



RESOLUTION NO. 2023-51  
RESOLUTION NO. PFA-01  
ORDINANCE NO. 2023-01

## AGENDA

### 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, and can be viewed at this [link](#)

Regular Board Meeting  
Wednesday, August 23, 2023  
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:**

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### 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,,605388082#](#) United States,

Phone Conference ID: 605 388 082#

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.

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### BOARD OF DIRECTORS

Scott Ratterman, President  
Cindy Secada, Director

Russ Thomas, Vice President  
Bertha Underhill, Director

Jeff Davidson, Director

**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 June 28, July 12, and July 26, 2023  
(Rebecca Hitchcock, Clerk to the Board)

3b Report on the Monthly Investment Transactions for July 2023  
(Jeffrey Meyer, Director of Administrative Services)

**4. NEW BUSINESS**

4a Discussion/Action regarding the Douds Fuelbreak Project  
(Kelly Gerkenmeyer, Water Resources Specialist)

4b Update/Discussion Regarding the Cost-of-Service Study for the Proposed Water and Wastewater Rates and the Proposition 218 Public Hearing  
(Jeffrey Meyer, Director of Administrative Services)

**5. REPORTS**

5a\* General Manager's Report  
(Michael Minkler)

**6.\* BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS**

**7. NEXT BOARD MEETINGS**

- **Wednesday, September 13, 2023, 5:30 p.m., Public Hearing**
- Wednesday, September 27, 2023, 1:00 p.m., Regular Board Meeting

**8. CLOSED SESSION**

8a Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9. 2 potential cases

**9. REPORTABLE ACTION FROM CLOSED SESSION**

**10. 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

## Financial Services

Umpqua Bank  
US Bank  
Wells Fargo Bank

## CCWD Committees

\*Engineering Committee  
\*Finance Committee  
\*Legal Affairs Committee  
\*External Relations Committee

## 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)

## Other Regional Organizations of Note

Calaveras County Parks and Recreation  
Committee  
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

## Legal Counsel

Matthew Weber, Esq.  
Downey Brand, LLP

## Auditor

Richardson & Company, LLP

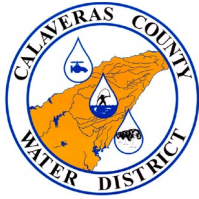
## Membership\*\*

Davidson / Thomas (alt. Secada)  
Secada / Ratterman (alt. Underhill)  
Ratterman / Davidson (alt. Thomas)  
Underhill / Thomas (alt. Secada)  
  
Ratterman (alt. Michael Minkler)  
All Board Members  
Ratterman / Secada (alt. Michael Minkler)  
Michael Minkler (alt. Brad Arnold)  
Thomas (alt. Brad Arnold)  
Secada (alt. Thomas)  
  
Davidson (alt. Ratterman)  
  
Thomas (alt. Ratterman)  
  
All Board Members  
  
All Board Members  
Brad Arnold (alt. Kelly Gerkenmeyer)  
  
Brad Arnold (alt. Kelly Gerkenmeyer)

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

\*\* The 1<sup>st</sup> name listed is the committee chairperson.

# Item 3a



## MINUTES

### CALAVERAS COUNTY WATER DISTRICT REGULAR BOARD MEETING

**JUNE 28, 2023**

Directors Present: Russ Thomas, Vice-President  
Cindy Secada, Director  
Bertha Underhill, Director  
Jeff Davidson, Director

Directors Absent: Scott Ratterman, President

Staff Present: Stacey Lollar, Human Resources Manager  
Rebecca Hitchcock, Clerk to the Board  
Jeff Meyer, Director of Administrative Services  
Damon Wyckoff, Director of Operations  
Pat Burkhardt, Construction and Maintenance Manager  
Brad Arnold, Water Resources Manager  
John Osbourn, External Affairs Manager  
Kelly Richards, Customer Service Supervisor  
Kelly Gerkensmeyer, Water Resources Technician  
Catherine Eastburn, Accountant  
Kelly Soulier-Doyle, Accounting Technician  
Kate Jesus, Engineering Coordinator  
Mark Rincon-Ibarra, District Engineer  
Jared Gravette, Construction Inspector  
Tiffany Burke, Administrative Technician Senior  
Kate Darby, Customer Service  
Mike Crank, Purchasing Agent  
Doug Turner, Distribution Worker Senior

Others Present: None

### **ORDER OF BUSINESS**

#### **CALL TO ORDER / PLEDGE OF ALLEGIANCE**

##### **1. ROLL CALL**

Vice-President Thomas called the Regular Board Meeting to order at 1:00 p.m. and led the Pledge of Allegiance. Director Ratterman was absent.

##### **2. PUBLIC COMMENT**

There was no public comment.

**3. CONSENT AGENDA**

**MOTION: Directors Davidson/Secada-Approved Consent Agenda Items:  
3a, 3b, 3c, 3d, 3e, and 3f as presented**

- 3a Approval of Minutes for the Board Meeting of May 24, 2023  
(Rebecca Hitchcock, Clerk to the Board)
- 3b Approval of Credit Adjustment for APN 023-050-019  
(Kelly Richards, Business Services Manager) **RES 2023-38**
- 3c Approval of Credit Adjustment for APN 070-025-021  
(Kelly Richards, Business Services Manager) **RES 2023-39**
- 3d Awarding Contract for Utility Potholing and Data Collection for Jenny Lind A-B Water  
Transmission Pipeline Project  
(Sam Singh, Senior Engineering Technician) **RES 2023-40**
- 3e Approving District’s Financial Management Policy – No. 5.02, Purchasing Policy  
(Jeffrey Meyer, Director of Administrative Services) **RES 2023-41**
- 3f Report on the Monthly Investment Transactions for May 2023  
(Jeffrey Meyer, Director of Administrative Services)

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

**4. NEW BUSINESS**

- 4a Approval of FY 2024 Service Area Water Supply & Demand Assessments  
(Brad Arnold, Water Resources Manager)

**MOTION: Directors Davidson/Underhill-by Minute Entry Approved the FY 2024  
Service Area Water Supply & Demand Assessments**

**DISCUSSION:** Mr. Arnold presented the requirement from the State for the Service Area Water Supply and Demand Assessments. He stated the County has adequate supply for all service areas. He reviewed the various items in the assessments. Director Underhill asked about how evaporation effects water supplies. Director Thomas pointed out a typo on the report.

**PUBLIC COMMENT:** There was no public comment.

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

Vice-President Thomas opened the Public Hearing at 1:09 p.m.

## 5. PUBLIC HEARING

5a Discussion/Action regarding the Adoption of the Fiscal Year 2023-24  
Operating and Capital Improvement Plan Budget  
(Jeffrey Meyer, Director of Administrative Services)

**RES 2023-42**

**MOTION: Directors Davidson/Secada-Approved Resolution No. 2023-42 Adopting the Fiscal Year 2023-24 Operating and Capital Improvement Plan Budget**

**DISCUSSION:** Mr. Meyer reviewed the items incorporated into the proposed budget after the budget workshop on June 14, 2023. He explained that without projected water and sewer rate increases there would be an operating budget deficit of \$1.8 million:

- No change to salaries and benefits
- Require a decrease in services and supplies of \$660,000.
- Reduce capital outlay from \$1,381,743 to \$168,579 (existing lease to own vehicles), a decrease of \$1,150,164.
- Decrease in capital outlay budget would reduce transfers in revenues from \$585,430 to \$168,579, which would necessitate additional budget reductions of \$416,851.
- Water CIP increased by \$300,000 for CC Ozone Unit Replacement

There was significant discussion on the proposed budget. Director Secada stated she wished the PowerPoint had been included in the agenda package. She stated it would show people that the rate increase is included in the proposed budget more than the attachment in the agenda package. She also asked if there are more cuts the District could make to reduce the budget. Director Underhill stated everyone should remember the effect this will have on rate payers. Director Davidson stated that much of the budget is due to unfunded mandates from the State that the District has no control over. He stated compounded inflation, chemical costs, fuel costs, and power costs are also out of the District's control. Mr. Meyer reiterated that adopting this budget does not lock the Board into a rate increase. Certain projects will be delayed until a decision is made at the rate hearing in September. Director Secada asked for a list of projects that are not starting until after the rate hearing. Mr. Meyer stated just our Calaveras Public Power Agency (CPPA) costs have gone up 200 percent over the last three years. There was additional discussion regarding the various cost increases.

**PUBLIC COMMENT:** There was no public comment.

Vice President Thomas closed the Public Hearing at 1:55 p.m.

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

Vice-President Thomas opened the Public Hearing at 1:56 p.m.

Discussion/Action regarding the Adoption of the Fiscal Year 2023-24  
Personnel Allocation Budget  
(Jeffrey Meyer, Director of Administrative Services)

**RES 2023-43**

**MOTION: Directors Davidson/Secada-Approved Resolution No. 2023-43 Adopted the Fiscal Year 2023-24**

**DISCUSSION:** Mr. Meyer stated the personnel allocation needs to be adopted each year with the budget. He reviewed that there is no change except for the moving of the External Affairs Manager

from the Admin Services budget to the General Management budget. Stacey Lollar explained how each position is reviewed after a vacancy and changes to the personnel allocation can arise from those reviews.

**PUBLIC COMMENT:** There was no public comment.

Vice President Thomas closed the Public Hearing at 2:02 p.m.

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

**6. REPORTS**

6a General Manager’s Report

**DISCUSSION:** Stacey Lollar reported on the following items in Michael Minkler’s absence: 1) the 2023 Annual Kids Day on June 15, 2023, which was a huge success; 2) the all-employee meeting last week; and 3) a thank you from Michael Minkler to all staff for continued work on the budget and the rate study.

**7. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS**

Director Secada thanked staff for their hard work on the budget. She also reviewed her schedule for the following month. She asked for a report out on the Tyler software.

Director Underhill asked about water station monitoring. She also spoke in favor of the sales tax increase for the fire departments.

Director Davidson stated he attended the La Contenta Golf Course 50<sup>th</sup> Anniversary celebration and met the potential new owners.

Director Thomas reported that on the Wildfire Education Workshop on July 11<sup>th</sup> in Murphys. He asked for a report on surplus property.

**8. NEXT BOARD MEETINGS**

- Wednesday, July 12, 2023, 1:00 p.m., Regular Board Meeting
- Wednesday, July 26, 2023, 1:00 p.m., Regular Board Meeting

**9. ADJOURNMENT**

With no further business, the meeting adjourned at 2:22 p.m.

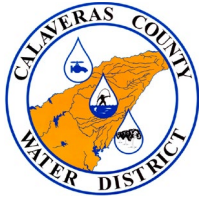
Respectfully Submitted:

ATTEST:

\_\_\_\_\_  
Stacey Lollar  
Acting General Manager

\_\_\_\_\_  
Rebecca Hitchcock  
Clerk to the Board





## MINUTES

### CALAVERAS COUNTY WATER DISTRICT REGULAR BOARD MEETING

**JULY 12, 2023**

Directors Present: Scott Ratterman, President  
Russ Thomas, Vice-President  
Cindy Secada, Director  
Bertha Underhill, Director  
Jeff Davidson, Director

Staff Present: Michael Minkler, General Manager  
Matt Weber Esq, General Counsel  
Rebecca Hitchcock, Clerk to the Board  
Damon Wyckoff, Director of Operations  
Jeff Meyer, Director of Administrative Services  
Stacey Lollar, Human Resources Manager  
Pat Burkhardt, Construction and Maintenance Manager  
Brad Arnold, Water Resources Manager  
John Osbourn, External Affairs Manager  
Kelly Richards, Customer Service Supervisor  
Kelly Gerkenmeyer, Water Resources Technician  
Catherine Eastburn, Accountant  
Kelly Soulier-Doyle, Accounting Technician  
Kate Jesus, Engineering Coordinator  
Mark Rincon-Ibarra, District Engineer  
Kevin Williams, Senior Civil Engineer  
Jared Gravette, Construction Inspector  
Tiffany Burke, Administrative Technician  
Dylan Smith, IT Technician  
Corinne Skrbina, Customer Service  
Joe Darby, Distribution Worker Senior

Others Present: Habib Isaac, IB Consulting  
Ralph Copeland  
Joel Metzger, General Manager of UWPA  
Jessica Self, General Manager of UPUD  
Victor Liu  
Bob Dean

### **ORDER OF BUSINESS**

#### **CALL TO ORDER / PLEDGE OF ALLEGIANCE**

1. **ROLL CALL**

President Ratterman called the Regular Board Meeting to order at 1:01 p.m. and led the Pledge of Allegiance. All Directors were present.

2. **PUBLIC COMMENT**

There was no public comment.

3. **CONSENT AGENDA**

**MOTION: Directors Davidson/Secada-Approved Consent Agenda Items:  
3a, 3b, 3c, 3d, and 3e as presented with one minor change to 3e.**

- 3a Approval of Minutes for the Board Meeting of June 14, 2023  
(Rebecca Hitchcock, Clerk to the Board)
- 3b Review Board of Directors Monthly Time Sheets for June 2023  
(Rebecca Hitchcock, Clerk to the Board)
- 3c Ratify Claim Summary #616 Secretarial Fund in the Amount of \$2,482,427.78 for  
June 2023  
(Jeffrey Meyer, Director of Administrative Services) **RES 2023-44**
- 3d Candidate Support for Association of California Water Agencies:  
ACWA President – Cathy Green **RES 2023-45**  
ACWA Vice President –Ernesto A. Avila **RES 2023-46**  
(Michael Minkler, General Manager)
- 3e Approval of a new Cellular Antenna Site Lease at 7821 Sparrowk Rd. Valley Springs  
(Rebecca Hitchcock, Clerk to the Board) **RES 2023-47**

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

4. **NEW BUSINESS**

- 4a Discussion/Action Regarding Proposed Water and Wastewater Rates and Setting  
Proposition 218 Public Hearing  
(Michael Minkler, General Manager and Jeffrey Meyer, Direction of Administrative  
Services)

**MOTION: Directors Davidson/Thomas-by Minute Entry Directed staff to Proceed  
with Implementation of the Recommended Rate Design and Set a  
Proposition 218 Hearing for September 13 at 1:00 p.m.**

**DISCUSSION:** Mr. Meyer addressed the Board about the need for a rate increase. He stated the District cannot afford to run to failure with the systems on the Capital Improvement Plan (CIP) list. Staff did significant work to reduce projects on the CIP list and the projects that remain are deemed

critical. He reminded the Board of the many cost increases that are out of the District's control. He then turned the presentation over to Habib Isaac from IB Consulting. There was discussion between the Board and staff regarding the public outreach for rate discussions and community workshops. Mr. Osbourn stated this meeting is the ninth public meeting this year discussing the financial plan.

Habib Isaac gave a summary of the Financial Plan and the factors that impacted the plan. He reviewed the research involved in determining the financial plan. He detailed expense projections, water flow demands, reserve funding, capital spending, and revenue projections. He stated the key assumptions in the plan were inflation, growth, utility demands, capital spending, new debt, and reserves. There was discussion regarding the growth projections.

Mr. Isaac reviewed the financial position at the current rates which shows an operating deficit. The Board requested a report on the status of Grant requests to assist with project finding in upcoming years. There was a conversation about debt issuance and interest rates.

Mr. Isaac presented the Cost-to-Serve Study findings. He detailed fixed components and variable components. He presented the proposed five-year fixed charges schedule.

Meter Size	Current	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
5/8"	\$120.35	\$136.03	\$160.52	\$186.21	\$216.01	\$248.42
3/4"	\$180.53	\$191.20	\$225.62	\$261.72	\$303.60	\$349.14
1"	\$300.89	\$301.05	\$355.82	\$412.76	\$478.81	\$550.64
1 1/2"	\$601.77	\$577.39	\$681.33	\$790.35	\$916.81	\$1,054.34
2"	\$962.83	\$908.41	\$1,071.93	\$1,243.44	\$1,442.40	\$1,658.76
3"	\$1,925.66	\$1,791.13	\$2,113.54	\$2,451.71	\$2,843.99	\$3,270.59

He then discussed the variable rate components. Tier 1 is the Winter average use of 0-15 HCF, Tier 2 is the Summer average of 16-30 HCF, and Tier 3 is anything is excess over 30 HCF. Tier 4 was eliminated from the previous rate structure. There was additional discussion on the tier structure.

Customer	Current	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
Residential						
Tier 1 (0-15 HCF)	\$1.17	\$2.07	\$2.45	\$2.85	\$3.31	\$3.81
Tier 2 (16-30 HCF)	\$1.22	\$2.25	\$2.66	\$3.09	\$3.59	\$4.13
Tier 3 (>30 HCF)	\$1.68	\$2.49	\$2.94	\$3.42	\$3.97	\$4.57
Tier 4	\$1.90	N/A	N/A	N/A	N/A	N/A
Non-Residential						
	\$1.57	\$2.29	\$2.71	\$3.15	\$3.66	\$4.21
Irrigation						
	\$1.91	\$2.27	\$2.68	\$3.11	\$3.61	\$4.16

1 HCF=748.05 gallons.

The Board inquired into the average monthly household usage and the customer impacts of the proposed increase. Mr. Isaac reviewed the Bi-Monthly Water comparison chart which compared CCWD with neighboring agencies.

**RECESS** was called at 2:30 p.m. **SESSION RESUMED** at 2:39 p.m.

**DISCUSSION:** Mr. Isaac continued his presentation beginning with the Wastewater financial position. He detailed net income, reserves, and existing rates.

Mr. Isaac reviewed the Five-Year proposed rate increases stating residential and non-residential are charged the same amount in the new rate plan. Director Davidson asked how that was determined. There was significant discussion regarding commercial accounts. The Board asked for a report on how commercial account Equivalent Dwelling Units (EDU's) are calculated.

Customer Type	Current	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
Residential	\$210.63	\$239.39	\$272.90	\$311.09	\$354.64	\$365.26
Non-Residential	\$206.18	\$239.39	\$272.90	\$311.09	\$354.64	\$365.26

Mr. Isaac reviewed the Bi-Monthly Wastewater comparison chart which compared CCWD with neighboring agencies.

Director Underhill read off all the proposed rates for each year and asked about cost saving measures the District has taken.

Mr. Isaac listed the next steps in the process leading to the Public Hearing on September 13, 2023 and options were discussed about implementing rates if they are approved in September.

**PUBLIC COMMENT:** Ralph Copeland commented on the public outreach and thanks Director Secada and Underhill for continued concern for ratepayers. He also commented on a possible Grants committee.

Jessica Self addressed the Board regarding a possible mistake on the UPUD and Angels Camp rates listed on the comparison chart.

Bob Dean asked if the Board was more concerned about conservation or covering costs.

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

**5. REPORTS**

5a Report on the June 2023 Operations Departments  
(Damon Wyckoff, Director of Operations)

**DISCUSSION:** Mr. Wyckoff presented the June 2023 Monthly Operations report. He reviewed items of interest and answered questions from the Board.

**PUBLIC COMMENT:** There was no public comment.

5b General Manager's Report  
(Michael Minkler)

**DISCUSSION:** Michael Minkler reported on the following items: 1) various meetings with developers; 2) the JPIA Leadership seminar Thursday and Friday; 3) the CPPA meeting next week;

4) the Wallace Community Service District on Wednesday the 19<sup>th</sup> at 7:00 p.m.; 5) the Wildfire Preparedness Workshop in Murphys coordinated by Joel Metzger and Jessica Self; and 6) thanked staff for all the dedication and hard work on the rate study. He stated all staff are concerned about customer and appreciates the Boards courage in this process.

**6. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS**

Director Secada will miss the next Board meeting.

Director Underhill reported on the Wildfire Preparedness Workshop.

Director Davidson had nothing to report.

Director Thomas reported on the Wildfire Preparedness Workshop and Electric Fleet standards.

Director Ratterman asked for the Grants update at the next meeting. He also stated he would be traveling during the next meeting but would still attend and participate under the Brown Act exception AB2449.

**7. NEXT BOARD MEETINGS**

- Wednesday, July 26, 2023, 1:00 p.m., Regular Board Meeting
- Wednesday, August 9, 2023, 1:00 p.m., Regular Board Meeting

**8. CLOSED SESSION**

Closed Session was cancelled.

- 8a Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9. 1 potential case

**9. ADJOURNMENT**

With no further business, the meeting adjourned at 3:58 p.m.

Respectfully Submitted:

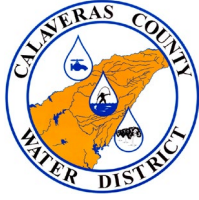
ATTEST:

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Michael Minkler  
General Manager

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Rebecca Hitchcock  
Clerk to the Board



## MINUTES

### CALAVERAS COUNTY WATER DISTRICT REGULAR BOARD MEETING

**JULY 26, 2023**

Directors Present: Scott Ratterman, President  
Russ Thomas, Vice-President  
Bertha Underhill, Director  
Jeff Davidson, Director

Directors Absent: Cindy Secada, Director

Staff Present: Michael Minkler, General Manager  
Matt Weber Esq, General Counsel  
Rebecca Hitchcock, Clerk to the Board  
Damon Wyckoff, Director of Operations  
Jeff Meyer, Director of Administrative Services  
Stacey Lollar, Human Resources Manager  
Pat Burkhardt, Construction and Maintenance Manager  
Kelly Richards, Customer Service Supervisor  
Kelly Gerkenmeyer, Water Resources Technician  
Kate Jesus, Engineering Coordinator  
Kate Darby, Customer Service  
Kevin Williams, Senior Civil Engineer  
Jared Gravette, Construction Inspector  
Sam Singh, Engineering Technician  
Dylan Smith, IT Technician  
Bill Heinle, Distribution Worker III  
Doug Turner, Distribution Worker Senior

Others Present: Tyler Childress, Restore the Stanislaus  
Jane Childress

### **ORDER OF BUSINESS**

#### **CALL TO ORDER / PLEDGE OF ALLEGIANCE**

##### **1. ROLL CALL**

Vice-President Thomas called the Regular Board Meeting to order at 1:01 p.m. and led the Pledge of Allegiance. Directors Secada and Ratterman were absent.

President Ratterman logged in virtually beginning at 1:10 p.m. He announced Under the provisions of AB 2449, he was attending remotely under the Just Cause while on official business travel provision.

**2. PUBLIC COMMENT**

Tyler Childress addressed the Board about the North Fork Project

**3. CONSENT AGENDA**

**MOTION: Directors Davidson/Underhill-Approved Consent Agenda Item:  
3a as presented**

3a Report on the Monthly Investment Transactions for June 2023  
(Jeffrey Meyer, Director of Administrative Services)

**AYES: Directors Davidson, Underhill, and Thomas**

**NOES: None**

**ABSTAIN: None**

**ABSENT: Director Ratterman**

A recess was called due to a technical issue with the virtual meeting.

**RECESS** was called at 1:05 p.m. **SESSION RESUMED** at 1:10 p.m.

**4. NEW BUSINESS**

4a Discussion/Action regarding Resolution of Appreciation for the White Pines Park Committee  
(Michael Minkler, General Manager) **RES 2023-48**

**MOTION: Directors Underhill/Davidson-Adopted Resolution No. 2023  
Recognizing the White Pines Park Committee**

**DISCUSSION:** Michael Minkler presented the Resolution of Appreciation to the White Pines Park Committee. He stated CCWD owns White Pines Lake and is a water supply for the District. It is leased to the White Pines Park Committee who maintain and improve the park for recreation. Director Underhill expressed her appreciation for the hard work and commitment of the committee. They have regular events that benefit the community. President Ratterman stated the park is the gem of the community.

**PUBLIC COMMENT:** Geoffrey Janavitz, the incoming Committee President commented on the work the committee does.

**AYES: Directors Underhill. Davidson, Thomas, and Ratterman**

**NOES: None**

**ABSTAIN: None**

**ABSENT: Director Secada**

4b Update/Discussion Regarding the Proposed Water and Wastewater Rates and the Proposition 218 Public Hearing  
(Jeffrey Meyer, Director of Administrative Services)

**DISCUSSION:** Mr. Meyer recapped the rate study process and where the District is in the process. He noted that the process started October 2022 when IB Consulting began the Cost to Serve study. He detailed the work by staff to narrow down the Capital Improvements Program list to ensure the projects on the list were the necessary projects for the next five years. He stated the Board was presented with the Cost to Serve analysis and proposed rate design on July 12, 2023 and staff was given direction to proceed with the Proposition 218 process. The Prop 218 notices were mailed to all customers on July 25, 2023, which set the Public Hearing of September 13, 2023. He stated the town hall meetings are scheduled in August and other the public outreach plans. He reviewed the protest process and stated if more than 50% of the customers in the District protests the increase, the District cannot impose the rate increase. If there is not a 50% protest, the adoption is up to the Board. There was discussion about the protest process and how the information is provided to customers. The webpage on the District website has been updated with a sample protest letter.

The Board gave staff direction about the town hall presentations:

- No longer than 45 minutes
- Show compound inflation over the last three years
- Total dollar amount spent on infrastructure projects since the last increase
- Total grants since the last increase
- List of state regulations with unfunded mandates
- Rate comparison with local agencies
- The economy of scale comparing rural to city
- Costs involved with PSPS electricity shutdowns
- The cost of running to failure versus planning repairs

There was extensive discussion between the Board and staff on how to best describe the cost increases the District has incurred.

**PUBLIC COMMENT:**

- 4c Discussion regarding District Grants Program Update  
(Damon Wyckoff, Director of Administrative Services)

**DISCUSSION:** Mr. Wyckoff gave a presentation on the status of the District's Grants program. He reviewed all the current projects being funded by grants totaling over \$17 million. He reviewed the grants that the District has applied for currently totaling \$25.61 million. He gave additional information on the grant projects the District has completed since 2011 totaling over \$14 million. There was discussion by the Board on the various projects listed. There was additional discussion on how the grants program would be managed moving forward.

**PUBLIC COMMENT:** There was no public comment.

**5. REPORTS**

- 5a General Manager's Report  
(Michael Minkler)

**DISCUSSION:** Mr. Minkler reported on the following activities: 1) the CPPA meeting where they announced they are not increasing their rates again at this time; 2) the Finance Committee last week; 3) last week's External Relations Committee meeting; 4) the upcoming Legal Affairs Committee meeting; 5) the EPPOC meeting; 6) the Wallace Community Service District (CSD) meeting last



week; 7) the upcoming ACWA Board meeting; and 8) an announcement that the External Affairs Manager, John Osbourn is no longer with the District.

**6. BOARD REPORTS / INFORMATION / FUTURE AGENDA ITEMS**

Director Underhill discussed the Grand Jury Report, the Sierra Hope Meeting, and the UWPA Meeting.

Director Davidson reported on the Wallace CSD meeting.

Director Ratterman reported on the ACWA JPIA meeting he was currently attending, the MCWRA Reception and meeting next week.

Director Thomas reported there is a Copperopolis Community Plan meeting tomorrow.

**7. NEXT BOARD MEETINGS**

- Wednesday, August 9, 2023, 1:00 p.m., Regular Board Meeting
- Wednesday, August 23, 2023, 1:00 p.m., Regular Board Meeting

**8. CLOSED SESSION**

The meeting adjourned into Closed Session at approximately 2:54 p.m. Those present were Board Members: Scott Ratterman, Bertha Underhill, Russ Thomas, and Jeff Davidson; staff members Michael Minkler, General Manager; and Matt Weber, General Counsel.

- 8a Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9. 2 potential cases

**9. REPORTABLE ACTION FROM CLOSED SESSION**

The Board reconvened into Open Session at approximately 3:59 p.m. There was no reportable action.

**10. ADJOURNMENT**

With no further business, the meeting adjourned at 4:00 p.m.

Respectfully Submitted:

ATTEST:

\_\_\_\_\_  
Michael Minkler  
General Manager

\_\_\_\_\_  
Rebecca Hitchcock  
Clerk to the Board

# Item 3b

# Agenda Item

DATE: August 23, 2023

TO: Michael Minkler, General Manager

FROM: Jeffrey Meyer, Director of Administrative Services

SUBJECT: Report on the Monthly Investment Transactions for July 2023

## RECOMMENDED ACTION:

For information only.

## SUMMARY:

Per the District's Investment Policy, staff will report the monthly investment activity for the preceding month. During July 2023, the following investment transactions occurred:

<b>Chandler Asset Management Activity:</b>	<b>General</b>	<b>Water CIP Loan</b>	<b>Sewer CIP Loan</b>
<b>Book Value at 06/30/2023</b>	<b>20,194,139.66</b>	<b>19,454,395.25</b>	<b>8,445,568.33</b>
Security Purchases	699,694.24	-	-
Money Market Fund Purchases	475,867.40	74,833.69	32,486.90
Money Market Contributions	-	-	-
Security Sales	(398,624.00)	-	-
Money Market Fund Sales	(298,659.97)	-	-
Maturities	(400,000.00)	-	-
Principal Paydown	(55,370.60)	-	-
Money Market Fund Withdrawals	(2.50)	(108,883.56)	(332,609.54)
Amortization/Accretion	(2,304.64)	-	-
Gain/Loss on Dispositions	(2,775.15)	-	-
<b>Book Value at 07/31/2023</b>	<b>20,211,964.44</b>	<b>19,420,345.38</b>	<b>8,145,445.69</b>
<b>Local Agency Investment Fund Activity:</b>			
<b>Balance at 06/30/2023</b>	<b>11,141,986.13</b>		
<b>Withdrawals, Operating Cash</b>	<b>-</b>		
<b>Interest</b>	<b>87,474.03</b>		
<b>Balance at 07/31/2023</b>	<b>11,229,460.16</b>		

LAIF (Local Agency Investment Fund) daily interest rates are 3.39% as of July 31, 2023.

**CALAVERAS COUNTY WATER DISTRICT**  
**INVESTMENT ACTIVITY**  
**FOR THE MONTH ENDING July 31, 2023**

INVESTMENT TRUSTEE	TYPE OF FUNDS/Availability	MARKET VALUE	INVESTMENT COST			DATE INVST	CM INTEREST AND DIVIDEND RECVD
			COST	PAR (PRINC)	CPN RATE		
Local Agency Investment Fund	Restricted for Reserves/Special Projects	11,229,460.16	11,229,460.16	11,229,460.16	3.310%	ongoing	87,474.03
Chandler Asset Management	Restricted/Reserves/Expansion/AD/R&R	19,093,460.97	20,211,964.44	20,269,167.57	1.780%	ongoing	17,824.78
Chandler Asset Management - Water Loan	Committed to Specific CIP Projects	19,420,345.38	19,420,345.38	19,420,345.38	4.870%	ongoing	73,586.16
Chandler Asset Management - Sewer Loan	Committed to Specific CIP Projects	8,145,445.69	8,145,445.69	8,145,445.69	4.870%	ongoing	32,486.90
<b>Totals</b>		<b>57,888,712.20</b>	<b>59,007,215.67</b>	<b>59,064,418.80</b>			<b>211,371.87</b>

**MONTHLY ACTIVITY**

Chandler Asset Management Activity:	General	Water CIP Loan	Sewer CIP Loan
<b>Book Value at 06/30/2023</b>	<b>20,194,139.66</b>	<b>19,454,395.25</b>	<b>8,445,568.33</b>
Security Purchases	699,694.24	-	-
Money Market Fund Purchases	475,867.40	74,833.69	32,486.90
Money Market Contributions	-	-	-
Security Sales	(398,624.00)	-	-
Money Market Fund Sales	(298,659.97)	-	-
Maturities	(400,000.00)	-	-
Principal Paydown	(55,370.60)	-	-
Money Market Fund Withdrawals	(2.50)	(108,883.56)	(332,609.54)
Amortization/Accretion	(2,304.64)	-	-
Gain/Loss on Dispositions	(2,775.15)	-	-
<b>Book Value at 07/31/2023</b>	<b>20,211,964.44</b>	<b>19,420,345.38</b>	<b>8,145,445.69</b>
<b>Local Agency Investment Fund Activity:</b>			
<b>Balance at 06/30/2023</b>	<b>11,141,986.13</b>		
Withdrawals, Operating Cash	-		
Interest	87,474.03		
<b>Balance at 07/31/2023</b>	<b>11,229,460.16</b>		

**CALAVERAS COUNTY WATER DISTRICT  
CHANDLER ASSET MANAGEMENT (General)**

FOR THE MONTH ENDED July 31, 2023

INVESTMENT TRUSTEE/TYPE	MARKET VALUE	INVESTMENT COST			Dividends Earned	Interest Earned
		BOOK	PAR Value/Units	CPN RATE		
Asset Backed Security	750,637.99	773,585.31	773,615.19	0.95%		383.72
Agency Securities	1,895,979.20	2,007,507.27	2,000,000.00	1.93%		500.00
CMO	947,248.77	973,846.43	990,000.00	3.73%		2,202.25
Corporate Securities	4,674,664.44	4,873,001.48	4,860,000.00	2.04%		4,131.51
Money Market Fund (Cash)	225,552.38	225,552.38	225,552.38	4.87%	149.93	
Supernational Securities	1,037,406.69	1,120,223.53	1,120,000.00	0.65%		
US Treasury	9,561,971.50	10,238,248.04	10,300,000.00	1.39%		12,250.00
<b>Totals</b>	<b>19,093,460.97</b>	<b>20,211,964.44</b>	<b>20,269,167.57</b>	<b>1.78%</b>	<b>149.93</b>	<b>19,467.48</b>

# Item 4a

# Agenda Item

DATE: August 23, 2023  
TO: Michael Minkler, General Manager  
FROM: Kelly Gerkenmeyer, Water Resources Specialist  
SUBJECT: Discussion/Action regarding the Douds Fuelbreak Project

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## **RECOMMENDED ACTION:**

Motion: \_\_\_\_\_ / \_\_\_\_\_ by Minute Entry to Authorize the General Manager to execute the Douds Fuelbreak Project Cooperative Agreement.

## **SUMMARY:**

CCWD is proud to be working closely with the Cal Am Forestry Team on the Douds Fuelbreak with an award amount of \$393,100, and is funded by the US Department of Agriculture, Forest Service.

The Douds Fuelbreak project would significantly reduce fire fuels on 148 acres of privately owned land within the Douds Landing subdivision located near Arnold, CA. This project would support and fill a gap in the much larger 'Hwy 4 Wildfire Defense System' by connecting the Last Chance Fuelbreak (FB) on the southwest with the developing USFS, McKay's and Private Love Creek Forest fuelbreaks on the northeast. This system is under construction and aims to protect the Arnold Wildland Urban Interface (WUI) that covers approximately 6,500 acres and includes about 4,000 buildings.

The goals of this grant application are to:

- Construct a shaded fuel break in the Douds footprint which ties into previously cleared areas, creating a continuous fuel break along the north rim of the Stanislaus River Canyon.
- Improve ingress for first responders and egress for evacuating residents by providing clearance on the only 2WD access road into the area.

This project benefits CCWD by improving watershed health in the Stanislaus River Watershed, as well as protecting critical water and wastewater infrastructure, and the surrounding Ebbetts Pass community.

## **BACKGROUND:**

CAL FIRE rates the Douds FB and the surrounding area to be in a Very High Fire Severity Zone while State and Federal authorities have designated all communities along the Highway 4 corridor to be “Communities at Risk”. There have been multiple wildfires in the general area, including the 2001 Darby Fire that burned 14,200 acres. It should be noted that it was on this ridge that suppression resources stopped the Darby Fire. It is anticipated that, in the event of future fires emanating from the canyon, Douds and the surrounding area would be a strategic Fuelbreak where active suppression resources will be staged, and aerial attacks will be deployed. Although Douds is surrounded by fuel breaks built by Sierra Pacific Industries (SPI) and the Stanislaus National Forest (STF), the 148 acres within the subdivision are choked with fire fuel. The Douds FB is considered a Keystone that will connect the SPI and STF fuel breaks into a continuous and strategic network on the Stanislaus Canyon Rim, the first defense in providing protection to the WUI along Highway 4.

The Highway 4 Wildfire Defense System is a collaborative effort that is planned, coordinated, implemented, and maintained by several agencies including SPI, the STF, Calaveras Big Trees Park, Calaveras Foothills Fire Safe Council, Calaveras County Resource Conservation District, CAL FIRE, Ebbetts Pass Fire District, Calaveras County Water District, HOAs, private landowners, and the Cal Am Forestry Team.

## **FINANCIAL CONSIDERATIONS:**

Up to \$15,000 in kind contributions from CCWD.

Attachments:      Agreement



**FEDERAL FINANCIAL ASSISTANCE  
AWARD OF COOPERATIVE AGREEMENT 23-CA-11051600-014  
Between The  
CALAVERAS COUNTY WATER DISTRICT  
And The  
USDA, FOREST SERVICE  
STANISLAUS NATIONAL FOREST**

Project Title: Douds Fuelbreak

Upon execution of this document, an award to Calaveras County Water District, hereinafter referred to as “CCWD,” in the amount of **\$393,100**, is made under the authority of Wyden Amendment, Section 323(a) of the Department of Interior and Related Agencies Appropriations Act, 1999, as included in PL 105-277, Div. A, Section 101(e), and amended by PL 109-54, Sec. 434, and the Omnibus Public Lands Management Act, PL 111-11, Sec. 3001. The Federal Assistance Listing (formerly Catalog of Federal Domestic Assistance - CFDA) number and name are 10.693, Watershed Restoration and Enhancement Agreement Authority. CCWD accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated April 2, 2023, and the attached Forest Service provisions, ‘Forest Service Award Provisions,’ are incorporated into this letter and made a part of this award.

This authority requires a match of Zero dollars. Project will be completed as shown in the attached application, including Scope of Work (Attachment D), Maps (Attachment E), and Financial Plan (Attachment F).

**SUMMARY:** The Douds Fuelbreak project would significantly reduce fire fuels on 148 acres of privately owned land within the Doud’s Landing subdivision and would support and fill a gap in the much larger ‘Hwy 4 Wildfire Defense System’ by connecting the Last Chance Fuelbreak (FB) on the southwest with the developing USFS/McKays and Private/Love Creek Forest fuelbreaks on the northeast. This system is under construction to protect the Arnold Wildland Urban Interface (WUI) that covers ~6,500 acres and includes ~4,000 buildings.

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: [www.ecfr.gov](http://www.ecfr.gov). If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at [Rachel.Ellison@usda.gov](mailto:Rachel.Ellison@usda.gov).

The following administrative provisions apply to this award:



- A. **LEGAL AUTHORITY.** The CCWD shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.
- B. **STATEMENT OF SUBSTANTIAL INVOLVEMENT.** The Forest Service anticipates involvement in this Cooperative Agreement and intends on being substantially involved in the following way(s):
1. The Stanislaus National Forest (STF) will review and approve the location of lands proposed to be treated in order to determine eligibility for federal grant funding.
  2. The STF will review the environmental documents prepared for the proposed fuel reduction activities to be implemented under this award. A federal line officer NEPA decision is required before any implementation work can occur.
  3. The STF will consider upon request from the Recipient additional support if U.S. Forest Service budget and staff time allows.
- C. **PRINCIPAL CONTACTS.** Individuals listed below are authorized to act in their respective areas for matters related to this award.

**Principal Cooperator Contacts:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Name: Pat McGreevy, CalAm Address: PO Box 52 City, State, Zip: Glencoe, CA 95232 Telephone: 209-293-2191 Email: mcgreevp.95232@gmail.com	Name: Kelly Gerkenmeyer, CCWD Address: 120 Toma Court City, State, Zip: San Andreas, CA 95249 Telephone: 209-754-3543 Email: kellyg@ccwd.org

**Principal Forest Service Contacts:**

<b>Forest Service Program Manager Contact</b>	<b>Forest Service Administrative Contact</b>
Name: Carol Ewell Address: 19777 Greenley Rd. City, State, Zip: Sonora, CA 95370 Telephone: c. 209-283-4563 Email: carol.ewell@usda.gov	Name: Rachel Ellison, Grants Management Specialist Address: 1323 Club Drive City, State, Zip: Vallejo, CA 94592 Email: Rachel.Ellison@usda.gov

- D. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). The CCWD shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or award term(s). Additional information about registration procedures may be found at the SAM Internet site at [www.sam.gov](http://www.sam.gov).
  
- E. LIMITATION OF FUNDS. Forest Service funds in the amount of \$393,100 are currently available for performance of this award through 08/01/2028. The Forest Service’s ability to provide additional funding is contingent upon the availability of appropriated funds from which payment can be made. There is no legal liability on the part of the Forest Service for any payment above this amount until The CCWD receives notice of availability confirmed in a written modification by the Forest Service.
  
- F. ADVANCE AND REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE. Advance and Reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

Advance payments must not exceed the minimum amount needed or no more than is needed for a 30-day period, whichever is less. If the Recipient receives an advance payment and subsequently requests an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully expended before the Forest Service can approve the request for payment. Any funds advanced, but not spent, upon expiration of this award must be returned to the Forest Service.

The Program Manager reserves the right to request additional information prior to approving a payment.

<p>The invoice must be sent by one of three methods:</p> <p>EMAIL (preferred): <a href="mailto:SM.FS.asc_ga@usda.gov">SM.FS.asc_ga@usda.gov</a></p> <p>FAX: 877-687-4894</p> <p>POSTAL: Albuquerque Service Center Payments – Grants &amp; Agreements 101B Sun Ave NE Albuquerque, NM 87109</p>	<p>Send a copy to:</p> <p>Name: Carol Ewell Email: <a href="mailto:carol.ewell@usda.gov">carol.ewell@usda.gov</a></p>
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- G. ELECTION OF DE MINIMIS INDIRECT RATE. The CCWD has elected to use the *de minimis* indirect cost rate of 10% of modified total direct costs (MTDC) as allowed under 2 CFR 200.414 (f). This rate must be used consistently for all Federal awards until such time as The CCWD chooses to negotiate for a rate, which they may apply to

do at any time. If a new rate is negotiated and utilized the *de minimis* rate can no longer be utilized.

- H. PRIOR WRITTEN APPROVAL. The CCWD shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.
- I. MODIFICATIONS. Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 60 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.
- J. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service signatory official signature. Pre-award costs are authorized as of 04/17/2023 pursuant to 2 CFR 200.458. The end date, or expiration date is **08/01/2028**. This instrument may be extended by a properly executed modification. *See Modification Provision above.*

- K. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

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MICHAEL MINKLER  
General Manager, CCWD

Date

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JASON KUIKEN  
Forest Supervisor, Stanislaus National Forest

Date

The authority and the format of this award have been reviewed and approved for signature.

8/17/2023

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GENEVIEVE VILLEMAIRE  
Forest Service Grants Management Specialist

Date

## **ATTACHMENT A: FOREST SERVICE AWARD PROVISIONS**

- A. **COLLABORATIVE ARRANGEMENTS.** Where permitted by terms of the award and Federal law, The CCWD a may enter into collaborative arrangements with other organizations to jointly carry out activities with Forest Service funds available under this award.
- B. **FOREST SERVICE LIABILITY TO THE RECIPIENT.** The United States shall not be liable to The CCWD for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by The CCWD or any third party.
- C. **NOTICES.** Any notice given by the Forest Service or CCWD will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the award.

To CCWD, at the address shown in the award or such other address designated within the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. **SUBAWARDS.** Prior approval is required to issue subawards under this grant. The intent to subaward must be identified in the approved budget and scope of work and approved in the initial award or through subsequent modifications. Approval of each individual subaward is not required, however the cooperator must document that each sub-recipient does NOT have active exclusions in the System for Award Management (sam.gov).

The Cooperator must also ensure that they have evaluated each subrecipient's risk in accordance with 2 CFR 200.332 (b).

Any subrecipient under this award must be notified that they are subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400. Any sub-award must follow the regulations found in 2 CFR 200.331 through .333.

All subawards \$30,000 or more must be reported at [fsrs.gov](https://fsrs.gov) in compliance with 2 CFR 170. See Attachment B for full text.

- E. **FINANCIAL STATUS REPORTING.** A Federal Financial Report, Standard Form SF-425 (and Federal Financial Report Attachment, SF-425A, if required for reporting multiple awards), must be submitted annually. These reports are due 90 days after the reporting period ending December 31st. The final SF-425 (and SF-425A, if applicable) must be submitted either with the final payment request or no later than 120 days from

the expiration date of the award. These forms may be found at <https://www.grants.gov/web/grants/forms.html>.

- F. PROGRAM PERFORMANCE REPORTS. The recipient shall perform all actions identified and funded in application/modification narratives within the performance period identified in award.

In accordance with 2 CFR 200.301, reports must relate financial data to performance accomplishments of the federal award.

The CCWD shall submit annual performance reports. These reports are due 90 days after the reporting period ending December 31. The final performance report shall be submitted either with CCWD's final payment request, or separately, but not later than 120 days from the expiration date of the award.

Additional pertinent information: Each calendar year, as early as July 1st but no later than September 30th, the CCWD must provide to the USFS Stanislaus National Forest a set of GIS-friendly spatial files (such as shape files or geodatabase) that spatially delineate where any/all vegetation or fuels work was done during the previous federal fiscal year, from October 1 to September 30th. Also, answers to the additional questions on the FACTS Input Sheet (attached) are needed, that must outline where, what kind of work, and when the work was done. There is no grace period on this reporting deadline. All work that is completed after submitting the GIS data and FACTS Input Sheet to the USFS Stanislaus National Forest would be included in the following federal fiscal year GIS data and FACTS Input Sheet.

- G. NOTIFICATION. The CCWD shall immediately notify the Forest Service of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
- H. CHANGES IN KEY PERSONNEL. Any revision to key personnel identified in this award requires notification of the Forest Service Program Manager by email or letter.
- I. USE OF FOREST SERVICE INSIGNIA. In order for The CCWD to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications (Washington Office). A written request will be submitted by Forest Service, Program Manager, to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The Forest Service Program Manager will notify The CCWD when permission is granted.
- J. FUNDING EQUIPMENT. Federal funding under this award is not available for reimbursement of CCWD's purchase of equipment. Equipment is defined as having a

fair market value of \$5,000 or more per unit and a useful life of over one year.  
Supplies are those items that are not equipment.

- K. USE OF GOVERNMENT OWNED VEHICLE. Forest Service vehicles may be used for official Forest Service business only in accordance with FSH 7109.19, ch. 60, the requirements established by the region in which performance of this award takes place, and the terms of this award.
- L. BUILDING AND COMPUTER ACCESS BY NON-FOREST SERVICE PERSONNEL. The CCWD may be granted access to Forest Service facilities and/or computer systems to accomplish work described in the Operating Plan or Statement of Work. All non-government employees with unescorted access to Forest Service facilities and computer systems must have background checks following the procedures established by USDA Directives 3800 series. Those granted computer access must fulfill all Forest Service requirements for mandatory security awareness and role-based advance security training, and sign all applicable Forest Service statements of responsibilities.
- M. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. The CCWD is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

The CCWD may call on Forest Service's Office of Communication for advice regarding public notices. The CCWD is requested to provide copies of notices or announcements to the Forest Service Program Manager and to Forest Service's Office Communications as far in advance of release as possible.

- N. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. The CCWD shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this award. Follow direction in USDA Supplemental 2 CFR 415.2.
- O. COPYRIGHTING. The CCWD is/are granted sole and exclusive right to copyright any publications developed as a result of this award. This includes the right to publish and vend throughout the world in any language and in all media and forms, in whole or in part, for the full term of copyright and all renewals thereof in accordance with this award.

No original text or graphics produced and submitted by the Forest Service shall be copyrighted. The Forest Service reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for federal government purposes.

This right shall be transferred to any sub-awards or subcontracts.



This provision includes:

- The copyright in any work developed by CCWD under this award.
- Any right of copyright to which CCWD purchase(s) ownership with any federal contributions.

- P. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. The CCWD shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

*In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)*

*Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.*

*To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:*

- (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; or*
- (2) Fax: (833) 256-1665 or (202) 690-7442; or*
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

If the material is too small to permit the full Non-Discrimination Statement to be included, the material will, at a minimum, include the alternative statement:  
***“This institution is an equal opportunity provider.”***

- Q. DISPUTES.

1. Any dispute under this award shall be decided by the Signatory Official. The Signatory Official shall furnish CCWD a written copy of the decision.

2. Decisions of the Signatory Official shall be final unless, within 30 days of receipt of the decision of the Signatory Official, CCWD appeal(s) the decision to the Forest Service's Director, State & Private Forestry (SPF). Any appeal made under this provision shall be in writing and addressed to the Director, SPF, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Signatory Official.
  3. In order to facilitate review on the record by the Director, SPF, CCWD shall be given an opportunity to submit written evidence in support of its appeal. No hearing will be provided.
  4. A decision under this provision by the Director, SPF is final.
  5. The final decision by the Director, SPF does not preclude The CCWD from pursuing remedies available under the law.
- R. AWARD CLOSEOUT. The CCWD must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

Any unobligated balance of cash advanced to The CCWD must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.344(d).

If this award is closed without audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

- S. TERMINATION. This award may be terminated, in whole or part pursuant to 2 CFR 200.340.
- T. DEBARMENT AND SUSPENSION. The CCWD shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should CCWD or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. The Recipient shall adhere to 2 CFR Part 180 Subpart C in regards to review of sub-recipients or contracts for debarment and suspension.

All subrecipients and contractors must complete the form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions. Blank forms are available electronically. Completed forms must be kept on file with the primary recipient.

U. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.

V. TRAFFICKING IN PERSONS.

1. Provisions applicable to a Recipient that is a private entity.

- a. You as the Recipient, your employees, Subrecipients under this award, and Subrecipients' employees may not:
  - (1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - (2) Procure a commercial sex act during the period of time that the award is in effect; or
  - (3) Use forced labor in the performance of the award or subawards under the award.
- b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a Subrecipient that is a private entity:
  - (1) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - (2) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
    - i. Associated with performance under this award; or
    - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),".

2. Provision applicable to a Recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:

- a. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
- b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
  - (1) Associated with performance under this award; or
  - (2) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),"

3. Provisions applicable to any recipient.
  - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
  - b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
    - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
    - (2) Is in addition to all other remedies for noncompliance that are available to us under this award.
  - c. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
4. Definitions. For purposes of this award term:
  - a. "Employee" means either:
    - (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
    - (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
  - b. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - c. "Private entity":
    - (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
    - (2) Includes:
      - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
      - ii. A for-profit organization.
  - d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

W. DRUG-FREE WORKPLACE.

1. The CCWD agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must
  - a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
  - b. Specify the actions CCWD will take against employees for violating that prohibition; and

- c. Let each employee know that, as a condition of employment under any award, the employee:
  - (1) Shall abide by the terms of the statement, and
  - (2) Shall notify The CCWD in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.
2. The CCWD agree(s) that it will establish an ongoing drug-free awareness program to inform employees about
  - a. The dangers of drug abuse in the workplace;
  - b. The established policy of maintaining a drug-free workplace;
  - c. Any available drug counseling, rehabilitation and employee assistance programs; and
  - d. The penalties that you may impose upon them for drug abuse violations occurring in the workplace.
3. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this award, whichever occurs first.
4. The CCWD agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Program Manager within 10 calendar days after The CCWD learns of the conviction.
5. Within 30 calendar days of learning about an employee's conviction, CCWD must either
  - a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
  - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

X. PROHIBITION AGAINST USING FUNDS WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS.

1. The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

2. The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.
3. The prohibition in paragraph (1) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
4. If the Government determines that the recipient is not in compliance with this award provision, it;
  - a. Will prohibit the recipient's use of funds under this award in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
  - b. May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

Y. ELIGIBLE WORKERS. The CCWD shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 U.S.C. 1324(a)). The CCWD shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.

Z. FREEDOM OF INFORMATION ACT (FOIA). Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 315(e).

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).

AA. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

BB. PROMOTING FREE SPEECH AND RELIGIOUS FREEDOM. As a recipient of USDA financial assistance, you will comply with the following:

1. Do not discriminate against applicants for sub-grants on the basis of their religious character.
2. 7 Code of Federal Regulations (CFR) part 16.3(a), Rights of Religious Organizations.

3. Statutory and National policy requirements, including those prohibiting discrimination and those described in Executive Order 13798 promoting free speech and religious freedom, 2 CFR 200.300.

CC. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. The cooperator (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

- (1) Procure or obtain, extend or renew a contract to procure or obtain;
- (2) Enter into a contract (or extend or renew a contract) to procure; or
- (3) Obtain the equipment, services or systems.

#### **Waivers**

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

1. When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
  - a. Applying the domestic content procurement preference would be inconsistent with the public interest;
  - b. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
  - c. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver.

## ATTACHMENT B: 2 CFR PART 170

### Appendix A to Part 170—Award Term

#### I. Reporting Subawards and Executive Compensation

##### a. *Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
  - i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
  - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

##### b. *Reporting total compensation of recipient executives for non-Federal entities.*

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
  - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
  - ii. in the preceding fiscal year, you received—
    - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,
  - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:
  - i. As part of your registration profile at <https://www.sam.gov>.
  - ii. By the end of the month following the month in which this award is made, and annually thereafter.

##### c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most



highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
    - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
    - i. To the recipient.
    - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. *Exemptions.*  
If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- i. Subawards, and
  - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. *Definitions.* For purposes of this award term:
1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
  2. Non-Federal *entity* means all of the following, as defined in 2 CFR part 25:
    - i. A Governmental organization, which is a State, local government, or Indian tribe;
    - ii. A foreign public entity;
    - iii. A domestic or foreign nonprofit organization; and,
    - iv. A domestic or foreign for-profit organization
  3. *Executive* means officers, managing partners, or any other employees in management positions.
  4. *Subaward:*
    - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
    - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
    - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. *Subrecipient* means a non-Federal entity or Federal agency that:
  - i. Receives a subaward from you (the recipient) under this award; and
  - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

END OF ATTACHMENT B: 2 CFR PART 170

## **ATTACHMENT C: WHISTLEBLOWER NOTICE**

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees as well as personal services contractors and employees of Federal contractors, subcontractors, grantees, and subgrantees against reprisal for whistleblowing. USDA bears the responsibility to ensure that nothing in a non-disclosure agreement which a contractor, subcontractor, grantee, or subgrantee requires their employees to sign should be interpreted as limiting their ability to provide information to the Office of Inspector General (OIG).

41 U.S.C. § 4712 requires the head of each executive agency to ensure that its contractors inform their workers in writing of the rights and remedies under the statute. Accordingly, it is illegal for a personal services contractor or an employee of a Federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In this context, these categories of individuals are whistleblowers who disclose information that the individual reasonably believes is evidence of one of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To be protected under 41 U.S.C. § 4712, the disclosure must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

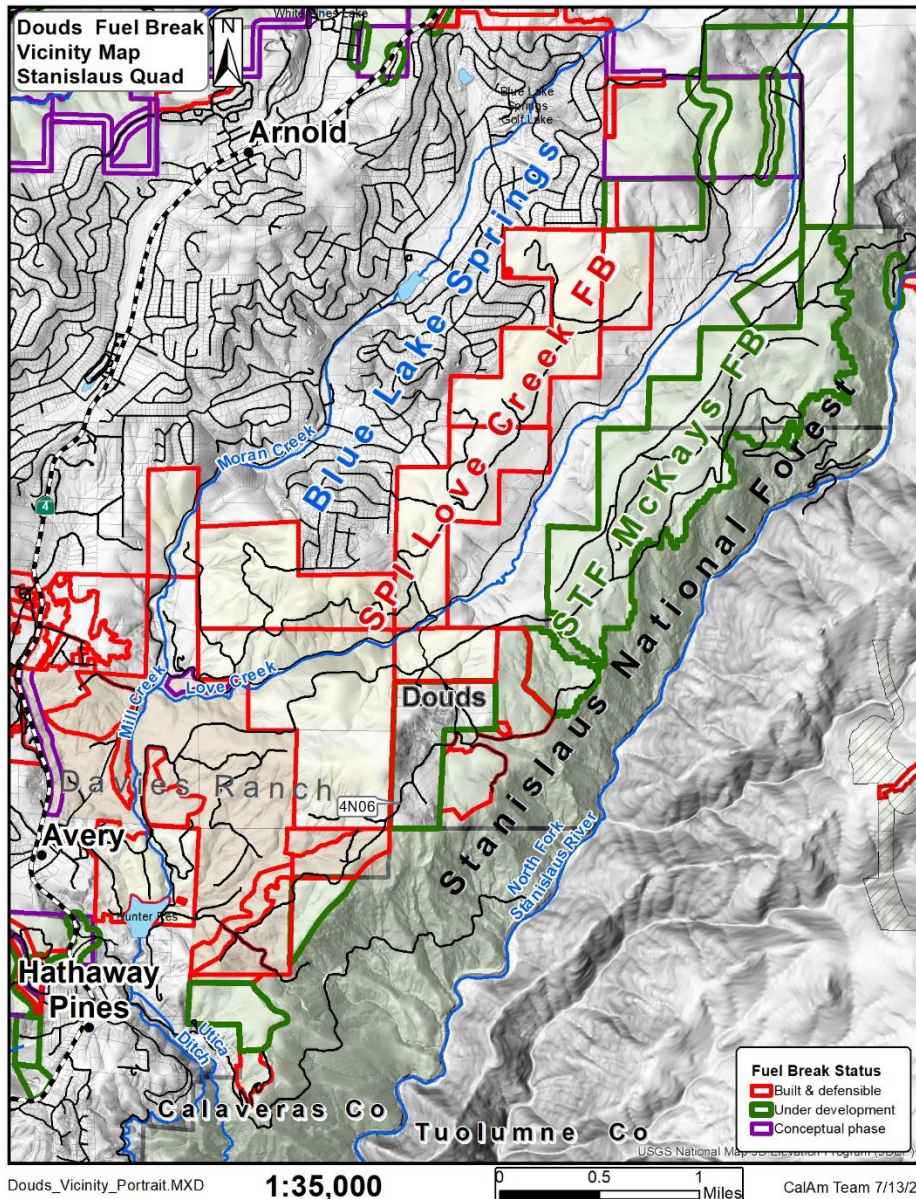
Under 41 U.S.C. § 4712, personal services contractors as well as employees of contractors, subcontractors, grantees, or subgrantees may file a complaint with OIG, who will investigate the matter unless they determine that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. OIG's investigation is then presented to the head of the executive agency who evaluates the facts of the investigation and can order the contractor, subcontractor, grantee, or subgrantee

to take remedial action, such as reinstatement or back pay.

Federal Acquisition Regulation (FAR) Subpart 3.903, *Whistleblower Protections for Contractor Employees, Policy*, prohibits government contractors from retaliating against a contract worker for making a protected disclosure related to the contract. FAR Subpart 3.909-1 prohibits the Government from using funds for a contract with an entity that requires its employees or subcontractors to sign internal confidentiality statements prohibiting or restricting disclosures of fraud, waste, or abuse to designated persons. This prohibition does not contravene agreements pertaining to classified information. The regulation also requires contracting officers to insert FAR clause 52.203-17, *Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights*, in all solicitations and contracts that exceed the Simplified Acquisition Threshold as defined in FAR Subpart 3.908. This clause requires notification to contractor employees that they are subject to the whistleblower rights and remedies referenced in 41 U.S.C. § 4712.

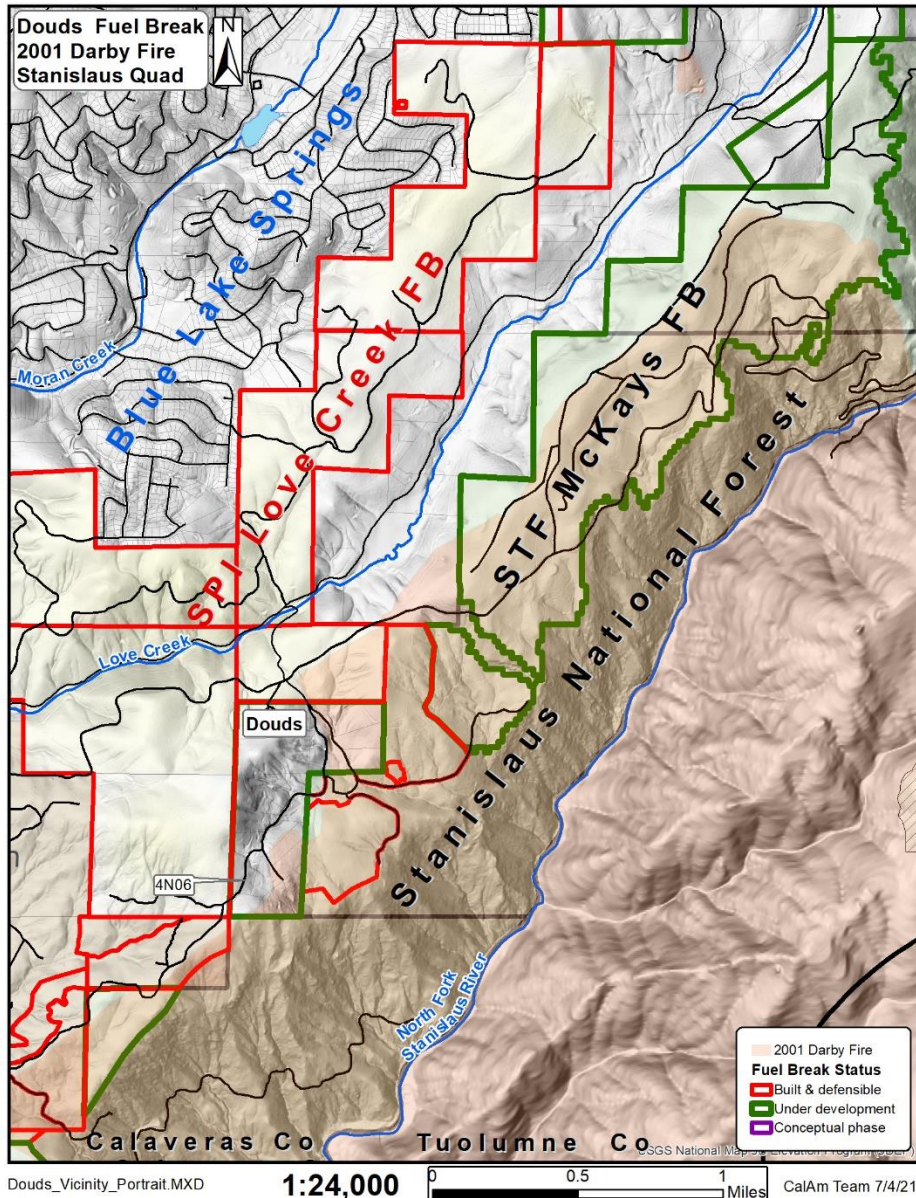
In order to make a complaint alleging any of the violations mentioned above, one should complete the OIG Hotline form located at: <https://www.usda.gov/oig/hotline>. For additional information, they may also visit the WPC's webpage at: <https://www.usda.gov/oig/wpc> or they may directly contact the WPC at [OIGWPC@oig.usda.gov](mailto:OIGWPC@oig.usda.gov).

**ATTACHMENT E: MAPS (1-3) OF DOUD'S FUELBREAK AREA**



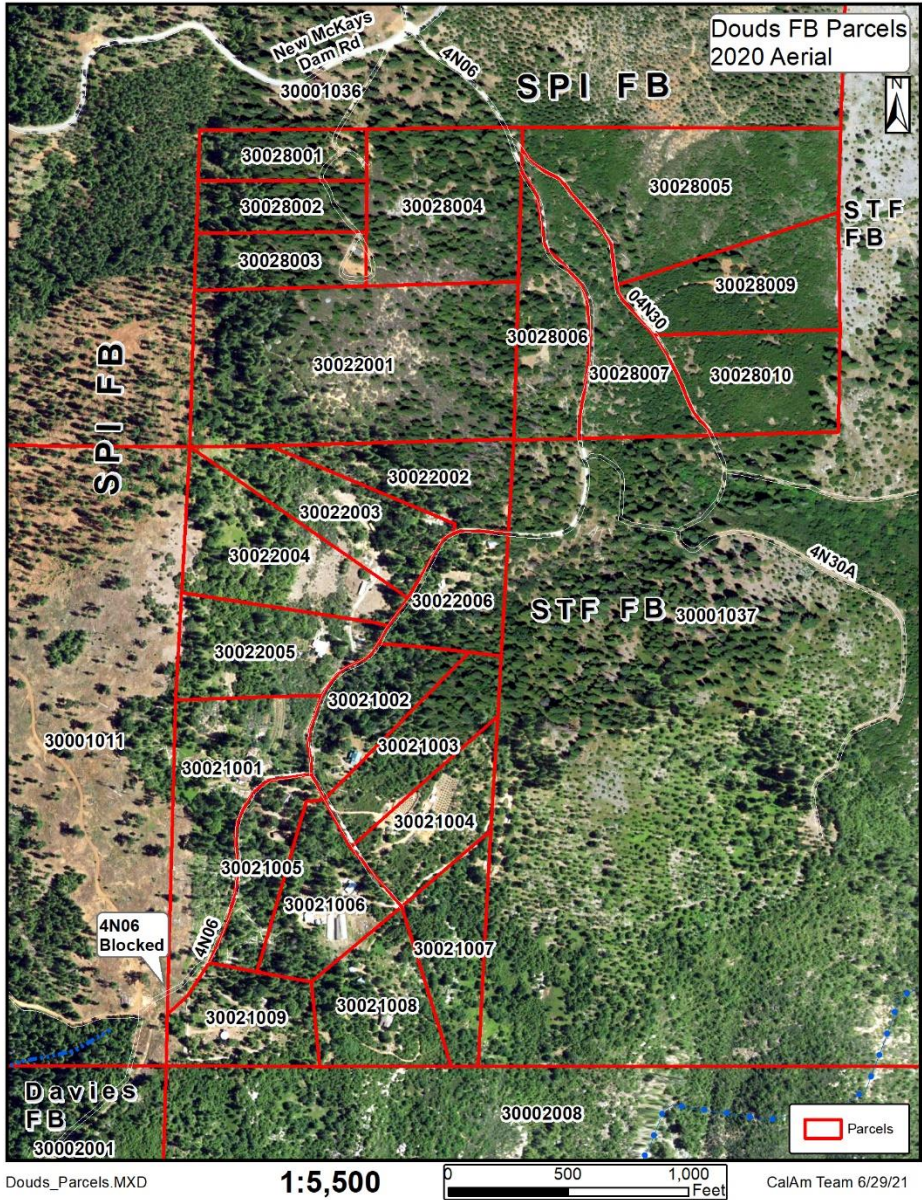
Map 1. Vicinity map showing the proposed Douds FB on the rim of the NF Stanislaus River Canyon. It is surrounded by treated SPI lands on the north and west and partially treated STF lands on the east and south. The growing network of landscape scale forest restoration projects on the WUI is a collaborative effort between the STF, SPI, Calaveras Big Trees Park, private ranches, communities and more. This project will reduce fire fuels on 148 acres of privately owned land within the Doud's Landing subdivision.





Map 2. Construction of landscape scale FBs on the north rim of the NF Stanislaus River Canyon follow the contingency lines used to stop the 2001 Darby Fire. The Douds FB project is as a part of the larger 'Hwy 4 Wildfire Defense System' by connecting the Last Chance Fuelbreak (FB) on the southwest with the developing USFS/McKays and Private/Love Creek Forest fuelbreaks on the northeast, on private land in Douds community. This system is under construction to protect the Arnold Wildland Urban Interface (WUI) that covers ~6,500 acres and includes ~4,000 buildings.





Map 3. Douds Fuelbreak. While the Douds community is surrounded by fuels reduction projects on SPI and STF land, the fuel load in the community itself continues to increase. In addition, USFS Road 4N06, the only ingress/egress route, is blocked by logs strung along the private land side, and an existing young plantation and log deck on SPI - leaving the Douds community without an escape route.

# Item 4b



# Agenda Item

DATE: August 23, 2023

TO: Michael Minkler, General Manager

FROM: Jeffrey Meyer, Director of Administrative Services

SUBJECT: Update/Discussion Regarding the Cost of Service Study for the Proposed Water and Wastewater Rates and the Proposition 218 Public Hearing

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## **RECOMMENDED ACTION:**

Update/Discussion Regarding the Cost of Service Study for the Proposed Water and Wastewater Rates and the Proposition 218 Public Hearing.

## **SUMMARY:**

The District's current water and wastewater five-year rate plan was adopted on May 23, 2018, and runs through July 15, 2023. It is recommended practice that the District's rate plan be reviewed at least every five years to determine the adequacy of the existing rates to support the District's operating and capital programs. The District engaged the services of IB Consulting, Inc. to perform a Cost of Service and Financial Analysis Study for the water and wastewater utilities. The following tracks the progress of that effort:

### Introduction:

October 12, 2022 - Habib Isaac, Principal and Managing Partner of IB Consulting, presented an overview of the Cost of Service and Financial Analysis study to the Board. He reviewed the objectives of a Cost-of-Service study, as well as the steps and processes required during the rate study process. He also discussed Proposition 218 and the impact recent court cases have had on rate design.

### Five-Year Water and Wastewater Financial Analysis Models:

April 28, 2023 - Mr. Isaac presented the preliminary water and wastewater five-year financial analysis models to the Finance Committee. The Finance Committee recommended that the models be presented to the Board.

May 3, 2023 – Mr. Isaac presented the five-year analysis to the Board. The Board provided feedback and staff collaborated with the consultants to address their questions, with a particular focus on strategies to reduce the year one revenue shortfall.

May 24, 2023 - The updated financial models were presented to the Board along with a discussion of the District's debt service coverage requirements and other key factors of the year one revenue shortfall. The Board agreed in concept with the models and

directed staff to conduct a rate workshop, including proposed rate designs, on July 12.

#### Cost-of-Service and Rate Design:

July 12, 2023 – Mr. Isaac presented the water and wastewater Cost-of-Service and Rate Design to the Board. The Board agreed with the proposed rate designs and directed staff to begin the Proposition 218 noticing process and schedule a Proposition 218 Public Hearing for September 13, 2023, at 1:00 pm.

July 25, 2023 – Proposition 218 notices were mailed to every District property owner. Proposition 218 requires a 45-day noticing period. A mailing date of July 25 provides a 50-day noticing period prior to the public rate hearing on September 13.

July 24 - 28, 2023 – Information on the proposed rates is on the District's website under Customer Service or through a pop-up on the main page. Included in this section is the Proposition 218 notice, the proposed rate schedule, a sample protest letter, an FAQ, a rate calculator, past Board meeting agenda items, District financial information, and the Draft Cost-of-Service Study.

#### Public Outreach –

Staff and Board members met with customers at three town hall meetings to inform them of the proposed water and wastewater rate increases. The town hall meetings were held in Ebbetts Pass (August 14), Copperopolis (August 16), and Valley Springs (August 17). Public outreach is also scheduled in West Point on Thursday August 24 at the Blue Mountain Center on 364 Main Street, which runs from 4:00 – 7:00 pm. Staff will also use traditional media and social media sources to provide informational updates about the process.

#### Next Steps:

#### Public Hearing –

September 13, 2023, at 5:30 pm. District Boardroom, 120 Toma Court, San Andreas

The Board will consider all protests against the proposed water and wastewater rate changes. If a majority of the affected property owners file protests, the proposed rate changes will not be imposed. If there is not a majority protest and the Board approves the proposed rates, the water and wastewater rate changes will take effect on October 16, 2023, and will be adjusted each year on July 16 per the proposed rate schedule.

#### **FINANCIAL CONSIDERATIONS:**

None at this time.