



# PARADISE IRRIGATION DISTRICT

6332 Clark Road, Paradise CA 95969 | Phone (530)877-4971 | Fax (530)876-0483

## AGENDA

### SPECIAL MEETING PARADISE IRRIGATION DISTRICT BOARD OF DIRECTORS 6332 CLARK ROAD, PARADISE, CA 95969

TUESDAY, JUNE 26, 2018 – 6:30 P.M.

1. OPENING
  - a. Call to Order
  - b. Public & Board Members; please silence your cell phones
  - c. Invocation and Pledge of Allegiance
  - d. Roll Call
2. PUBLIC PARTICIPATION:

Individuals will be given an opportunity to address the Board regarding matters 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. Opportunity for public comment on agenda items will be provided at the time they are discussed by the Board with comments limited to 5 minutes per agenda item.
3. APPOINTMENT OF DIRECTOR, DIVISION 5. Action may be taken.
  - a. Consider candidates for appointment to fill the Division 5 vacancy on the Board of Directors of the Paradise Irrigation District to serve as an appointed Director until the next general district election in November 2018, and thereafter until the person elected to fill the vacancy assumes office in December 2018.
  - b. The newly appointed Director will take the Oath of Office. The Oath of Office will be administered by the District Secretary.
4. NEW BUSINESS:
  - a. Reservoir B Replacement Project – Additional Environmental Alternatives Assessment (Jim Passanisi): Approve Contract Amendment No. 2 with Waterworks Engineers to meet additional CEQA requirements regarding an Alternatives Analysis in the amount of \$7,100, for a revised contract total of \$781,064. *Action may be taken.*
  - b. Tank C Rehabilitation Project – Planning & Design Contract Amendment (Jim Passanisi): Approve Contract Amendment No. 2 with Harper & Associates Engineering, Inc. to include new General and modified Supplementary conditions in the bid documents in the amount of \$3,000, for a revised contract total not to exceed \$82,000. *Action may be taken.*
  - c. Resolution Terminating the DBW Grant Agreement – North Lake Boat Launch Facility Project (Jim Passanisi): Adopt Resolution No. 2018-09 to terminate Grant Agreement No. C4123010, Project No. 1083 with the Department of Parks and Recreation, Division of Boating and Waterways for funding the Paradise Lake North Boat Launch Facility Project. *Action may be taken. (Roll call vote)*
  - d. Election and Appointment of Vice President for the remainder of 2018 succeeding Cliff Jacobson. *Action may be taken.*

- e. Committees of the District – Appointing a Replacement: Consider appointing a replacement to serve on the following committees succeeding Cliff Jacobson: Finance, Administration & Personnel, Lakeridge Park Botanical Garden, and ACWA Joint Powers Insurance Authority Director Representative. *Action may be taken.*
- 5. CLOSED SESSION:
  - a. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)  
Employee organizations: General Unit represented by I.B.E.W., Local 1245 and  
Management Unit  
PID designated representative: Emily LaMoe
  - b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (a) of subdivision (d) of Government Code section 54956.9): Neil Essila et al v. Paradise Irrigation District et al. Butte County Superior Court Case No. 17CV02546.
- 6. CLOSED SESSION ANNOUNCEMENT
- 7. ADJOURNMENT



## PARADISE IRRIGATION DISTRICT

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**To: Board of Directors**

**From: Kevin Phillips, Interim District Manager  
Georgeanna Borrayo, District Secretary**

**Date: June 22, 2018**

**RE: Appointment of Director, Division 5  
06/26/2018 Special Board of Directors Meeting**

On May 24, 2018 the District issued a Press Release announcing a vacancy exists in the Office of Director, Division 5, of the Paradise Irrigation District. Persons interested in being considered for appointment to fill the vacancy were required to submit a letter of interest and a statement of qualifications to the Board of Directors no later than 4:00 p.m., June 15, 2018.

The District received letters from two candidates (please see attached). Both candidates are residents of Division 5 and registered voters at the address provided.

The recommended form of motion would be:

"I move to appoint \_\_\_\_\_ to fill the Division 5 vacancy on the Board of Directors of the Paradise Irrigation District to serve as an appointed Director until the next general district election in November 2018, and thereafter until the person elected to fill the vacancy assumes office in December 2018."



**Lee E Brown**  
P. O. Box 2672, 5192 Toyon Lane  
Paradise, CA 95967  
ohmy2323@yahoo.com  
530-519-4417

June 13, 2018

To the Members of the Paradise Irrigation District Board:

I am writing to express my interest in serving on the PID Board for Division 5.

My wife and I have lived in Paradise for over 32 years, 29 of those years at our current address (in Division 5). Our two youngest children attended Paradise public schools from kindergarten through high school, and we owned and operated a retail store (Brown's Ace Hardware on Pearson Road) for ten years (from 1986 to 1996). I returned to work in the banking industry (at Butte Community Bank) in 1996 until retiring in 2009. Overall, I was in banking for over 40 years, ranging in responsibilities from lending to operations to regional management/bank administration to security, loss prevention, and loan auditing/examination. My banking experience at Butte Community Bank was in the area of special assets. I have been involved in the building/construction industry for more than fifty years, both as a lender and as the bank's project manager for facilities and new construction.

I served on the Paradise Planning Commission for six years, two years as chairman.

An advocate of water conservation, I have personally installed over 2000 feet of drip line and more than 10 watering timers on our two-acre residence property to better utilize our water allocations.

I believe I am qualified to serve on the PID Board because of my experience in the following areas:

- Local retail experience (and member of the Paradise Chamber of Commerce)
- Experience with budget analysis, planning, evaluation, and restructuring when needed
- Experience and familiarity with water conservation systems
- Understanding of the needs of Paradise residents and families

I look forward to meeting with you to discuss my interest in serving on the Paradise Irrigation Board.

Sincerely,

Lee E. Brown

June 4, 2018

Board of Directors

JUN 15 10 9:02AM

Paradise Irrigation District

6332 Clark Road

Paradise, California 95969

Dear Board of Directors:

Please consider this letter of interest as my application for the position of District 5 Director. I have been a homeowner in District 5 since 2001 and participate in volunteer activities in our community. My pertinent qualifications for this position include:

- Retirement from County Government where I reported to various Boards and Commissions during my 34 years of service in Law Enforcement. I was responsible for a budget of over \$2 million and prepared staff reports for approval by local and regional Boards.
- Service in two separate counties (San Mateo and Sonoma) on the Commission on Aging. In this capacity, our Board was responsible for the allocation of financial resources for programs designed to assist the elderly population. We also approved procedural and personnel changes in the operation of the agency.
- I have a Bachelor's degree in Business Administration and a Master's Degree in Program Administration. Both degrees were received from Notre Dame de Namur University in Belmont, California.
- My wife and I are currently retired and enjoy family, hiking, gardening, and travel.

Thank you for your consideration of my application.

Sincerely,



Robert Prevot

459 Likens Lane

Paradise, Ca 95969

530-872-3620

**Contact: Kevin Phillips**  
**Interim District Manager**  
Paradise Irrigation District  
Phone: (530) 877-4971  
Fax: (530) 876-0483

6332 Clark Road  
Paradise, CA 95969

**Paradise Irrigation District**

# Press Release

## **PARADISE IRRIGATION DISTRICT DIRECTOR VACANCY**

A vacancy exists in the Office of Director, Division 5, of the Paradise Irrigation District. The remaining Directors of the District are seeking qualified applicants to serve as an appointed Director until the next general district election in November 2018, and thereafter until the person elected to fill the vacancy assumes office in December 2018.

Directors are expected to attend at least one evening Board meeting a month and typically attend an average of two committee meetings a month. The District will make an effort to provide board training, as it is available.

In order to be considered for appointment, a candidate must be a registered voter in the district and a resident of Division 5. Division 5 includes properties in between Clark Road and Neal Road, south of Nunneley Road. A map of the boundaries of Division 5 can be viewed at the District Office, or on the District's website at [www.pidwater.com](http://www.pidwater.com).

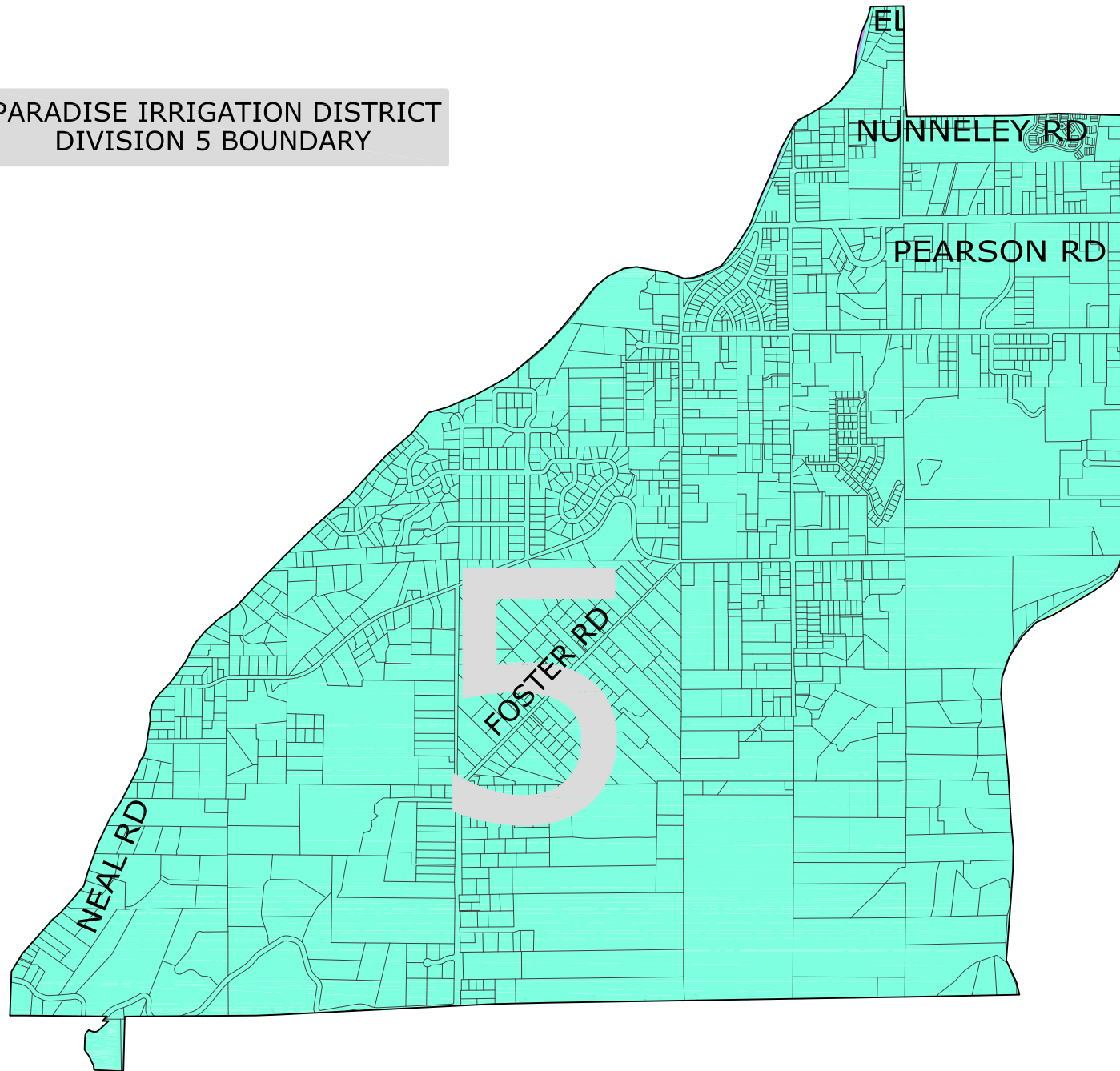
Persons who wish to be considered for appointment to fill the vacancy must submit a letter of interest, including their name, residence address, and a statement of qualifications to the Board of Directors, no later than 4:00 PM, June 15, 2018.

The letter of interest may be hand delivered or mailed (Postmark dates will not be acceptable) to the following address:

Board of Directors  
Paradise Irrigation District  
6332 Clark Road  
Paradise, CA 95969

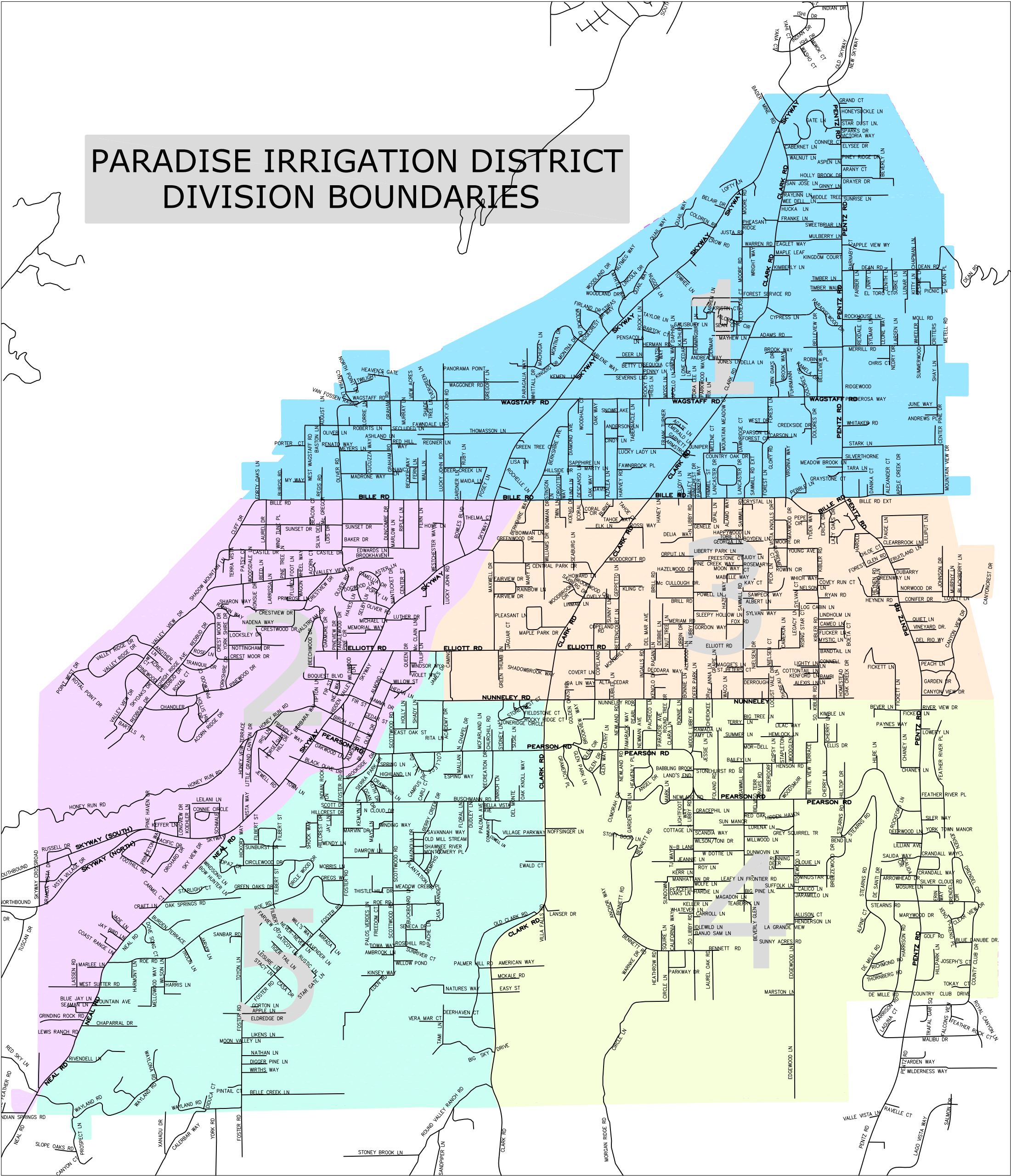
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PARADISE IRRIGATION DISTRICT  
DIVISION 5 BOUNDARY

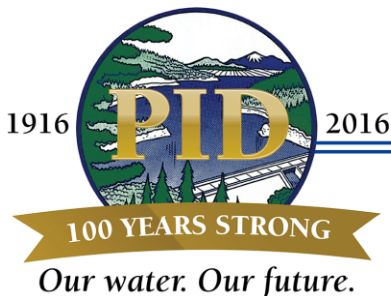




# PARADISE IRRIGATION DISTRICT DIVISION BOUNDARIES







## PARADISE IRRIGATION DISTRICT

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*"Paradise Irrigation District (PID) is dedicated to the business of producing and delivering a safe, dependable supply of quality water in an efficient, cost effective manner with service that meets or exceeds the expectation of our customers."*

*Please consider how this agenda item relates to our mission.*

**TO: Board of Directors**

**FROM: Kevin Phillips, Interim District Manager**  
**Jim Passanisi, Treatment Superintendent**

**DATE: June 26, 2018 (Special Board Meeting)**

**RE: Reservoir B Rehabilitation Project**  
**Waterworks Engineers Planning & Design Contract - Amendment 2**  
**Additional Environmental Alternatives Assessment**

Waterworks Engineer's scope of work for the Reservoir B planning and design contract dated May 26, 2017 assumed that the environmental work to be completed by their sub consultant, Stantec, would include the usual California Environmental Quality Act (CEQA) documents.

Upon submission of the CEQA documentation to the State Water Resources Control Board, State Revolving Fund (SRF), Environmental Unit (EU), the EU required an additional document (Alternatives Analysis) be prepared to meet the requirements of a recent federal order tied to projects funded through the SRF program. This was not an environmental requirement at the time this project was contracted with Waterworks Engineers, and is in addition to the current contract scope and cost (see attachments Exhibits A & B).

Waterworks Engineers proposes to add Stantec's scope and cost to the contract between the two consultants pursuant to the detailed description of the scope in Stantec's Amendment No. 1 attached.

See attached Contract Amendment No. 2 between the District and Waterworks Engineers. The amendment adds the additional CEQA scope of work and increases the contract amount by \$7,100 for a revised contract total of \$781,064. The additional Alternatives Analysis should not affect the overall project schedule.

The following motion is recommended:

"I move approval to authorize Waterworks Engineers Contract Amendment 2 for additional CEQA work regarding an Alternatives Analysis required by the State Revolving Fund Loan Environmental Unit in the amount of \$7,100, for a revised contract total not to exceed \$781,064."



## AMENDMENT 2: EXHIBIT A - SCOPE OF WORK

### ***REASON FOR AMENDMENT 2***

Upon submission of the CEQA documentation for the project to the State Water Resources Control Board (SWRCB), the SWRCB required that an additional document (Alternatives Analysis) be prepared and submitted to the SWRCB in order to meet the requirements of a recent federal order tied to projects funded through the State Revolving Fund (SRF) program. This was not a requirement at the time that this project was contracted. The work to provide this Alternatives Analysis is in addition to the current contract scope.

### ***SCOPE***

A detailed description of the scope is included in the attached Amendment #1 document from Stantec (Water Works Engineers environmental permitting subconsultant). We would propose to add this scope as Subtask 3.1.

### ***SCHEDULE***

The additional Alternatives Analysis will take approximately two weeks from NTP to complete.



## AMENDMENT 2: EXHIBIT B - FEE

### **ENGINEERING FEE**

Payment for Subtask 3.1 will be on a T&M basis, not to exceed the subconsultant fee (\$6455) plus 10% markup (total of \$7100).

Total updated Budget for each project task will be as follows:

Subtask	Title	Original Project Budget	Amendment 1 Budget	Amendment 2 Budget	Total Project Budget
1	Project Management	\$25,872	\$0	\$0	\$25,872
2	Conceptual Engineering	\$59,121	\$0	\$0	\$59,121
3	Preliminary Engineering	\$121,568	\$84,089	\$0	\$205,657
3.1	CEQA Alternatives Analysis	\$0	\$0	\$7,100	\$7,100
4.1	Final Design – 60% Design	\$118,388	\$65,342	\$0	\$183,730
4.2	Final Design – 90% Design	\$98,292	\$58,814	\$0	\$157,106
4.3	Final Design – Bid Document	\$68,772	\$51,366	\$0	\$120,138
5.0	Engineering Assistance During Bidding	\$0	\$22,340	\$0	\$22,340
	Project Total	\$492,013	\$281,951	\$7,100	\$781,064

**STANTEC CONSULTING SERVICES, INC.**

**AMENDMENT #1**

**SCOPE OF SERVICES and COST ESTIMATE**

**PARADISE IRRIGATION DISTRICT ZONE A PUMP STATION, TRANSMISSION MAIN,  
AND RESERVOIR B REPLACEMENT PROJECT**

**BUTTE COUNTY, CALIFORNIA**

*May 10, 2018*

**RATIONALE FOR AMENDMENT**

The State Water Resources Control Board (SWRCB) has requested that an alternatives analysis be prepared as part of a recent federal order tied to projects funded through the State Revolving Fund (SRF) program. This federal funding nexus requires that the Paradise Irrigation District Zone A Pump Station, Transmission Main, and Reservoir B Replacement Project (project) comply with the National Environmental Policy Act (NEPA). The recent requirement that a NEPA-compliant alternatives analysis was not included in the original scope of services agreement originally authorized under Water Works Engineers contract with North State Resources (NSR) (October 22, 2017); NSR was acquired by Stantec on October 27, 2017 and the sub-contract was formally reassigned on February 2, 2018. This contract amendment would include a new task—Task 3—Environmental Alternatives Analysis—that would allow for Stantec to prepare an alternatives analysis that will meet SWRCB specifications.

**AMENDED SCOPE OF SERVICES**

The current, approved scope of services will be amended to include the following task.

**Task 3 – Environmental Alternatives Analysis (New Task)**

Stantec will prepare an Environmental Alternatives Analysis technical memorandum that summarizes in a table format the effects of three project alternatives considered in the project's Preliminary Design Report (November 2017) prepared by Water Works Engineers: No Action, Proposed Action (preferred alternative), and Consolidation (including Zone A Transmission Line and Reservoir B – Raised Reservoir Walls). Alternatives will be summarily assessed using the environmental checklist issues included in Appendix G of the current CEQA Guidelines. Because the alternatives analysis is a NEPA requirement, a stand-alone document will be prepared, independent of the CEQA Initial Study/Mitigated Negative Declaration (Task 2). Stantec will utilize alternative design information provided by Water Works Engineers for this task.

**Deliverables:** Electronic copies of draft technical memorandum; ten (10) copies of final technical memorandum

**Meetings:** Conference calls with Paradise Irrigation District and/or SWRCB, upon request, to discuss document (up to two [2] one-hour conference calls are assumed)

**PROPOSED AMENDED COST ESTIMATE**

Stantec's current, approved budget for Tasks 1, 2, and optional tasks C, D, and E is on a time and materials basis, for an amount not-to-exceed cost of \$52,433.00. Our proposed amended cost to complete Task 3 is \$6,455.00. Assuming this amendment is approved, the overall, amended budget to complete Tasks 1-3 and optional tasks C, D, and E will be for an amount not-to-exceed \$58,888.00. These cost estimates are based on Stantec's 2018 Master Environmental Services Rate Table 1 applied to the October 22, 2017 contract with Water Works Engineers, LLC, reassigned from NSR to Stantec on February 2, 2018.

**IN WITNESS WHEREOF**, the parties hereto have hereunto executed this amendment to the original agreement.

**For the CONSULTANT, Water Works Engineers, LLC,**

dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018,

By: \_\_\_\_\_

**For the SUBCONSULTANT, Stantec Consulting Services, Inc.,**

dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018,

By: \_\_\_\_\_



**AMENDMENT NO. 2 TO AGREEMENT  
BETWEEN PARADISE IRRIGATION DISTRICT  
AND WATERWORKS ENGINEERS REGARDING PLANNING  
AND DESIGN FOR RESERVOIR B**

This Amendment is made and entered into this \_\_\_\_ day of \_\_\_\_ 2018, by Paradise Irrigation District, an irrigation district formed and existing under Division 11 of the California Water Code (“District”), and Waterworks Engineers, a California corporation (“Consultant”). District and Consultant are collectively referred to as “parties”.

**RECITALS**

WHEREAS, on May 17, 2017, parties entered into an Agreement for Planning and Design Services for Reservoir B (“Agreement”);

WHEREAS, on September 20, 2017, parties amended the agreement for Planning and Design Services for Reservoir B (“Amendment No. 1);

WHEREAS, since that time, parties have identified additional work that must be performed; and

WHEREAS, in accordance with Paragraph XIII of the Agreement, the parties desire to modify the Agreement to reflect the changes to the scope of work.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby stipulated, the parties agree as follows:

1. Paragraph III (B)(1) shall be amended to state:

Consultants shall be solely responsible for satisfactorily completing the Project, including those tasks described in Amendment 2 - Exhibit A and Exhibit B. Consultant shall supervise and direct the work to the best of Consultant’s ability and give all attention for such proper supervision and direction.

2. Paragraph VI (A) shall be amended to state:

Payment: Consultant will be paid on a time and materials basis in an amount “not to exceed” **\$781,064** for the Project and work to be performed in Amendment 2 - Exhibit A and Exhibit B. No work in addition to the work described in this Agreement, including Exhibits, shall be performed by Consultant without prior written authorization by District as provided for in section VII. Progress payments shall be made monthly for work completed based upon the billing rates contained in the Schedule of Rates/Fees attached hereto as Amendment 2 - Exhibit A and Exhibit B.

Except as modified herein, the provisions of the May 17, 2017 Agreement shall apply.

IN WITNESS WHEREOF the parties execute this Agreement on the day and year first herein above written.

\_\_\_\_\_  
Consultant's Signature

Sami Kader, P.E. Principal Engineer  
Printed Name and Title

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name and Title

TAXPAYER ID \_\_\_\_\_  
Business Type:  
Corporation ☐ Yes ☐ No  
Other \_\_\_\_\_  
(Complete W-9 enclosed)

PARADISE IRRIGATION DISTRICT

ATTEST:

\_\_\_\_\_  
Georgeanna Borrayo, District Secretary

\_\_\_\_\_  
Kevin Phillips, Interim District Manager

Attachments:  
Exhibit A- Amendment 2 - Consultant's Scope of Work  
Exhibit B - Amendment 2 Consultant's Task Fees



## PARADISE IRRIGATION DISTRICT

*"Paradise Irrigation District (PID) is dedicated to the business of producing and delivering a safe, dependable supply of quality water in an efficient, cost effective manner with service that meets or exceeds the expectation of our customers."*

*Please consider how this agenda item relates to our mission.*

**TO: Board of Directors**  
**FROM: Kevin Phillips, Interim District Manager**  
**Jim Passanisi, Treatment Superintendent**  
**DATE: June 26, 2018 (Special Board Meeting)**  
**RE: Tank C Rehabilitation Project**  
**Harper & Associates Engineering Planning & Design Contract**  
**Amendment 2: Additional Work – Bid Document General and**  
**Supplementary Conditions**

The District and Harper Associates & Engineering (HAE) executed a contract, and a notice to proceed was issued on October 31, 2017 to do the following:

1. Conduct a corrosion evaluation of the tanks C, D & E and prepare a prioritization report. \$17,700
2. Preparation of Specifications, Cost Estimates, and Bid Documents: \$3,600  
A majority of this work for Tanks C, D & E was completed in 2015. The bidding was canceled in a letter to HAE dated December 9, 2015, due to District's unforeseen budgetary constraints.
3. Bidding Assistance: \$3,800
4. Construction Assistance \$4,200
5. Quality Control Inspection (based on 45 working days)  
\$82 per hour + \$100 per day subsistence + travel time + mileage \$49,700

The District amended the contract on February 5, 2018 directing HAE based on a new corrosion evaluation and prioritization report to provide services for Tank C only. The estimated total cost for the scope of work is \$79,000, which is billed as needed on a time and materials basis.

For many years, the District has been using General Conditions with modified Special Conditions for each project in the bid documents based on the Standard Specifications of the State of California, Business, Transportation and Housing Agency, Department of Transportation, dated May 2006. Recently, the District's legal counsel recommended using a different set of General and Supplementary conditions for future projects, based on the recently provided conditions from Waterworks Engineers as part of the Reservoir B project's bid documents. Because HAE completed the bid documents for the C Tank project, HAE will need to do additional work to replace new General Conditions, and modify the Special Conditions based on the project's specifications.

HAE provided scope and cost estimate (see attached Amendment 2 – Exhibit A) to revise the Tank C Rehabilitation project's bid documents with the new General and modified Supplementary Conditions based on 10 to 16 hours of work at \$160 per hour (\$1,600 - \$2,560), which is billed based on the time needed to do the work.

See attached Contract Amendment No. 2 between the District and HAE, which includes \$3,000 for the additional work, and increases the contract amount to \$82,000.

The following motion is recommended:

*"I move to authorize the Interim District Manager to execute contract Amendment No. 2 with Harper & Associates Engineering, Inc. to include new General and modified Supplementary conditions in the bid documents in the amount of \$3,000, for a revised contract total not to exceed \$82,000."*

**Jim Passanisi**

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**From:** Krista Harper <Krista@harpereng.com>  
**Sent:** Friday, June 08, 2018 4:25 PM  
**To:** Jim Passanisi  
**Subject:** Tank C Project

Hi Jim,

I reviewed the General Conditions and Supplementary Conditions you sent over. I am fine with the General Conditions, I could basically insert them as is into the bid package to replace the current General Provisions. However, the Section 00825 Supplementary Conditions will not work with this project without HOURS of modification, but I think we could leave the current Special Provisions that are in the bid package there with minor modifications, as they are already project specific.

As you know, we gave you a very low price to prepare the bid package for this project and it grew as the project progressed, so we are out of hours. To modify the bid package would be another 10 to 16 hours at \$160 per hour.

Please let me know how you would like to proceed.

Krista Harper, P.E.  
Project Manager  
Harper & Associates Engineering, Inc.  
(951) 372-9196



**AMENDMENT NO. 2 TO AGREEMENT  
BETWEEN PARADISE IRRIGATION DISTRICT  
AND HARPER & ASSOCIATES ENGINEERING, INC., REGARDING PLANNING  
AND DESIGN FOR TANK C REHABILITATION**

This Amendment is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2018, by Paradise Irrigation District, an irrigation district formed and existing under Division 11 of the California Water Code (“District”), and Harper and Associates Engineering, Inc., a California corporation (“Consultant”). District and Consultant are collectively referred to as “parties”.

**RECITALS**

WHEREAS, on October 31, 2017, parties entered into an Agreement for Planning and Design Services for (“Agreement”) to provide services for Tanks C, D, & E;

WHEREAS, on February 5, 2018, parties amended the agreement for Planning and Design Services for Reservoir B (“Amendment No. 1”) to provide services for the Tank C only;

WHEREAS, since that time, parties have identified additional work that must be performed; and

WHEREAS, in accordance the Paragraph XIII of the Agreement, the parties desire to modify the Agreement to reflect the changes to the scope of work.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby stipulated, the parties agree as follows:

1. Paragraph III (B)(1) shall be amended to state:

Consultants shall be solely responsible for satisfactorily completing the Project, including those tasks described in Amendment 2 - Exhibit A. Consultant shall supervise and direct the work to the best of Consultant’s ability and give all attention for such proper supervision and direction.

2. Paragraph VI (A) shall be amended to state:

Payment: Consultant will be paid on a time and materials basis in an amount “not to exceed” **\$82,000** for the Project and work to be performed in Amendment 2 - Exhibit A. No work in addition to the work described in this Agreement, including Exhibits, shall be performed by Consultant without prior written authorization by District as provided for in section VII. Progress payments shall be made monthly for work completed based upon the billing rates contained in the Schedule of Rates/Fees in the agreement dated October 31, 2017.

Except as modified herein, the provisions of the October 31, 2017 Agreement shall apply.

IN WITNESS WHEREOF the parties execute this Agreement on the day and year first herein above written.

\_\_\_\_\_  
Consultant's Signature

Krista Harper, P.E. Principal Engineer  
Printed Name and Title

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name and Title

TAXPAYER ID \_\_\_\_\_  
Business Type:  
Corporation ☐ Yes ☐ No  
Other \_\_\_\_\_  
(Complete W-9 enclosed)

PARADISE IRRIGATION DISTRICT

ATTEST:

\_\_\_\_\_  
Georgeanna Borrayo, District Secretary

\_\_\_\_\_  
Kevin Phillips, Interim District Manager

Attachments:

Exhibit A- Amendment 2 - Consultant's Scope of Work



## PARADISE IRRIGATION DISTRICT

*"Paradise Irrigation District (PID) is dedicated to the business of producing and delivering a safe, dependable supply of quality water in an efficient, cost effective manner with service that meets or exceeds the expectation of our customers."*

*Please consider how this agenda item relates to our mission.*

**TO: Board of Directors**  
**FROM: Kevin Phillips, Interim District Manager**  
**Jim Passanisi, Treatment Superintendent**  
**DATE: June 26, 2018 (Special Board Meeting)**  
**RE: Resolution Terminating the Division of Boating and Waterways Grant Agreement C4123010 for the North Lake Boat Launching Facility Project No. 1083**

June 2015, the District received a \$670,000 grant for the construction of the North Lake Boat Launching Facility from the State of California Natural Resources Agency; Department of Parks and Recreation; Division of Boating and Waterways (DBW). See the attached concept plan.

Earlier this year a review of the grant agreement by an Ad Hoc committee and the District's legal counsel was completed, and the District sent comments to DBW regarding concerns with the agreement. The District received a response (see attachment) from DBW on April 17, 2018.

At a Regular Board meeting on May 16, 2018 the Interim District Manager was authorized to send written notice to the DBW requesting termination of Grant Agreement. DBW was notified by staff of the Board's intent, and asked DBW to provide direction regarding how to arrange for termination.

DBW requires the District provide a resolution (attached) and an official notice of intent letter (attached) to terminate the grant agreement. Both attachments were reviewed by the District's legal counsel. As requested by DBW, the reason(s) for terminating the grant agreement should be included in the letter, along with a statement that the District does not intend to request reimbursement of any grant funds.

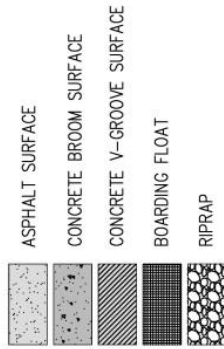
The Board of Directors no longer believe that accepting the grant funding and terms of the grant agreement are in the best interests of the District. No eligible reimbursement costs for the Project have been incurred.

The following motion is recommended:

I move approval to adopt Resolution 2018-09 that documents the District receiving the Division of Boating and Waterways Grant Agreement C4123010, and the District's intent to terminate the agreement.

PLANNING EXHIBIT  
**LAKE PARADISE BLF**  
 LAKE PARADISE RESERVOIR  
 PARADISE, CALIFORNIA  
 JULY 2017

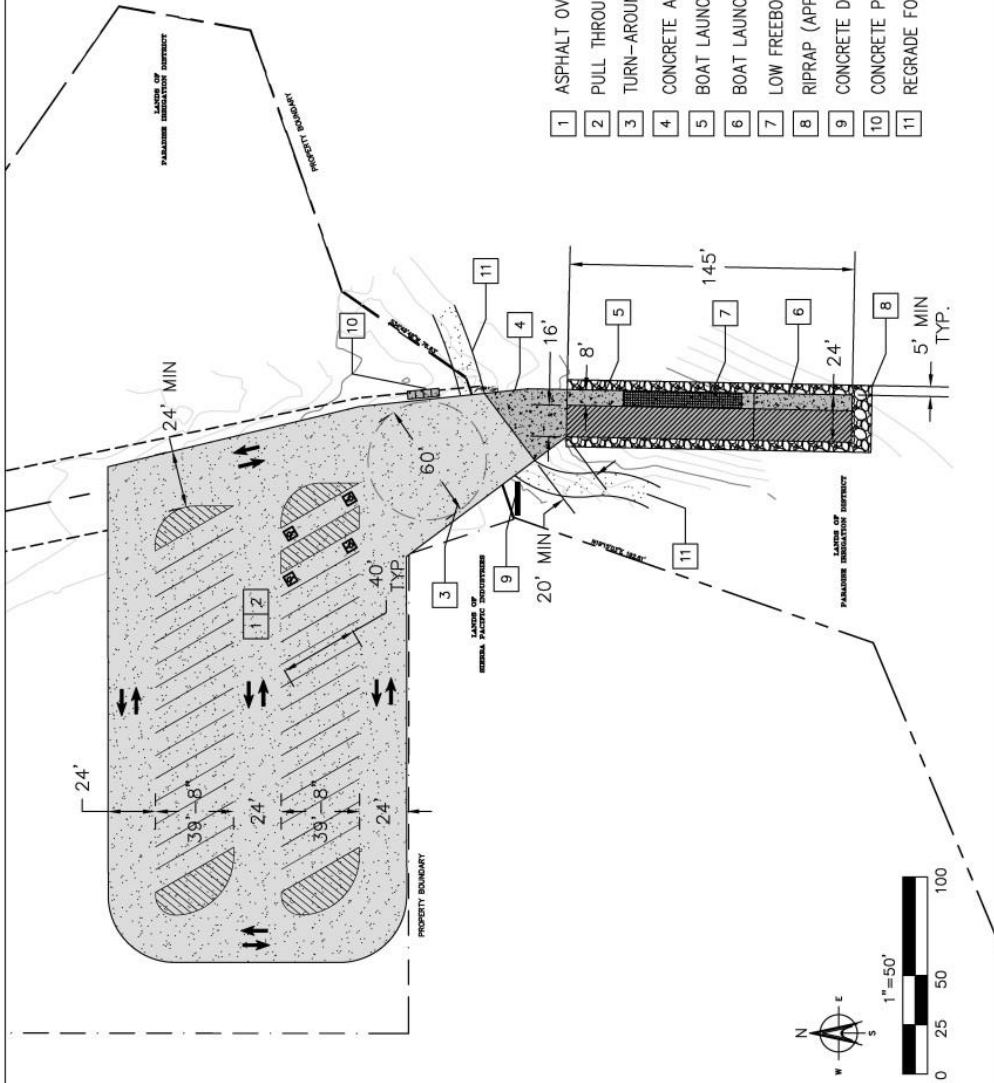
**LEGEND**



- 1 ASPHALT OVER BASE ROCK (APPROX 44,000 SF)
- 2 PULL THROUGH TRAILER PARKING STALLS (30 TOTAL)
- 3 TURN-AROUND AREA
- 4 CONCRETE APRON WITH VERTICAL CURVE
- 5 BOAT LAUNCHING RAMP, CAST-IN-PLACE OVER EXISTING RAMP
- 6 BOAT LAUNCHING RAMP, PUSH SLAB
- 7 LOW FREEBOARD CABLE GUIDED BOARDING FLOAT (8' X 60')
- 8 RIPRAP (APPROX 100 CY)
- 9 CONCRETE DBW CREDIT SIGN
- 10 CONCRETE PAD WITH PORTABLE RESTROOM (4 TOTAL)
- 11 REGRADE FOR WALKING TRIAL



1 Capitol Mall, Ste. 500  
 Sacramento, CA 95814





DEPARTMENT OF PARKS AND RECREATION

Division of Boating and Waterways

One Capitol Mall, Suite 500

Sacramento, California 95814

Telephone: (916) 327-1779 / Fax: (916) 327-1770

RECEIVED  
APR 24 2018  
BY: CO: Kevin  
Jim P. Bell  
Emily LaMee

Lisa Ann L. Mangat, Director

Mr. Jim Passanisi  
Paradise Irrigation District  
6332 Clark Road  
Paradise, CA 95969

APR 17 2018

**Paradise Lake Boat Launching Facility, Grant No. (C4123010) #1083, Grant Agreement Questions Response**

Dear Mr. Passanisi:

The Department of Parks and Recreation, Division of Boating and Waterways (DBW) has reviewed your request dated October 24, 2017, regarding the Paradise Irrigation District's (PID) questions regarding the Grant Agreement between DBW and PID.

The following responses are provided by DBW in conjunction with the California State Department of Parks and Recreation's legal division:

**Page 1**

**Q:** General concurrence: Did PID hold the meeting and receive "general concurrence" from the public? Is that documented?

**A:** According to page 1 of the Grant Agreement, under "Grant Recitals," provision No. 5, PID is required to submit to DBW:

1. Evidence of a noticed meeting held on the proposed Project, as well as documentation of general concurrence by the attending public supporting the proposed Project.
2. Signed Concurrence of all land owners, whose land is directly affected by the proposed Project, supporting the proposed Project.

**Page 4**

**Q:** Article 3B: Does this language mean PID can opt out and/or amend the agreement during the twenty years it exists?

**A:** PID may request revisions to the Grant Agreement in writing, which will be reviewed and responded to by DBW in a timely manner. Please note, once a project is constructed, opting out of the 20-year Grant Agreement is considered a breach. As per Exhibit B, Article 9, DBW may take any action to correct the breach, including but not limited to requiring the Grantee to repay DBW all of the project's reimbursed grant funds, or repayment of the 20-year term on a prorated basis, based on the remaining length of the Grant Agreement.



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**Page 5**

**Q:** Article 4C: If the state runs out of money PID is left to pay all costs or settle for a "reduced scope of work".

**A:** This is correct.

Also, (1), if there has been no construction before grantee is notified that the State has insufficient funds, then grantee shall repay all drawn grant funds within 90 days of the end of the fiscal year in which the funds are denied.

Or, (4), if there has been some construction before grantee is notified that the State has insufficient funds, then the grantee and DBW may agree that the expenditure of funds for the partial construction constitutes construction completion.

Please note, this condition typically applies to future funding allocations. Once a grant is awarded, funding is safeguarded for the term of the grant agreement.

**Page 7**

**Q:** Article 6B 6. PID has no intention of providing shoreline facilities to remove waste from vessels holding tanks; these types of vessels will not be allowed on the lake.

**A:** DBW understands larger vessels with holding tanks will not be allowed on Paradise Lake, therefore PID is not required to construct shoreline facilities. This must be formally requested in writing by PID, and a written response will be sent by DBW.

**Page 9**

**Q:** Project completions dates, etc., need to be amended throughout the agreement.

**A:** This is correct: PID is required by DBW to provide updated project schedules as the project progresses. PID can also request an extension to the Grant Performance Period. This must be formally requested in writing by PID, and a written response will be sent by DBW.

**Page 10**

**Q:** Article 8C: Amend consistent with PID policy prohibiting 4 stroke gasoline engines specified in the Paradise Lake brochure. Also, presently the lake is closed every Wednesday.

**A:** PID must pass a local Ordinance in compliance with HN §660 if it wants to exclude 4-stroke gasoline engines, otherwise it is a violation of the Grant Agreement, and a violation of HN 660. Please provide a copy of the District's ordinance prohibiting gasoline engines. DBW has approved the grant to move forward in light of the Wednesday maintenance and Kids Fishing Derby closures

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**Q:** Can this fee be used to pay PID employee salaries?

**A:** The fees collected at BLFs may be used for maintenance and repairs to the facility. Employees can be compensated only for the time spent on BLF maintenance and repair duties. Any compensation of employees for maintenance and repairs using BLF fees must be closely documented by the grantee (by number of hours expended and hourly wage of employee), and subject to audit by DBW.

**Page 11**

**Q:** Article 8I: Seems onerous; each time we have a concession for a special event we need to get written Department approval.

**A:** This is correct: Article 8, Item I refers to a "concessionaire" hired for the operations and maintenance of the facility. Also, as per below, DBW requires grantees to request in writing any proposed uses of the facility which are not for launching recreational craft. Please note, as per Exhibit B, Article 8, Part B: "The project and all other improvements constructed or placed in the Project Area shall be operated solely as a recreational small craft boat launching facility. Other uses of the facility such as for craft fairs, festival, sno-parks, special events, storage, transient parking, camping, etc., are not allowed without prior written permission of the Department."

**Page 12**

**Q:** Article 9A: PID responsible for all costs to correct any breach

**A:** This is correct.

**Q:** If the breach is not corrected PID repays the grant within 180 days

**A:** This is correct.

**Q:** 9C: PID restricts gasoline vehicles, can charge up to \$15 and closes the lake every Wednesday. Do these policies constitute a breach?

**A:** The fee of \$15 would constitute a breach. As per Exhibit B, Article 8, Item D, "The Grantee shall not charge any fee or combination of fees totaling more than \$13.00." Grantees may adjust this fee only after obtaining written permission from DBW. Also, as stated above, PID must pass a local Ordinance in compliance with HN §660 if it wants to exclude 4-stroke gasoline engines, otherwise it is a violation of the Grant Agreement, and a violation of HN 660. Please provide a copy of the District's ordinance prohibiting gasoline engines. DBW has approved the grant to move forward in light of the Wednesday maintenance and Kids Fishing Derby closures

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**Page 14**

**Q:** Article 11: Is Department approval required in perpetuity or only for the 20 year term of the agreement?

**A:** As per the Grant Agreement's cover page, "Grant Agreement Performance Period is from effective date and continues 20 years from the date of Acceptance of Project."

**Page 15**

**Q:** Article 13: Every road sign needs Department approval.

**A:** This refers only to directional signage leading boaters to the BLF. Signage would be reviewed during the engineering plan reviews.

**Q:** Article 14: What does this language mean?

**A:** This means is that if there is a breach by grantee of any provision of the Grant Agreement – meaning that the grantee fails to comply with a provision of the Grant Agreement (a breach), then if DBW fails to take legal action against the Grantee for that particular breach, such inaction by DBW does not constitute a waiver of DBW's legal ability to take legal action against the grantee for any future breach by grantee of the same provision or any other provision of the Grant Agreement.

**Page 16**

**Q:** Article 20: PID liable for all; holds Department harmless and defends and indemnifies.

**A:** This is correct.

**Page 17**

**Q:** Article 21: add language allowing PID to terminate early

**A:** DBW BLF grants require a 20-year agreement period beginning from the date of the Acceptance of the Project. Once the grant funds are paid, no termination is allowed by grantee unless they refund the grant money to DBW.

**Department of Parks & Recreation, Division of Boating & Waterways Maintenance Guidelines**

**Page 2**

**Q:** Long term goals: What does "meet current and long range needs of the community and of boaters in the region" mean? Does set aside revenues mean a separate account?

**A:** Long term goals refers to future public boating needs and usage. The facility must be maintained and operated for the length of the agreement to provide boater access.

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Setting aside revenues: This means that PID must make sure that they have enough revenues, either from the BLF fees or from their own sources, sufficient to maintain the BLF infrastructure for the 20-year grant period. PID is required to follow their own fiscal procedures to ensure the facility is properly maintained throughout the term of the Grant. A separate account is unnecessary unless it seeks an exemption to the \$13.00 maximum usage fee. In which case separate accounts would be helpful for its justification.

**Page 3**

**Q:** Do we have power here? Do we have staff? Does language regarding boating knowledge conflict with present job description or contractual language with IBEW? Available every day? The lake is closed on Wednesdays.

**A:** PID must decide if they have the resources to appropriately develop, maintain and operate this BLF. Please also refer to previous answers regarding PID's weekly Wednesday closures as a breach of the Grant Agreement, and a violation of HN 660.

**Page 4**

**Q:** Do we have emergency contacts in place? Do we have a customer complaint procedure? What kind of security? What are "levels similar to other boat launch facilities in the region"?

**A:** PID must research what other regional BLF facilities provide as far as security, emergency contacts, etc., and must document that it is providing similar security, emergency contacts, etc. This is a liability issue.

**Exhibit C**

**Q:** Page 3: grant related activities completed by PID by June 2016 (Amend date)

**A:** Grant Agreements are amended on a yearly basis. Amended dates are noted on revised Grant Agreement cover pages.

**Q:** Page 5: Completion by March 2017 (Amend date)

**A:** Grant Agreements are amended on a yearly basis. Amended dates are noted on revised Grant Agreement cover pages.

**Q:** Page 6: Current charge could be \$15 depending on boat occupancy; June 2016 completion date needs to be amended.

**A:** As per Exhibit B, Article 8, Item D, "The Grantee shall not charge any fee or combination of fees totaling more than \$13.00." Grantees may adjust this fee only after obtaining written permission from DBW, after consultation with its Boating Commission.

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**Exhibit "D"**

**Q:** 2. No amendment or variation shall be valid unless in writing signed by both parties; no *oral understanding* not incorporated in agreement is binding

**A:** The General Terms and Conditions cannot be changed. These are State Contracting requirements.

DBW appreciates your investment in improving California's boating access. If you have any questions, please contact me at (916)327-1817 or by email at [leo.lamattina@parks.ca.gov](mailto:leo.lamattina@parks.ca.gov).

Sincerely,



Leo LaMattina  
Project Manager





## PARADISE IRRIGATION DISTRICT

6332 Clark Road, Paradise CA 95969 | Phone (530)877-4971 | Fax (530)876-0483

June 26, 2018

Cynthia Clauser, Boating Facilities Development and Financing Unit  
Division of Boating and Waterways  
One Capitol Mall, Suite 500  
Sacramento, CA 95814

**RE: Notice of Intent to Terminate Grant Agreement No. C4123010  
Paradise Lake North Boat Launching Facility (#1083)**

Dear Ms. Clauser,

Enclosed please find Paradise Irrigation District Resolution No. 2018-09 terminating Grant Agreement No. C4123010.

At the May 16, 2018, regular board meeting the District's Board of Directors directed the Interim District Manager to send written notice to the Division of Boating and Waterways (DBW) terminating the Grant Agreement.

The District's Board of Directors no longer believes accepting the grant funding and terms of the grant agreement are in the best interests of the District.

The District has not incurred any eligible costs for the project, and does not intend to request reimbursements.

Please do not hesitate to contact me or Jim Passanisi if you have any questions or require further information.

Sincerely,

Kevin Phillips, Interim District Manager

Enclosure

PARADISE IRRIGATION DISTRICT

RESOLUTION NO. 2018-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
PARADISE IRRIGATION DISTRICT  
TERMINATING GRANT AGREEMENT C4123010, Project No. 1083

WHEREAS, the Paradise Irrigation District received a \$670,000 grant from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways to enhance, repair or rebuild the Paradise Lake North Boat Launching Facility (“Project”); and

WHEREAS, pursuant to Board direction, the District’s General Manager of said Paradise Irrigation District executed the grant agreement (C4123010) on May 27, 2015 for funding the Paradise Lake North Boat Launch Facility (Project No. 1083);

WHEREAS, the Board of Directors of the Paradise Irrigation District at a regular board meeting on April 19, 2017 adopted Resolution No. 2017-07 agreeing to accept and manage the funds and abide by the terms and conditions of the grant agreement; and

WHEREAS, no eligible costs for the Project have been incurred;

WHEREAS, the Board of Directors no longer believes accepting the grant funding and terms of the grant agreement are in the best interests of the District;

WHEREAS, the District Board of Directors at a regular board meeting on May 16, 2018 directed the Interim District Manager to send written notice to the Division of Boating and Waterways requesting termination of Grant Agreement No. C4123010; Project No. 1083.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby terminates Grant Agreement No. C4123010, Project No. 1083.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018 by the following vote at a regular meeting of the Board of Directors.

AYES:

NOES:

ABSENT:

PARADISE IRRIGATION DISTRICT

\_\_\_\_\_  
Daniel Wentland, President

ATTEST:

\_\_\_\_\_  
Georgeanna Borrayo, Board Secretary



## PARADISE IRRIGATION DISTRICT

6332 Clark Road, Paradise CA 95969 | Phone (530)877-4971 | Fax (530)876-0483

I, Georgeanna Borrayo, state that I am the duly appointed Secretary of the Board of Directors of the Paradise Irrigation District and I do hereby certify that the attached is a true and correct copy of Resolution No. 2018-09 passed and adopted by the Board of Directors of the Paradise Irrigation District at a special meeting held on \_\_\_\_\_, 2018.

Dated: \_\_\_\_\_, 2018

Executed at Paradise, California

\_\_\_\_\_  
Georgeanna Borrayo  
Secretary, Board of Directors



# PARADISE IRRIGATION DISTRICT

6332 Clark Road, Paradise CA 95969 | Phone (530)877-4971 | Fax (530)876-0483

## 2018 COMMITTEES OF THE DISTRICT

DATE: February 28, 2018  
MEMO TO: Directors, Staff, and Legal Counsel  
FROM: Georgeanna Borrayo, District Secretary  
SUBJECT: Committees of the District

### STANDING COMMITTEES:

#### ADMINISTRATION AND PERSONNEL

Review and recommend changes to the Board regarding the District's Policies/Rules and Regulations, participate in labor negotiations with employee representatives, hold employee grievance hearings as provided in the Employee Rules and Regulations.

Dan Wentland *Chairperson*

~~Cliff Jacobson~~

#### FINANCE

Oversee and safeguard the District's assets by reviewing investment policies and strategies, banking relationships, annual budget, district audit, risk management and significant financial and accounting issues.

~~Cliff Jacobson~~ *Chairperson*

Dan Wentland

#### PARADISE LAKE & RECREATION COMMITTEE

Review recreation programs and events at Paradise Lake and make recommendations to the Board regarding fees, permits, facility improvements and other related items. Members shall continually review the District's present and future water demands and proposals and projects to meet those demands.

Bill Kellogg *Chairperson*

Marc Sulik

PID Lake Patrol

PID Staff:

Greg Dobbs

Kevin Phillips

Jim Passanisi

Public Members:

David Bermann

Upper Ridge Coordinating Council - Darrell Wilson

Paradise Recreation & Park District – Steve Rodowick

Sierra Pacific Industries – Kieran O'Leary

#### COMMUNITY RELATIONS

Plan, develop and help implement ongoing community relations and education outreach efforts to provide information and results-based guidelines to District Directors and staff to promote understanding, support shared goals and build goodwill between the District and community. Committee members will continually review key issues as outlined in the Community Relations Plan (CRP) to ensure positive and interactive communications for District projects and issues. Members shall review District actions to enhance water education and conservation efforts. The two Board Members shall meet periodically with two members of the Paradise Town Council to discuss common issues and items of mutual concern to the District and Town.

Marc Sulik

*Chairperson*

Anne Rice

PID Staff:

Kevin Phillips

Mickey Rich

Cedar Creek:

Tonya Dale

Public Members:

Chuck Bell

Ward Habriel

**AD HOC COMMITTEES / DELEGATE APPOINTMENTS:**

**(Water Rate Review, Security, Annexation, ACWA/JPIA, Butte County Special Districts Association, Union Negotiations, and other similar types of committees)**

**AD HOC DEMONSTRATION GARDEN COMMITTEE**

Plan, design, and create an educational demonstration garden for ridge residents highlighting gardening ideas, fire-resistant and water-wise gardening concepts and irrigation methods.

Bill Kellogg	<i>Chairperson</i>
Anne Rice	
PID Staff:	Kevin Phillips
Public Members:	Ward Habriel
	Michael Spiess
	Chuck Bell
	Brice Fritts
	Fred Hofer

**AD HOC NEGOTIATING COMMITTEE (Emily LaMoe – District Representative)**

Dan Wentland	<i>Chairperson</i>
Anne Rice	

**AD HOC TREATMENT PLANT OPERATIONAL REVIEW COMMITTEE**

Anne Rice	<i>Chairperson</i>
Marc Sulik	

**AD HOC GRANT AGREEMENT REVIEW COMMITTEE - NORTH LAKE BOAT LAUNCH FACILITY PROJECT**

Review and provide concerns regarding language outlined in the Grant Agreement with the Department of Boating and Waterways (DBW) in preparation of an Addendum to the Agreement for review with DBW.

Anne Rice	<i>Chairperson</i>
Dan Wentland	

**ACWA JOINT POWERS INSURANCE AUTHORITY DIRECTOR REPRESENTATIVE**

Periodically attend and represent the District at meetings of the Association of California Water Agencies and the Association of California Water Agencies Joint Powers Insurance Agency regarding issues of interest to the District.

<b>Cliff Jacobson</b>	JPIA Director Representative
Kevin Phillips	JPIA Alternate Representative