



SOUTH FEATHER WATER & POWER AGENCY

AGENDA

**Regular Meeting of the Board of Directors of the
South Feather Water & Power Agency
Board Room, 2310 Oro-Quincy Highway, Oroville, California
Tuesday; July 27, 2021; 2:00 P.M.**

In Compliance with the State of California Governor's Office Executive Order N-29-20, SFWPA will limit "in-person" attendance for the July 27, 2021 Board Meeting.

Individuals that are not critical to agenda items below may fully participate in the meeting via Zoom by logging into:

<https://us02web.zoom.us/j/85616392250>

Call In: +16699006833,,85616392250# US

Meeting ID: 856 1639 2250

Meeting by Phone: dial *9 to raise your hand

A. Roll Call –

B. Approval of Minutes – Regular Meeting on June 22, 2021 (Tab 1)

C. Approval of Checks/Warrants (Tab 2)

D. Staff Reports (Tab 3)

E. Information Item

Hydro Energy Strategy – Power Purchase Entity (Tab 4)

Suggested direction of a buying and operating center for the sale of hydro energy from FERC Project 2088 (SFPP)

NYWD Sues SFWPA (Tab 5)

Communication and publication of documents specific to the 2005 Agreement between SFWPA and NYWD

F. Public Comment – Consistent with Executive Order N-29-20 from the Executive Department of the State of California the Board Chambers will not be physically open to the public and can be teleconferenced with the instructions above. Public comment for Directors can be submitted anytime via e-mail. However, in order to be read into the record during the meeting it must be submitted to PublicRelations@southfeather.com by 12:00 P.M. Tuesday July 27, 2021. Individuals will be given an opportunity to address the Board regarding matters within the Agency's jurisdiction that are not scheduled on the agenda, although the Board cannot take action on any matter not on the agenda. Comments will be limited to 5 minutes per speaker. An opportunity for comments on agenda items will be provided at the time they are discussed by the Board. Comments will be limited to five minutes per speaker per agenda item.

G. Business Items

Procurement Policy (Tab 6)
Proposed changes seeking approval for improved clarity and responsibility.

Annexations into SFWPA District (Tab 7)
Seeking adoption of three resolutions for parcel annexations to the district.

2021 Rules and Regulations – Bulk Water Service (Tab 8)
Requesting consideration for a modification to district rules and regulations specific to bulk water service.

Addition of Delinquent Accounts to County Tax Roll (Tab 9)
Action to adopt Resolution 21-7-1 to collect on delinquent water accounts by placing them on the 2021-2022 Butte County Tax Rolls.

Water Theft Policy

(Tab 10)

Action to Adopt Resolution 21-18-7 for the implementation of a Water Theft Policy.

H. Directors' Reports

Directors may make brief announcements or reports for the purpose of providing information to the public or staff, or to schedule a matter for a future meeting. The Board cannot take action on any matter not on the agenda and will refrain from entering into discussion that would constitute action, direction or policy, until the matter is placed on the agenda of a properly publicized and convened Board meeting.

I. Closed Session

(Tab 11)

Conference with Real Property Negotiators (Government Code § 54956.8)

Real property negotiators District staff, and District legal counsel to discuss price and other terms associated with the California Department of Water Resources and South Feather Water and Power Agency's 2012 Settlement Agreement Concerning Operations at Kelly Ridge Powerhouse.

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code section 54956.9

In re Force Majeure Term Extension Dispute between South Feather Water & Power Agency and Pacific Gas & Electric Co.

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of case: Glaze v. South Feather Water & Power Agency, Butte County Superior Court Case No. 20CV01283

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code section 54956.9

Name of Case: North Yuba Water District v. South Feather Water & Power Agency et al., Butte County Superior Court Case No. 21CV01563

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code section 54956.9

Name of Case: South Feather Water & Power Agency v. North Yuba Water District et al., Butte County Superior Court Case No. 21CV00815

J. Open Session

Report of closed session actions.

K. Adjournment

The Board of Directors is committed to making its meetings accessible to all citizens. Any persons requiring special accommodation to participate should contact the Agency's secretary at 530-533-2412, preferably at least 48 hours in advance of the meeting.

MINUTES of the REGULAR MEETING and SPECIAL MEETING of the BOARD of DIRECTORS of SOUTH FEATHER WATER & POWER AGENCY

**Tuesday, June 22, 2021, 2:00 P.M.,
Agency Board Room, 2310 Oro-Quincy Hwy., Oroville, California**

In Compliance with the State of California Governor's Office Executive Order N-29-20, SFWPA will limit "in-person" attendance for the June 22, 2021 Board Meeting.

General Manager Moseley explained the May board meeting format and performed roll call for the limited individuals in the room and for those participating via Zoom Meeting.

Individuals that are not critical to agenda items below may fully participate in the meeting via Zoom by

<https://us02web.zoom.us/j/85616392250>

Call In: +16699006833,,85616392250# US

Meeting ID: 856 1639 2250

Meeting by Phone: dial *9 to raise your hand

DIRECTORS PRESENT (In Person): James Edwards, Tod Hickman, Rick Wulbern, Dennis Moreland, John Starr

DIRECTORS ABSENT: Director Starr exited the Board Meeting at 3:01 p.m.

STAFF PRESENT (In Person): Rath Moseley, General Manager; Dustin Cooper, Legal Counsel; Jaymie Perrin EH&S Manager; Art Martinez, Manager Information Systems; Steve Wong, Finance Division Manager; Dan Leon, Power Division Manager; Regulatory Compliance Manager, Kristen McKillop

STAFF PRESENT (By Zoom): John Shipman, Water Treatment Superintendent

STAFF ABSENT: None

OTHERS PRESENT (Via Zoom): Marieke Furnee, Anonymous (916-446-7979), 2:16 p.m. Dr. Gretchen Flohr

CALL TO ORDER

President Wulbern called the meeting to order at 2:01 p.m., and led the Pledge of Allegiance.

General Manager Moseley communicated the special board meeting starting at 4:00 as agenzed.

At 2:04 p.m., Director Moreland requested a moment of silence for his neighbor who passed away in June. Director Moreland shared that his neighbor was in the labor union and helped with the construction of Oroville Dam as well as several other activities in the community.

APPROVAL OF MINUTES

M/S: (Moreland/Starr) approving the Minutes of the regular meeting of June 22, 2021.

Ayes: Hickman, Edwards, Wulbern

Absent: None

No public comment

APPROVAL OF CHECKS AND WARRANTS

M/S (Wulbern/Hickman)

Ayes: Starr, Moreland, Edwards

Absent: None

Approving the total General Fund and Joint Facilities operating fund expenditures for the month of May 2021 in the amount of \$1,270,615.12 and authorize the transfer of \$1,150,000.00 from the TCB General Fund to the TCB Accounts Payable and Payroll Fund for the payment of regular operating expenses.

No public comment

GENERAL MANAGER'S REPORT

The General Manager communicated the following:

Domestic Water Treatment Operations

The total Miners Ranch Treatment Plant (MRTP) treated water production for the month of May totaled 232.14 million gallons.

The total Bangor Treatment Plant (BTP) treated water production for the month of May totaled .946 million gallons.

All bacteriological requirements and annual Nitrate tests were good for the MRTP, BTP, and the Strawberry campground. Miners Ranch production was 129% of average over the past 5 years. Bangor's production was 136% of average over the past 5 years. Raw water pump #2 is re-installed and back online.

The Miners Ranch Treatment Plant received updated accreditation as an environmental testing laboratory pursuant to the provision of the California Health and Safety Code Sections 100825-100920. The Field of Accreditation is Microbiology of Drinking Water. Congratulations to the Water Treatment Team for continuing to maintain all requirements associated with this accreditation.

Thirteen raw water meters were installed and accounts set up for Redhawk Ranch Community Investment Participants.

The system was flow tested and is performing as designed. Staff will work with each account for payment and as the parcels connect to the meters, water will be delivered. A big thank you to the water team from design to implementation. The pump station and delivery system is superior.

Hwy 162 Road Widening Project

Water Division Staff will start work on Hwy 162 and Arbol Avenue on August 2nd. Work will be performed at night due to high traffic flow on this stretch of road during the day. Materials are on order and the anticipated timeframe for completion is 13 days.

Power Purchase Agreement

As communicated many times over the past couple of years, the energy market has been rapidly changing in California. When SFWPA entered into the 2010 Power Purchase Agreement with PG&E it was anticipated that gross revenues could exceed \$30M annually. Now, over a decade later we know that actual revenue averaged <\$17M annually or 57% of forecast.

The mainstream introduction of wind and solar tied to "green energy" has been a large factor in the change of value for hydro energy production. With energy buyers faced with renewable compliance requirements and receiving credit value for green sources, it has reduced the utilization (energy dispatch hours) for SF's four hydro assets significantly. 2021 is a prime example as published each month in the power division staff report.

SFWPA has been interfacing with PG&E and other energy entities on options for future production and transmission of South Feather's hydro energy onto the CAISO grid. PG&E has shifted away from the traditional power purchase agreements to what it termed CPE or Central Procurement Entity with the primary focus only on green energy credit

value versus actual production of electricity to the grid. The challenge with this model is that the anticipated value of the SF hydro portfolio would be decreased down to the \$8.0 - \$10.0M annual range. Far short of revenues required to maintain operations, maintenance and FERC compliance for the South Fork Power Project.

In terms of potential buyers interested in the South Fork Power Project, they are broken down in four categories. Listed below are examples below of who South Feather researched.

1. IOU's (Independent Operating Units)
 - a. PG&E
2. Municipal Utilities
 - a. NCPA (Northern California Power Agency)
3. CCA (Community Choice Aggregates)
 - a. Silicon Valley Clean Energy
 - b. Marin Clean Energy
4. Direct Access Service Providers
 - a. 3 Phase Renewables
 - b. Shell Energy

The following lessons learned were shared to identify the next power purchase buyer.

What have we learned?

- A. The PG&E Central Procurement Entity strategy does not meet revenue requirements but has an internal operating center and schedule coordination.
- B. NCPA offers long term forecasting, internal operating center schedule coordination, close proximity to SF operations, multiple buyers under their umbrella, willing to provide a defined monthly revenue commitment and maximize production based on water storage.
- C. CCA's are primarily focused on green energy credits (only two of SF's four hydro facilities qualify).
- D. Direct Access requires identifying an operating center and schedule coordination for SF. Currently performed by PG&E. Significant investment to create internally and limited outside sourcing options.

The following milestones were discussed specific to a PPA transition.

- ✓ Develop and overall strategy for PPA solicitation and origination
- ✓ Identify off-take opportunities
- ✓ Assess SFPP's post PG&E "2020" operating options
 - ✓ (New PPA / Force Majeure Impact)
- ✓ Respond to power procurement solicitations
- ✓ Meet directly with certain off-take targets
- ✓ Develop overall post "2020" PPA seller agreement
- ✓ Enter PPA negotiations
- PPA transition

Next steps towards a new PPA included.

- Staff to meet with the Policy and Contracts Committee to review recommended options
- GridsME "Energy Consultant" to participate in July's Board meeting and answer questions about staff's recommendation and public input
- General Manager to extend a "Good Faith" meeting invite to NYWD to allow opportunity for Q&A specific to the sale of energy produced by the SFPP
- Receive comments on proposed contract from agency counsel
- Formal adoption of new purchase agreement

Dr. Flohr (Public Comment) asked when SF would reach out to NYWD to perform Q&A as it relates to the sale of energy from the SFPP. The General Manager stated that an invite would be provided to NYWD within ten days.

Palermo Clean Water Project

A Town Hall meeting was conducted June 15, 2021 with the public for an opportunity to learn about the proposed project and ask questions. Presenters and Project Representatives included Supervisor Connelly, Members of Butte County, Luhdorff & Scalmanini (Consulting Engineers) and SFWPA's, Kristen McKillop and Director Wulbern.

A presentation to the audience included:

- Project Description
- Project Boundary
- Design Criteria
- Proposed Improvements
- Annexation
- Project Implementation Schedule

1. Outcomes from the meeting were to gauge the level of interest – High
2. Continue public outreach and communication as progress continues

Director Wulbern and Kristen McKillop shared their review of the town hall meeting and challenges the project team needs to be aware of.

FINANCE MANAGER'S REPORT

The Finance Manager communicated the following:

Water service shut-offs

State of California executive order N-42-20 issued on March 4, 2020, suspended the ability of local water districts to disconnect water services. This moratorium on the disconnection of water services expires on September 30, 2021 by State of California executive order N-08-21, signed June 11, 2021. There will be discussions in the coming weeks on resuming the Agency's billing, delinquency determinations, penalty assessments, notification and shut-off processes and procedures.

CalPERS health insurance rates

CalPERS has announced preliminary rates for its health insurance premiums effective January 1, 2022. The Agency currently has five CalPERS health plans available to its employees. The headlines reported a 23% premium increase for its least expensive option with decreases of up to 15% for the more expensive plans. Per the news release, "CalPERS will negotiate with insurers and the board is scheduled to vote on final rates next month. The CalPERS board approved the new rate-setting methodology last year on the recommendation of its health insurance experts, who said the system needed to make changes to save three of its best plans." On average, the prices are projected to increase 5.68%.

Also, CalPERS is consolidating its three PPO plans into two plans, which reduces the options available to SFWPA employees to four. As a reminder, in the MOUs with its employees, "The Agency will contribute to the health benefit plan premium for each employee and their eligible dependents an amount equal to the average of the premiums of all the PERS plans available and applicable for a family of three or more, excluding the plan with the lowest premium and the plan with the highest premium, in any given year."

CalPERS retirement contributions

The Agency CalPERS employer contribution rate, effective July 1, 2021, will decrease slightly from the current rate for both classic and PEPRAs employees. Consideration during this next month will be given to prepaying the 2021-22 unfunded accrued liability obligation of \$456,553. If chosen, this prepayment option must be exercised by July 31, 2021.

2020 Audit

Work on audit-related tasks and schedules is just about completed. A draft report should be available for review relatively soon.

POWER DIVISION MANAGER'S REPORT

The Power Division Manager communicated the following:

Operations

Power Division Summary Report, Reservoir Storage Report, and Precipitation Report for May 2021 are attached.

DWR Bulletin 120 June 3 observed accumulated water year-to-date precipitation is 46% of average (Northern Region Sierra 8-Station Index), and June 1 observed snowpack is at 1% of April 1 average (Northern Region).

South Fork tunnel is flowing at about 14 CFS. Slate Creek tunnel is closed. Little Grass Valley and Sly Creek Reservoirs storage is 104 kAF. No project reservoirs are spilling.

Maintenance

Powerhouses

- Woodleaf Powerhouse: Fully operational.
- Forbestown Powerhouse: Fully operational. Complete electrical testing of stator winding.
- Kelly Ridge Powerhouse: Fully operational. Commission new station service circuit breaker.
- Sly Creek Powerhouse: Fully operational.

Other Project Assets

- Manage vegetation at Ponderosa Dam and spillway
- Inspect Miners Ranch Canal, clean trash racks and manage vegetation
- Test spillway gates at Sly Creek Dam and perform preventative maintenance
- Inspect Little Grass Valley Dam valve chamber and perform preventative maintenance
- Assist contractor with removal of hazard trees at South Fork Diversion Dam
- Install replacement safety buoys and log booms at South Fork Diversion Dam
- Install boat ramps, and inspect safety buoys and swim buoys at Little Grass Valley Reservoir
- Assist contractor with installation of survey prisms at Lost Creek Reservoir
- Install new communication, standby generator and power supply equipment at remote sites
- Perform preventative maintenance on protection relays, instruments and controls at powerhouses
- Perform hydro-generator synchronization testing at powerhouses
- Prepare and paint Sunset Communication building exterior

Regulatory Compliance

Statewide Drought Update

According to the US Drought Monitor, during the week of June 14th Butte County, along with roughly 33% of the state of California, fell into the Exceptional Drought category, which is the worst in that ranking system. To date, 2021 is the 10th driest year over the past 127 years of record keeping for Butte County. A number of local agencies continue to track drought impacts throughout our community. SFWPA staff continue to monitor watershed data and ever changing state regulations for potential impacts to Agency operations. The Butte County Drought Task Force will meet again in June, and all pertinent updates will be presented to management and this Board.

Sources: [California | Drought.gov](https://www.drought.ca.gov/); [NOAA National Centers for Environmental Information](https://www.noaa.gov/)

Projects

Energy Delivery Transition Projects

- Scada Replacement Project. Vendor is integrating new replacement Scada hardware and software at factory. Field installation and commissioning scheduled for Quarter 3 this year.
- CAISO Meter and RIG Installation Project. Contractor is scheduled for system simulation testing at their office location in July. Field installation and commissioning scheduled for Quarter 3 - 4 this year.
- Sunset Comm Site Standby Generator Replacement Project. Crew have placed new concrete pad and roof structure for new standby generator. New standby generator will greatly improve reliability of power supply system.

SF-17 Downstream Safety Access

- Agency crew completed fabrication and installation of replacement safety platforms, ladders and stairs at the downstream monitoring location, following the damage caused by fire.

Station 8 Replacement Bridge Deck

- Agency crew removed deteriorated decking and installed new wood material. New decking provides safe access for O&M personnel to perform operations and maintenance tasks.

Lost Creek Dam Mid-Level Valve Access

- Agency crew completed installation of steel platforms for safe access to the mid-level outlet valves at the Dam. New metal stairs and handrails are currently being fabricated.

Personnel

- No new update.

BUSINESS ITEMS

Rule and Regulations – Use and Resale of Water

M/S: (Wulbern/Moreland) Approving modifying the language of Section 18 Part A and Section 12 Part B.

AYES: Edwards, Hickman

ABSENT: Starr

No Public Comment

Appropriations Limit for FY 2021

M/S: (Hickman/Moreland) Adopting Resolution 21-06-01, establishing the Appropriation Limit for FY 2021.

AYES: Edwards, Wulbern

ABSENT: Starr

No Public Comment

AWIA Emergency Response Plan & Risk and Resilience Assessment

M/S: (Moreland/Hickman) Adopting the completed ERP and RRA.

AYES: Edwards, Wulbern

ABSENT: Starr

No Public Comment

Public Hearing - 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan

Opened Public Hearing – No audio or e-mail comments

Closed Public Hearing

M/S: (Hickman/Wulbern) Conducting Public hearing and adopting Resolution 21-06-02 of the 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan.

AYES: Edwards, Moreland

ABSENT: Starr

INFORMATION ITEM

Proposed 2021 Water Transfer

Communication and Opportunity for Public Comment on a proposed 2021 Water Transfer to Santa Clara Valley Water District.

Counsel communicated that the agency received 3 comment letters in regards to the proposed water transfer (Fish and Wildlife, Bureau of Reclamation and Central Delta Water Agency) and responses will be prepared.

Agency communications with NYWD specific to the proposed transfer were included in the information item for reference.

There was no public comment during the information item at time of Board Meeting.

PUBLIC COMMENT

Consistent with Executive Order N-29-20 from the Executive Department of the State of California the Board Chambers will not be physically open to the public and can joined via Zoom with the instructions above. Public comment for Directors can be submitted anytime via e-mail. However, in order to be read into the record during the meeting it must be submitted to PublicRelations@southfeather.com by 12:00 P.M. Tuesday June 22, 2021.

No public comment for the month of June.

No e-mail public participation provided by any attendees.

Note: A full audio recording is available on the Agency website capturing all public comments in its entirety. (southfeather.com/board agenda information)

DIRECTORS' REPORTS

Director Starr: No report. Left the board meeting at 3:01 p.m.

Director Moreland: Thanked staff for their efforts and that the drought has people really shook up. Need more water storage and it is time to do something about it.

Director Edwards: No report for the month of June.

Director Wulbern: Ran into Mr. McMaster and he shared appreciation for the SF crew and the job they did on the community line domestic water expansion.

Director Hickman: No report for the month of June.

RECESS (3:30 p.m.)

President Wulbern offered opportunity for public comment on closed session items.

CLOSED SESSION (convened at 3:40 p.m.)

The following items were discussed during closed session.

Conference with Real Property Negotiators (Government Code § 54956.8)

Real property negotiators District staff, and District legal counsel to discuss price and other terms associated with the California Department of Water Resources and South Feather Water and Power Agency's 2012 Settlement Agreement Concerning Operations at Kelly Ridge Powerhouse.

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of case: Glaze v. South Feather Water & Power Agency, Butte County Superior Court Case No. 20CV01283

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code section 54956.9

In re Force Majeure Term Extension Dispute between South Feather Water & Power Agency and Pacific Gas & Electric Co.

Conference with Legal Counsel – Existing Litigation

(Paragraph (1) of subdivision (d) of Government Code section 54956.9

Name of Case: South Feather Water & Power Agency v. North Yuba Water District et al., Butte County Superior Court Case No. 21CV00815

OPEN SESSION (reconvened at 4:00 p.m.) – President Wulbern announced that legal counsel was given direction during the closed session.

CLOSED SESSION (Special Meeting convened at 4:01 p.m.)

The following item was discussed during closed session.

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code § 54656.9) North Yuba Water District v. South Feather Water & Power Agency et al. (Butte Co. Superior Court Case No. 21CV01563)

No public comment prior to closed session.

OPEN SESSION (reconvened at 4:54 p.m.) – Announcement was given that legal counsel was given direction during the closed session.

ADJOURNMENT (4:55 p.m.)

Rath T. Moseley, Secretary

Rick Wulbern, President



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors
FROM: Steve Wong, Finance Division Manager
DATE: July 15, 2021
RE: Approval of Warrants and Checks
Agenda Item for 7/27/21 Board of Directors Meeting

June, 2021 expenditures are summarized as follows:

Checks:	<u>60244</u> to <u>60380</u>	\$ <u>534,762.50</u>
Electronic Fund Transfers:	<u>210601</u> to <u>210608</u>	\$ <u>312,863.50</u>
Payroll Expenses:		\$ <u>451,112.96</u>
TOTAL EXPENDITURES FOR JUNE, 2021		\$ <u>1,298,738.96</u>

At June 30, 2021, the authorized balance available was \$499,088.62.

Action to approve all expenditures:

"I move approval of expenditures for the month of June, 2021 in the amount of \$1,298,738.96 and authorize the transfer of \$1,500,000.00 from the TCB General Fund to the TCB Accounts Payable and Payroll Fund for the payment of regular operating expenses."

South Feather Water and Power Agency
Checks Paid, June, 2021

<u>Date</u>	<u>Check #</u>	<u>Vendor Name</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>
06/04/2021	60244	Morgan Tree Service	07-64-64201	Cut hazardous trees	7,500.00
06/04/2021	60245	Tom's Septic Service	07-65-65201	Restroom services	1,050.00
06/09/2021	60246	A D P, Inc.	01-50-50201	May 2021 payroll processing	2,000.59
06/09/2021	60247	ACWA-JPIA	01-50-50400	Employee vision & dental insurance, July 2021	9,624.20
06/09/2021	60248	Empower Retirement/MassMutual	01-00-22908	PE 5/29/21 employee 457 contributions	100.00
06/09/2021	60249	Nationwide Retirement	01-00-22908	PE 5/29/21 employee 457 contributions	1,437.87
06/09/2021	60250	Vantage Transfer Agents - 303705	01-00-22908	PE 5/29/21 employee 457 contributions	2,463.53
06/09/2021	210601	Cal PERS	01-50-50400	Employee health insurance, June 2021	183,374.18
06/09/2021	210602	CalPERS	01-50-50413	Employee retirement contributions, PE 5/29/21	45,382.33
06/09/2021	210603	CalPERS 457 Plan	01-00-22908	Employee 457 contributions, PE 5/29/21	2,073.41
06/09/2021	210604	Lincoln Financial Group	01-00-22908	Employee 457 contributions, PE 5/29/21	1,950.94
06/11/2021	60251	All Metals Pipe & Supply	07-00-11202/2021-0981	Galvanized angle & channel, steel, galvanized spray	5,988.39
06/11/2021	60252	Allied Electronics & Automation	07-68-68100	Fixed clamps, screw mount bases	70.70
06/11/2021	60253	Alpine Portable Toilet Service	07-63-63171	Portable toilet service, KPH, June 2021	270.00
06/11/2021	60254	Comcast Business	07-63-63251	CAISO meters, 6/3/21-7/2/21	135.95
06/11/2021	60255	Consolidated Electrical Distributors, Inc.	07-68-68100	Light fixtures, light bulbs, pipe, all thread, fittings	806.90
06/11/2021	60256	Grainger Inc.	07-63-63100	Flat free wheels	37.94
06/11/2021	60257	Kelly-Moore Paints	07-00-11202/2021-0981	Paint, painting supplies	275.69
06/11/2021	60258	K-Gas, Inc.	07-66-66250	Propane	645.93
06/11/2021	60259	Mathews Readymix, LLC	07-00-11202/2021-0981	Concrete for Sunset generator building	1,247.32
06/11/2021	60260	McMaster Carr Supply Co.	07-00-11202/2021-0980	Rail fittings, drill bits, hardware	931.23
06/11/2021	60261	Mendes Supply Company	07-63-63100	Paper products	134.94
06/11/2021	60262	North Yuba Water District	07-66-66250	Water service, 3/22/21-5/28/21	61.00
06/11/2021	60263	Orkin Pest Control	07-64-64201	Ground squirrel suppression, replace bait stations	881.00
06/11/2021	60264	Oro Dam Auto Center	07-66-66150	ATM transmission, starter assembly	4,196.67
06/11/2021	60265	Oroville Cable & Equipment Co.	07-66-66150	Tank rental, May 2021, welding supplies, hydraulic hose	455.59
06/11/2021	60266	Oroville Ford	07-66-66150	Shift lever, C-4	133.57
06/11/2021	60267	Oroville Safe & Lock	07-66-66100	Padlocks	79.24
06/11/2021	60268	P G & E - Sacramento	07-63-63501	Gen interconnection agr for June 2021	7,010.37
06/11/2021	60269	Ramos Environmental Services	07-66-66201	Pump out wash rack sump holding tank	2,727.44
06/11/2021	60270	Ray's General Hardware	07-00-11202/2021-0978	Sprayer, pruning saws, hardware	423.69
06/11/2021	60271	Recology Butte Colusa	07-66-66201	30 yd debris box, disposal	802.82
06/11/2021	60272	Riebes Auto Parts	07-66-66150	Wheel nut covers, exhaust clamp	104.29
06/11/2021	60273	Capital One	07-63-63100	Cleaning supplies, paper products, bottled water	203.58
06/11/2021	60274	Western Renewable Energy Generation Inf. Sy	07-63-63201	WREGIS, June 2021	36.17
06/11/2021	60275	Accularm Security Systems	01-50-50201	Alarm monitoring, June 2021	188.00
06/11/2021	60276	Advanced Document Concepts	01-50-50380	Printer/copier maintenance, May 2021	654.02
06/11/2021	60277	AT&T	07-60-60251	Circuits, June 2021	585.92
06/11/2021	60278	AT&T Long Distance	07-60-60251	Service, 4/22/21-5/24/21	7.22

South Feather Water and Power Agency
Checks Paid, June, 2021

<u>Date</u>	<u>Check #</u>	<u>Vendor Name</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>
06/11/2021	60279	Badger Meter	01-00-22300	Meters, 13-1", 50-3/4", 1-2"	15,756.61
06/11/2021	60280	Basic Laboratory	07-65-65201	Campground testing	229.00
06/11/2021	60281	Better Deal Exchange	01-54-54295	PVC pipe, check valve, adapter, tape measure	255.32
06/11/2021	60282	Borges & Mahoney Company	01-53-53260	Bonnet and stem assembly(2), diaphragms (3)	1,561.63
06/11/2021	60283	California Natural Resources Agency	01-51-51249	Palermo Canal maintenance	8,000.00
06/11/2021	60284	California Surveying & Drafting Supply	01-50-50100	Plotter paper	99.43
06/11/2021	60285	CDW Government, Inc.	01-58-58100	Solid state drives, monitors, keyboard, adapters	1,597.44
06/11/2021	60286	Leroy Christophersen	01-58-58394	Employee health benefit reimbursement, May 2021	41.00
06/11/2021	60287	Dan's Electrical Supply	01-53-53260	Wire, utility knife and blades	254.04
06/11/2021	60288	Fastenal Company	01-54-54270	Punch set, drill set, saw blade, caution tape	337.11
06/11/2021	60289	Francotyp-Postalia, Inc.	01-50-50171	Postage machine rental, 5/20/21-8/18/21	146.14
06/11/2021	60290	Industrial Power Products-Oroville	01-56-56150	Carburetor, bar oil, fuel caps, weed eater string	128.95
06/11/2021	60291	Jeff's Truck Service	01-56-56150	Gaskets	145.67
06/11/2021	60292	K-Gas, Inc.	01-56-56160	Propane	18.71
06/11/2021	60293	Office Depot, Inc.	01-50-50106	Office supplies	48.93
06/11/2021	60294	Oroville Cable & Equipment Co.	01-54-54270	Hydrant wrenches	176.23
06/11/2021	60295	P G & E	01-53-53250	NEM true-up, service 4/2/21-5/24/21	273,475.11
06/11/2021	60296	R&B a Core & Main Company	01-00-22300	c900 pipe, valves, meter boxes	9,931.92
06/11/2021	60297	Ramos Oil Co.	01-56-56160	Fuel and diesel	3,148.68
06/11/2021	60298	Recology Butte Colusa Counties	01-56-56250	Garbage service, May 2021	1,004.19
06/11/2021	60299	Rexel USA	01-00-11202/2024-0204	Line & load reactors for VFD, flange	1,917.51
06/11/2021	60300	Josh Reynolds	07-63-63394	Employee health benefit reimbursement, May 2021	60.00
06/11/2021	60301	S&P Global Ratings	01-59-59201	Analytical services, 9/1/20-8/31/21	2,500.00
06/11/2021	60302	Spherion Staffing LLC	01-55-55201	Temp staffing assistance, PE 5/16, 5/23, 5/30	1,938.82
06/11/2021	60303	Tractor Supply Credit Plan	01-56-56150	Fuel valve & hose	18.92
06/11/2021	60304	Ted Travis	01-54-54394	Employee health benefit reimbursement, Apr & May 2021	120.00
06/11/2021	60305	Vista Net, Inc.	01-50-50251	Internet filtering, backup licenses	3,112.74
06/11/2021	60306	Void	Void	Void	Void
06/11/2021	60307	Wilbur-Ellis Company LLC	07-64-64260	Garlon, Competitor, Round-Up	1,607.68
06/11/2021	60308	William Wong	01-50-50394	Employee health benefit reimbursement, May 2021	60.00
06/11/2021	60309	Capital One	01-53-53260	Paper products, distilled water	151.63
06/18/2021	60310	Access Information Management	01-50-50201	Shred service, May, 2021	160.76
06/18/2021	60311	ACWA/JPIA	01-52-52390	Excess crime coverage, 7/1/21-6/30/22	900.00
06/18/2021	60312	All Metals Pipe & Supply	01-56-56150	Screws, nuts, washers, snap pins, u-hooks	103.50
06/18/2021	60313	AT&T Long Distance	01-53-53251	Service 4/30/21-6/2/21	11.21
06/18/2021	60314	Better Deal Exchange	01-00-11202/2020-0200	PVC pipe, valve boxes, brush, containers	118.70
06/18/2021	60315	Butte Co. - Neal Road Recycling & Waste	01-56-56250	Debris disposal	70.00
06/18/2021	60316	California Rural Water Assoc.	01-54-54224	Membership renewal, 7/2021-6/2022	1,367.00
06/18/2021	60317	Comcast	01-53-53251	Phone/circuit service, June 2021	2,456.81

South Feather Water and Power Agency
Checks Paid, June, 2021

Date	Check #	Vendor Name	Account	Description	Amount
06/18/2021	60318	Home Depot Credit Service	01-54-54104	Lumber, concrete mix, fertilizer	571.52
06/18/2021	60319	McMaster Carr Supply Co.	01-54-54104	Pressure gauges	472.93
06/18/2021	60320	Mendes Supply Company	01-56-56100	Paper products, cleaning supplies	124.27
06/18/2021	60321	Northern Safety Co., Inc.	01-52-52102	Safety vests	35.35
06/18/2021	60322	Office Depot, Inc.	01-50-50106	Office supplies	103.80
06/18/2021	60323	Oroville Ford	01-56-56150	Fuel pump	366.37
06/18/2021	60324	Oroville, City of	01-00-22907	Utility users tax, May 2021	2,141.17
06/18/2021	60325	R&B a Core & Main Company	01-00-22300	Ball corp, clamps, gaskets, poly tube	949.42
06/18/2021	60326	Riebes Auto Parts	01-56-56150	Transmission fluid, flush, air filter	175.31
06/18/2021	60327	Sharp's Locksmithing	01-00-11202/2020-0200	Roll up door	2,852.63
06/18/2021	60328	U.S. Bank	01-00-11202/2024-0204	200 amp breaker, web conferencing	1,712.72
06/18/2021	60329	Vista Net, Inc.	01-00-11204/2021-0206	Rack mount SAN, support, installation svcs.	23,185.05
06/18/2021	210605	Cal PERS	01-50-50414	Unfunded accrued liability, June 2021	30,573.42
06/18/2021	210606	CalPERS	01-50-50413	Employee retirement contributions, PE 6/12/21	45,453.61
06/18/2021	210607	CalPERS 457 Plan	01-00-22908	Employee 457 contributions, PE 6/12/21	2,079.82
06/18/2021	210608	Lincoln Financial Group	01-00-22908	Employee 457 contributions, PE 6/12/21	1,975.79
06/23/2021	60330	Empower Retirement/MassMutual	01-00-22908	Employee 457 contributions, PE 6/12/21	100.00
06/23/2021	60331	IBEW #1245	01-00-25207	Member dues, June 2021	5,917.29
06/23/2021	60332	Nationwide Retirement	01-00-22908	Employee 457 contributions, PE 6/12/21	1,483.21
06/23/2021	60333	Standard Insurance	01-50-50403	Employee disability insurance, July 2021	3,090.29
06/23/2021	60334	Vantage Transfer Agents - 303705	01-00-22908	Employee 457 contributions, PE 6/12/21	2,627.06
06/25/2021	60335	All Metals Pipe & Supply	07-64-64260	Steel, pipe, fence	5,880.79
06/25/2021	60336	Allied Electronics & Automation	07-00-11202/2021-0975	Cable assemblies	50.81
06/25/2021	60337	AT&T	07-66-66251	Local calls, 6/10/21-7/9/21	3,129.18
06/25/2021	60338	AT&T	07-60-60251	Circuits, 6/10/21-7/9/21	354.64
06/25/2021	60339	AT&T	07-60-60251	Fiber optic connection, June 2021	1,178.94
06/25/2021	60340	Better Deal Exchange	07-68-68100	Keys	17.45
06/25/2021	60341	Consolidated Electrical Distributors, Inc.	07-00-11202/2021-0975	Light fixtures	335.10
06/25/2021	60342	Dan's Electrical Supply	07-68-68260	Wire, receptacles, covers, fittings.	206.84
06/25/2021	60343	Dawson Oil Company	07-66-66160	Delo oil	1,061.27
06/25/2021	60344	Fastenal Company	07-63-63100	Bolts, screws, washers	130.31
06/25/2021	60345	Interstate Battery Sacramento Valley	07-64-64100	Deep cycle batteries	1,130.51
06/25/2021	60346	David Leach	07-66-66140	Reimbursement for call-out mileage	36.96
06/25/2021	60347	M J B Welding Supply	07-63-63100	Welding supplies, gloves	202.23
06/25/2021	60348	McMaster Carr Supply Co.	07-00-11202/2021-0981	Steel stud anchors, fencing tension bars	148.38
06/25/2021	60349	Mt. Shasta Spring Water	07-63-63100	Bottled water	102.35
06/25/2021	60350	P G & E	07-66-66250	Electric service, 3/29/21-5/26/21	7,964.04
06/25/2021	60351	Petty Cash Reimbursement	07-66-66140	Call-out mileage, office supplies, stamps	222.12
06/25/2021	60352	Ray's General Hardware	07-00-66370	Painting supplies, rebar, pipe wrap	280.39

South Feather Water and Power Agency
Checks Paid, June, 2021

Date	Check #	Vendor Name	Account	Description	Amount
06/25/2021	60353	Recology Yuba-Sutter	07-65-65250	Garbage service, Strawberry Campground	629.94
06/25/2021	60354	Riebes Auto Parts	07-66-66201	Machine work, gaskets, antifreeze, filters, oil	2,610.66
06/25/2021	60355	STAPLES CREDIT PLAN	07-60-60106	Office supplies	98.95
06/25/2021	60356	Tehama Tire Service, Inc.	07-66-66201	Flat tire repair, C-4	15.00
06/25/2021	60357	AT&T	01-53-53251	Internet connection, 6/14/21-7/13/21	74.90
06/25/2021	60358	AT&T	01-50-50251	Service, 6/10/21-7/9/21	3,054.01
06/25/2021	60359	Better Deal Exchange	01-00-15213	Steel tubs, gate valve, hardware	268.01
06/25/2021	60360	Butte LAFCO	01-50-50501	Bonite Ave annexation fees	980.00
06/25/2021	60361	Calif. Board of Equalization	01-50-50501	Annexation fees	300.00
06/25/2021	60362	Capital One	01-53-53260	Camera monitor, HDMI cables, office supplies	470.55
06/25/2021	60363	Dawson Oil Company	01-56-56150	Grease	114.29
06/25/2021	60364	De Air Company	01-56-56370	Water valve on shop ice maker	262.00
06/25/2021	60365	Grid Subject Matter Experts	07-60-60201	Professional services, May 2021	1,387.50
06/25/2021	60366	Gridley Country Ford Inc.	01-56-56150	Exhaust manifold and secondary cooling system	4,758.72
06/25/2021	60367	Hach Co.	01-53-53260	MRTP supplies	576.25
06/25/2021	60368	Industrial Power Products-Oroville	01-56-56150	Weedeater string, bar oil	50.52
06/25/2021	60369	Inland Water Works Supply Co	01-00-22300	ltron ert (65)	5,488.28
06/25/2021	60370	Innovative Hydrology	07-64-64380	Software maintenance, 7/1/21-6/30/22	800.00
06/25/2021	60371	Minasian, Meith, Soares	07-60-60208	Professional services, May 2021	30,192.10
06/25/2021	60372	Office Depot, Inc.	01-50-50106	Office printer	567.54
06/25/2021	60373	Orkin Pest Control	01-53-53201	Pest control service, June 2021	86.10
06/25/2021	60374	Pace Supply Corp.	01-00-22300	Tapping saddle	1,304.42
06/25/2021	60375	Richardson & Company	01-50-50216	Audit services, 80%	16,720.00
06/25/2021	60376	Spherion Staffing LLC	01-55-55201	Temp staffing assistance, PE 6/6, 6/13, 6/20	1,692.00
06/25/2021	60377	Thatcher Company	01-53-53102	MRTP supplies	4,983.39
06/25/2021	60378	U S A Blue Book	01-53-53260	Gloves, themometers	464.21
06/25/2021	60379	Verizon Wireless	01-53-53251	Cell phone service, 5/11/21-6/10/21	84.83
06/25/2021	60380	Weimer and Sons	01-54-54264	Utility sand, recycled base	2,084.47
				Total June, 2021 checks	847,626.00

**SOUTH FEATHER WATER AND POWER AGENCY
PAYROLL
JUNE, 2021**

PAYROLL STATE & FED TAXES	\$	152,134.26
PAYROLL NET		298,978.70
TOTAL JUNE, 2021		\$ 451,112.96

**CREDIT CARD DETAIL
JUNE 2021 PAYMENTS**

<u>Check #</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
60328	6/18/2021	US Bank	
		200 amp breaker	\$ 1,697.06
		Web conferencing service, 5/14/21-6/13/21	15.66
		Total	\$ 1,712.72



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Steve Wong, Finance Division Manager

DATE: July 15, 2021

RE: General Information (regarding matters not scheduled on the agenda)
7/27/21 Board of Directors Meeting

CalPERS investment returns

CalPERS reported preliminary investment returns of 21.3% for the 2020-21 fiscal year. The extremely positive returns triggered the CalPERS' Funding Risk Mitigation Policy and automatically reduces the discount rate. The discount rate, or assumed rate of return, will drop to 6.8%, from its current level of 7%. The lower discount rate will actually increase the employer contribution rate as this policy assumes the existing assets will grow at a slower rate in the future. The entire CalPERS news release is attached for your information.

Pay Schedule

The current Schedule of Employee Pay Ranges is attached. The Hydro Civil Engineer position has been added in the Power Division and the Project Engineer position is removed.

2020 Audit

The 2020 Audited Financial Statements are just about completed. A draft report should be available for review relatively soon.

2022 Budget

The 2022 Budget calendar is attached for your review. Note that the Finance Committee, comprised of Directors Wulbern and Hickman, is scheduled to review the Proposed Budget on Tuesday, November 9, 2021, with adoption by the full Board at the November 23, 2021 regularly scheduled Board meeting.



CalPERS Reports Preliminary 21.3% Investment Returns for Fiscal Year 2020-21; Strong Returns Trigger Reduction in Discount Rate to 6.8%

July 12, 2021

Communications & Stakeholder Relations

Contact: Megan White, Information Officer
(916) 795-3991 - newsroom@calpers.ca.gov

Sacramento, Calif. – CalPERS today reported a preliminary 21.3% net return on investments for the 12-month period that ended June 30, 2021. CalPERS assets at the end of the fiscal year stood at more than \$469 billion. The preliminary 21.3% return lagged behind the fiscal year total fund benchmark of 21.7%.

Under the Funding Risk Mitigation Policy (PDF), approved by the CalPERS Board of Administration in 2015, the double-digit return will trigger a reduction in the discount rate used to calculate employer and Public Employees' Pension Reform Act (PEPRA) member contributions. The discount rate, or assumed rate of return, will drop to 6.8%, from its current level of 7%.

The Funding Risk Mitigation Policy lowers the discount rate in years of good investment returns. This is the first time it has been triggered.

The 21.3% 2020-21 fiscal year return for the Public Employees' Retirement Fund (PERF) were driven by Private Equity and Public Equity, with net returns of 43.8% and 36.3%, respectively.

Based on these preliminary fiscal year returns, the funded status of the overall PERF is an estimated 82%. This estimate is based on a 7% discount rate. Under the new 6.8% discount rate, however, the funded status of the overall PERF drops to 80%. This is because existing assets are assumed to grow at a slightly slower rate annually into the future. As intended under the Funding Risk Mitigation Policy, the lower discount rate increases the likelihood that CalPERS can reach its target over the longer term.

The CalPERS Board of Administration will continue to review the discount rate through its Asset Liability Management process during the rest of the calendar year.

"Our investment team has done an outstanding job of capturing strong returns in this very dynamic investment environment," said Theresa Taylor, chair of the CalPERS Investment Committee. "These results prove that we have the right investment strategy in place to take full advantage of what the markets have to offer."

"But as pleased as we are with these great returns, let me emphasize that we don't count on this kind of investing environment every year. We know markets go up and down. As a long-term investor, our job is to make sure we have a carefully considered plan to strengthen our fund no matter the economic climate so that we can pay the benefits our members have earned."

The 2020-21 fiscal year returns brings total fund performance to 10.3% for the five-year period, 8.5% for the 10-year period, and 6.9% for the 20-year period. Over the past 30 years, the PERF returned an annualized return of 8.4%.

Today's announcement includes 12-month asset class performance as follows:

Asset Class	Net Rate of Return
Total Fund	21.3%
Public Equity	36.3%
Private Equity	43.8%
Fixed Income	-0.1%
Real Assets	2.6%
Liquidity	0.1%

The official total fund performance numbers go through multiple layers of review and oversight. View the Total Fund and Benchmark Performance Calculation – Wilshire Associates (PDF) for more information.

Returns for real assets and private equity reflect market values through March 31, 2021. Private Equity has been CalPERS' highest returning asset class over longer periods, with 10-year annualized return of 12.0% and 20-year annualized return of 10.1%.

"I'm proud of our investment office and of our ability to execute on our strategy to achieve strong returns in these unprecedented times," said Dan Bienvenue, CalPERS interim chief investment officer. "But I'm also mindful that we're in the middle of determining our asset mix and discount rate for the future. As a long-term investor we're focused on ensuring that our analysis captures realistic projections about the investment outlook over many years and even decades."

CalPERS' 2020-21 final fiscal year investment performance will be calculated based on audited figures and will be reflected in contribution levels for the State of California and school districts in fiscal year 2022-23, and for contracting cities, counties, and special districts in fiscal year 2023-24.

The ending value of the PERF is based on several factors and not investment performance alone. Contributions made to CalPERS from employers and employees, monthly payments made to retirees, investment fees and the performance of its investments, among other factors, all influence the ending total value of the PERF.

About CalPERS

For more than eight decades, CalPERS has built retirement and health security for state, school, and public agency members who invest their lifework in public service. Our pension fund serves more than 2 million members in the CalPERS retirement system and administers benefits for more than 1.5 million members and their families in our health program, making us the largest defined-benefit public pension in the U.S. CalPERS' total fund market value currently stands at approximately \$472 billion. For more information, visit www.calpers.ca.gov.

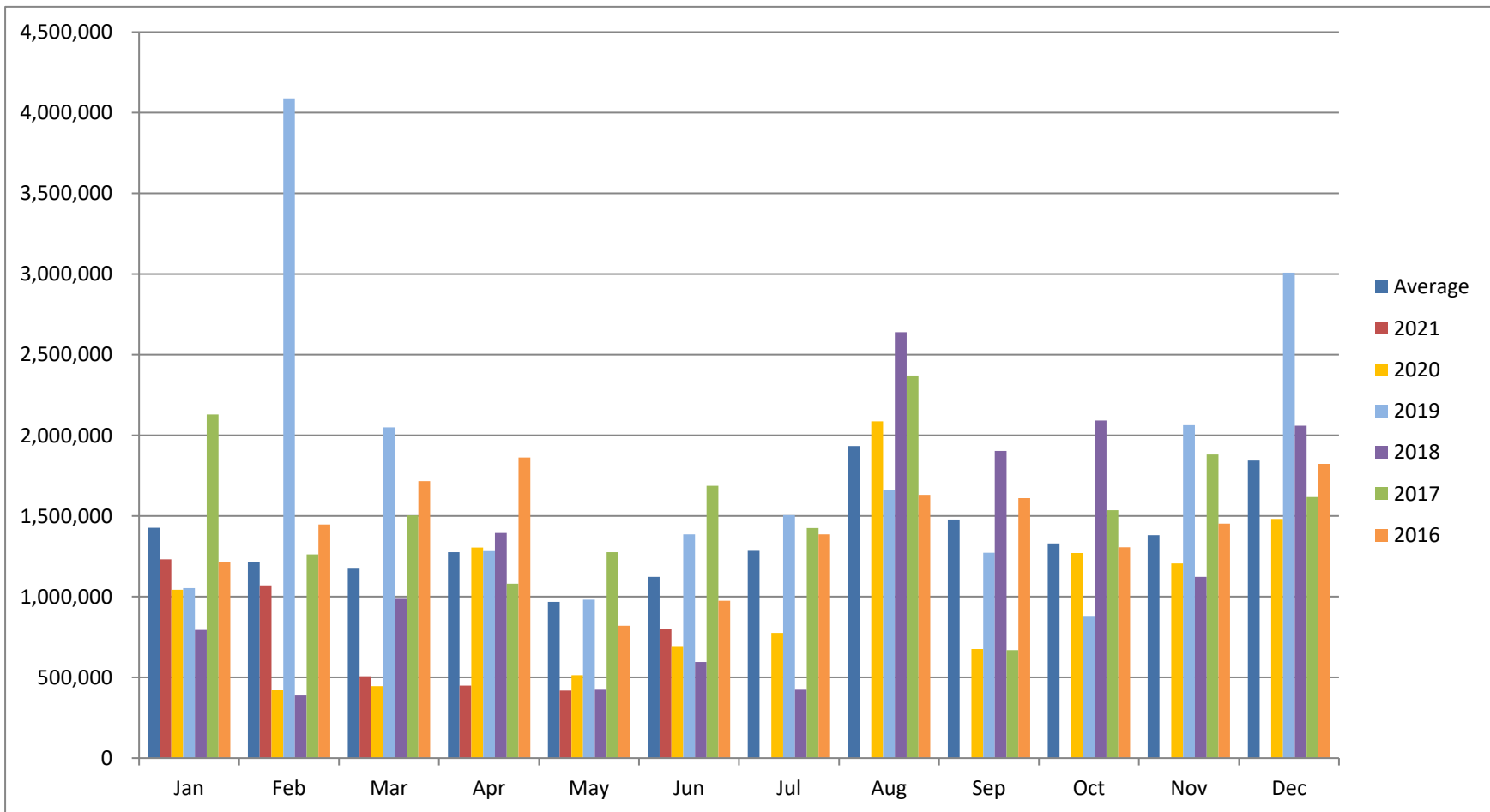
South Feather Water and Power Agency
Schedule of Employee Pay Ranges
July 27, 2021 Board Meeting

<u>Job Title</u>	2021	
	<u>Minimum Hourly Pay</u>	<u>Maximum Hourly Pay</u>
Administration:		
General Manager	\$ 94.96	\$ 100.00
Manager of Info Sys	\$ 50.23	\$ 68.97
Info Sys Specialist	\$ 29.45	\$ 44.08
Environmental Health and Safety Mgr (Risk Manager)	\$ 46.07	\$ 63.38
Finance Div Manager	\$ 58.29	\$ 78.76
Acct Specialist III	\$ 34.19	\$ 50.65
Acct Specialist II	\$ 30.52	\$ 45.21
Acct Tech III	\$ 26.35	\$ 37.67
Acct Tech II	\$ 22.93	\$ 33.97
Acct Tech I	\$ 20.53	\$ 30.40
Water Division:		
Water Treatment Supt	\$ 57.44	\$ 81.19
Sr Trtmt Plant Oper	\$ 40.12	\$ 64.96
Trtmt Plant Oper IV	\$ 33.18	\$ 53.68
Trtmt Plant Oper III	\$ 32.50	\$ 52.62
Construction Foreman	\$ 44.22	\$ 69.48
Maintenance Foreman	\$ 44.22	\$ 69.48
Equipment Operator	\$ 31.82	\$ 53.57
Maintenance Technician	\$ 32.84	\$ 53.14
Industrial Maintenance Technician	\$ 35.10	\$ 53.86
Hydrographer	\$ 32.84	\$ 53.14
Carpenter	\$ 28.92	\$ 46.83
Ditch Tender	\$ 28.92	\$ 46.82
Utility Worker	\$ 25.84	\$ 41.85
Warehouse Technician	\$ 31.51	\$ 51.03
Meter Service Technician	\$ 31.25	\$ 50.57
Mechanic	\$ 31.83	\$ 51.49
Meter Reader	\$ 25.84	\$ 41.85
Facilities Maint Worker	\$ 25.85	\$ 41.85
Laborer	\$ 19.94	\$ 32.27
Power Division:		
Power Division Manager	\$ 42.83	\$ 93.82
Hydro Civil Engineer	\$ 54.29	\$ 68.76
Regulatory Compliance Coordinator	\$ 42.83	\$ 57.10
Routine Hydro Clerk	\$ 37.25	\$ 53.06
Communication Tech	\$ 50.13	\$ 71.40
Roving Operator	\$ 47.82	\$ 68.11
System Operator	\$ 57.70	\$ 82.18
Hydro Maint Foreman	\$ 53.42	\$ 76.10
Electrical Machinist	\$ 45.19	\$ 64.20
Electrical Technician	\$ 53.75	\$ 76.53
Electrician	\$ 45.09	\$ 64.20
Heavy Tractor Driver	\$ 39.27	\$ 55.92
Equip Mech/Operator	\$ 45.09	\$ 64.20
Mechanic	\$ 31.83	\$ 51.49
Utility Worker	\$ 34.09	\$ 48.55

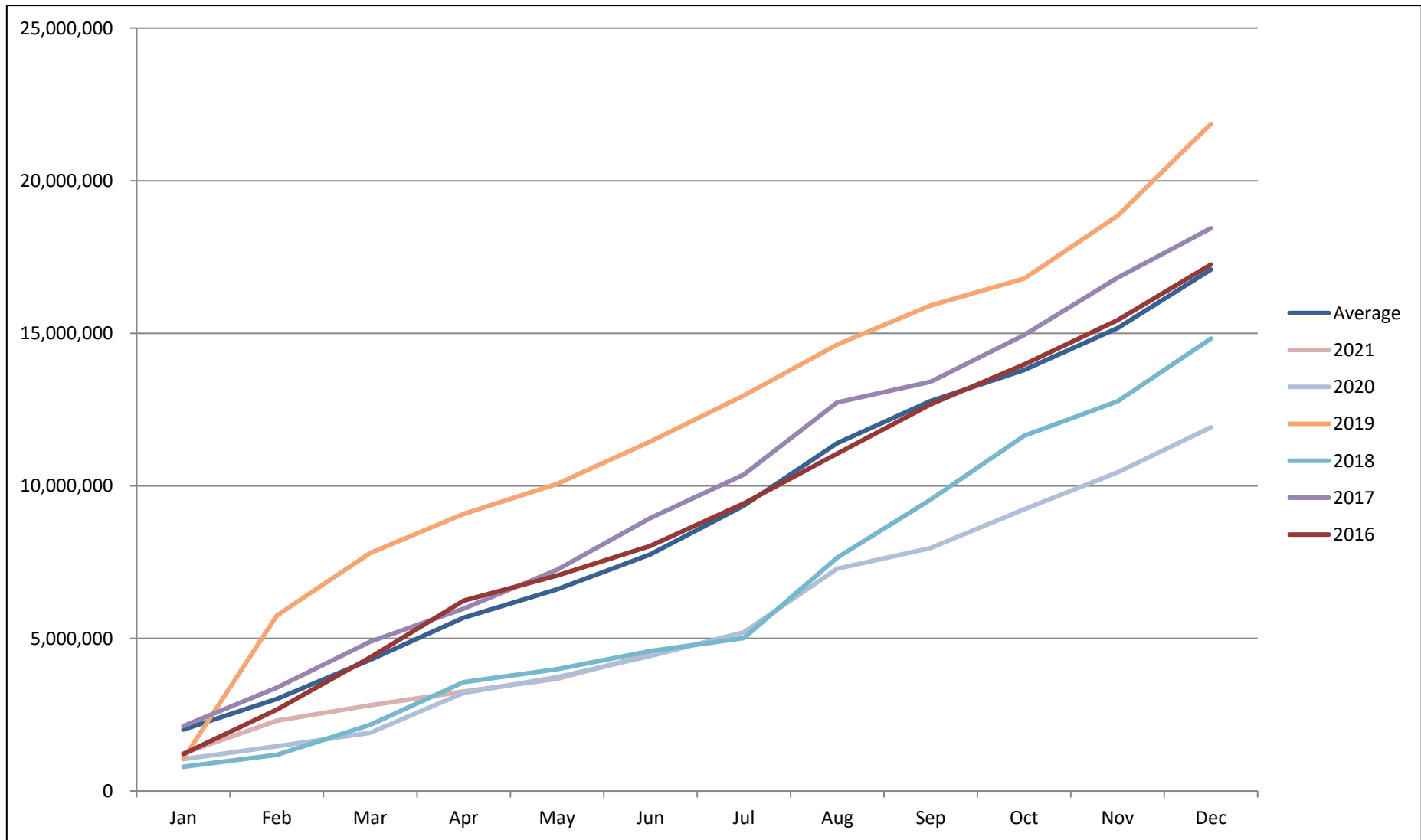
SOUTH FEATHER WATER AND POWER AGENCY
BUDGET CALENDAR
2022 ANNUAL BUDGET

8/24/21	Financial Report to Board includes current year estimates.
Wk of 9/13/21	2021 Capital Budget Review. Budget forms available.
Wk of 10/11/21	Revenue projections completed.
10/15/21	Requested budgets transmitted to Finance Division Manager.
10/26/21	<i>Board meeting.</i>
10/28/21	GM and FDM meet with departments.
11/4/21	Management Team Meeting. Proposed Budget presented to Division Managers.
11/9/21	Finance Committee reviews Proposed Budget.
11/23/21	Board Meeting. 2022 Annual Budget presented to Board.
11/25/21	<i>Thanksgiving holiday.</i>

South Feather Water and Power Agency Power Sold By Month



South Feather Water and Power Agency
Cumulative Power Purchases
All Powerhouses



South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>2018 ACTUAL</u>	<u>2019 ACTUAL</u>	<u>2020 ACTUAL</u>	<u>2021 BUDGET</u>	<u>2021 ACTUAL Thru 6/30/2021</u>	<u>% of Budget</u>
REVENUE:							
41150	Sale of Electricity	13,176,083	19,631,871	10,640,356	15,225,000	3,973,550	26%
41502	Water Sales	0	0	0	4,250,000	0	0%
42306	Current Service Charges	12,748	15,512	12,131	12,500	17,476	140%
42331	Concession Income	0	0	0	0	0	0%
49250	Interest Income	249,218	665,557	427,042	50,000	0	0%
49321	State of CA, DWR	0	0	0	0	0	0%
49405	Insurance Reimbursement	2,612,050	601,929	80,452	75,000	67,865	90%
49521	JFOF FEMA	2,099,530	0	443,135	0	43,105	0%
49522	JFOF CalOES	0	0	114,763	0	42,500	0%
49929	Miscellaneous Income	425,360	9,306	0	1,000	0	0%
	Total Revenue	<u>18,574,989</u>	<u>20,924,175</u>	<u>11,717,879</u>	<u>19,613,500</u>	<u>4,144,496</u>	<u>21%</u>
OPERATING EXPENSES:							
JFOF Administration, 7-60							
	Salaries & Benefits	883,640	1,038,309	1,153,138	726,138	487,759	67%
	Supplies	2,586	4,666	2,747	6,933	1,700	25%
	Services	788,580	695,666	344,280	436,050	123,344	28%
	Utilities	47,942	33,290	37,989	34,130	21,525	63%
	Fuel, Oil, Auto	0	0	498	0	25	0%
	Training/Dues	965	12,466	15,180	10,250	12,882	126%
	JFOF Administration, 7-60	<u>1,723,713</u>	<u>1,784,397</u>	<u>1,553,832</u>	<u>1,213,500</u>	<u>647,235</u>	<u>53%</u>
Risk Management, 7-62							
	Salaries & Benefits	52,297	82,084	97,456	95,533	43,789	46%
	Supplies	6,686	7,082	3,608	7,300	1,136	16%
	Services	170,403	158,884	196,865	205,500	1,895	1%
	Training/Dues	198	1,877	3,672	9,350	1,832	20%
	JFOF Risk Management, 7-62	<u>229,584</u>	<u>249,927</u>	<u>301,601</u>	<u>317,683</u>	<u>48,652</u>	<u>15%</u>

South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>2018 ACTUAL</u>	<u>2019 ACTUAL</u>	<u>2020 ACTUAL</u>	<u>2021 BUDGET</u>	<u>2021 ACTUAL Thru 6/30/2021</u>	<u>% of Budget</u>
OPERATING EXPENSES (CON'T)							
Power Plant Operations, 7-63							
	Salaries & Benefits	2,404,922	2,288,510	2,735,948	2,454,375	1,138,777	46%
	Supplies	839,864	65,023	36,001	163,288	35,600	22%
	Services	430,442	174,251	215,838	277,950	130,534	47%
	Utilities	61,822	61,164	76,375	43,775	16,896	39%
	Training/Dues	5,683	9,273	315	4,000	456	11%
JFOF Power Plant Operations, 7-63		3,742,733	2,598,221	3,064,477	2,943,388	1,322,263	45%
Water Collection, 7-64							
	Salaries & Benefits	456,254	789,462	622,346	526,800	276,365	52%
	Supplies	47,220	67,232	42,009	49,555	28,894	58%
	Services	372,520	546,330	686,098	502,350	271,303	54%
	Utilities	4,210	3,648	10,183	1,700	2,676	157%
	Fuel, Oil, Auto	58	0	63	0	0	0%
	Training/Dues	0	1,099	73	1,063	0	0%
JFOF Water Collection, 7-64		880,262	1,407,771	1,360,772	1,081,468	579,238	54%
Campgrounds, 7-65							
	Salaries & Benefits	58,123	44,581	52,532	82,075	2,995	4%
	Supplies	989	1,948	978	2,085	0	0%
	Services	56,482	8,926	7,277	12,550	1,688	13%
	Utilities	9,006	7,939	7,633	8,500	726	9%
	Fuel, Oil, Auto	0	23	0	85	0	0%
	Training/Dues	0	0	0	0	0	0%
JFOF Campgrounds, 7-65		124,600	63,417	68,420	105,295	5,409	5%
JFOF Plant & Shop, 7-66							
	Salaries & Benefits	278,367	441,888	451,378	342,613	323,158	94%
	Supplies	17,566	23,420	17,291	25,170	9,796	39%
	Services	8,263	5,085	13,308	130,050	13,086	10%
	Utilities	73,632	69,706	71,752	46,750	37,154	79%
	Fuel, Oil, Auto	89,026	91,874	56,431	64,175	34,552	54%
	Training/Dues	0	0	0	0	0	0%
JFOF Plant & Shop, 7-66		466,854	631,973	610,160	608,758	417,746	69%

South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>2018 ACTUAL</u>	<u>2019 ACTUAL</u>	<u>2020 ACTUAL</u>	<u>2021 BUDGET</u>	<u>2021 ACTUAL Thru 6/30/2021</u>	<u>% of Budget</u>
OPERATING EXPENSES (CON'T)							
Regulatory Compliance, 7-67							
	Salaries & Benefits	61,703	87,754	181,105	307,563	73,080	24%
	Supplies	46	17	3,058	36,000	2,959	8%
	Services	486,275	277,400	117,517	363,500	86,945	24%
	Utilities	0	0	0	0	0	0%
	Training/Dues	7,464	1,160	199	1,700	0	0%
JFOF Regulatory Compliance, 7-67		555,488	366,331	301,879	708,763	162,984	23%
Communications & IT, 7-68							
	Salaries & Benefits	139,548	145,403	137,936	173,525	122,333	70%
	Supplies	42,338	16,388	10,400	51,955	15,628	30%
	Services	34,598	38,776	44,465	34,500	20,112	58%
	Utilities	427	1,707	1,936	2,300	657	29%
	Training/Dues	2,086	912	1,729	3,350	1,324	40%
JFOF Communications & IT, 7-68		218,997	203,186	196,466	265,630	160,054	60%
TOTAL OPERATING EXPENSES		7,942,231	7,305,223	7,457,607	7,244,483	3,343,581	46%
SUB-TOTAL, REVENUES OVER OPER EXP		10,632,758	13,618,952	4,260,272	12,369,018	800,915	
Other Non-Operating Expenses:							
	North Yuba Water District	(709,000)	(709,000)	(709,000)	(709,000)	(177,250)	25%
	2019 Install Purch Agmt Principal	0	(773,548)	(1,476,613)	(5,875,907)	(764,711)	13%
	Interest Expense	(220,113)	(399,896)	(308,393)	(236,578)	(136,559)	58%
	Pension Expense	(238,342)	(434,687)	0	0	0	0%
Captial Outlay							
2010-0828	LCD Crest Modification			1,005,477	82,000	40,536	0%
2018-0944	JFOF PP-KPH TSV 2019			330,612	26,000	0	0%
2019-0949	FPH Cooling Water Flow Device Rebuild			3,597	0	0	0%
2019-0950	WPH Cooling Water Flow Device Rebuild			7,994	0	0	0%
2019-0952	MRC road repair, Panels 300 and 526			641,291	65,000	0	0%
2019-0960	KPH Septic System Repair / Replacement			6,144	10,000	0	0%
2020-0197	IT-Email exchange server			3,887	0	0	0%

South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

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	Capital Outlay (con't)						
2020-0965	PH booster pump impellers			8,352	0	0	0%
2020-0966	JS-Sly Creek Access Road Pavement Patching			45,750	0	0	0%
2020-0967	WC-SCD 30KW Propane Generator			60,787	0	0	0%
2020-0968	PP-WPH #2 cooling water pump and motor			13,090	0	0	0%
2020-0969	PP-KPH HVAC			6,740	0	0	0%
2020-0970	CO-CAISO meter installation			23,357	45,000	0	0%
2021-0971	CO-SCADA upgrade				150,000	70,241	47%
2021-0972	FPH New Sump Oil Skimmer (Abanaki model SM8C02-F)				6,000	7,275	100%
2021-0973	Vehicle replacement-F350 utility worker truck w/utility bed, T-117				70,000	53,728	77%
2021-0974	WC-South Fork Div Dam Safety Buoys and Log Booms				12,000	8,907	74%
2021-0975	CO-Sunset SCADA master install				30,000	28,128	0%
2021-0976	PP-FPH Guide Bearing Oil Coolers				63,000	0	0%
2021-0977	JS-Truck Replacement for Comm Tech, replace T-101, 2004 Ford Expedition				40,000	36,521	91%
2021-0978	WC-STA 8 Bridge Deck Replacement				15,000	8,687	0%
2021-0979	CO-Sunset backup generator, pad and appurtenances				42,500	271	0%
2021-0980	PP-Forbestown Div Dam SF-17 Access. Repl Stairs, Bridge, Trail				12,000	8,336	69%
2021-0981	CO-Generator Building at Sunset Hill Main Comm Site				12,000	11,148	0%
2021-63a	PP-FPH TSV Seal Kit				55,000	0	0%
2021-63f	PP-FPH oil level device upgrade				18,000	0	0%
2021-63g	PP-WPH oil level device upgrade				18,000	0	0%
2021-63d	PP-KPH sump pump and motor				14,000	0	0%
2021-63f	PP-FPH Cooling Water Strainer System				200,000	0	0%
2021-63g	PP-FPH Repaint Generator Housing, Circuit Breaker, and Transformer				150,000	0	0%
2021-63h	PP-WPH Repaint Generator Housing and TWD System				130,000	0	0%
2021-63i	PP-Metal Worker, Pirahna				35,000	0	0%
2021-63j	PP-Welding Shop Cabinets				20,000	0	0%
2021-63l	PP-Shop Press				7,500	0	0%
2021-63p	PP-HART Communicator				7,500	0	0%
2021-63q	PP-WPH outside welder for runner repairs				7,500	0	0%
2021-64a	WC-SPH PSV & penstock recoating				175,000	0	0%
2021-64b	WC-LGV Res penstock drain valve replacement				60,000	0	0%
2021-64c	WC-LGV Res Fish Flow Valve Replacement				20,000	0	0%

South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

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	Capital Outlay (con't)						
2021-64e	WC-Bangor Canal at SF 25 shotcrete				10,000	0	0%
2021-64f	WC-Bobcat Skid Steer with Power Broom Attachment				41,000	0	0%
2021-64g	WC-Rock Drills, Bits, and Hydraulic Splitter				20,000	0	0%
2021-64i	WC-MRC repair, panel 210, 50'				50,000	0	0%
2021-64m	WC-Waterways dredging				500,000	0	0%
2021-64o	WC-RTU Water Logger HS522+ GOES Xmitter Forbestown Ditch				7,500	0	0%
2021-65a	CM-Sly Creek Campground food lockers, fire rings and picnic tables				25,000	0	0%
2021-66a	JS-PDHQ 35KW Propane Generator				35,000	0	0%
2020-66d	JS-DC Load Bank Tester				28,000	0	0%
2021-66b	JS-Grader tires, 6				18,000	0	0%
2021-66c	JS-Concrete aprons and approach, welding shop and hazmat				15,000	0	0%
2021-66d	JS-Water tank truck				70,000	0	0%
2021-66e	JS-Dump truck				100,000	0	0%
2021-66g	JS-Boom Truck				150,000	0	0%
2021-66h	JS-All Terrain Telehandler Forklift				100,000	0	0%
2021-66i	JS-CMMS Software System				50,000	0	0%
2021-66j	JS-Truck Replacement for Roving Operator, replace 2005 Chevy				40,000	0	0%
2021-66l	JS-Welding Shop 3-Ph Propane Generator				35,000	0	0%
2021-66m	JS-Mini Excavator				65,000	0	0%
2021-67a	RC-Sly spillway rockfall mitigation				120,000	0	0%
2021-68b	CO-CAISO meter installations, 4				85,000	0	0%
2021-68c	CO-WPH PSV Valve Trip System				30,000	0	0%
	Total Capital Outlay	(1,809,738)	(3,573,487)	(2,157,078)	(3,192,500)	(273,778)	9%

South Feather Water and Power Agency
 Joint Facilities Operating Fund Financial Report
 July 27, 2021 Board Meeting

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Transfers In:							
	Power Division Legacy Fund	0	1,096,094	0	0	0	0%
	Retiree Benefit Trust	0	0	1,617,546	0	0	0%
Transfers Out:							
	General Fund-Minimum Payment	(709,000)	(709,000)	(709,000)	(709,000)	(177,250)	0%
	General Fund-Overhead	(557,565)	(621,688)	(480,058)	(675,000)	0	0%
	Retiree Benefit Trust	(214,513)	(201,179)	0	0	0	0%
Net Non-operating, Capital Outlay and Transfers							
		(4,458,271)	(7,422,485)	(4,222,596)	(11,397,985)	(1,529,548)	
	NET REVENUE OVER EXPENSES	6,174,487	6,196,467	37,676	971,033	(728,633)	
	Beginning Balance	14,684,375	15,071,388	20,958,945	21,473,810	20,996,621	
	NYWD-Additional Payment	(1,393,737)	0	0	(978,678)	0	
	General Fund-Additional Payment	(1,393,737)	0	0	(978,678)	0	
	Loan Payable to PG&E	(3,000,000)	(308,910)	0	0	0	
	Ending Balance	15,071,388	20,958,945	20,996,621	20,487,487	20,267,988	

NOTES: Per NYWD agreement, 15% working capital reserve of \$1,125,850, and \$18,000,000 contingency reserve is required.
 Ending 12/31/20 balance includes designated reserves of \$1,617,546 for retiree benefits.

South Feather Water and Power Agency
 General Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>2018 ACTUAL</u>	<u>2019 ACTUAL</u>	<u>2020 ACTUAL</u>	<u>2021 BUDGET</u>	<u>2021 ACTUAL Thru 6/30/21</u>	<u>% of BUDGET</u>
REVENUE:							
Water Sales Rev							
41100	Domestic Water	2,151,409	2,138,729	2,674,305	2,500,000	1,092,828	44%
41400	Irrigation Water	222,699	218,507	263,727	300,000	108,868	36%
41420	Water Sales, NYWD to Yuba City	181,314	190,388	195,300	200,000	0	0%
	Sub-Total Water Sales Rev	2,555,422	2,547,624	3,133,332	3,000,000	1,201,696	40%
Power Revenue							
41305	Sly Cr Pwr Generation	1,544,956	2,128,918	1,297,452	1,625,000	504,829	31%
41306	Surplus Wtr	90,786	87,360	25,164	55,000	0	0%
	Sub-Total Power Rev	1,635,742	2,216,278	1,322,616	1,680,000	504,829	30%
Water Serv Chgs							
42301	Sundry Billing (Job Orders)	54,785	173,718	57,108	55,000	81,322	148%
42341	System Capacity Charges	NA	NA	13,089	50,000	30,541	61%
	Other Water Serv Charges	64,271	132,685	29,249	50,000	13,503	27%
	Sub-Total Water Serv Chgs	119,056	306,403	99,446	155,000	125,366	81%
Non-Oper Revenue							
49250	Interest Earnings	110,229	85,264	108,900	10,000	30,603	306%
49311	Property Taxes	585,383	663,748	681,269	685,000	294,667	43%
49405	ACWA/JPIA RPA	41,973	82,631	103,294	50,000	40,381	81%
49625	Back Flow Installation	16,920	14,021	9,400	15,000	2,820	19%
49630	Back Flow Inspection	119,570	123,738	127,236	125,000	64,683	52%
	Other Non-Oper Rev	(4,820)	4,413	31,455	1,000	350	35%
	Sub-Total Non-Oper Rev	869,255	973,815	1,061,554	886,000	433,504	49%
	TOTAL GENERAL FUND REVENUE	5,179,475	6,044,120	5,616,948	5,721,000	2,265,395	40%

South Feather Water and Power Agency
 General Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>2018</u> <u>ACTUAL</u>	<u>2019</u> <u>ACTUAL</u>	<u>2020</u> <u>ACTUAL</u>	<u>2021</u> <u>BUDGET</u>	<u>2021</u> <u>ACTUAL</u> <u>Thru 6/30/21</u>	<u>% of</u> <u>BUDGET</u>
OPERATING EXPENSES:							
General Administration, 1-50							
	Salaries & Benefits	1,111,437	875,726	785,777	852,449	276,478	32%
	Supplies	10,559	13,901	5,032	6,000	3,997	67%
	Services	151,619	207,699	121,268	78,750	72,266	92%
	Utilities	63,801	51,896	52,010	49,000	28,206	58%
	Fuel, Oil, Auto	0	0	0	0	0	0%
	Training/Dues	43,592	33,452	13,616	25,000	19,188	77%
	General Admin, 1-50	<u>1,381,008</u>	<u>1,182,674</u>	<u>977,703</u>	<u>1,011,199</u>	<u>400,135</u>	<u>40%</u>
Water Source, 1-51							
	Source of Supply	15,891	17,468	16,117	17,500	14,888	85%
	Water Source, 1-51	<u>15,891</u>	<u>17,468</u>	<u>16,117</u>	<u>17,500</u>	<u>14,888</u>	<u>85%</u>
Risk Management, 1-52							
	Salaries & Benefits	109,603	80,906	110,291	96,089	44,220	46%
	Supplies	3,960	1,990	9,895	7,900	1,314	17%
	Services	144,420	129,749	118,598	135,300	7,309	5%
	Utilities	0	917	910	950	258	27%
	Training/Dues	490	179	169	100	240	240%
	Environmental Health & Safety, 1-52	<u>258,473</u>	<u>213,741</u>	<u>239,863</u>	<u>240,339</u>	<u>53,341</u>	<u>22%</u>
Water Treatment, 1-53							
	Salaries & Benefits	1,087,314	1,288,690	1,427,710	1,322,700	634,651	48%
	Supplies	127,817	122,955	127,485	133,000	52,385	39%
	Services	56,107	49,336	59,723	62,700	21,635	35%
	Utilities	56,593	197,201	305,168	300,000	288,471	96%
	Fuel, Oil, Auto	164	0	2,510	3,000	0	0%
	Training/Dues	2,746	4,667	833	2,000	75	4%
	Water Treatment, 1-53	<u>1,330,741</u>	<u>1,662,849</u>	<u>1,923,429</u>	<u>1,823,400</u>	<u>997,217</u>	<u>55%</u>

South Feather Water and Power Agency
 General Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	2018 <u>ACTUAL</u>	2019 <u>ACTUAL</u>	2020 <u>ACTUAL</u>	2021 <u>BUDGET</u>	2021 <u>ACTUAL</u> Thru 6/30/21	% of <u>BUDGET</u>
OPERATING EXPENSES (Con't)							
Transmission & Distribution, 1-54							
	Salaries & Benefits	1,805,771	2,110,922	2,387,626	2,329,425	984,119	42%
	Supplies	114,194	100,639	71,974	232,000	41,054	18%
	Services	2,863	21,040	26,518	49,500	220	0%
	Utilities	46,584	40,897	40,021	56,000	21,228	38%
	Fuel, Oil, Auto	2,121	2,338	0	0	0	0%
	Training/Dues	2,225	1,633	1,995	2,950	1,535	52%
Transmission & Distribution, 1-54		1,973,758	2,277,469	2,528,134	2,669,875	1,048,156	39%
Customer Accounts, 1-55							
	Salaries & Benefits	565,412	686,714	806,810	751,048	344,631	46%
	Supplies	100,372	149,172	112,376	102,500	55,084	54%
	Services	27,557	32,608	59,573	40,000	13,253	33%
	Utilities	0	0	0	0	451	100%
	Training/Dues	0	1,215	11,776	13,500	7,091	53%
Customer Accounts, 1-55		693,341	869,709	990,535	907,048	420,510	46%
General Plant & Shop, 1-56							
	Salaries & Benefits	507,203	451,630	527,789	493,825	214,476	43%
	Supplies	34,964	26,962	16,376	21,750	6,693	31%
	Services	5,038	34,405	13,755	18,150	1,744	10%
	Utilities	29,721	33,029	26,908	31,000	13,847	45%
	Fuel, Oil, Auto	125,619	136,685	113,709	137,000	57,112	42%
General Plant & Shop, 1-56		702,545	682,711	698,537	701,725	293,872	42%
Sundry & Expense Credits, 1-57							
	Salaries & Benefits	16,812	26,405	27,334	25,000	15,475	62%
	Supplies	25,612	40,858	22,290	30,000	17,805	59%
	Services	300	0	235	0	888	0%
Sundry, 1-57		42,724	67,263	49,859	55,000	34,168	62%

South Feather Water and Power Agency
General Fund Financial Report
July 27, 2021 Board Meeting

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OPERATING EXPENSES (Con't)							
Information Technology, 1-58							
	Salaries & Benefits	282,748	336,202	419,238	391,627	185,150	47%
	Supplies	14,864	21,425	13,622	28,500	3,445	12%
	Services	64,350	58,638	62,351	48,000	31,628	66%
	Utilities	2,764	2,125	3,045	2,500	1,197	48%
	Training/Dues	2,171	2,585	1,701	3,500	5,878	168%
	Information Systems, 1-58	<u>366,897</u>	<u>420,975</u>	<u>499,957</u>	<u>474,127</u>	<u>227,298</u>	<u>48%</u>
Sly Creek Power Plant, 1-61							
	Salaries & Benefits	266,477	365,474	363,028	342,175	119,168	35%
	Supplies	12,240	20,724	12,846	21,300	3,938	18%
	Services	32,680	91,196	39,758	40,300	5,855	15%
	Utilities	12,818	20,884	22,677	9,775	5,435	56%
	Auto Expense	0	106	0	0	15	0%
	Sly Creek Power Plant, 1-61	<u>324,215</u>	<u>498,384</u>	<u>438,309</u>	<u>413,550</u>	<u>134,411</u>	<u>123%</u>
	TOTAL OPERATING EXPENSES	<u>7,089,593</u>	<u>7,893,243</u>	<u>8,362,443</u>	<u>8,313,762</u>	<u>3,623,996</u>	<u>44%</u>
	SUB-TOTAL, REVENUES OVER OPER EXP	<u>(1,910,118)</u>	<u>(1,849,123)</u>	<u>(2,745,495)</u>	<u>(2,592,762)</u>	<u>(1,358,601)</u>	<u>52%</u>
Other Non-Operating Expenses							
	Supplies & Services	1,000	1,100	1,100	2,500	2,500	100%
	Interest	847,823	844,634	831,108	812,839	413,337	51%
	Principal	570,000	580,000	600,000	615,000	615,000	100%
	Pension Expense	294,211	349,513	0	0	0	0%
CAPITAL OUTLAY:							
2013-0135	MRTP Improvement program			55,322			
2019-0191	TD-Rockridge and Coventry Dr pipeline replacement			79,765			
2019-0192	TD-Distribution System Remote Monitoring			14,477	10,000	9,346	93%
2019-0193	GS-Generator, Admin Offices			34,227			
2020-0196	Bangor shotcrete Patty Dutters and Warren property, 1000'			11,282			

South Feather Water and Power Agency
 General Fund Financial Report
 July 27, 2021 Board Meeting

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CAPITAL OUTLAY (con't):							
2020-0197	IT-Email exchange server			3,887			
2020-0198	Community Line, Foothill Blvd./Oro Bangor Hwy to Grange			21,196	75,000	68,058	91%
2020-0199	GP-MRTP solar inverter replacement			40,681			
2020-0200	Oro-Bangor Hwy/BTP to Avacado			38,968	7,000	47,524	679%
2020-0970	SPH-CAISO meter installation			7,786	15,000	0	0%
2021-0204	MRTP #2 raw water pump replacement				125,000	64,907	52%
2021-0205	Hwy 162 / Arbol				137,000	0	0%
2021-0206	IT-MRTP SAN replacement				26,000	23,185	89%
2021-0207	CA-Meter reader communications				15,000	0	0%
2021-0971	SPH-SCADA upgrade				50,000	23,414	47%
2021-54h	Irwin Experanza Williams, 2000'				100,000	0	0%
2021-54j	Community Line, Wyandotte domestic pipeline				40,000	0	0%
2021-54m	Palermo shotcrete Pinecrest, 1000'				60,000	0	0%
2021-54n	Miller Hill Gauging Station				12,000	0	0%
2021-56a	Replace 2009 Ford F-350, T-82				60,000	0	0%
2021-56b	Replace 1998 Bobcat mini excavator, E-123				65,000	0	0%
2021-56d	Replace 2010 Ranger 4x4, ditchtender, T-386				35,000	0	0%
2021-56g	Replace 2011 Ranger 4x4, ditchtender, T-302				35,000	0	0%
2020-58c	IT-Fiber optic and switches replacement				21,000	0	0%
2020-61c	SPH-PSV roof replacement and rockfall protection				75,000	0	0%
2020-61e	SPH-Oil flow device upgrade				20,000	0	0%
2020-61g	SPH-bitronics lins side metering xducer				8,000	0	0%
2021-61l	SPH Exciter upgrade				200,000	0	0%
2021-61m	SPH station air compressor				10,000	0	0%
	Total Capital Outlay	102,680	239,171	307,591	1,201,000	236,434	20%

South Feather Water and Power Agency
 General Fund Financial Report
 July 27, 2021 Board Meeting

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	2018 <u>ACTUAL</u>	2019 <u>ACTUAL</u>	2020 <u>ACTUAL</u>	2021 <u>BUDGET</u>	2021 <u>ACTUAL</u> Thru 6/30/21	% of <u>BUDGET</u>
Transfers:							
	SFPP Jt Facil Oper Fd-Minimum Payment	709,000	709,000	709,000	709,000	177,250	25%
	SFPP Jt Facil Oper Fd-Additional Payment	1,393,737	0	0	978,678	0	0%
	SFPP Jt Facil Oper Fd-Overhead	557,565	621,688	480,058	675,000	0	0%
	Debt Service Fund, 2016 COP	2,186,233	0	0	0	0	0%
	System Capacity Fund, MRTP Impr Proj	(1,248,243)	0	0	0	0	0%
	System Capacity Fund	0	0	194,946	0	0	0%
	Retiree Benefit Trust Fund	(266,911)	(320,821)	0	0	0	0%
	Retiree Benefit Trust Fund	0	0	1,977,001	0	0	0%
	Net Non-operating, Capital Outlay and Transfers	1,515,667	(1,004,551)	1,621,206	(268,661)	(1,090,021)	406%
	NET REVENUE OVER EXPENSES	(394,451)	(2,853,674)	(1,124,289)	(2,861,423)	(2,448,622)	
	Beginning Balance	6,145,888	5,751,437	2,897,763	2,022,090	1,773,474	
	Ending Balance	5,751,437	2,897,763	1,773,474	(839,333)	(675,148)	

NOTE: Ending 12/31/20 balance includes designated reserves of \$1,977,001 for retiree benefits.

South Feather Water & Power Agency
 Irrigation Water Accounting
 For The Period Of 1/1/2021 - 6/30/2021

<u>ACCT CODE</u>	<u>DESCRIPTION</u>	<u>REVENUE</u>	<u>EXPENSES</u>
2021-0504	Palermo Canal	\$ 40,587	\$ 131,252
2021-0505	Bangor Canal	\$ 50,392	\$ 144,341
2021-0506	Forbestown Canal	\$ 6,704	\$ 122,617
2021-0507	Community Line	\$ 11,186	\$ 20,118
	Totals	<hr/> \$ 108,869	<hr/> \$ 418,328

SOUTH FEATHER WATER AND POWER AGENCY
SCHEDULE OF CASH AND INVESTMENTS
30-Jun-21

General Fund Cash and Savings Account	\$ 449,071
LAIF	18,382,960
CalTrust	1,424,903
Five Star Bank	1,108,241

<u>Fixed Income portfolio</u>	<u>Rate</u>	<u>Purch Date</u>	<u>Purch Price</u>	<u>Face Value</u>	<u>Maturity</u>	<u>Mkt Value</u>	<u>Est Ann Income</u>
Cash						116,304	\$ -
Citibank Natl CD	3.000%	7/24/2018	245,000	245,000	7/26/2021	245,522	7,350
EnerBank USA CD	3.000%	8/17/2018	247,000	247,008	8/17/2021	247,951	7,410
Bank of Rhode Island CD	1.700%	9/16/2019	245,000	245,008	9/27/2021	245,978	4,165
Third Federal S & L of Cleveland CD	3.150%	10/22/2018	245,000	245,000	10/22/2021	247,403	7,718
Merrick Bank CD	3.200%	11/28/2018	245,008	245,000	11/29/2021	248,195	7,840
BMW Bank North America CD	3.050%	12/28/2018	245,000	245,000	12/28/2021	248,695	7,473
Federal Farm Credit Bonds	2.600%	1/28/2019	250,000	249,999	1/18/2022	253,445	6,500
Goldman Sachs CD	2.850%	2/14/2019	185,000	185,000	2/14/2022	188,234	5,273
Centerstate Bank CD	1.000%	3/20/2020	245,008	245,000	3/21/2022	246,691	2,450
US Treasury Note	2.250%	5/8/2019	245,326	245,000	4/15/2022	249,172	5,513
Eclipse Bank CD	0.350%	5/29/2020	240,000	240,000	5/30/2022	240,058	840
Flagstar Bank CD	2.450%	6/12/2019	246,000	246,000	6/13/2022	251,584	6,027
Sallie Mae Bank CD	2.150%	7/24/2019	245,000	245,000	7/25/2022	250,358	5,268
Bank Hapoalim Bm Ny CD	0.250%	8/26/2020	245,000	245,000	8/26/2022	245,385	613
Wells Fargo Bank CD	1.850%	9/18/2019	245,000	245,000	9/19/2022	250,155	4,533
Federal Home Loan Mtg Corp.	0.250%	8/19/2020	60,000	60,000	11/18/2022	60,011	150
Goldman Sachs CD	1.850%	12/12/2019	60,000	60,000	12/12/2022	61,483	1,110
Morgan Stanley Private Bank CD	1.850%	12/19/2019	50,000	50,000	12/19/2022	51,250	925
First Heritage Bank CD	0.250%	6/23/2020	140,000	140,000	12/19/2022	140,193	350
Marlin Business Bank CD	1.650%	1/15/2020	203,000	203,000	1/17/2023	207,655	3,350
Wells Fargo Natl Bank West CD	1.900%	1/17/2020	245,000	245,000	1/17/2023	251,564	4,655
People First Bank CK	1.350%	3/6/2020	134,000	134,000	3/6/2023	136,628	1,809
American Express Natl Bank CD	1.450%	1/31/2020	245,000	245,000	3/31/2023	250,397	3,553
Federal Home Loan Mtg Corp.	0.300%	8/31/2020	250,013	250,000	5/25/2023	249,507	750
Luana Savings Bank CD	0.200%	8/14/2020	245,000	245,000	8/14/2023	244,816	490
Medallion Bank CD	0.250%	10/26/2020	135,000	135,000	10/27/2023	134,991	338

SOUTH FEATHER WATER AND POWER AGENCY
 SCHEDULE OF CASH AND INVESTMENTS
 30-Jun-21

General Fund Cash and Savings Account	\$ 449,071
LAIF	18,382,960
CalTrust	1,424,903
Five Star Bank	1,108,241

<u>Fixed Income portfolio</u>	<u>Rate</u>	<u>Purch Date</u>	<u>Purch Price</u>	<u>Face Value</u>	<u>Maturity</u>	<u>Mkt Value</u>	<u>Est Ann Income</u>
New York Community Bank CD	0.300%	11/9/2020	245,000	245,000	11/9/2023	245,255	735
Federal Home Loan Bond	0.190%	12/29/2020	249,777	250,000	12/22/2023	248,950	475
Bankunited Bank CD	0.350%	3/15/2021	245,000	245,008	3/19/2024	245,039	858
Web Bank CD	0.400%	5/11/2021	245,000	245,000	5/17/2024	245,115	980
UBS Bank CD	0.350%	6/23/2021	245,000	245,000	6/24/2024	245,294	858
State Bank of India CD	1.000%	6/10/2021	245,000	245,000	6/10/2026	246,749	2,450
Total Fixed Income Portfolio						7,040,027	\$ 95,621 1.36%
TOTAL CASH & INVESTMENTS AT 6/30/21						\$ 28,405,202	

I certify that all investment actions have been made in full compliance with Policy #470- Investments, and that South Feather Water and Power Agency will meet its expenditure obligations for the next six months.

Submitted by: Steve Wong, Finance Division Manager 7/13/21



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors
FROM: Dan Leon, Power Division Manager
DATE: July 21, 2021
RE: General Information (regarding matters not scheduled on agenda)
July 27, 2021 Board of Directors Meeting

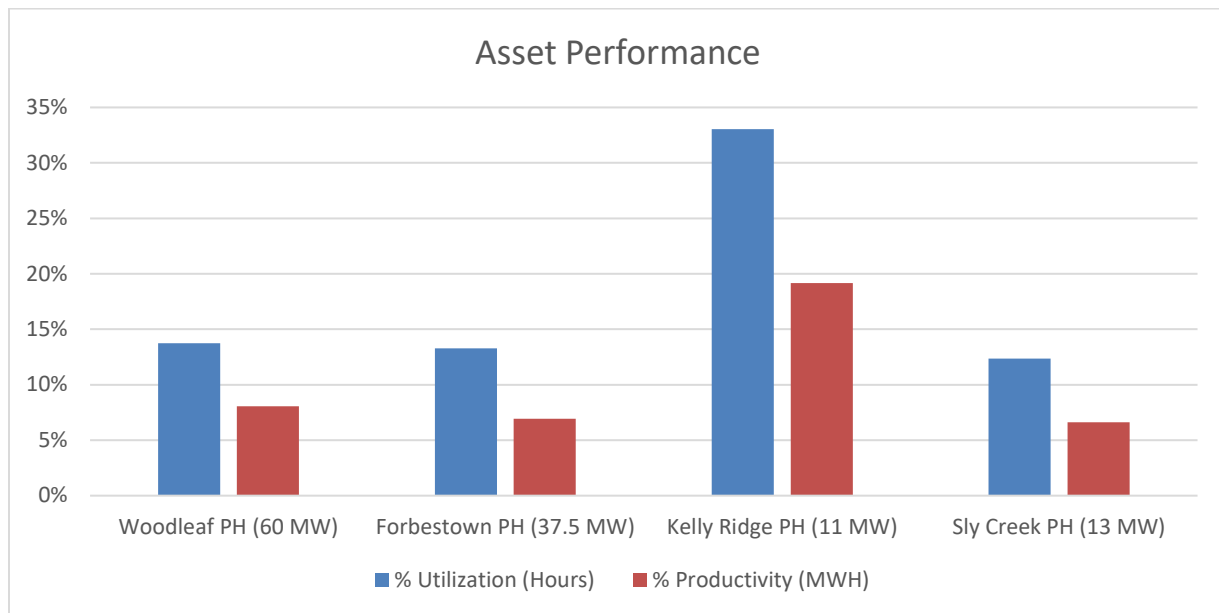
Operations

Power Division Summary Report, Reservoir Storage Report, and Precipitation Report for June 2021 are attached.

The DWR Bulletin 120 report issued on June 2 was the final report for this season. DWR Bulletin 120 accumulated water year-to-date precipitation and snowpack reporting will resume next season.

South Fork tunnel is flowing at about 130 CFS. Slate Creek tunnel is closed. Little Grass Valley and Sly Creek Reservoirs storage is 97 kAF. No project reservoirs are spilling.

Asset performance and availability for June 2021 summarized in the following tables:



Powerhouse	Capacity MW	Available for Generation Hrs	Generation Dispatched at Full Output Hrs	Additional Gen. <u>not</u> Dispatched at Full Output Hrs	Generation Dispatched at Part. Output Hrs
Woodleaf	60.0	720	23	397	76
Forbestown	37.5	716	22	693	73
Kelly Ridge	11.0	720	32	688	206
Sly Creek	13.0	720	0	720	89

CAISO Index Pricing	Monthly On-Peak Average Price per MWh	Monthly Hour Average Price per MWh
Monthly Prices	\$56.65	\$50.58
Average since 2010	\$34.39	\$30.28

Maintenance

Powerhouses

- Woodleaf Powerhouse: Fully operational.
- Forbestown Powerhouse: Fully operational.
- Kelly Ridge Powerhouse: Fully operational.
- Sly Creek Powerhouse: Fully operational.

Other Project Assets

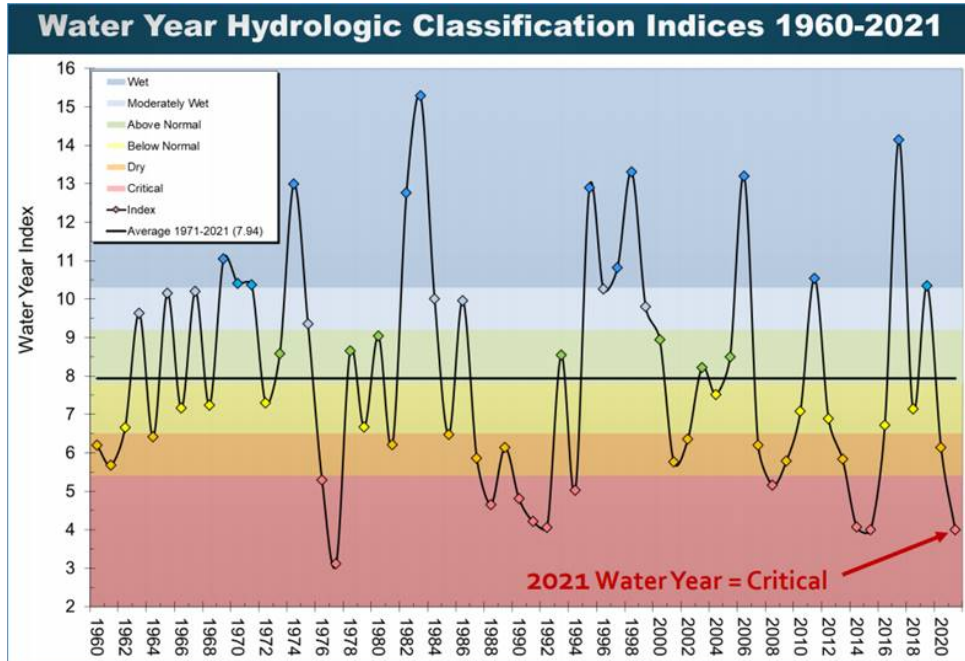
- Inspect project canals and ditches, clean intake screens
- Fabricate personnel crossings for Miners Ranch Canal
- Inspect outlying station water monitoring equipment
- Recoat interior of Little Grass Valley Dam generator building
- Recoat interior and exterior of Slate Creek Diversion generator building
- Recoat interior and exterior of South Fork Diversion generator building
- Install power circuits and replacement lighting at Sunset Comm building
- Construct generator enclosure and fencing at Sunset Comm building
- Service thermo-generators at remote stations
- Perform annual maintenance of standby generators

Regulatory Compliance

Statewide and Local Drought Update

The Butte County Drought Task Force met on July 13th to review current hydrologic conditions. The Drought Task Force is comprised of various Department Directors and other County resource managers. The group made the recommendation that the Butte County Board of Supervisors proclaim a Local State of

Emergency for Butte County due to current conditions. On July 20, 2021 the Butte County Board of Supervisors unanimously approved the Resolution of Local Proclamation for Drought Emergency. The Agency's recently adopted Water Shortage Contingency Plan should be used as a guiding reference throughout local or statewide drought proclamations. At this time, the Agency remains positioned to deliver adequate water supplies for domestic, irrigation, hydropower and environmental needs. This Board will be updated monthly regarding state and local hydrologic conditions and impacts.



Projects

Energy Delivery Transition Projects

- Comm Network Project. Agency crew are installing and testing new communication hardware at various Power Project locations.

Lost Creek Dam Mid-Level Valve Access

- Agency crew are currently fabricating new metal walkway and ladders for mid-level access.

Personnel

- Marty Kent retired from the Agency in July 2021. He was employed with SFWPA for over 20 years as an Equipment Mechanic / Operator, and worked in the Power Division for the last approximately 5-1/2 years. Marty always performed his work with great attention to safety and technical detail, and he was enthusiastic to help others on their assignments throughout the Power Project. We will miss Marty and wish him and family the very best in retirement.
- Agency is recruiting for a Hydro Civil Engineer. The position requires experience in the following: Administer and perform Dam safety and regulatory compliance programs within the Agency as a senior level Civil Engineer. Fulfill Agency Dam Safety Program in compliance with FERC, DSOD and regional requirements for Dams and other Hydro project assets. Perform in role as FERC Chief Dam Safety Engineer for Agency, in compliance with FERC requirements. Design and

develop systems, standards, work practices and performance criteria to fulfill engineering and technical requirements of FERC, DSOD, and other Federal, State and County regulatory entities.

Sly Creek Reservoir Vicinity Precipitation (Inches) - 2015 to Present

Hydrological Condition Type: Unimpaired Runoff, Feather River at Oroville

2021: Critical

2020: Dry

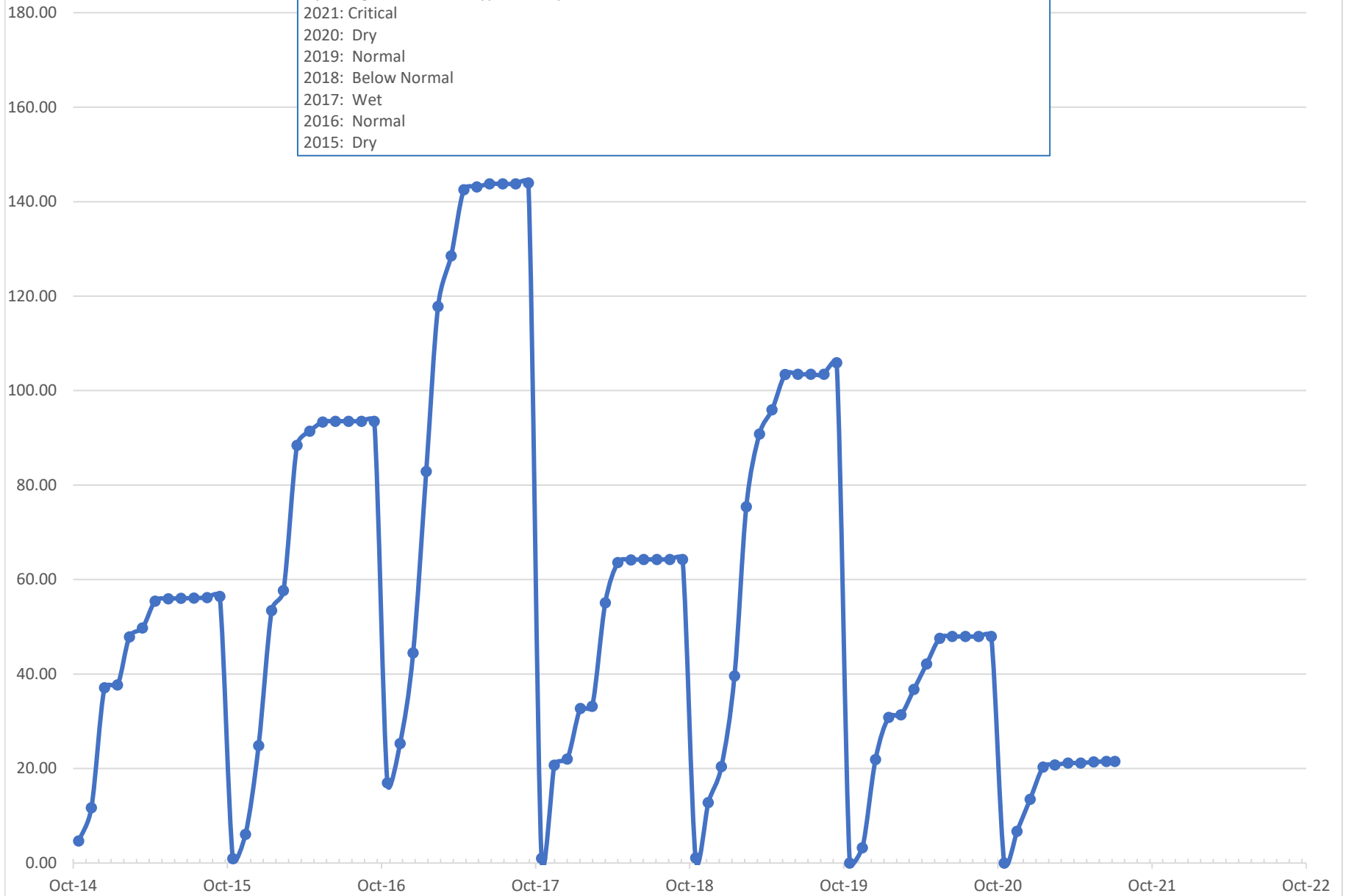
2019: Normal

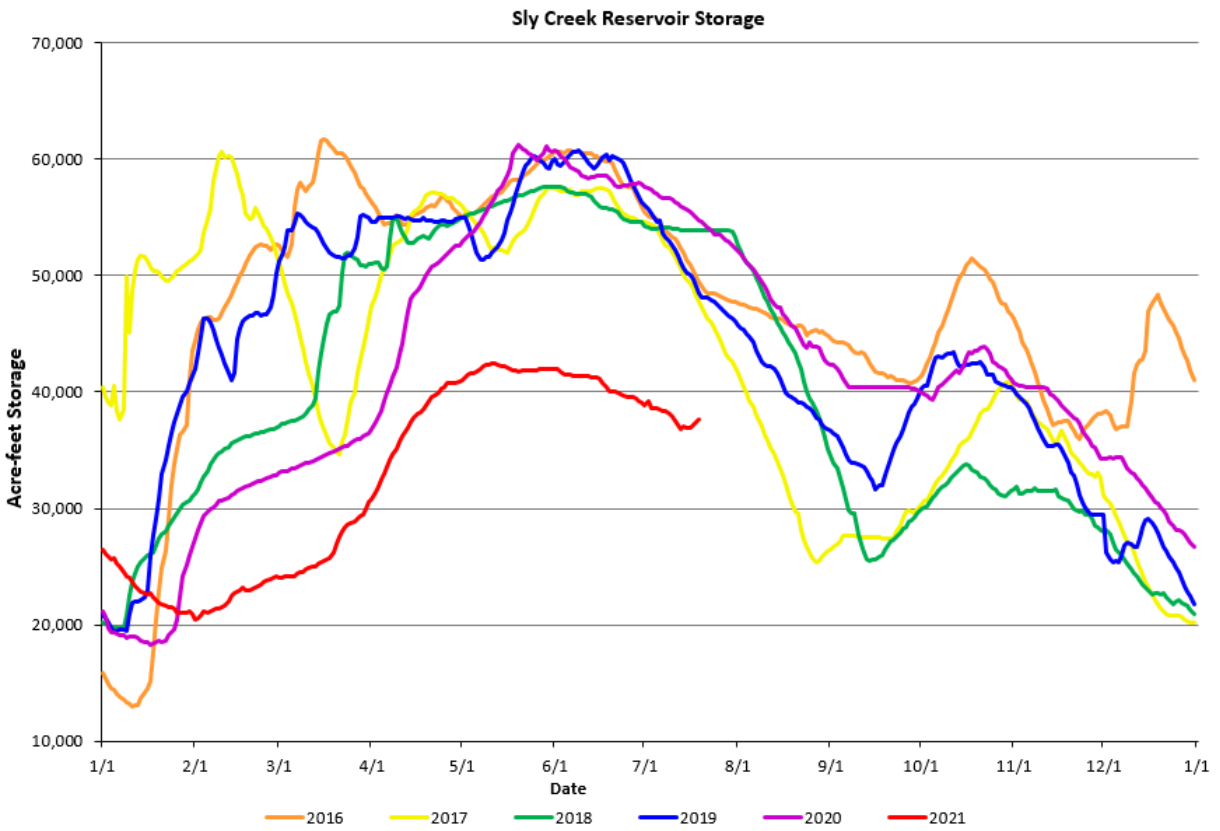
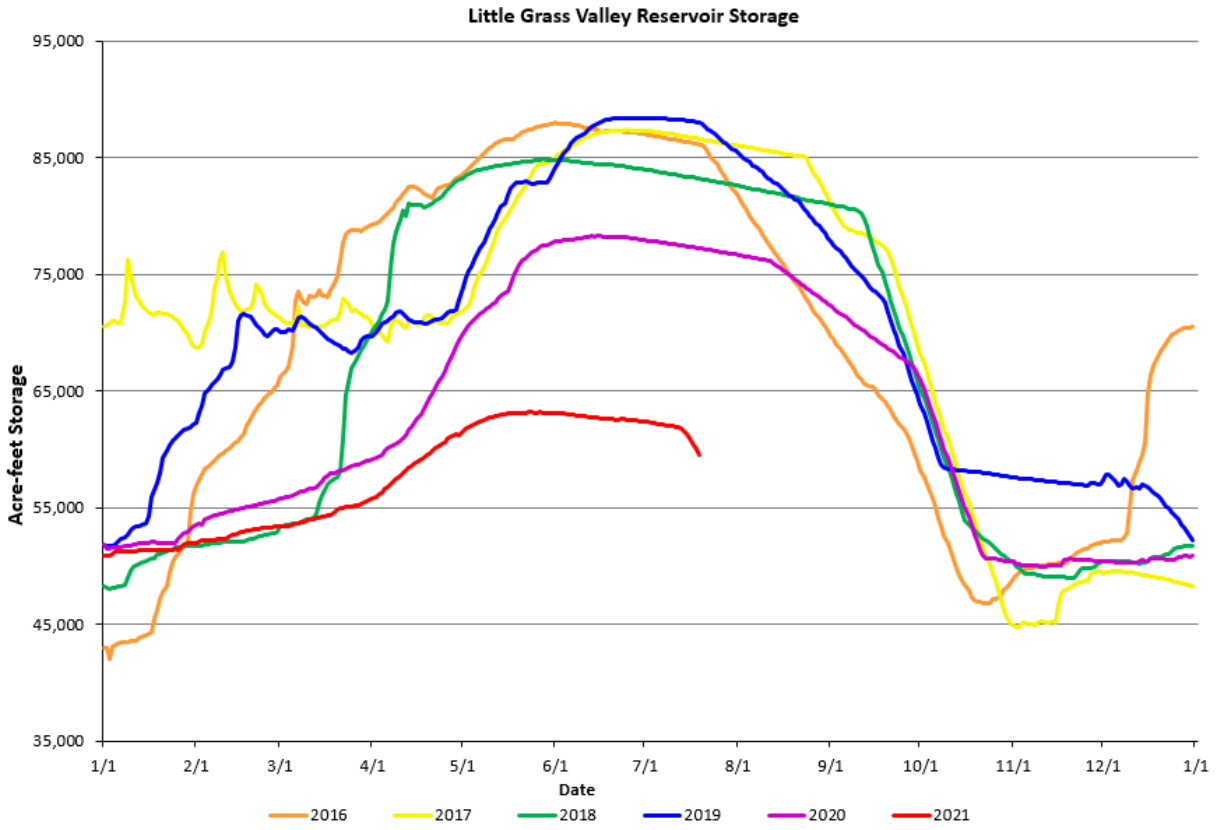
2018: Below Normal

2017: Wet

2016: Normal

2015: Dry





**SOUTH FEATHER WATER AND POWER
SOUTH FEATHER POWER PROJECT
2021
Reservoir and Stream Operations**

	RESERVOIR ELEVATIONS				MONTHLY AVERAGE STREAM RELEASES			
	Little Grass Valley		Sly Creek		Release to SFFR at LGV Dam	Release to SFFR at Forbestown Div.	Release at Lost Creek Dam	Release at Slate Creek Div.
Maximum Elevation End of Month Conditions	5,046.50	Feet	3,530.00	Feet				
January	5,020.04	Feet	3,440.41	Feet	8.40	6.37	6.08	37.50
February	5,021.21	Feet	3,449.99	Feet	8.96	6.65	8.25	87.70
March	5,023.07	Feet	3,466.74	Feet	6.96	38.70	6.13	75.20
April	5,027.62	Feet	3,489.94	Feet	14.20	7.36	9.40	28.60
May	5,028.94	Feet	3,492.29	Feet	16.00	12.80	9.30	16.90
June	5,028.38	Feet	3,486.21	Feet	13.80	13.10	8.91	11.60
July	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00
August	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00
September	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00
October	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00
November	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00
December	0.00	Feet	0.00	Feet	0.00	0.00	0.00	0.00

Powerhouse Operations

	Sly Creek	Woodleaf	Forbestown	Kelly Ridge	Energy Revenue
January	1,201.20 MWH	11,378.82 MWH	6,298.40 MWH	5,604.49 MWH	\$1,232,234.63
February	262.83 MWH	3,259.77 MWH	2,774.31 MWH	3,173.08 MWH	\$1,070,508.10
March	72.95 MWH	1,314.95 MWH	744.94 MWH	1,825.84 MWH	\$507,800.92
April	109.13 MWH	574.09 MWH	669.42 MWH	965.26 MWH	\$450,053.12
May	220.36 MWH	780.30 MWH	467.06 MWH	235.80 MWH	\$418,666.33
June	617.89 MWH	3,486.17 MWH	1,861.84 MWH	1,517.58 MWH	\$799,131.76
July	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
August	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
September	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
October	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
November	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
December	0.00 MWH	0.00 MWH	0.00 MWH	0.00 MWH	\$0.00
	<u>2,484.35 MWH</u>	<u>20,794.09 MWH</u>	<u>12,815.96 MWH</u>	<u>13,322.05 MWH</u>	<u>\$4,478,394.86</u>



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Rath Moseley, General Manager

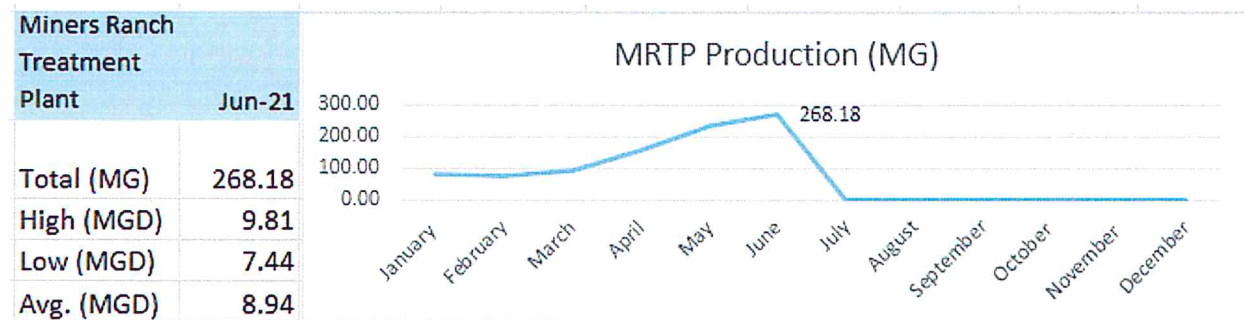
DATE: July 20, 2021

RE: General Information (regarding matters not scheduled on the agenda)
7/27/21 Board of Directors Meeting

Domestic Water Treatment Operations

The total Miners Ranch Treatment Plant (MRTP) treated water production for the month of June totaled 268.18 million gallons.

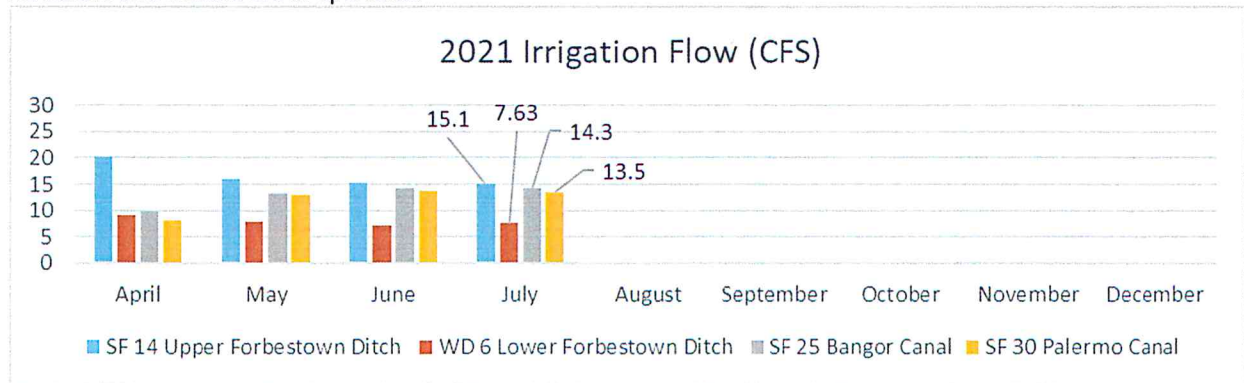
The total Bangor Treatment Plant (BTP) treated water production for the month of June totaled 1.170 million gallons.



All bacteriological requirements and annual Nitrate tests were good for the MRTP, BTP, and the Strawberry campground. Miners Ranch production was 114% of average over the past 5 years. Bangor's production was 115% of average over the past 5 years.

2021 Irrigation Season

All canals and ditches are in operation.



District Wide Water Operations

Crews have been busy installing new services and repairing leaks. The continued concern with leaks and valves is that the overuse of hydrants are continuing to “hammer” the distribution system and create harmonic failures to pipes, straps, valves, fittings and meters. (Water hammer is an occurrence in water distribution systems and is sparked when fluid is forced to stop or change direction suddenly such as when a valve closes or a hydrant opens abruptly).

Valve open - water flows



Valve rapidly closes - **WATER HAMMER**



July	Replace Service	Install Service	Lower Valve Cans	Install Backflow	Replace Valve	Leak Repair	Replace Backflow	Repair Sump	Install Culvert	Ditch Maintenance
	Pleasant Grove	Gold Ave.	Las Plumas	Canal Drive	Hilldale	Ridgeview	Stump Drive	Montana	North Ditch	Windfall Way
	Mt. IDA	Windfall Way		Pleasant Oak Ln.	Kitty Glen	Drescher Tract	Tree View Lane			Cleveland Hill
		Misty View Lane				Wakefield Dr.				Bangor Canal
		Canyon Highlands				Mission Olive				
		Oakvale				Richter Ridge				
		Segura				Loma Vista				

A twelve unit complex that was historically served via one master meter is being converted to individual line sets as the property is being sold and each dwelling will require its own domestic water account. The pictures below demonstrate the elaborate manifold configurations to best support the conversion from a single meter to multiple.



Hwy 162 Road Widening Project

The Agency is preparing for night work to begin on August 2nd with a total duration of 6-8 days. High level work activities will consist of the following:

1. Isolate pipeline and valves on Foothill Blvd.
2. Saw cut and excavate existing pipeline crossing Hwy 162 from SE corner of Arbol Ave. intersection to NE corner of intersection.
3. Install new pipeline across intersection.
4. Replace main along Hwy 162.
5. Remove and replace water service meters and pipeline to parcels affected.
6. May relocate one hydrant and meter set on South Arbol Ave.

Outside services will be used for traffic control based on the scope of work and high traffic conditions within the project area.

2021 Proposed Water Transfer

On May 26, 2021 SFWPA filed with the State Water Resources Control Board a petition for temporary change involving the transfer of water under water right permits 1267 and 2492. The proposed transfer is up to 8,000 acre feet (4,000 acre feet per permit).

On June 22, 2021 at the Regular Meeting of the Board of Directors of SFWPA, the Proposed 2021 Water Transfer was open for public comment. The proposed temporary transfer is to Santa Clara Valley Water District.

On June 16, 2021, the State Water Resources Control Board issued an order approving petitions for temporary change involving the transfer of water under water rights permits 1276 and 2492 (Applications 1651 and 2778) of South Feather Water & Power Agency.

The notice of approval and order approving temporary changes can be viewed at www.southfeather.com (*newest publications*).

The proposed transfer based on current water storage conditions would begin on October 18, 2021 and end by October 30, 2021. The volume of water transferred could be zero up to 8,000 acre feet based on conditions at that point in time.

Community Line Customer Feedback

A letter was received from a resident that is now connected to potable water via the domestic mainline extension program on a portion of the community line (Wyandotte). 2021 marked the year for progress to move residents from the "bottled water" requirement to potable domestic service. The following page of this report displays a letter authored by Mr. Doug McMaster in its entirety.

Date : July 7th, 2021

To : Rath Moseley, General Manager, and the SFWPA Board of Directors, Pipeline Crew and MRTP Personnel and all Supervisory Personnel.

From: Doug McMaster, 4920 Foothill Blvd, Oroville, 95966

Subject: Community Line, Potable Water Line Addition.

Gentlemen,

It is with extreme gratitude I write to you all for going the extra mile in bringing us potable water to Wyandotte! What a blessing!

My wife and I continue to break old habits for in home water use, although I still feel guilty in using such a great product to flush the toilets---maybe in time...

In our gratitude we recognize the unfavorable times that prevailed when you agreed to bring us drinking water to include; fiscal priorities and limitations, Covid half-staffing and daily triaging of District water system projects and emergencies.

With the prevailing distractions, I recognize the visionary aspect of the project to include a twelve-inch main line---that is thinking ahead!

Working with all the SFWPA personnel was truly a heartwarming experience. The daily interaction with the "crew" was great. Many thanks to them for the daily care they afforded my wife and I in the care of our yard.

We are "community" and our part in it is not diminished just because we got OUR water. If at anytime we can help SFWPA in logistics, whether it be "Community Line" extension or another project please let me know. Phone 530-774-4888

Special thanks to Director, Mr. Tod Hickman for his insight and representation for the Community here in Wyandotte and the rest of Division 1.





SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Rath Moseley, General Manager

DATE: July 21, 2021

RE: Hydro Generation PPA
Information Item for 7/27/21 Board of Directors Meeting

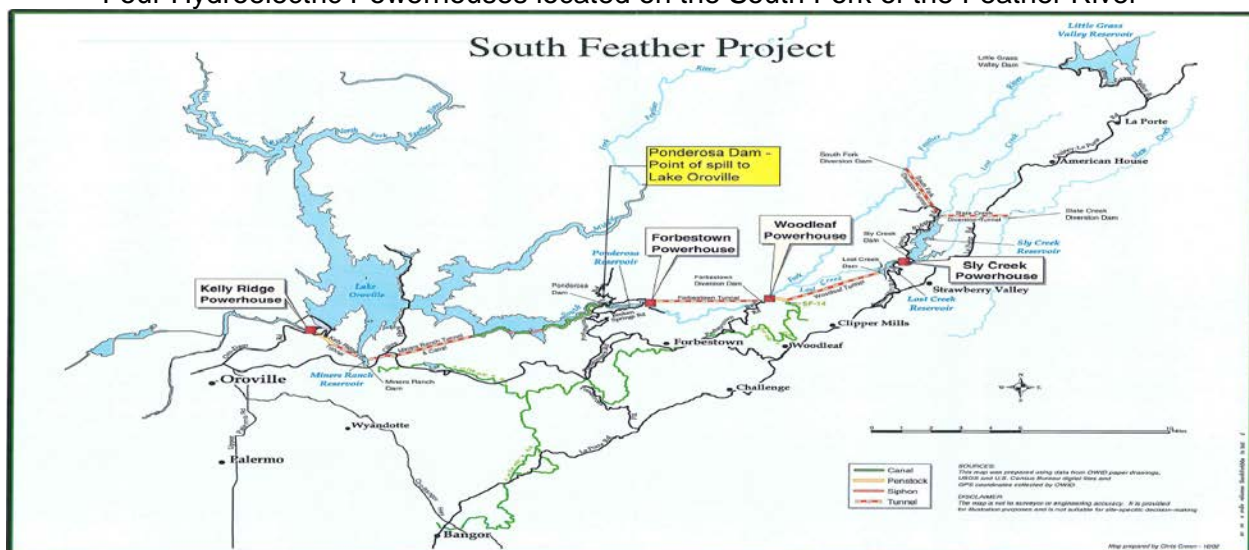
This information item is to provide a continued overview of SFWPA's Power Purchase Agreement and recommended future action.

GridSME (energy consultant) that staff has been working with on key activities including advisement on potential off-take opportunities; assessment of agency assets, systems, technology and staffing relative to a PPA transition; and assisting with accessing the economics of generation specific to the SFPP is in attendance to answer any questions or explain the logic for recommendation of the next energy buyer and operating center.

Synopsis of Project, Analysis and Determinations of Future Options:

South Fork Power Project (SFPP) FERC Project 2088

- Four Hydroelectric Powerhouses located on the South Fork of the Feather River

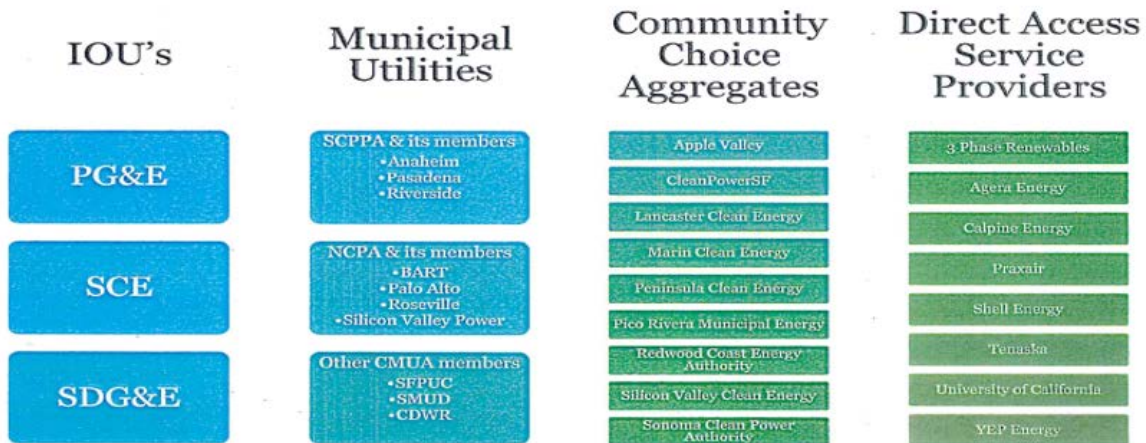


- Energy capacity ~121.5 megawatts
- Power Purchase Agreement with PG&E ended June 30, 2020

- Currently operating under a SFWPA disputed “Force Majeure” extension of the portfolio as a result of the Oroville Dam Spillway failure and ultimate flooding of SFWPA’s Kelly Powerhouse

Force Majeure term to end on December 18, 2021

Original Review and Interface with Potential Off-Takers by functional category (Target Buyer)



Agency Valuation Summary (Range of Options)

- 100% Fixed Pricing: Low Risk / Low Value
- Fixed + Variable Pricing: Moderate Risk based on Hydrology
- Pure Profit Sharing: High Risk / Higher Returns
- Term Lengths: 1 – 20 years

Analysis: Off-Taker Targets:

Pacific Gas & Electric – Beginning in 2021, PG&E is required to procure capacity to meet the 3-year forward multi-year local resource adequacy (RA) requirement on behalf of all CPUC jurisdictional load serving entities within its electric distribution service area.

PG&E, acting in its Central Procurement Entity (CPE) function, will periodically conduct Solicitations / Requests for Offers (ROF) to procure local RA.

What does this mean for the SFPP?

- No sale of full energy, ancillary services, and other attributes to PG&E (Only Resource Adequacy and Renewable Energy Credits)
 - What is Resource Adequacy?
 - Purchased generation capacity (i.e., RA) to ensure CAISO grid reliability; e.g., procure generation capacity to meet 110% of forecasted peak load
 - Coupled with CA Renewable Energy Credits (REC's – Kelly Ridge and Sly Creek), only 20% of the SFPP MW production is of interest to PG&E.

- 2022 year would not be eligible (go dark period) on the power project or find a 1 year buyer
- If South Feather chooses PG&E CPE starting in 2023, agency would need to find a buyer for energy production, ancillary services, and carbon-free attributes (Forbestown and Woodleaf)
- All potential buyers want RA so level of interest of energy production only would be low; i.e., energy is a commodity easily purchased in the CAISO day-ahead and real-time markets.
- Beginning December 19, 2021, SF needs to have implemented a new operating center (i.e., Generator Operator function to schedule, dispatch, and monitor the units) as PG&E will no longer offer this service

In addition to evaluating if PG&E was a viable option moving forward, the following organizations were vetted through a series of analysis and communications as the list of potential off-takers narrowed.

- 3 Phase Renewables
- California Choice Energy Authority
- Central Coast Community Energy
- Clean Power Alliance
- East Bay Community Energy
- Marin Clean Energy (MCE)
- Northern California Power Agency (NCPA)
- Peninsula Clean Energy
- Pioneer Community Energy
- San Jose Clean Energy
- Shell Energy North America
- Silicon Valley Clean Energy Authority
- Silicon Valley Power
- Southern California Public Power Authority (SCPPA)

The final five that closest fit SF's criteria of Strategic Direction, Compatibility, Risks, and Economic Value were:

- 3 Phases Renewables
- East Bay Community Energy
- San Jose Clean Energy
- Shell Energy North America
- NCPA

Overall, NCPA is the best partnership option for SF.

1. Predictable revenue stream for value of Energy Credits
2. Forecastable production of assets based on hydrology years – Will buy what we can produce, but with a minimum revenue floor
3. Internal Operating Center in close proximity
4. Long term contract stability
5. Highly skilled and experienced functional team

6. Established in 1968 – Local not-for-profit Joint Powers Agency, whose members are public-owned municipal electric utilities in Northern California – i.e., NCPA's members procure SF's energy production and other attributes

Staff is requesting consideration of the Board to review a draft power purchase agreement with NCPA towards future approval and execution with an effective date of December 19, 2021.

The Board Policy and Contracts Committee can meet with staff for purchase agreement details or the Board can assign an AD HOC Committee specific to this assignment.



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Rath Moseley, General Manager

DATE: July 15, 2021

**RE: NYWD Sues SFWPA Press Release and Communications
Information Item for 7/27/21 Board of Directors Meeting**

On June 18, 2021 NYWD (Special Counsel – Dan Stouder, Boutin Jones) filed a lawsuit in Butte County; Case Number 21CV01563 citing six complaints specific to the 2005 Agreement between SFWPA and NYWD:

1. *Breach of Contract*
2. *Breach of Implied Covenant of Good Faith and Fair Dealing*
3. *Accounting*
4. *Conversion*
5. *Breach of Fiduciary Duty*
6. *Declaration Relief*

Upon filing, NYWD immediately initiated a “marketing campaign” including website, Appeal Democrat News Media Outlet press release, and most recently NYWD’s June/July 2021 Customer Flyer “front page story” about the lawsuit.

Included on the following pages in sequence are:

- Dan Stouder, NYWD Special Counsel Letter
- Press Release in the Appeal Democrat
- June 28, 2021 public communication release by SFWPA
- NYWD – June/July 2021 Customer Flyer

Additional Documents and Communications can be located at www.southfeather.com. (NYWD Tab)

If South Feather rate payers, customers or interested parties have clarifying questions, please contact the district at PublicRelations@southfeather.com

CONTACT: Dan Stouder, Special Council for North Yuba Water District, dstouder@boutinjones.com or (916) 642-6516

FOR IMMEDIATE RELEASE:

North Yuba Water District Sues South Feather Water Power Authority for Breach of Contract

Brownsville, CA – June 18, 2020 – Thursday, North Yuba Water District (NYWD) filed a lawsuit against South Feather Water and Power Authority (SFWPA) asserting a number of legal issues, including breach of contract and breach of fiduciary duty.

NYWD and SFWPA are 50/50 partners in the South Feather Power Project (SFPP), a water supply and hydropower project located within Yuba, Butte and Plumas counties. In 2004, the California State Water Resources Board issued an order requiring an agreement between SFWPA and NYWD, which the parties executed in 2005, and is now known as the “2005 Agreement”. The 2005 Agreement addressed all issues pertinent to the use of the storage, diversion, and conveyance system of the SFPP, such as sharing of SFPP net revenues derived from power and water sales, and accounting processes for SFPP expenses to determine and distribute the SFPP net revenues between the partners. The 2005 Agreement entitles NYWD at all times reasonable access to SFPP records; and requires SFWPA to provide NYWD with monthly and annual detailed accounting records.

In the lawsuit filed Thursday in Butte County Superior Court, NYWD outlines their claims against SFWPA for: (1) Breach of Contract; (2) Breach of Implied Covenant of Good Faith and Fair Dealing; (3) Accounting; (4) Conversion; (5) Breach of Fiduciary Duty; and (6) Declaratory Relief.

“South Feather alone maintains the explanations and documents needed to ensure North Yuba is receiving their fair share of the proceeds,” said North Yuba Water District Board President, Gary Hawthorne. “For years they have denied North Yuba access to information, and for the better part of the past year, they have limited our formal, legal requests for records. This litigation was avoidable by South Feather if they had simply provided the transparency required under the 2005 Agreement.”

The lawsuit details the following: how SFWPA has failed to provide NYWD the required monthly and annual accounting; how SFWPA refused to allow NYWD reasonable access to the SFPP accounting records; how SFWPA is holding excess reserve funds in the amount of \$4,474,906, which should be immediately distributed to the parties on a 50/50 basis; and how NYWD is reasonably sure that once all accounting records are available, additional monies will be owed to it based on the terms and conditions of the 2005 Agreement.

NYWD provides domestic water service to approximately 2500 residents in Brownsville, Forbestown, Rackerby and Challenge, and irrigation water to approximately 100 parcels in Dobbins and Oregon House. For more information about the NYWD, visit www.NYWD.org.

###

Water district sues partner agency

North Yuba Water District alleges breach of contract, fiduciary duty

By Jake Abbott jabbott@appealdemocrat.com

Jun 22, 2021

The North Yuba Water District recently filed a lawsuit against South Feather Water and Power Authority asserting a number of legal issues pertaining to a project agreement between the two agencies, including breach of contract and breach of fiduciary duty.

The two water agencies partner on the South Feather Power Project, which is a water supply and hydropower project located within Yuba, Butte and Plumas counties. The partnership was the result of an order by the California State Water Resources Control Board requiring the two agencies to establish an agreement for the project. An agreement was struck in 2005 that addressed issues pertaining to the South Feather Power Project's use of storage, diversion and conveyance systems.

NYWD states the agreement provides the district reasonable access to project records and requests, and requires SFWPA to provide the district with monthly and annual detailed accounting records.

In the lawsuit filed last week in Butte County Superior Court, NYWD filed claims against SFWPA including breach of contract, breach of implied covenant of good faith and fair dealing; accounting; conversion; breach of fiduciary duty; and declaratory relief.

"South Feather alone maintains the explanations and documents needed to ensure North Yuba is receiving their fair share of the proceeds," said North Yuba Water District Board President Gary Hawthorne in a press release. "For years they have denied North Yuba access to information, and for the better part of the past year, they have limited our formal, legal requests for records. This litigation was avoidable by South Feather if they had simply provided the transparency required under the 2005 Agreement."

According to NYWD, the lawsuit details how SFWPA has failed to provide the district required monthly and annual accounting; how SFWPA refused to allow NYWD reasonable access to the project's accounting records; how SFWPA is holding excess reserve funds in the amount of about \$4.5 million that should be immediately distributed to the parties on a 50/50 basis; and how NYWD is reasonably sure that once all accounting records are available, additional monies will be owed to it based on the terms and conditions of the 2005 Agreement.

SFWPA response

Prior to the filing of the lawsuit, legal representatives from both agencies had been reportedly working on a memorandum of understanding to allow NYWD access to SFWPA's financial records beyond what was required by law and the 2005 Agreement. Those talks broke down earlier this year before NYWD reportedly issued a letter threatening litigation if its demands were not met within seven days, according to SFWPA's legal team.

In a letter dated June 3, the firm representing SFWPA stated they were growing increasingly confused by NYWD and its law firm's demands. SFWPA stated they had repeatedly attempted to answer the foothill water district's questions and provide the requested documentation and analysis through an open meeting between the boards, which NYWD refused repeatedly.

SFWPA Attorney Dustin Cooper wrote that by all indications, NYWD is "hellbent on litigation regardless of how baseless and ever-changing" its claims were.

"NYWD has been provided copies of all financial and accounting data it has requested from January 1, 2010 through 2021," Cooper wrote in the June 3 letter. "...The problem that NYWD is now encountering is that it does not understand and cannot interpret the voluminous data it has been provided... We see direct board member discussion as necessary to attempt to deescalate the 'dispute' that you have unnecessarily escalated."

SFWPA contends that it has been completely transparent and forthright in its communications.

"SFWPA looks forward to a peaceful, professional and cooperative dispute resolution with NYWD," said Rath Moseley, general manager for SFWPA, in an email on Tuesday.

The lawsuit was filed on June 17.

The two parties are scheduled to return to Butte County Superior Court for a case management conference on Dec. 8.

SOUTH FEATHER WATER & POWER AGENCY

RATH MOSELEY, GENERAL MANAGER

2310 ORO-QUINCY HIGHWAY
OROVILLE, CALIFORNIA 95966
530-533-4578, EXT. 109
RMOSELEY@SOUTHFEATHER.COM



June 28, 2021

Today South Feather Water & Power Agency updated its website to include copies of public records of recent correspondence with North Yuba Water District. These public records can be viewed at <https://southfeather.com/nywd>

On June 18, 2021, NYWD filed a lawsuit against the Agency alleging claims related to the NYWD/Agency 2005 Agreement. Among other terms, the 2005 Agreement entitles NYWD to a share in annual net power revenues (if any) for some of the Agency's hydroelectric powerhouses. According to NYWD Board President, Gary Hawthorne "For years they [the Agency] have denied North Yuba access to information, and for the better part of the past year, they have limited our formal, legal requests for [accounting] records. This litigation was avoidable by South Feather if they had simply provided the transparency required under the 2005 Agreement." Mr. Hawthorne's statement on NYWD's behalf is categorically false. As the public can read for itself, the Agency offered on November 4, 2019, to jointly retain a qualified independent forensic accountant to review all financial records and accounting standards and practices and render an opinion as to the appropriateness of the Agency's bookkeeping under the 2005 Agreement. NYWD rejected this offer.

The public can also read that the Agency has repeatedly sought to simply talk with NYWD about the 2005 Agreement and to answer any questions NYWD or the public may have concerning the 2005 Agreement. In response, NYWD has refused to talk and refused all of these offers to meet. In 2021 alone, NYWD has rejected over 10 (ten) Agency offers to discuss the 2005 Agreement in a transparent, open and public meeting.

To ensure prompt resolution of disputes, the 2005 Agreement requires that NYWD raise "any dispute" with the Agency and that the parties make reasonable and good-faith efforts to resolve the dispute before filing any legal action. The Agency has repeatedly implored NYWD to engage in good faith in this meet and confer process, including recent letters dated June 3, 2021 and June 17, 2021 before NYWD filed its lawsuit. NYWD refused to meet and confer pursuant to the 2005 Agreement and, instead, chose to rush into court.

Rather than focusing on NYWD's core mission to provide water to its customers, NYWD has instead pursued bogus claims against the Agency and others. Over the last year, NYWD has incurred over \$300,000 in legal fees with nothing to show for it. Meanwhile, NYWD has failed to perform its essential function as a water district, including NYWD's obligation to use its best efforts to maintain facilities to provide available water supply to NYWD irrigation customers. Recognizing NYWD's inability to perform, the Agency on May 7, 2021 offered to assist NYWD in undertaking emergency work to repair NYWD's Upper Forbestown Ditch. Despite having at least three intervening board meetings, the Agency's offer has not been agendaized or considered by NYWD's Board of Directors. Since the Agency's offer has not even been discussed or considered, the Agency believes that NYWD board members are not even aware of this very generous offer that results in a win-win-win to all parties and addresses critical drought and wildfire concerns. The Agency encourages the public to review NYWD's legal counsel's response to the Agency's offer of assistance dated June 8, 2021 and the Agency's response through its legal counsel dated June 11, 2021 in the link provided.

SOUTH FEATHER WATER & POWER AGENCY

RATH MOSELEY, GENERAL MANAGER

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530-533-4578, EXT. 109
RMOSELEY@SOUTHFEATHER.COM



In sum, the unfortunate reality is that NYWD has gone rogue. NYWD lacks leadership. NYWD has failed to perform its essential functions as a water district by providing water available during emergency drought conditions. The Agency sincerely hopes that NYWD's malfeasance does not result in loss of food or fiber, the livelihood of the customers of NYWD, or, worse, contribute to and enhance an already critical wildfire threat to our communities. The Agency urges the customers and voters of NYWD, and the governing authorities of Yuba County, including the Yuba County Grand Jury, to carefully review the acts and omissions of NYWD.

Sincerely,
South Feather Water and Power Agency

A handwritten signature in black ink, appearing to read "Rath Moseley", is written over the typed name.

Rath Moseley, General Manager

NORTH YUBA WATER DISTRICT



Providing Domestic Water for Brownsville, Challenge, Forbestown and Rackerby, and Irrigation Water for Dobbins and Oregon House

JUNE/JULY 2021

ALERT FOR DISTRICT RESIDENTS

Please be aware that negative detractors of the District operate under the anonymity of names like North Yuba Water Alliance, Oregon House Dobbins Water Association, Yuba Vision and possibly others. These informal groups are not affiliated with the District in any way.

We encourage you to contact the District or your elected representative if you have questions, or need clarification about District policy, conduct or projects, (530) 675-2567 or email@nywd.org.

LEGAL AFFAIRS (cont'd from cover)

for records. This litigation was avoidable by South Feather if they had simply provided the transparency required under the 2005 Agreement."

The lawsuit details the following: how SFWPA has failed to provide NYWD the required monthly and annual accounting; how SFWPA refused to allow NYWD reasonable access to the SFPP accounting records; how SFWPA is holding excess reserve funds in the amount of \$4,474,906, which should be immediately distributed to the parties on a 50/50 basis; and how NYWD is reasonably sure that once all accounting records are available, additional monies will be owed to it based on the terms and conditions of the 2005 Agreement.

To learn more visit www.nywd.org/legal.

THANK YOU FOR YOUR SERVICE

Boardmember, Eric Hansard



Former NYWD Boardmember, District 5, Eric Hansard

In April, longtime NYWD Director, Eric Hansard, resigned from the Board. Eric served as NYWD Chairman for fiscal years 2018-2019, 2019-2020 and 2020-2021.

During the April 23, 2021, board meeting, Ginger Hughes, was appointed to serve the rest of Eric's term for District 5. Ginger's appointment passed with a majority vote of 4-1, with Director Flohr voting no.

We thank you, Eric, for your many years of dedication and leadership!

UPCOMING MEETINGS

- Regular Board Meeting - July 23, 2021, 3:30pm
- Regular Board Meeting - August 27, 2021, 3:30pm

CONTACT INFO

DISTRICT OFFICE:
8691 LA PORTE ROAD
BROWNSVILLE, CA 95919

HOURS: MONDAY - FRIDAY
7:30 AM TO 4:00 PM

TEL: (530) 675-2567
EMAIL@NYWD.ORG
WWW.NYWD.ORG

BOARD OF DIRECTORS

- DIVISION 1 - DOUG NEILSON**
VICE CHAIRMAN
DNEILSON@NYWD.ORG
- DIVISION 2 - FRED MITCHELL**
FMITCHELL@NYWD.ORG
- DIVISION 3 - GARY HAWTHORNE**
CHAIRMAN
GHAWTHORNE@NYWD.ORG
- DIVISION 4 - GRETCHEN FLOHR**
GFLOHR@NYWD.ORG
OR DIRDIV4@NYWD@YAHOO.COM
- DIVISION 5 - GINGER HUGHES**
GHUGHES@NYWD.ORG

LEGAL AFFAIRS

NYWD Sues SFWPA for Breach of Contract

On June 17th, NYWD filed a suit against South Feather Water and Power Authority (SFWPA) asserting a number of legal issues, including breach of contract and breach of fiduciary duty.

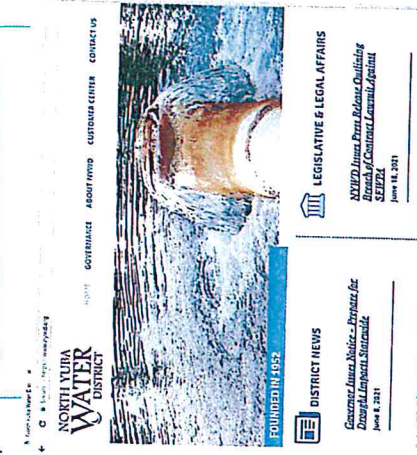
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"South Feather alone maintains the explanations and documents needed to ensure North Yuba is receiving their fair share of the proceeds," said North Yuba Water District Board President, Gary Hawthorne. "For years they have denied North Yuba access to information, and for the better part of the past year, they have limited our formal, legal requests

Continued on back...

DISTRICT WEBSITE



Constantly improving communication with our customers is a priority for the NYWD Board and Staff.

If you haven't visited our website recently, please do so at www.nywd.org. You'll find:

- Legislative & Legal Affairs Section
- District News & Upcoming Meetings
- Online Forms to Start and Stop Service, and Report Water Waste
- Historical Photos of the District
- Easy Viewing on Smartphones & Tablets

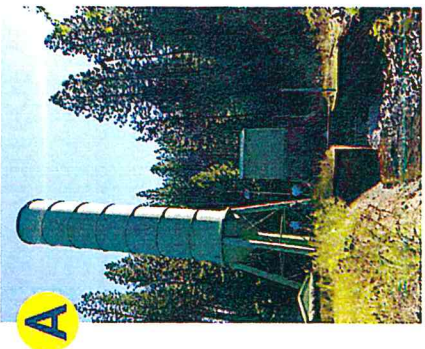
Visit www.NYWD.org!

SETTING THE RECORD STRAIGHT

Where does NYWD get its water?

WATER ENTERS THE NORTH YUBA WATER DISTRICT SYSTEM FROM THREE MAIN SOURCES:

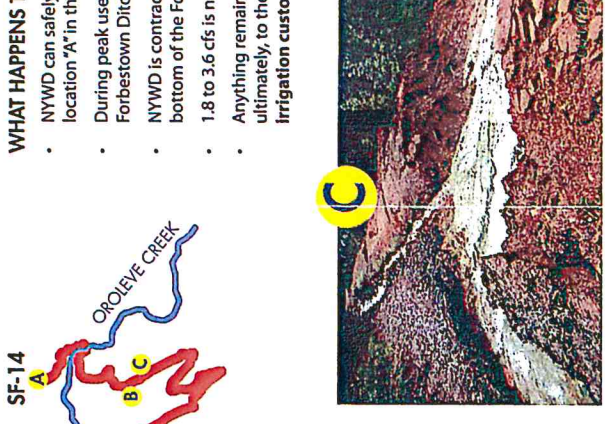
1. Water from various sources (Little Grass Valley Reservoir, Lost Creek, Slate Creek, Sly Creek Reservoir) moves through the South Feather Power Project and is partially diverted into our NYWD Forbestown Ditch at "SF-14" (see top of graphic to right)
2. Oroleve Creek, a seasonal stream, can also be diverted into the Forbestown Ditch
3. Dry Creek, a seasonal stream that begins in Challenge, can be partially diverted to our NYWD irrigation ditches



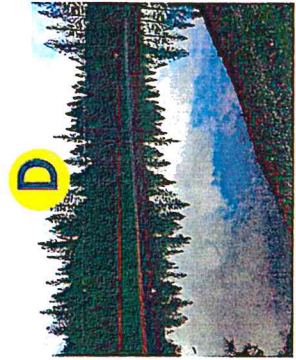
"SF-14", the start of the NYWD Forbestown Ditch



A typical, unlined portion of the Forbestown Ditch



Piping the Forbestown Ditch will lower the possibility of blowouts, like this one that occurred in January, 2017



Storage pond at the NYWD Water Treatment Plant



Inside the NYWD Water Treatment Plant

WHAT HAPPENS TO THE WATER THAT ENTERS THE FORBESTOWN DITCH?

- NYWD can safely put up to 22 cubic feet per second (cfs) of water down the Forbestown Ditch at SF-14 (see location "A" in the graphic to the left)
- During peak use, we lose approximately 35% (7.7 cfs) from seepage and evaporation as water travels down the Forbestown Ditch. We experience even higher losses during non-peak use times of the year.
- NYWD is contractually obligated to provide 11 cfs to South Feather Water & Power Authority (SFWPA) at the bottom of the Forbestown Ditch (see "Turnout to SFWPA" in the graphic to the left)
- 1.8 to 3.6 cfs is needed for our Treatment Plant to provide potable water to NYWD Domestic Customers
- Anything remaining, which ranges from 0 to 1.5 cfs, can be diverted into Costa Creek, then to Dry Creek and, ultimately, to the NYWD irrigation ditches. Piping the Forbestown Ditch would allow NYWD to divert to irrigation customers an additional approximately 7.7 cfs (the water lost to seepage and evaporation).

WHERE DOES NYWD IRRIGATION WATER COME FROM?

- NYWD irrigation ditches run 22 miles and are labeled as sections "01", "02" and "03" (see graphic to the left). As water moves through the irrigation ditches, approximately 60% is lost due to seepage and evaporation.
- No water, or a very small amount of water, is ever able to be diverted from the Forbestown Ditch, through Costa Creek, to the irrigation ditches
- In most years, all irrigation water comes from Dry Creek, which lives up to its name and typically runs too dry by late summer to be of any help, except in the wettest of years. This year, 2021, due to the extreme drought, there was not enough water on Dry Creek to hold an irrigation season.



Irrigation ditch headworks at Dry Creek



The NYWD irrigation ditches run 22 miles, serving approximately 119 customers in Dobbins & Oregon House. Shown above is an aerial view of a section of the ditch.



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Jaymie Perrin, Environmental Health & Safety Manager

DATE: July 22nd, 2021

RE: Business Item – Board Adoption of Procurement and Contracts Policy (Policy # 440)

Staff is requesting that the board consider adopting the proposed edits to the Procurement and Contracts Policy (Policy # 440). In the most recent years, the agency has participated in varying projects that required significant purchases and contractual review. The edits are needed to bolster due diligence and obtain stronger confidence in our processes and methods, that in most recent years have included FEMA, Cal OES, and other state and federal entities for both reimbursement and grant opportunities.

“I move approval to adopt the proposed edits to the Procurement and Contracts Policy (Policy # 440).”

Procurement and Contracts (Policy # 440)

PURPOSE

As a California Irrigation District, the Agency is legally required to engage in the competitive bidding process only when the goods or services are "paid for with the proceeds of the sale of bonds or a limited assessment." The Agency by law is required to adopt procurement and contracting procedures that fosters a fair, transparent, and competitive procurement and process that avoids conflict(s) of interest, collusion, and favoritism. Prior to approving a contract or procurement with any outside entity, the Agency will first obtain bids when required by law or when considered beneficial to the Agency. If bids are not required by law and the General Manager does not opt to use the bidding process, goods and services will be at the lowest price consistent with desired quality or which is in the best interests of the Agency.

PROCUREMENT AND CONTRACT ADMINISTRATION

The Agency's General Manager and Finance Manager will implement and administer standard operating procedures for Agency contracting in consultation with each other to fulfill the purpose and requirements of this policy. The Agency will conduct all contracting for goods, services, rentals and leases of personal property, and construction in accordance with this policy and any applicable associated standard operating procedures.

APPROPRIATED FUNDS

The Agency will procure only items and services for which the Board of Directors has appropriated funds.

PROCUREMENT AND CONTRACT APPROVAL

Except as otherwise provided in this policy, and subject to the ultimate authority and direction of the Board of Directors, General Manager, and Finance Manager, the Agency will not purchase or establish any contracts for goods, services, rentals and leases of property, or construction without the approval of the General Manager and/or Finance Manager. The General Manager may delegate (or withdraw), in writing, responsibility to approve such transactions to others for a designated term. In addition to the approval of the General Manager, all contracts and procurements must be approved as follows:

- a) The General Manager has the authority to spend up to \$50,000 per purchase or contract without board approval, however the General Manager will not authorize more than two (2) purchases or contracts at that amount in any one month period
- b) The Division Manager has the authority to spend up to \$2,500 per purchase or contract without board approval, however the Division Manager will not authorize more than two (2) purchase order at that amount in any one month period

Where a single contract or commitment that was originally approved for less than or equal to \$50,000, requires a change order that increases it to more than \$50,000, the change order will be submitted to the Board of Directors for approval.

Under the direction of the General Manager and when deemed necessary, General Counsel; the Agency will adopt and maintain standard forms, which the Agency will use for all contracts and procurements, unless the use of such standard forms is infeasible or otherwise not in the Agency's best interests.

The Finance Manager is responsible for ensuring compliance with this policy, including to ensure the Agency's procurements are not artificially divided to avoid the approval requirements set forth in this policy.

SOLICITATION OF BIDS AND PROPOSALS

Except as otherwise provided in this policy and subject to the authority and direction of the Board of Directors and the General Manager, responsibility for the solicitation of bids and proposals resides with the Agency's Manager that is responsible for the project. The Manager responsible for the project may delegate (or withdraw), in writing, solicitation responsibility with the written approval of the General Manager. All solicitations should observe the following guidelines:

1) Formal Solicitation of Sealed Bids and Proposals: Except as authorized in this policy or by statute and/or action of the Board of Directors, the Agency will solicit contracts or procurements over \$50,000 by issuing a formal Request for Bids (RFB) or Request for Proposals (RFP) with written bidding instructions; the criteria for contract award; contract terms and conditions; plans and specifications (for RFBs); insurance and bonding requirements, published notice, or other means of advertisement, each as required by law or deemed necessary to promote competition and protect or further the Agency's interests; and all other information required by law. The Agency staff subject to this policy with the concurrence of the Finance Manager may pre-qualify bidders for Agency funded construction contracts. Pre-qualification of bidders will be conducted in accordance with the legal requirements for contractor pre-qualifications.

- a) The Agency will comply with all applicable laws and regulations concerning solicitation, bid, and award procedures for the construction of public works projects regardless of the size of the project or amount of the contract. Unless otherwise required by law, contracts may not always be awarded to the lowest bidder as bid prices is not the sole determining factor when awarding a contract. The Agency will award all other contracts to the proposer whose proposal is in the Agency's best interests. In circumstances in which the Agency formally solicits bids or proposals and receives only one responsive bid or proposal, the Agency may negotiate with and award the contract to the sole bidder/proposer.

2) Informal Solicitations: The Agency will solicit contracts and procurements, except those for the construction of Agency sponsored projects, of \$50,000 or less as follows:

- a) \$15,000 to \$50,000 – Three (3) documented quotes or proposals.
- b) The above thresholds include taxes, fees and freight.
- c) The Finance Manager or/General Manger may request additional bids or proposals.
- d) The Agency may re-use unchanged awards for one year following acceptance.

- 3) Purchases Without Competition: The General Manager may purchase supplies, goods or services, and the Agency may enter into construction contracts without the receipt or review of competitive bids or proposals if any of the following occur:
- a. In the case of an emergency that poses a threat to the public health, welfare, or safety, or as determined by the General Manager
 - b. When there is a sole source of supply as declared in writing by a staff member and acknowledged by the General Manager
 - c. When the purchase or work is a continuation of previous purchase or work, and where there exists a clear, potential economic benefit to the District to negotiate a contract directly with the firm that supplied the initial purchase or work.
 - d. When the Agency does not receive a response to its announcements, requests, or invitations for bids or proposals
 - e. In the case of a small purchase or contract (less than \$ 25,000)

PROCUREMENT OF PROFESSIONAL SERVICES

Request for Qualifications: The Agency may use a Request for Qualification (RFQ) procedure to acquire the services of certain professionals that require extended analysis, the exercise of discretion, independent judgment, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. The Agency may utilize the RFQ procedure for single procurements, or for establishing an on-call list of professional services providers capable and qualified to conduct certain types of services. Procedures for the selection of architect, engineer, and land surveying services will be in accordance with applicable state law.

Given the unique nature of the relationship between consultants and the Agency, only the General Manager shall have the authority to enter into professional services within the approval limit set forth above.

CONSORTIUM PROCUREMENTS

Agency staff subject to this policy with the concurrent of the Finance Manager may arrange for the Agency to enter purchase contracts with a supplier for the purchase of goods or services when the pricing and terms have been previously established by another local, state, or federal, public entity, or an association of public entities, provided:

1. The resulting contract with the supplier of goods or services is the result of competitive bidding if required by law or Negotiation and is made in compliance with the competitive bid if required by law or proposal requirements of the participating entity or association;
2. The purchase is made within the longer of one year of the competitive bid or negotiation, or the original contract term or subsequent extension(s);
3. The purchase conforms to the Agency's specifications for the goods or services; and
4. The purchase is of equal or better value to the Agency than if made directly by the Agency.

COOPERATIVE PROCUREMENTS

Agency staff subject to this Policy with the concurrent of the Finance Manager may arrange for the Agency to enter an agreement with one or more local, state, or federal public entity, or association of public entities to procure goods or services cooperatively, provided:

1. The resulting contract with the supplier of goods or services is the result of competitive bidding, if required by law or negotiation and is made in compliance with the competitive bid or proposal requirements of the participating entity or association;
2. The contract conforms to the Agency's specifications for the goods or service; and
3. The purchase is of equal or better value to the Agency than if made directly by the Agency.

STANDARDIZATION OF GOODS AND SERVICES

The General Manager may authorize the uniform adoption or other standardization of a good or service to promote efficiency or for other good cause when the good or service is designated to match others in use, or planned to be used, by the Agency. All standardizations will be valid for a term up to three years, which term may be extended one time up to three additional years by the Finance Manager after examining market conditions and upon a determination by the General Manager that the standardization still serves the Agency's best interests.

CONTRACT DOCUMENTS AND RECORDS

Standardized contracting documents will be developed and provided by the General Manager in consultation with the Agency's General Counsel. Non-standard (vendor agreements) are not authorized for use unless approved by the General Manager and when deemed appropriate, the Agency's General Counsel. Agency staff will provide copies of received quotes, bids, proposals and evaluations to the General Manager, or his/her designee, before purchases orders or contracts are executed.



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Rath Moseley, General Manager

DATE: July 15, 2021

RE: Annexations #3-21 (APN# 027-010-037); #4-21 (APN# 079-360-012);
#5-21 (APN#033-010-083)
Agenda Item for 7/27/21 Board of Directors Meeting

The subject annexations are for the following parcels:

APN# 027-010-037, one residential parcel on Dunstone Drive, near the intersection with Foothill Blvd. and Mission Olive, Oroville.

APN# 079-360-012, one residential parcel on Pioneer Trail, near the intersection with Mt. Ida Road, Oroville

APN# 033-010-083, one vacant parcel on Long Bar Road, near the intersection of Oro Dam Blvd. and Orange Ave., Oroville

Attached are copies of LAFCo's "Application Forms" which provide a description of each proposed annexation.

Because the annexations qualifies under the "general exemption rule" of the California Environmental Quality Act (CEQA), a public hearing and adoption of a negative declaration is not required.

The following action would be appropriate and necessary to send the applications to LAFCo:

"I move adoption of Resolutions 21-07-07, 21-12-07, 21-15-07, approving annexations of APN 027-010-037, APN 079-360-012, APN 033-010-083, and submitting applications for annexation to LAFCo."



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BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for Annexation

Revised
April 19, 2011

Butte Local Agency Formation Commission

1453 Downer Street, Suite C

Oroville, CA 95965-4950

Phone: 530-538-7784

Fax: 530-538-2847

<http://www.buttelafco.org>

BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C
Oroville, CA 95965-4950
(530) 538-7784 (phone) 530-538-2847 (fax)
<http://www.buttelafo.org>

Application for Annexation

Pursuant to LAFCO Policy 6.3, an application to LAFCO requires the submittal of the attached application form, supporting documentation as required in the application and all requisite fees established at the time of application. This application is available in electronic format on the LAFCO website or by e-mail. Please contact the LAFCO office for assistance.

Application Packet Checklist

(Provided for the use of applicants)

- 1. Two (2) completed copies of the Butte Local Agency Formation Commission Application.
 - 2. (a) A certified resolution of application from the affected agency; or
(b) A landowner or registered voter petition making application to LAFCO.
 - 3. A certified resolution of consent from applicable city if project is an annexation of incorporated parcels to a County Service Area.
 - 4. Five (5) extra copies of legal description of the subject area complying with State Board of Equalization standards.
 - 5. Ten (10) extra copies of the map depicting the subject area with vicinity map complying with State Board of Equalization standards.
 - 6. Two (2) copies of environmental documentation complying with the California Environmental Quality Act (CEQA) including documentation (Notice of Intent/Notice of Preparation) that the documents were circulated to LAFCO for review and comment.
 - Categorical Exemption including Notice of Exemption
 - Negative Declaration including Initial Study and Notice of Determination
 - Environmental Impact Report (EIR) including Draft and Final EIR
 - 7. Appropriate fees obtained from LAFCO Fee Schedule attached:
 - Deposit (*payable to Butte LAFCO*) \$ _____
 - Sphere of Influence (*payable to Butte LAFCO*) \$ _____
 - State Board of Equalization (*payable to SBE*) \$ _____
 - 8. All necessary signatures:
 - Agent Authorization (*if applicable*)
 - Agreement to Pay
 - Disclosure requirements
 - Certification of application
 - Indemnification
- (NOTE: If application is initiated by resolution of the affected agency, all signatures need to be of the initiating agency representative.)*
9. All required "LAFCO Exhibits 1-7."

SIGNATURE PAGE

Agent Authorization

(not applicable if annexation does not have 100% landowner support)

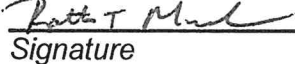
Authorized Agent: Rath T. Moseley SFWPA, General Manager Telephone: (530) 533-2412
Mailing Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
is hereby authorized to process this application on my property identified as Butte County Assessor's Parcel Number(s) 033-010-083

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document(s) relating to record title interest. Owner(s) of Record:

_____	_____	<u>Randy Chapman</u>	<u>Property Owner</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Disclosure Requirements

Pursuant to Government Code Sections 56700.1 and 81000 et seq., and Butte Local Agency Formation Commission policies, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to the commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974 and the Butte Local Agency Formation Commission. These disclosure requirements mandate disclosures be made at specified intervals. Additional information may be obtained by contacting the LAFCo office at (530) 538-7784. Disclosure requirements have been read and acknowledged.

<u>7-15-21</u>	<u></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Certification

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code Section 56000 et seq. and herewith affix their signatures. **Note:** Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign, 2) Chief Petitioners, and/or 3) Chair of the Legislative Body submitting a Resolution of Application.

_____	_____	<u>Rick Wulbern</u>	<u>President, SFWPA Board</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Agreement to Pay for Time and Materials

Charges and Deposits

LAFCo charges are based upon actual staff time and other expenses attributable to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The amount of staff time necessary to process any individual application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (unexpended deposits will be refunded.)

PLEASE UNDERSTAND THAT THE CHARGES MUST BE PAID WHETHER OR NOT THE PROPOSAL IS APPROVED.

Staff Assignments

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

Billing Procedure

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

This form must be signed by the person responsible for payment or the employee or officer duly authorized to bind the applicant and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted

Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 538-7784.

Agreement

On behalf of Applicant, I certify and agree to the following: Applicant has reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule all of which are part of this agreement. Applicant agrees to pay Butte LAFCo for all staff services, materials, and other charges attributable to its application or request for services. Applicant understands that services may be required before LAFCo receives a formal application, and agrees to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. Applicant also understands and agrees that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion. Applicant understands that if the cost of services exceeds the deposit on file, staff work on the project will cease, and the project will not be scheduled for hearing until additional funds are provided. Applicant agrees to remit the applicable State Board of Equalization filing fee when required. Applicant agrees to pay all charges within 30 days of receipt of invoice or if no invoice has been sent, in any case prior to the filing of the Certificate of Completion for the project.

In the event of failure to pay charges when due, the unpaid balance will be subject to a monthly FINANCE CHARGE of 0.833% of the amount of the unpaid balance with a minimum charge of \$1.00. This is an ANNUAL PERCENTAGE RATE of 10%. Any payments made on the account will be credited first to any accrued interest. Should legal action be necessary to collect the charges due, the prevailing party shall be entitled to collect their attorney's fees, staff time and other expenses incurred in the action, in addition to any other relief.

<u>7-15-21</u>	<u><i>Rath T Moseley</i></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
Date	Signature	Printed Name	Title
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Date	Signature	Printed Name	Title
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Date	Signature	Printed Name	Title

Indemnity

Applicant agrees to indemnify, save harmless, and reimburse LAFCo for all reasonable expenses and attorney fees in connection with the defense of LAFCo and for any damages, penalties, fines or other costs imposed upon or incurred by LAFCo should LAFCo be named as a party in any litigation or administrative proceeding in connection with his/her/its application. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that LAFCo's taking such actions shall not limit Applicant's obligations to indemnify and reimburse defense costs or relieve Applicant of such obligations.

Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.

<u>7-15-21</u>	<u><i>Rath T Moseley</i></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
Date	Signature	Printed Name	Title
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Date	Signature	Printed Name	Title
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Date	Signature	Printed Name	Title

LAFCO Office Use Only

LAFCO File No: _____
LAFCO Fees: _____
SBE Fees: _____
Sphere Fees: _____

Application Submitted: _____
Application Incomplete: _____
Application Complete: _____
Certificate of Filing Issued: _____

**Butte Local Agency Formation Commission
Standard Application Form**

1. Applicant(s): *(LAFCO will send copies of the staff report to a maximum of three applicants.)*

Primary Contact of Initiating Agency

Name: Rath T. Moseley
Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
Phone No.: (530) 533-2412

Proponents of Proposal

Name: Randy Chapman
Address: 0 Long Bard Road Oroville, CA 95966
Phone No.: 530-370-5519

Name:
Address:
Phone No.:

2. Change of Organization or other Action Requested *(Please check all applicable actions related to proposal.)*

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation to a city | <input type="checkbox"/> Formation of a district | <input type="checkbox"/> City Incorporation |
| <input checked="" type="checkbox"/> Annexation to a district | <input type="checkbox"/> Formation of a County Service Area | <input type="checkbox"/> City Disincorporation |
| <input type="checkbox"/> Detachment from a city | <input type="checkbox"/> Consolidation of cities | <input type="checkbox"/> District Dissolution |
| <input type="checkbox"/> Detachment from a district | <input type="checkbox"/> Consolidation of districts | <input type="checkbox"/> District Merger |
| <input type="checkbox"/> Service Agreement | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> Establishment of Subsidiary Districts |

3. Authority to File Application

- Resolution of Application of Affected Agency. Certified copies of the Resolution of Application shall be included as **"LAFCO Exhibit 1"**; or
- Petition of landowners or registered voters shall be included as **"LAFCO Exhibit 1."** Complete the Petition for Change of Organization. *(Note: A petition is provided as LAFCO Form L-1.)*

4. Proposal Boundaries

- Provide a map of the subject territory meeting the specifications of the State Board of Equalization as listed in the Application Instructions. The boundary map shall be included as **"LAFCO Exhibit 2."**
- A legal description of the boundaries of the subject territory meeting the specifications of the State Board of Equalization. The legal description shall be included as **"LAFCO Exhibit 3."**
- Provide a Boundary Statement describing how the boundaries of this proposal were determined. *(Note: One of LAFCO's major responsibilities is to insure that public agencies have logical boundaries. If your proposal would create an "island," peninsula, or other illogical boundary, you may be requested to revise the boundaries.)*

ANNEXATION SUPPLEMENT

A. Justification

1. What is the purpose of the annexation? To allow SFWPA to provide domestic water service to the proposed property which will have one single family residence.
2. Why or how will the proposal provide greater efficiency in the delivery of governmental services? The domestic water conveyance system has adequate capacity to allow service to the proposed property.
3. What governmental services, if any, will be enhanced or reduced by the change of organization? A domestic water service will provide safe potable water to the proposed single family dwelling and meet fire suppression requirements.
4. What terms or conditions, if any, are proposed for this project?
 - a. The annexing territory shall be subject to SFWPA's Rules and Regulations, charges made, and assessments levied pursuant to the provisions of the California Water Code to pay for outstanding obligations of SFWPA, and also shall be subject to all assessments, tolls and charges hereafter levied by SFWPA for any district purpose
 - b. Payment of Butte County and State Board of Equalization fees and charges relating to the annexation process shall be paid by petitioners.
 - c. The fees specified in "b", above, shall be paid in advance to cover the cost of the annexation process. If for any reason the annexation is not completed, Butte County and State of California fees expended will not be reimbursed.
 - d. The annexing territory will be entitled to domestic water service from SFWPA. Such service will be subject to the Rules and Regulations of SFWPA regulating that type of service and payment of tolls and charges established by SFWPA for such service.
 - e. Petitioners shall, at their expense, provide all conduit facilities meeting SFWPA's standards required to obtain such water from the nearest SFWPA source (domestic main line) of continuous supply that, in the opinion of the General Manager of SFWPA, has adequate capacity in addition to capacity required to supply existing services therefrom, and to carry such water to the land of petitioners, described herein.
 - f. All facilities up to and including the water measurement shall be the property of SFWPA.

B. Land Use

1. How many acres are proposed for annexation? 34.89 (one proposed dwelling and no subdividing of parcel)
2. What is the current General Plan RR and zoning RR-5 designations on the affected parcels?
3. What is the current General Plan RR and zoning RR-5 designations on adjoining parcels?
4. What are the General Plan designation RR, pre-zoning RR-5, and future use of the affected parcels?
5. Describe the existing land use on the subject parcels. Vacant land with one proposed dwelling to be constructed.
6. What is the estimated population number and density of the proposed annexation area? 4
7. Describe any significant land use issues that will result from the annexation area currently or in the future. None
8. Describe the topography of the subject area. Sloping Hillside
9. Describe any concurrent land use applications. None

C. Infrastructure and Public Services

1. How is storm water drainage managed on and adjacent to the proposed annexation area? The parcel is located in the unincorporated area of Butte County.
2. How is public access provided to the proposed annexation area? Public access via Oro Dam Blvd. to Long Bar Road.

3. How will the proposal impact regional circulation/transportation plans? No impact
4. Discuss how the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element. The proposed annexation is for the purpose of supplying domestic water service to the existing parcel. The "receiving entity" (SFWPA) is an enterprise special district and does not have a General Housing Element.
5. Provide documentation that indicates adequate domestic water supplies for projected uses of the annexation area are available. SFWPA hereby affirms that it has adequate domestic water supply via the Miners Ranch Canal and treatment plant to provide domestic service to the existing parcel.
6. How will the annexation improve or hinder organized community services? The proposed annexation will improve water availability for community services specific to water quality and fire suppression.
7. How will the annexation result in an improvement in social and economic integration of the annexation area? The proposed annexation will allow the annexed parcel to receive domestic water service which will allow an occupied dwelling to be constructed on the property.
8. Please complete the following table of service providers:

<i>Service</i>	<i>Presently Provided By</i>	<i>Proposed Provider</i>
Fire Protection	<u>Cal Fire/BCFD</u>	<u>Same</u>
Police Protection	<u>Butte County Sheriff</u>	<u>Same</u>
Domestic Water Service	<u>None</u>	<u>South Feather Water & Power Agency</u>
Agricultural Water Service	<u>N/A</u>	<u>N/A</u>
Sewer Service	<u>N/A</u>	<u>N/A</u>
Solid Waste	<u>N/A</u>	<u>N/A</u>
Road/Street Maintenance	<u>Butte County Public Works</u>	<u>Same</u>
Power	<u>PG&E</u>	<u>Same</u>
Street Lighting	<u>N/A</u>	<u>N/A</u>
Planning & Zoning	<u>Butte County</u>	<u>Same</u>
Schools	<u>Oroville Elementary School District and Oroville Union High School District</u>	<u>Same</u>

D. Significant Issues

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed annexation area. The parcel is undeveloped and proposed to construct a single family dwelling with no unique issues.
2. Describe any unique or special communities of interest such as day care providers or neighborhood associations that characterize the proposed annexation area. None

E. Intergovernmental Coordination

1. Identify governmental agencies that overlay the proposed annexation area, such as special districts, County supervisorial districts, county service areas, maintenance districts, others. County Supervisor District 1; SFWPA Division 1; Oroville Cemetery District; CSA 164- Animal Control; Butte County Mosquito and Vector Control District.
2. Has the proposal been circulated to all affected local agencies? Yes No

3. Attach any responses/comments that have been received from the affected agencies listed.
4. What functions of identified agencies will be duplicated as a result of the annexation?
None
5. Are there any conditions requested by affected government agencies that will substantially affect or impact the annexation area? Yes No (please describe) _____
6. Are there any existing Contractual Agreements between the landowners and the city or district for the provision of services such as sewer or water service? Yes No (please describe)

F. Environmental Determination

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA).

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Negative Declaration (with mitigations)
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Other, please specify _____

Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as **“LAFCO Exhibit 4.”**

2. Was the environmental documentation (Notice of Intent/Notice of Preparation) circulated to the Butte Local Agency Formation Commission prior to adoption by the Lead Agency? Yes No (If no, please explain why.) A Notice of Intent/Preparation is not required for General Exemption. A Notice of Exemption will be filed upon approval of the project.
3. Attach comments received from LAFCO, if any.

G. Fiscal Issues

1. Does the Resolution of Application from the lead agency include documentation that the agency is in agreement with a standing Master Tax Exchange Agreement, has negotiated a tax exchange agreement, or has made a determination that the proposal is revenue neutral? Yes No (please describe)

2. If this application is by petition, provide documentation of applicants' request that the affected agencies initiate tax exchange agreements, included as **“LAFCO Exhibit 5.”**
3. To what extent will residents or landowners within the subject area be liable for any existing indebtedness of the city or district accepting the annexation? South Feather Water and Power Agency is an enterprise special district and requires payment of fees and charges.in exchange for water service. Applicants will pay the standard water service rate levied by South Feather Water and Power. The expenses to physically install necessary services and appurtenances will be the water-service applicant's responsibility.
4. Upon annexation, will the territory be included within any assessment district and be subject to assessment for the new or extended services? Yes No (please describe)

H. Support or Protest

1. Provide a list or table labeled **“LAFCO Exhibit 6”** of all affected property owners within the proposed annexation area that includes (Note: A sample table is provided as LAFCO Form L-2):

For an uninhabited annexation proposal (less than 12 registered voters):

- ❖ Assessor's Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);

- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response; and
- ❖ Assessed land value as determined by the County Assessor.

For an inhabited annexation proposal (more than 12 registered voters) also include:

- ❖ Assessor's Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response;
- ❖ Assessed land value as determined by the County Assessor; and
- ❖ Number and names of Registered Voters at each site address.

I. Public Notice Requirements

1. Provide a mailing list of all property owners AND/OR registered voters (depending on type of annexation) located within the area to be annexed AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be annexed. These mailing lists must be extracted from the most recent assessment rolls and registered voter rolls prepared by the County at the time the local agency adopts a resolution of application. Mailing lists shall be submitted with the application as **"LAFCO Exhibit 7."** The mailing list shall also be submitted in electronic format compatible with WordPerfect or Microsoft Word. The mailing list shall include:

- ❖ The property owners and/or registered voters name residing at address;
- ❖ Mailing address and situs address;
- ❖ The Assessor's Parcel Number; and
- ❖ Mailing labels.

The LAFCO Application is intended to provide the Commission with all relevant data in order to make an informed decision. LAFCO staff will review each application for completeness within 30 days of submittal and inform the applicant in writing of any deficiencies or additional information required.

REQUIRED LAFCO EXHIBITS

- | | |
|-------------------------|---|
| LAFCO Exhibit 1: | Certified copies of the Resolution of Application or Petition for Change of Organization. |
| LAFCO Exhibit 2: | Boundary map of annexation area. |
| LAFCO Exhibit 3: | Legal description of proposed annexation area. |
| LAFCO Exhibit 4: | Copies of the complete environmental documentation. |
| LAFCO Exhibit 5: | Tax Exchange Agreement. |
| LAFCO Exhibit 6: | List of all affected property owners and/or registered voters. |
| LAFCO Exhibit 7: | Public Notice requirements mailing list. |

LAFCO Form "L-1"
**Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
 Reorganization Act of 2000**

The undersigned hereby petition(s) the Local Agency Formation Commission of Butte County for approval of a proposed change of organization or reorganization, and stipulate as follows:

- 1) This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
- 2) The specific change(s) of organization proposed (i.e., annexation to, detachment from, reorganization, etc.) is (are):
- 3) The boundaries of the territory included in the proposal are as described in Exhibit _____ attached hereto and by this reference incorporated herein.
- 4) This proposal is/is not (circle one) consistent with the sphere(s) of influence of the affected city and/or district(s). If the proposal is not consistent, a Sphere of Influence Amendment must be requested.
- 5) The reasons for the proposal (annexation, detachment, etc.) are:
- 6) The proposed change of organization or reorganization is requested to be made subject to the following terms and conditions:
- 7) The persons signing this petition have signed as: _____ registered voters _____ owners of land.
- 8) Do the petitioners include all landowners within the territory included within the proposal? ___yes ___no
- 9) If the formation of a new district is included in the proposal:
 - a) The principal act under which the district is proposed to be formed is: _____.
 - b) The proposed name of the new district is: _____.
 - c) The boundaries of the proposed new district are described in Exhibit _____ heretofore incorporated herein.
- 10) If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is _____.
11. Butte LAFCO policies allow an application by petition only when the applicant provides satisfactory evidence that a diligent effort has been made to obtain a Resolution of Application from the affected public agency. Please indicate what effort was made to obtain such consent and the reasons why the public agency did not act on the applicant's request?

Wherefore, petitioners request that proceedings be taken in accordance with the provisions of '56000 et seq., of the California Government Code, and herewith affix signatures of the Chief petitioners (not to exceed three) as follows:

Date	Signature	Printed Name	Residence Address	Assessor's Parcel #
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

LAFCO Form "L-2"

<p align="center">Exhibit "B" Uninhabited Proposal Ownership List Project Name</p>								
APN	NAME (mailing)	ADDRESS (situs)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals			\$29,799.00	0.28	2			

<p align="center">Exhibit "B" Inhabited Proposal Ownership List Project Name</p>									
APN	NAME (mailing)	ADDRESS (situs)	REGISTERED VOTER NAME(S) (If other than owner)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	John Voter 1 Jonna Voter 2	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals				\$29,799.00	0.28	2			

KEY:

- APN: Assessor's Parcel Number. Can be obtained from the Butte County Assessor's Office.
- NAME: The legal landowner and mailing address. This may differ from Situs Address if parcel is not owner occupied.
- ADDRESS: The actual physical site address of an individual parcel. May differ from Mailing Address if not owner occupied.
- REGISTERED VOTER NAME(S): The name or names of all registered voters registered at the situs address.
- ALV: Assessed Land Value. This is the official land value assessment established by the Butte County Assessor's Office.
- Acres: The actual size of the affected parcel.
- RV: Registered Voters. This is the number of registered voters associated with the situs address. Can be obtained from the Butte County Registrar of Voters. *NOTE: Registered voter information will ONLY be released to representatives of the affected agency, not the general public.*
- TRA: Tax Rate Area. This is a number assigned to each parcel by the State Board of Equalization for taxation purposes. Can be obtained from LAFCO or the Butte County Assessor's Office.
- ZONE: The land use designation (zoning) established by the governing agency.
- Y/N: Yes/No. This reflects the landowners' position on the application. May be left blank if no indication from landowner is available.

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: South Feather Water and Power Agency
2310 Oro-Quincy Highway
Oroville, CA 95966

County Clerk
County of Butte
25 County Center Drive
Oroville, CA 95965-3375

Project Title: Long Bar Road. Parcel Annexation into South Feather Water and Power Agency

Project Location - Specific:

Refer to Figure 1: The project is located south of the City of Oroville in an unincorporated area of Butte County, CA.

Project Location - City: North Oroville **Project Location - County:** Butte

Description of Nature, Purpose, and Beneficiaries of Project:

The project applicant is requesting annexation into the South Feather Water and Power Agency. The parcel intersects with Oro Dam Blvd., Orange Ave. and Long Bar Road.

Name of Public Agency Approving Project: South Feather Water and Power Agency

Name of Person or Agency Carrying Out Project: Randy Chapman

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3) 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption (type and section number); 15319 (b) -Annexations of Existing Facilities and Lots for Exempt Facilities
- Statutory Exemption (state code number): _____

Reason why project is exempt:

The project is the annexation of an individual parcel to a district containing existing public facilities that have been developed to the allowed density under the current zoning. The existing facility has the capacity to serve the existing rural residential parcel.

Lead Agency

Contact: Rath Moseley, General Manager **Phone:** (530) 533-2412

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Title: _____ Date: _____

- Signed by Lead Agency
- Signed by Applicant Date received for filing at OPR: _____



SOUTH FEATHER WATER & POWER AGENCY

LAFCO EXHIBIT 1 RESOLUTION OF THE BOARD OF DIRECTORS

Resolution 21-15-07 Application by the South Feather Water & Power Agency Requesting the Local Agency Formation Commission to Take Proceedings for the Annexation of Territory into the Agency

Pioneer Trail. ANNEXATION #5-21 (Chapman)

WHEREAS, the Board of Directors of the South Feather Water and Power Agency desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with §56000 of the California Government Code, for the annexation of the territory hereinafter described; and,

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and subject agency; and,

WHEREAS, the territory proposed to be annexed is inhabited and its owners support the annexation proposal;

WHEREAS, a description of the boundaries of the territory proposed to be annexed is set forth in Exhibit 3 of the LAFCo Application Form for the subject annexation, attached hereto and by this reference incorporated herein; and,

WHEREAS, this proposal is consistent with the sphere of influence of South Feather Water and Power Agency; and,

WHEREAS, the proposed annexation is consistent with the Butte County General Plan applicable to this property; and,

WHEREAS, the annexation is proposed for the purpose of allowing South Feather Water and Power Agency to raw (irrigation) water to the annexing territory when available; and,

WHEREAS, this Board of Directors acknowledges that, in accordance with Section 99, Subsection B, Paragraph 8, Subpart (d) of the Revenue and Taxation Code, the Master Property Tax Exchange Agreement that exists between South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District) and the County of Butte applies to this proposed annexation; and,

WHEREAS, this Board of Directors finds that, in accordance with said Master Property Tax Exchange Agreement with Butte County, this change of organization will be revenue neutral to all affected agencies; and,

WHEREAS, this Board of Directors acknowledges that South Feather Water and Power Agency is responsible for Butte LAFCo's expenses for staff services and materials associated with the processing of this annexation

application and agrees to pay, prior to the filing of the Certificate of Completion or within 30 days of receipt of invoice, all required fees and to reimburse Butte LAFCo for the cost of its services that exceed the initial deposit; and,

NOW, THEREFORE, BE IT RESOLVED that this project is exempt from the California Environmental Quality Act in accordance with the general rule contained in Title 14 CCR, §15061(b)(3).

BE IT FURTHER RESOLVED that this Resolution of Application is hereby adopted and approved by the Board of Directors of the South Feather Water and Power Agency, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described in LAFCo Exhibit 3, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985 (rev. 1994).

BE IT FURTHER RESOLVED that the Local Agency Formation Commission be requested to make this change of organization subject to the conditions specified in the Statement of Justification, set forth in Section A.4 of the LAFCo Standard Application Form for the subject annexation, by this reference incorporated herein.

BE IT FURTHER RESOLVED that the General Manager shall file a Notice of Exemption from CEQA with the County Clerk for this project.

PASSED AND ADOPTED by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27th day of July 2021, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Rick Wulbern, President

(seal)

Rath T. Moseley, Secretary

SECRETARY'S CERTIFICATE

RATH T. MOSELEY, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 27th day of July 2021, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

July 27, 2021

Date

Rath T. Moseley, Secretary
Board of Directors, South Feather Water and Power Agency

(seal)

BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for Annexation

Revised
April 19, 2011

Butte Local Agency Formation Commission

1453 Downer Street, Suite C

Oroville, CA 95965-4950

Phone: 530-538-7784

Fax: 530-538-2847

<http://www.buttelafco.org>

BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C
Oroville, CA 95965-4950
(530) 538-7784 (phone) 530-538-2847 (fax)
<http://www.buttelafco.org>

Application for Annexation

Pursuant to LAFCO Policy 6.3, an application to LAFCO requires the submittal of the attached application form, supporting documentation as required in the application and all requisite fees established at the time of application. This application is available in electronic format on the LAFCO website or by e-mail. Please contact the LAFCO office for assistance.

Application Packet Checklist

(Provided for the use of applicants)

- 1. Two (2) completed copies of the Butte Local Agency Formation Commission Application.
- 2. (a) A certified resolution of application from the affected agency; or
(b) A landowner or registered voter petition making application to LAFCO.
- 3. A certified resolution of consent from applicable city if project is an annexation of incorporated parcels to a County Service Area.
- 4. Five (5) extra copies of legal description of the subject area complying with State Board of Equalization standards.
- 5. Ten (10) extra copies of the map depicting the subject area with vicinity map complying with State Board of Equalization standards.
- 6. Two (2) copies of environmental documentation complying with the California Environmental Quality Act (CEQA) including documentation (Notice of Intent/Notice of Preparation) that the documents were circulated to LAFCO for review and comment.
 - Categorical Exemption including Notice of Exemption
 - Negative Declaration including Initial Study and Notice of Determination
 - Environmental Impact Report (EIR) including Draft and Final EIR
- 7. Appropriate fees obtained from LAFCO Fee Schedule attached:
 - Deposit (*payable to Butte LAFCO*) \$ _____
 - Sphere of Influence (*payable to Butte LAFCO*) \$ _____
 - State Board of Equalization (*payable to SBE*) \$ _____
- 8. All necessary signatures:
 - Agent Authorization (*if applicable*)
 - Agreement to Pay
 - Disclosure requirements
 - Certification of application
 - Indemnification

(NOTE: If application is initiated by resolution of the affected agency, all signatures need to be of the initiating agency representative.)

- 9. All required "LAFCO Exhibits 1-7."

SIGNATURE PAGE

Agent Authorization

(not applicable if annexation does not have 100% landowner support)

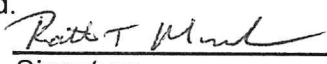
Authorized Agent: Rath T. Moseley SFWPA, General Manager Telephone: (530) 533-2412
Mailing Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
is hereby authorized to process this application on my property identified as Butte County Assessor's Parcel Number(s) 079-360-012

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document(s) relating to record title interest. Owner(s) of Record:

_____	_____	<u>Cory Caporale</u>	<u>Property Owner</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Disclosure Requirements

Pursuant to Government Code Sections 56700.1 and 81000 et seq., and Butte Local Agency Formation Commission policies, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to the commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974 and the Butte Local Agency Formation Commission. These disclosure requirements mandate disclosures be made at specified intervals. Additional information may be obtained by contacting the LAFCo office at (530) 538-7784. Disclosure requirements have been read and acknowledged.

<u>7-12-21</u>		<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Certification

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code Section 56000 et seq. and herewith affix their signatures. **Note:** Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign, 2) Chief Petitioners, and/or 3) Chair of the Legislative Body submitting a Resolution of Application.

_____	_____	<u>Rick Wulbern</u>	<u>President, SFWPA Board</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Agreement to Pay for Time and Materials

Charges and Deposits

LAFCo charges are based upon actual staff time and other expenses attributable to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The amount of staff time necessary to process any individual application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (unexpended deposits will be refunded.)

PLEASE UNDERSTAND THAT THE CHARGES MUST BE PAID WHETHER OR NOT THE PROPOSAL IS APPROVED.

Staff Assignments

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

Billing Procedure

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

This form must be signed by the person responsible for payment or the employee or officer duly authorized to bind the applicant and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted.

Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 538-7784.

Agreement

On behalf of Applicant, I certify and agree to the following: Applicant has reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule all of which are part of this agreement. Applicant agrees to pay Butte LAFCo for all staff services, materials, and other charges attributable to its application or request for services. Applicant understands that services may be required before LAFCo receives a formal application, and agrees to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. Applicant also understands and agrees that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion. Applicant understands that if the cost of services exceeds the deposit on file, staff work on the project will cease, and the project will not be scheduled for hearing until additional funds are provided. Applicant agrees to remit the applicable State Board of Equalization filing fee when required. Applicant agrees to pay all charges within 30 days of receipt of invoice or if no invoice has been sent, in any case prior to the filing of the Certificate of Completion for the project.

In the event of failure to pay charges when due, the unpaid balance will be subject to a monthly FINANCE CHARGE of 0.833% of the amount of the unpaid balance with a minimum charge of \$1.00. This is an ANNUAL PERCENTAGE RATE of 10%. Any payments made on the account will be credited first to any accrued interest. Should legal action be necessary to collect the charges due, the prevailing party shall be entitled to collect their attorney's fees, staff time and other expenses incurred in the action, in addition to any other relief.

<u>7-12-21</u>	<u><i>Rath T Moseley</i></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>

Indemnity

Applicant agrees to indemnify, save harmless, and reimburse LAFCo for all reasonable expenses and attorney fees in connection with the defense of LAFCo and for any damages, penalties, fines or other costs imposed upon or incurred by LAFCo should LAFCo be named as a party in any litigation or administrative proceeding in connection with his/her/its application. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that LAFCo's taking such actions shall not limit Applicant's obligations to indemnify and reimburse defense costs or relieve Applicant of such obligations.

Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.

<u>7-12-21</u>	<u><i>Rath T Moseley</i></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>

LAFCO Office Use Only

LAFCO File No: _____
LAFCO Fees: _____
SBE Fees: _____
Sphere Fees: _____

Application Submitted: _____
Application Incomplete: _____
Application Complete: _____
Certificate of Filing Issued: _____

**Butte Local Agency Formation Commission
Standard Application Form**

1. Applicant(s): *(LAFCO will send copies of the staff report to a maximum of three applicants.)*

Primary Contact of Initiating Agency

Name: Rath T. Moseley
Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
Phone No.: (530) 533-2412

Proponents of Proposal

Name: Cory Caporale
Address: 237 Pioneer Trail Oroville, CA 95966
Phone No.: 530-520-0989

Name:
Address:
Phone No.:

2. Change of Organization or other Action Requested *(Please check all applicable actions related to proposal.)*

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation to a city | <input type="checkbox"/> Formation of a district | <input type="checkbox"/> City Incorporation |
| <input checked="" type="checkbox"/> Annexation to a district | <input type="checkbox"/> Formation of a County Service Area | <input type="checkbox"/> City Disincorporation |
| <input type="checkbox"/> Detachment from a city | <input type="checkbox"/> Consolidation of cities | <input type="checkbox"/> District Dissolution |
| <input type="checkbox"/> Detachment from a district | <input type="checkbox"/> Consolidation of districts | <input type="checkbox"/> District Merger |
| <input type="checkbox"/> Service Agreement | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> Establishment of Subsidiary Districts |

3. Authority to File Application

- Resolution of Application of Affected Agency. Certified copies of the Resolution of Application shall be included as **"LAFCO Exhibit 1"**; or
- Petition of landowners or registered voters shall be included as **"LAFCO Exhibit 1."** Complete the Petition for Change of Organization. *(Note: A petition is provided as LAFCO Form L-1.)*

4. Proposal Boundaries

- Provide a map of the subject territory meeting the specifications of the State Board of Equalization as listed in the Application Instructions. The boundary map shall be included as **"LAFCO Exhibit 2."**
- A legal description of the boundaries of the subject territory meeting the specifications of the State Board of Equalization. The legal description shall be included as **"LAFCO Exhibit 3."**
- Provide a Boundary Statement describing how the boundaries of this proposal were determined. *(Note: One of LAFCO's major responsibilities is to insure that public agencies have logical boundaries. If your proposal would create an "island," peninsula, or other illogical boundary, you may be requested to revise the boundaries.)*

ANNEXATION SUPPLEMENT

A. Justification

1. What is the purpose of the annexation? To allow SFWPA to provide raw water irrigation service to the proposed property.
2. Why or how will the proposal provide greater efficiency in the delivery of governmental services? The raw water conveyance system has adequate capacity to allow service to the proposed property.
3. What governmental services, if any, will be enhanced or reduced by the change of organization? An increase in water availability that could support fire risk mitigation.
4. What terms or conditions, if any, are proposed for this project?
 - a. The annexing territory shall be subject to SFWPA's Rules and Regulations, charges made, and assessments levied pursuant to the provisions of the California Water Code to pay for outstanding obligations of SFWPA, and also shall be subject to all assessments, tolls and charges hereafter levied by SFWPA for any district purpose.
 - b. Payment of Butte County and State Board of Equalization fees and charges relating to the annexation process shall be paid by petitioners.
 - c. The fees specified in "b", above shall be paid in advance to cover the cost of the annexation process. If for any reason the annexation is not completed, Butte County and State of California fees expended will not be reimbursed.
 - d. The annexing territory will be entitled to irrigation water service from SFWPA. Such service will be subject to the Rules and Regulations of SFWPA regulating that type of service and payment of tolls and charges established by SFWPA for such service.
 - e. Petitioners shall, at their expense, provide all pumping and conduit facilities meeting SFWPA's standards required to obtain such water from the nearest SFWPA source of continuous supply that, in the opinion of the General Manager of SFWPA, has adequate capacity in addition to capacity required to supply existing services therefrom, and to carry such water to the land of petitioners, described herein.
 - f. All facilities up to and including the water measurement shall be the property of SFWPA.

B. Land Use

1. How many acres are proposed for annexation? 12.0
2. What is the current General Plan RR and zoning RR-5 designations on the affected parcels?
3. What is the current General Plan RR and zoning RR-5 designations on adjoining parcels?
4. What are the General Plan designation RR, pre-zoning RR-5, and future use of the affected parcels?
5. Describe the existing land use on the subject parcels. Occupied dwelling with a well.
6. What is the estimated population number and density of the proposed annexation area? 2
7. Describe any significant land use issues that will result from the annexation area currently or in the future. None
8. Describe the topography of the subject area. Rolling Hillside
9. Describe any concurrent land use applications. None

C. Infrastructure and Public Services

1. How is storm water drainage managed on and adjacent to the proposed annexation area? The parcel is located in the unincorporated area of Butte County.
2. How is public access provided to the proposed annexation area? Public access via county road (Mt. IDA to Pioneer Trail)
3. How will the proposal impact regional circulation/transportation plans? No impact

4. Discuss how the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element. The proposed annexation is for the purpose of supplying raw water irrigation service to the existing parcel. The "receiving entity" (SFWPA) is an enterprise special district and does not have a General Housing Element.
5. Provide documentation that indicates adequate domestic water supplies for projected uses of the annexation area are available. SFWPA hereby affirms that it has adequate raw-water supply via the Bangor Ditch to provide irrigation service to the existing parcel.
6. How will the annexation improve or hinder organized community services? The proposed annexation will improve water availability for community services specific to fire suppression.
7. How will the annexation result in an improvement in social and economic integration of the annexation area? The proposed annexation will allow the annexed parcel to receive raw water service which will increase the value of the property.
8. Please complete the following table of service providers:

<i>Service</i>	<i>Presently Provided By</i>	<i>Proposed Provider</i>
Fire Protection	<u>Cal Fire/BCFD</u>	<u>Same</u>
Police Protection	<u>Butte County Sheriff</u>	<u>Same</u>
Domestic Water Service	<u>N/A</u>	<u>N/A</u>
Agricultural Water Service	<u>N/A</u>	<u>South Feather Water & Power Agency</u>
Sewer Service	<u>N/A</u>	<u>N/A</u>
Solid Waste	<u>N/A</u>	<u>N/A</u>
Road/Street Maintenance	<u>Butte County Public Works</u>	<u>Same</u>
Power	<u>PG&E</u>	<u>Same</u>
Street Lighting	<u>N/A</u>	<u>N/A</u>
Planning & Zoning	<u>Butte County</u>	<u>Same</u>
Schools	<u>Oroville Elementary School District and Oroville Union High School District</u>	<u>Same</u>

D. Significant Issues

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed annexation area. The parcel is a developed single family dwelling with no unique issues.
2. Describe any unique or special communities of interest such as day care providers or neighborhood associations that characterize the proposed annexation area. None

E. Intergovernmental Coordination

1. Identify governmental agencies that overlay the proposed annexation area, such as special districts, County supervisorial districts, county service areas, maintenance districts, others. County Supervisor District 1; SFWPA Division 1; Oroville Cemetery District; CSA 164- Animal Control; Butte County Mosquito and Vector Control District.
2. Has the proposal been circulated to all affected local agencies? Yes No
3. Attach any responses/comments that have been received from the affected agencies listed.
4. What functions of identified agencies will be duplicated as a result of the annexation?
None
5. Are there any conditions requested by affected government agencies that will substantially affect or impact the annexation area? Yes No (please describe) _____
6. Are there any existing Contractual Agreements between the landowners and the city or district for the provision of services such as sewer or water service? Yes No (please describe)

F. Environmental Determination

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA).

<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/> Negative Declaration (with mitigations)
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> Other, please specify _____

Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as **“LAFCO Exhibit 4.”**

2. Was the environmental documentation (Notice of Intent/Notice of Preparation) circulated to the Butte Local Agency Formation Commission prior to adoption by the Lead Agency? Yes No (If no, please explain why.) A Notice of Intent/Preparation is not required for General Exemption. A Notice of Exemption will be filed upon approval of the project.
3. Attach comments received from LAFCO, if any.

G. Fiscal Issues

1. Does the Resolution of Application from the lead agency include documentation that the agency is in agreement with a standing Master Tax Exchange Agreement, has negotiated a tax exchange agreement, or has made a determination that the proposal is revenue neutral? Yes No (please describe)

2. If this application is by petition, provide documentation of applicants' request that the affected agencies initiate tax exchange agreements, included as **“LAFCO Exhibit 5.”**
3. To what extent will residents or landowners within the subject area be liable for any existing indebtedness of the city or district accepting the annexation? South Feather Water and Power Agency is an enterprise special district and requires payment of fees and charges in exchange for water service. Applicants will pay the standard water service rate levied by South Feather Water and Power. The expenses to physically install necessary services and appurtenances will be the water-service applicant's responsibility.
4. Upon annexation, will the territory be included within any assessment district and be subject to assessment for the new or extended services? Yes No (please describe)

H. Support or Protest

1. Provide a list or table labeled “**LAFCO Exhibit 6**” of all affected property owners within the proposed annexation area that includes (*Note: A sample table is provided as LAFCO Form L-2*):

For an uninhabited annexation proposal (less than 12 registered voters):

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response; and
- ❖ Assessed land value as determined by the County Assessor.

For an inhabited annexation proposal (more than 12 registered voters) also include:

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response;
- ❖ Assessed land value as determined by the County Assessor; and
- ❖ Number and names of Registered Voters at each site address.

I. Public Notice Requirements

1. Provide a mailing list of all property owners AND/OR registered voters (depending on type of annexation) located within the area to be annexed AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be annexed. These mailing lists must be extracted from the most recent assessment rolls and registered voter rolls prepared by the County at the time the local agency adopts a resolution of application. Mailing lists shall be submitted with the application as “**LAFCO Exhibit 7.**” The mailing list shall also be submitted in electronic format compatible with WordPerfect or Microsoft Word. The mailing list shall include:

- ❖ The property owners and/or registered voters name residing at address;
- ❖ Mailing address and situs address;
- ❖ The Assessor’s Parcel Number; and
- ❖ Mailing labels.

The LAFCO Application is intended to provide the Commission with all relevant data in order to make an informed decision. LAFCO staff will review each application for completeness within 30 days of submittal and inform the applicant in writing of any deficiencies or additional information required.

REQUIRED LAFCO EXHIBITS

- | | |
|-------------------------|---|
| LAFCO Exhibit 1: | Certified copies of the Resolution of Application or Petition for Change of Organization. |
| LAFCO Exhibit 2: | Boundary map of annexation area. |
| LAFCO Exhibit 3: | Legal description of proposed annexation area. |
| LAFCO Exhibit 4: | Copies of the complete environmental documentation. |
| LAFCO Exhibit 5: | Tax Exchange Agreement. |
| LAFCO Exhibit 6: | List of all affected property owners and/or registered voters. |
| LAFCO Exhibit 7: | Public Notice requirements mailing list. |

LAFCO Form "L-1"
**Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000**

The undersigned hereby petition(s) the Local Agency Formation Commission of Butte County for approval of a proposed change of organization or reorganization, and stipulate as follows:

- 1) This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
- 2) The specific change(s) of organization proposed (i.e., annexation to, detachment from, reorganization, etc.) is (are):
- 3) The boundaries of the territory included in the proposal are as described in Exhibit _____ attached hereto and by this reference incorporated herein.
- 4) This proposal is/is not (circle one) consistent with the sphere(s) of influence of the affected city and/or district(s). If the proposal is not consistent, a Sphere of Influence Amendment must be requested.
- 5) The reasons for the proposal (annexation, detachment, etc.) are:
- 6) The proposed change of organization or reorganization is requested to be made subject to the following terms and conditions:
- 7) The persons signing this petition have signed as: _____ registered voters _____ owners of land.
- 8) Do the petitioners include all landowners within the territory included within the proposal? ___yes ___no
- 9) If the formation of a new district is included in the proposal:
 - a) The principal act under which the district is proposed to be formed is: _____.
 - b) The proposed name of the new district is: _____.
 - c) The boundaries of the proposed new district are described in Exhibit _____ heretofore incorporated herein.
- 10) If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is _____.
11. Butte LAFCO policies allow an application by petition only when the applicant provides satisfactory evidence that a diligent effort has been made to obtain a Resolution of Application from the affected public agency. Please indicate what effort was made to obtain such consent and the reasons why the public agency did not act on the applicant's request?

Wherefore, petitioners request that proceedings be taken in accordance with the provisions of '56000 et seq., of the California Government Code, and herewith affix signatures of the Chief petitioners (not to exceed three) as follows:

Date	Signature	Printed Name	Residence Address	Assessor's Parcel #
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

LAFCO Form "L-2"

<p align="center">Exhibit "B" Uninhabited Proposal Ownership List Project Name</p>								
APN	NAME (mailing)	ADDRESS (situs)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals			\$29,799.00	0.28	2			

<p align="center">Exhibit "B" Inhabited Proposal Ownership List Project Name</p>									
APN	NAME (mailing)	ADDRESS (situs)	REGISTERED VOTER NAME(S) (If other than owner)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	John Voter 1 Jonna Voter 2	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals				\$29,799.00	0.28	2			

KEY:

- APN: Assessor's Parcel Number. Can be obtained from the Butte County Assessor's Office.
- NAME: The legal landowner and mailing address. This may differ from Situs Address if parcel is not owner occupied.
- ADDRESS: The actual physical site address of an individual parcel. May differ from Mailing Address if not owner occupied.
- REGISTERED VOTER NAME(S): The name or names of all registered voters registered at the situs address.
- ALV: Assessed Land Value. This is the official land value assessment established by the Butte County Assessor's Office.
- Acres: The actual size of the affected parcel.
- RV: Registered Voters. This is the number of registered voters associated with the situs address. Can be obtained from the Butte County Registrar of Voters. NOTE: Registered voter information will ONLY be released to representatives of the affected agency, not the general public.
- TRA: Tax Rate Area. This is a number assigned to each parcel by the State Board of Equalization for taxation purposes. Can be obtained from LAFCO or the Butte County Assessor's Office.
- ZONE: The land use designation (zoning) established by the governing agency.
- Y/N: Yes/No. This reflects the landowners' position on the application. May be left blank if no indication from landowner is available.

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: South Feather Water and Power Agency
2310 Oro-Quincy Highway
Oroville, CA 95966

County Clerk
County of Butte
25 County Center Drive
Oroville, CA 95965-3375

Project Title: Pioneer Trail. Parcel Annexation into South Feather Water and Power Agency

Project Location - Specific:

Refer to Figure 1: The project is located south of the City of Oroville in an unincorporated area of Butte County, CA.

Project Location - City: East Oroville Project Location - County: Butte

Description of Nature, Purpose, and Beneficiaries of Project:

The project applicant is requesting annexation into the South Feather Water and Power Agency. The inhabited rural residential parcel intersects with Mt. Ida and Miners Ranch Road.

Name of Public Agency Approving Project: South Feather Water and Power Agency

Name of Person or Agency Carrying Out Project: Cory Caporale

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3) 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption (type and section number); 15319 (b) -Annexations of Existing Facilities and Lots for Exempt Facilities
- Statutory Exemption (state code number): _____

Reason why project is exempt:

The project is the annexation of an individual parcel to a district containing existing public facilities that have been developed to the allowed density under the current zoning. The existing facility has the capacity to serve the existing rural residential parcel.

Lead Agency

Contact: Rath Moseley, General Manager Phone: (530) 533-2412

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Title: _____ Date: _____

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____



SOUTH FEATHER WATER & POWER AGENCY

LAFCO EXHIBIT 1 RESOLUTION OF THE BOARD OF DIRECTORS

Resolution 21-12-07

**Application by the South Feather Water & Power Agency
Requesting the Local Agency Formation Commission to
Take Proceedings for the Annexation of Territory into the Agency**

Pioneer Trail. ANNEXATION #4-21 (Caporale)

WHEREAS, the Board of Directors of the South Feather Water and Power Agency desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with §56000 of the California Government Code, for the annexation of the territory hereinafter described; and,

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and subject agency; and,

WHEREAS, the territory proposed to be annexed is inhabited and its owners support the annexation proposal;

WHEREAS, a description of the boundaries of the territory proposed to be annexed is set forth in Exhibit 3 of the LAFCo Application Form for the subject annexation, attached hereto and by this reference incorporated herein; and,

WHEREAS, this proposal is consistent with the sphere of influence of South Feather Water and Power Agency; and,

WHEREAS, the proposed annexation is consistent with the Butte County General Plan applicable to this property; and,

WHEREAS, the annexation is proposed for the purpose of allowing South Feather Water and Power Agency to raw (irrigation) water to the annexing territory when available; and,

WHEREAS, this Board of Directors acknowledges that, in accordance with Section 99, Subsection B, Paragraph 8, Subpart (d) of the Revenue and Taxation Code, the Master Property Tax Exchange Agreement that exists between South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District) and the County of Butte applies to this proposed annexation; and,

WHEREAS, this Board of Directors finds that, in accordance with said Master Property Tax Exchange Agreement with Butte County, this change of organization will be revenue neutral to all affected agencies; and,

WHEREAS, this Board of Directors acknowledges that South Feather Water and Power Agency is responsible for Butte LAFCo's expenses for staff services and materials associated with the processing of this annexation

application and agrees to pay, prior to the filing of the Certificate of Completion or within 30 days of receipt of invoice, all required fees and to reimburse Butte LAFCo for the cost of its services that exceed the initial deposit; and,

NOW, THEREFORE, BE IT RESOLVED that this project is exempt from the California Environmental Quality Act in accordance with the general rule contained in Title 14 CCR, §15061(b)(3).

BE IT FURTHER RESOLVED that this Resolution of Application is hereby adopted and approved by the Board of Directors of the South Feather Water and Power Agency, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described in LAFCo Exhibit 3, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985 (rev. 1994).

BE IT FURTHER RESOLVED that the Local Agency Formation Commission be requested to make this change of organization subject to the conditions specified in the Statement of Justification, set forth in Section A.4 of the LAFCo Standard Application Form for the subject annexation, by this reference incorporated herein.

BE IT FURTHER RESOLVED that the General Manager shall file a Notice of Exemption from CEQA with the County Clerk for this project.

PASSED AND ADOPTED by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27th day of July 2021, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Rick Wulbern, President

(seal)

Rath T. Moseley, Secretary

SECRETARY'S CERTIFICATE

RATH T. MOSELEY, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 27th day of July 2021, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

July 27, 2021

Date

Rath T. Moseley, Secretary
Board of Directors, South Feather Water and Power Agency

(seal)

BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for Annexation

Revised
April 19, 2011

Butte Local Agency Formation Commission

1453 Downer Street, Suite C

Oroville, CA 95965-4950

Phone: 530-538-7784

Fax: 530-538-2847

<http://www.buttelafco.org>

BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C
Oroville, CA 95965-4950
(530) 538-7784 (phone) 530-538-2847 (fax)
<http://www.buttelafo.org>

Application for Annexation

Pursuant to LAFCO Policy 6.3, an application to LAFCO requires the submittal of the attached application form, supporting documentation as required in the application and all requisite fees established at the time of application. This application is available in electronic format on the LAFCO website or by e-mail. Please contact the LAFCO office for assistance.

Application Packet Checklist

(Provided for the use of applicants)

- 1. Two (2) completed copies of the Butte Local Agency Formation Commission Application.
- 2. (a) A certified resolution of application from the affected agency; or
(b) A landowner or registered voter petition making application to LAFCO.
- 3. A certified resolution of consent from applicable city if project is an annexation of incorporated parcels to a County Service Area.
- 4. Five (5) extra copies of legal description of the subject area complying with State Board of Equalization standards.
- 5. Ten (10) extra copies of the map depicting the subject area with vicinity map complying with State Board of Equalization standards.
- 6. Two (2) copies of environmental documentation complying with the California Environmental Quality Act (CEQA) including documentation (Notice of Intent/Notice of Preparation) that the documents were circulated to LAFCO for review and comment.
 - Categorical Exemption including Notice of Exemption
 - Negative Declaration including Initial Study and Notice of Determination
 - Environmental Impact Report (EIR) including Draft and Final EIR
- 7. Appropriate fees obtained from LAFCO Fee Schedule attached:

Deposit (<i>payable to Butte LAFCO</i>)	\$ _____
Sphere of Influence (<i>payable to Butte LAFCO</i>)	\$ _____
State Board of Equalization (<i>payable to SBE</i>)	\$ _____
- 8. All necessary signatures:
 - Agent Authorization (*if applicable*)
 - Agreement to Pay
 - Disclosure requirements
 - Certification of application
 - Indemnification

(NOTE: If application is initiated by resolution of the affected agency, all signatures need to be of the initiating agency representative.)

- 9. All required "LAFCO Exhibits 1-7."

SIGNATURE PAGE

Agent Authorization

(not applicable if annexation does not have 100% landowner support)


Authorized Agent: Rath T. Moseley SFWPA, General Manager Telephone: (530) 533-2412
Mailing Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
is hereby authorized to process this application on my property identified as Butte County Assessor's Parcel Number(s) 027-010-037

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document(s) relating to record title interest. Owner(s) of Record:

_____	_____	<u>Edward Duane Bird</u>	<u>Property Owner</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	<u>Lisa Carol Stone</u>	<u>Property Owner</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Disclosure Requirements

Pursuant to Government Code Sections 56700.1 and 81000 et seq., and Butte Local Agency Formation Commission policies, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to the commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974 and the Butte Local Agency Formation Commission. These disclosure requirements mandate disclosures be made at specified intervals. Additional information may be obtained by contacting the LAFCo office at (530) 538-7784. Disclosure requirements have been read and acknowledged.

<u>7-7-21</u>	<u></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Certification

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code Section 56000 et seq. and herewith affix their signatures. **Note:** Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign, 2) Chief Petitioners, and/or 3) Chair of the Legislative Body submitting a Resolution of Application.

_____	_____	<u>Rick Wulbern</u>	<u>President, SFWPA Board</u>
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

Agreement to Pay for Time and Materials

Charges and Deposits

LAFCo charges are based upon actual staff time and other expenses attributable to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The amount of staff time necessary to process any individual application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (unexpended deposits will be refunded.)

PLEASE UNDERSTAND THAT THE CHARGES MUST BE PAID WHETHER OR NOT THE PROPOSAL IS APPROVED.

Staff Assignments

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

Billing Procedure

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

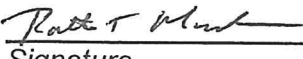
This form must be signed by the person responsible for payment or the employee or officer duly authorized to bind the applicant and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted.

Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 538-7784.

Agreement

On behalf of Applicant, I certify and agree to the following: Applicant has reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule all of which are part of this agreement. Applicant agrees to pay Butte LAFCo for all staff services, materials, and other charges attributable to its application or request for services. Applicant understands that services may be required before LAFCo receives a formal application, and agrees to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. Applicant also understands and agrees that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion. Applicant understands that if the cost of services exceeds the deposit on file, staff work on the project will cease, and the project will not be scheduled for hearing until additional funds are provided. Applicant agrees to remit the applicable State Board of Equalization filing fee when required. Applicant agrees to pay all charges within 30 days of receipt of invoice or if no invoice has been sent, in any case prior to the filing of the Certificate of Completion for the project.

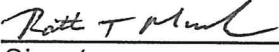
In the event of failure to pay charges when due, the unpaid balance will be subject to a monthly FINANCE CHARGE of 0.833% of the amount of the unpaid balance with a minimum charge of \$1.00. This is an ANNUAL PERCENTAGE RATE of 10%. Any payments made on the account will be credited first to any accrued interest. Should legal action be necessary to collect the charges due, the prevailing party shall be entitled to collect their attorney's fees, staff time and other expenses incurred in the action, in addition to any other relief.

<u>7-7-21</u>	<u></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>

Indemnity

Applicant agrees to indemnify, save harmless, and reimburse LAFCo for all reasonable expenses and attorney fees in connection with the defense of LAFCo and for any damages, penalties, fines or other costs imposed upon or incurred by LAFCo should LAFCo be named as a party in any litigation or administrative proceeding in connection with his/her/its application. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that LAFCo's taking such actions shall not limit Applicant's obligations to indemnify and reimburse defense costs or relieve Applicant of such obligations.

Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.

<u>7-7-21</u>	<u></u>	<u>Rath T. Moseley</u>	<u>SFWPA General Manager</u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Date</u>	<u>Signature</u>	<u>Printed Name</u>	<u>Title</u>

LAFCO Office Use Only

LAFCO File No: _____
LAFCO Fees: _____
SBE Fees: _____
Sphere Fees: _____

Application Submitted: _____
Application Incomplete: _____
Application Complete: _____
Certificate of Filing Issued: _____

**Butte Local Agency Formation Commission
Standard Application Form**

1. Applicant(s): *(LAFCO will send copies of the staff report to a maximum of three applicants.)*

Primary Contact of Initiating Agency

Name: Rath T. Moseley
Address: 2310 Oro Quincy Hwy. Oroville, CA 95966
Phone No.: (530) 533-2412

Proponents of Proposal

Name: Edward Duane Bird
Address: 404 Dunstone Drive Oroville, CA 95966
Phone No.: 530-990-1505

Name: Lisa Carol Stone
Address: 404 Dunstone Drive Oroville, CA 95966
Phone No.: 530-990-1505

2. Change of Organization or other Action Requested *(Please check all applicable actions related to proposal.)*

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation to a city | <input type="checkbox"/> Formation of a district | <input type="checkbox"/> City Incorporation |
| <input checked="" type="checkbox"/> Annexation to a district | <input type="checkbox"/> Formation of a County Service Area | <input type="checkbox"/> City Disincorporation |
| <input type="checkbox"/> Detachment from a city | <input type="checkbox"/> Consolidation of cities | <input type="checkbox"/> District Dissolution |
| <input type="checkbox"/> Detachment from a district | <input type="checkbox"/> Consolidation of districts | <input type="checkbox"/> District Merger |
| <input type="checkbox"/> Service Agreement | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> Establishment of Subsidiary Districts |

3. Authority to File Application

- Resolution of Application of Affected Agency. Certified copies of the Resolution of Application shall be included as "LAFCO Exhibit 1"; or
- Petition of landowners or registered voters shall be included as "LAFCO Exhibit 1." Complete the Petition for Change of Organization. *(Note: A petition is provided as LAFCO Form L-1.)*

4. Proposal Boundaries

- Provide a map of the subject territory meeting the specifications of the State Board of Equalization as listed in the Application Instructions. The boundary map shall be included as "LAFCO Exhibit 2."
- A legal description of the boundaries of the subject territory meeting the specifications of the State Board of Equalization. The legal description shall be included as "LAFCO Exhibit 3."
- Provide a Boundary Statement describing how the boundaries of this proposal were determined. *(Note: One of LAFCO's major responsibilities is to insure that public agencies have logical boundaries. If your proposal would create an "island," peninsula, or other illogical boundary, you may be requested to revise the boundaries.)*

ANNEXATION SUPPLEMENT

A. Justification

1. What is the purpose of the annexation? To allow SFWPA to provide raw water irrigation service to the proposed property.
2. Why or how will the proposal provide greater efficiency in the delivery of governmental services? The raw water conveyance system has adequate capacity to allow service to the proposed property.
3. What governmental services, if any, will be enhanced or reduced by the change of organization? An increase in water availability that could support fire risk mitigation.
4. What terms or conditions, if any, are proposed for this project?
 - a. The annexing territory shall be subject to SFWPA's Rules and Regulations, charges made, and assessments levied pursuant to the provisions of the California Water Code to pay for outstanding obligations of SFWPA, and also shall be subject to all assessments, tolls and charges hereafter levied by SFWPA for any district purpose.
 - b. Payment of Butte County and State Board of Equalization fees and charges relating to the annexation process shall be paid by petitioners.
 - c. The fees specified in "b", above, shall be paid in advance to cover the cost of the annexation process. If for any reason the annexation is not completed, Butte County and State of California fees expended will not be reimbursed.
 - d. The annexing territory will be entitled to irrigation water service from SFWPA. Such service will be subject to the Rules and Regulations of SFWPA regulating that type of service and payment of tolls and charges established by SFWPA for such service.
 - e. Petitioners shall, at their expense, provide all pumping and conduit facilities meeting SFWPA's standards required to obtain such water from the nearest SFWPA source of continuous supply that, in the opinion of the General Manager of SFWPA, has adequate capacity in addition to capacity required to supply existing services therefrom, and to carry such water to the land of petitioners, described herein.
 - f. All facilities up to and including the water measurement shall be the property of SFWPA.

B. Land Use

1. How many acres are proposed for annexation? 20.65
2. What is the current General Plan RR and zoning RR-5 designations on the affected parcels?
3. What is the current General Plan RR and zoning RR-5 designations on adjoining parcels?
4. What are the General Plan designation RR, pre-zoning RR-5, and future use of the affected parcels?
5. Describe the existing land use on the subject parcels. Occupied dwelling with a well.
6. What is the estimated population number and density of the proposed annexation area? 2
7. Describe any significant land use issues that will result from the annexation area currently or in the future. None
8. Describe the topography of the subject area. Rolling Hillside
9. Describe any concurrent land use applications. None

C. Infrastructure and Public Services

1. How is storm water drainage managed on and adjacent to the proposed annexation area? The parcel is located in the unincorporated area of Butte County.
2. How is public access provided to the proposed annexation area? Public access via county road (Dunstone)
3. How will the proposal impact regional circulation/transportation plans? No impact

4. Discuss how the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element. The proposed annexation is for the purpose of supplying raw water irrigation service to the existing parcel. The "receiving entity" (SFWPA) is an enterprise special district and does not have a General Housing Element.
5. Provide documentation that indicates adequate domestic water supplies for projected uses of the annexation area are available. SFWPA hereby affirms that it has adequate raw-water supply to provide irrigation service to the existing parcel.
6. How will the annexation improve or hinder organized community services? The proposed annexation will improve water availability for community services specific to fire suppression.
7. How will the annexation result in an improvement in social and economic integration of the annexation area? The proposed annexation will allow the annexed parcel to receive raw water service which will increase the value of the property.

8. Please complete the following table of service providers:

<i>Service</i>	<i>Presently Provided By</i>	<i>Proposed Provider</i>
Fire Protection	<u>Cal Fire/BCFD</u>	<u>Same</u>
Police Protection	<u>Butte County Sheriff</u>	<u>Same</u>
Domestic Water Service	<u>N/A</u>	<u>N/A</u>
Agricultural Water Service	<u>N/A</u>	<u>South Feather Water & Power Agency</u>
Sewer Service	<u>N/A</u>	<u>N/A</u>
Solid Waste	<u>N/A</u>	<u>N/A</u>
Road/Street Maintenance	<u>Butte County Public Works</u>	<u>Same</u>
Power	<u>PG&E</u>	<u>Same</u>
Street Lighting	<u>N/A</u>	<u>N/A</u>
Planning & Zoning	<u>Butte County</u>	<u>Same</u>
Schools	<u>Oroville Elementary School District and Oroville Union High School District</u>	<u>Same</u>

D. Significant Issues

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed annexation area. The parcel is a developed single family dwelling with no unique issues.
2. Describe any unique or special communities of interest such as day care providers or neighborhood associations that characterize the proposed annexation area. None

E. Intergovernmental Coordination

1. Identify governmental agencies that overlay the proposed annexation area, such as special districts, County supervisorial districts, county service areas, maintenance districts, others. County Supervisor District 1; SFWPA Division 1; Oroville Cemetery District; CSA 164- Animal Control; Butte County Mosquito and Vector Control District.
2. Has the proposal been circulated to all affected local agencies? Yes No
3. Attach any responses/comments that have been received from the affected agencies listed.
4. What functions of identified agencies will be duplicated as a result of the annexation?
None
5. Are there any conditions requested by affected government agencies that will substantially affect or impact the annexation area? Yes No (please describe) _____
6. Are there any existing Contractual Agreements between the landowners and the city or district for the provision of services such as sewer or water service? Yes No (please describe)

F. Environmental Determination

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA).

Categorical Exemption Negative Declaration (with mitigations)
 Environmental Impact Report Other, please specify _____

Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as "LAFCO Exhibit 4."

2. Was the environmental documentation (Notice of Intent/Notice of Preparation) circulated to the Butte Local Agency Formation Commission prior to adoption by the Lead Agency? Yes No (If no, please explain why.) A Notice of Intent/Preparation is not required for General Exemption. A Notice of Exemption will be filed upon approval of the project.
3. Attach comments received from LAFCO, if any.

G. Fiscal Issues

1. Does the Resolution of Application from the lead agency include documentation that the agency is in agreement with a standing Master Tax Exchange Agreement, has negotiated a tax exchange agreement, or has made a determination that the proposal is revenue neutral? Yes No (please describe)

2. If this application is by petition, provide documentation of applicants' request that the affected agencies initiate tax exchange agreements, included as "LAFCO Exhibit 5."
3. To what extent will residents or landowners within the subject area be liable for any existing indebtedness of the city or district accepting the annexation? South Feather Water and Power Agency is an enterprise special district and requires payment of fees and charges in exchange for water service. Applicants will pay the standard water service rate levied by South Feather Water and Power. The expenses to physically install necessary services and appurtenances will be the water-service applicant's responsibility.
4. Upon annexation, will the territory be included within any assessment district and be subject to assessment for the new or extended services? Yes No (please describe)

H. Support or Protest

1. Provide a list or table labeled **“LAFCO Exhibit 6”** of all affected property owners within the proposed annexation area that includes (*Note: A sample table is provided as LAFCO Form L-2*):

For an uninhabited annexation proposal (less than 12 registered voters):

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response; and
- ❖ Assessed land value as determined by the County Assessor.

For an inhabited annexation proposal (more than 12 registered voters) also include:

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response;
- ❖ Assessed land value as determined by the County Assessor; and
- ❖ Number and names of Registered Voters at each site address.

I. Public Notice Requirements

1. Provide a mailing list of all property owners AND/OR registered voters (depending on type of annexation) located within the area to be annexed AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be annexed. These mailing lists must be extracted from the most recent assessment rolls and registered voter rolls prepared by the County at the time the local agency adopts a resolution of application. Mailing lists shall be submitted with the application as **“LAFCO Exhibit 7.”** The mailing list shall also be submitted in electronic format compatible with WordPerfect or Microsoft Word. The mailing list shall include:

- ❖ The property owners and/or registered voters name residing at address;
- ❖ Mailing address and situs address;
- ❖ The Assessor’s Parcel Number; and
- ❖ Mailing labels.

The LAFCO Application is intended to provide the Commission with all relevant data in order to make an informed decision. LAFCO staff will review each application for completeness within 30 days of submittal and inform the applicant in writing of any deficiencies or additional information required.

REQUIRED LAFCO EXHIBITS

- LAFCO Exhibit 1:** Certified copies of the Resolution of Application or Petition for Change of Organization.
- LAFCO Exhibit 2:** Boundary map of annexation area.
- LAFCO Exhibit 3:** Legal description of proposed annexation area.
- LAFCO Exhibit 4:** Copies of the complete environmental documentation.
- LAFCO Exhibit 5:** Tax Exchange Agreement.
- LAFCO Exhibit 6:** List of all affected property owners and/or registered voters.
- LAFCO Exhibit 7:** Public Notice requirements mailing list.

LAFCO Form "L-1"
**Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000**

The undersigned hereby petition(s) the Local Agency Formation Commission of Butte County for approval of a proposed change of organization or reorganization, and stipulate as follows:

- 1) This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
- 2) The specific change(s) of organization proposed (i.e., annexation to, detachment from, reorganization, etc.) is (are):
- 3) The boundaries of the territory included in the proposal are as described in Exhibit _____ attached hereto and by this reference incorporated herein.
- 4) This proposal is/is not (circle one) consistent with the sphere(s) of influence of the affected city and/or district(s). If the proposal is not consistent, a Sphere of Influence Amendment must be requested.
- 5) The reasons for the proposal (annexation, detachment, etc.) are:
- 6) The proposed change of organization or reorganization is requested to be made subject to the following terms and conditions:
- 7) The persons signing this petition have signed as: _____ registered voters _____ owners of land.
- 8) Do the petitioners include all landowners within the territory included within the proposal? ___yes ___no
- 9) If the formation of a new district is included in the proposal:
 - a) The principal act under which the district is proposed to be formed is: _____.
 - b) The proposed name of the new district is: _____.
 - c) The boundaries of the proposed new district are described in Exhibit _____ heretofore incorporated herein.
- 10) If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is _____.
11. Butte LAFCO policies allow an application by petition only when the applicant provides satisfactory evidence that a diligent effort has been made to obtain a Resolution of Application from the affected public agency. Please indicate what effort was made to obtain such consent and the reasons why the public agency did not act on the applicant's request?

Wherefore, petitioners request that proceedings be taken in accordance with the provisions of '56000 et seq., of the California Government Code, and herewith affix signatures of the Chief petitioners (not to exceed three) as follows:

Date	Signature	Printed Name	Residence Address	Assessor's Parcel #
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

LAFCO Form "L-2"

<p align="center">Exhibit "B" Uninhabited Proposal Ownership List Project Name</p>								
APN	NAME (mailing)	ADDRESS (situs)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals			\$29,799.00	0.28	2			

<p align="center">Exhibit "B" Inhabited Proposal Ownership List Project Name</p>									
APN	NAME (mailing)	ADDRESS (situs)	REGISTERED VOTER NAME(S) (If other than owner)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	John Voter 1 Jonna Voter 2	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals				\$29,799.00	0.28	2			

KEY:

- APN: Assessor's Parcel Number. Can be obtained from the Butte County Assessor's Office.
- NAME: The legal landowner and mailing address. This may differ from Situs Address if parcel is not owner occupied.
- ADDRESS: The actual physical site address of an individual parcel. May differ from Mailing Address if not owner occupied.
- REGISTERED VOTER NAME(S): The name or names of all registered voters registered at the situs address.
- ALV: Assessed Land Value. This is the official land value assessment established by the Butte County Assessor's Office.
- Acres: The actual size of the affected parcel.
- RV: Registered Voters. This is the number of registered voters associated with the situs address. Can be obtained from the Butte County Registrar of Voters. NOTE: Registered voter information will ONLY be released to representatives of the affected agency, not the general public.
- TRA: Tax Rate Area. This is a number assigned to each parcel by the State Board of Equalization for taxation purposes. Can be obtained from LAFCO or the Butte County Assessor's Office.
- ZONE: The land use designation (zoning) established by the governing agency.
- Y/N: Yes/No. This reflects the landowners' position on the application. May be left blank if no indication from landowner is available.

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: South Feather Water and Power Agency
2310 Oro-Quincy Highway
Oroville, CA 95966

County Clerk
County of Butte
25 County Center Drive
Oroville, CA 95965-3375

Project Title: Dunstone Road. Parcel Annexation into South Feather Water and Power Agency

Project Location - Specific:

Refer to Figure 1: The project is located south of the City of Oroville in an unincorporated area of Butte County, CA.

Project Location - City: South East Oroville **Project Location - County:** Butte

Description of Nature, Purpose, and Beneficiaries of Project:

The project applicant is requesting annexation into the South Feather Water and Power Agency. The inhabited rural residential parcel intersects with Foothill Blvd. and Mission Olive Rd.

Name of Public Agency Approving Project: South Feather Water and Power Agency

Name of Person or Agency Carrying Out Project: Edward Bird and Lisa Stone

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3) 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption (type and section number); 15319 (b) -Annexations of Existing Facilities and Lots for Exempt Facilities
- Statutory Exemption (state code number): _____

Reason why project is exempt:

The project is the annexation of an individual parcel to a district containing existing public facilities that have been developed to the allowed density under the current zoning. The existing facility has the capacity to serve the existing rural residential parcel.

Lead Agency

Contact: Rath Moseley, General Manager **Phone:** (530) 533-2412

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ **Title:** _____ **Date:** _____

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____



SOUTH FEATHER WATER & POWER AGENCY

LAFCO EXHIBIT 1 RESOLUTION OF THE BOARD OF DIRECTORS

Resolution 21-07-07

**Application by the South Feather Water & Power Agency
Requesting the Local Agency Formation Commission to
Take Proceedings for the Annexation of Territory into the Agency**

Dunstone Rd. ANNEXATION #3-21 (Bird/Stone)

WHEREAS, the Board of Directors of the South Feather Water and Power Agency desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, commencing with §56000 of the California Government Code, for the annexation of the territory hereinafter described; and,

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and subject agency; and,

WHEREAS, the territory proposed to be annexed is inhabited and its owners support the annexation proposal;

WHEREAS, a description of the boundaries of the territory proposed to be annexed is set forth in Exhibit 3 of the LAFCo Application Form for the subject annexation, attached hereto and by this reference incorporated herein; and,

WHEREAS, this proposal is consistent with the sphere of influence of South Feather Water and Power Agency; and,

WHEREAS, the proposed annexation is consistent with the Butte County General Plan applicable to this property; and,

WHEREAS, the annexation is proposed for the purpose of allowing South Feather Water and Power Agency to raw (irrigation) water to the annexing territory when available; and,

WHEREAS, this Board of Directors acknowledges that, in accordance with Section 99, Subsection B, Paragraph 8, Subpart (d) of the Revenue and Taxation Code, the Master Property Tax Exchange Agreement that exists between South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District) and the County of Butte applies to this proposed annexation; and,

WHEREAS, this Board of Directors finds that, in accordance with said Master Property Tax Exchange Agreement with Butte County, this change of organization will be revenue neutral to all affected agencies; and,

WHEREAS, this Board of Directors acknowledges that South Feather Water and Power Agency is responsible for Butte LAFCo's expenses for staff services and materials associated with the processing of this annexation

application and agrees to pay, prior to the filing of the Certificate of Completion or within 30 days of receipt of invoice, all required fees and to reimburse Butte LAFCo for the cost of its services that exceed the initial deposit; and,

NOW, THEREFORE, BE IT RESOLVED that this project is exempt from the California Environmental Quality Act in accordance with the general rule contained in Title 14 CCR, §15061(b)(3).

BE IT FURTHER RESOLVED that this Resolution of Application is hereby adopted and approved by the Board of Directors of the South Feather Water and Power Agency, and the Local Agency Formation Commission of Butte County is hereby requested to take proceedings for the annexation of territory as described in LAFCo Exhibit 3, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985 (rev. 1994).

BE IT FURTHER RESOLVED that the Local Agency Formation Commission be requested to make this change of organization subject to the conditions specified in the Statement of Justification, set forth in Section A.4 of the LAFCo Standard Application Form for the subject annexation, by this reference incorporated herein.

BE IT FURTHER RESOLVED that the General Manager shall file a Notice of Exemption from CEQA with the County Clerk for this project.

PASSED AND ADOPTED by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27th day of July 2021, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Rick Wulbern, President

(seal)

Rath T. Moseley, Secretary

SECRETARY'S CERTIFICATE

RATH T. MOSELEY, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 27th day of July 2021, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

July 27, 2021

Date

Rath T. Moseley, Secretary
Board of Directors, South Feather Water and Power Agency

(seal)



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Jaymie Perrin, Environmental Health & Safety Manager

DATE: July 21st, 2021

RE: Business Item – Proposed Changes to Bulk Service Section of Agency Rules and Regulations

Staff is requesting that the board consider adopting the proposed changes (tracked in red) to the Bulk Service section of the Agency's Rules and Regulations. As discussed in previous staff reports, the district continues to see a significant amount of activity around fire hydrants and the fill station(s), predominantly the bulk fill station at 2310 Oro-Quincy Highway. While the agency believes this water is being used for a variety of reasons, it is our responsibility to ensure the water remains in our service area and that consumption reporting remains as accurate as possible.

Making changes to this section is crucial to manage the current demand and continuing to maintain our commitment to Cal Fire and the members of this community that in the event of a fire, the infrastructure will operate as it is intended too. In addition, to maintain the infrastructure the district must also sustain the proper recordkeeping that is needed to support our requirements with the State Water Resources Control Board.

“I move approval to adopt the proposed changes to the Bulk Service Section within the Agency’s Rules and Regulations.”

Prior to physically connecting any domestic service to the water system, payment of the Agency’s System Capacity Charge and any other outstanding fees or charges affecting the property to be served shall be made. For projects of more than ten ½”-meter service connections (or larger service connections of comparable potential cumulative consumption), payment of the System Capacity Charge may be required by the General Manager prior to approval of the service application if he/she determines that the funds may be needed for expansion of treatment plant capacity to ensure adequate service for the project.²⁰

Section 5 - Public Fire Hydrants

A fire hydrant can be installed, relocated, or removed when the following requirements have been met:

1. A written application for the installation, relocation, or removal has been received by the Agency;
2. The hydrant site has been approved by the responsible public agency.

Fire hydrants installed under the preceding provisions shall belong to the Agency. Fire hydrants shall be installed, relocated or removed by the Agency at the expense of the applicant.

Section 6 - Non-standard Service²¹

Under certain conditions, the Agency may grant a service classified as ‘non-standard’ which generally falls within the following classifications:

A. Temporary Building-Construction Service

The Agency may grant a temporary building-construction service for the purpose of providing water to building construction sites prior to their completion and occupancy. Temporary building-construction service may only be provided after a service line, meter set, and approved backflow device have been installed in accordance with these Rules and Regulations for the parcel upon which the building is to be constructed. Water for this service will be billed a flat-rate plus volumetric fees as specified under “Fees & Charges” in Part D, herein. The account will be billed the monthly backflow maintenance charges per the device size specified in Part D “Backflow Maintenance Charges” while the account is active²². The maximum time for a temporary building-construction service shall be nine (9) months.

An application for temporary building-construction service must be submitted on an Agency service-application form and approved before service is initiated.

B. Bulk Service

The ~~Agency~~ district may provide bulk-water service from its ~~reservoirs, open ditches/canals, Agency~~ district filling stations, or through fire hydrants for ~~potable water~~ haulage and/or construction purposes. ~~An application for bulk water service must be submitted on a Agency application form and approved before service is initiated. Bulk raw water customers may only draft water at Agency facilities from locations for which prior approval by Agency personnel has been received.~~

~~Prior to utilizing the district’s bulk water service, the customer should will register with the agency district in one of three ways and must provide the following information to remain eligible for agency district supplied bulk service:~~

1. DISTRICT APPROVED WATER HAULERS USING DISTRICT FILLING STATIONS:

- a. Ability to pull from ~~agency~~ district fill station(s)
- b. Classified as either hauling potable water (as defined by California Department of Public Health) in the ~~agency’s~~ district’s service area or having a valid permit with the ~~agency~~ district to deliver water within the ~~agency’s~~ district’s service area

20 Paragraph amended 6/26/01

21 Section amended 11/27/01

22 Sentence added 04/27/21

- c. Requested information / Requirements:
 - i. Create an account with SFWPA
 - ii. Proof of liability insurance (\$1,000,000 coverage)
 - iii. Provide proof of potable water certification (When applicable)
 - iv. Complete SFWPA's Bulk Fill Information Slip each time they fill-up at 2310 Oro-Quincy location
 - v. Maintain records of delivery/usage, Including: Name of delivery contact, date of delivery, quantity of water delivered, address of delivery location, vehicle information (make, model, and license plate number). This information must be turned in on a monthly basis to ensure water is remaining in the district's service area
 - vi. \$1,000 deposit
 - vii. All trucks are subject to an annual inspection or as often as the ~~agency~~ district deems necessary

2. CONSTRUCTION METERS:

- a. Ability to pull from ~~agency selected~~ district approved fire hydrants in its service area.
- b. Permits are only valid with the use of an ~~agency~~ district issued hydrant meter
- c. Construction meter permit is available in 1, 3, or 6 month increments (Each project/job site requires its own permit)
- d. Requested Information / Requirements:
 - i. \$2,500 deposit required
 - ii. \$69 flat rate fee per month of use (1,3, or 6 month increment); This amount will be pre-paid at time of permit and district meter issuance
 - iii. Consumption charges will be calculated and charged at the time of permit expiration (Consumption will be based on subtracting the meter reading at time of expiration from the meter reading obtained at time of issuance)
 - iv. Proof of Liability Insurance (\$1,000,000 coverage)
 - v. Must provide copy of contract to the agency and job address must be in the agency service boundaries (Only available for certain purposes: dust control, road work, fire suppression, etc.)
 - vi. Acknowledgement that the person's name / company name on file will be subject to a \$1,000 fine for pulling from unauthorized hydrant or not using provided hydrant meter (See Agency Water Theft Policy)

3. SPECIAL USE PERMIT:

- a. Ability to pull from district filling station(s) based on below requirements / validation process
- b. Permits are issued per parcel and are valid for three (3) months
- c. Permits allow for one (1) trip per day, per parcel for up to 2,000 gallons
- d. Requested Information / Requirements:
 - i. Proof of Property / Parcel Ownership in SFWPA's service area (Original, Annexed, Railroad Commission)
 - ii. Proof of potable water source via utility billing or well permit
 - iii. Delivery address must match address on proof of insurance, Driver's License, and Vehicle Registration provided on bulk water fill slip
 - iv. Customer provides a statement of use and acknowledges that a field inspection can be completed by an employee of the district
 - v. Customer acknowledges that their fill slips can be included in a Public Records Act Request (Including Law Enforcement and/or all government agencies)

Bulk potable-water customers who do not utilize Agency filling stations may only draft water from fire hydrants with a valid construction meter permit; may only draft water through an ~~agency provided~~ approved bulk-service meter appropriately attached to the fire hydrant; and, may only draft water with an approved backflow-protection assembly in place. Before drafting water, bulk potable-water customers will advise the Agency by telephone (530-533-4578) of the location(s) of the fire hydrant(s) they will be using.

1. Meter Deposit – Before being issued a bulk-service meter, applicants will deposit with the Agency an amount equal to the cost of the meter being issued (see Part D, “Fees & Charges”). This deposit will be refunded to the applicant when the meter is returned in good condition (as verified by qualified Agency personnel). If the meter is damaged at the time it is returned, the cost of repairs will be deducted from the deposit before the balance is refunded to the applicant.
2. Backflow Protection – Before being issued a bulk-service meter, qualified Agency personnel will inspect all trucks or containers into which applicant or his/her agents will be drafting potable water to ensure they are equipped with appropriate backflow-protection assemblies. Trucks or containers must be inspected for appropriate backflow-protection assemblies on an annual basis **at minimum and/or as the agency deems appropriate**. Acceptable types of backflow protection required to protect the Agency’s water supply are double-check-valve (DC) assemblies, reduced-pressure-principle (RP) assemblies, and air-gap separation devices. If a DC or RP assembly is used, it must be installed as close to the bulk-service meter as is practical. When an air-gap device is used, the water inlet piping shall terminate a distance of at least two and one-half (2½) pipe diameters of the inlet, but in no case less than one (1) inch, above the overflow rim of the receiving vessel. The applicant will pay an inspection fee (see Part D, “Fees & Charges”) for each truck or container that requires a backflow-protection inspection.
3. Fees & Charges
 - a. Bulk potable-water customers shall be billed on a monthly basis on a volume-of-usage basis in addition to a monthly service charge (see Part D, “Fees & Charges”). A minimum monthly charge for ten (10) units (7,480 gallons) of water will be assessed. The bulk potable-water customer is responsible for calling the Agency office (530-533-4578) before the end of each month and reporting their meter’s current reading. Agency personnel may periodically check a meter’s reading when they come upon a bulk-service customer drafting water.
 - b. Bulk raw-water customers shall be billed on a monthly basis on a per-load basis (see Part D, “Fees & Charges”). The bulk raw-water customer is responsible for calling the Agency office (530-533-4578) before the end of each month to report the number of loads they have taken.
 - c. Filling-station customers shall pay in advance for each load they receive (see Part D, “Fees & Charges”).
4. Delinquent Accounts – Bulk potable-water customers who fail to report their meter’s reading for more than sixty (60) days, or whose bill remains unpaid for more than sixty (60) days, will no longer be permitted to draft water from any SFWPA facility. Any attempt by the customer or his/her agents to draft water thereafter will be considered theft and will be reported to the appropriate law enforcement agency. Bulk raw-water customers may be denied service if it is determined that they fail to report, **report less than the total number of loads taken, or report inaccurate delivery address(es)**.
5. Damaged Meters – Bulk potable-water customers will be assessed the actual cost to repair damaged meters. The minimum assessment will be as shown in Part D, “Fees & Charges”. A customer’s bulk-service privilege may be revoked if his/her meter is repeatedly damaged.

Section 7 - Low Pressure Service

An applicant for water service cannot be assured of a supply of adequate pressure where the meter(s) serving the premises will be located at an elevation of less than 100 feet below the overflow level of the reservoir providing such service. As heretofore stated in these Regulations, such premises are not entitled to a main extension resulting in low pressure conditions. However, a Low Pressure Service (or a water main extension resulting in low pressure conditions) may be granted for premises located at such elevations if all of the following conditions exist:

1. The Agency has determined that a standard, gravity-type distribution system to provide the premises with adequate pressure is neither presently feasible nor contemplated within the foreseeable future.



SOUTH FEATHER WATER & POWER

TO: Board of Directors

FROM: Art Martinez, Manager of Information Systems

DATE: July 21, 2021

**RE: Delinquent Accounts to be Added to 2021-2022 Taxes
Agenda Item for 7/27/21 Board of Directors Meeting**

Once a year Butte County allows this agency to place unresolved debts to the Butte County tax roll as a means of debt collection. This year South Feather has chosen to add not only suspended delinquent accounts but also active accounts. Due to the Governor's moratorium on disconnecting potable water we have experienced a large number of accounts that have stopped paying their water bill. Some accounts have not made a payment in over a year.

Although we have made every effort to contact the responsible parties we currently have 40 accounts which have not responded by the deadline. Seven of the accounts have been terminated within the last year and for most no communication has been received regarding these accounts. These unresolved accounts usually result from a change in the ownership status of the property; death of the owners and unresolved distribution of the estate; abandonment of the residence; ongoing lawsuits; etc. This agency has made every attempt to contact the owners on file and the owners listed with the county. All of the accounts have continued to receive monthly statements and a letter notifying them of this process.

As a public agency, South Feather Water and Power Agency (SFWPA) is able to collect delinquent accounts by placing them on the Butte County tax rolls. The cost for this service, levied by the Tax Collector, is 30¢ per parcel, for a total this year of \$12.00.

Attached is a list of the 40 accounts and their individual total delinquencies. Through the diligent efforts of our office staff this agency was able to collect all but \$15,983.74 of our delinquencies this year through routine collection procedures.

The recommended form of action is:

"I move adoption of Resolution 21-7-1, authorizing 40 accounts, for a total of \$15,983.74 including fees, be added to the 2021-2022 Butte County tax roll."



SOUTH FEATHER WATER & POWER AGENCY

Resolution No. 21-7-1

WHEREAS, the Board of Directors of the South Feather Water and Power Agency acknowledges the Agreement entered into in 1990 between Butte County and South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District) providing for the collection and distribution of special assessments by Butte County for and on behalf of the Agency; and,

WHEREAS, the County of Butte has tendered a form of Agreement for the provision of such services to the Agency at a cost of 30¢ per parcel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Feather Water and Power Agency that the schedule of delinquent accounts attached hereto as Exhibit A, be collected by the Butte County Tax Collector and submitted to the Agency for the year 2021-2022; and,

BE IT FURTHER RESOLVED that the Butte County Auditor-Controller, per the consolidation schedule of prior charges submitted, be authorized to add these charges to the Butte County Tax Rolls for the year 2021-2022 under the appropriate heading "SFWPA Prior Charges," such consolidation schedule consisting of delinquent accounts as aforementioned. It is understood that the property deeded by the Agency or by Butte County is not included in this schedule submitted because the County will not include these parcels on their active roll. Such delinquent accounts shall be payable in two installments under and pursuant to the provisions of §25806(a)(1) of the Water Code of the State of California and is without regard to property valuation.

PASSED AND ADOPTED by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27th day of July 2021 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

(seal)

Rick Wulbern, President

Rath Moseley, Secretary

South Feather Water and Power Agency

Exhibit A - Delinquent Accounts

APN		
026-020-027	Suspended	\$ 317.52
026-113-019	Active	\$ 373.84
027-030-007	Suspended	\$ 1,374.28
027-040-038	Suspended	\$ 237.50
027-100-041	Suspended	\$ 470.52
028-110-025	Active	\$ 368.04
028-240-007	Active	\$ 754.84
033-160-028	Active	\$ 572.66
033-380-007	Active	\$ 764.48
033-420-010	Active	\$ 205.46
033-430-026	Active	\$ 173.44
033-452-008	Active	\$ 420.70
033-452-014	Active	\$ 377.62
033-452-015	Active	\$ 250.94
033-452-030	Active	\$ 549.68
068-320-017	Active	\$ 212.04
069-100-062	Active	\$ 406.00
069-140-009	Active	\$ 250.64
069-140-019	Active	\$ 444.12
069-140-049	Active	\$ 587.18
069-230-023	Active	\$ 298.38
069-400-046	Active	\$ 743.22
069-400-119	Active	\$ 287.04
069-430-020	Active	\$ 287.74
069-480-002	Active	\$ 249.56
069-480-021	Active	\$ 1,071.56
069-510-027	Active	\$ 243.22
072-100-006	Suspended	\$ 145.10
072-111-039	Suspended	\$ 425.70
072-150-006	Suspended	\$ 71.80
072-410-013	Active	\$ 87.62
078-120-024	Active	\$ 187.64
078-280-064	Active	\$ 542.70
078-290-016	Active	\$ 390.18
078-380-015	Active	\$ 344.34
078-380-036	Active	\$ 395.96
079-010-039	Active	\$ 166.52
079-070-008	Active	\$ 148.84
079-300-014	Active	\$ 420.14
079-300-029	Active	\$ 364.98
		\$ 15,983.74



SOUTH FEATHER WATER & POWER AGENCY

TO: Board of Directors

FROM: Jaymie Perrin, Environmental Health & Safety Manager

DATE: June 16th, 2021

RE: Business Item – Board Adoption of Water Theft / Unauthorized Use of Water Services or Fire Hydrants (Policy # 112)

Staff is requesting that the board consider adopting the proposed Water Theft / Unauthorized Use of Water Service or Fire Hydrants Policy # 112. Like many districts in California, SFWPA has seen and been made aware of a significant increase in water theft in the recent months. With drought conditions adding additional stress to many, staff believes this policy is needed to ensure it is doing its part to minimize water theft / unauthorized use. These efforts coincide the district's responsibility to report accurate water consumption and ensure that the water remains in our state approved service boundaries.

In addition to this policy, staff has had contact with the Butte County Sheriff's Office, California Highway Patrol, and Cal Fire to discuss topics ranging from identifying priority locations, ability to pursue punitive damages, and locking mechanisms that do not hinder the intended purpose and access for first responders and/or firefighting efforts.

In today's meeting, it is also being recommended that the Bulk Water Service portion of the district's Rules and Regulations be updated to support the challenges associated with district bulk fill station(s) and district issued construction meters. Staff believes these policies should interlock with one another to ensure that policy adjustment does not create an alternative option for unauthorized water use.

"I move adoption of Resolution 21-18-07, approving to adopt the Water Theft / Unauthorized Use of Water Services or Fire Hydrants (Policy # 112) and add to the SFWPA Manual of General Policies."

South Feather Water and Power Agency

Water Theft Policy / Unauthorized Use of Water Services or Fire Hydrants

Policy # 112

In accordance with California Penal Code Sections 498, tampering with any water service or fire hydrant for the unauthorized use of water, or for any other reason, is a misdemeanor. Penal Codes 624 and 625 also acknowledge that unpermitted water draws or the intent to fraud the agency is also categorized as a misdemeanor in the lowest consequence. Described actions are punishable include, but are not limited to; imprisonment in the local county jail, a financial penalty, or both. This policy allows the agency to pursue prosecution to the fullest extent of the law.

- 1) If complaints are found to be valid or if water theft is discovered, the staff of South Feather Water and Power Agency will investigate and file a report of findings to the agency's management so a report can be filed with the Butte County Sheriff's office. Any and all devices used in the activity of illegal water theft will be confiscated.
- 2) Once the agency management has received the report findings regarding the illegal water theft, personnel will evaluate if any additional infrastructure damage (including the right-of-way) resulted in the theft and/or tampering of an agency-owned water service or fire hydrant.
- 3) Penalties for tampering with and/or damaging a water service or fire hydrant will be assessed as follows:

a. First Violation	\$250.00
b. Second Violation	\$500.00
c. Third and Subsequent Violation	\$1,000.00
- 4) In addition to the fines listed above, the offender will be charged for the water documented during the theft/tampering incident. This amount will be no less than the industrial rate of the water taken from the agency's distribution system.
- 5) In the event that the offender does not pay the financial penalties, the agency will use any and all means necessary to collect, including: filing a lien against real property.
- 6) This policy allows the district pursue criminal charges where warranted, in addition to the fines stated above. The fines must be paid within 30 days of the citation date.

CITED CODE REFERENCE:

Penal Code 498:

(a) The following definitions govern the construction of this section:

(1) "Person" means any individual, or any partnership, firm, association, corporation, limited liability company, or other legal entity.

(2) "Utility" means any electrical, gas, or water corporation as those terms are defined in the Public Utilities Code, and electrical, gas, or water systems operated by any political subdivision.

(3) "Customer" means the person in whose name utility service is provided.

(4) "Utility service" means the provision of electricity, gas, water, or any other service provided by the utility for compensation.

(5) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility.

(6) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing a normal or customary function.

(7) "Reconnection" means the reconnection of utility service by a customer or other person after service has been lawfully disconnected by the utility.

(b) Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge therefor, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following shall be guilty of a misdemeanor:

(1) Diverts or causes to be diverted utility services, by any means.

(2) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.

(3) Tampers with any property owned by or used by the utility to provide utility services.

(4) Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization or consent of the utility.

(5) Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility.

(c) In any prosecution under this section, the presence of any of the following objects, circumstances, or conditions on premises controlled by the customer or by the person using or receiving the direct benefit of all or a portion of utility services obtained in violation of this section shall permit an inference that the customer or person intended to and did violate this section:

(1) Any instrument, apparatus, or device primarily designed to be used to obtain utility services without paying the full lawful charge therefor.

(2) Any meter that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of utility services.

(d) If the value of all utility services obtained in violation of this section totals more than nine hundred fifty dollars (\$950) or if the defendant has previously been convicted of an offense under this section or any former section which would be an offense under this section, or of an offense under the laws of another state or of the United States which would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in a county jail for not more than one year, or in the state prison.

(e) This section shall not be construed to preclude the applicability of any other provision of the criminal law of this state.

PENAL CODE 624:

Every person who wilfully breaks, digs up, obstructs, or injures any pipe or main for conducting water, or any works erected for supplying buildings with water, or any appurtenances or appendages connected thereto, is guilty of a misdemeanor.

PENAL CODE 625:

Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any stopcock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

CIVIL CODE SECTION 1882:

Unless the context requires otherwise, the following definitions govern the construction of this title:

- (a) "Customer" means the person in whose name a utility service is provided.
- (b) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility.
- (c) "Person" means any individual, a partnership, firm, association, limited liability company, or corporation.
- (d) "Reconnection" means the commencement of utility service to a customer or other person after service has been lawfully discontinued by the utility.
- (e) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise to prevent from performing normal or customary function.
- (f) "Utility" means any electrical, gas, or water corporation as those terms are defined in the Public Utilities Code and includes any electrical, gas, or water system operated by any public agency.
- (g) "Utility service" means the provision of electricity, gas, water, or any other service or commodity furnished by the utility for compensation.



SOUTH FEATHER WATER & POWER AGENCY

RESOLUTION OF THE BOARD OF DIRECTORS

Resolution 21-18-07

RESOLUTION BY THE BOARD OF DIRECTORS OF THE SOUTH FEATHER WATER AND POWER AGENCY TO ADOPT AND IMPLEMENT THE WATER THEFT / UNAUTHORIZED USE OF WATER SERVICES OR FIRE HYDRANTS POLICY (POLICY # 112)

WHEREAS, South Feather Water and Power Agency recognizes the need within our service area to enforce and cite all activities associated with water theft and tampering of agency water infrastructure as described in California Penal Codes 498, 624, 625 and Civil Code Section 1882; and

WHEREAS, through the Water Theft / Unauthorized Use of Water Services or Fire Hydrants Policy, the agency can pursue penalties and/or prosecute to the fullest extent of the law under all current and future federal, state, and county laws, codes, and ordinances pertaining to water theft and water infrastructure tampering; and

WHEREAS, Penal Code 498 prohibits the theft of utility services, including water; and

WHEREAS, Penal Code 624 prohibits any person from willfully damaging, tampering with, or digging up water pipes or waterworks; and

WHEREAS, Penal Code 625 prohibits any person who possesses or displays the intent to defraud or injury, opens or causes to be opened, or draws water from any disconnected utilities connection after having been notified that the same has been closed or shut for specific cause by any employee of the South Feather Water and Power Agency, and;

WHEREAS, Civil Code Section 1882, authorizes the agency to bring civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following actions:

- a) Diverts, or causes to be diverted, utility services by any means whatsoever;
- b) Creates any connection or reconnection with property owned or operated by the agency without valid consent of the agency
- c) Prevents any utility meter from properly determining the accurate charge for utility services
- d) Tamper or thieves from any agency owned property or equipment
- e) Uses or receives the direct benefit of all, or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, occurred as a result of an unauthorized connection to the utility; and

WHEREAS, the South Feather Water and Power Agency board pursuant to California Government Code section 53069.4, the district may, by ordinance, make the violation of any ordinance enacted by its Board of Directors, subject to a civil administrative fine or penalty; and

WHEREAS, the South Feather Water and Power Agency acknowledges its water supply to be a vital resource, and that it has a responsibility to protect and maintain the infrastructure to sustain a clean source of drinking water to the customers it serves and;

NOW, THEREFORE, BE IT RESOLVED, that the South Feather Water and Power Agency board acknowledges all information listed within this resolution to be accurate and true, and

BE IT FURTHER RESOLVED, South Feather Water and Power Agency board authorizes the implementation of the Water Theft / Unauthorized Use of Water Services or Fire Hydrants Policy with an effective date of July 28th, 2021.

Passed, Approved and Adopted by the Board of Directors of the South Feather Water and Power Agency at the regular meeting of said Board on the 27th day of July 2021, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

(seal)

Rick Wulbern, President

Rath Moseley, Secretary

RATH MOSELEY, certifies that: he is the Secretary of the Board of Directors of the South Feather Water and Power Agency; and that the foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Directors of the South Feather Water and Power Agency at a meeting of said Board duly and regularly held on the 27th day of July, 2021, at which meeting a quorum was present and voted; said resolution has not been rescinded and is in full force and effect.

Date

Rath Moseley, Secretary
Board of Directors, South Feather Water and Power Agency

(seal)



SOUTH FEATHER WATER & POWER AGENCY

TO: Public Recipients of Agenda Information

FROM: Rath Moseley, General Manager

DATE: July 18, 2021

**RE: Real Property Negotiations, and Anticipated and Existing Litigation
Closed Session Agenda Item for 7/27/21 Board of Directors Meeting**

The information provided to directors for this agenda item is not available to the public. The purpose for this item is to give the Board an opportunity to confer with legal counsel about litigation in which the Agency is already involved or is anticipating. The Board is permitted by law (Brown Act) to confidentially discuss information that might prejudice its legal position, to have a confidential and candid discussion about meet-and-confer issues. Such discussions are exempt from the Brown Act's requirement that matters before the Board be discussed in public. Attendance during the closed-session will be limited to directors, together with such support staff and legal counsel as determined necessary by directors for each subject under discussion.