



**REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE TUSCAN WATER DISTRICT**

TUSCAN WATER DISTRICT BOARD MEETING AGENDA

Date: Wednesday, December 18, 2024

Time: 9:00 a.m.

Location:

Chico State University Farm
311 Nicholas C Schouten Lane, Room 104
Chico, California 95928

BOARD MEMBERS:

- Rich McGowan, President
- Steve Koehnen, Vice President
- Raymond Antonowich, Secretary
- Andrew Mendonca, Treasurer
- Bill Chance
- Craig Knight
- Brian Mori
- James Paiva
- Todd Turley

NOTES

In compliance with the American with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, to participate in this meeting, please email info@tuscanwaterdistrict.org by Noon on Tuesday prior to this meeting.

Written material related to an item on this agenda that is distributed less than 72 hours prior to this meeting to at least a majority of the members of the legislative body will be available for inspection during the meeting at the Chico State University Farm's entrance gate at 311 Nicholas C Schouten Lane.

Written material distributed during a public meeting will be available for public inspection at the meeting, if prepared by the District or a member of its legislative body, or after the meeting if prepared by some other person. Any materials related to an item on this Agenda are available for public inspection online at <https://www.tuscanwaterdistrict.org/>

TUSCAN WATER DISTRICT BOARD MEETING AGENDA
Wednesday, December 18, 2024

1. TUSCAN WATER DISTRICT (TWD) REGULAR BOARD MEETING

- a. Call to Order and Roll Call.
- b. Pledge of Allegiance.

2. REGULAR AGENDA

- a. Consider the 11/20/24 TWD Board Meeting Minutes.
Requested Action: Approve and/or take appropriate action.
- b. Consider recent invoices.
Requested Action: Approve and/or take appropriate action.
- c. Finance Ad Hoc Committee Report and Review of Draft TWD Policies
Requested Action: Approve policies and/or take appropriate action.

3. COMMUNICATIONS AND REPORTS

- a. General Manager Updates
- b. Board Member Announcements, Reports or Requests for Future Agenda Topics.

4. PUBLIC COMMENT

Members of the public may address the Board at this time on any matter not already listed on the agenda. Comments related to the proposed assessment may be addressed during the public workshop. The Board reserves the right to limit each comment to three minutes per speaker. The Board cannot take any action at this meeting on requests made under this section of the agenda.

ADJOURNMENT

PUBLIC WORKSHOP

Immediately following the conclusion of the Regular Board Meeting, the Board of Directors of the Tuscan Water District will host a **Public Workshop in Room 103** (adjacent to Room 104, estimated start time 9:30 a.m.) to discuss the proposed special benefit assessment under Proposition 218. The workshop is expected to last no more than 60 minutes, depending on public participation.

Workshop Agenda:

- 1. Overview of the Proposition 218 process.
- 2. Explanation of the benefits of the proposed assessment.
- 3. Public Q&A session to address landowner concerns. The Board reserves the right to limit each comment to three minutes per speaker.

The workshop is for informational purposes only; no formal action will be taken.

ITEM 2a – MEETING MINUTES

MINUTES OF THE TUSCAN WATER DISTRICT

Regular Board Meeting of Wednesday, November 20, 2024; 9:00 a.m.

Chico State University Farm, 311 Nicholas C Schouten Lane, Room 104, Chico, CA 95928

MEETING MINUTES

The meeting was called to order at 9:01 a.m.

Item 1 – Roll Call:

- Board members present: Rich McGowan, Steve Koehnen, Brian Mori, Craig Knight, Andrew Mendonca, Todd Turley
- Board members absent: Bill Chance, Jim Paiva, Rayme Antonowich
- Public Present: Joe Hughes, Tovey Giezentanner, Emily Alma, Shannon Costa, Steve Lucas, Valaria Cisneros (BEC), Emily McCabe

Item 2a – Meeting Minutes

- Action Requested: Approve
- Board Comment: None.
- Public Comment: None.
- Board Action: Knight motion. Mori second. 6-0

Item 2b - Finances

- Action Requested: Approve
- Board Comment: Run draft policies (Sponsorship, Conflict, Voluntary Contribution) through Finance Committee for review and recommendation.
- Public Comment: None.
- Action: Turley motion. Mendonca second. 6-0

Item 2c – GSA MOUs

- Action Requested: Review draft language and provide input and/or direction.
- Staff provided a brief overview of the issue. District Counsel explained sections of the MOU.
- Board Comment:
 - Todd – Don’t want LAFCO Condition 18 to get lost – should it be included?
 - Joe – Purpose of MOU is to comply with LAFCO Condition 13. When there is a project, we can further define relationship consistent with Condition 18. At same time, Joe will revise draft MOU language and call it out.
 - Andrew – Any other entities we need MOU with to comply with Condition 13?
 - Response: RCRD, Butte County GSA, and Vina GSA
 - Rich – Section 2(a)(1) should read: “TWD will not perform any services currently provided by RCRD.” The rest should be deleted. That makes it consistent w/ RCRD’s letter. Board agrees.

- Rich – Section 3(b)(3) – delete the word “will” and replace with the word “may”. Board agrees.
- Rich – Section 4 – replace the word “quarterly” with “annually”. Board agrees.
- Todd had a few other technical, non-substantive comments.
- Public Comment:
 - Steve Lucas – The draft provided to the Board complies with LAFCO Condition 13...if you want to amend to incorporate a reference to Condition 18, that’s ok too.
 - Steve Lucas – May be OK with small extension to comply, perhaps up to 6 months.
- Action: Board approves draft language 6-0.

Item 2d – Office Space

- Action requested: Approve letter and authorize Bill Chance to reach out to Colleen.
- Board comment:
 - Rich – co-locating with the BCFB would be ideal. BCFB new office space is in a great location...if the Board is interested, let’s not miss the opportunity to try to make this work.
 - Todd – we need to have space that is professional
- Public comment: Emily Alma – is that the place on 4-corners? Yes.
- Action: Todd Motion, Craig second. 6-0 approve letter, Bill in charge.

Item 3 – Communications and Reports

- Staff provided a brief update on the Prop 218 election process & SGM Grant Projects.
- Todd – should we consider hosting a Public Workshop after our December 18 Regular Board Meeting? Board – yes.
- Emily Alma – 1) Why did DWR refuse to fund Extend Orchard? 2) You may consider a larger space for the Public Workshop. Staff provided context for the DWR response. Staff secured the larger meeting room next door to Room 104 for the Public Workshop on December 18.
- 3c – Board requested Draft Policies at the December 18 Regular Board Meeting
- 3c – Board requested Public Workshop after December 18 Regular Board Meeting

Public Comment: None.

Meeting Adjourned at 10:45 a.m.

**ITEM 2 b
Financial Issues**

YEAR 1 TWD EXPENSE SUMMARY - as of 12-18	Approved Budget	Approved 6/19	Approved 7/17	Approved 8/19	Aproved 10/2		Approved 10/16	Approved 11/20	For Approval 12/18	Billed to Date	Remaining
EXPENSE		15-May	15-Jun	15-Jul	15-Aug	2-Oct	16-Oct	20-Nov	18-Dec	Total	
District Counsel	\$ 50,000.00	\$ 1,350.00	\$ 10,098.50	\$ 480.00	\$ 712.50	\$ -	\$ 1,492.00	\$ 6,914.00	\$ 2,058.50	\$ 23,105.50	\$ 26,894.50
District Staff	\$ 35,000.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ -	\$ 3,500.00	\$ 3,500.00	\$ 24,500.00	\$ 10,500.00
Prop 218											
P&P Engineer	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	\$ 6,782.60	\$ 13,161.00	\$ 8,955.10	\$ -	\$ 31,898.70	\$ 18,101.30
MKE Elections		\$ -	\$ 3,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Contingency											
Website	\$ 15,000.00	\$ 1,700.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,700.00	\$ 10,300.00
LAFCO Deposit for Condition 6(b) MSR		\$ 3,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
TOTALS	\$ 150,000.00	\$ 9,550.00	\$ 16,598.50	\$ 3,980.00	\$ 4,212.50	\$ 10,282.60	\$ 14,653.00	\$ 19,369.10	\$ 5,558.50	\$ 84,204.20	\$ 65,795.80

November 27, 2024

TUSCAN WATER DISTRICT
*****E-MAIL INVOICES*****

Invoice No. 1235928
Client No. 24618
Matter No. 001
Billing Attorney: JDH

INVOICE SUMMARY

For Professional Services Rendered for the Period Ending: November 18, 2024.

RE: TUSCAN WATER DISTRICT
GENERAL BUSINESS

Professional Services	\$ 2,058.50
Costs Advanced	<u> \$.00</u>
TOTAL THIS INVOICE	\$ 2,058.50
Prior Balance	<u> \$ 6,914.00</u>
TOTAL BALANCE DUE	<u> \$ 8,972.50</u>

Invoice No. 1235928

November 27, 2024

PROFESSIONAL SERVICES

Date	Init	Description	Hours	Amount
10/28/24	AND	REVIEWED AND REVISED PROP. 218 BALLOT LANGUAGE; RESEARCHED SAME; E-MAILED J. HUGHES REGARDING SAME.	.80	240.00
10/29/24	JDH	CONFERENCE WITH D. KERNS REGARDING ACREAGE ISSUE.	.40	158.00
11/12/24	JDH	TELEPHONE CONFERENCE WITH T. GIEZENTANNER REGARDING MOU WITH ROCK CREEK RD.	.20	79.00
11/15/24	JDH	REVIEWED AND REVISED DRAFT MOU WITH ROCK CREEK RD; E-MAILED SAME TO T. GIEZENTANNER.	3.50	1,382.50
11/18/24	AND	RESEARCHED PROP. 218 AND APPLICATION THEREOF; RESPONDED TO E-MAIL FROM T. GIEZENTANNER REGARDING SAME.	.40	120.00
11/18/24	JDH	TELEPHONE CONFERENCE WITH T. GIEZENTANNER.	.20	79.00

TOTAL PROFESSIONAL SERVICES \$ 2,058.50

SUMMARY OF PROFESSIONAL SERVICES

Name	Init	Rate	Hours	Total
DOMINGUEZ, ALEX	AND	300.00	1.20	360.00
HUGHES, JOSEPH	JDH	395.00	4.30	1,698.50
Total			5.50	\$ 2,058.50

TOTAL THIS INVOICE \$ 2,058.50

Invoice No. 1235928

November 27, 2024

OUTSTANDING INVOICES

Invoice No.	Date	Invoice Total	Payments Received	Ending Balance
1234436	10/31/24	6,914.00	.00	6,914.00
				PRIOR BALANCE \$ 6,914.00
				Balance Due This Invoice <u>\$ 2,058.50</u>
				TOTAL BALANCE DUE <u>\$ 8,972.50</u>

AGED ACCOUNTS RECEIVABLE

Current - 30	31 - 60	61 - 90	91 - 120	Over 120	Total
\$ 6,914.00	\$.00	\$.00	\$.00	\$.00	\$ 6,914.00

November 27, 2024

TUSCAN WATER DISTRICT
*****E-MAIL INVOICES*****

Invoice No. 1235928
Client No. 24618
Matter No. 001
Billing Attorney: JDH

REMITTANCE

RE: TUSCAN WATER DISTRICT
GENERAL BUSINESS

BALANCE DUE THIS INVOICE	\$ 2,058.50
Prior Balance	<u>\$ 6,914.00</u>
TOTAL BALANCE DUE	<u>\$ 8,972.50</u>

All checks should be made payable to:
(Please return this advice with payment.)

Klein DeNatale Goldner
10000 Stockdale Hwy, Suite 200
Bakersfield, CA 93311

For payment by wire in USD:
(Please reference:
Client-Matter No. 24618-001,
Invoice No. 1235928)

J.P. Morgan Chase
Account No. 825707620
ABA No. 322271627

To pay by credit card, click here --->: [Pay Now](#) or call Accounting at (661) 395-1000.

DUE UPON RECEIPT

FEDERAL I.D. No. 95-2298220

Thank you! Your business is greatly appreciated.

INVOICE

Giezentanner & Associates
698 East 5th Street
Chico, California 95928
United States

BILL TO
Tuscan Water District
30 Independence Circle
Chico, California 95973
United States

Invoice Number: 20201280

Invoice Date: December 18, 2024

Payment Due: January 17, 2025

Amount Due (USD): **\$3,500.00**

Items	Quantity	Price	Amount
Service Period ending November 30 - For District staff support services as follows: - LAFCO Conditions of Approval compliance - Logistical and financial issues - Board meeting prep and follow up - Meetings and communication with board members & Ad Hoc committees	1	\$3,500.00	\$3,500.00

Total: \$3,500.00

Amount Due (USD): **\$3,500.00**

ITEM 2c – TWD Policies

STAFF REPORT

TO: TWD Board of Directors
FROM: Tovey Giezentanner, General Manager, TWD
DATE: December 18, 2024
SUBJECT: Review and Adoption of Draft Policies

REQUESTED BOARD ACTION

1. **Adopt** the Sponsorship Policy as drafted.
2. **Adopt** the Conflict-of-Interest Code as drafted.
3. **Discuss** the Voluntary Contribution Policy and provide direction for revisions, with formal consideration to occur at the January 15, 2025, Board Meeting.

BACKGROUND

At the November 20, 2024, Regular Board Meeting, the Board directed the Finance Ad Hoc Committee (comprised of Directors Todd Turley, Brian Mori, Andrew Mendonca, and Rayme Antonowich) to review and provide recommendations on three draft policies:

1. **Sponsorship Policy**
2. **Conflict of Interest Code**
3. **Voluntary Contribution Policy**

The Finance Ad Hoc Committee met via Zoom with legal counsel and district staff on December 6, 2024, to review the draft policy language and provide feedback.

POLICY SUMMARIES AND FINANCE AD HOC RECOMMENDATIONS

1. **Sponsorship Policy**
 - **Purpose:** Establishes guidelines for the District’s response to charitable donation or sponsorship requests to ensure compliance with Article XVI, Section 6 of the California Constitution, prohibiting the gift of public funds.
 - **Recommendation:** The Finance Ad Hoc Committee recommends adoption of this policy as drafted.
2. **Conflict of Interest Code**
 - **Purpose:** Ensures compliance with the Political Reform Act by requiring designated positions within the District to disclose economic interests that may create conflicts.
 - **Recommendation:** The Finance Ad Hoc Committee recommends adoption of this policy as drafted.
3. **Voluntary Contribution Policy**
 - **Purpose:** Allows landowners to make voluntary pre-payments toward existing or future District assessments to support administrative and project-related costs.

- **Recommendation:** The Finance Ad Hoc Committee recommends further discussion on December 18 and tabling the policy for possible revisions and adoption at the January 15, 2025, Board Meeting.

FINANCIAL IMPACT

Adoption of these policies will strengthen governance, compliance, and financial oversight, with no immediate fiscal impact anticipated.

ATTACHMENTS

1. Draft Sponsorship Policy
2. Draft Conflict of Interest Code
3. Draft Voluntary Contribution Policy

CONFLICT OF INTEREST CODE FOR
TUSCAN WATER DISTRICT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of **TUSCAN WATER DISTRICT (Agency)**.

Individuals holding designated positions shall file their statements of economic interests with the Agency, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the Agency.

Appendix A

DESIGNATED POSITIONS

<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
General Counsel	1, 2, 3
Board Members & Alternates	1, 2, 3
Consultants/New Positions	*

Note: The position of General Counsel is currently filled by an outside consultant, but acts in a staff capacity.

*Consultants/ New Positions shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director/General Manager may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director/General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008; 2 CCR 18734, subd. (a).)

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans, and travel payments, and real property.

Executive Director/General Manager

Appendix B

DISCLOSURE CATEGORIES

Category 1

A designated position in this category must report all investments and business positions in business entities and sources of income, including receipt of gifts, loans, and travel payments, from any source that provides leased facilities, services, supplies, materials or equipment of the type utilized by the Agency.

Category 2

A designated position in this category must report all interests in real property located in whole or in part within the boundaries of the Agency or within two miles of the Agency, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Category 3

A designated position in this category must report all investments and business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments, from entities and sources that are subject to the regulatory, permit, or licensing authority of the Agency, or that have filed a claim or have a claim pending against the Agency.

TUSCAN WATER DISTRICT

SPONSORSHIP POLICY

PURPOSE

The purpose of this Sponsorship Policy (**Policy**) is to establish guidelines for the Tuscan Water District's (**District**) response to requests for charitable donations and sponsorships. This Policy is drafted in accordance with Article XVI, section 6 of the California Constitution, which prohibits the gift of public funds and aims to ensure that the District's resources are used in furtherance of its authorized governmental purpose.

POLICY

As a California Water District, the District is authorized to and does collect public funds to fulfill its authorized governmental purpose related to water resource management. To ensure the legal and proper use of public funds and to maintain its focus on its authorized governmental purpose, the District shall not (a) make any monetary or in-kind donations to any organization or (b) sponsor events, programs, or initiatives organized or hosted by any organization unless such donations or sponsorships directly support the District's authorized governmental purpose, and is performed within the scope of the District's legal authority and budget constraints.

IMPLEMENTATION

- The District shall respectfully decline those requests for donations or sponsorships that do not align or otherwise comply with this Policy.
- District staff shall be trained on this Policy to ensure consistent communication with external parties.
- The Board of Directors shall review this Policy annually to ensure continued compliance with legal requirements and the District's mission.

TRANSPARENCY

This Policy shall be publicly available online and during normal office hours (Monday through Friday, 9:00 AM to 5:00 PM) to ensure transparency and to set clear expectations for community members and organizations.

EXCEPTIONS

Any exceptions to this Policy must be expressly approved by the Board of Directors and must demonstrably serve the District's authorized governmental purpose, as set forth in California Water District Law.

TUSCAN WATER DISTRICT
VOLUNTARY PRE-PAYMENT PROGRAM

PURPOSE

The Board of Directors of Tuscan Water District (**District**) desires to solicit and accept voluntary financial contributions from landowners within the District's boundaries to serve as pre-payment of existing and/or potential future District assessments to fund District administration and management, project development and implementation, and other related activities (**Program**).

PROGRAM

Each landowner within the District's boundaries may contribute any amount of money as applied against land owned within the District's boundaries (calculated on a per-acre basis) as pre-payment of existing and/or potential future District assessments. In return, the District shall credit the contributing landowner the full amount of its contribution, without the accrual of any interest on the contribution, to be applied to such existing and/or potential future District assessment upon becoming due and shall ensure that this is reflected on such contributing landowner's property tax bill.

If the District decides not to levy an assessment or other long-term funding mechanism within two years of the date of adoption of this Policy, the District shall refund to the contributing landowner the full amount of its pre-payment to the District.

If the District decides to levy an assessment for a per acre amount less than the per acre amount contributed by any particular landowner within the District boundaries, the District shall (a) refund to the contributing landowner the difference between the amount of the assessment levied and the amount of the contributing landowner's pre-payment to the District, or (b) upon election of the contributing landowner, retain the difference to be applied to a later assessment.

TRANSPARENCY

Upon receipt of pre-payment from a landowner, District staff shall generate and provide to the contributing landowner a receipt in the form substantially similar to that attached hereto as **Attachment A**.

The District shall keep separate accounting of all pre-payments paid to and received by the District pursuant to this Policy. Upon request, any landowner or member of the public may review such accounting.

DRAFT
December 12, 2024

ATTACHMENT A
CONFIRMATION OF RECEIPT

On this _____ day of _____, _____, _____ (Landowner)
DAY MONTH YEAR NAME

voluntarily paid to Tuscan Water District (District) \$10 per acre of land owned within the District's boundaries, totaling:

$$\frac{\text{TOTAL PRE-PAYMENT}}{\text{ACRES OWNED}} = \$10 \times \text{acres}$$

The District shall credit this total pre-payment amount to Landowner's account with the District and shall apply such credit to any existing and/or future assessment levied by the District.

TUSCAN WATER DISTRICT

LANDOWNER

Signature

Signature

Name

Name

Date

Date