

Dan Woolery,
President, Division 3

James Rickert,
Vice President, Division 5

Ronnean Lund,
Director, Division 1

Audie Butcher,
Director, Division 2

Steve McCarley,
Director, Division 4

Justin Dahl,
General Manager

SPECIAL BOARD MEETING

Agenda

February 1, 2024, 6:00 p.m.

1887 Howard Street (Council Chambers)

1. Call To Order

2. Flag Salute

3. Public Participation

Time set aside for members of the public that wish to address the Board regarding operations of the District within the jurisdiction of the Board. Individuals are requested to limit comments to a maximum of three minutes.

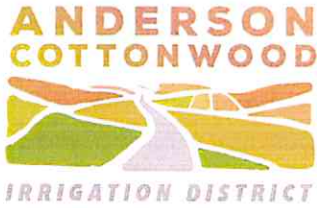
4. Business Items

- a. Appoint [insert name/Board Committee/and/or Minasian Law] to serve as Anderson-Cottonwood Irrigation District's Labor Negotiator Regarding the Unrepresented Position of General Manager.
- b. Authorize execution of right of access agreements with California Department of Fish and Wildlife and participating Sacramento River Settlement Contractors for pilot Thiamine Salmon Injection Project at ACID Diversion Dam
- c. Discuss & Approve Engineers Quote for Assessment Study

5. Closed Session:

- a. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: General Manager (Pursuant to California Government Code section 54957).
- b. CONFERENCE WITH DISTRICT LABOR NEGOTIATOR REGARDING UNREPRESENTED POSITION OF GENERAL MANAGER (Pursuant to Government Code Section 54957.6)
- c. Existing Litigation (Government Code section 54956.9(d)(1).) United States of America v. 4.04 Acres of Land, More or Less, In Shasta Co., California et al., (U.S. District Court, Eastern District, Case No. 2:23-cv-1232)

6. Adjourn



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Date: 02/01/2024 Agenda Item No. 4a

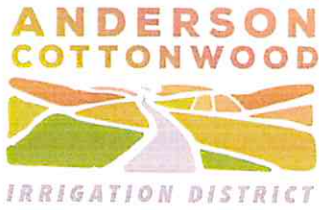
Agenda Title: Appoint [Insert name/Board Committee/and/or Minasian Law] to serve as Anderson-Cottonwood Irrigation District's Labor Negotiator Regarding the Unrepresented Position of General Manager

Discussion: Board should discuss who should serve as the Districts Labor Negotiator for Position of General Manager

Fiscal Impact: None

Recommendation: Board should appoint two Board members to represent the District as the Labor Negotiator for the Position of General Manager. The Board should also appoint Minasian Law to also serve as Anderson-Cottonwood Irrigation District's Labor Negotiator Regarding the Unrepresented Position of General Manager.

Attachments: N/A



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Date: 02/01/2024 **Agenda Item No.** 4b

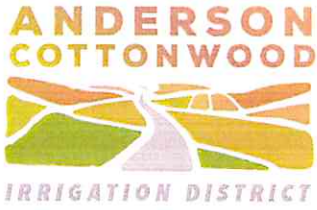
Agenda Title: Authorize execution of right of access agreements with California Department of Fish and Wildlife and participating Sacramento River Settlement Contractors for pilot thiamine Salmon Injection Project at ACID Diversion Dam.

Discussion: Board and staff should discuss giving the right to access agreement to CDFW and the SRSC for the thiamine salmon injection project at ACID Diversion Dam.

Fiscal Impact: None

Recommendation: Staff recommends that the Board authorize a right of access agreement to be written with CDFW and SRSC to allow them to have access to our facilities at the ACID Diversion Dam.

Attachments: N/A



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Justin Dahl
General Manager

Date: 02/01/2024 Agenda Item No. 4c

Agenda Title: Discuss & Approve Engineers Quote for Assessment Study

Discussion: Board and staff should discuss engineers quote about the assessment study, along with providing information discussed during a face-to-face meeting with the engineers on 01/30/2024.

Fiscal Impact: \$53,000

Recommendation: Staff recommends moving forward with Tasks 1-3.

Attachments: See attachments

PROVOST & PRITCHARD CONSULTING GROUP

3387 Bodero Ln • Chico, CA 95973 • (866) 776-6700
www.provostandpritchard.com

January 10, 2024

Mr. Justin Dahl, General Manager
Anderson-Cottonwood Irrigation District
2810 Silver Street
Anderson, CA 96007

RE: Request for Proposal – Assessment Engineer’s Report and Proposition 218 Assistance

Dear Mr. Dahl:

Thank you for the opportunity for Provost & Pritchard Consulting Group (Provost & Pritchard) to submit a proposal to prepare an Engineer’s Report and related services for the Anderson-Cottonwood Irrigation District (District) Proposition 218 Election. As one of California’s premier consulting firms for engineering and related services, Provost & Pritchard has a 50-year history of providing a wide range of water resources consulting services to clients throughout the State, including Proposition 218 assistance and groundwater planning, monitoring, and management services.


The enclosed Proposal describes our understanding of the project needs and sets forth a scope of work broken out into five tasks, professional fees, and a typical schedule. Tasks 1 through 3 (Coordination and Communication, Assessment & Parcel Evaluation, and Engineer’s Report) include the required work activities to evaluate District parcel information, develop the “Roll” used for the Proposition 218 election process, understand the District’s financial situation and goals, develop an assessment structure, and draft an Engineer’s Report summarizing the process. Task 4 includes full services for the election process required by Proposition 218 including ballot development, printing and mailing, post office box setup, return postage, replacement ballot services, and automatic ballot counting at the Public Hearing. Provost & Pritchard will contract with MK Election Services for this Task. A proposal provided by MK Election Services, including a full list of services anticipated, is attached. Task 5 includes a full list of public outreach assistance tasks including development of strategic key messaging, facilitation of public workshops, education materials, and digital marketing content development and more. Both Tasks 4 and 5 work activities can vary greatly based on the level of assistance desired by the Client. While the enclosed proposes full suite of services, we would be happy to discuss the District’s preferred level of assistance and limit or expand the services provided accordingly.

If you have any questions, or if you would like any additional information as you review the enclosed proposal, please contact Mr. Daniel Kerns using the contact information listed below.

Daniel Kerns, PE
Email: dkerns@ppeng.com | Phone: (530) 351-5121

We firmly believe that collaborative efforts lead to the most successful projects. We look forward to meeting with you to further discuss how Provost & Pritchard can support the District with their upcoming needs, including this Proposition 218 election.

Respectfully,


Daniel Kerns, PE
Project Manager


Brian Ehlers, PE
Principal-in-Charge

PROVOST & PRITCHARD CONSULTING GROUP

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January 10, 2024

Mr. Justin Dahl, General Manager
Anderson-Cottonwood Irrigation District
2810 Silver Street
Anderson, CA 96007

Subject: Consulting Services for an Assessment Engineer's Report and Proposition 218 Election Assistance, Anderson, California

Dear Mr. Dahl,

Thank you for the opportunity to submit this proposal to provide consulting services for the subject project. This proposal discusses our understanding of the project; recommends a scope of services together with associated fees, deliverables, and approximate schedules; sets forth our assumptions; and discusses other services that may be of interest as the project proceeds.

PROJECT UNDERSTANDING AND APPROACH

We understand that Anderson-Cottonwood Irrigation District (ACID, District) seeks a qualified engineering consultant to develop a land assessment for the District's approximately 32,000-acre service area and assist the District with the California Proposition 218 process, including public noticing and election services. At present, the District does not have a land assessment structure in place and relies primarily on revenues from water sales to fund District administration, operation, and maintenance activities. As of 2024, approximately only 7,500-acres (24%) of the land within the District use District water. While the District has pre-1914 appropriative water rights on the Sacramento River for 125,000 acre-feet per year, it is understood that revenues from water sales to irrigators are not sufficient to financially sustain the District into the future. Additionally, all lands within the District share in the special benefit of being in the District, (water service, drainage and flooding protection, and impacts to groundwater and Sustainable Groundwater Management Act, etc.) but they do not all contribute to the cost of District administration, operation, and maintenance. Implementation of an assessment to all District lands provides a mechanism for collecting revenues linked to the actual cost of providing District service.

SCOPE OF SERVICES

Our proposed scope of work for this proposal is segregated into several phases, described below.

TASK 1: COORDINATION AND COMMUNICATION

Provost & Pritchard will coordinate and consult with the District throughout the Proposition 218 process. The intent of this task is to provide District Staff with progress updates for Board meetings and general Project status, assist District staff through potential implementation options allowable within the Proposition 218 process, coordination with the District's legal counsel, and provide insight and advice learned from past experience to ensure successful completion of this project. Coordination with District staff throughout the Project is anticipated to include information requests, financial goal setting, District Assessment Roll (Roll)

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development, and assessment rate and benefit analysis, among other related activities. It is assumed the above will be reviewed with the District prior to finalizing the preliminary Engineer's Report and Assessment Ballot package.

TASK 2: ASSESSMENT AND PARCEL EVALUATION

Under this task, our team will identify and list all assessable parcels within the District (known as the Roll) and will develop an assessment rate based on information provided by and in coordination with District staff.

Provost & Pritchard will review the District's current Roll and, if necessary, compare to current property data from the Shasta and Tehama County Assessors Offices to see if there are changes due to purchases or sales. The Roll will be analyzed to determine assessable parcels and acreages for each unique landowner within the District, then concatenated into a list by common owner.

Provost & Pritchard will develop an information request list for the District including past financial records; current operating budget; revenue sources; and categorization of expenses, such as administration, operations, maintenance, capital projects, and fees, etc. The financial records along with input from District staff will be the basis for developing an assessment.

Following refinement of the Roll and financial information received from the District, Provost & Pritchard will work on a rate analysis for the parcels based on the proportional benefit for each parcel in the District. Provost & Pritchard will coordinate with District staff to determine the criteria that should be evaluated when determining the assessment fee amount. While the focus of the Proposition 218 will be a land-based assessment, Provost & Pritchard will review and discuss alternative assessment structures (land classifications and proposed charge type for each classification) with District staff and legal counsel. Critical to this discussion will be the ability and timing of escalation of assessments to account for inflation since the intent is for this Proposition 218 outcome to remain in effect for many years. As a final step under this task, we will recommend an assessment rate for District staff and Board of Directors to consider and approve.

Deliverables:

- Roll of District Parcels with current landowner information
- Assessment Rate Structure

TASK 3: ENGINEER'S REPORT

Provost & Pritchard will develop an Engineer's Report to meet the requirements of Proposition 218 (part of Article XIII D, Section 6 of the California Constitution). The Engineer's Report will incorporate information developed and reviewed through the previous two tasks. The Engineer's Report will also substantiate that the assessment to be imposed will not exceed the reasonable cost of the proportional special benefit. The requirements of the Engineer's Report are still subject to various, and possibly contradictory, interpretations. Therefore, we will use our extensive professional experience and judgment to interpret and comply with applicable requirements of Proposition 218 and work closely with the District's legal counsel in order to complete the report. It is assumed that the charge would be applied equally to all like properties. If a tiered assessment structure is sought by the District or necessitated because of differing land classification types, Provost & Pritchard will work with District staff to develop a tiered system proposal and justification. Supporting maps and tables will be included in the Engineer's Report, and the final product will be stamped by a Registered Civil Engineer.

Deliverables:

- Engineer's Report Signed and Stamped by a Civil Engineer Registered in California.

TASK 4: ASSESSMENT BALLOT VOTING PACKAGE

Provost & Pritchard will work with MK Elections to develop the voting ballots per the approved Engineer's Report. We will develop notices and ballots, with return envelopes, and a cover letter with ballot process directions. These materials will be sent to each parcel owner in the District to receive an assessment.

Property owners will be identified through review of ACID's Assessment Roll (see Task 2). The mailed notice to the common landowner of each parcel will include items such as:

- The reason for the proposed assessment;
- How the assessment will be allocated proportionally towards the cost of the special benefit;
- The assessment amount to be imposed upon any parcel;
- How the assessment was calculated;
- The duration of the assessment;
- When the proposed assessment will be implemented; and
- The date, location, and time of the Public Hearing.

A sample ballot including the items described above will be developed for review by ACID Board of Directors prior to mailing. Once review is completed and authorized by the Board, ballots will be mailed to each landowner of record within the District.

Deliverables:

- Public Notice mailer, ballots, and ballot process instructions with return envelopes.

TASK 5: PUBLIC OUTREACH ASSISTANCE

Provost & Pritchard will assist the District by providing outreach and education services to landowners included in the assessment election based upon direction from the District. At this time the estimated level of effort for Provost & Pritchard includes the following: strategic planning, development of key messages, special landowner segmented outreach coordination, planning and attendance of two (2) public outreach workshops, development of digital communications content, education materials and an information mailer, and up to five minutes of edited video(s) for digital distribution. It is assumed that Provost & Pritchard attendance would be needed at two workshops. If asked, Provost & Pritchard can communicate the aforementioned supporting information, which will be contained in the Engineer's Report, at the meetings. Moreover, Provost & Provost staff will ensure outreach and educational materials accurately reflect the information in the Engineer's Report. If additional support is desired, Provost & Pritchard is capable and willing to incorporate the preferred level of effort into the final contracted services.

Deliverables:

Prop 218 Strategic Planning and Key Messages - Provost & Pritchard will work alongside District staff to develop a key messaging document for use in communications materials including educational materials, PowerPoint, email content, webpage and social media. Developing relevant messaging for the target audience is critical to develop useful communications tools and materials. Additionally, Provost & Pritchard will develop a tagline and associated simplified language to brand the election.

Special Landowner Outreach Coordination – In some cases, it is a strategic activity for District staff to meet with specific audience segments during the Prop 218 election. For example, in some Districts meeting with the largest landowners one-on-one or in small groups to discuss the election and provide educational materials can help smooth the path to the election's success. In other cases, there may be specific geographic areas, or other audience characteristics, where landowners may need more information about the assessment benefits. Provost & Pritchard will support the District in identifying and coordinating special landowner segmented outreach. Attendance at these individual stakeholder meetings is not included in the budget.

Planning and Execution of Two (2) Hybrid Public Outreach Workshops – Provost & Pritchard will schedule and coordinate logistics for two public workshops. This includes planning meetings with Provost & Pritchard key staff and District staff, coordination with vendors if applicable, event set-up and tear-down, printouts and refreshments, and hybrid meeting (Zoom) preparation and execution.

Digital Communications Copy and Graphics – Provost & Pritchard will produce copy and graphics including Prop 218 key messaging and election information for the District's email distribution list, social media channels, and website during key points in the election.

Two (2) Educational Materials – Provost & Pritchard will help with the development of educational materials to communicate important information about the Prop 218 election, highlighting key points drawn from the Engineer's Report. The resources can be used widely at workshops, in digital communications, and at the public hearing. Educational materials may include educational handouts, FAQs, or infographics.

Video Production and Editing – Provost & Pritchard will work with District staff to film and edit a Prop 218 video for the purpose of sharing the Prop 218 election key messages in an alternative format. The video may include a recorded interview with a key District staff member in addition to relevant b-roll to convey messages. P&P can produce one video, or several videos, up to five (5) minutes in total of edited video.

Please note interpretation and translation fees in languages other than English are not currently included in the Public Outreach Assistance scope but can be added for an additional fee, if requested.

PROFESSIONAL FEES

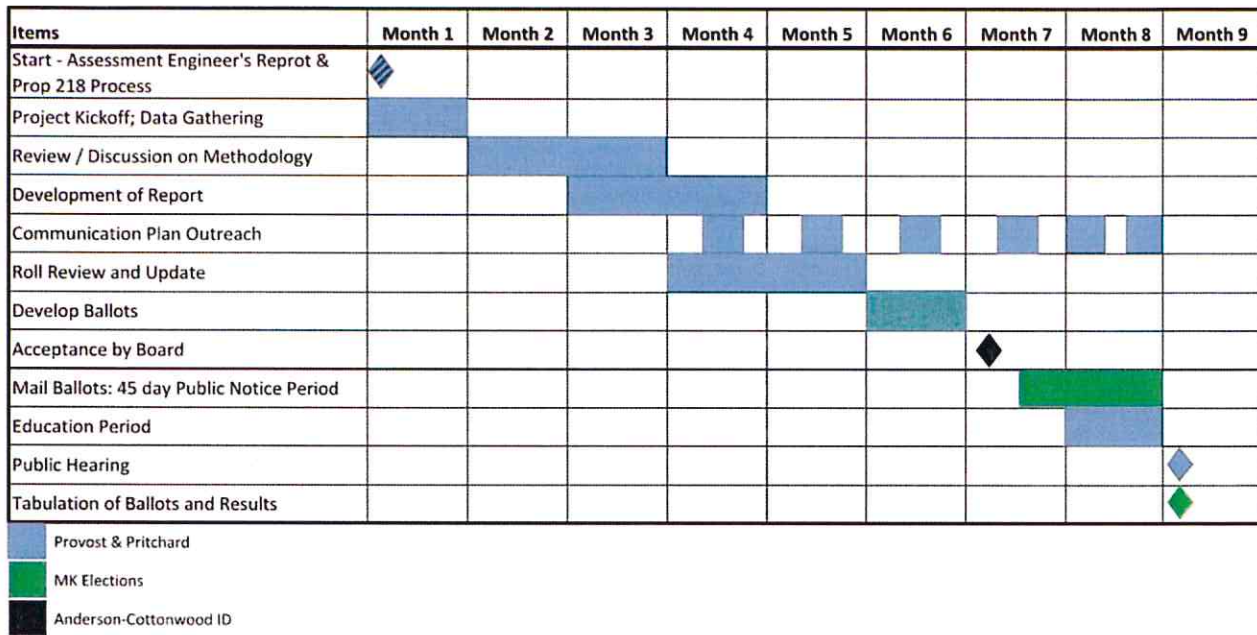
Provost & Pritchard Consulting Group will perform the services in this Phase on a time and materials basis, in accordance with our Standard Fee Schedule in effect at the time services are rendered. For budgeting purposes, our preliminary estimate is that our fees will be \$164,000 over the next 12 months. These fees will be invoiced monthly as they are accrued. Reimbursable expenses will be invoiced in addition to professional fees and are included in the estimated ranges above. If it appears we will need to exceed the upper range above, we will notify you in writing before we do so and will provide a revised estimate. We will not continue work beyond the initial budget without additional authorization.

PROPOSED FEE – ENGINEER'S REPORT AND PROP 218 SERVICES	
PHASE	ESTIMATED FEE
Task 1: Coordination & Outreach	\$13,500
Task 2: Assessment and Parcel Evaluation	\$16,000
Task 3: Engineer's Report	\$23,500
Task 4: Ballot and Election Services	\$59,000
Task 5: Public Outreach Assistance	\$53,000
Total Estimated Fee:	\$165,000

The line items shown above are estimates and are not intended to limit billings for any given Task. Required task effort may vary up or down from the line item estimates shown, however total billings will not exceed the Total shown without additional authorization. If the scope changes materially from that described above, as a result of any agency's decision or because of design changes requested by the Owner, we will prepare a revised estimate of our fees for your approval before we proceed.

SCHEDULE

We understand that the District desires to prepare the assessment engineer's report and undertake the Proposition 218 election process within the next 12 months. Below is an anticipated project schedule showing typical durations of each primary task.



Once we receive an executed copy of this Proposal together with the signed Consultant Services Agreement and are authorized to proceed, we can begin the project kickoff and data collection task immediately. The project schedule portrayed above can be revised in accordance with District preferences on public outreach windows and public notice period and public hearing date.

ASSUMPTIONS


- District Roll will be readily available from either ACID or County Records. Full development of the Roll is not planned for in this Proposal.
- This proposal does not include translation/interpretation. These services can be added as necessary.
- Four in-person meetings: (1) project kickoff and information gathering, (2) the public hearing and tallying of votes and (3) two public workshops held during the public education period.
- Task 4 – Ballot and Election Services is based upon balloting of 18,000 parcels.
- Task 5 – Public Outreach time and cost could vary significantly based upon the needs of the District.
- Costs for Tasks 4 and 5 could vary from the budgets shown. The amount shown for Task 4 and 5 result in almost 70% of the total and can vary significantly based upon the direction chosen by the District. While shown for awareness, the total of Task 1 through 3 of \$52,000 should be considered the costs of developing the potential rate structure. A more refined and detailed budget can be


developed when Task 3 is completed and the specific work needed to complete the process is understood.

TERMS AND CONDITIONS

This Project is authorized in accordance with the Consultant Services Agreement (23-293) dated June 5, 2023 between Anderson-Cottonwood Irrigation District and Provost & Pritchard Engineering Group, Inc. (dba Provost & Pritchard Consulting Group). Please sign the proposal and return to Daniel Kerns at dkerns@ppeng.com. The signed proposal will serve as our Notice to Proceed. This proposal is valid for 30 days from the date above.

Sincerely,
Provost & Pritchard Consulting Group


Daniel Kerns, RCE 84100
Senior Engineer


Brian Ehlers, RCE 40655
Principal Engineer

TERMS AND CONDITIONS ACCEPTED

By Anderson-Cottonwood Irrigation District

Signature

Printed Name

Title

Date



MK ELECTION SERVICES, LLC
P.O. Box 722, Merced, CA 95341
Office: (209) 230-5165 Cell: (510) 593-9831

Kenneth Mostern and Caleb Kleppner, Principals
Cesar Casillas, Senior Election Administrator
Kareem Kandil, Joshua Kanter and Jesus Alvarez, Election Administrators

PROPOSAL

Anderson-Cottonwood Irrigation District, Anderson, CA
Via Danny Kerns, Provost and Prichard
Proposition 218 Assessment Ballot

December 20, 2023

Parameters

This proposal concerns one election with the following parameters:

- **Media:** This is a mail ballot, in which voters return ballots by mail and the ballots are **scanned** on the day of the ballot count.
- **Legal Background:** Election to be conducted according to the **rules of California's Proposition 218**, and related laws and regulations.
- **Dates:** Mailing to be sent on a date TBD in **the summer of 2024**. Count to be completed on a date TBD in **Summer or fall of 2024**.
- **Voters:** For the purposes of this proposal, and based on the estimate that there are 18,000 parcels, we expect approximately 16,000 ballots, of which approximately 14,000 will be single-parcel ballots and 2000 will be consolidated (multi-parcel) ballots.
- **Ballot Types:** The election will have **one** ballot type.
- **Weights:** Votes are weighted by proposed increase in assessment the voter will be subject to in the event the measure passes. This is determined by a formula that will be created by the Engineers, and the data will be presented to MKE in its final form, including the combining of parcels into consolidated ballots. MKE will merge the data onto the ballot in a manner clear to landowners.
- **Other:** Use of MKE owned post office box and business reply mail accounts; use of MKE lock box as onsite depository.

Services Provided by MK Elections

Post office box and reply mail setup

Ballots will use a unique post office box in or near Anderson, California. Postage paid envelopes provided using MKE business reply mail account.

Data Security

You supply membership data in any standard text or spreadsheet format. The data is yours and we guarantee it will not be used or shared in any manner outside the scope of the contracted election.

Data handling; Ballot and Mailing Design

Upon receipt of information about the assessments we layout your ballot and accompanying materials according to our technical standards. Parcel number, fee increase and calculations will all be printed on the ballot – this is not a secret ballot, and the voter can be identified by the information on the ballot. We will take the parcel list for the district and split it between single parcel voters and multiple parcel voters, which are handled differently. With multiple parcel voters we will create a ballot attachment listing all parcels that are associated with a given ballot. All design choices are explained and subject to modification according to your needs. Final materials subject to approval of the district.

Printing and mailing

Printing of envelopes and notices/information inserts will be done by Gowans Printing in Modesto, California. Ballots will be printed by MKE in house, as will consolidated ballot/multi-parcel ballot attachments. Insertion and mailing will be done by ABS Direct and mailed from Sacramento.

Administration of the open election

While the election is open, we receive, track and report to you about any undeliverable mailed ballots returned, and, where a new address is supplied (whether by USPS or by your office) we mail a new ballot to the voter. We can handle requests for replacement ballots directly from your voters, or you can handle requests and pass them on to us. We can add voters during the open election period at your request.

Ballot Count

The ballot count consists of four processes:

- Authentication. Barcodes are scanned to ensure the authenticity of the ballot and qualification of the voter. Voter qualifications can be updated on the day of the count if your rules require it.
- Optical Scan and Preliminary Report. Ballots are scanned using a high-speed batch scanner, and images are processed against a template. Preliminary reports can be shown on screen periodically during the scanning process, or can be withheld until after all ballots are scanned as per your rules.
- Auditing and Certified Report. Testing protocols are followed to demonstrate that the software and equipment have functioned properly and provided accurate tallies. This can be done in front of representatives of the county, or, by projection the computer screen, in front of a whole room of witnesses, according to your wishes. The detail and extent of the audit is determined by the accuracy of the initial count and the closeness of the election. Ultimately, audits of as few as 50 ballots, or as many as 100% of all ballots cast, can be conducted, and the final determination of the depth of the audit is made by the county or other authority.
- Delivery of the legal record. Once the count is completed, the paper and electronic record of the election is consolidated in storage boxes and sealed, to be opened only in the case of a formal challenge. In most cases the client receives these for storage.

Because the ballot count is taking place at a public hearing, members of the public are invited to witness it. At your discretion we may project the computer screen on which ballots are being processed for easy viewing of multiple people. Date and time of ballot pickup may also, if you wish, be advertised so that individuals concerned with the custody of the ballots may follow that process.

Post-election support/investigations/legal challenges

In the event of a formal challenge, MK Elections cooperates with the investigation in consultation with the client. We will provide answers to questions by phone at no charge, and in all reasonable circumstances we will appear at hearings asking only to be reimbursed for travel costs, but not for our time. If it is necessary to generate additional reports as the result of a challenge, we will in most cases do so at no additional charge.

Pricing

Base Fee for MK Elections Services	\$14,000
MKE set up of post office box	\$900
Reimbursement for setup travel	\$250
USPS box rental and Business Reply Mail account setup charges	\$1300
Return postage, if Business Reply Mail is used	\$.79 per piece for returned mail, estimated 4000 pieces @ \$3160
Ballot printing, two-sided <ul style="list-style-type: none">• 16,000 ballots• 2000 consolidated ballot page two	\$3040 \$220
Envelope and insert printing, based on 16000 (including overs) <ul style="list-style-type: none">• Outgoing #10 window envelope• Return #9 envelope• Information sheet (one or two 8 ½ x 11, two-sided)	\$4960
Insertion and mailing services; includes outgoing postage	\$14,240
Replacement ballot service, per piece	\$6.66/piece (includes postage)
If replacement ballot requires data/value recalculation	\$16.66/piece (includes postage)
Travel and meals	Incidental
Two or three people from Merced, driving miles, meal. Depending on number of ballots voted, we may choose to bring one person from out of area, includes transportation, one night hotel.	\$1000 max.
Estimated total	\$43,070
Includes outgoing postage and return postage, but does not include replacement ballot service	

Terms

\$12,000 deposit on signing of contract

Balance to be invoiced at end of project, due 20 days from sending of invoice