

# UTICA WATER AND POWER AUTHORITY

UWPA Office Building  
1168 Booster Way  
Angels Camp, CA 95222  
(209) 736-9419

## Minutes of the July 29, 2021 Regular Board Meeting

The Board of Directors of the Utica Water and Power Authority (UWPA) met in regular session via remote access at the UWPA office in Angels Camp, California.

### Directors present

- Rocky Chick (UPUD), Chair
- Alvin Broglio (COA), Vice Chair
- Jennifer Davis-Herndon (COA), Secretary
- Greg Rasmussen (UPUD), Director
- Larry Thompson, Community Member

### Staff present:

- Joel Metzger, General Manager
- Lori Karnes, Administrative Manager
- Frank Fields, O & M Superintendent
- Kyle Rasmussen, Water Conveyance Supervisor

### Others Present

- Public at large

## ORDER OF BUSINESS

### Item 1: CALL TO ORDER / PLEDGE OF ALLIEGIANCE

- The meeting was called to order at 6:00 p.m. by Chair Chick.

**Item 2: ROLL CALL**

- Director Chick, Director Broglio, Director Davis-Herndon, Director Rasmussen, Director Thompson - 5-0 All present said aye.

**Item 3: APPROVAL OF AGENDA**

- Motion: Director Rasmussen
- Second: Director Thompson
- Vote: 5-0

**Item 4: PUBLIC COMMENT**

Members of the public may address the Board on items not listed on the agenda. Comments are limited to five minutes. The public is encouraged to work with staff to put items on the agenda for Board consideration. No action will be taken on items not on the agenda

- There was no public comment

**Item 5: CONSENT CALENDAR**

These items are expected to be routine and non-controversial. Unless a Board member pulls an item, all items will be approved together at one time without discussion.

- A. Minutes of the special meeting dated 6/3/21
- B. Minutes of the regular meeting dated 6/23/21
- C. General Manager's report (Metzger)
- D. Financial Reports 6/1/21 – 6/30/21 (Karnes)
- E. Generation report for 6/1/21 – 6/30/21(Karnes & Fields)
- F. Operations report (Fields)
- G. Water conveyance report (Rasmussen)
- H. Drought monitor report (Metzger)
- I. Northern California Power Agency thank you letter

- **Motion:** Director Broglio
- **Second:** Director Rasmussen
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0

- **Ayes:** Directors Chick, Broglio, Davis-Herndon, Rasmussen, Thompson
- **Noes:** None
- **Abstain:** None
- **Absent:** None

**Item 6: REGULAR AGENDA – Discussion and possible action**

A. Mountain Counties Water Resources Association overview and membership discussion (Metzger)

Metzger explained that Mountain Counties Water Resources Association (MCWRA) is a group that represents and advocates for the interest of water agencies in the Sierra Nevada foothills. Utica has been a member in the past but cancelled the membership due to budget constraints. The State Water Resources Control Board recently notified pre 1914 water rights holders that these senior water rights that have been protected in past years could be curtailed depending on drought conditions. MCWRA could be instrumental in defending the pre 1914 water rights that the Water Board has threatened to curtail.

After discussion, the Board was in favor of joining for one year. The membership fee was reduced to \$1,297 from \$5,084 annually and the Board felt that was reasonably priced for the potential support MCWRA could provide. The Board directed staff to use surplus power revenues to fund the membership fee, which was not in the FY 2021-22 budget.

- **Motion:** Director Thompson – I move to join the Mountain Counties Water Resources Association for one year.
- **Second:** Director Rasmussen
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0
- **Ayes:** Directors Chick, Broglio, Rasmussen, Davis-Herndon, Thompson
- **Noes:** None
- **Abstain:** None
- **Absent:** None

B. Consideration of water contractor applications (Metzger)

Metzger explained Utica's water contracts and allocations as referred to in Attachment A of the agreement with Northern California Power Agency (NCPA).

In 2019 the City and UPUD used approximately 15% of their contracted amount. This leaves a large amount of water available to potentially be used by local agricultural irrigators. Contracts with the City and UPUD protect their water supplies and take priority over irrigation customers who can be curtailed or cut off at any time, pursuant to the irrigation contract. If everyone on Utica's waitlist was given the water they requested, it would amount to about 215 AF. Historically Utica have not come close to using all of the allocated water, even in a Water Year 6 – the worst drought year on record. The contracted amount is 17,820 AF in Water Year 1, actual usage was 7,437 AF. Utica's legal counsel advised the contract language is strong to curtail water deliveries if necessary. The City of Angels' legal counsel has also reviewed the proposal to add new customers and determined this would not be a problem.

Metzger recommended to limit the new customers to those who have been in touch with Utica staff within the past few months and are actively pursuing water currently. If someone new expresses interest, then they would go through an approval process prior to extending service. All costs of connection installations are to be paid for by the applicant.

After a lengthy discussion, the Board directed staff to charge a non-refundable deposit of \$2,000 up front and the customer would be responsible for any amount over and above the \$2,000 to complete the meter. The Board also indicated it may raise this connection fee next year. New connections will only be installed by Utica staff when conditions allow and staff has available time to complete the work.

Director Davis Herndon made a motion to charge a nonrefundable \$2,000 connection fee and to mandate that any time and materials costs that exceed \$2,000 would be charged to the customer.

- **Motion:** Director Davis-Herndon
- **Second:** Director Broglio
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0
- **Ayes:** Directors Chick, Broglio, Davis-Herndon, Rasmussen, Thompson
- **Noes:** None
- **Abstain:** None
- **Absent:** None

### C. Report on water supply conditions and possible State Water Resources Control Board action (Metzger)\*

Metzger explained that the State Water Resources Control Board provided notice to Utica that its pre-1914 water rights may be curtailed and has circulated a draft emergency regulation that will give the State Board the authority to curtail not only post 1914 water rights, but pre 1914 as well. The State Board cited concerns that salt water could intrude into the Delta without enough fresh water to push it back out to sea, which would make the water unusable for agriculture and consumption in the Central Valley and Delta region, while also threatening water transfers to Southern California. Gov. Newsom has called for a voluntary 15% reduction in water use from 2020 levels, and if the State Board curtails water, it would limit diversion to only enough to serve the needs of indoor water use at 55 gallons per person per day. Outdoor watering would not be allowed for curtailed water providers. If the emergency regulation passes, Utica will need to determine impacts on the JPA as a whole. Calaveras Conserves will be posting information on its website to keep the public informed and urge residents to use water judiciously. Groups are forming to begin taking legal action against the state.

The Board also gave Metzger direction to draft a letter to the state on behalf of UWPA if necessary.

### D. COVID-19 leave policy (Metzger)

Metzger gave an overview of the history of State and federal mandates for employers to offer 80 hours of paid COVID-19 leave over the past couple of years. He said that the federal mandate to offer leave expired in December of 2020, and California only mandates employers that have more than 25 employees offer the leave. Organizations with fewer than 25 employees are not required to provide the 80 hours of COVID pay – it is up to each individual governing board. If the Board approved the COVID-19 leave, funds could come surplus power revenues or contingencies, since it COVID-19 leave is not in the FY 2021-22 budget.

After discussion, the Board directed staff to offer COVID-19 leave to both full-time and part-time employees, and stipulated that leave would no longer be offered once the State and Federal Mandates for companies with 25 or more employees are lifted, or the Utica Board decides to end the program.

Director Broglio made a motion to approve providing up to 80 hours of COVID-19 leave and modified work schedule if available for both full- and part-time

employees, and to follow current state guidelines for calculating part-time leave and the end of the program.

- **Motion:** Director Broglio
- **Second:** Director Davis-Herndon
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0
- **Ayes:** Directors Chick, Broglio, Rasmussen, Davis-Herndon, Thompson
- **Noes:** None
- **Abstain:** None
- **Absent:** None

E. Recognition of Director Behiel's service on the Utica Board (Metzger) Rasmussen to adopt (Res. No. 21-08)

- **Motion:** Director Rasmussen
- **Second:** Director Broglio
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0
- **Ayes:** Directors Chick, Broglio, Rasmussen, Davis-Herndon, Thompson
- **Noes:** None
- **Abstain:** None
- **Absent:** None

Recess: 7:12 p.m.

**Item 7: ADJOURN TO CLOSED SESSION**

The Board adjourned to closed session at 7:16 p.m.

A. Public Employee Performance Evaluation Pursuant to Government Code Section 4957(b)(1) Title: General Manager

**Item 8: REPORT OUT OF CLOSED SESSION**

The Board reconvened at 8:13 p.m.

- A. The Board reported that a new contract had been signed between the Utica Board and the General Manager.

**Item 9: BOARD REPORTS AND FUTURE AGENDA ITEMS**

None

**Item 10: NEXT BOARD MEETINGS**

- August 24, 2021
- September 28, 2021

**Item 11: ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.

Approved at the August 24, 2021 meeting:

*Ralph Chick*

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Chair

*Jori Karnes*

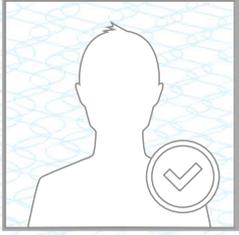
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Clerk to the Board

# Signature Certificate

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Document signed by:

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