



CALAVERAS COUNTY WATER DISTRICT

Legal Affairs Committee Meeting

OUR MISSION

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

2021-2026 Strategic Plan, Adopted April 28, 2021, can be viewed at this [link](#)

Regular Committee Meeting
Tuesday, June 4, 2024
1:00 p.m.

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

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

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

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

Phone Conference ID: 588 444 949#

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

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. ROLL CALL

2. PUBLIC COMMENT

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

3. APPROVAL OF MINUTES

3a Approval of Minutes for February 6, 2024 and April 2, 2024 Committee Meetings
(Rebecca Hitchcock, Clerk to the Board)

COMMITTEE MEMBERS

Scott Ratterman, Chair Jeff Davidson, Director

4. NEW BUSINESS

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

- Army Corps of Engineers’ Discussions
- FY 2024 Appropriations and work Plan
- FY 2025 Congressional Directed Spending
- Water Resources Development Act of 2024
- Virtual Washington D.C. Meetings
- Addition Federal Updates

4b State Legislative Update
(Kelly Gerkensmeyer, External Affairs Manager)

- CSDA Advocacy Efforts
(Dane Wadle, Senior Public Affairs Coordinator)
- Advanced Clean Fleets Regulation Update
(Nick Blair, ACWA State Relations Advocate)

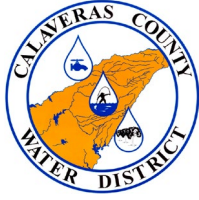
5.* GENERAL MANAGER COMMENTS

6.* DIRECTOR COMMENTS OR FUTURE AGENDA ITEMS

6. NEXT COMMITTEE MEETING

- Tuesday, August 6, 2024 at 1:00 p.m.

7. ADJOURNMENT



CALAVERAS COUNTY WATER DISTRICT Legal Affairs Committee Meeting

MINUTES
FEBRUARY 6, 2024

The following Committee Members were present:

Director Davidson
Director Ratterman

Staff Present:

Michael Minkler, General Manager
Kate Jesus, Human Resources Technician
Kelly Gerkenmeyer, External Affairs Manager
Mark Rincon-Ibarra, District Engineer*
Kevin Williams, Senior Civil Engineer*
Haley Airola, Engineering Technician*
Dylan Smith, Information Systems Administrator*

Others Present:

Mia O'Connell, O'Connell & Dempsey*
Russ Thomas*

*Attended Virtually

ORDER OF BUSINESS

[CALL TO ORDER / PLEDGE OF ALLEGIANCE](#)

1. ROLL CALL

Director Ratterman called the meeting to order at 1:02 p.m.

2. PUBLIC COMMENT

No public comment was heard.

3. APPROVAL OF MINUTES

3a Approval of Minutes for August 1, 2023 and October 3, 2023 Committee Meetings
(Rebecca Hitchcock, Clerk to the Board)

Director Davidson moved to approve the minutes and Director Ratterman seconded the motion.

4. NEW BUSINESS

4a [Federal Legislative Update](#)
(Michael Minkler, General Manager)

Discussion: Director Ratterman stated he will be attending the Washington, D.C. ACWA Conference as a member of the ACWA Federal Affairs Committee.

Michael Minkler, General Manager gave an update from Mia O'Connell on Federal Affairs: 1) FY 2024 Appropriations; 2) Water Resources Development Act of 2024; and 3) the Virtual Spring Visit

PUBLIC COMMENT: No public comment was heard.

- 4b [State Legislative Update](#)
(Michael Minkler, General Manager)

Discussion: Michael Minkler, General Manager gave an update on the following items: 1) the CCWD Customer Assistance Program; 2) potential relaxing of Brown Act rules for Committees; 3) exhaustion of remedies requirement for Prop 218; 4) CA Budget deficit; 4) Water Bond; 5) Water Rights reform; and 6) CSDA us honoring Senator Alvarado-Gil as Legislator of the Year.

PUBLIC COMMENT: No public comment was heard.

5. **GENERAL MANAGER COMMENTS**

Michael Minkler stated Kelly Gerkenmeyer is now an outreach captain for ACWA Region 3. He also discussed vacant positions and hiring status.

6. **DIRECTOR COMMENTS OR FUTURE AGENDA ITEMS**

Director Ratterman spoke about the work MCWRA Legislative Committee is doing and would like a staff member to attend these meetings as well.

Director Davidson had nothing to report.

7. **NEXT COMMITTEE MEETING**

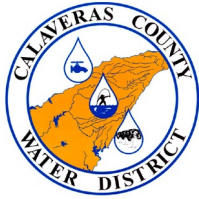
- Tuesday April 2, 2024, 1:00 p.m.,

8. **ADJOURNMENT**

The meeting was adjourned at 1:59 p.m.

Respectfully Submitted,

Rebecca Hitchcock
Clerk to the Board



CALAVERAS COUNTY WATER DISTRICT Legal Affairs Committee Meeting

**MINUTES
APRIL 2, 2024**

The following Committee Members were present:

Director Davidson
Director Ratterman

Staff Present:

Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Kelly Gerkensmeyer, External Affairs Manager
John Coleman, Water Resources Manager
Mark Rincon-Ibarra, District Engineer*
Stacey Lollar, Human Resources Manager*
Kate Jesus, Human Resources Technician*
Bana Rouson-Gedese, Water Resources Specialist*

Others Present:

Mia O'Connell, O'Connell & Dempsey*
Dane Wadle, CSDA*
Chelsea Haines, ACWA*

*Attended Virtually

ORDER OF BUSINESS

CALL TO ORDER / PLEDGE OF ALLEGIANCE

1. ROLL CALL

Director Ratterman called the meeting to order at 1:00 p.m.

2. PUBLIC COMMENT

No public comment was heard.

3. NEW BUSINESS

- 3a [Federal Legislative Update](#)
(Mia O'Connell, O'Connell & Dempsey and Michael Minkler, General Manager)

Discussion: Mia O'Connell, O'Connell & Dempsey gave an update on Federal Affairs: 1) the Army Corp of Engineers Funding; 2) Energy and Water Appropriations Bill applications for Fiscal Year 24/25; 3) the Water Resources Development Act funding request; and 4) the County Biomass project funding request through USDA.

PUBLIC COMMENT: No public comment was heard.

3b [State Legislative Update](#)
(Michael Minkler, General Manager)

Discussion: Kelly Gerkenmeyer, External Affairs Manager, Introduced Dane Wadle from CDSA who addressed the Committee about HR7525 Special District Grant Accessibility Act and responded to questions.

Mr. Gerkenmeyer also introduced Chelsea Gaines from ACWA who briefed the Committee on the State Water Boards Water Use Efficiency legislation and responded to questions.

Mr. Gerkenmeyer highlighted some additional legislation with the Committee: 1) SB 1088-Water Infrastructure Improvements to Enhance Fire Resilience in Rural Communities; 2) Wildland Urban Interface (WUI); 3) Marita Calloway was recognized as the 2024 Women of the Year; and 4) AB 1337 Water Diversion Curtailments.

PUBLIC COMMENT: No public comment was heard.

4. **GENERAL MANAGER COMMENTS**

There were no General Manager comments.

5. **DIRECTOR COMMENTS OR FUTURE AGENDA ITEMS**

Director Ratterman asked for the information packet presented at the meeting to be included in the agenda package in the future.

6. **NEXT COMMITTEE MEETING**

- Tuesday June 4, 2024

7. **ADJOURNMENT**

The meeting was adjourned at 1:45 p.m.

Respectfully Submitted,

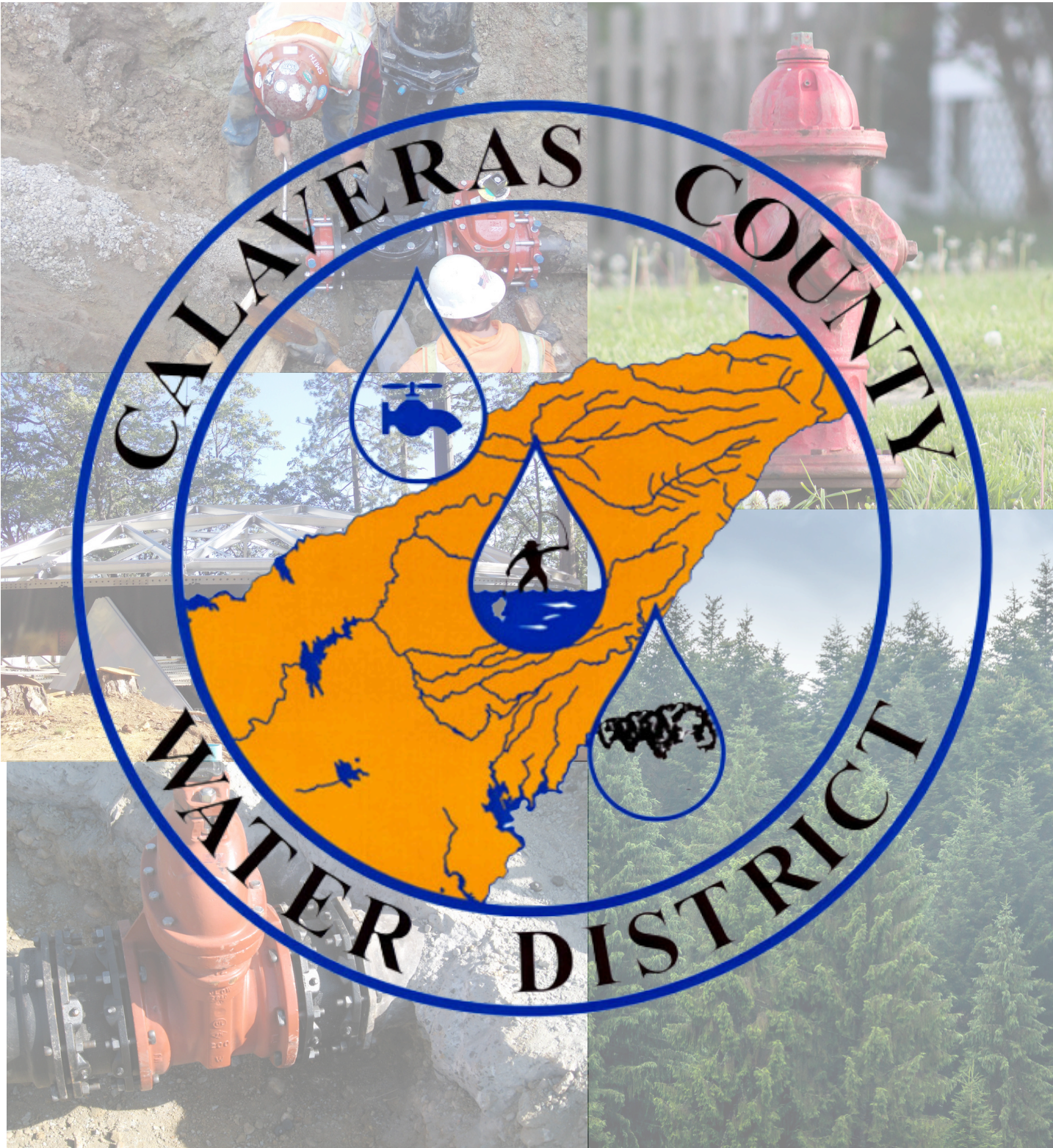
Rebecca Hitchcock
Clerk to the Board

LEGAL

AFFAIRS

JUNE 4, 2024

COMMITTEE

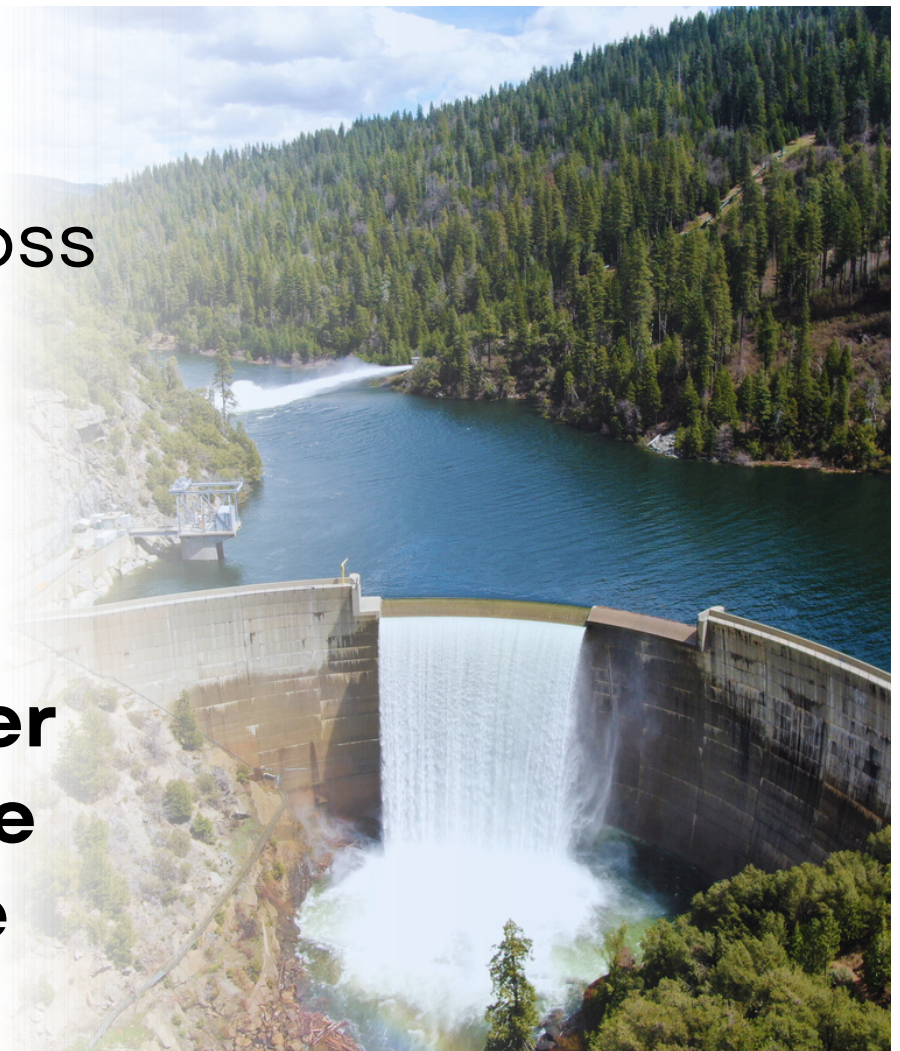


CLIMATE RESILIENCY BOND



The California Legislature is contemplating a general obligation bond measure for the **November 5, 2024 ballot**. This measure aims to fund investments enhancing California's climate resilience, covering areas such as water and drought preparedness, wildfire protection and forest resilience, coastal resilience, and other natural resource concerns.

Water and Wastewater agencies across the state are urging the Legislature to include **\$5.75 billion in water infrastructure** funding in the bond.



BENEFITS OF A CLIMATE RESILIENCY BOND CCWD AND OUR RURAL NEIGHBORS



- **Secure & Ensure Reliable Water Storage**
- **Protect and Improve Infrastructure**
- **Upgrade Water Use Efficiency**
- **Compliance Funding for Regulations**
- **Funding for Forest Management**
- **Support Watershed and Headwaters Health**
- **Biomass Energy Innovation**
- **Manage Groundwater and Recharge Aquifers**
- **Comply with CARB Clean Fleets & ZEV Mandates**





California Special Districts Association
Districts Stronger Together

Climate Resilience Bond Priorities: Special Districts are Essential to California's Climate Resilience



To Help Special Districts Meet the State's Climate Goals, a Climate Resilience Bond Must:

1.

Prioritize funding to support local governments' compliance with the California Air Resources Board's Advanced Clean Fleets (ACF) Regulation/Zero-Emission Vehicle mandates by prioritizing infrastructure funding accessible by special districts and other local governments.

2.

Prioritize funding to support water infrastructure advocated for by local water providers throughout the state.

3.

Create a reliable funding source for projects related to community resiliency due to changing climate conditions.

4.

Specify special districts are universally eligible if they are also doing the work.

Special districts build, operate, and maintain the critical infrastructure and natural lands that will need to stand strong against rising temperatures and drought, increasingly severe storms, insect outbreak and catastrophic wildfire sea level rise and ocean acidity, flooding, and erosion



Special Districts Are Innovative Leaders In Building Community Climate Resiliency

Many special districts throughout the state are leaders in climate adaptation, preparing their communities to be resilient. However these projects require substantial funding to plan and implement. To meet the needs of communities statewide, additional resources to prepare critical infrastructure are needed.

These local governments need the state, as a global leader on climate adaptation, to be a strong partner in order to meet the urgent and growing needs of California's communities to ensure the delivery of reliable and consistent essential local services that keep Californians healthy and safe.

RESILIENT WATER SUPPLY

ZERO EMISSIONS FUTURE

RENEWABLE ENERGY

SEA WATER INTRUSION

PROTECTING HEADWATERS

FOREST MANAGEMENT

DEFENSIBLE SPACE

ENVIRONMENTAL RESTORATION

CLEAN POWER



WHAT IS AN INDEPENDENT SPECIAL DISTRICT?

Independent special districts are local agencies, separate and apart from any counties, cities, or other government agencies. Often formed by the communities they serve, California's special districts provide vital services like water and energy, fire protection and public safety, wastewater treatment, parks and recreation, open space, and much more. They safeguard our communities, keep our families healthy, and help our state thrive. (csda.net/special-districts/learn-about)



**California Special
Districts Association**
Districts Stronger Together



CLIMATE RESILIENCE BOND: REQUEST FOR FUNDING TO COMPLY WITH CALIFORNIA AIR RESOURCES BOARD (CARB) ADVANCED CLEAN FLEETS (ACF) REGULATION / ZERO EMISSION VEHICLES (ZEV) MANDATES – \$500 MILLION

CSDA and other local government partners seek to include up to **\$500 million** in any potential Climate Resilience Bond for the infrastructure necessary to comply with the CARB ACF mandate on local governments to transition medium-duty and heavy-duty vehicles to zero-emission. CSDA also seeks to prioritize funding from the bond to support water infrastructure advocated for by local water providers throughout the state. CSDA seeks general parity and equal access to all bond funding among local governments delivering like services.



CLIMATE RESILIENCY BOND FUNDING FOR COMPLIANCE WITH ZERO EMISSIONS VEHICLE (ZEV) MANDATES



California Special
Districts Association
Districts Stronger Together

- FACT SHEET -

FACT SHEET: Climate Resilience Bond Funding for compliance with zero emission vehicle (ZEV) mandates

Authors: Current Climate Resilience Bond measures include Senate Bill 638 (Eggman), Assembly Bill 1567 (Garcia) and SB 867 (Allen)

Position: REQUEST \$500 MILLION IN STATE BOND FUNDING

- Request inclusion of up to \$500 million in any Climate Resilience Bond to help special districts, cities, and counties fund Infrastructure and Vehicles to comply with the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) regulation / zero emission vehicles (ZEV) mandates among other priorities.

Locations: Various

Summary: CSDA seeks funding to help local governments comply with the CARB ACF regulation / ZEV mandates, and parity with other local governments for eligibility for any funding of like services.

Major Provisions: CSDA requests that any climate-related statewide bond measure:

- Allocate up to \$500 million for compliance with the ACF mandates for ZEVs and the infrastructure necessary to fuel, service, and operate them.
- Include general parity and equitable access to funding among local governments providing like services.

Background: CARB ACF regulation.

State and local government vehicle fleets, including city, county, special district, and state agency fleets, are required to ensure 50 percent of medium-duty and heavy-duty vehicle purchases are zero-emission beginning in 2024 and 100 percent of purchases are zero-emission by 2027. Small government fleets, defined as those with 10 or fewer vehicles and those in designated counties, must start their ZEV purchases beginning in 2027. Alternatively, local government fleet owners may elect to meet ZEV targets using the ZEV Milestones Option, which allows for a graduated percentage of fleets to be in compliance by certain dates and depending on vehicle type. State and local government fleets may purchase either ZEVs or near-ZEVs, or a combination of ZEVs and near-ZEVs, until 2035. Starting in 2035, only ZEVs will meet the mandate.

Talking Points:

- Local agency surveys show that local agency fleet managers indicate several challenges to compliance including:
 - ZEV versions of the needed medium-duty and heavy-duty vehicles are not currently being manufactured and pricing is not readily available for the small number that could meet their needs.
 - Electrical infrastructure and charging systems are a challenge to fund, plan, design, build, and put into service in time to operate the mandated vehicles.
 - Electrical reliability is dangerously inadequate, particularly during events where medium-duty and heavy-duty vehicles for utilities and other essential service providers are most critical.

CLIMATE RESILIENCY BOND FUNDING FOR COMPLIANCE WITH ZERO EMISSIONS VEHICLE (ZEV) MANDATES



**California Special
Districts Association**

Districts Stronger Together

- FACT SHEET -

- Lack of funding mechanisms and the expense of available vehicles. Nearly all local revenue sources are Constitutionally limited, and voter constrained. Costs to provide services are already far outpacing the ability to raise revenues.
- Even \$500 million for local agencies through a Climate Resilience Bond would not be nearly sufficient to cover the immense anticipated costs to comply with ACF. However, any funds will be helpful to assist agencies in their initial efforts to comply.

Frequently Asked Questions:

Question: What are the purchase deadlines special districts are facing to comply with ACF?

Answer:

- By purchase schedule method: Generally, 50 percent of medium-duty and heavy-duty vehicle purchases are zero-emission beginning in 2024 and 100 percent of vehicle purchases are zero-emission by 2027.
- By Milestone Method: A graduated percentage of the fleet, depending on vehicle type through 2033 or 2039.

Question: What challenges are special districts facing to comply with ACF?

Answer:

- CSDA members report concerns obtaining charging or refueling infrastructure on the extremely short, mandated timeline.
- Required vehicle acquisition, particularly of specialty vehicles necessary for the specialized services special districts provide, is infeasible.
- Costs are exorbitant and special districts lack sufficient funding mechanisms.
- Power reliability is inadequate, particularly during emergency events where the medium-duty and heavy-duty vehicles affected by the regulation become critical to communities' health and safety.

Question: What are the costs to comply with ACF?

Answer:


This is brand new territory and not all aspects of the related industries are fully mature, available, or fully understood. Notably, the California Department of Transportation (Caltrans) has requested a \$279 million Fleet Replacement Budget Change Proposal (Request 2660-068-BCP-2024-GB) for each of two years to begin to comply with the mandate. The Caltrans plan is to acquire over 2,100 medium and heavy-duty compliant vehicles and related infrastructure and staffing within two years.

The thousands of special district, city, and county vehicle fleets impacted by the ACF mandate will have similar or greater costs, but perhaps without the economies of scale that the state may benefit from.



H.R. 7525 SPECIAL DISTRICT GRANT ACCESSIBILITY ACT

In a major milestone for the nation's special districts, on **May 6, 2024**, the U.S. House of Representatives overwhelmingly approved the Special District Grant Accessibility Act. The bill (H.R. 7525), which is sponsored by Representative Pat Fallon (R-TX) with original co-sponsorship by Brittany Pettersen (D-CO) and co-sponsorship by 14 Representatives from both sides of the aisle of the California Congressional Delegation, cleared the House on an overwhelming 352-27 vote.



Special District Grant Accessibility Act
Sponsored by Representative Pat Fallon (R-TX)
& Representative Brittany Pettersen (D-CO)
Introduced: March 5, 2024

Approximately 35,000 special districts are local governments providing critical infrastructure and essential services in thousands of communities across the country. They exist when a community demands a service that another unit of government is not otherwise providing. These agencies are established and locally governed under an enabling act or special act of a state to provide a limited and specific set of public services.

The Problem

Despite the significant presence of special districts in the U.S., **Federal law lacks a consistent definition and reference to special purpose units of local government.**

As a result, special districts:

- May have difficulties directly accessing funding opportunities.
- Are commonly omitted as eligible in the definitions of "local government" for proposed legislation and laws intended to assist all local governments.
- Are mistaken for small businesses or nonprofit corporations.
- Lack official population figures, as they are not federally recognized as "geographic units of government."

The Solution: H.R. 7525

The Special District Grant Accessibility Act

- Requires Federal agencies to recognize special districts as local government for the purpose of Federal financial assistance determinations.
- Codifies in Federal law a first-ever, formal definition of "special district."

"Special District" Defined

H.R. 7525 - The Special District Grant Accessibility Act, defines "special district" as follows:

“ The term "special district" means a **political subdivision of a State**, with specified boundaries and significant budgetary autonomy or control, created by or pursuant to the laws of the State, for the **purpose of performing limited and specific governmental or proprietary functions** that distinguish it as a significantly separate entity from the administrative governance structure of any other form of local government unit within a State. ”

Common Services Provided

Water & Wastewater	Healthcare & Hospital	Road & Highway
Irrigation	Park & Recreation	Airport
Fire Protection	Port/Harbor/Navigation	Electricity
Ambulance	Library	Mosquito Control
Transit	Cemetery	Resource Conservation

Quick Facts

35,000 Special District Governments

17% All local government revenue

50 states

Connect & Engage on Solutions

NSDC is the only national organization representing and advocating for all types of special districts at the federal level.

jk@paragonlobbying.com
 (877) 924-2732
WWW.NATIONALSPECIALDISTRICTS.ORG





It is the intent of the Legislature to establish a Rural and Small Community Fire Resilience Program within the Office of Emergency Services to work in coordination with the Department of Water Resources, the State Water Resources Control Board, and other appropriate state entities to develop a program for the distribution of state matching funds to communities within the Wildland Urban Interface (WUI), to improve water system infrastructure, including upgrading and upsizing waterlines, **installing additional fire hydrants of water systems, and enhancing water system delivery** to ensure adequate water flow for fire prevention and suppression activities.

SB 1088

Senator Marie Alvarado-Gil
Office of Emergency
Services: state matching
funds: water system
infrastructure
improvements.

UPDATE

May 23, 2024
Passed the Senate

37 = Yea

0 = Nay

3 = Abs

Heading to
Assembly

WILDLAND URBAN INTERFACE (WUI)

The WUI is the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. Much of Calaveras County is considered part of the WUI and, like many of California's rural communities, has suffered increased environmental and economic devastation during the past decade due to wildfires. Calaveras County in particular experiences a high probability of fire danger throughout the year, with the most devastating fire being in **2015** when the **Butte Fire** destroyed more than 70,000 acres.



SB 945 would require state agencies, led by the Department of Public Health, to build a database that measures wildfire specific impacts to health combined with data that measures wildfire fuels mitigation investments. The data will support policy makers, public health officials and forest health management by comprehensively understanding how fuels mitigation investments mitigate the detrimental effects of wildfire smoke on California's environment and population. Currently, this data does not exist.

SB 945

Senator Marie Alvarado-Gil
Assemblymember Juan
Alanis

The Wildfire Smoke and
Health Outcomes Data Act.

UPDATE

May 24, 2024
Passed the Senate

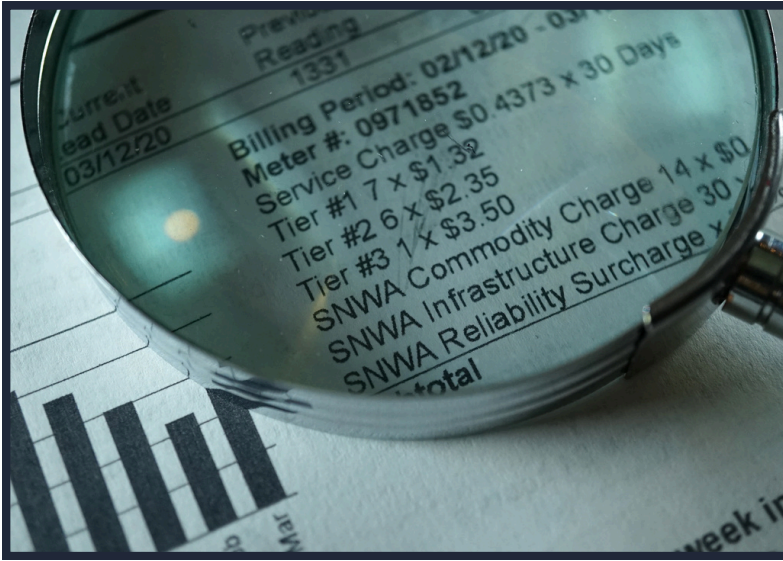
38 = Yea

0 = Nay

2 = Abs

Heading to
Assembly





Authored by Assemblymember Lori Wilson (D-Suisun City), the bill would require litigants to participate and raise specific objections before a public hearing, providing an opportunity to resolve a dispute and avoid litigation altogether. It would build on the success of ACWA-sponsored SB 323 (Caballero, 2021), which created a 120-day statute of limitations for filing lawsuits against water and sewer rates through the Proposition 218 process.

Public agencies depend on service rates and assessments for essential functions, but increasing litigation under Proposition 218 hampers their ability to set fair rates that cover costs. Many lawsuits arise without prior discussion of alleged violations, preventing agencies from addressing concerns beforehand, which threatens their financial stability. AB 2257 seeks to improve Proposition 218's ratemaking procedures by fostering dialogue, transparency, and issue resolution during the public process, aiming to reduce litigation and ensure stable budgets for effective operation.

AB 2257

Assemblymember Lori
Wilson

Local government:
property-related water and
sewer fees and
assessments: remedies.

UPDATE

May 16, 2024

Passed Assembly

52 = Yea

12 = Nay

16 = Abs

Moves to Senate



The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health. Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law requires the state board to annually adopt a fund expenditure plan, as provided, and requires expenditures from the fund to be consistent with the fund expenditure plan. Existing law requires the state board to base the fund expenditure plan on data and analysis drawn from a specified drinking water needs assessment.

This bill would require the state board to update a needs analysis of the states public water systems to include an assessment, as specified, of the funds necessary to provide a **20% discount for low-income households** served by community water systems with fewer than 3,000 service connections and for community water systems with fewer than 3,000 service connections to meet a specified affordability threshold on or before July 1, 2026, and on or before July 1 of every 3 years thereafter.

SB 1255

Senator Maria Elena Durazo
Senator Bill Dodd
Public water systems:
needs analysis

UPDATE

May 22, 2024
Passed Senate

33 = Yea

6 = Nay

1 = Abs

In Assembly

