



UTICA WATER AND POWER AUTHORITY

Regular Board Meeting Minutes March 28, 2023

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

The Board of Directors of the Utica Water and Power Authority met in regular session at the Utica office in Angels Camp, California.

Directors present:

- Alvin Broglio, Utica Board Chair, Representing City of Angels
- Ralph Chick, Utica Vice Chair, Representing Union Public Utility District
- Jennifer Davis-Herndon, Utica Secretary, Representing City of Angels
- Eric Bottomley, Alternate for Greg Rasmussen, Representing Union Public Utility District
- Gary Conrado, Utica Community At-Large Member

Staff present:

- Joel Metzger, Utica General Manager
- Lori Karnes, Utica Administrative Technician
- Stacie Walker, Utica Administrative Specialist
- Frank Fields, Utica O&M Superintendent
- Kyle Rasmussen, Utica Conveyance Supervisor

Others Present:

- Larry Thompson, Utica Community At-Large, Alternate
- Tom Quincy, Union Public Utility District Director
- Jessica Self, Union Public Utility District General Manager

Item 1: CALL TO ORDER / PLEDGE OF ALLEGIANCE

- The meeting was called to order at 4:34 p.m. by Chair Broglio.

Director Chick made a motion to move to closed session, seconded by Director Davis-Herndon.

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

Item 2: ROLL CALL

- Directors present: Directors Broglio, Director Chick, Director Davis-Herndon, Director Bottomley, Director Conrado
- Directors absent: Director Rasmussen

Item 3: APPROVAL OF AGENDA

Director Chick made a motion to approve the agenda.

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

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. No action will be taken on items not on the agenda. The public is encouraged to work with staff to put items on the agenda for Board consideration.

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. Approval of minutes of the regular meeting dated February 22, 2023
- B. Financial reports February 2023 (Karnes)
- C. Generation Report February 2023 (Fields/Karnes)
- D. Operations Report (Fields)
- E. Conveyance Report (Rasmussen)
- F. Water Supply Conditions Report (Metzger)

Director Chick made a motion to approve the Consent Calendar.

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

Item 6: CLOSED SESSION

- A. Pursuant to Government Code § Section 54957(b)(1): Public Employee Performance Evaluation – Title: General Manager.
 - The Board adjourned to closed session at 4:35 p.m.

Item 7: REPORT OUT ON CLOSED SESSION

- A. Pursuant to Government Code § Section 54957(b)(1): Public Employee Performance Evaluation – Title: General Manager.
 - The Board reconvened to open session at 5:58 p.m. and direction was given to staff.

Item 8: DRAFT REGULAR AGENDA

Discussion and possible action on all items

A. Consideration of adopting resolution concurring in the nomination of Scott Ratterman for JPIA Executive Committee (Metzger) (Resolution 2023-08)

Calaveras County Water District (CCWD) requested concurrence with the nomination of Mr. Scott Ratterman to the Executive Committee of the Joint Powers Insurance Authority (JPIA). Utica is a member of JPIA and is part of its public agency insurance pool. Mr. Ratterman has 37 years of experience in the insurance industry, grew up in San Andreas, and serves as president of the CCWD Board and is president of the Mountain Counties Water Resources Board (MCWRA). Three concurring nominations are required for Mr. Ratterman to be nominated to the Executive Committee.

Director Davis-Herndon made a motion to adopt Resolution 2023-08 concurring the nomination of Scott Ratterman for JPIA Executive Committee.

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

B. Resolution of appreciation for Kyle Rasmussen's 10 years of service (Metzger)

Mr. Metzger provided the Board with a brief overview of Mr. Kyle Rasmussen's contributions to the Authority over the past 10 years, including the following: Since Mr. Rasmussen was hired, he replaced 4,000 feet of wooden flumes (50% of Utica's system) and completed 3,200 feet of shotcrete overly on Utica's system. Mr. Rasmussen has demonstrated an incredible work ethic and is respected by his coworkers and outside contractors in the field. He has excellent planning and management skills and is able to motivate those around him. Mr. Rasmussen cares deeply about this organization and Utica is fortunate to have him on the team.

Mr. Rasmussen thanked the Board for its support over the years and said that support has allowed him to improve the maintenance of the system.

Director Broglio read Resolution 2023-09 into the record.

Director Chick made a motion to adopt Resolution 2023-09 recognizing Mr. Kyle Rasmussen's 10 years of hard work and dedicated service to Utica.

- **Motion to approve:** Director Chick
- **Second:** Director Davis-Herndon
- **Board Discussion:** None
- **Public Comment:** Director Thompson expressed his appreciation for Mr. Rasmussen and all his hard work.
- **Vote:** 5-0-0
- **Ayes:** Directors Broglio, Davis-Herndon, Chick, Conrado, Bottomley
- **Noes:** None
- **Abstain:** None
- **Absent:** None

C. Consideration of adoption of Purchasing Policy (Metzger) (Walker)

Mr. Metzger explained that an updated purchasing policy is required to qualify for disaster recovery funding and grants. Utica's existing policy does not meet the state and federal requirements. The new policy ensures fair purchasing and bidding practices, minimizes potential risk, and provides clear direction to staff for purchasing limits and bidding requirements.

Director Davis-Herndon requested that the policy state that all bids are to be reviewed by the Board of Directors. A pre-approved "on-call list" of contractors was suggested by Director Davis-Herndon. The list could include qualified contractors that have been pre-approved by Utica. Staff agreed to discuss this option internally and potentially bring it back at a future Board meeting for consideration.

Director Chick made a motion to adopt Resolution 2023-10 establishing the Authority's policy on purchasing authorization and guidelines as amended per the word document reviewed at the Board meeting.

- **Motion to approve:** Director Chick
- **Second:** Director Broglio
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0
- **Ayes:** Directors Broglio, Davis-Herndon, Chick, Conrado, Bottomley
- **Noes:** None
- **Abstain:** None

- **Absent:** None

D. Consideration of adopting resolution authorizing the General Manager to enter into a banking agreement with Bank of Stockton (Metzger)

Mr. Metzger gave an overview of Utica's banking and accounting history. Utica recently brought accounting in-house using QuickBooks Online. Deficiencies in the existing banking services led staff to explore other banking options. At the February 2023 Board meeting, Director Davis-Herndon mentioned that the City of Angels had switched to Bank of Stockton and she suggested Utica contact Bank of Stockton to learn about their banking services. Bank of Stockton is a locally owned bank with excellent customer service, a modern online interface, robust mobile banking, and competitive interest rates for checking, money market, and certified deposits (CD).

Director Davis-Herndon made a motion to adopt resolution 2023-11 authorizing the General Manager to enter into a banking agreement with Bank of Stockton and to transfer funds from U.S. Bank and Local Agency Investment Fund (LAIF) accounts into Bank of Stockton accounts once the account formation process is complete.

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

E. Consideration of adopting resolution for Cal OES Authorized Agents (Walker)

A resolution is required by California Office of Emergency Services (Cal OES) that identifies individuals who are authorized to execute for and on behalf of the Authority as "authorized agents" for the purpose of obtaining state and federal financial assistance.

Director Bottomley made a motion to adopt Resolution 2023-12 designating authorized agents for Cal OES grants and reimbursements.

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

F. Consideration of formal opposition to legislation, including AB 99, AB 460, AB 1337, and SB 389, and support for SB 23 (Metzger)

Mr. Metzger provided a brief summary of each bill, as follows:

AB 99 (Connolly) would restrict the ability of Caltrans to spray herbicides along highways. These restrictions could increase fire danger and noxious weed populations in Calaveras County. Staff recommends an oppose position.

AB 460 (Bauer-Kahan) would grant the State Water Resources Control Board new, sweeping authority to issue interim relief orders without hearing and impose new costly requirements. It would give the State Water Board the ability to curtail diversions, impose new minimum streamflow requirements allowing the State Water Board to increase fish flows, direct reservoir operations, require new technical studies and more. Staff recommends an oppose position.

SB 389 (Allen) would authorize State Water Board to investigate and determine the scope and validity of any water right claim, the water right holder will then have the burden to prove the basis of their right. Staff recommends an oppose position.

SB 23 (Caballero) would streamline the regulatory permitting process for water supply and flood risk reduction projects and help ensure critical water infrastructure projects are built at the pace and scale needed to prepare for climate change. SB 23 would improve the regulatory permitting of water supply and flood risk reduction projects. Staff recommends a support position.

Additional Bills:

Mr. Metzger informed the Board that several additional bills had been sent by Assembly and Senate offices after the Board agenda was posted. Mr. Metzger provided an overview of these bills and asked the Board to authorize him to work in coordination with Chair Broglio to submit letters of

support or opposition if the letters were needed prior to the next Board meeting.

SB 659 (Ashby) Seeking immediate and long-term solutions to increase California's groundwater supply. Increase groundwater storage on average 10 million AF annually. Will not limit or reduce existing surface storage. Will not affect or change any water right

AB 692 (Patterson) Calls for an exemption from CEQA for wildfire egress route projects.

AB 1461 (Patterson) Would require broadband funding to be equally split between rural and urban.

Director Chick made a motion to approve the General Manager to take formal positions and submit letters of support or opposition regarding the aforementioned legislation, per the recommendations provided by staff, on behalf of Utica Water and Power Authority, and work with the Board Chair to submit additional time-sensitive letters prior to the next regular board meeting.

- **Motion to approve:** Director Chick
- **Second:** Director Broglio
- **Board Discussion:** None
- **Public Comment:** None
- **Vote:** 5-0-0
- **Ayes:** Directors Broglio, Davis-Herndon, Chick, Conrado, Bottomley
- **Notes:** None
- **Abstain:** None
- **Absent:** None

G. Consideration of adoption of water contractor rates, fees, and charges (Metzger)

On March 14, 2023, Utica's Resources Ad Hoc Committee, comprised of Chair Alvin Broglio and Vice Chair Ralph Chick met to discuss the annual review of Utica's water contractor fees. Mr. Metzger provided an overview of the irrigation contractor history and fee structure.

The Resources Committee recommendations to the Board of Directors were as follows:

1. Above Murphys Powerhouse (current \$65.19/AF)
 - 3% increase – \$1.96
 - New proposed rate – \$67.15/AF

2. Below Murphys Powerhouse (current is \$27.39/AF)
 - 3% increase – \$0.82
 - New proposed rate – \$28.21/AF
3. Increase the meter replacement from \$50 to \$100 per connection to cover the cost of more expensive electronic meters.
 - The Committee asked staff to review the costs of all new meter installations for water contractors in 2022, average those costs, and come back with additional information for full Board consideration.
 - The Committee did not recommend any increases to operations and maintenance fees and suggested that fees remain linked to Union Public Utility District's monthly rate.

Staff informed the Board that after reviewing the meter installation cost data from 2022, the average cost of installing a meter was \$3,600.

Director Davis-Herndon made a motion to approve a 3% increase to water contractor fees per acre foot above and below Murphys Powerhouse, increase the meter replacement fee to \$100, and the non-refundable deposit for meter installation to \$4,000.

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

H. Consideration of authorizing the General Manager to sign a memorandum of understanding with Central Sierra Partnership Against Weeds (Metzger)

Mr. Kyle Rasmussen and Mr. Ryan Heryford attended a meeting for the Central Sierra Partnership Against Weeds (CSPAW). They reported it was a collaborative effort with other regional agencies to learn best practices and effective weed management techniques. Utica is mandated by the Federal Energy Regulatory Commission (FERC) to control the spread of harmful, non-native weeds along the Utica's system and access roads. Mr. Rasmussen said joining this group could provide access to resources and information about overall vegetation

management, including noxious weeds and learn best practices and techniques to control growth.

Director Bottomley made a motion to authorize the General Manager to sign the memorandum of understanding with CSPAW, and for Utica Water and Power Authority to become a member of CSPAW.

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

- I. Discussion regarding the Amador Calaveras Consensus Group and possible authorization for the General Manager to sign a Memorandum of Agreement with the group (Metzger)

Mr. Metzger requested that the Board keep this as an informational item. Mr. Metzger said the Amador Calaveras Consensus Group (ACCG) is a consensus-based group that may have potential for partnership and collaboration. ACCG's mission is to collaborate to promote fire safe communities, promote healthy forest and watersheds, and sustainable local economies.

The Board concurred with Mr. Metzger's recommendation to attend a few meetings and return to the Board in the next month or two with more information.

- J. *Report from Washington D.C., Colorado River, and Sacramento Senate and Assembly Meetings (Metzger)

Mr. Metzger provided a report on his trip to Washington D.C. from February 27 - March 2, 2023. He met with Federal Energy Regulatory Commission (FERC) staff to discuss Utica's priorities and goals. Mr. Metzger also attended the Association of California Water Agencies (ACWA) Conference, where officials from many regions in California and across the nation met and provided updates on water policy. He met with officials with the United States Bureau of Reclamation, United States Forest Service, Department of Energy, Bureau of Land

Management, and Federal Emergency Management Agency. He also met with Congressman McClintock and his staff and Congressman Garamendi's staff to discuss issues that affect Utica and Calaveras County as a whole. Later in the week, he met with Senator Feinstein's staff and Senator Padilla's staff on funding opportunities and Utica's priorities. Based on information he learned in Washington D.C., Mr. Metzger submitted two congressionally directed spending requests for more than \$6 million for projects that would help Utica mitigate risk from natural disasters. Mr. Metzger reported the trip was very successful.

March 8-10, 2023, Mr. Metzger attended the Water Education Foundation Tour of the Lower Colorado River. This tour is part of a \$6,500 scholarship, plus \$1,000 in travel expenses, he received from ACWA to attend the WEF Water Leaders program. The tour visited Las Vegas, Hoover Dam with a series of hydro unites that can produce more than 2,000 megawatts. He met Mr. Bruce Babbitt, former governor of Arizona and Secretary of the Interior under President Bill Clinton, on the tour. The group floated down a portion of the Colorado River, visited Lake Havasu, saw the Central Arizona Project and Metropolitan Water District's primary pumping stations, visited the Palo Verde and Imperial Valley Irrigation Districts, the Salton Sea, and ended in the Coachella Valley. He now has a deeper understanding of the Colorado River, how it impacts water supplies from Northern California, and the challenges that the communities who rely on Colorado water face.

On March 23, 2023, Mr. Metzger met with staff members in Assemblyman Jim Patterson and Senator Alvarado-Gill's offices in Sacramento to discuss Utica's key priorities, seek letters of support for grants, and discuss policies that could benefit Utica. Mr. Metzger said he was pleased with the relationships he is building with these offices and looks forward to a strong partnership in the months and years to come.

**Indicates no paperwork is included in agenda packet.*

Item 9: BOARD / GENERAL MANAGER REPORTS, FUTURE AGENDA ITEMS

- A. General Manager's Report
 - Mr. Metzger had nothing further to report.
- B. Correspondence
 - There was no correspondence.
- C. Board Reports

- Director Davis-Herndon reported that the City of Angels closed Angels Creek due to gases (hydrogen sulfide) from Utica mine.
- Director Conrado reported that budget meetings are scheduled for April and May.

Item 10: UPCOMING BOARD MEETINGS AND CALENDAR EVENTS

- Tuesday April 25, 2023, at 5:30 p.m.
- Thursday May 4, 2023, 6 p.m. “Water: Our Gold” showing at Ironstone
- Tuesday May 23, 2023, at 5:30 p.m.

Item 11: ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

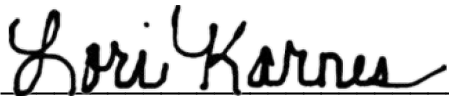
Approved at the April 25, 2023 meeting:



ALVIN BROGLIO (May 5, 2023 10:03 PDT)

Alvin Broglio, Chair

Attest:



Clerk to the Board






03.28.23 March 2023 Regular Board Meeting (JM)

Final Audit Report

2023-05-05

Created:	2023-05-02
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