



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

AGENDA

August 4, 2020
2:00 p.m.
CCWD Board Room

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

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

When it's time, join your Webex meeting here.

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Meeting number (access code): 126 597 4307

Meeting password: LA08042020 (52080420 from phones and video systems)

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ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
2. PUBLIC COMMENT: Comments limited to 3 minutes per person.
3. APPROVAL OF MINUTES: June 17, 2020 Minutes

* No paperwork

Committee Members

Scott Ratterman, Director

Jeff Davidson, Director

4. **FEDERAL**

Federal Affairs Update
(Michael Minkler, General Manager)

- a) Federal Infrastructure Funding Legislature*
- b) House Approval of the Water Resources Development Act of 2020 and FY 2021
- c) Water Infrastructure Improvement Act of 2016 Update
- d) Consider Support for S4308

5. **STATE**

Federal Affairs Update
(Michael Minkler, General Manager)

- a) Upper Mokelumne River Watershed Authority Legislative Issues Update

6. **OTHER BUSINESS**

7. **GENERAL MANAGER COMMENTS**

8. **DIRECTOR COMMENTS**

9. **FUTURE AGENDA ITEMS**

10. **NEXT COMMITTEE MEETING** October 6, 2020, 2:00 p.m.

11. **ADJOURNMENT**



CALAVERAS COUNTY WATER DISTRICT LEGAL AFFAIRS COMMITTEE MEETING

MINUTES

June 17, 2020

The following Committee Members were present:

Director Ratterman
Director Davidson

Staff Present:

Michael Minkler, General Manager
Rebecca Hitchcock, Clerk to the Board
Brad Arnold, Manager of Water Resources
Joel Metzger, External Affairs Manager

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Director Ratterman called the meeting to order at 2:10 p.m.

2. PUBLIC COMMENT:

There was no public comment.

3. APPROVAL OF MINUTES: January 30, 2020 Minutes

Approved minutes from the Legal Affairs Committee meeting of January 30, 2020.

4. STATE

- 4a. Update on Key State Legislation
(Michael Minkler, General Manager)

Discussion: Mr. Minkler gave an update on 1) the proposed PG&E Public Safety Power Shutdown (PSPS) legislation; 2) the proposed Water Loss Standards and Economic Model; 3) PSPS funding has been opened up to Special Districts; and 4) the Renewable Energy Market Adjusting Tariffs (REMAT) Program.

5. FEDERAL

- 5a. Federal Legislative Update
(Michael Minkler, General Manager)

Discussion: Mr. Minkler gave an update on 1) the Water Resources Development Act (WRDA); 2) the pursuit of storage in New Melones; 3) California Forest Watershed Alliance (CAFWA) Federal Infrastructure and Stimulus Legislation; and 4) the Mokelumne River Voluntary Agreement.

6. OTHER BUSINESS

None

7. GENERAL MANAGER COMMENTS

Mr. Minkler gave an update on the Washington, D.C. trip cancellation and possible rescheduling.

8. DIRECTOR COMMENTS

Director Ratterman had nothing to report.

Director Davidson had nothing to report.

9. FUTURE AGENDA ITEMS

None

10. NEXT COMMITTEE MEETING

August 4, 2020 at 2:30 p.m.

11. ADJOURNMENT:

The meeting adjourned at approximately 2:47 p.m.

O'Connell & Dempsey, LLC



TO: Michael Minkler, General Manager, Calaveras County Water District
FROM: Mia O'Connell, President, O'Connell & Dempsey
DATE: July 31, 2020
SUBJ: House Approval of the Water Resources Development Act of 2020 and FY 2021 Energy-Water Appropriations Bill

On July 29th, the House approved its bipartisan Water Resources Development Act of 2020 (WRDA) by voice vote. Because this bill was on the Suspension calendar to move the bill quickly, no amendments were allowed, so this is essentially the same bill that the Transportation and Infrastructure Committee approved recently. As we advised, after the House Committee markup of the WRDA legislation, the bill authorizes the construction of all 34 pending Corps Chief of Engineers reports received since the enactment of WRDA 2018. The bill also authorizes 30 feasibility studies for water resources development projects, including those identified through the public review process under Section 7001 of the Water Resources Reform and Development Act of 2014.

The bill includes a number of programmatic provisions, including language to reaffirm the commitment to greater use of natural and nature-based projects by ensuring all alternatives are fully evaluated by the Corps and are provided the same cost share as structural alternatives. The bill also allows for the calculation of sea level rise benefits for Corps projects and examines the Corps' role in water supply to determine if it should become a primary mission of the Corps, among other provisions.

In terms of specific issues of interest to the District, there is a provision in Section 326 of the bill that makes modifications to 13 projects for environmental infrastructure which were included in the Corps Annual Report to Congress for 2019 and 2020.

It is the case that once the proposals for Section 7001 are submitted, and assuming they meet the criteria, they are included in the Annual Report of the Corps that is submitted to Congress, then included in the next WRDA and thus are considered authorized. This is the path we are on for Copper Cove to increase the authorization with our Section 7001 proposal you are now reviewing for submittal, which is good news.

The bill now heads to the Senate, whose own version was approved by the Environment and Public Works Committee. It is our understanding that the House and Senate Committee staffs will informally get together to work to compromise the bills for a conference agreement, so there is a compromise measure to be considered in the fall or later. Unclear what the endgame is, but

this bill may be wrapped into a larger infrastructure stimulus package later this year or early next. We will keep you advised.

In separate action, on July 31, the House passed H.R. 7617, the Appropriations minibus that includes the FY '21 Energy-Water Appropriations bill, which is essentially unchanged in the Corps portion of the bill from the Committee markup we reported on July 14th. For the Corps of Engineers for fiscal year 2021, the bill provides a total of \$7.63 billion, an increase of \$1.7 billion above the President's Budget request. The bill provides \$151 million for General Investigations equal to the FY 2020 enacted level and \$48 million above the request. For Construction, the bill provides \$2.6 billion, \$447 million above the request. For Operation and Maintenance, the bill provides \$3.84 billion, an increase of \$48 million above the FY 2020 enacted level and \$1.8 billion above the request. The bill provides for seven new study starts and seven new construction projects.

In addition, as we advised earlier, to support the economic recovery from the coronavirus pandemic, the bill provides an additional \$17 billion in emergency funding to accelerate work on Corps projects around the country, putting Americans back to work and improving water infrastructure while reducing the current backlog. This includes: \$110 million in Investigations for feasibility studies, \$10 billion in Construction funding to accelerate projects that provide protection from floods, ensure navigable channels to move goods and restore the environment, and \$5 billion to address unmet operations and maintenance needs and repairs to damaged Corps projects across the country.

As a result of our efforts together and with Congressman Garamendi, Congressman McClintock, and other supporters, the funding level for the Section 219 Environmental Infrastructure program was included at \$100,000,000. The directive language for how the Corps should allocate the Environmental Infrastructure funds looks helpful and includes:

“For environmental infrastructure projects, projects with greater economic impact, projects in rural communities, projects in communities with significant shoreline and instances of runoff, projects in or that benefit counties or parishes with high poverty rates, projects in financially distressed municipalities, projects that improve stormwater capture capabilities, and projects that will provide substantial benefits to water quality improvements.”

Further, in the Corps emergency funds to support economic recovery section of the bill, of the \$10 billion in additional construction funds, the bill provides that \$500 million shall be for water-related Environmental Infrastructure assistance, which is very good news.

Upon passage of the bill today, the White House has already threatened to veto the measure in its present form, citing, among other things, the additional emergency funds for the Corps.

The Senate has not marked up any of its FY '21 Appropriations bills, and given that, it appears Congress is heading for a short term Continuing Resolution to keep the federal government funded. We will advise as matters progress.

Agenda Item

DATE: August 4, 2020

TO: Legal Affairs Committee

FROM: Michael Minkler, General Manager
Brad Arnold, Water Resources Program Manager

SUBJECT: Coordination with U.S. Bureau of Reclamation to Discuss District Request of Permanent Storage in New Melones Reservoir

RECOMMENDED ACTION:

Receive and discuss information regarding negotiations between CCWD and Reclamation regarding interest in establishing a New Melones storage share. This is an information-only item and no action is required.

SUMMARY:

Calaveras County Water District (CCWD) has an outstanding request to the US Bureau of Reclamation (Reclamation) to establish a new permanent storage share for CCWD in New Melones Reservoir (New Melones) to accommodate future water demands in southwestern Calaveras County. This request is based on Section 4006 of the Water Infrastructure Improvement Act of 2016 (WIIN §4006), which requires Reclamation to work with local districts in the Stanislaus River Basin to determine whether water storage can be made available in New Melones under revised operations plans.

CCWD met with Reclamation on July 24, 2020, in conjunction with the Association of California Water Agencies web-conference, to discuss CCWD's proposed firm storage share, review the water supply and demand justifications, and define next procedural steps. CCWD will next draft a detailed proposal for submission to Reclamation so they can review and assess potential CCWD storage as it relates to New Melones and Stanislaus River Basin plans. CCWD staff will then schedule a follow-up meeting with Reclamation staff to receive their feedback and refine the proposal, if needed.

Staff are preparing the formal request proposal and will update the Committee as details are finalized per WIIN §4006, and as progress is made in negotiations with Reclamation towards establishing a CCWD storage share in New Melones.

FINANCIAL CONSIDERATIONS:

None at this time.

Attachments: None



CALAVERAS COUNTY WATER DISTRICT

120 Toma Court • Post Office Box 846 • San Andreas, CA 95249 • Main Line (209) 754-3543

August 4, 2020

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Kamala Harris
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

RE: Thank you for your leadership on S. 4308, the Special Districts Provide Essential Services Act

Dear Senator Feinstein and Senator Harris,

The Calaveras County Water District is thankful for your support of S. 4308, the Special Districts Provide Essential Services Act, and we are grateful for your leadership on this vital piece of legislation. This measure would bring much-needed relief resources to special districts in our community, throughout California, and across the nation.

The Special Districts Provide Essential Services Act would provide critically needed relief for local agencies that have experienced unforeseen expenditures or decrease in revenue as a result of the COVID-19 health crisis. Based on a July 2020 CSDA/National Special Districts Coalition survey, **California's special districts anticipate a \$1.26 billion impact due to COVID-19 through the end of Fiscal Year 2021.**

As a provider of Water and Wastewater to 13,000 residents in Calaveras County, proportional access to federal resources would help our district confront COVID-19 and overcome related unbudgeted expenses and revenue losses.

Despite the significant impact to our district, our local agency and the vast majority of California's special districts, have not received access to the Coronavirus Relief Fund. We thank you for your supporting special districts' access to COVID-19 relief fund to help us continue providing, without hinderance, vital services our community relies upon while also providing greater certainty and ability to retain our essential workers.

S. 4308 would accomplish the following:

- **Allows special districts direct access to the Coronavirus Relief Fund.** The bill requires states to distribute five percent of future Coronavirus Relief Fund allocations that they receive to special districts within their respective state within 60 days of receiving funds from the U.S. Treasury. Designating special districts as eligible for the Fund would greatly assist in their attempts to both recoup dramatic revenue losses and backfill the increase in expenditures many have experienced due to a variety of pandemic-related expenses.
- **Requires special districts to demonstrate the financial impact of COVID-19** when applying for funding. Special districts would submit information to their state demonstrating the degree to which they have experienced or anticipate they will experience COVID-19-related revenue loss, grant/inter-governmental revenue loss, or increased COVID-19-related expenditures.
- **Creates limits to allocations** such that a special district may not receive funding that exceeds the amount the district expended in any quarter of 2019. However, special districts providing services that the federal Cybersecurity and Infrastructure Security Agency deems to be within a "critical infrastructure sector" would be exempt from limitations.

- **Provides flexibility for states with excess funds reserved for special districts** that make a good faith effort to distribute funds to districts within the state. The bill requires states to file a waiver with U.S. Treasury after 60 days demonstrating how the state distributed its special districts funding. If approved, the state may use the balance of the funds for other COVID-19 response purposes.
- **Defines “special district”** as a “political subdivision of a State, formed pursuant to general law or special act of the State, for the purpose of performing one or more governmental or proprietary functions.” With the variety of services that special districts throughout the country deliver, it is important to have a clear understanding of what is – and what is not – a special district. The definition in the bill was developed through a collaborative and consensus-driven process by special district associations across the nation.
- **Specifically permits special districts to be considered “eligible issuers” of the Federal Reserve Board’s Municipal Liquidity Facility (MLF).** The bill would direct the U.S. Department of Treasury to consider special districts as eligible issuers to take advantage of the Municipal Liquidity Facility, as established in the CARES Act, for access to capital during the current financial downturn. States, territories, tribes, cities with a population greater 250,000 and counties with a population greater than 500,000 have access to the Fed’s tool. Despite special districts’ statutory authority to issue tax and revenue anticipation notes, they are currently not considered “eligible issuers” under the CARES Act. This bill expands the Fed’s authorization to purchase these notes to include all special districts as “eligible issuers” for MLF.

We sincerely appreciate you and your staff for your outstanding leadership on special districts issues, including your June 15 letter to Treasury and the Federal Reserve regarding special districts’ access to the Municipal Liquidity Facility. We look forward to working with you on S. 4308 and strongly support its inclusion in the impending federal COVID-19 relief bill for state and local governments.

Sincerely,

CALAVERAS COUNTY WATER DISTRICT

Michael Minkler
General Manager
Calaveras County Water District

CC: California Special Districts Association [advocacy@cnda.net]
CC: Representative McClintock

Agenda Item

DATE: August 4, 2020

TO: Legal Affairs Committee

FROM: Michael Minkler, General Manager
Brad Arnold, Water Resources Program Manager

SUBJECT: Upper Mokelumne River Watershed Authority Legislative Issues Update

RECOMMENDED ACTION:

Receive and discuss information regarding the legislative issues highlighted by the Upper Mokelumne River Watershed Authority during its last July 24, 2020 meeting. Staff is recommending a support position on SB 1348 and AB 2421, pending committee and board approval.

SUMMARY:

Calaveras County Water District (CCWD) is a member of the Upper Mokelumne River Watershed Authority (UMRWA). UMRWA serves as the regional coordination group for the Mokelumne-Amador-Calaveras region to enhance water supply and environmental conditions, and to procure planning and infrastructure grant funds. At their most recent meeting on July 24, 2020, UMRWA's Board of Directors, received a request from EBMUD to support SB 1348 and AB 2421. The item was deferred until UMRWA's member agencies had an opportunity to consider their positions on the bills. If a majority of UMRWA's members adopt support positions on the bills, UMRWA will submit letters of support on behalf of the joint powers authority.

The legislative update summarized SB 1348 (Stern) and AB 2421 (Quirk) which pertain to fuel management/forest health and standby generation/emergency conditions, respectively. SB 1348 would require the California Department of Forestry and Fire Protection (Cal Fire) to take on additional responsibilities related to 'defensible space' and vegetation regulations, and would expand eligible activities for Cal Fire local assistance grant funding. AB 2421 would expedite some reviews required for installation of emergency standby generators for wireless communication (cellular) towers, which could help improve cellular signal preparedness for power outage conditions like the Public Safety Power Shutoffs (PSPS). Both bills appear to benefit emergency preparedness in the region by providing regulation clarity, potential funding, and improving infrastructure. UMRWA is asking its members to take part in joint letters of support for SB 1348 and AB 2421.

CCWD staff will continue to monitor these bills and related legislative updates provided by UMRWA. Staff will update the Committee as new info is received and regarding the status of the UMRWA member support letter for SB 1348 and AB 2421.

FINANCIAL CONSIDERATIONS:

None at this time.

Attachments: UMRWA Legislative Issues Update from July 24, 2020 Meeting



Upper Mokelumne River Watershed Authority

Agenda No: **12**

Meeting Date: July 24, 2020

Title:

Legislative Issues Update

Recommended Action:

For discussion and possible action – legislative matters discussed by the Board.

Summary:

Two documents prepared by EBMUD are included in this agenda package. The first summarizes SB 1348 (Stern) and AB 2421 (Quirk) which pertain to fuel management/forest health and standby generation/emergency communication, respectively. The second document briefly summarizes the two budget bills and 18 budget trailer bills signed by Governor Newsom in June including how those bills might impact the Pine Grove Youth Conservation Camp. The EO will summarize any additional relevant legislative information that may be obtained prior to the Board meeting. Additionally, Board directors and/or agency staff may have particular legislation of interest and this agenda item is intended to facilitate discussion of it.

SB 1348
(Stern)

**FIRE PREVENTION: VEGETATION
MANAGEMENT: PUBLIC EDUCATION:
GRANTS: DEFENSIBLE SPACE:
FIRE HAZARD SEVERITY ZONES:
FOREST MANAGEMENT**

Existing law requires the Director of the Department of Forestry and Fire Protection (CAL FIRE) to identify areas of the state as very high fire hazard severity zones based on specified criteria. Pursuant to legislation in 2017, CAL FIRE established a local assistance grant program for fire prevention activities in the state. Existing law defines the eligible activities for this grant funding. Existing law also requires a property owner in a high fire hazard severity zone to maintain defensible space and authorizes a local agency enforcing these requirements to conduct defensible space work if the owner fails to, and to place a lien on the property for the cost of that work. Additionally, existing law establishes tiers of penalties for failure to maintain defensible space for repeat violators.

SB 1348 (Stern), as amended on June 18, 2020, makes changes to state law in the four main areas described below.

First, the bill would require the Director of CAL FIRE to identify areas of the state as “moderate” and “high” fire hazard severity zones based on consistent statewide criteria and the severity of fire hazard expected for those areas. Cities or counties with areas designated by CAL FIRE as a moderate or high would be required to make the information available for public review and comment within 30 days of the designation. These requirements are similar to existing law for very high fire hazard severity zones.

Second, the bill would expand the eligible activities for CAL FIRE’s local assistance grant fund program to specifically include projects for vegetation management along roadways and driveways, and public education outreach regarding home and community wildfire resistance. This bill also authorizes any project or program to improve forest health and reduce GHG emissions or any grant funded by the Greenhouse Gas Reduction Fund (GGRF) to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach and community wildfire assistance.

Third, SB 1348 would require CAL FIRE to take on additional responsibilities to:

- adopt regulations related to defensible space requirements in vacant lots;
- create and maintain a public database relating to defensible space inspections and assessments conducted by CAL FIRE, local agencies, or volunteers;
- develop and propose to the legislature a financial penalty structure to apply to situations where CAL FIRE has authorized and removed vegetation and placed a lien upon the property to recover its costs; and
- establish in cooperation with the U. S. Forest Service and specified federal agencies, a program for purposes of the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres.

Finally, SB 1348 would require the California Building Standards Commission to update its code pertaining to the construction of new buildings in specified fire hazard zones.

SB 1438 is intended to enhance fire prevention efforts throughout the state by expanding the range of projects for which funding may be available and, according to the author, to address recommendations contained in CAL FIRE's 2019 Community Wildfire Prevention & Mitigation Report, which was prepared in response to Governor Newsom's Executive Order N-05-19.

AB 2421
(Quirk)

LAND USE: PERMITTING: WIRELESS
COMMUNICATIONS: EMERGENCY
STANDBY GENERATORS

Existing law provides that a state or local government may not deny, and shall approve, any request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such a tower or base station. Under the FCC rules governing such requests, the approval must be issued within 60 days or the request shall be deemed granted. Existing law also provides that the placement or installation of certain wireless facilities, including antennas and related equipment, on or immediately adjacent to a wireless telecommunications facility, is a permitted use not subject to a county or city discretionary permit.

AB 2421 (Quirk), as amended June 4, 2020, would require a city and county to make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill's provisions require the city or county to act on the completed application within 60 days, or the application will be deemed approved upon expiration of that period. Though the bill specifies that the city or county shall not require the applicant to submit proof of authorization from the property owner at the time of initial application, a city or county may require documentation of authorization prior to final installation. Additionally, if the city or county determines that the emergency standby generator violates any applicable state or local law or regulation, including building and fire safety codes, the permit or approval status may be revoked through the appropriate process. Provisions of the bill would sunset on January 1, 2024, and apply to all counties and cities, including charter cities.

According to the author, "In order to facilitate wireless network upgrades needed to mitigate the impacts of public safety power shutoffs, this legislation will help enable the rapid deployment of emergency standby generators at macro cell sites. These resources are vital for public safety and welfare to help ensure consumers maintain access to 911 services, wireless emergency alerts, and other public safety communications." A recent committee analysis of the bill notes that AT&T reported delays ranging from five to 30 months in some jurisdictions for the permitting of back-up generators.