

**AGENDA  
BOARD OF DIRECTORS  
REGULAR MEETING  
CLAYTON WATER DISTRICT**

Per Executive Order N-29-20, which allows local and state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, this Special Meeting of the Board of Directors of the Clayton Water District

will be held via telephone conference call on

**Wednesday, December 2, 2020**

**11:00 a.m.**

and can be accessed as follows:

**Teleconference Number 1 (800) 511-7985**

**Access code: 705-7062**

The public may participate in the meeting as otherwise permitted under the Brown Act by calling into this telephone number.

1. CALL TO ORDER.

2. PUBLIC COMMENT.

The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. However, California Law prohibits the Board from taking action on any matter that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code section 54954.2. The public will be given the opportunity to address the Board on any item not on the Agenda at this time or before the Board's consideration of that item. If members of the public desire to address the Board relative to a particular agenda item at the time it is to be considered, they should so notify the President of the Board at this time. The President may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

3. MINUTES.

(a) Review and take action to approve the minutes of the board meeting held on November 4, 2020.

4. TREASURER'S REPORT. Review and take action to accept the monthly financial report.

5. STAFF REPORT.
  - (a) Madera County GSA Recharge Projects – Proposition 68 Grant
  - (b) Revisions to Landowner Agreement – review and take action
  
6. OLD BUSINESS. The Board may take action on any of the following items:
  - (a) Review and consider action to hire a consultants to conduct a Proposition 218 election for purposes of imposing a land-based assessment.
  
7. NEW BUSINESS. The Board may take action on any of the following items:
  - (a) Review and take action to set the regular meeting calendar for 2021
  
8. BOARD MEMBER REPORTS. The Board may take action on any of the following items:
  - (a) Merced and Madera County GSAs
  - (b) CV Salts
  - (c) Other Items/meetings as needed
  
9. AGENDA FOR NEXT BOARD MEETING. Review and take action to include items on agenda of next Board meeting on January 6, 2021.
  
10. ADJOURNMENT.

- ❖ Items on the Agenda may be taken in any order.
- ❖ Action may be taken on any item listed on the Agenda.
- ❖ Writings relating to open session: Agenda items that are distributed to members of the Board of Directors will be available for inspection at the District office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

**Americans with Disabilities Act of 1990:** Under this act, a qualifying person may request that the District provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for assistance shall be made in person, via telephone, or in written form to the Clayton Water District at P.O. Box 35, El Nido, CA 95317 or at (559) 432-5400, attention Lauren Layne. Requests must be received at least 48 hours prior to a scheduled public meeting.

Minutes of the Meeting of the Board of Directors  
Clayton Water District  
held on  
November 4, 2020

1. Call to Order:

The board meeting for Clayton Water District was called to order at 11:02 a.m. via conference call by President Larkin Harman. Board members present were Larkin Harman, Lisa Baker, Eddie Gomes, Scott Menefee and Connley Clayton. Members of the public included: Lauren Layne of Baker Manock and Jensen, Julia Berry, Calvin Monreal, Scott Wickstrom, George Park, Sarah Woolf and Kristi Robinson.

2. Public Comment:

There was no public comment.

3. Minutes:

Director Clayton made a motion, seconded by Director Baker to approve the minutes of the October 7, 2020 Board of Directors meeting. The motion carried.

4. Treasurer's Report:

Director Clayton reported a current bank balance of \$198,438.05 as of October 31, 2020. The following expenses were paid in the month of September: consulting \$2,110.55; Board of Equalization \$5,300.00.

Director Harman made a motion to accept the Treasurer's report, seconded by Director Baker and the motion carried.

5. Staff Report:

Landowner outreach meetings were conducted at Baker Ranch on October 29, 2020. All but one landowner in CLWD attended the meetings and learned about the Board of Director's consideration of conducting a Proposition 218 election.

Madera County has made a call for recharge projects to landowners in the Madera County GSA. CLWD will submit projects on behalf of any landowners who are interested in participating. Staff will contact landowners in Madera County and fill out the form provided to include projects for consideration for funding through Proposition 68.

Staff has not received any comments from landowners on the Landowner Agreement, and one landowner has yet to sign the Agreement as written.

6. Old Business:

- (a) District Engineer Calvin Monreal made a presentation on Proposition 218 timelines. District assessments approved by election will need to be given to Madera County at the end of July. The public hearing will be scheduled for the end of June, and ballots will need to be distributed 45 days prior (roughly May

10<sup>th</sup>). The Board of Directors will need to make a final determination at the January 6, 2021 board meeting at the latest. Staff was directed to bring back a proposal to the Board of Directors for consideration at the December 2, 2020 board of directors meeting. No formal action was taken.

Scott Menefee agreed to bring language for the landowner agreement to District Counsel by November 13<sup>th</sup> to give time for review prior to the December 2, 2020 board meeting.

7. Board Member Reports:

Director Harman reported that the Madera GSA is considering a volumetric fee for over pumping groundwater, also considering designating hydrologic areas where landowners can move water credits within areas. The deep and shallow aquifers are not separated at this point, the sustainable yield is recognized to be .5AF, and “transitional water” will be diminished over time. Recharge projects anticipate the Eastside Bypass running every 3 years, and 50 days of recharge at a rate of .3AF/day. 79,200 AF total groundwater recharge is needed for the Chowchilla Subbasin.

Sarah Woolf reported that the CV Salts meeting held on October 16, 2020 to discuss the Nitrate Management Plan was well attended. A call will be scheduled to discuss a fee structure and governance board. Those who are participating in CV Salts are dischargers who are not covered by the East San Joaquin Water Quality Coalition (ESJWQC), i.e. dairy, composting facilities, wastewater treatment facilities.

The State Water Resources Control Board has responded to the water rights application submittal and has asked for clarification or restatement on items in the application. We have 60 days to respond and 120 days to conduct a flow study.

8. Agenda for Next Board Meeting:

The next meeting is scheduled for Wednesday, December 2, 2020 at 11:00 a.m.

9. Adjournment:

The meeting was adjourned by general consensus at 11:50 a.m.

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Connley Clayton, District Secretary

November 25, 2020

Clayton Water District  
PO BOX 35  
El Nido, CA 93517

Attention: Larkin Harman

**RE: Proposal for Engineer's Report Supporting a Proposition 218 for the  
Clayton Water District, California**

Dear Ms. Harman:

Thank you for the opportunity to submit this proposal to provide an Engineer's Report supporting a Proposition 218. This proposal discusses our understanding of the project, recommends a scope of services together with associated fees, deliverables and approximate schedules, sets forth our assumptions and discusses other services that may be of interest as the project proceeds.

## Project Understanding

Clayton Water District (CLWD or District) Board of Directors is considering putting before its constituents a proposal to increase its property-based assessments to increase revenue for covering District operation and future project costs. The District is aiming to complete the Proposition 218 review and approval process prior to mailing the 2021 District assessments set for November 1, 2021. Confirmation with Madera and Merced County Assessment Office will need to be contacted to verify assessment schedule and if those County's will collect the assessments for Clayton Water District. Otherwise, the District will need to collect the assessment fees.

## Scope of Services

The District desires to pursue additional revenues through increased assessments. Under Proposition 218, an Engineer's Report is required to identify the special benefit and ascribes benefits to the properties in the District. Items included under this proposal include Data Collection, Project Coordination & Administration, Preparation of the Engineers Report (stamped by a Registered Engineer), preparation of an assessors roll and data base, prepare and mail out the ballots, as well as assist in the preparation of the Protest & public Hearing Meetings associated with the Proposition 218 process. The tasks are as follows:

### Task T1: Data Collection, Project Coordination & Administration

This task includes an evaluation of the District's administrative, operations, and maintenance budgets associated with its operating costs and participation in existing projects such as the Water Right Application on the Chowchilla Bypass as well as other activities. To better understand and document the different cost components of the District's operations, financial records or audited yearly financial records for the previous five (5) year period will be requested. Other data and information that will also be needed during the process may include agreements/commitments

with other entities, current and past water use and assessment rates if any, and the District's current assessment roll and/or payments received. This phase also includes administrative costs for P&P's effort in administering the project (billing, reporting, etc.).

It is assumed that the District and District Representatives will supply the information needed to write the report.

## Task T2: Writing the Engineer's Report

This task entails the development of a report to substantiate the requirements for assessments, part of Article XIII D, Section 4 of the California Constitution, which stipulates that the assessment being applied to the land be related to the special benefit received by the property.

It is assumed at this point in time that the charge would be applied equally to all properties given they are likely to all benefit equally. If an alternate assessment structure for different types of land classification is chosen then there would be additional work to identify the reasoning and providing justification for such a tiered system. This task is to work with the District to develop the proposal, identify different means of assessments, and select a preferred proposal. The base cost shown is for a flat assessment across all lands. An additional cost has not been included in the budget if a tiered or other assessment structure is selected. This task also includes one teleconference meeting with the Board of Directors to review the draft report

## Task T3: Ballot, Roll and Mailing of Ballots

This task covers development of the ballot (see Task 3a below), brief review of the assessment roll and mailing the ballots. Once the District has accepted the Engineers Report, a roll will be prepared by P&P as well as ballots will be prepared that will be sent to all land owners in accordance with the law. This task also includes mailing the ballots. It is assumed there are 10 to 12 landowners in the area that ballots will need to be prepared.

### Task 3a – Development of Ballots:

The record owners will be identified through the process of identification of the property owners through CWD's assessment roll as provided by the District to P&P. The mailed notice to the record owner of each parcel will include:

1. The reason for the proposed Assessment.
2. How the Assessment will be allocated towards the development of the project(s);
3. How the Assessment is not for general governmental services;
4. The Assessment imposed upon any parcel;
5. The cost of the proposed project;
6. How the Assessment was calculated;
7. The duration of the Assessment;
8. Stating when the proposed Assessment will be implemented; and,
9. The date, location and time the Public Hearing will be held.

A sample ballot including the items described above will be developed for review by CLWD Board of Directors prior to mailing. Once review is completed and authorization is received from the District, ballots addressed to each landowner of record that are within the District will be mailed.

### Task T4 –Protest Hearing & Public Hearing:

This task involves attendance at the Public Hearing and assisting with counting the ballots. The following are the subtasks associated with Task 4.

#### Task 4a – Public Hearing

This subtask involves attendance at the Public Hearing and the tabulation of the ballots after the close of the Public Hearing. P&P will assist CLWD in conducting the Public Hearing. The Public Hearing will be conducted at least 45 days after the mailed ballots have been sent out to the record owners. The Public hearing will be subject to the Brown Act. The Public Hearing task involves:

1. Assist CLWD Development of the Hearing agenda;
2. Assist CLWD Development of necessary figures;
3. Note taking.

The fees in this task do not include taking the lead on the Public Hearing. CLWD staff will take the lead on the public hearing.

For the tabulation of the ballots, it is assumed that CLWD will secure an individual who will be qualified under Government Code section 53753, subdivision (e), where the ballots must be tabulated “by an impartial person designated by the agency who does not have a vested interest in the outcome of the proposed assessment.” The protests will be tallied once an impartial person has been identified by the District and will tally the results after the conclusion of the Public Hearing, (i.e. someone from a public agency nearby who does not own property within the District). P&P has been used in this capacity for other agencies.

### Fee Budget (Lump Sum)

Proposed Fee – Prop 218 Engineer’s Report	
Phase	Estimated Fee
Task 1: Data Collection, Coordination & Project Administration	\$8,000
Task 2: Writing the Engineer’s Report	\$20,000
Task 3: Ballot, Roll and Mailing	\$5,000
Task 4: Public Hearing and Counting Ballots	\$3,000
<b>Total Estimated Fee:</b>	<b>\$36,000</b>

Provost & Pritchard Consulting Group proposes to perform the work on a Lump Sum basis billed evenly over 6 months. It is assumed that there is some freedom to move unused budget between different tasks, if necessary. Fees will be invoiced monthly. If additional work is requested by the District outside of this scope an estimated budget will be prepared by P&P and submitted to the District for approval prior to beginning any work and will be billed under a separate task.

## Schedule

Based upon discussions with the District, it is desired to have the final report completed in July 2021. Our experience is that significant time can be spent on discussion of various proposed methodologies. The following is a timeline to meet the July Deadline.

If it is assumed that this process takes approximately 6 months from the time this proposal is approved, with the report being complete prior to the ballots being sent out. The Ballots shall be sent out 45 days prior to the Protest Hearing.

Data would then be collected in the winter months when it is conceivable that District staff might have more time to put the needed information together. P&P will perform these services with reasonable diligence and expediency consistent with sound professional practices and submit the report to the District as soon as reasonably possible.

It is understood that depending on timing of the notice to proceed, work authorizations, or changes to the District's desired timeline; the schedule may change. P&P will work with the District to meet changes in the schedule should the District determine it to be necessary and it is reasonably possible to do so. A modification to the budget may be necessary depending on such changes to the schedule.

## Assumptions

- A. District will furnish on a timely basis or agree to the use of the following to conduct the Prop 218 Assessment Process:
  1. District Roll of ownership; The roll is current and not in need of updating
  2. District records of anticipated projects including estimated costs;
  3. District financials from the previous five year period; it is assume will be in an excel format,
  4. Budget for upcoming Water Year;
  5. Any GIS related information on facilities and District Boundary;
  6. Maps showing the various types of land or land classification;
  7. Projected costs for administration;
  8. Identification of parcels within the District subject to the proposed charge; and,
  9. Copies of pertinent documents, agreements, and correspondence.
  10. Ballots will be returned to the General Manager.
- B. P&P will attend an initial kickoff meeting with the District and the Public Hearing, and District staff will administer these meetings
- C. A draft and final copy of the report will be developed. Multiple revisions to the report which exceed two (2) total revisions may necessitate a modification to the budget.
- D. The ballots to landowners will consist of up to three pages of a trifold, double sided 8.5x11 single sheet mailer to each landowner.



- E. A roll will be provided in a digital format that can easily be modified in a spreadsheet by P&P.
- F. Service pertaining to the 218-process provided by District's legal counsel as well as the District's Staff will be billed directly to the District.
- G. District will communicate with and educate the landowners affected by the charges.
- H. Preparation of the Assessment Roll to the Counties is not included in this proposal.

### **Additional Services**

During the course of work, other work tasks may be defined that could be added as extra work. These modifications will be added by task order and will be viewed as modification of the work scope. Other tasks may include:

- Additional Outreach meetings,
- Preparation and Submittal of the Assessment Roll to the Counties,
- Assistance in collecting the Assessment should the counties not respond in timely manner processing the assessment should the Prop 218 election pass.

### **Terms & Conditions**

If this proposal is acceptable please sign below and return a copy to our office. This document will serve as our Notice to Proceed. This proposal is valid for 60 days from the date above. This proposal will fall under the CSA 18-343 dated December 21, 2018.

Respectfully,  
Provost & Pritchard Consulting Group

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Calvin Monreal, RCE 65453  
Senior Engineer

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Alex Collins, RCE 78242  
Vice President

### **Terms & Conditions Accepted**

By Clayton Water District

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Signature

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Printed Name

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Title

Date

**2021**

**REGULAR MEETINGS OF THE  
BOARD OF DIRECTORS  
FOR CLAYTON WATER DISTRICT**

at

**BAKER RANCH  
2002 STATE HIGHWAY 152  
DOS PALOS, CALIFORNIA 93620**

**or via Conference Call  
Teleconference Number 1 (800) 511-7985  
Access code: 705-7062**

The first Wednesday of the Month at 11:00 a.m.

January 6

February 3

March 3

April 7

May 5

June 2

July 7

August 4

September 1

October 6

November 3

December 1