underhill, Vice President
Scott Ratterman, Director Cindy Secada, Director Jeff Davidson, Director

4. NEW BUSINESS

- 4a Presentation on the Non-Flow Measures in the Proposed Mokelumne River Voluntary Settlement Agreement for Phase II Implementation of the Bay-Delta Plan
(Peter Martin, Manager of Water Resources)
- 4b Discussion / Action on Calaveras Healthy Impact Product Solutions Grant: South Fork Mokelumne River Watershed Restoration Phase 4 Planning Project – CEQA Analysis
(Peter Martin, Manager of Water Resources)
- 4c Information Regarding the March 19, 2019 Copperopolis Town Hall Meeting
(Joel Metzger, Manager of External Affairs, Conservation, and Grants)
- 4d Discussion / Action Adopting District’s Financial Management Policy – No. 5.02, Purchasing Policy
(Jeffrey Meyer, Director of Administrative Services) **RES 2019-_____**

5. OLD BUSINESS

- 5a* Update on Sustainable Groundwater Management Act (SGMA)
(Peter Martin, Water Resources Manager)

6. REPORTS

- 6a* General Manager Report

7.* BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS

8. NEXT BOARD MEETINGS

- Wednesday, April 10, 2019, 1:00 p.m., Regular Board Meeting
- Wednesday, April 24, 2019, 1:00 p.m., Regular Board Meeting

9. CLOSED SESSION

- 9a Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9, two cases.

10. REPORTABLE ACTION FROM CLOSED SESSION

11. ADJOURNMENT

CALAVERAS COUNTY WATER DISTRICT

Board of Directors

District 1 Scott Ratterman
District 2 Cindy Secada
District 3 Bertha Underhill
District 4 Russ Thomas
District 5 Jeff Davidson

Legal Counsel

Matthew Weber, Esq.
Downey Brand, LLP

Financial Services

Umpqua Bank
US Bank
Wells Fargo Bank

Auditor

Richardson & Company, LLP

CCWD Committees

*Engineering Committee
*Finance Committee
*Legal Affairs Committee
Executive Committee (*ad hoc*)

Membership**

Davidson / Thomas (alt. Secada)
Underhill / Secada (alt. Thomas)
Davidson / Thomas (alt. Ratterman)
Thomas / Underhill

Joint Power Authorities

ACWA / JPIA
CCWD Public Financing Authority
Calaveras-Amador Mokelumne River Authority (CAMRA)
Calaveras Public Power Agency (CPPA)
Eastern San Joaquin Groundwater Authority
Tuolumne-Stanislaus Integrated Regional Water
Management Joint Powers Authority (T-Stan JPA)
Upper Mokelumne River Watershed Authority (UMRWA)

Ratterman (alt. Michael Minkler)
All Board Members
Ratterman / Underhill (alt. Secada)
Peter Martin (alt. Michael Minkler)
Thomas
Secada (alt. Thomas)
Davidson (alt. Ratterman)

Other Regional Organizations of Note

Calaveras LAFCO
Calaveras County Parks and Recreation
Committee
Highway 4 Corridor Working Group
Mountain Counties Water Resources
Association (MCWRA)
Mokelumne River Association (MRA)
Tuolumne-Stanislaus Integrated Regional Water
Mgt. JPA Watershed Advisory Committee (WAC)
Eastern San Joaquin Groundwater Authority-Technical
Advisory Committee

Ratterman / Thomas
Thomas (alt. Ratterman)
Thomas / Underhill
All Board Members
All Board Members
Peter Martin (alt. Metzger)
Peter Martin

* Standing committees, meetings of which require agendas & public notice 72 hours in advance of meeting.

** The 1st name listed is the committee chairperson.



RESOLUTION NO. 2019-03
RESOLUTION NO. PFA-03
ORDINANCE NO. 2019-01

MINUTES

**CALAVERAS COUNTY WATER DISTRICT
REGULAR BOARD MEETING**

JANUARY 23, 2019

Directors Present: Russ Thomas, President
Scott Ratterman, Director
Jeff Davidson, Director

Staff Present: Jeffrey Meyer, Interim General Manager
Rebecca Hitchcock, Clerk to the Board
Matt Weber, General Counsel
Peter Martin, Manager of Water Resources
Damon Wyckoff, Director of Operations
Joel Metzger, Manager of External Affairs, Conservation, and Grants

Others Present: Vickey Mills
Leonard Pristia, resident
Susan McMorris, Blue Mountain Community Renewal Council
Tom Infusino, Calaveras Planning Coalition
Tyler & Jane Childress, resident
Ruben Childress, resident
Dayne Henning Childress, resident

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. ROLL CALL

President Thomas called the Regular Board Meeting to order at 1:00 p.m. and led the pledge of allegiance. Directors Secada and Underhill were absent.

2. PUBLIC COMMENT

Mr. Leonard Pristia from Forest Meadows addressed the Board regarding issues with the storage facility in Forest Meadows. A letter was sent to the General Manager in July and there has been no response received. Copies of the letter were provided to the Board.

3. CONSENT AGENDA

MOTION: Directors Davidson/Ratterman - Approved Consent Agenda Items: 3a, 3b, and 3c as presented

- 3a Approval of Minutes for the Board Meeting of December 5, 2018.
- 3b Ratify Claim Summary #562 Secretarial Fund in the Amount of \$1,709,583.47 for December 2018.
(Jeffrey Meyer, Interim General Manager) **RES 2019-03**
- 3c Information / Quarterly Projects Report
(Charles Palmer, District Engineer)

AYES: Directors Davidson, Ratterman, and Thomas
NOES: None
ABSTAIN: None
ABSENT: Directors Secada and Underhill

4. NEW BUSINESS

- 4a Discussion / Direction of the FY 2018-19 Second Quarter Investment Report
(Jeffrey Meyer, Interim General Manager)

MOTION: Directors Davidson/Ratterman – by Minute Entry to Receive and File the Fiscal Year 2018-19 Second Quarter Investment Report

DISCUSSION: Mr. Meyer presented the FY 2018-19 Second Quarter Investment Report. He mentioned that the second quarter does not have as much activity as the other quarters and discussed the various activities in detail.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Davidson, Ratterman, and Thomas
NOES: None
ABSTAIN: None
ABSENT: Directors Secada and Underhill

- 4b Discussion / Action Adopting District Financial Management Policy – No. 5.13, Financial Audit Policy
(Jeffrey Meyer, Interim General Manager) **RES 2019-04**

MOTION: Directors Ratterman/Davidson – by Resolution No. 2019-04 Adopted District Financial Management Policy – No. 5.13, Financial Audit Policy

DISCUSSION: Mr. Meyer stated that after the Finance Committee's review of the current Audit Policy 5.00.1.1.6, it was determined that it is not thorough enough and needed updating. He spoke of the details in the new, stand alone Audit Policy 5.13.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Ratterman, Davidson, and Thomas
NOES: None
ABSTAIN: None

ABSENT: Directors Secada and Underhill

- 4c Discussion / Action Regarding FY 2018-19 Mid-Year Budget Review and Budget Adjustments
(Jeffrey Meyer, Interim General Manager) **RES 2019-05**

MOTION: Directors Davidson/Ratterman – by Resolution No. 2019-05 Amending the Fiscal Year 2018-19 Operating Budget

DISCUSSION: Mr. Meyer reviewed the 2018-19 Mid-Year Budget. He spoke specifically about the District revenues, transfers, expenditures, Capital Outlay, Debt Services, Operations, and the Capital Improvement Program. He recommends a budget adjustment to recognize the payment and reimbursement for all state and federal permitting costs associated with the North Fork and New Hogan hydro-electric projects. This budget adjustment is in response to a request from the auditors that both fees and reimbursements are recognized instead of the past practice of offsetting the expenditures when reimbursements are received. Mr. Meyer answered questions from the Board. Mr. Damon Wyckoff, Director of Operations, assisted Mr. Meyer with some of the questions regarding Operations. Mr. Charles Palmer, District Engineer, spoke to the Board regarding the need for an additional Engineer to assist with the backlog of Capital Projects. The funding for this additional position can be covered with Capital R&R Funds. If the District moves ahead with the additional Engineer, approval would be requested at a future Board meeting. Mr. Meyer continued presenting information on the next year budget. He mentioned that there will be new State mandates coming that will add to the budget needs. He reviewed the budget preparation process that will take place before it is brought to the Board in June, 2019. Director Thomas wants the District to keep the Slurry Line in mind when deciding on a long term CIP Projects. Director Davidson asked about PG&E shutdowns during fire season. Mr. Wyckoff explained that there are many stand by generators throughout the system and should cover the District in case of a shut down. More details can be presented at an upcoming Board meeting.

PUBLIC COMMENT: There was no public comment.

AYES: Directors Davidson, Ratterman, and Thomas
NOES: None
ABSTAIN: None
ABSENT: Directors Secada and Underhill

- 4d Update on Grants Program
(Joel Metzger, Manager of External Affairs, Conservation, and Grants)

DISCUSSION: Mr. Metzger provided the Board with a 10-year overview of the current grants program. The District brought in \$13 million in grant funding between 2009-2019, with an additional \$6.8 million in submitted applications. He highlighted various projects that have been accomplished including redwood tank replacements.

PUBLIC COMMENT: There was no public comment.

RECESS was called at 2:20 p.m. **SESSION RESUMED** at 2:25 p.m.

5. OLD BUSINESS

5a Discussion / Action Regarding Adoption of the West Point Master Plan
(Peter Martin, Water Resources Manager) **RES 2019-06**

MOTION: Directors Davidson/Ratterman – by Resolution No. 2019-06 Adopted the West Point Master Plan

DISCUSSION: Mr. Martin began his presentation by stating the 2018 Supplemental West Point Water System Master Plan update is a feasibility study performed for the District to analyze treated water supply reliability and redundancy in its West Point service area. The update supplements the West Point Master Plan, adopted in May 2005 and is focused on water supply reliability and redundancy for the 20-year planning horizon in order to prioritize projects listed in the 2005 Plan. The highest priority projects are: 1) the construction of a new Middle Fork Mokelumne River intake, pump station, and improvements to the existing water supply pipeline, 2) construction of a new West Point Regulating Reservoir floating screened outlet, 3) redundant West Point Water treatment plant capacity and redundancy improvements via an additional filter, and 4) Bummerville water distribution improvements. He stated that there are a few medium priority long-term projects in the plan, including a potential expansion of the off stream Regulating Reservoir for water quality purposes while trying to remain within the same footprint. In addition, the decommissioning of Wilson Dam with meadow restoration is recognized as an important project since the dam provides no added benefit to water quantity in dry years and it would be prohibitively expensive to rehabilitate the dam due to the way it was built.

Mr. Martin stated that a draft of the study was released on November 14, 2018, and public comment was subsequently received. However, the night before the meeting, the Calaveras Planning Coalition and Foothill Conservancy submitted a letter to the District urging it not to adopt the West Point study. Mr. Martin responded to items in the letter. First, the letter makes certain representations regarding the study that are just inaccurate: The letter states that the plan includes an expansion of Schaads Reservoir and construction of a Forest Creek dam. These potential improvements were deemed long-term improvements and were not recommended in this study. The letter asserts that the West Point study is subject to the California Environmental Quality Act (CEQA) and cannot be adopted today. He stated that this point is incorrect, for a number of reasons. First, the District considered whether CEQA would apply, however the plan does not meet the definition of a project under CEQA. The study does not bind or commit the District to any course of action; it is a feasibility study so CEQA is not required. Second, the District may later approve, modify, or simply decline to pursue any component of the document. Third, any CEQA impacts would be entirely speculative and therefore CEQA analysis at this point would not provide meaningful information for environmental assessment. Fourth, if the District ultimately elects to undertake a concept discussed in the study, further Board approvals would be required and those approvals will require CEQA. The public will have the opportunity to comment on and object to any project that the District may take in the future. If any future actions are considered, the District will work with regional interests including individuals and groups. Mr. Martin took questions from the Board.

PUBLIC COMMENT:

Ruben Childress is a resident of West Point and was not aware of the Master Plan project. He does not want a dam in the Middle Fork Forest Creek area, which has old growth trees. He would like more time to review the plan and feels that the District 2 Director should be in attendance for the vote. He added that there should have been more public outreach.

Tom Infusino addressed the Board with items he thought were good about the plan. He added items he deemed bad about the plan and additionally he believes CEQA is required on this plan. He recommended in the future having more community outreach such as town halls for the communities affected by the plans.

Susan McMorris, Chair of the Blue Mountain Community Renewal Counsel addressed the Board with concerns about Schaads Lake expansion.

Jane Childress recommended to the Board that they delay the vote until the District 2 Director is present. She feels the residents need time to study the plan.

AYES: Directors Davidson, Ratterman, and Thomas
NOES: None
ABSTAIN: None
ABSENT: Directors Secada and Underhill

5b Update on Sustainable Groundwater Management Act (SGMA)
(Peter Martin, Water Resources Manager)

DISCUSSION: Mr. Martin gave a PowerPoint presentation with an update on the actions of the Eastside Groundwater Sustainability Agency and Joint Powers Agency. This item was for information only; no action was taken.

PUBLIC COMMENT: There was no public comment.

6. GENERAL MANAGER REPORT

Mr. Meyer reported on the following activities: 1) The District has received correspondence from ACWA JPIA congratulating the District on winning the Presidents Special Recognition Award for a loss ratio of 20% or less in its Property Program, Liability Program, and Workers Comp Program ; 2) update on the District Customer Assistance Program participation: 200 customers are signed up for water assistance, filling all available slots and 112 are signed up for sewer assistance, leaving 88 spaces available.

7. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS

Director Ratterman reported that the Mountain Counties Water Resources Association meeting is Friday, February 25 at 10:30

Director Davidson had nothing to report.

Director Thomas reported that he and Director Underhill attended the Tuolumne Utilities District Board meeting yesterday and had a positive reception.

8. NEXT BOARD MEETINGS

- Wednesday, February 13, 2019, 1:00 p.m., Regular Board Meeting
- Wednesday, February 27, 2019, 1:00 p.m., Regular Board Meeting

The Open Session ended at 3:28 p.m.

The meeting adjourned into Closed Session at approximately 3:30 p.m. Those present were Board Members: Russ Thomas, Scott Ratterman, and Jeff Davidson; staff members Jeffrey Meyer, Interim General Manager, Peter Martin, Water Resources Manager (for item 9b), Stacey Lollar, Director of Human Resources and Customer Service (for item 9c); and Matt Weber, General Counsel.

9. CLOSED SESSION

- 9a Conference with Legal Counsel – Existing Litigation
Government Code § 54956.9(a) La Contenta Investors, LTD vs. CCWD
(Calaveras County Superior Court #11CV37713)
- 9b Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9. Two potential cases.
- 9c Conference with legal counsel pending litigation-Government Code Section 54956.9(d)(1)-Local 1021 SEIU and Management and Confidential Unit.

10. REPORTABLE ACTION FROM CLOSED SESSION

The Board reconvened into Open Session at approximately 4:10 p.m. There was no reportable action.

11. ADJOURNMENT

With no further business, the meeting adjourned at approximately 4:10 p.m.

By:

ATTEST:

Jeffrey Meyer
Interim General Manager

Rebecca Hitchcock
Clerk to the Board

Agenda Item

DATE: March 27, 2019

TO: Michael Minkler, General Manager

FROM: Peter Martin, Manager of Water Resources

SUBJECT: Presentation on the Non-Flow Measures in the Proposed Mokelumne River Voluntary Settlement Agreement for Phase II implementation of the Bay-Delta Plan

RECOMMENDED ACTION:

Informational update only. No action requested at this time.

SUMMARY:

Michelle Workman, Supervising Fisheries/Wildlife Biologist for East Bay Municipal Utilities District (EBMUD) will provide a presentation on the non-flow measures included in the proposed Mokelumne River Voluntary Settlement Agreement for the implementation of requirements included the State Water Resources Control Board's Phase II of the Bay-Delta Plan Update. The State Water Board is in the process of updating its Bay-Delta Plan, which establishes water quality measures that provide reasonable protection of beneficial uses in the greater Bay-Delta watershed. The Bay-Delta Plan is currently being updated in two separate phases:

1. Phase 1 Addresses flow requirements in the San Joaquin River watershed (Tributary inflows from Stanislaus, Tuolumne and Merced Rivers), and
2. Phase II Addresses (other Bay-Delta) flow requirements in Sacramento River and Tributaries, and other Eastside Tributaries (Mokelumne, Calaveras and Cosumnes)

The Governor's office and the State Water Resources Control Board have encouraged the ongoing efforts of stakeholders to develop voluntary agreements in order to implement the objectives in updated Bay-Delta Plan Update. Staff from EBMUD and other participating water agencies on the Mokelumne River including CCWD have been actively engaged with negotiating state agencies in the development of a proposed voluntary settlement agreement for more than two years.

On March 1, 2019 the California Department of Water Resources and the Department of Fish and Wildlife (as negotiating agencies on behalf of the State of California) provided

the State Water Resources Control Board with proposed voluntary settlement agreements that are tailored to meet the needs of the different watersheds feeding into the Bay-Delta. A cover letter signed by 44 individuals representing water users, conservation groups, and state and federal agencies accompanied the submittal. The voluntary settlement agreement proposal for the Mokelumne River submitted to State Water Resources Control Board for analysis was included in their submittal package as Appendix A5, and has been attached to this memo for your information.

While much has been highlighted about the additional flows necessary to implement the Bay-Delta Plan, the proposed voluntary settlements include a slew of non-flow measures across several watersheds for evaluation by the State Water Resources Control Board. Michelle Workman will provide a PowerPoint presentation covering the various non-flow measures proposed in the lower Mokelumne River as part of the proposed voluntary settlement agreement and answer any questions of the Board of Directors and the public.

FINANCIAL CONSIDERATIONS:

None.

Attachments: *Appendix A5, Mokelumne River Voluntary Settlement Proposal (March 1, 2019)*

Appendix A5: Mokelumne River

1.5 Mokelumne River

The Mokelumne River Parties propose the implementation of an integrated suite of flow and non-flow measures to improve conditions for anadromous fish in the lower Mokelumne River that is balanced with maintaining water supply reliability, preserving cold water pool, protecting habitat conditions, and improving the Bay-Delta ecosystem. The Mokelumne River Parties include Amador Water Agency (AWA), Calaveras County Water District (CCWD), Calaveras Public Utility District (CPUD), East Bay Municipal Utility District (EBMUD), and North San Joaquin Water Conservation District (NSJWCD).

As described in the *Draft Baseline for the Proposed Mokelumne River Voluntary Agreement*, attached hereto as an Appendix, the Mokelumne River has in place a comprehensive fisheries program that protects and enhances the fishery resources and ecosystem of the lower Mokelumne River and supports Bay-Delta flows and objectives. This program, established under the 1998 Joint Settlement Agreement (JSA) between EBMUD, California Department of Fish & Wildlife (CDFW), and United States Fish & Wildlife Service (USFWS), includes participation by the National Marine Fisheries Service (NMFS) and a broad stakeholders group. The JSA was approved by the Federal Energy Regulatory Commission in 1998 and its flows were adopted by the State Water Board in D-1641. The JSA requires minimum flows in all year types and requires non-flow measures for fishery purposes. (Please see the Appendix for a full description of the Mokelumne River baseline conditions and flows required under all existing requirements.)

The Mokelumne River is uniquely situated as a direct tributary to the Delta. Thirty-seven miles of the North Fork and Main Stem of the Mokelumne River between Salt Springs and Pardee Reservoir were added to the California Wild and Scenic Rivers System. The Mokelumne River Fish Hatchery provides virtually all of the ocean fishery from the San Joaquin Basin, and it accounts for approximately 20% of the commercial fishery and 35% of the recreational fishery from all tributaries of the Bay-Delta.⁵ During the period that the JSA has been implemented, salmon escapement on the Mokelumne River has exceeded the doubling goals set forth in the Anadromous Fish Restoration Program (AFRP), 1992 Central Valley Project Improvement Act (CVPIA). As part of the State Water Board's Bay-Delta Water Quality Control Plan (WQCP) Update process, the Mokelumne River Parties propose to increase the existing flow requirements and JSA non-flow measures in a manner that is beneficial to fishery needs and provides additional flows to the Bay-Delta.

1.5.1 Flow Measures

A.1 Measurement, Monitoring, and Reporting

The JSA Partnership Coordinating Committee (CDFW, USFWS, and EBMUD) would develop a compliance plan for measurement, monitoring and reporting the block flows in Table 1 below in order to provide maximum benefit to fish and wildlife in the Mokelumne River and Bay-Delta. The plan shall include some of the following goals and objectives for evaluation purposes: (i) consideration of Camanche Reservoir and Pardee Reservoir cold water storage, (ii) water temperature below Woodbridge Dam, (iii) the timing, magnitude, and protection of flow from other Central Valley systems through the Delta, (iv) Mokelumne River percent of redd emergence by date, (v) in-river temperature projections, migration timing, (vi) percent development of anticipated floodplain habitat and required inundation timing, frequency and duration.

A.2 VA Flows

⁵ This is based on the 2017 San Joaquin Basin share of recreational and commercial fishery, and the Chinook salmon stock was primarily from the Mokelumne River Fish Hatchery.

Table 1 shows the flows proposed by the Mokelumne River Parties in addition to all existing minimum flow requirements.

Table 1: Additional Required Release Above Existing Required Minimum Flows				
	JSA Year Type			
	Normal and Above	Below Normal	Dry	Critically Dry
Total Block Flow	45,000 AF	20,000 AF	10,000 AF	N/A
Spring Block (March through May)	75-85% of total volume	75-85% of total volume	75-85% of total volume	N/A
Fall Block (Sept. through October)	15-25% of total volume	15-25% of total volume	15-25% of total volume	N/A
<p>Notes:</p> <p>If flood control releases on a given day are greater than the daily schedule provided by the JSA Partnership Coordinating Committee, then no additional release is required on that day.</p> <p>March through October additional VA flow requirements are based on JSA year types determined by water year unimpaired runoff into Pardee Reservoir.</p> <p>In years when EBMUD's March 1st median forecast of Total Combined Pardee and Camanche (P+C) storage by End-of-September is projected to be less than 350 thousand acre-feet, then no VA flow requirement applies, but JSA-required flows would be provided.</p> <p>In "Critically Dry" years (per JSA definition), no VA flow requirement applies, but JSA-required flows would be provided.</p> <p>AF is an abbreviation for acre-feet and N/A for not applicable.</p>				

A.3 VA Flow Impacts Mitigation Measures

- a. Amador Water Agency - AWA will provide 2,000 AF per year of its previously conserved water supplies for 10 years that could be used by the State to increase instream flows and Delta outflows. This flow contribution is inclusive of the flows identified in Table 1. In return, the State would provide \$5 million in funding to be used for planning and developing a high-elevation water storage and supply project. AWA also would consider extending these water releases beyond the ten-year period on a year by year basis for an amount of compensation to be determined and subject to written acknowledgement that any supplies provided after the 10-year period are conserved water reserved to AWA for serving planned-for increase in consumptive demands within its service area. The proposed project would capture wet season storm water and store that water for use in dryer periods to increase local water supply reliability in drought periods, mitigate climate change effects, increase the available cold water pool in upstream reservoirs, and to increase opportunities for conjunctive use projects to improve the health of groundwater basins within the Mokelumne River watershed. The Mokelumne Watershed Interregional Sustainability Evaluation (MokeWISE) study would provide the source of preferred projects to be considered. MokeWISE identified and evaluated alternatives to optimize water resource management projects within the Mokelumne River watershed and the final report was broadly supported by water suppliers, non-governmental organizations, and local governmental agencies. AWA may partner with other water purveyors in development of this project and collectively would contribute 20% of the water developed by any project that is finally approved and can be funded and constructed for dedicated instream flows and Delta outflows with timing and rates of releases to be determined by resource

agencies within defined use periods. These contributed instream flows and Delta outflows from a constructed project would be in addition to dedicated flows in Table 1 above.

- b. North San Joaquin Water Conservation District – The VA will reduce the water available to NSJWCD and adversely impact NSJWCD’s ability to conjunctively manage surface and groundwater supplies to correct conditions of groundwater overdraft. NSJWCD will contribute the adverse impact on its water supply to facilitate the VA provided that the dedicated flows in Table 1 shall fully satisfy Term 18 of Permit 10477 during the term of the VA such that NSJWCD will not have to further dedicate a portion of its available Permit 10477 supplies when JSA and Table 1 flows are satisfied. NSJWCD will develop groundwater recharge projects to maximize the use of surface water during wetter years to offset the impacts of the VA and improve groundwater overdraft conditions. The State will agree to provide \$5M in funding toward the cost of these facilities. NSJWCD will bear all costs to operate and maintain the facilities.
- c. East Bay Municipal Utility District - EBMUD would purchase and install 1,500 to 2,000 acoustic leak detection devices in its treated water distribution system. These devices will substantially increase an existing leak detection system. EBMUD would use the information from these devices to detect and repair distribution system water leaks thereby offsetting a portion of the additional flow measures noted in Table 1. The State would agree to fund purchase and installation of the devices at a one-time cost of \$15 million. EBMUD would bear all costs to operate and maintain the devices and for leak repairs.

1.5.2 Non-Flow Measures

The non-flow measures contained within the Mokelumne VA include a variety of habitat improvement and enhancement projects, along with measure to improve survival, genetics, and science related to salmonid resources. The measures will also improve habitats and outcomes for native species within the river corridor. The non-flow component of the proposal is delineated into four main categories designed to address rearing habitat, migration habitat and hatchery management, spawning habitat, and research and monitoring.

B.1 Condition 1: Rearing Habitat

a. Measure 1A: Creation of Floodplain Habitat

Project Description: EBMUD has direct access to, and would commit to creating, approximately 10 acres of juvenile fish rearing habitat (in the form of functional floodplain and side channel habitat) in the first two river miles below Camanche Dam in the Mokelumne River Day Use Area over the next 5 years. Floodplain habitat and side channels would be created by reconnecting isolated pits formed by hydraulic mining and redistributed fines to encourage riparian plant species recruitment.

An additional 50 acres of seasonal floodplain habitat creation has also been identified within the first seven miles of the Lower Mokelumne River (LMR). Restoration of the 50 acres is contingent on willing landowners and permitting support from the CDFW. Upon execution of the VA, EBMUD will immediately commit to finding willing landowners and appropriate habitats to restore at least 50 acres on the LMR between Camanche Dam (RM 64) and Lodi Lake (RM 39).

Seasonal floodplain habitats will be constructed to meet timing, duration and frequency criteria based on supporting the progeny from a doubling target of 5,580 (60% of the 9,300 AFRP target):

1. February 1 – May 31, targeting March-April when juvenile population is highest in the river.
2. Minimum of 15 days, targeting 18 days for optimal growth potential

3. Inundation recurrence is two of every three years

Floodplain duration criteria cannot be met in Dry or Critically Dry years, but the flow proposal provides enough flow for late season pulses to encourage emigration of juveniles in Dry years.

Monitoring: Short-term (objective specific) and long-term (population scale) monitoring would be used to help evaluate the success of juvenile rearing habitat restoration projects. Objective specific monitoring will assess the function and biological use of restored floodplain habitats. Topography surveys, 2D hydrodynamic modeling, and juvenile fish monitoring would be performed before and after restoration takes place. To assess differences in primary production and invertebrate colonization, fish diet samples would be taken and compared between in-channel and newly created floodplain habitats. Rotary screw traps would be used to assess population scale trends and would be operated from December through June, as has been done since the early 1990s, to determine the abundance, timing and size of outmigrating juvenile salmonids.

Permitting: The following permits will be required to successfully implement juvenile salmonid rearing habitat restoration projects on the LMR: Water quality certification from the California Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act, Streambed Alteration Agreement from the California Department of Fish and Wildlife pursuant to section 1601/03 of the California Fish and Wildlife Code, Mitigated Negative Declaration and Notice of Determination pursuant to section 15074 of the California Environmental Quality Act, Environmental Assessment pursuant to section 102(2)(c) of the National Environmental Policy Act, Compliance with Section 106 of the National Historic Preservation Act, Concurrence from the National Marine Fisheries Service that the project is not likely to adversely affect the Central Valley steelhead, Central Valley spring run, fall/late fall-run, or winter run Chinook salmon. In addition, EBMUD currently holds a scientific collecting entity permit (SC-2990) and an ESA Section 10(a)(1)(A) permit for steelhead (17761) and delta smelt (TE-040541-6), which are required for fisheries monitoring on the LMR. EBMUD also maintains positive working relationships with landowners and irrigators on the LMR, who provide access for LMR fisheries monitoring and potential restoration activities.

Life Stage: Rearing

Stressor: Lack of suitable rearing habitat, food production

Timeline: In years 1-5, ten acres of floodplain restoration in the upper two miles of the LMR: In years 5-10, additional 10 acres in the reach between Hwy 88 and Mackville Rd; and in years 10-15, an additional 40 acres in the reach between Mackville Rd and Elliott Rd will be targeted.

Quantity: 60 acres

b. Measure 1B: Identification of Predation Hotspots and Management Strategies to Reduce Impacts

Project Description: This project is the identification of predation hotspots and management strategies to reduce impacts of high predator- prey contact rates. Actions include enhanced take of predatory species through angling opportunities, removal of predatory species for research, and habitat restoration. This item would be addressed through a cumulative effects analysis which includes assessment of the following: (1) hardened structures that may increase predator prey contact rates (dams, bridge abutments, docks, river pumps, etc.); (2) quantity, quality, and location of predator habitat in the LMR from Camanche Dam to the Delta North and South Forks; (3) predator movement within the LMR using acoustic telemetry, and (4) long-term fish community data.

Actions already initiated:

1. EBMUD is currently partnering with Metropolitan Water District (MWD), NMFS, and USFWS on a predation contact points Charter under CVPIA SIT process. MWD will be assessing predator prey interactions in Delta and tributary habitats using PERS (predation event recorders) and the Mokelumne will be used to represent tributary level interactions.
2. EBMUD has 2 years of predator acoustic tagging with Vemco V-7s and V-9s and is currently assessing predator movements in the non-tidal reaches of the LMR.

Life Stage: Rearing, Migration

Stressor: Predation

Monitoring: EBMUD currently conducts quarterly fish community assessments on the LMR from Camanche Dam to the confluence with the San Joaquin. EBMUD has initiated data collection from stationary acoustic receivers. Additional monitoring required would include budget and staff for mobile tracking predator movements and locations on a monthly basis. Completion of habitat and hardened structures analysis needs to occur. Evaluation would compare the long term population abundance estimates pre-action versus post-action based on rotary screw trap estimates.

Timeline: Evaluation in years 1-2; actions to address results annually beginning subsequently

c. Measure 1C: Screen and/or modify 5-10 high priority irrigation diversions

Project Description: Juvenile anadromous fishes may encounter up to 76 water diversions during their outmigration from the uppermost reaches of the LMR (RM 63) to the tidally influenced LMR (RM 29). The majority of these pumps is located in the upper reaches of the LMR, above Lodi Lake (RM 39), and many lack screens or have dilapidated screens.

Currently, EBMUD has an active Charter within the CVPIA to prioritize unscreened diversions on the Mokelumne River based on their volume, timing, and location to determine which projects would provide the best fish protection. EBMUD and USFWS created a model that ranks and determines the LMR diversions that warrant screening and/or modifications based on operation timing, size, and fish presence.

Under the existing Charter, EBMUD and USFWS would modify and/or screen the three highest priority LMR diversions (having landowner support) with appropriate materials from 2019 to 2022. An additional two to seven diversions would be modified and/or screened contingent on landowner interest and support. The cost of each project is estimated at \$200,000.

Monitoring: A combination of short-term (objective specific) and long-term (population scale) monitoring would be used to help evaluate the success of screening and/or modifying 5- 10 high priority diversions. Objective specific monitoring would assess the efficacy of each diversion modification with respect to juvenile fish losses and/or entrainment. Site specific monitoring would be performed before and after each modification takes place using hatchery fish releases. Rotary Screw traps will be used to assess population scale trends and operated from December through June to determine the abundance, timing and size of outmigrating juvenile salmonids.

Permitting: The following permits will be required to successfully implement 5-10 diversion screening projects on the LMR: Water quality certification from the California Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act, Streambed Alteration Agreement from the California Department of Fish and Wildlife pursuant to section 1601/03 of the California Fish and Wildlife Code, Mitigated Negative Declaration and Notice of Determination pursuant to section 15074 of the

California Environmental Quality Act, Environmental Assessment pursuant to section 102(2)(c) of the National Environmental Policy Act, Compliance with Section 106 of the National Historic Preservation Act, Concurrence from the National Marine Fisheries Service that the project is not likely to adversely affect the Central Valley steelhead, Central Valley spring run, fall/late fall-run, or winter run Chinook salmon. In addition, EBMUD currently holds a scientific collecting entity permit (SC-2990) and an ESA Section 10(a)(1)(A) permit for steelhead (17761) and delta smelt (TE-040541-6), which are required for fisheries monitoring on the LMR. EBMUD also maintains positive working relationships with landowners and irrigators on the LMR, who provide access for LMR fisheries monitoring and potential restoration activities.

Life Stage: Rearing, Migration

Stressor: Lack of suitable migration conditions

Timeline: Years 1-5 three high priority diversions would be screened under the current USFWS charter; years 5-15 one project every other year would be targeted to reach the 10 diversion screen goal.

B.2 Condition 2: Migration Habitat and Hatchery

a. Measure 2A: Marking and Tagging Hatchery Production and related infrastructure improvements

Project Description: the Hatchery Scientific Review Group (HSRG) 2012 report identifies a standard for a Chinook salmon marking and tagging program through hatchery operations that determines all releases should be 100 percent CWT and 25 percent adipose fin-clipped. This non-flow measure provides a commitment for the Mokelumne Fish Hatchery to meet this standard. This measure also includes the capital appropriations for infrastructure to implement the action, including the purchase and O&M of one or more additional tagging trailers, and coded wire tags. Additional staffing by CDFW may be needed in addition to infrastructure improvements to achieve implementation.

Life Stage: Adult Migration, Spawning

Monitoring: Monitoring programs for Chinook salmon would allow for estimation of the following on an annual basis.

- 1) Total recreational and commercial ocean harvest, and harvest of hatchery-origin fish at the age-, stock-, and release group-specific (CWT) level,
- 2) Total freshwater harvest, and harvest of hatchery-origin fish at the age-, stock-, and release group-specific (CWT) level,
- 3) Total returns (hatchery -and natural-origin) to hatchery, and returns at the age-, stock- and release group-specific (CWT) level,
- 4) Age composition of hatchery returns,
- 5) Total escapement by tributary and by species/run,
- 6) Proportion of hatchery-origin fish among natural area spawners (pHOS) by tributary and at age-, stock-, and release group-specific (CWT) level,
- 7) Age composition of individual tributaries important for natural production.

Use tag recovery data and cohort reconstruction (cohort analysis) methods to estimate the following quantities:

- Brood survival from release to ocean age-2 at the release group-specific (CWT) level,
- Brood maturation schedule (age-specific conditional maturation probabilities) at the

- release group-specific (CWT) level,
- Straying and geographic distribution of stray hatchery-origin fish at the release group-specific (CWT) level,
- Age-specific ocean and freshwater fishery contributions and exploitation rates at the release group-specific (CWT) level.

Stressor: Contribution rates of natural and hatchery fish

Timeline: Years 1-3 will target infrastructure improvements necessary to accommodate increased mark/tag rates; years 4 -15 implementation of 100% mark and 25% tag will occur.

b. Measure 2B: Completion and Implementation of the Hatchery Genetics Management Plan

Project Description: This measure would ensure the timely completion and submittal of the Hatchery Genetics Management Plan (HGMP) to National Marine Fisheries Service to ensure proper coverage for, and to guide, ongoing hatchery actions for fall run Chinook salmon and Central Valley steelhead.

Life Stage: Spawning

Stressor: Hatchery

Timeline: Fall run Chinook HGMP – years 1-2; Mokelumne River Central Valley Steelhead HGMP – years 3-5

Timeline: Fall run Chinook HGMP – years 1-2; Mokelumne River Central Valley Steelhead HGMP – years 3-5

c. Measure 2C: Hatchery Improvement Program

Project Description: The Mokelumne River Fish Hatchery was substantially rebuilt in 2003. At that time, a \$13 million rebuild increased raceway capacity, incubation capacity, provided chillers to improve water temperature, and sand and UV filtration to improve water quality into the facility. With the addition of increases to marking/tagging rates, prospective increases in steelhead population size, and a potential need for more rearing space to provide more juvenile Chinook based on release location changes recommended in the Hatchery Scientific Review Group (HSRG) report (2012), there is the potential need for more capital infrastructure improvements to the existing facility. Moreover, specific improvements may be needed to support efforts related to moving anadromous salmonids up stream of rim dams (including Camanche/Pardee). This measure would include identification, selection, and implementation of infrastructure improvements to achieve the goals described above, in collaboration with CFDW.

Life Stage: Adult Spawning, Incubation, Rearing

Stressor: Hatchery

Timeline: 0-5 years

d. Measure 2D: Implement and Evaluate Optimized Release Program

Project Description: Barging provides an alternative and interim release strategy that may help to reduce hatchery stray rates associated with net pen releases, as well as improve

adult returns of natural origin fish during dry and critically dry years. Barging allows fish to avoid the issues associated with water quality, disorientation, and predation in the Delta while still allowing fish to imprint on the chemical signatures of the water from their basin of origin. A monitoring program would be developed to provide an evaluation of juvenile Mokelumne River Chinook salmon survival and straying rates over the life of this agreement. An adaptive management framework would be used to phase out alternative release strategies in support of in river releases, once parties agree that sufficient improvements in environmental conditions exist to sustain a healthy natural and hatchery population.

The primary objectives of this measure are the following:

- 1) Achieve a trend of decreasing stray rates of hatchery origin Mokelumne Chinook salmon over the period of the effort, or term of the VA whichever comes first.
- 2) Maintain abundance of hatchery origin Mokelumne Chinook salmon from a predetermined baseline to be set by the VA parties.
- 3) Improve abundance of Mokelumne Chinook salmon to support the Mokelumne River natural production goals identified in the VA.

This measure includes the construction and operation of one self-powered Barge Platform. The design would accommodate approximately 200,000 salmon smolts per barge trip. The measure would barge up to one million of the 3.4 million mitigation Chinook salmon produced at MRFH. In critically dry years, the measure updates Section 7 of the JSA regarding the trapping and transporting of salmonids by instead barging up to 25% of the naturally produced Chinook salmon smolts.

Life Stage: Migration

Stressor: Lack of suitable migration conditions

Timeline: year 1-3 infrastructure and capital costs to develop equipment needed to implement program. Years 3-15 hatchery fish in all years; natural fish in dry and critically dry only. This would commence when infrastructure and funding are in place.

B.3 Condition 3: Spawning Habitat

a. Measure 3A: Gravel Enhancement Maintenance Program

Project Description: Reach-scale restoration of the LMR began over a decade ago, in the upper one-mile reach of the river (SHIRA reach), just downstream of Camanche Dam. Rehabilitation to the river's longitudinal profile raised the river bed elevation to pre-dam conditions, expanded and improved salmonid spawning habitat, and increased bed slope and floodplain connectivity.

It is estimated that an annual injection of 500-1,000 cubic yard of gravel will be needed to maintain the reach, variable water year types and resulting river flows may require more or less than the recommended quantity. This measure would include the injection of the needed quantity of gravel, and resurveying every 3-5 years to determine loss of sediment over time.

Monitoring: Short-term (objective specific) and long-term (population scale) monitoring would be used to help evaluate the success of long-term maintenance of the restoration reach. River bathymetry surveys after high flow events to monitor scour and deposition and long term suitability, salmonid redd surveys to monitor use, and rotary screw traps would be used to assess population productions.

Permitting: The following permits will be required to successfully implement long-term maintenance of the restoration reach: Water quality certification from the California Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act, Streambed Alteration Agreement from the California Department of Fish and Wildlife pursuant to section 1601/03 of the California Fish and Wildlife Code, Mitigated Negative Declaration and Notice of Determination pursuant to section 15074 of the California Environmental Quality Act, Environmental Assessment pursuant to section 102(2)(c) of the National Environmental Policy Act, Compliance with Section 106 of the National Historic Preservation Act, Concurrence from the National Marine Fisheries Service that the project is not likely to adversely affect the Central Valley steelhead, Central Valley spring run, fall/late fall-run, or winter run Chinook salmon. In addition, EBMUD currently holds a scientific collecting entity permit (SC-2990) and an ESA Section 10(a)(1)(A) permit for steelhead (17761) and delta smelt (TE-040541-6), which are required for fisheries monitoring on the LMR. EBMUD also maintains positive working relationships with landowners and irrigators on the LMR, who provide access for LMR fisheries monitoring and potential restoration activities.

Life Stage: Spawning, Incubation

Stressor: Lack of suitable substrate

Timeline: Annual placement of 500-1,000 cubic yard of spawning gravel in the upper reach of the LMR in years 1-15

Quantity: 500-1,000 cubic yards

b. Measure 3B: Gravel Augmentation Program

The CVPIA doubling goal for the Mokelumne River is 9,300 spawners. Based on a 40% hatchery proportion (60% natural production), the goal for the river is 5,580 spawners. Using <https://flowwest.shinyapps.io/rearing-habitat>, the visualization tool utilizing data compiled as part of the CVPIA Science Integration Team data (representing the best available data for the Mokelumne River), the following criteria were established. The total acreage needed to support 5,580 adult spawners is 8.55 acres, and the Mokelumne River already provides 11.94 acres. Due to 20+ years of gravel augmentation, the Mokelumne River is not limiting for spawning habitat.

Project Description: While the quantity of habitat is not limiting, this measure would improve the spatial distribution of spawning in the Mokelumne River by restoring up to four individual sites downstream of the Mokelumne River Day Use Area. Restoration of additional sites is contingent on willing landowners and permitting support from the CDFW. Some sites, previously restored over 10 years ago, may continue to have landowner support and likely require maintenance or even re-establishment. These sites include the following locations: 2002 Hogwire Island (RM 62.5), 1996 Enhancement (RM 59.5), 1997 Below Mackville Rd. (RM 58.9), and 1998 George Reed (RM 58).

Monitoring: Short-term (objective specific) and long-term (population scale) monitoring would be used to help evaluate the success of long-term maintenance of the restoration reach. River bathymetry surveys pre and post restoration would feed a 2D hydraulic model for suitability, salmonid redd surveys to monitor use, and rotary screw traps would be used to assess population productions.

Permitting: The following permits will be required to successfully implement long-term maintenance of the restoration reach: Water quality certification from the California Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act, Streambed Alteration Agreement from the California Department of Fish and Wildlife pursuant to section 1601/03 of the California Fish and Wildlife

Code, Mitigated Negative Declaration and Notice of Determination pursuant to section 15074 of the California Environmental Quality Act, Environmental Assessment pursuant to section 102(2)(c) of the National Environmental Policy Act, Compliance with Section 106 of the National Historic Preservation Act, Concurrence from the National Marine Fisheries Service that the project is not likely to adversely affect the Central Valley steelhead, Central Valley spring run, fall/late fall-run, or winter run Chinook salmon. In addition, EBMUD currently holds a scientific collecting entity permit (SC-2990) and an ESA Section 10(a)(1)(A) permit for steelhead (17761) and delta smelt (TE-040541-6), which are required for fisheries monitoring on the LMR. EBMUD also maintains positive working relationships with landowners and irrigators on the LMR, who provide access for LMR fisheries monitoring and potential restoration activities.

Life Stage: Spawning, Incubation

Stressor: Lack of suitable migration conditions

Timeline: Target of 1-2 projects every 5 years of the VA to a maximum of 4 projects total

Quantity: 500-1,000 cubic yards per project

B.4 Condition 4: Research and Monitoring

a. Measure 4A: Fish Community Assessment

Project Description: EBMUD continues to monitor the relationship between fish assemblages and physical and biological parameters. The goal of this monitoring is to facilitate management actions (flow and non-flow) that support healthy native fish populations in the LMR. Previous reports have described the abundance, richness and diversity of native and introduced fish species occurring seasonally and habitat associations of these fish species within the LMR. In addition, fish community sampling events have and continue to provide opportunities to collect fish for diet analyses, predation studies, and/or assist other state, federal, and academic researchers. This ongoing work expands on the requirements of the JSA. Under this measure, EBMUD would commit to continue this work for the duration of the VA.

Monitoring: Electrofishing surveys within the six reaches of the LMR (through the Delta Forks) currently and would continue to take place on a quarterly basis. The six reaches are separated based on stream confluences, gradient, tidal influence, and substrate characteristics:

- 1) Reach I (Mokelumne River Mouth to Cosumnes River confluence), RM 0-23.3
- 2) Reach II (Cosumnes River confluence to Woodbridge Irrigation District Dam), RM 23.3-38.6
- 3) Reach III (Woodbridge Irrigation District Dam to Highway 99), RM 38.6-43
- 4) Reach IV (Highway 99 to Elliott Road), RM 43-53.5
- 5) Reach V (Elliott Road to Mackville Road), RM 53.5-59
- 6) Reach VI (Mackville Road to Camanche Dam), RM 59-64

The sample areas would include historic and intermittent sites. Selected deep and swift water habitats are sampled with a Smith-Root SR-18E electrofishing boat. Data will be analyzed in five year increments or longer to assess population trends and their relationship with environmental parameters.

Permitting: EBMUD currently holds all permits required for fisheries monitoring on the LMR. This includes a scientific collecting entity permit (SC-2990) and an ESA Section 10(a)(1)(A) permit for steelhead (17761) and delta smelt (TE-040541-6). EBMUD also maintains positive working relationships with many landowners on the LMR, who frequently provide access for LMR fisheries monitoring.

Life Stage: All

Stressor:

Ecosystem

Health Timeline:

Annual

b. Measure 4B: Steelhead Population Assessment

Project Description: We would commit to Passive Integrated Transponder (PIT) tag evaluations to monitor O. mykiss populations, pursue additional locations for stationary PIT tag array placements, and continue to collaborate with CDFW, and NMFS to improve conditions for O. mykiss and their population structure.

Monitoring: PIT tagging would be conducted on natural O. mykiss during quarterly fish community monitoring. Data collected would be used to determine site fidelity, annual growth rates, population demographics, incorporation of natural fish into the hatchery population. In the hatchery, genetic monitoring of the O. mykiss population is currently being planned and coordinated with NMFS Southwest Science Center.

Life Stage: All

Stressor: Minimal anadromy and small

population size Timeline: 1-15 years,

annually

1.5.3 Independent Assessment of the Proposed Mokelumne River VA

The Mokelumne River VA Proposal was evaluated by FlowWest Analytics at the direction of the California Department of Fish & Wildlife. FlowWest assessed how the VA measures support habitat quantity and quality required to maintain the natural production component of the CVPIA doubling goal population target. Based on the criteria set forth in FlowWest's Shiny App, FlowWest determined the following as to the Mokelumne River VA flow and non-flow measures:

- The lower Mokelumne River currently has sufficient spawning habitat to support the natural production of the doubling goal, but the VA non-flow measures will further improve the quality of existing spawning habitat and create new habitat.
- Instream juvenile rearing habitat is currently not sufficient to support the progeny of the doubling target natural production. To address this, the VA non-flow measures would increase the quantity and quality of instream rearing habitat.
- Floodplain habitat limitations can be met with the VA flow measures alone, however the VA non-flow measures will create additional floodplain habitat.

1.5.4 Agreement Term

The VA shall have a term of fifteen (15) years. Upon execution of a final VA, the parties agree to expeditiously implement the terms of said VA. However, the VA will provide that the following conditions will suspend the additional flow requirements in Table 1 until such time as the parties reconvene to reconsider those measures and mutually agree upon replacement measures:

1. Any action by the SWRCB, other state or federal authority or court of law, which suspends or cancels the current WQCP Update process, thereby suspending or cancelling the need for an agreement which substitutes for that process;
2. Any action by the SWRCB, other state or federal authority or court of law, which would allow the additional flow measures identified in Table 1 to be diverted by another party or result in a reduced Delta outflow obligation of another party.

1.5.5 Mokelumne River Appendices

APPENDIX

DRAFT BASELINE PROPOSED MOKELUMNE RIVER VOLUNTARY AGREEMENT February 26, 2019

I. Background

The Mokelumne River is a relatively small Eastside river that is directly tributary to the Delta. It comprises 1.5% of the total Delta watershed and 2.5% of the average unimpaired flow into the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Mokelumne River serves a variety of uses, including agriculture, fisheries, hydropower, recreation, and municipal and industrial use. Figure 1 provides a general overview of the Mokelumne River diversions, releases and losses and conceptually illustrates how the river's flow is allocated among the various users and uses.

The State Water Board explicitly addressed the Mokelumne River's existing uses and obligation to release water to benefit the Bay-Delta in its Decision 1641 (D-1641). In that decision, the State Water Board expressly modified EBMUD's Mokelumne River water rights to require the release of specified quantities of water year-round, in all year types. It also modified the rights of Woodbridge Irrigation District (WID) and North San Joaquin Water Conservation District (NSJWCD) to ensure the water was bypassed and allowed to flow into the Bay-Delta. The context within which the State Water Board made these D-1641 determinations, and the determinations themselves, form a key underlying baseline for the Board's current consideration of updating the Bay-Delta Plan as it applies to the Mokelumne River.

II. Overview of Mokelumne River Hydrology

The upper Mokelumne River watershed lies on the western slope of the Sierra Nevada in Alpine, Amador, and Calaveras Counties. The watershed feeding into EBMUD's storage facilities covers an area of 627 square miles and extends from the peak of Round Top (elevation 10,364 feet) near the crest of the Sierra Nevada to Camanche Reservoir (elevation 235 feet) located in the lower western foothills near Clements. Most of the watershed is forested land within the El Dorado and Stanislaus National Forests. The lower Mokelumne River watershed, downstream of Camanche Dam, is located in the Central Valley and the Sacramento-San Joaquin Delta (Delta) in San Joaquin and Sacramento Counties. Downstream of Camanche Dam the river runs southwesterly through Lodi and then northwesterly until it is joined by the Cosumnes River. It then enters the Delta, splitting into the North and South Fork channels near the Delta Cross Channel.

Annual precipitation and streamflow in the Mokelumne River watershed are extremely variable from month to month and from year to year. Most precipitation normally falls between November and May, and very little falls between late spring and late fall. Peak flows in the Mokelumne River normally occur during winter storms or during the spring snow-melt season from March through June. These flows decrease to a minimum in late summer and fall, and in

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some years, natural unimpaired flows into Pardee Reservoir in late summer and fall may be minimal to non-existent.

Variations in rainfall and runoff have a major effect on the ability to manage Mokelumne River water supply during normal and drought-year conditions. Figure 2 demonstrates natural Mokelumne River runoff by water year, illustrating the wide variability in runoff. Long-term average unimpaired flow equals 734 thousand acre-feet (TAF) during the last 97 years, and has ranged from a high of 1,929 TAF to a low of 129 TAF.

III. Existing Conditions

A. Mokelumne River Existing Flow Release Requirements

Current flows for Mokelumne River fishery protection and Bay-Delta inflow consist of the following release requirements:

A.1 The Joint Settlement Agreement

In 1998, EBMUD entered into a long-term partnership with the CDFW and USFWS by entering the Joint Settlement Agreement (JSA) for the Mokelumne River. Its purpose is to protect and enhance conditions for the anadromous fish population and the associated ecosystem of the lower Mokelumne River while simultaneously protecting EBMUD's Lower Mokelumne River Project as a reliable, high-quality water supply for EBMUD. Following completion of processes under the Endangered Species Act by USFWS and NMFS, the Federal Energy Regulatory Commission (FERC) issued its Order Approving Settlement Agreement and Amending License on November 27, 1998, amending EBMUD's FERC License for its Mokelumne Project (FERC Project No. 2916) by requiring EBMUD to meet the JSA.

As specified in the JSA, EBMUD, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife established the Lower Mokelumne River Partnership (Partnership) in 1998 and each agency has participated in an annual meeting to measure the success of the JSA flow requirements, non-flow measures and other actions pursuant to implementation of the JSA. The Partnership also established the Partnership Coordinating Committee consisting of technical representatives of each agency that meets semiannually to ensure timely implementation of the measures identified in the JSA.

The provisions of the JSA build upon and expand on some of the requirements of the prior agreement with CDFW (The 1961 Agreement). The 1961 Agreement required EBMUD to release 13 TAF annually from Camanche Reservoir to the lower Mokelumne River to benefit aquatic habitat and fish production. These 13 TAF were in addition to releases for WID, riparian and senior appropriators, and channel losses.

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The JSA contains a comprehensive, integrated suite of flow and non-flow measures. As to flows, the JSA fishery flow releases from Camanche Dam are significantly higher than the prior releases required under the 1961 Agreement and follow a more complex release schedule based on life stage of anadromous fish in the system. Figure 3 shows a comparison of fishery flows required under the JSA and the 1961 Agreement.

As to non-flow measures, the JSA requires implementation of non-flow enhancement measures, such as gravel augmentation, creation of rearing side channels, and new monitoring and reporting objectives. These measures are described more fully below. In addition, EBMUD also agreed to expand and upgrade the hatchery in consultation with CDFW, USFWS, and NMFS. Reconstruction was completed in 2002 at a cost of about \$12.5 million. CDFW continues to operate the Hatchery.

A.2 State Water Board Decision 1641

In D-1641, the State Water Board closely examined the JSA flows to determine what they were and how they might benefit the Bay-Delta. The Board ultimately found that the JSA flows would provide additional flows to the Delta¹ and that those flows satisfied EBMUD's responsibility to help meet the Bay-Delta objectives in the 1995 Bay-Delta Water Quality Control Plan.² Consequently, in the ordering section of D-1641, the State Water Board incorporated the JSA's flow tables and year-type definitions into EBMUD's Mokelumne River water rights.³ By that action, the State Water Board replaced the 1961 Agreement flows with the JSA flows in EBMUD's water rights and required EBMUD to release the JSA's Agreed Releases From Camanche Dam.

Additionally, the State Water Board also added conditions to DWR and USBR water rights stating DWR and USBR are jointly responsible for providing Delta flows that otherwise might be allocated to Mokelumne River water right holders in excess of the JSA flows.

EBMUD continues making fish releases to the lower Mokelumne River consistent with the JSA. In addition, D-1641 made corresponding changes to the water rights of WID to ensure additional flows passed Woodbridge Dam.⁴

¹ State Water Board Decision 1641, issued in final, revised form on March 15, 2000, page 58.

² D-1641, page 57.

³ D-1641 contains several pages of tables setting forth the JSA water that EBMUD must release from Camanche Dam, as well as additional flow-related conditions. (D-1641, pages 170-177.)

⁴ D-1641, pages 177-179.

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Specific Components of the JSA are described in more detail below.

A.3. Amended Water Right Permit 10478 (A13156) Term 20

As part of the environmental documentation for its Permit 10478 Time Extension Project, EBMUD included a new mitigation measure to commit additional fishery flows over and above the JSA flows.

EBMUD committed to the following actions that will ensure that adequate flows remain in the Mokelumne River to maintain adequate water depths for salmon passage. If expected flows below Woodbridge Dam impair adult salmonid migration from September through February, one of the following measures will be implemented depending on EBMUD reservoir carryover storage conditions and water year runoff:

- (1) EBMUD will release from Camanche Dam up to a total of 2,000 acre-feet of additional water above required releases during the September through February period in Below Normal and Dry water years to facilitate adult salmonid fish passage below Woodbridge Dam.
- (2) During Critically Dry water years, EBMUD will survey the reach below Woodbridge Dam prior to spawning season to identify any significant blockages or obstructions to instream passage. Adequate water depths of sufficient width are necessary to promote passage of adult salmonids at critical passage sites. At least 25% of the entire width of a potential passage impediment will be reconfigured to provide at least 0.9 foot in water depth. If a blockage is identified EBMUD will work with the appropriate entity to remove or reduce the impediment, to ensure that there is a depth of at least 0.9 foot to facilitate adult salmonid fish passage.

The magnitude, frequency, and duration of the additional flows set forth in number (1) above, are to be determined by the JSA Partnership Steering Committee based on Camanche cold water storage, and water temperatures below Woodbridge Dam. Instream passage improvements are to be determined by the JSA Partnership Steering Committee based on EBMUD assessment of potential passage impediments from Woodbridge Dam downstream to tidal influence during July or August of current (April through September) or anticipated (October through March) Critically Dry water years.

A.4. Flood Control Requirements

EBMUD manages Pardee and Camanche Reservoirs for flood control purposes per the US Army Corps of Engineers (Corps) Flood Control Guidelines. Figure 4 provides a summary of the flood control requirements, which are fully described in a flood control manual prepared by the Corps. EBMUD must begin to create flood control reservation in Camanche and/or Pardee Reservoir(s) in mid-September of each year. By November 5th, between 130,000 and 200,000 acre-feet of flood control reservation (depending on how full PG&E's

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upstream reservoirs are at the time) must have been created. The flood control reservation must be maintained if possible at least through mid-March, and potentially into July in years of heavy snow accumulation.

The flood control agreement with the Corps also provides a release schedule from Camanche Reservoir whenever encroachment into the flood control reservation occurs. The schedule specifies that the maximum release from Camanche Reservoir should be limited to 5,000 cfs, insofar as possible, and the rate of change in release shall not exceed 1,000 cfs per 2-hour interval.

B. JSA Flow Measures

B.1. Minimum Flow Release Requirements

The JSA specifies minimum flow releases by EBMUD from Camanche Dam in all year-types, year-round, to attain expected flow below Woodbridge Dam based on time of year (corresponding to fish life stages) and water year types.⁵

- For the October through March releases, water year types are determined based on combined storage in Camanche and Pardee Reservoirs on November 5. For the April through September releases, water year types are determined based on the unimpaired runoff into Pardee Reservoir unless the projected combined storage for November 5 is less than 200 TAF, in which case, the water year would be critically dry.
- The JSA establishes four year-types. Within each year-type, the JSA establishes Camanche Dam release requirements that vary throughout the year to meet the needs of the life stages of anadromous fish. Minimum release requirements range from 100 to 325 cfs during normal and above-normal runoff water year types, 100 to 250 cfs during below-normal years, 100 to 220 cfs during dry years, and 100 to 130 cfs during critically dry years.
- Additional releases up to 200 cfs are required for juvenile salmonid migration in April, May, and June, depending on the combined storage in Camanche and Pardee Reservoirs.

Minimum JSA flow releases from Camanche Dam and the expected flows below Woodbridge Dam are designed to protect fish resources in the lower Mokelumne River. Actual flows from 1998 to date have met or exceeded the required JSA flows below Camanche and Woodbridge Dams. For the more than 100 years from water years 1901 through 2012, annual Mokelumne River flows just upstream of Pardee Reservoir (Mokelumne Hill Station) ranged from 129 TAF to 1.9 million acre-feet. Since

⁵ D-1641 contains JSA flows that EBMUD must release from Camanche Dam, as well as additional flow-related conditions. (D-1641, pages 170-177.)

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implementation of the JSA in 1998, flow releases below Camanche Dam have ranged from 178 TAF to 1.7 million acre-feet.

B.2. JSA Section F.2. Gainsharing Increases in Flow

The JSA gainsharing provision provides that 20% of the actual yield from new water supplies is required to be used to augment instream flows, up to a volume of 20 TAF per drought cycle. Examples of these new water supplies include development of additional storage capacity on the Mokelumne River and groundwater from a conjunctive use program. Water from conservation programs, recycled water projects, or the Amador Canal pipeline project, are not subject to gainsharing. In essence, gainsharing is a mechanism to allow fishery resources to receive a portion of the yield from new water supply projects, further boosting fishery flows above the base JSA amounts. Allocation of gainshare water is determined through the Partnership Steering Committee.

C. JSA Non-Flow Measures

The JSA includes a suite of non-flow measures, including:

C.1. Cold Water Management – Protecting the Hypolimnion

Given the importance of preserving cold water for the anadromous fishery, the JSA specifies temperature management goals for the hypolimnion in Camanche Reservoir. EBMUD commits to using its best efforts to maintain the volume of the hypolimnion in Camanche Reservoir above 28 TAF through October if Pardee Reservoir storage is more than 100 TAF. This temperature management involves operating both Camanche and Pardee Reservoirs in concert to allow storage of an adequate volume of cold water during the winter and spring to prevent early turnover (destratification) in Camanche Reservoir, and provide sufficient cold water for release in the lower Mokelumne River through early November. This provides long-term benefits to salmonids and other native fish species in the lower Mokelumne River.

The JSA states that water quality in the hypolimnion should be preserved by maintaining adequate oxygenation and reducing the presence of hydrogen sulfide levels by use of the Hypolimnetic Oxygenation System.

C.2. Additional Water Quality Measures

- Sustaining the long-term viability of the salmon and steelhead fishery while protecting the genetic diversity of naturally producing populations in the lower Mokelumne River. This involves supporting the development and implementation of Mokelumne River steelhead and fall-run Chinook Hatchery Genetics Management

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Plan (HGMP) to minimize adverse effects on the wild stocks. CDFW operates the Mokelumne River Fish Hatchery. Section 7 of the ESA obligates consultation with NMFS on any activities that may affect a listed anadromous fish species, including hatchery programs. HGMPs are a mechanism for addressing the take of certain listed species that may occur as a result of artificial propagation activities. NMFS uses the information provided by HGMPs to evaluate impacts on anadromous salmon and steelhead listed under the ESA, and in certain situations, the HGMPs will apply to the evaluation and issuance of Section 10 take permits. Completed HGMPs also may be used for regional fish production and management planning by federal, state, and tribal resource managers. The primary goal of the HGMP is to devise biologically based artificial propagation management strategies that ensure the conservation and recovery of listed ESUs.

- Use coded-wire tagging on a greater proportion or all of the juvenile Chinook salmon produced at the Mokelumne River Fish Hatchery, if it is part of a statewide program. Currently the proportional coded-wire tagging and marking program for Central Valley Chinook salmon is 25% of the salmon released, and all steelhead released are tagged with an adipose fin clip but no coded-wire tag. The tagging program is a cooperative effort between CDFW, California Department of Water Resources, USFWS, Pacific States Marine Fisheries Commission, U.S. Bureau of Reclamation, and EBMUD.
- Activities that enhance habitat conditions:
 - Plant trees and shrubs along the river for shade and remove undesirable vegetation. EBMUD initiated efforts in the early 2000s to improve the river's ecosystem, including riparian restoration and enhancement on private lands. Improve spawning gravels through continued implementation of the spawning gravel augmentation plan for the lower Mokelumne River. This plan, developed in cooperation with the University of California, Davis, has resulted in the placement and configuration of more than 65,000 cubic yards of suitable-sized salmonid spawning gravel. Additional gravel placement to replace gravel lost to historical mining, scouring and subsidence, and annual supplementation to compensate for the lack of gravel recruitment is needed for the long term. This action will provide long-term benefits to salmonid and other native fishes spawning and incubation habitat.
 - Create side channels adjacent to the main channel of the lower Mokelumne River to provide suitable and beneficial habitat to juvenile Chinook salmon and steelhead, as well as habitat for a community of other fish and aquatic invertebrates. Two side channels were created in 2005 (Channel 1 has a length of approximately 300 feet and a mean width of 17 feet; Channel 2 has a length of 200 feet and a mean width of 27 feet).

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- Work cooperatively with local landowners along the lower Mokelumne River to implement the conservation practices and restoration and enhancement projects identified in the San Joaquin County Resource Conservation District's Lower Mokelumne River Conservation Handbook.
- Identify, design, and install fish screens on diversion facilities in cooperation with diverters. CDFW is the lead for this activity subject to available funding.
- Perform monitoring to gage success.
- Update and maintain a Mokelumne River science database.

C.3. Lower Mokelumne River Partnership

As part of the JSA, a Lower Mokelumne River Partnership has been established to support the protection of anadromous fish and the ecosystem of the lower Mokelumne River, encourage stakeholder participation, and integrate Mokelumne River strategies with other programs. The steering committee for the partnership is composed of one representative each from EBMUD, CDFW, and USFWS. The partnership program is funded by earnings from the \$2 million Partnership Fund established by EBMUD in 1998 and any additional funding sources that can be secured. As of December 2018 the Partnership Fund has earned about \$897,000, has received about \$186,000 in grants, and has spent about \$897,000 on projects in the lower Mokelumne River. In addition to the steering committee, the partnership includes a group of stakeholders with an interest in the lower Mokelumne River. The purpose of having a stakeholder group is to foster communication, make recommendations to the steering committee, and participate in enhancement work.

To facilitate operation of the JSA Partnership Steering Committee, a coordinating committee was formed. The JSA Coordinating Committee includes biologists and related staff of CDFW, EBMUD, USFWS, and NMFS. The Coordinating Committee meets in April and October of each year, and its work includes assessing the upcoming water year type and flow conditions; developing habitat projects and making recommendations to the JSA Partnership Steering Committee for expenditure of the Partnership Fund; and developing proposed adaptive management flow modifications to benefit the fishery.

C.4. Adaptive Management

To optimize habitat, the JSA provides that river operations can be modified if warranted by river conditions and scientific information. With concurrence from CDFW, USFWS, and NMFS, and approval from the State Water Board, EBMUD may modify the JSA Camanche releases as long as the total volume released during the year would not be less than that specified in the JSA for the water year type.

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Adaptive management flow modification occurred in March 2004, when WID requested EBMUD delay planned April flow increases required by the JSA and instead release the deferred water in May to allow completion of the fish bypass pipeline component of their dam construction. With concurrence of CDFW, USFWS, NMFS, and approval from the State Water Board, EBMUD maintained Camanche release at the lower rate of 330 cfs until mid-April, when WID completed the portion of the work that would have been affected by a higher release rate. The release then increased to 515 cfs by the end of April as WID initiated its seasonal diversions. The deferred volume of water originally scheduled to be released during April was released in addition to JSA requirements in May to coincide with outmigration of juvenile Chinook salmon and the volitional release of juvenile Chinook salmon from the Mokelumne River Fish Hatchery.

With prior concurrence from CDFW, USFWS, and NMFS, and approval from the State Water Board, EBMUD modified the below-normal JSA minimum flows in April and May 2009 to provide a fall pulse flow to attract adult fall-run Chinook salmon into the Mokelumne River. A total of 5,183 acre-feet of water was reallocated from the spring to provide flows in October that ranged from 308 cfs to 2,275 cfs.

In October, adult fall-run Chinook salmon move up through the Bay-Delta estuary toward their natal spawning grounds. Open Delta Cross Channel (DCC) gates can result in straying of adult salmon as Sacramento River water is routed into the Mokelumne and San Joaquin Rivers. To maximize the effectiveness of fall pulse flows, the Lower Mokelumne River Partnership sent a letter to the U.S. Bureau of Reclamation (USBR) requesting the closure of the DCC for a 10-day period in October 2011. Similar requests were made in 2009 and 2010 resulting in a 48-hour closure in October 2010. Through efforts by the partnership, USBR, and DWR, a 10-day closure of the DCC was initiated from October 4 through October 14, 2011. The closure coincided with the first of four fall pulse flows with a peak magnitude of 1,800 cfs. Recent studies in the Mokelumne River have shown that a combination of pulse flows along with closure of the DCC gates in October can not only increase the number of Chinook salmon returns, it can also reduce straying of Mokelumne-origin salmon to the lower American River (California Department of Fish and Game 2012).

Upon recommendation from the JSA Partnership and approval from the State Water Resources Control Board, minimum JSA flow releases from Camanche Dam were reduced in March 2012 to provide additional Chinook salmon attraction flows in October 2012. A series of pulse flows totaling 5,140 acre feet was released from October 8 through November 8, 2012 to facilitate passage of adult Chinook salmon in the lower Mokelumne River. Similar adaptive management actions were carried out with State Water Board approval in 2013 and 2014. In addition, adaptive management has continued to be employed as warranted in years following 2014.

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C.5. Water Quality and Resource Management Program

One of the first tasks of the steering committee for the Lower Mokelumne River Partnership was to develop a Water Quality and Resource Management Program (WQRMP) to define reasonable goals, measures, performance criteria and responsive actions associated with implementing the JSA. The WQRMP was prepared by the Partnership, submitted to FERC in June 1999, and approved by FERC in May 2001.

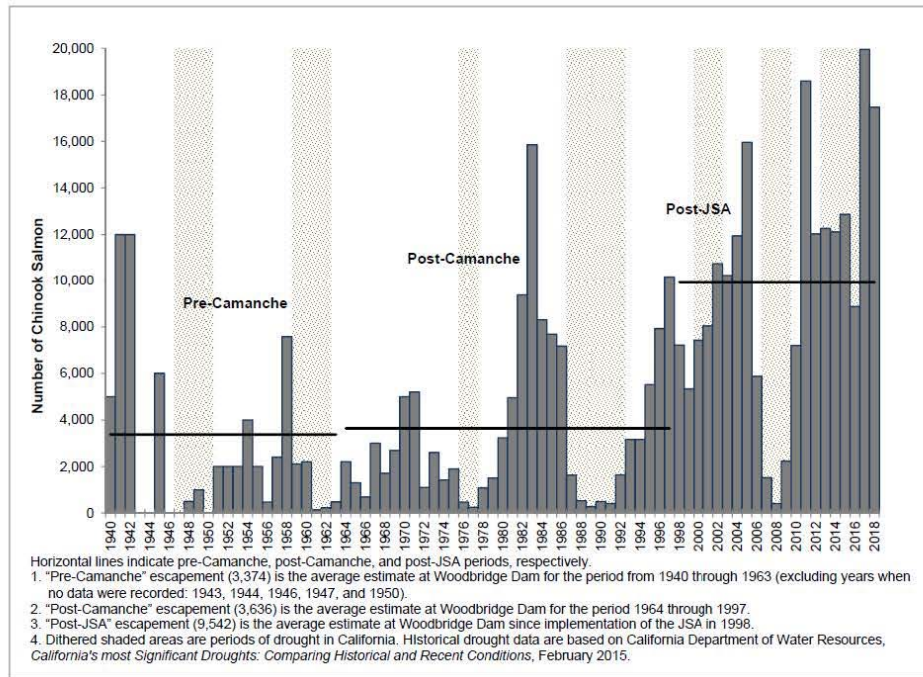
D. JSA OutcomesD.1. Ten-Year Review of Joint Settlement Agreement Accomplishments

The Lower Mokelumne River Partnership steering committee (CDFW, USFWS, and EBMUD) conducted a 10-year review of the JSA in 2008. The committee found that most of the goals and actions described in the JSA and WQRMP continue to be pursued in one form or another. Some actions, such as meeting minimum flow requirements, are continuing unchanged. Other actions have been modified to enhance the successful attainment of JSA objectives. Several JSA objectives were successfully completed:

- improvement of the fish bypass at Woodbridge canal;
- collaboration with WID to improve fish passage at Woodbridge Dam;
- modification of the channel downstream of Woodbridge Dam to reduce predation; and,
- expansion and improvement of the Mokelumne River Fish Hatchery;
- The 10-year review included some new or modified actions recommended by the steering committee that are being implemented:
 - develop an integrated reservoir/stream temperature model to predict water temperatures and operate reservoirs to optimize water temperatures for all salmonid life stages;
 - work with landowners to implement the practices described in the San Joaquin County Resource Conservation District's Lower Mokelumne River Conservation Handbook;
 - depending on funding, implement the Mokelumne River Day Use Area Recreation and Resource Management Plan;
 - use the Spawning Habitat Integrated Rehabilitation Approach for annual gravel supplementation;
 - create an HGMP for the Mokelumne River Fish Hatchery in cooperation with NMFS and CDFW; and,
 - continue constant fractional marking of hatchery fish.

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D.2 Improved Mokelumne River Fishery



Salmon returns under the JSA are well above the 75-year-plus historic average. In 2008, the Central Valley-wide salmon stock collapsed, and the Mokelumne River was no exception. A population that had exhibited strong resilience and multiple years of above average returns was reduced to just over 400 fish in 2008. Recognizing its responsibility to the community, resources and agreement, EBMUD implemented a number of adaptive management actions and expanded its efforts to advocate for the resource by reaching out to regulatory agencies and NGOs.

The adaptive management actions focused on improving survival of juvenile salmon and providing optimal conditions for returning adult salmon. EBMUD Fisheries and Wildlife Division staff analyzed the return data from 2008 and years previous, which indicated that a significant portion of the Mokelumne returning salmon were migrating to other systems. In the salmon literature this is referred to as straying. In fact, in 2008 70% of the Mokelumne population returning to the Central Valley ended up in other rivers. Working primarily with CDFW, EBMUD identified a new release site for hatchery fish that would likely reduce the stray rate of Mokelumne River salmon. Additionally, EBMUD constructed a floating netpen that would facilitate towing fish to the center of the channel for release to reduce the risk of predation, and improve survival to adult returns.

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The resilience of the population can be seen by the recovery of the population in just a few years following the collapse and into the 2012-2015 drought period, where the Mokelumne salmon population performed well even under less than optimal conditions.

EBMUD has also coordinated with CDFW and NGOs to conduct pilot studies to determine the effectiveness of barging juvenile salmon through the most dangerous segment of the Delta. Although there is a remaining year of data to collect, the results to date indicate the barging substantially increases the survival rate of salmon and may reduce straying. Next steps will include a feasibility assessment for constructing a purpose built barge and collection facilities.

Concurrent with the improved release strategies, EBMUD worked to implement two flow related actions. The first of these actions was to collaborate with the U.S. Bureau of Reclamation (USBR) to modify operations at one of its facilities (Delta Cross Channel). The facility conveys water to supply the southern portion of California and is used to manage water quality in the central Sacramento – San Joaquin Delta. Unfortunately, the facility also provides an artificial migration route and cue that contributes to Mokelumne fish straying to the Sacramento River. Working with the USBR, a 5 year study plan was developed in 2011 to close the gates during portions of the fall migration season. Subsequent closures have occurred sporadically since 2011. In 2017 the gates were closed approximately 5 days per week beginning in September, which resulted in reduced straying and a record return of 20,000 salmon to the Mokelumne.

In addition to addressing the Delta Cross Channel issue, EBMUD looked to improve the flow conditions in the river during the migration season. It is generally recognized that migrating salmon are cued by changes in environmental conditions, particularly flow. Since 2009, EBMUD has conducted pulse flows in the lower Mokelumne River from October – December. These pulses act to mimic natural precipitation events and help to attract adult salmon into the system and in most instances require little to no additional water above and beyond required flow releases. The water for these pulses has been made available through rescheduling late winter flows to save water for fall with the approval and support of CDFW, USFWS, National Marine Fisheries Service, and the California State Water Resources Control Board.

The population response to the management actions implemented since 2008 has been remarkable. The stray rate has been reduced from 70% to approximately 25%, which not only improves the returns but also helps to maintain genetic integrity of the Mokelumne stock as well as neighboring salmon stocks. Within the 2009-2018 period, the Mokelumne has had four of the best returns recorded since 1940, including a record return of nearly 20,000 salmon in 2017 and returns topping 12,000 fish in 7 of last 8 years. Through EBMUD's actions, the average salmon returns to the river have doubled from 3,434 (1940 to 1997 average) to 9,929 (1998 – 2018). The recovery of the Mokelumne River salmon population from the 2008 stock collapse far outpaced other Central Valley populations with sustained returns averaging double or more of the long-term average. In addition to excellent returns to the river, the Mokelumne salmon population makes up a significant portion of the fisheries catch off the California coast. In 2017, 20% of the commercial harvest and 35% of

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the recreational catch was comprised of San Joaquin Basin marked salmon which are primarily Mokelumne origin salmon.

As part of the Central Valley Project Improvement Act of 1992 a fall-run Chinook salmon production target (commonly referred to as the doubling goal) was established for each tributary. In the case of the Mokelumne River the production target is 9,300 salmon, which is based on a 1967 – 1991 baseline period average of 4,680. As of the latest published USFWS calculations the 1992 – 2015 doubling period average for the Mokelumne River is 8,976 or 96.5% of the production target. This performance by far exceeds all the major Central Valley tributaries and is indicative of the effectiveness of the existing program on the Mokelumne River including operations, flow and non-flow measures, and established multi-stakeholder science teams.

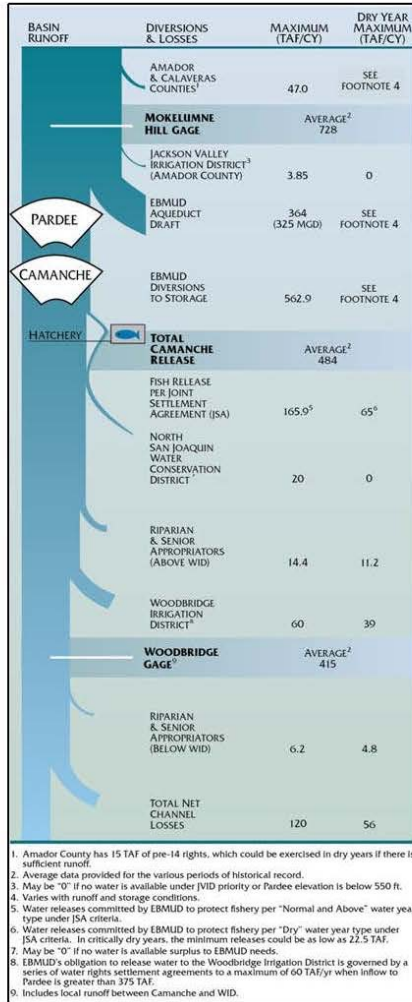
In addition to changes directly related to salmon management, EBMUD operators have perfected the ability to manage our two main reservoirs, Pardee and Camanche, in order to preserve coldwater in the deeper Pardee Reservoir and strategically release the water in a way that minimizes the temperature increase through the shallower Camanche Reservoir, which supplies the releases to the lower Mokelumne River. In fact, EBMUD was so successful in supplying coldwater that during the drought the Mokelumne River Fish Hatchery served as a refuge for rainbow trout from the American River Trout Hatchery where water temperatures would have proven lethal. While the actions implemented since 1998 have proven to be beneficial to the Mokelumne River salmon population, EBMUD and its partners continue to look for ways to further improve the resource and its benefit to Californians.

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FIGURES

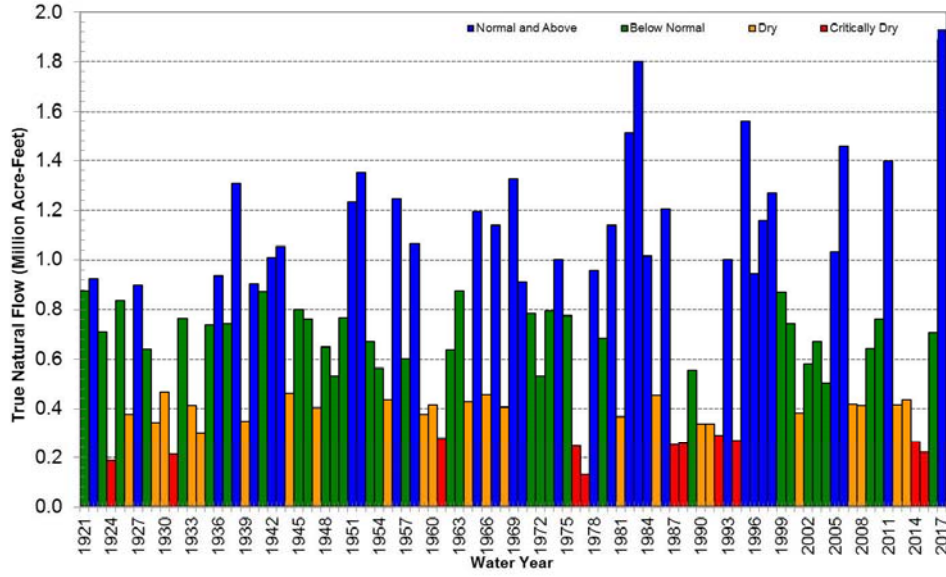
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Figure 1. Mokelumne River Releases, Diversions and Losses



(Source: EBMUD Water Resources Planning)

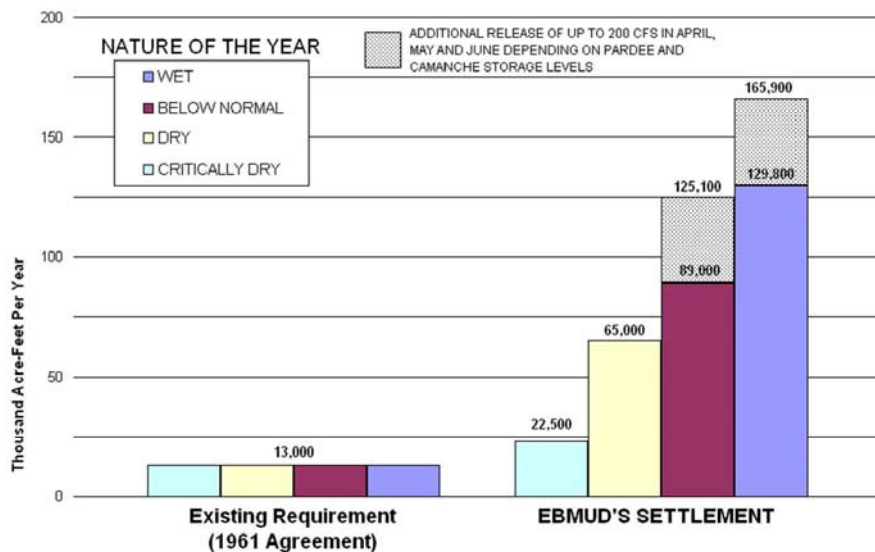
Figure 2. Mokelumne River Historical Water Supply Variability (WY 1921-2017)



(Source: EBMUD Water Supply Database)

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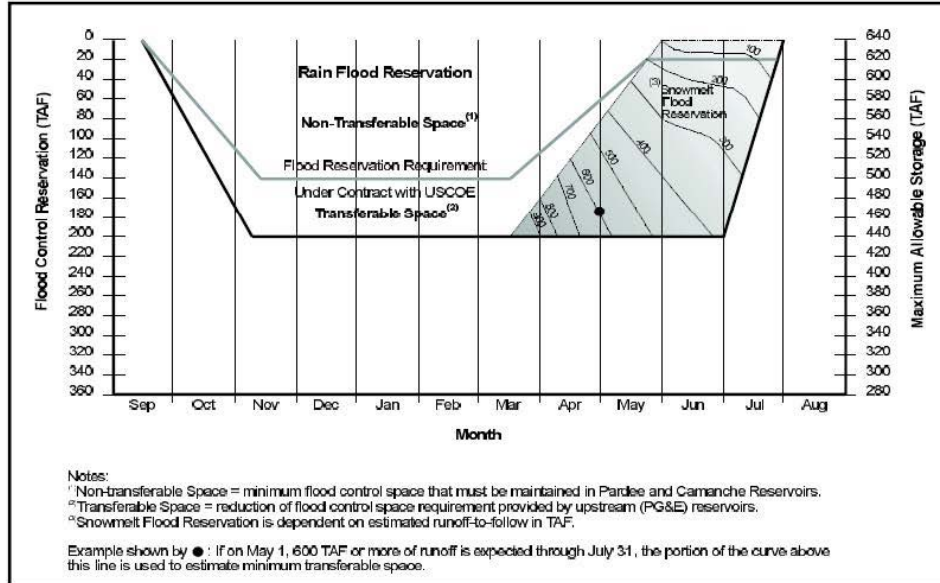
Figure 3. Water Releases Committed by EBMUD for Fish in Addition to All Other Release



(Source: EBMUD Exhibit No. 10. in 1998 State Water Resources Control Board Bay-Delta Water Rights Hearing)

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Figure 4. Flood Control Requirements Rule Curves



Source: US Corps of Engineers Water Control Manual for Camanche Dam and Reservoir, September 1981

Agenda Item

DATE: March 27, 2019

TO: Michael Minkler, General Manager

FROM: Peter Martin, Manager of Water Resources

SUBJECT: Calaveras Healthy Impact Product Solutions Grant: South Fork Mokelumne River Watershed Restoration Phase 4 Planning Project – CEQA Analysis

RECOMMENDED ACTION:

Motion: _____ / _____ by Minute Entry to authorize the General Manager to grant access to Calaveras Healthy Impact Product Solutions (CHIPS) and their contractors, with indemnification assurances, to access the CCWD West Point and Wilseyville Wastewater Treatment Plants properties for the purposes of initial studies in support of California Environmental Quality Act (CEQA) analysis to eventually implement a fuel thinning project.

SUMMARY:

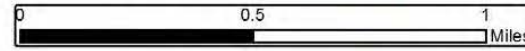
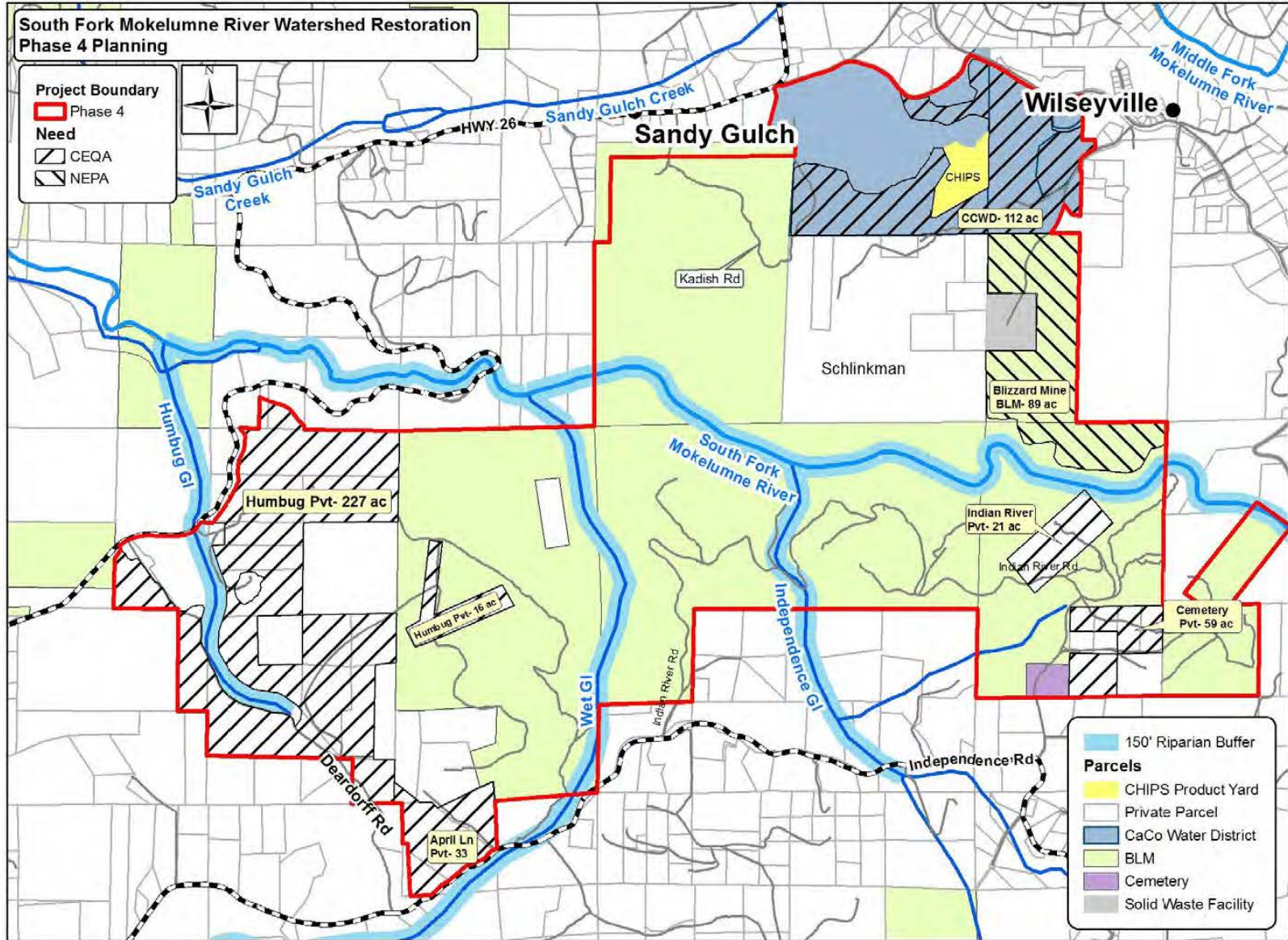
CHIPS was recently awarded a planning grant from the Proposition 1 & Proposition 68 Grant Program implemented by the Sierra Nevada Conservancy for an additional phase of a fuels management project in the South Fork Mokelumne River Watershed of Calaveras County near Sandy Gulch that was first initiated in 2016. The purpose of this phase of the project application is to eventually expand the project footprint by restoring an additional 557 acres of overstocked coniferous forest that is choked with brush and dead trees, increasing the total area of managed landscape to 1,469 acres. This project will deliver a CEQA analysis on parcels owned by private parties and three parcels owned by CCWD (see attached map).

The CCWD Board of Directors is being asked to allow CHIPS staff and their contractor access to the parcels in order to complete their initial studies and CEQA analysis as part of the grant-funded project. No physical efforts to thin the forested area of these parcels will be completed as part of this phase of the project. As the eventual proposed project outcome from these planning studies will protect our critical facilities and the community, this project has serious merit. Staff recommends that the Board give direction to the General Manager to grant permission for the contractor to complete this work, with the caveat that the District must be indemnified from risk or “held harmless” from any liabilities that may arise from granting property access to CHIPS staff or their contractors. Should the Board agree to granting of access for this effort, the CEQA studies would be scheduled for late 2019 and extending into early 2020.

FINANCIAL CONSIDERATIONS:

None.

Attachments: South Fork Mokelumne River Watershed Restoration Phase 4 Planning Grant Project Map



Agenda Item

DATE: March 27, 2019
TO: Michael Minkler, General Manager
FROM: Joel Metzger, Manager of External Affairs, Conservation and Grants
SUBJECT: Information Regarding the March 19 Copperopolis Town Hall Meeting

RECOMMENDED ACTION:

Information only.

SUMMARY:

The Calaveras County Water District held a town hall meeting in Copperopolis on Tuesday March 19 to seek community input on an upcoming construction project to improve the District's sewer system around Lake Tulloch. The project is currently in the planning/design phase, which is expected to be complete by the end of 2019 with construction slated for spring 2020.

About 35 people attended the meeting at Black Creek Hall. The District's planning/design consultant, Lee & Ro, Inc., presented an overview of the project (attached), discussed community impacts and worked with CCWD staff to answer questions from attendees.

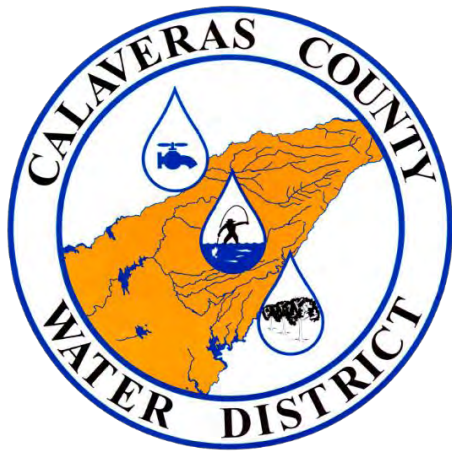
PROJECT OVERVIEW:

The project will eliminate a 6-inch sewer pipeline that currently runs under a portion of Lake Tulloch and construct a new pipeline that runs 5,200 feet along O'Byrnes Ferry Road and Connor Estates Drive. The new pipeline will redirect sewer flows away from pump stations adjacent to Lake Tulloch, which will reduce the chances of spills occurring near the water. The project also includes the renovation of four sewer pump stations (two in Poker Flat and two in Copper Cove Subdivision), which will increase operational efficiency and reduce the potential risk of operational hazards to staff members. A preliminary cost estimate expects the project to cost \$5.25 million, which will be funded by the District's Sewer Capital Renovation and Replacement Fund.

FINANCIAL CONSIDERATIONS:

None at this time.

Attachments: Copperopolis Town Hall Meeting Presentation



Town Hall Meeting

March 19, 2019

Black Creek Hall
920 Black Creek Dr,
Copperopolis, CA

Draft Preliminary Design Report

Lift Station 12 & 13 Force Main Bypass
and Lift Station 6, 8, 15 & 18 Renovations
CIP #15076 / #15080



December 2018

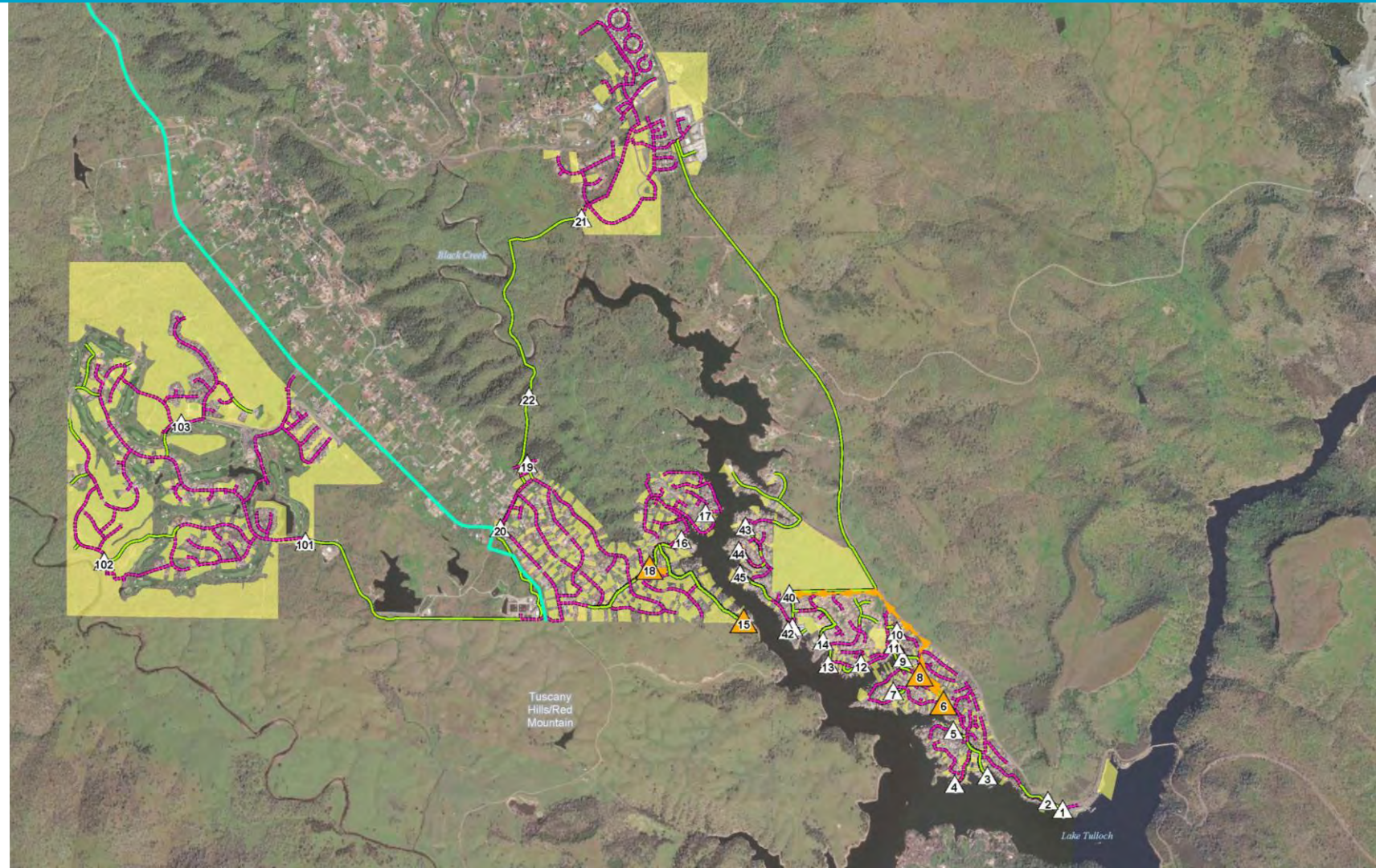
Submitted By
LEE & RO, Inc.

Topics of Discussion

- Introduction
- Service Area & Collection System
- Project Need, Overview & Benefits
- Existing Assets & Examples of New Components
- Potential Impacts, Schedule & Next Steps
- Opportunities for Public Input
- Comments, Questions, Answers & Discussion
- Open House (Tables)

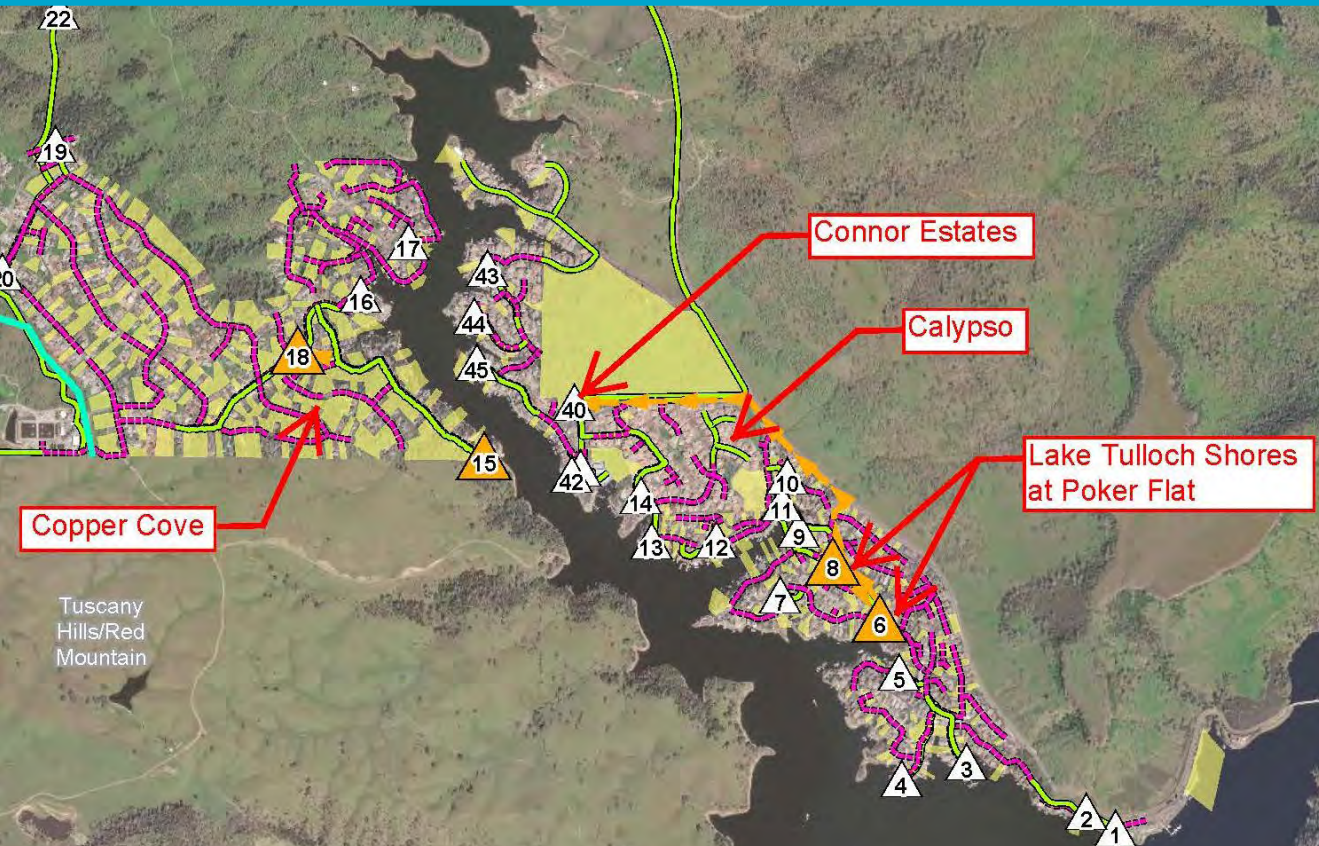


Service Area & Collection System



Project Need

Collection Systems Improvements Needed to:



- Address aging infrastructure
- Reduce risks
- Improve reliability & update to today's standards
- Safer & easier to access, maintain & operate
 1. Rehabilitate Pump Stations 6, 8, 15, & 18
 2. 2 New Pipelines

Project Overview

West Side of Lake Tulloch (Existing)



Project Overview

West Side of Lake Tulloch (Future)



CONNOR ESTATES DR

O'BYRNES FERRY RD

O'BYRNES FERRY ROAD PIPELINE

POKER FLAT RD

JIMMY WAY

BRET HARTE DR

40

13

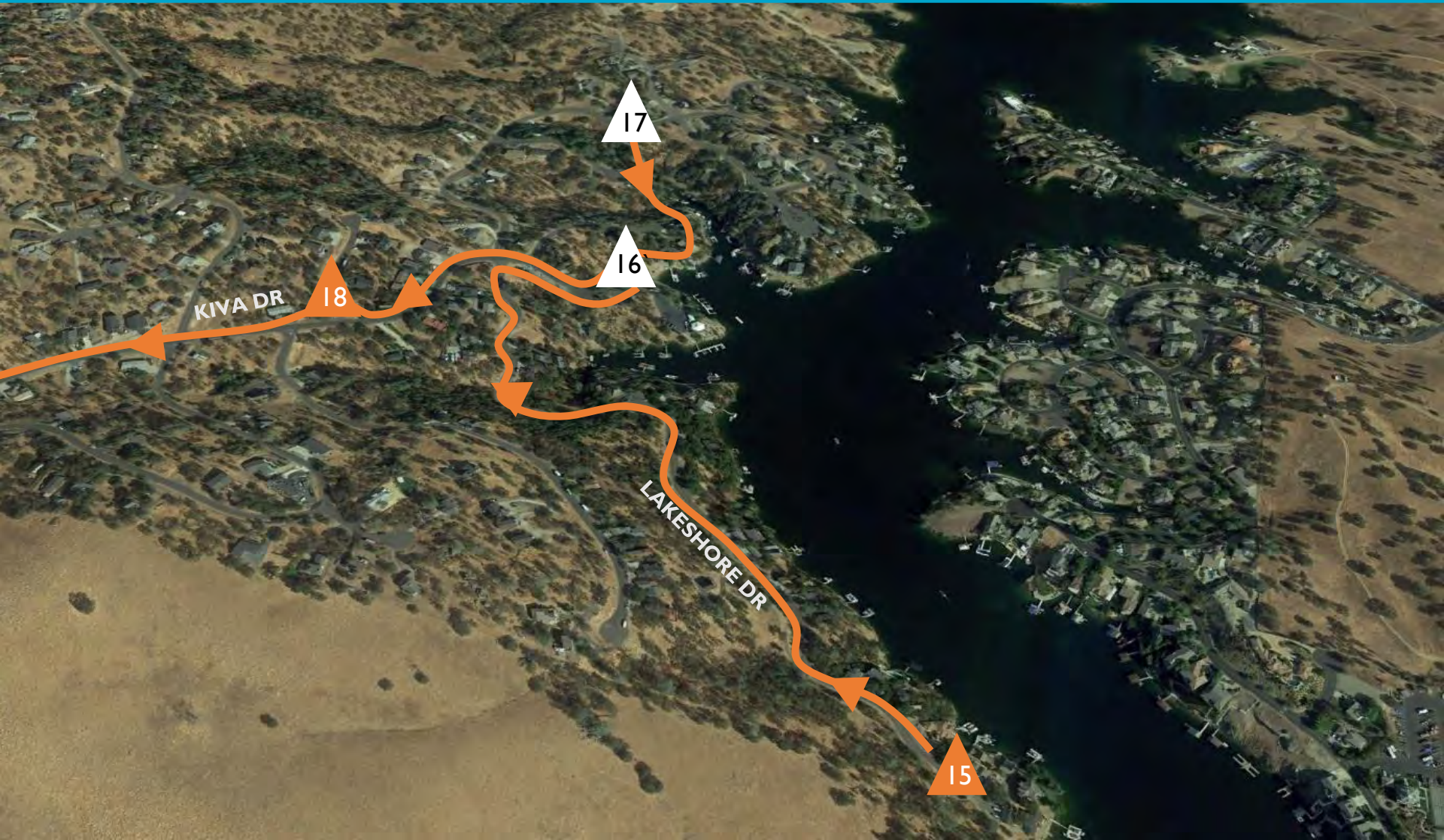
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6

Project Overview

East Side of Lake Tulloch (Existing)



Project Overview

East Side of Lake Tulloch (Future)

ROUTE FLOW
DIRECTLY TO PUMP
STATION 18



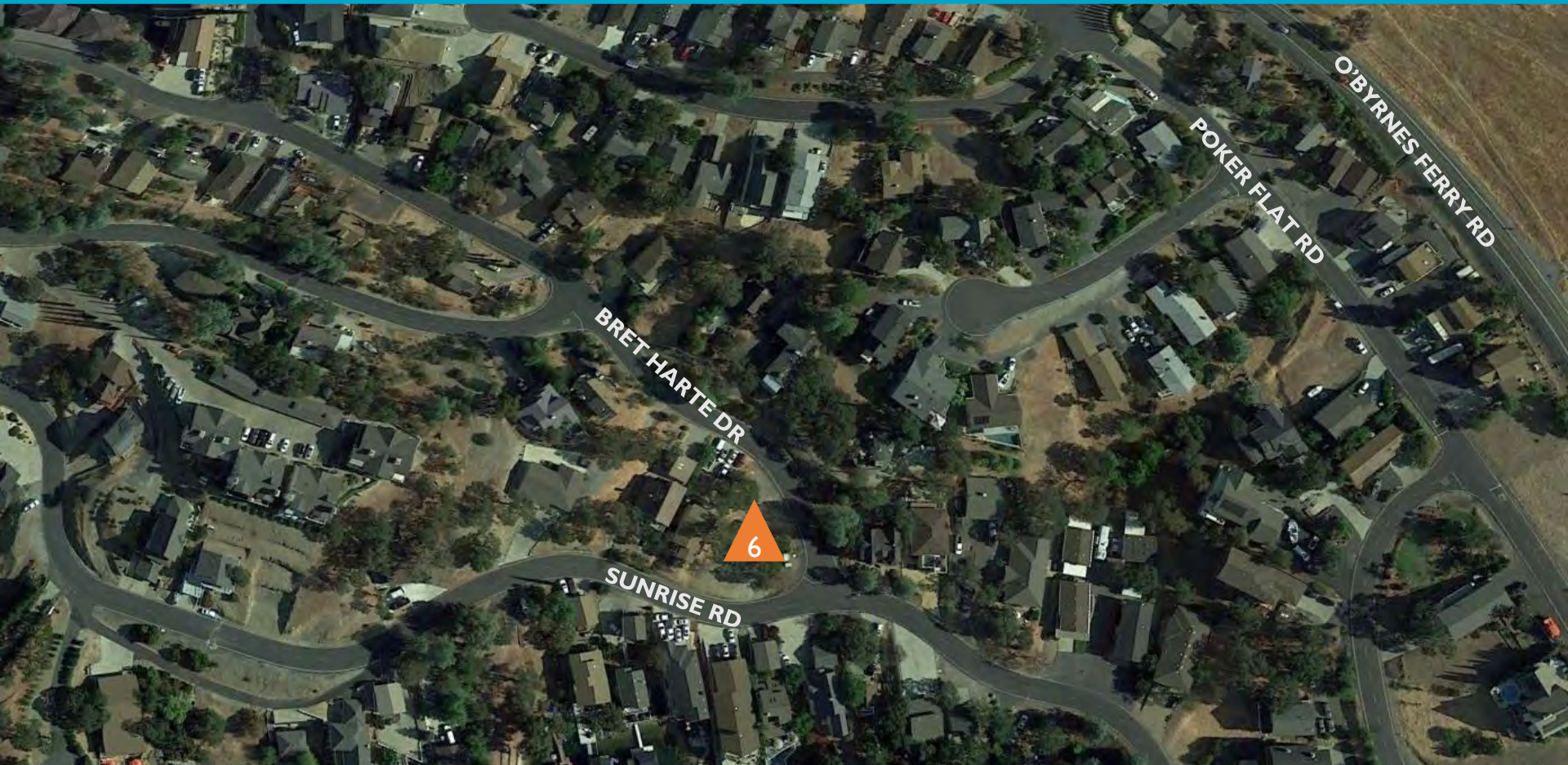
Project Benefits

- Eliminate subsurface pipeline
- Move flows away from stations closest to the lake
- Improve reliability & safety
- Update, easier to access, maintain and operate



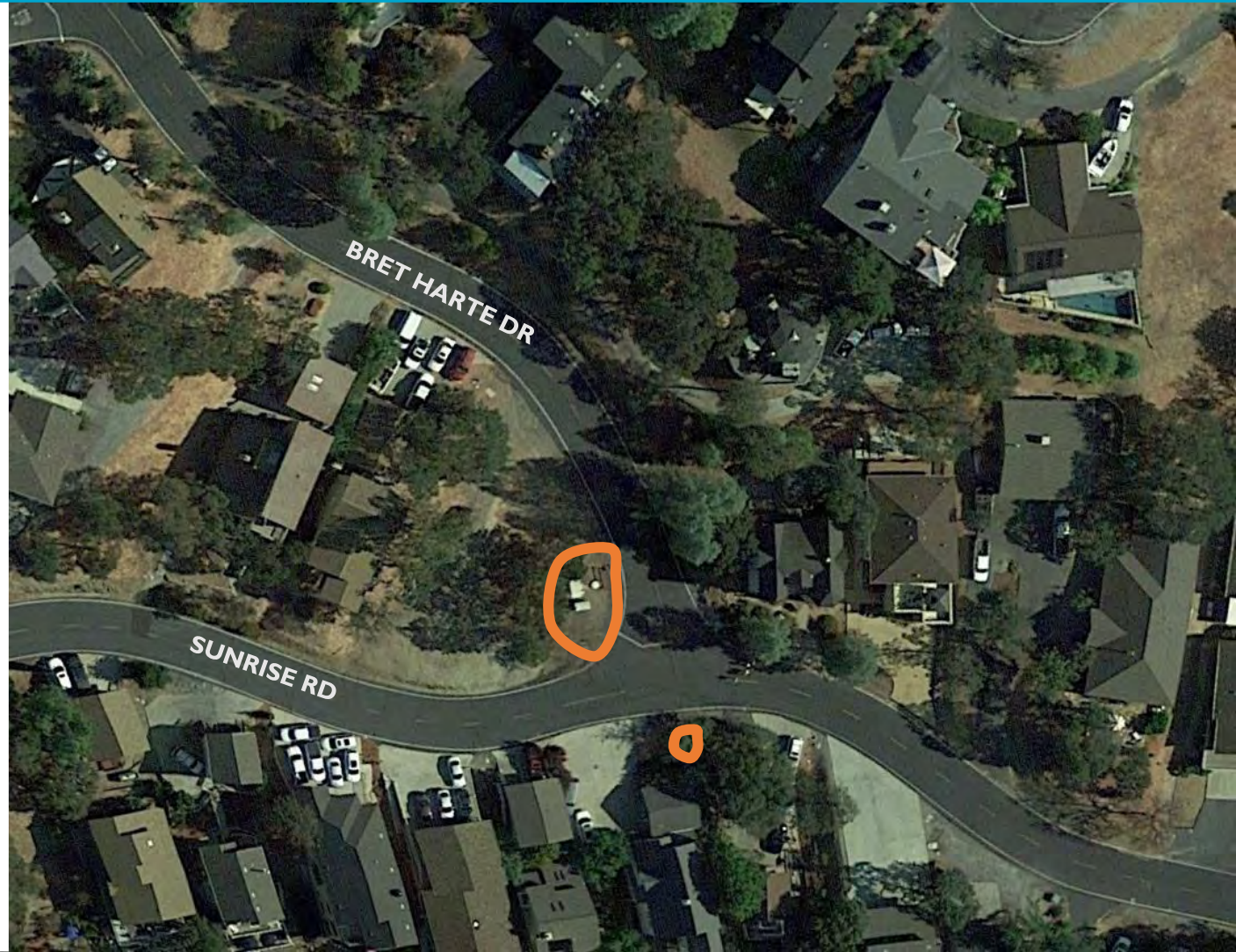
Pump Station 6

477 Bret Harte Dr; Sunrise Rd & Bret Harte Dr
Community: Lake Tulloch Shores at Poker Flats



Pump Station 6

477 Bret Harte Dr; Sunrise Rd & Bret Harte Dr
Community: Lake Tulloch Shores at Poker Flats



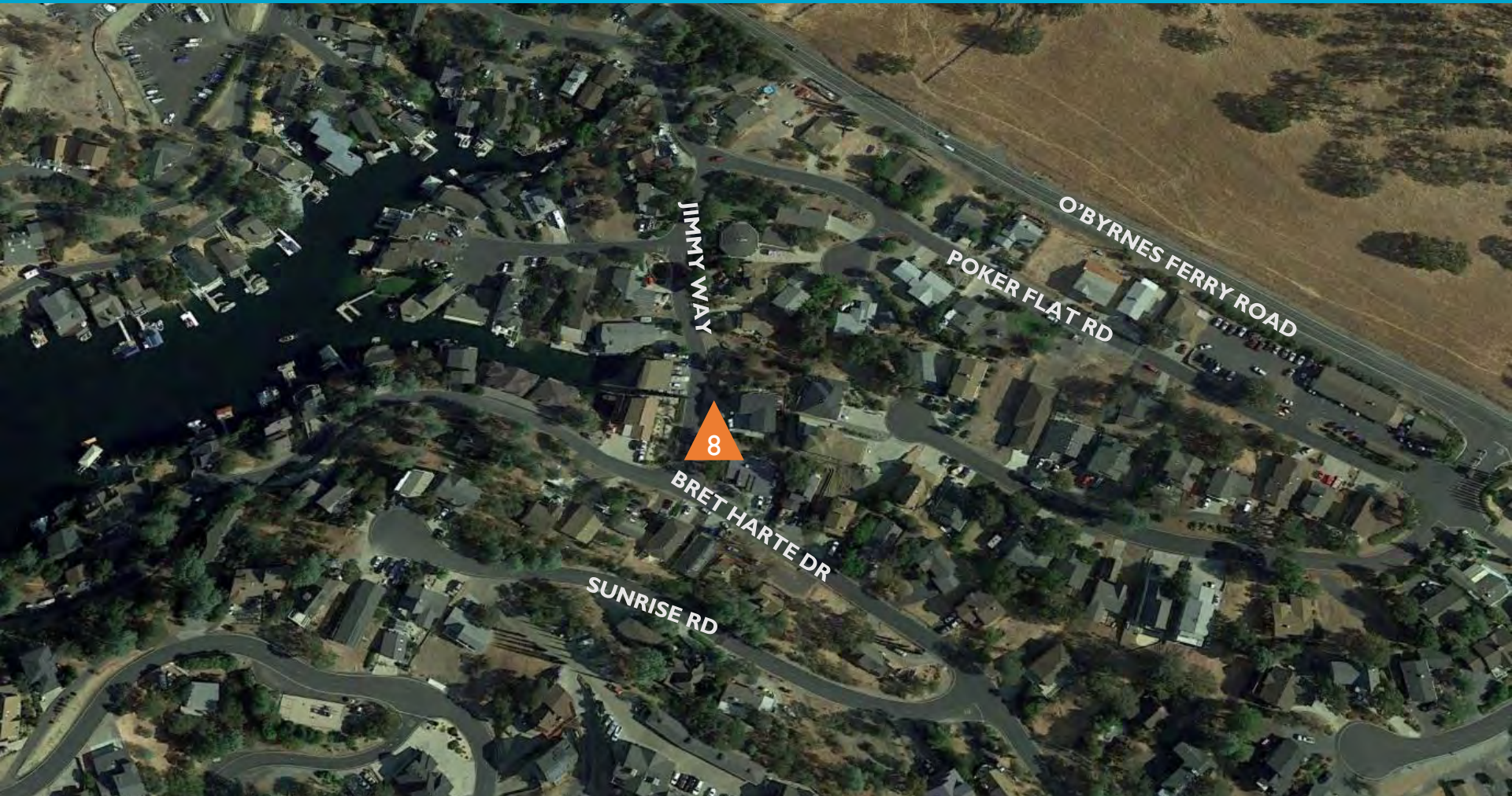
Pump Station 6

477 Bret Harte Dr; Sunrise Rd & Bret Harte Dr
Community: Lake Tulloch Shores at Poker Flats



Pump Station 8

608 Bret Harte Drive; Jimmy Way & Bret Harte Drive
Community: Lake Tulloch Shores at Poker Flats



Pump Station 8

608 Bret Harte Drive; Jimmy Way & Bret Harte Drive
Community: Lake Tulloch Shores at Poker Flats



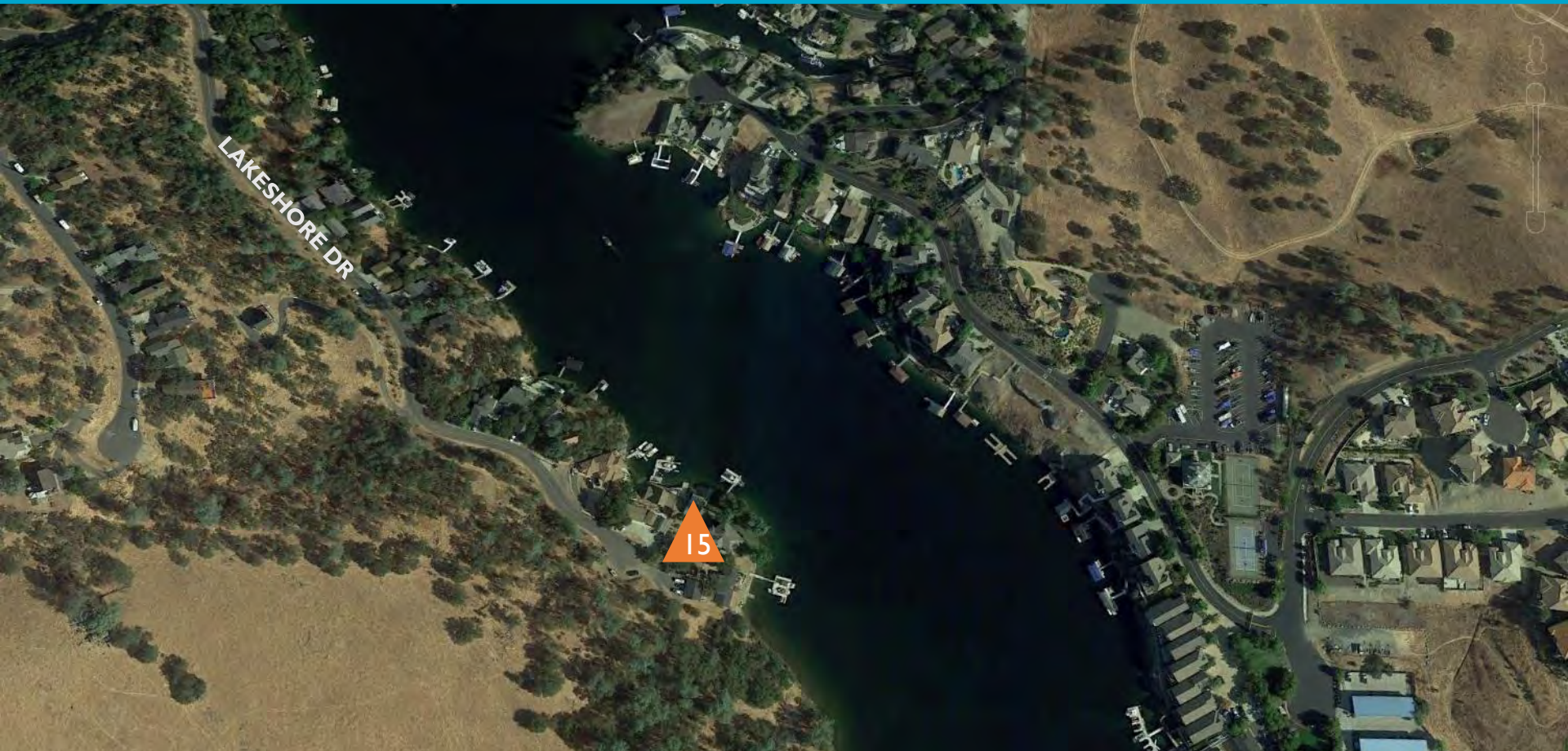
Pump Station 8

608 Bret Harte Drive; Jimmy Way & Bret Harte Drive
Community: Lake Tulloch Shores at Poker Flats



Pump Station 15

5105 Lakeshore Dr; End of Lakeshore Dr
Community: Copper Cove



Pump Station 15

5105 Lakeshore Dr; End of Lakeshore Dr
Community: Copper Cove



Pump Station 15

5105 Lakeshore Dr; End of Lakeshore Dr
Community: Copper Cove



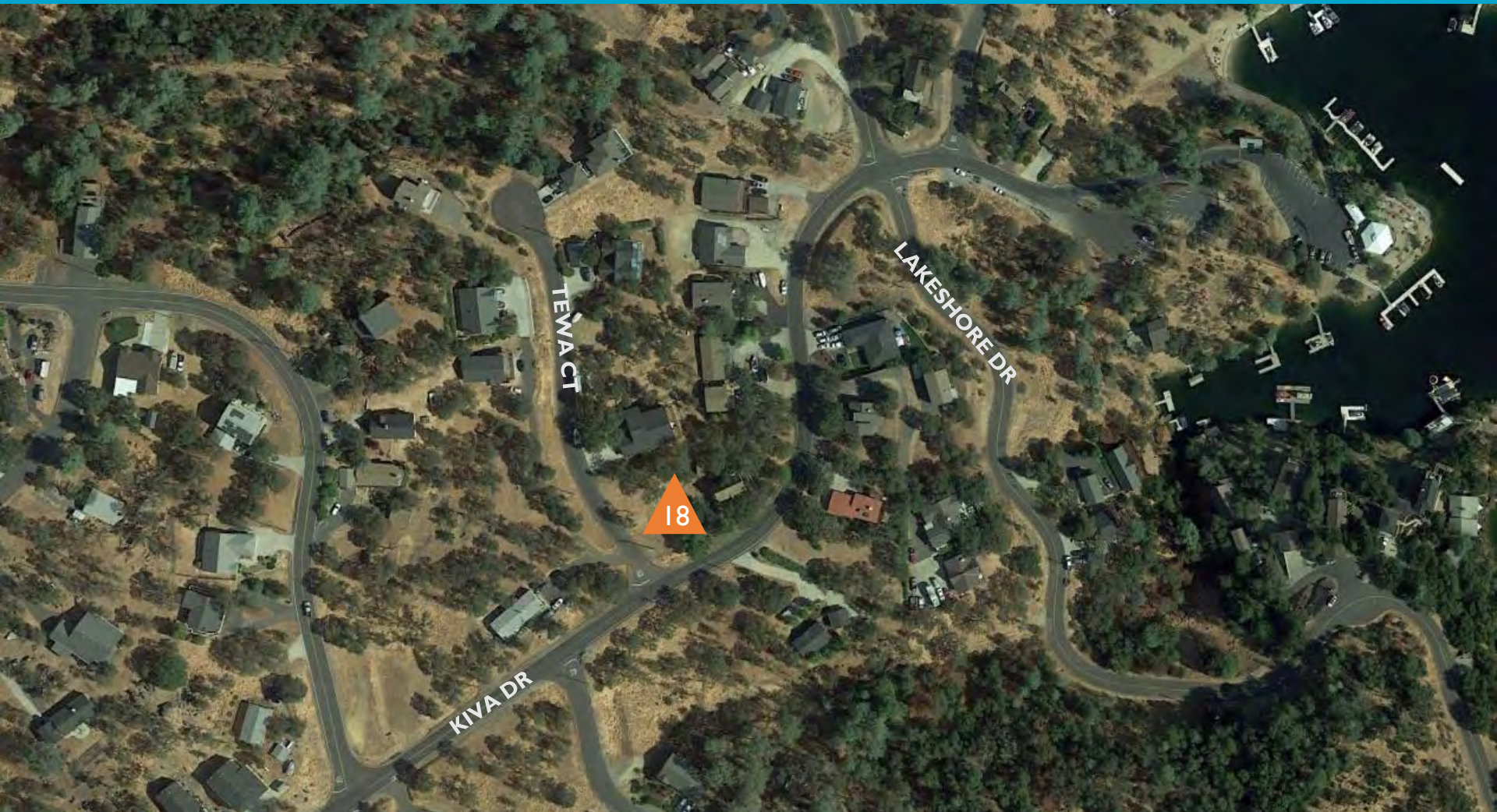
Pump Station 15

5105 Lakeshore Dr; End of Lakeshore Dr
Community: Copper Cove



Pump Station 18

4698 Kiva Dr; corner of Tewa Ct & Kiva Dr
Community: Copper Cove



Pump Station 18

4698 Kiva Dr; corner of Tewa Ct & Kiva Dr
Community: Copper Cove

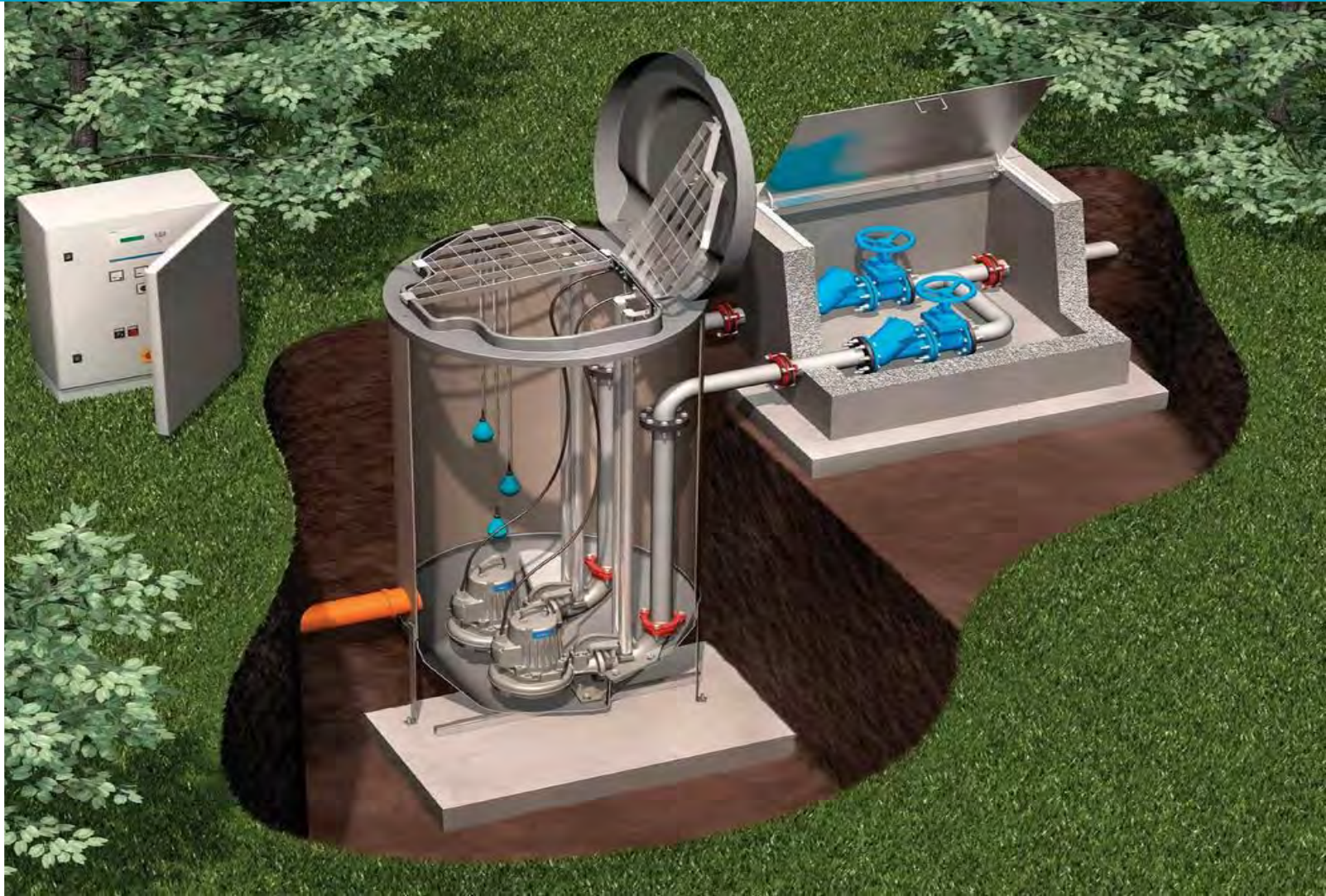


Pump Station 18

4698 Kiva Dr; corner of Tewa Ct & Kiva Dr
Community: Copper Cove



Examples of New Pump Station Components



Examples of New Pump Station Components



Examples of New Pump Station Components



Examples of New Pump Station Components



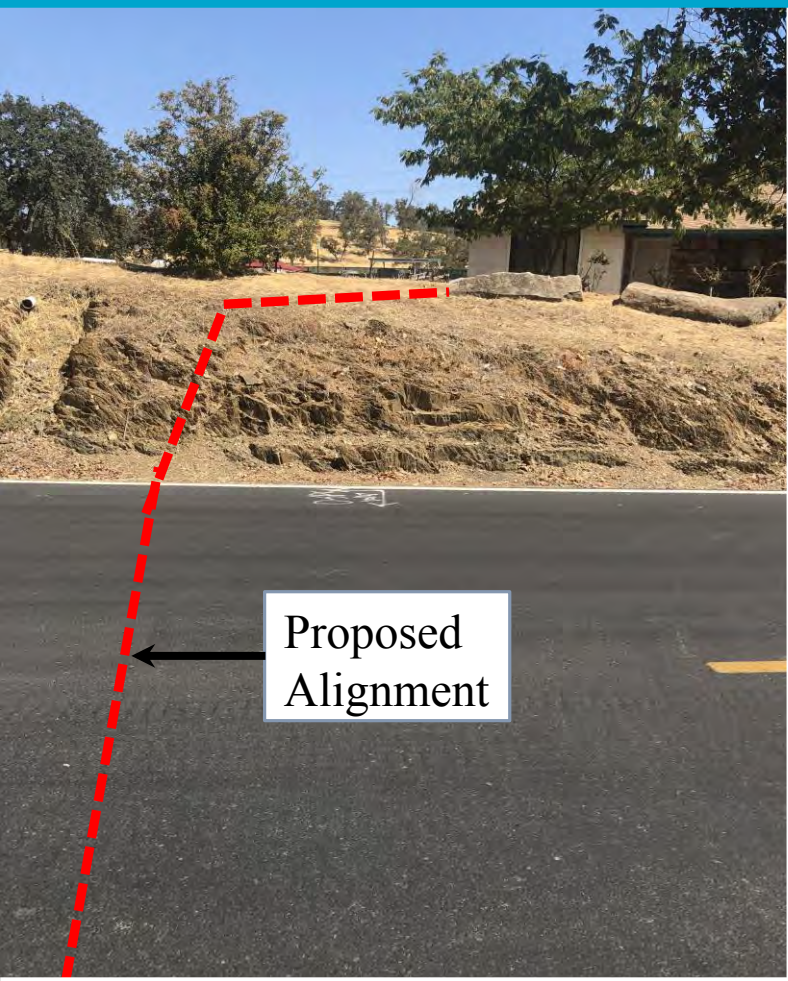
O'Byrnes Ferry Road Pipeline

Community: Lake Tulloch Shores at Poker Flats



O'Byrnes Ferry Road Pipeline (continued)

Community: Lake Tulloch Shores at Poker Flats



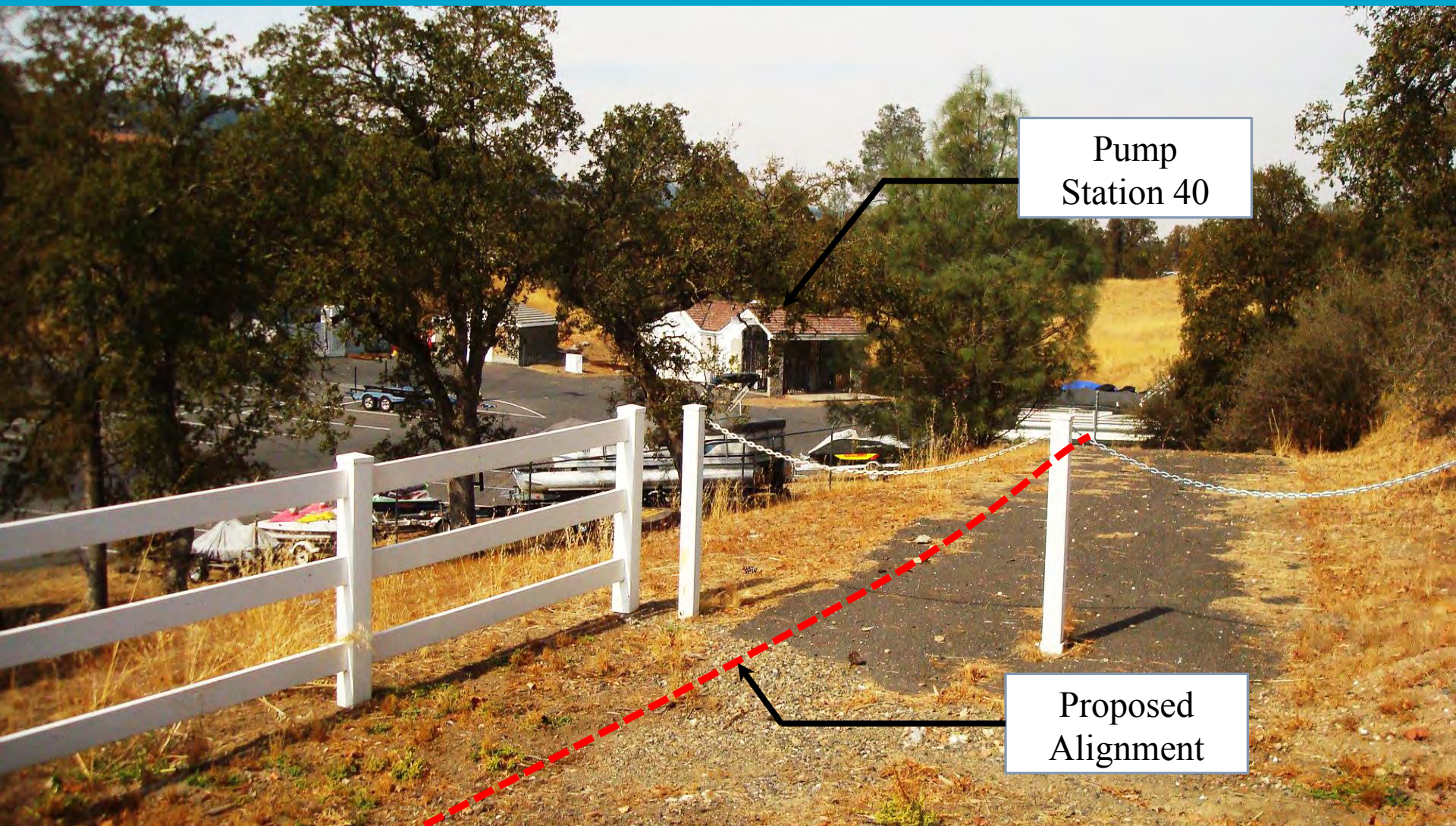
O'Byrnes Ferry Road Pipeline (continued)

Community: County Road



O'Byrnes Ferry Road Pipeline (continued)

Community: Conner Estates



Pump Station 40

Proposed Alignment

Proposed Construction Timeline

Start Construction	Spring 2020
Pump Stations 6, 8 & Pipelines	Spring 2020 – Fall 2020
Pump Stations 15 & 18	Spring 2021 – Fall 2021
Completion	Fall 2021

Preliminary. Subject to change

Potential Impacts & Features to Minimize Impacts

POTENTIAL IMPACTS	EXAMPLES OF FEATURES DESIGNED TO MINIMIZE IMPACTS
Noise	<ul style="list-style-type: none">- Limited to 7 am to 6 pm M-F; public notified if variation needed
Traffic & Access	<ul style="list-style-type: none">- Limit open-trench excavation length- Trench plates provided when/if residential access needed
Operations	<ul style="list-style-type: none">- Bypass pumping to eliminate service interruptions and facilitate construction on small sites
Aesthetics	<ul style="list-style-type: none">- Consolidate equipment, locate underground where possible- In-kind replacement PS 6 and 8- HOA- and Resident-specific Meetings

Project Schedule

PHASE	TIMELINE
Preliminary Design	Spring 2019
Environmental Review (CEQA)	Summer 2019
Detailed Design (Plans & Specifications)	Fall 2019
Bidding & Construction Contractor Selection	Winter 2020

Preliminary. Subject to change

Opportunities for Public Input

1. Notes being taken tonight
2. Joel Metzger attending HOA/POA Board Meetings for impacted communities this spring
3. Written comments accepted during CEQA process; start within next 2-3 months

CCWD to post project-specific information here:

<https://ccwd.org/category/wastewater-capital-improvements/>

Submit comments:

Joel Metzger, CCWD Manager of External Affairs

Email: joelm@ccwd.org

Mail: P.O. Box 846, San Andreas, CA 95429

Drop Off: 120 Toma Court, San Andreas

Questions or Concerns: (209) 754-3123 or joelm@ccwd.org

Comments, Questions, Answers & Discussion



Agenda Item

DATE: March 27, 2019

TO: Michael Minkler, General Manager

FROM: Jeffrey Meyer, Director of Administrative Services

SUBJECT: Discussion/Action Adopting District's Financial Management Policy –
No. 5.02, Purchasing Policy

RECOMMENDED ACTION:

Motion _____/_____ adopting Resolution No. 2019 - ____ regarding Adopting District's Financial Management Policy No. 5.02, Purchasing Policy.

SUMMARY:

The audit of the District's Federal Awards includes a report on compliance for each major federally funded program. The report identified a deficiency in regards to the District's Purchasing Policy. Specifically, the findings stated that the District's Purchasing Policy does not include a reference to the procurement requirements in the Title 2 U.S. Code of Federal regulations (CFR) Section 200.318 (Uniform Code).

Accordingly, staff prepared an updated Financial Management Policy No. 5.02, Purchasing Policy that includes these procurement requirements, as well as other ministerial updates. The draft Purchasing Policy (attached) was presented to the Finance Committee on March 19, 2019. At the meeting the Finance Committee reviewed the proposed changes, provided comments, and recommended that staff request the Board rescind the current Financial Management Policy No. 5.02 and adopt the proposed Financial Management Policy No. 5.02, Purchasing Policy.

FINANCIAL CONSIDERATIONS:

None at this time.

*Attachment: Resolution 2019 - Adopting District Financial Management Policy No. 5.02 – Purchasing Policy
- Proposed Financial Management Policies No. 5.02, Purchasing Policy*

RESOLUTION 2019 -

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CALAVERAS COUNTY WATER DISTRICT**

**ADOPTING DISTRICT FINANCIAL MANAGEMENT
POLICY NO. 5.02 – PURCHASING POLICY**

WHEREAS, the Board of Directors of the CALAVERAS COUNTY WATER DISTRICT adopted a Purchasing on January 12, 2005, which policy has been amended in part or in its entirety since that time, and

WHEREAS, the Board most recently amended Financial Management Policy No. 5.02 – Purchasing Policy by Resolution No. 2014-49 on April 9, 2008; and

WHEREAS, the Board of Directors is required to review and amend as appropriate the District's Purchasing Policy; and

WHEREAS, a recent single audit recommended adding language for that contracts funded with federal awards be compliant with Title 2 U.S. Code of Federal Regulation (CFR) Section 200.318 Uniform Guidance - General Procurement Standards.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the CALAVERAS COUNTY WATER DISTRICT does hereby rescind in its entirety Financial Management Policy No. 5.02 Purchasing Policy adopted by Resolution 2014-49, and any and all prior policies or amendments thereto.

BE IT FURTHER RESOLVED that the Board of Directors does hereby adopt the District's Financial Management Policy No. 5.02 – Purchasing Policy, attached hereto and made a part hereof, to be effective immediately.

PASSED AND ADOPTED this 27th day of March, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CALAVERAS COUNTY WATER DISTRICT

Russ Thomas
President, Board of Directors

ATTEST:

Rebecca Hitchcock, Clerk to the Board

5.02.01 Purpose

The purpose of ~~this~~ the Purchasing Policy (“P-policy”) is to provide the Calaveras County Water District (“District”) with a means of assuring continuity and uniformity in its purchasing operation, and to define the responsibilities for purchasing supplies, services and equipment for the Water-District. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of District resources, including keeping within the budget authorized by the Board of Directors.

5.02.02 Policy

The policy outlined herein is to be adhered to by all personnel when procuring supplies, services and equipment. This Policy strives to define decision making with prudent review and internal control procedures and to maintain departmental responsibility and flexibility in evaluating, selecting, and purchasing supplies, equipment and services.

5.02.03 Unauthorized Purchases

Except for emergencies, departmental purchases, or other authorized exemptions stated in these guidelines, no purchase of supplies, services, or equipment shall be made without an authorized purchase order. Otherwise:

- A. Such purchases are void and not considered an obligation of the Water-District.
- B. Invoices without an authorized purchase order may be returned to the vendor unpaid.
- C. The person ordering the unauthorized purchase may be held personally liable for the costs of the purchase or contract.
- D. Purchases over budget are prohibited with the exception of emergencies. [See Section 8(E).]

Purchase orders shall be issued prior to ordering supplies, equipment and services and not “after the fact.”

5.02.04 Vendor Relations

It is to the District’s advantage to promote and maintain good relations with vendors. District staff shall conduct their dealings with vendors in a professional manner and shall promote equal opportunity and demonstrate fairness, integrity, and courtesy in all vendor relations.

No employee participating in the purchasing process shall:

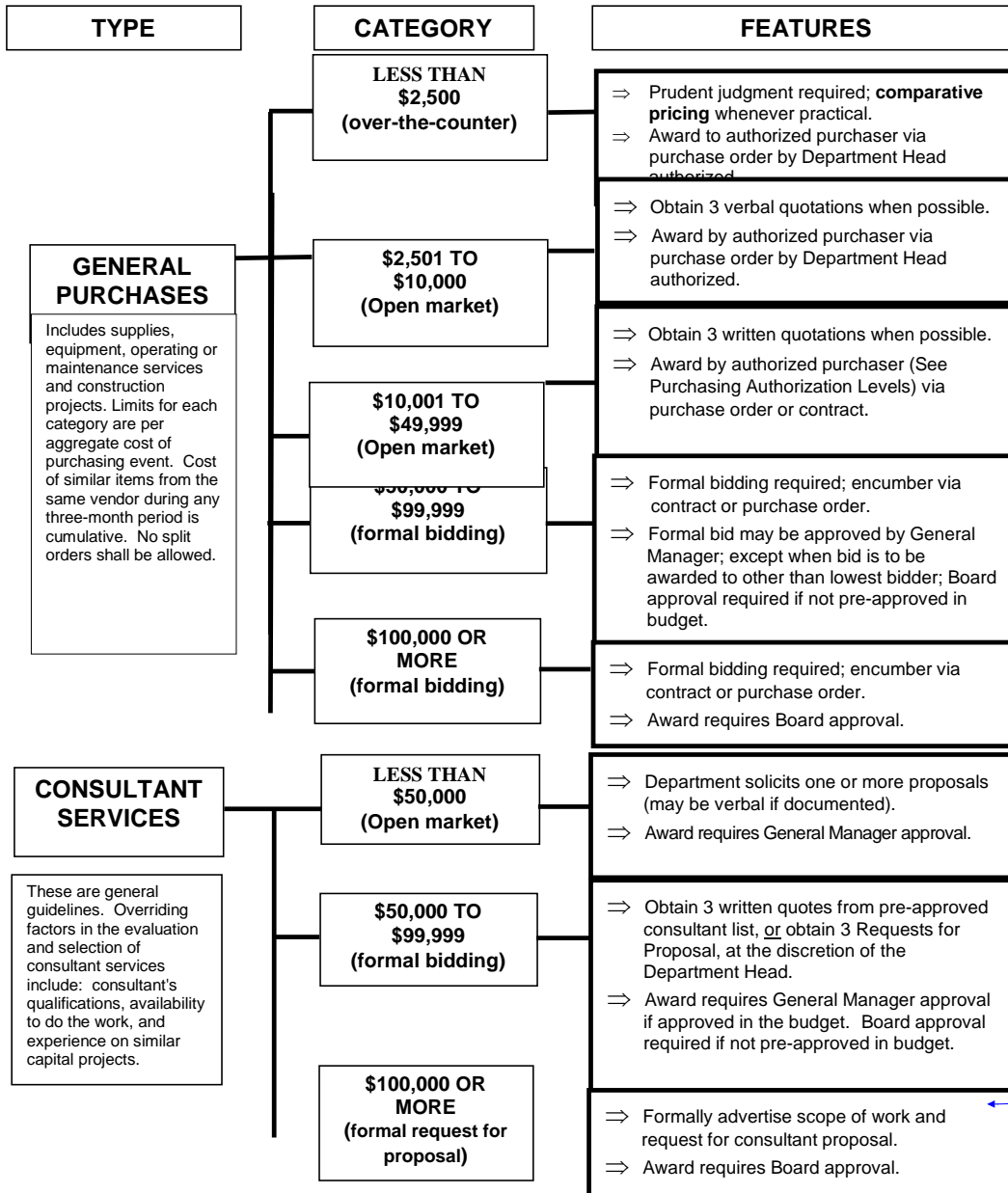
- A. Accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.
- B. Grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance.

Policy Title: Purchasing Policy
Policy Number: Financial Management Policy 5.02

Adopted 01/12/05
Current Revised 04/09/08 (Res. 2014-49)
See Cover Page for Prior Policy Revision Dates

When feasible to do so, vendors within the County service area should be utilized for supplies, services and equipment.

PURCHASING SYSTEM OVERVIEW



Formatted: No widow/orphan control

5.02.05 Responsibilities of the Authorized Purchaser

An authorized purchaser is responsible for 1) the procurement of general supplies, services and equipment; and 2) the administration of the purchasing policy. To perform these functions efficiently, the authorized purchaser shall:

- A. Be charged with the responsibility and authority for coordinating and managing the procurement of the District's general supplies, services and equipment from the lowest responsive and responsible bidder when required by this policy.
- B. Ensure full and open competition on all purchases as required by this policy.
- C. Identify, evaluate and utilize purchasing methods which best meet the needs of the District (i.e. blanket purchase orders, contractual agreements, etc.).
- D. Coordinate vendor relations, locate sources of supply, and evaluate vendor performance.
- E. Recommend revisions to purchasing procedures when necessary and keep informed of current developments in the field of public purchasing.

5.02.06 Responsibilities of Department Heads

Each Department Head is responsible for the following:

- A. To provide the Finance Department, ~~upon request~~, a current list of positions delegated the authority to make purchases per the policies and procedures as described herein.
- B. To anticipate requirements sufficiently in advance to allow adequate time to obtain goods and/or services in accordance with the best purchasing practices.
- C. To communicate and coordinate purchases with the Finance Department and such other departments, as necessary.
- D. To provide detailed, accurate specifications to ensure goods and services obtained are consistent with requirements and expectations.
- E. To prepare purchase orders in accordance with instructions, including documentation of the bid process, so as to minimize the processing effort and to establish an audit trail.
- F. To inform the Finance Department of any vendor relations problems, shipping problems (i.e., damaged goods, late delivery, wrong items delivered, incorrect quantity delivered, etc.) and any situations which could affect the purchasing function.
- G. To minimize emergency and sole source purchases in accordance with this ~~p~~Policy, and to provide written documentation when such purchases may be necessary.
- H. To review all bids received for compliance with specifications, and provide the Finance Department with written documentation regarding their findings.
- I. To notify vendors of purchase awards.

- J. To not “split” orders for the purpose of avoiding procurement requirements. See Definitions.
- K. To require that an individual other than purchaser of the product verify receipt of purchased goods. Receipt of such goods shall be evidenced on a copy of the Purchase Order or a receiving form, referred to as receiving documentation throughout this section. Authorization of receiving documentation without actual verification of product’s receipt and proper condition is strictly prohibited. The receiving employee must sign the receiving documentation. Bills of lading and shipping documents that are included with the products shall be attached to the evidence of receipt and forwarded to the Accounts Payable Department.

5.02.07 Responsibilities of the Finance Department

- A. The Director of Administrative Services is responsible for administering the internal financial policies and procedures of the District and to provide a supportive role in assuring budget accountability. In addition, the Director of Administrative Services and authorized employees in the Finance Department have an obligation to look for "loose ends" and make sure that all pieces of a transaction come together and make sense; this is called a "reasonableness review." Authorized Finance Department personnel, therefore, shall do the following:
 - 1. Review the Purchase Order for completeness.
 - 2. Assign the vendor number if it is not already on the form.
 - 3. Determine that the appropriate approvals are included.
 - 4. Determine that the account and project numbers charged are appropriate for the item being acquired.
 - 5. Review for availability of funds or determine that the Request for Budget Appropriation Transfer has been completed.
 - 6. Verify invoices for payment, including the following:
 - Comparison of quantities billed on the invoice with quantities listed on the Purchase Order and shown on receiving documents.
 - Comparison of prices, discounts, and terms with those specified on the Purchase Order.
 - Proof of clerical accuracy of the invoice with respect to extensions, footings, and deduction of discounts
- B. If the Purchase Order has missing, or what appears to be incorrect, information, authorized Finance Department personnel shall use their best judgment in handling the problem in accordance with these guidelines:
 - 1. If there is a minor problem, such as an incomplete or misspelled name, address, telephone number, etc., the appropriate department personnel will be contacted.
 - 2. If the required bids or approvals have not been obtained, the Purchase Order is returned to the initiator with an explanation of the problem and suggested corrective action.
 - 3. If the account number appears to be incorrect, the authorized Finance Department personnel will, depending on the amount of the purchase, either correct the account number and notify

the initiator or return the Purchase Order to the initiator with a request for clarification.

4. If budgeted funds are not available and the Request for Budget Appropriation Transfer has not been completed, the appropriate department personnel will be contacted.

5.02.08 Purchasing Methods - General Purchase Items

- A. Purchasing dollar limits are “per order.” This Policy specifically prohibits splitting an order to circumvent the specified dollar limits. Departments shall contact an authorized purchaser (see Exhibit A) to coordinate volume bids or repetitive requirements (i.e., the frequent purchase of items such as chemicals, paper goods, office supplies, etc.).

1. Purchases of Less than \$2,500 – Over-the-Counter

Comparative pricing is not required but shall be used when practical. Prudent judgment shall be used at all times. All departments may purchase supplies, equipment, and services, of less than \$2,500 without competitive bidding. A Purchase Order authorized by the department head will be required unless exempted under this policy (see section 8F).

2. Purchases Between \$2,501 and \$10,000 – Open Market

Purchases between \$2,501 and \$10,000 by authorized purchaser (see Exhibit A). All departments shall obtain three (3) verbal competitive quotations whenever possible for purchases. The department shall submit a Purchase Order, authorized by the department head or designee, which includes the recommended vendor, with all supporting documentation to the Finance Department. Supporting documentation shall include competitive price quotes obtained, names of vendors contacted, and a description of the items required.

3. Purchases Between \$10,001 and \$49,999 – Open Market

Purchases between \$10,001 and \$49,999 by authorized purchaser (see Exhibit A). Staff shall not award purchase orders for \$10,001 - \$49,999 without the approval of the Authorized Purchaser, except in the event of an emergency (see section 8E) or other exception herein. All departments shall obtain three (3) written competitive quotations whenever possible for purchases. The department shall submit a Purchase Order, authorized by the department head, which includes the recommended vendor, with all supporting documentation to the Finance Department. Supporting documentation shall include competitive price quotes obtained, names of vendors contacted, description of the items required, and such other supporting information as may be required by the General Manager.

4. Purchases Between \$50,000 and \$99,999 – Formal Bid

Purchases that exceed \$50,000 require a Formal Bid Process except in the event of an emergency (See Section 8E) or other exception herein. Formal bids shall be approved by the General Manager if pre-approved by adopted budget. If a bid is recommended to be awarded to other than the lowest bidder, or the expenditure has not been pre-approved by adopted budget, then Board approval shall be required.

5. Purchases of \$100,000 or More – Formal Bid

Purchases that exceed \$100,000 require a Formal Bid Process except in the event of an emergency (See Section 8E) or other exception herein. All formal bids over \$100,000 shall be approved by the Board.

B. Open (Blanket) Purchase Orders

A Blanket Purchase Order is an agreement whereby the District contracts with a vendor to provide equipment or supplies on an as-needed and often over-the-counter basis. Blanket Purchase Orders provide a mechanism whereby items which are uneconomical to stock may be purchased in a manner that allows timely access to necessary materials. Blanket Purchase Orders shall not be used to purchase services, capital assets or items maintained in stock.

The authorized purchaser shall request confirmation of Blanket Purchase Orders annually, before the beginning of the fiscal year. Requests for Blanket Purchase Orders may also be submitted to the Finance Department on an as-needed basis. The Finance Department shall review Blanket Purchase Order requests based upon the following criteria:

- Geographic location.
- Responsiveness and capabilities.
- Average dollar value and type of items to be purchased.
- Frequency of need.

All Open (Blanket) Purchase Orders shall include the following information:

- A general description of the equipment or supplies which may be charged.
- The period of time the order will remain open, not to exceed one year.
- The maximum total amount which may be charged on the Blanket Purchase Order.
- The maximum amount which may be charged each time the employee implementing a purchase enters the vendor's place of business.
- Items excluded from the purchase, if applicable.
- Identification of the department(s) and authorized purchaser(s) who may charge against the order.
- Requirement that the employee/purchaser show District identification.
- Requirement that employees/purchasers print and sign their names when picking up goods.
- Account number(s) to be charged.

Once a Blanket Purchase Order is issued to a vendor, any authorized District employee may contact the vendor directly to place orders per terms and conditions specified in the Blanket Purchase Order.

C. Contract Purchase Orders

Contract Purchase Orders are the preferred method of purchasing repetitive-use items or services which may be common to several departments or within one department. Establishing Contract Purchase Orders provides a means of obtaining volume pricing based upon the combined needs of all departments; reduces the administrative costs associated with seeking redundant competitive bids and processing a purchase order each time an order is placed; and

allows departments to order items and services as needed, thus reducing the requirement to maintain large inventories of stock.

If a Contract Purchase Order exists, departments shall order all of their requirements from the successful vendor. No other source shall be used without prior approval of the Director of Administrative Services. Departments shall submit, in writing to the Finance Department, any performance problem encountered immediately following the occurrence so that corrective action may be taken.

Contract Purchase Orders are issued annually with the budget process and may include renewal option for specific products, product types, or services at agreed upon prices or pricing structure and for a specified period of time.

D. Sole Source Purchases

Commodities and services which can be obtained from only one vendor are exempt from competitive bidding. Sole source purchases may also include proprietary items sold directly from the manufacturer; items that have only one locally authorized distributor; or a certain product or vendor that has been proven to be the only acceptable provider. All sole source purchases shall be supported by written documentation signed by the appropriate department head and forwarded to the Finance Department. Final determination that an item is a valid sole source purchase will be made by the General Manager.

E. Emergency Purchases

In the event of an emergency affecting the ability to maintain water or wastewater service to ~~Calaveras County Water~~ District customers or other health/safety concerns that result from damage to District facilities, the General Manager, or designee, shall have the authority to make any purchases necessary to restore service to customers or prevent a Public Health & Safety risk to any individual. Bidding requirements and authorization levels as specified in this policy shall be waived for these purchases by authority of the General Manager.

Subject to the Brown Act rules, upon occurrence of the emergency, immediate notification shall be given to members of the Board of Directors through reasonable communication channels. An emergency meeting of the Board of Directors, if necessary, will be held to apprise the Board of the circumstances surrounding the emergency and obtain after-the-fact budget authorization for purchases not previously authorized within the fiscal year budget.

F. Uniform Guidance Requirements

For contracts funded with federal awards containing applicable Federal State and local procurement laws and regulations as noted in Title 2 U.S. Code of Federal Regulation (CFR) Section 200.318, the District must comply with the procurement requirements set forth in the Uniform Guidance. These requirements, such as record retention and required documentation, are detailed in Appendix A - Section 200.318 General Procurement Standards, and include, but are not limited to:

- a. Verification that procurement provides for full and open competition.
- b. Documentation for the cost or price analysis resulting in contractor selection.
- c. Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items.

- b. Proof that the District has verified via the Federal EPLS website (www.sam.gov) that each contractor has not been suspended or debarred from bidding on federally funded projects.
- c. Certification from the contractor that subcontractors used by the approved contractor have not been suspended or debarred.
- d. Justification for lack of competition when competitive bids are not obtained.
- e. Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency.

F.G. Purchase Order Exemptions

Certain purchases are not readily adaptable to the open market and formal bidding process. These purchases are generally for items where (1) the competitive bid process is not applicable; (2) where a check is required to accompany the order; and (3) where the expenditure is re-occurring. The Following is a list of allowable exemptions:

Petty Cash Replenishment	Employee Reimbursements
Insurance Claims and Premiums	Subscription Renewals
Medical/Dental Reimbursement Payments	Travel Expense/Advances
Membership Dues	Real Property/Easement Acquisition
Utility Payments	payable through Escrow
Vehicle Fuel Purchases	

Exemptions to purchase order requirements are limited to those items listed above. Departments may submit written requests for additional exemptions to the Finance Department. If warranted, additional exemptions will be added to this list by approval of the General Manager.

G.H. Purchase Award

1. Lowest Responsive and Qualified Bidder
 - a. Bids shall be awarded to “responsive” and “qualified” bidder who submits the lowest bid.
 - b. In determining the lowest “responsive” bid, the following elements shall be considered in addition to price:
 - 1) A responsive bid is one which is in substantial conformance with the requirements of the invitation to bid, including specifications, the District’s contractual terms and conditions, delivery dates, delivery charges, and the inclusion of sales or other transaction taxes. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their liability shall be considered non-responsive bidders.
 - 2) Conformance with the requirements of the invitation to bid may also include providing proof of insurance, completing all forms, including references, and all other information as requested in the bid document.

- 3) The successful bidder must demonstrate the ability to successfully fulfill a contract, including rendering of subsequent and continuing service. Staff may request proof of a prospective bidder's reliability. Prospective bidders may be requested to furnish proof - of financial resources, a list of current or previous customers, and other pertinent data. Such action may also be taken after receipt of bids.
 - 4) A bidder may be determined to be non responsive if a prospective bidder fails to furnish proof of qualifications when required.
- c. In determining the lowest "qualified" bidder, the following elements shall be considered in addition to price:
- 1) That the products offered provide the quality, fitness, and capacity for the required usage. This may include providing the make and/or model specified, or a substitute make and/or model of equal or greater value.
 - 2) That the bidder has the ability, capability and skill to perform the contract satisfactorily and within the time required.
 - 3) That the bidder's experience regarding past purchases by the District or other public agencies demonstrates the reliability of the bidder to perform on the contract.
- d. When a bid is recommended to be awarded to other than the low bidder, written justification is required. The written statement, signed by the appropriate department head, shall be attached to the Purchase Order.
2. Rejection of Bids

The General Manager or requesting department may recommend rejection of any or all bids if it is determined to be in the best interests of the District. Reasons for rejection may include, but are not limited to: a bid is determined to be non-responsive; the number of bids received is inadequate; bids received are not reasonably uniform in price; or the lowest bid received is deemed to be too high. The General Manager or requesting department may in any given case, reject all bids with or without cause and submit the supplies, equipment or service involved to a new bidding process. If all bids are rejected an authorized purchaser may wish to re-solicit bids or abandon the purchase.

3. Tie Bids

If two or more bids are received which are in all respects equal, the General Manager may accept the one deemed to be in the best interests of the District.

4. Local Preference Program

A responsive and responsible bid may qualify for the Local Preference Program. See Section 5.02.12 for details and requirements.

H.I. Modified Purchase Orders

Any substantial change to a Purchase Order shall be documented as a modification to an existing Purchase Order. These changes can include but are not limited to: a change in quantity, description, size or color; vendor name or address change; a change in unit price, delivery location, or terms and conditions; and to add or delete to the order. A modification shall also be used to terminate a purchase order and to correct errors in the original purchase order.

Modified Purchase Orders shall be reviewed by the authorized purchaser and approved by the General Manager. A purchase order may not be increased by more than 10% or \$2,500, whichever is less, without a formal modification, except for taxes, shipping and handling. Taxes, shipping and handling may cause the purchase order to exceed the authorized purchase order amount, but do not require a formal modification, even if they exceed 10% of the original purchase order amount. Modified Purchase Orders resulting in an additional \$50,000 or more require Board approval.

I.J. Construction Contract Change Orders

An authorized Contract Change Order (CCO) is required for all changes in the Contract amount for construction contracts. Refer to the General Conditions of the Project Contract Documents and Specification for the requirements of Authorized Changes in the Work.

1. Authorized Amounts

The District Engineer and the Director of [OperationsUtilities](#) are authorized to approve CCO's, singular or cumulative, up to the amount of contingency presented to and approved by the Board at the time of Contract award. Approval shall require the signatures of both the District Engineer and the Director of [OperationsUtilities](#) on the District's CCO form. The General Manager may, at his/her discretion, authorize amounts over the approved contingency, but within the approved Project budget.

2. Contract Change Order Process

All CCO's are to be processed on District forms approved by the General Manager and in compliance with the provisions of the General Conditions of the Project Specifications. The District Engineer and the Director of Utilities shall sign all CCO's after the approval of the contractor. After all signatures are complete, the Progress Payment is to be revised to show the CCO and new Contract Amount. A copy of the CCO is to be attached to the Progress Payment.

Construction Contract Change Orders must be completed as follows:

1. Contract Change Orders should be processed on [District CCWD](#) forms.
2. Description of the change and the contract increase/decrease in costs.
3. Include a justification or explanation along with a cost estimate.
4. Address increase/decrease in contract time.
5. Have the contractor counter-sign the Contract Change Order.
6. The District Engineer and the Director of [OperationsUtilities](#) shall sign the Contract Change Order.

J.K. Construction Progress Payments

The General Manager, the District Engineer, and the Director of [Operations/Utilities](#) are authorized to approve Construction Progress Payments up to the amount of the Project budget as approved by the Board at the time of the contract award. Such Progress payments shall be processed on District forms as approved by the General Manager.

5.02.09 Informal and Formal Bidding Process

Except as otherwise exempted in the policy, supplies, services and equipment with an estimated cost of up to \$49,999 shall be purchased following an Informal Bid Process and purchases of \$50,000 or more shall be made following a Formal Bid Process.

To initiate the informal/formal bid process, the department making the request shall provide specifications for the item to be purchased and documentation showing the existence of an unencumbered appropriation for the item in the current approved budget. The requesting department shall solicit informal/formal bids as prescribed by the policy.

Informal bids may be posted at the District Administrative Office, mailed to prospective bidders a minimum of ten calendar days before the due date, or solicited over the phone, via e-mail, fax or on the District's website. Formal bids shall be posted at the District Administrative Office, on the District's website, and shall be published at least once in a newspaper of general circulation, and if applicable, in appropriate trade or other publications. The date of publication shall be at least fifteen (15) days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time, and place indicated in the published notice.

Bids shall be reviewed for compliance with specifications by the requesting department. All deviations from the specifications shall be fully documented by the requesting department and the impact of the deviations on the performance or suitability of the bid item shall be detailed. The Department Head will prepare and forward a recommendation for approval of purchase to the Director of Administrative Services. Informal bids shall be approved by the Department Head. Formal bids shall be approved by the General Manager, except when a bid is recommended to be awarded to other than the lowest bidder, or when the bid otherwise requires Board approval.

A. Exemptions from the Competitive Process

The award of contracts without competitive bidding shall be permitted in cases where the Board of Directors has approved findings which support and justify exceptions to the competitive bidding process. Those circumstances may include, but are not limited to:

1. Competitive bidding would not be in the public's best interest because of an emergency as defined in section 8(E); or
2. The unique nature of the property or services required precludes competitive bidding; or
3. Competitive bidding would produce no economic benefit to the District; or
4. All of the following requirements are met with respect to the item:
 - a. The item may be purchased from a vendor that has a contract with another public agency of this state, an alliance of this state, or an alliance of the local public agencies within the state for the purchase of the item; and

- b. The contract was awarded utilizing a competitive bidding process substantially the same as that utilized by the District; and
 - c. The item and terms of the transaction are the same or substantially the same; or
5. Special circumstances exist such that the purchase must be made within a limited period of time in order to secure for the District an advantageous price for the item that would not be achievable through competitive bidding. Such purchases shall be reported to the Board at its next regularly scheduled meeting; or
 6. It is in the best interest of the District to extend a contract award from the previous contract period for up to one additional contract term provided the contractor agrees to furnish such products or services at the same contract price and under the same terms and conditions as the prior contract. This finding shall be made only when one of the following conditions exists:
 - a. The extension is necessary to avoid the interruption of District business; or
 - b. The extension makes good business sense; or
 7. The products or services are needed by the District pending a bid award and the contractor with the most recently awarded contract for such product or services agrees to extend that contract for an interim period at the same contract price, terms, and conditions as the previous award. Such interim period contracts shall not exceed the greater of ninety (90) days, or until the conclusion of a bidder's appeal, if applicable, of the pending bid process.
 8. Sole source vendors, in accordance with Section 5.02.08 D.
 9. Negotiated contracts following solicitation of competitive proposals.
 10. Any public works project where the Board of Directors finds that the "design-build" procurement process would save money or result in faster project completion. In such situations, the ~~Water~~ District may negotiate and award a "design-build" contract without having to award the contract to the lowest responsible bidder.

A comparative market analysis shall be included in the written findings of fact for purchases made pursuant to Exemptions to the Bidding Process for items 4, 5 or 6 hereinabove. Except in emergencies, no contract shall be awarded pursuant to the exceptions provided hereunder unless findings to support and justify such exception have been approved by the Board of Directors.

5.02.10 Specifications

It is the responsibility of each department to provide detailed, accurate specifications when requesting supplies, equipment and services. Accurate specifications are essential for effective bidding.

A. Sole Source Specifications

Sole source specifications shall be avoided whenever possible, as they minimize or eliminate competition. The appropriate authority (General Manager if total purchase is less than \$50,000; Board if total purchase is \$50,000 or more) may waive bidding requirements if sufficient written justification for a sole source purchase exists. An example of sole source is where equipment or supplies are required in order to be compatible with existing equipment or to perform a complex or unique function. Written documentation signed by the appropriate ~~d~~Department ~~H~~Head shall accompany the request for any sole source request. General purchase items specifically exempt from competitive bidding include: telecommunications, data processing, and information technology equipment and services.

B. Standardization

Standardization of specifications for items common to several departments can facilitate the purchasing process. The departments shall work together to establish standard specifications for such items.

C. Vendor Assistance in Writing Specifications

There may be occasions when vendor assistance is required to develop a specification. Such specifications shall be written in general terms and the vendor shall be informed that the information they provide may be used to develop specifications for a competitive bid process. The vendor shall be allowed to submit a bid, but will not be given any preference over the other bids.

5.02.11 Professional Consultant Selection

The following Policy shall apply to selection of certain professional consultants for services in connection with public improvement projects and governmental operations of the ~~Calaveras County Water District (CCWD)~~. For purposes of this Policy, consultants includes individuals, partnerships, corporations, joint ventures, associations or other legal entities, or any other combination of firms or persons competent to perform the required services. The selection of consultants shall be based upon the experience of the consultant, knowledge of the subject matter, demonstrated ability to perform similar services within budget and the time allowed, and the total estimated cost to ~~the District~~CCWD. Above all, the goal of this Policy shall be to create a competitive environment where the best value can be achieved.

The General Manager has the authority to issue contracts for consultant services up to \$99,999 when funds have been approved in the budget for such services. For projects estimated at \$100,000 or more, at least three requests for proposals should be solicited and evaluated if possible. All consultants will submit written proposals in response to requests for services. A consultant may qualify for the Local Preference Program. See Section 5.02.12 for details and requirements.

The evaluation and a subsequent recommendation to the General Manager for consultant services shall be conducted by the individual responsible for the project. Before a recommendation is made to the Board, as may be required above, the fee for the services shall be negotiated. If a mutually satisfactory fee cannot be agreed upon, negotiations shall be terminated; thereupon another consultant shall be selected and fee negotiations undertaken.

Award of a contract to a consultant shall be made only when sufficient funds have been appropriated in the project budget and all other applicable provisions in any applicable agreements are satisfied.

The only exceptions are those services which relate to the processing of development plans that will be paid for by the developer.

5.02.12 Local Preference Program

A. Purpose

In recognition that wages earned by County residents benefit Calaveras County's overall economy, the Board wishes to establish a local preference program for the contracting of construction and professional services.

B. Application in Construction Contracting

A local preference comparison amount may be applied to construction projects that exceed \$50,000. The comparison amount is for bid comparisons only; it shall be five percent (5%) of the total bid amount, up to a maximum comparison amount of \$50,000; and can be applied to local prime contractors or prime contractors using qualified local subcontractors. The comparison amount is deducted from the submitted bid.

1. Local Prime Contractor – Comparison amount equals five percent (5%) of bid amount, with a maximum comparison amount of \$50,000.

- or -

2. Prime Contractor using Qualified Local Subcontractors – If the sum of all qualified local subcontractors' costs is at least ten percent (10%) of total bid, then the comparison amount equals five percent (5%) of prime contractors' total bid, with a maximum comparison amount of \$50,000.

C. Application in Professional Services Contracting

A local preference may be applied to Professional Services contracts that exceed \$50,000 for a given project. The maximum local preference comparison amount shall not exceed a weighting factor of five percent (5%) of the total evaluation criteria outlined in the Request for Proposal. The local preference can be applied to local consultants, or to consultants using local sub-consultants as described above under applications for construction contractors.

D. Definition

A local contractor or professional services consultant is any contractor or consultant able to demonstrate that, for the calendar year prior to bid opening, at least fifty percent (50%) of that contractor's or consultant's payroll was paid to employees who are residents of Calaveras County. Contractors, subcontractors, and consultants seeking a local preference must submit the District's form certifying compliance with the local payroll criterion.

E. Award Review

After deducting the local preference comparison amount from the bid amount, the result will be compared to competing bids. The project will be awarded to the lowest responsive and responsible bidder. The price paid by the District will be the bid amount quoted by the winning bidder.

F. Exceptions in the Application of Local Preference:

1. No local preference shall be applied on projects using federal funds, or funds administered by a state agency where the funding originated from a federal source, or as may be otherwise disallowed by funding agency or regulation.
2. The District may, at its sole discretion, waive seeking local business or any offer of local preference if:
 - a. An emergency exists that requires the contract to be executed immediately.
 - b. No local firm is available to provide the service, equipment, or material.
 - c. The product or service required is proprietary in nature.
 - d. Staff determines, and Board approves, that the local preference is not in the best interests of the District's needs.

G. Right to Terminate

The Board of Directors reserves the right to terminate the local preference at any time if, in its sole discretion, (a) the program does not appear to be providing the desired economic benefit, and/or (b) the justification cited for the program appears no longer to be valid.

5.02.13 Encumbrances

YEAR END PROCESS FOR ENCUMBRANCES/PURCHASE ORDERS

An encumbrance is an outstanding purchase order for goods or services; a portion of the budget appropriation is reserved in the amount of the purchase order. Encumbrances help to ensure administrative and budgetary compliance. Purchase Orders for Operating and Capital Improvement Projects (CIP) may be carried forward to the future fiscal year provided there are sufficient funds available and approval by the Department Head and General Manager via the budget process.

Due to the large volume of Purchase Order requests presented at year-end, the Finance Department will accept Purchase Orders each fiscal year up to May 31. Purchase Orders submitted after May 31 of each fiscal year shall require prior approval by the Director of Administrative Services. As of May 31, all accounts must have an available balance greater than or equal to the amount of the purchase order requested. If a budget transfer is required, Department Heads must provide a **Budget Transfer Request** prior to submitting a **Purchase Order**.

GLOSSARY OF TERMS

Agreement	A written understanding between two or more parties. See “ <i>Contract</i> ” and <i>Purchase Order</i> .”
Appropriation	District authorization to expend public funds for a specific purpose.
Award	The acceptance of a <i>Bid</i> or <i>Proposal</i> .
Bid	The executed document submitted by a <i>Bidder</i> in response to a <i>Notice Inviting Bids (NIB)</i> , a <i>Proposal</i> , or a <i>Request for Quotation</i> .
Bidder	A person or legal entity who submits a <i>Bid</i> in response to a solicitation. See also <i>Bid</i> or <i>Proposal</i> .
Blanket Purchase Order	An <i>Agreement</i> of no more than one-year duration between the District and a <i>Vendor</i> allowing authorized District employees to charge repetitive <i>Purchases</i> of supplies, equipment, or services at pre-arranged prices, dollar limits, and/or other terms and conditions.
Brand Name	A trade name that serves to identify a product or particular manufacturer.
Competitive Bidding	The submission of prices by individuals or firms competing for a <i>Contract</i> , privilege, or right to supply merchandise or services.
Consultant Services	A person who facilitates organizational change and/or provides subject matter expertise on technical, functional, and business topics during development or implementation of a project.
Contract	A written, legally binding and mutual promise between two separate parties. e.g. an accepted <i>Purchase Order</i> .
Contract Change Order (CCO)	Written modification or addition to a <i>Construction Contract Purchase Order</i> or <i>Construction Contract Agreement</i> authorized by the appropriate authority.
Contract Purchase Order	A <i>Purchase Order</i> (usually issued for one year) that outlines unit prices to be charged by the Vendor for the term of the <i>Purchase Order</i> . This type of <i>Purchase Order</i> is generally used for such things as electrical, plumbing, and other goods and services that are anticipated to be needed periodically throughout the year. The <i>Bids</i> are usually expressed at hourly rates plus parts expressed at a specific <i>Discount</i> below list price.
Design-Build	For purposes of this policy, “design-build” means a procurement process in which certain elements of both the design and construction of the project are procured from a single entity.
Discount	An allowance or deduction from the normal or list price extended by a seller to a buyer to make the unit price more competitive.
Emergency Purchase	See <i>Emergency Purchases – page 7</i> .
Encumbrance	Committing budgeted funds prior to receiving supplies, equipment, or services; committed funds are shown as an encumbrance until supplies and equipment are received or service rendered, at which time funds are actually expended.

Formal Bid	A <i>Bid</i> that must be submitted in a sealed envelope and in conformance with a prescribed format, and only to be opened and announced at a specified time at a public opening.
Guarantee	A pledge or assurance that something is represented and will be replaced or repaired if it fails to meet the stated <i>Specifications</i> .
Informal Bid	Written or verbal <i>Quotations</i> for supplies, equipment and services which pursuant to this policy are not required to meet the formal bidding requirements. <i>Informal Bids</i> include unsealed written quotes, verbal quotes and quotes received via fax and email.
Lowest (Responsive & Responsible) Bidder	The <i>Bidder</i> submitting the lowest price who has also demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience necessary to perform the proposed Contract. See also " <i>Responsible Bidder</i> " and " <i>Responsive Bidder</i> ."
Non-Responsive Bidder	A <i>Bid</i> that does not conform to the essential requirements of the Notice Inviting <i>Bids</i> . Non-conforming <i>Bid</i> . Unresponsive <i>Bid</i> .
Notice Inviting Bids (NIB)	A formal notice, published in the newspaper or elsewhere or sent directly to potential Bidders, notifying them that the District is accepting Bids for a specific purpose.
Professional Services	Any work performed by an auditor, attorney, doctor, architect, engineer, land surveyor, appraiser, expert, etc.
Proposal	The executed document submitted as an offer, or in response to a <i>Request for Proposals</i> (and the basis for subsequent negotiations).
Public Contract Code	Shall mean <i>Public Contract Code</i> of the State of California.
Public Project	(definition is from State of California Public Contract Code) <ol style="list-style-type: none">1. A project for the erection, improvement, or repair of public buildings and works.2. Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.3. Street or sewer work except maintenance or repair.4. Furnishing supplies or materials for any such project, including maintenance or repair of streets and sewers.
Purchase Order	A <i>Purchaser's</i> document to formalize a <i>Purchase</i> transaction with a <i>Vendor</i> . Acceptance of a <i>Purchase Order</i> constitutes a Contract; a <i>Purchaser's</i> written offer to a supplier stating all terms and conditions of a proposed transaction.
Purchaser	A prospective buyer.
Purchases	Goods or services.
Purchasing	The employee, division, and/or department within the organization to which the purchasing

Division Qualified Bidder	<p>function has been delegated.</p> <p>A “qualified” <i>Bidder</i> is a <i>Bidder</i> that demonstrates the following characteristics:</p> <ol style="list-style-type: none">1. Can provide product quality, fitness, and capacity for the required usage.2. Has the ability, capacity, and skill to perform the contract or provide the service required.3. Has demonstrated character, integrity, reputation, good judgment, experience, and efficiency, particularly with reference to past purchases by the District or other public agencies.4. Has the ability to perform within the time required.5. Has shown quality of performance and/or of products provided in previous contracts or services with the District or other public agencies.6. Note: Previous documented incidents of unsatisfactory performance and/or unsatisfactory delivery, materials, or services may result in a determination of unqualified.
Quotation	<p>A <i>Bid</i>. A statement of price, terms of sale, and description of goods or services offered by a prospective seller to a <i>prospective Purchaser</i>, usually for <i>Purchases</i> below the amount requiring <i>Formal Bidding</i>.</p>
Request For Proposal (RFP)	<p>All documents, whether attached or incorporated by reference, utilized for soliciting competitive <i>Proposals</i>. The <i>RFP</i> procedure permits the negotiation of <i>Proposals</i> and prices as distinguished from <i>Competitive Bidding</i> and a <i>Notice Inviting Bids</i>. The procedure allows changes to be made after <i>Proposals</i> are opened and contemplates that the nature of the <i>Proposal</i> and/or prices offered will be negotiated prior to the <i>Award</i>.</p>
Request For Quotation (RFQ)	<p>The document generally used for seeking competition on small <i>Purchases</i> or on any <i>Purchase</i> that does not require competitive <i>Sealed Bidding</i>. Can be used for obtaining price and delivery information for <i>Sole Source</i> and emergencies. Also, see “<i>Quotation</i>.”</p>
Responsible Bidder	<p>A person who has the capability in all respects to perform in full the <i>Contract</i> requirements, and the integrity and reliability which will assure good faith performance.</p>
Responsive Bidder	<p>(1) A person who has submitted a <i>Bid</i> which conforms in all material respects to the <i>Notice Inviting Bids</i>, or (2) One whose <i>Bid</i> conforms in all material respects to the terms and conditions, <i>Specifications</i>, and other requirements of the <i>NIB</i>.</p>
Sealed Bid	<p>A <i>Bid</i> which has been submitted in a sealed envelope to prevent its contents from being revealed or known before the deadline for the submission of all <i>Bids</i>; required on <i>Formal Bids</i>.</p>
Sole Source	<p>An <i>Award</i> for a commodity or service to the only reasonably known and capable supplier due to the unique nature of the requirement, the supplier, or market conditions.</p>
Specifications	<p>A description of what the <i>Purchaser</i> seeks to buy or accomplish, and consequently, what a <i>Bidder</i> must be responsive to in order to be considered for <i>Award</i> of a <i>Contract</i>. A <i>Specification</i> may be a description of the physical or functional characteristics, or the nature of a supply or service. It may include a description of any requirements for inspecting, testing, or preparing a supply or service item for delivery.</p>

Policy Title: Purchasing Policy
Policy Number: Financial Management Policy 5.02

Adopted 01/12/05
Current Revised 04/09/08 (Res. 2014-49)
See Cover Page for Prior Policy Revision Dates

Split To divide a *Purchase* into two or more parts in order to avoid the requirements of the *Purchasing Policy*. This is an action prohibited by the *Policy*.

Example:

Split –

If a department knows it will use \$52,000 of a particular supply in one fiscal year and they place two orders six months apart to keep each order below the \$50,000 limit, the action is considered *Splitting* and is not allowed under the *Policy*.

Not Split -

If a department hires ABC Engineering to prepare a fee study for \$28,000 and also hires the same company to oversee a capital improvement project for \$29,000, the action is not considered *Splitting*.

Supplies Office *Supplies*, janitorial *Supplies*, materials, goods, tools, or other commodities used in the general conduct of the District business, excepting *Supplies* or materials for a public work which is regulated under the *Public Contract Code* section of 20160 et seq.

Vendor A supplier of goods or services.

Warranty The representation that something is true. Not to be confused with “*Guarantee*.” A representation of utility, condition, and durability made by a *Bidder* for a product offered, that shall include a time period.

Section 200.318 General Procurement Standards

- (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.
- (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- (c)
 - (1) The Non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
 - (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The Non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- (f) The Non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (g) The Non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

- (h) The Non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.213 Suspension and debarment.
- (i) The Non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- (j)
- (1) The Non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:
- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
- (2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- (k) The Non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.