



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

MONDAY, DECEMBER 7, 2020 – 7:30 AM

- ❖ *In accordance with California Governor Gavin Newsom's Executive Order (EO) N-29-20, PID will limit "in-person" attendance for the December 7, 2020 Special Board Meeting. The following options are available for members of the public to fully participate in the meeting:*

Via Livestream. Join us at <https://Facebook.com/pidwater>. To improve participation during the meeting, we will be selecting public comments from Facebook viewers to be read to PID's Board of Directors during the meeting. Online participants must post their comments for items not on the agenda on the Livestream thread by 7:40 a.m. At 7:40 a.m. the President of the Board will request public comments be read to the Board members. The Board cannot take action on any matter not on the agenda. Public comments specific to an agenda item will be read directly after the agenda item and before the Board votes on an item.

Via Email or Telephone: Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM NO. ____ to gborrayo@paradiseirrigation.com or telephone (530) 876-2039 by 7:00 a.m. on the day of the meeting.

Business to be Conducted:

CERTIFICATES OF ELECTION AND OATH OF OFFICE: The District Secretary will administer the Oath of Office for Directors elected or appointed at the November 3, 2020 General Election as follows:

Brian Shaw, Director, Division 1
Alan C. Hinman, Jr., Director, Division 2
Shelby Boston, Director, Division 3
Dan Hansen, Director, Division 5

1. **OPENING:**
 - a. Call to Order
 - b. 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. **LOBBYIST SERVICES** (Manager Lando): Consider authorization to continue to engage the services of Broad and Gusman to lobby on behalf of PID for the upcoming legislative year of 2021-2022 and authorize the Interim District Manager to execute Form 602 – Lobbying Firm Activity Authorization disclosure. *Action may be taken.*

4. CLOSED SESSION:

- a. 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.
- b. PUBLIC EMPLOYMENT (California Government Code Section 54957(b) (1)).
Title: District Manager
- c. PUBLIC EMPLOYMENT (California Government Code Section 54957(b) (1)).
Title: Distribution Superintendent

5. ANNOUNCEMENT FROM CLOSED SESSION

6. RETURN TO OPEN SESSION:

- a. **District Manager Recruitment:** Discussion and direction to staff regarding the recommended approach and timeline for the selection process for the unrepresented position of the District Manager position. *Action may be taken.*

7. ADJOURNMENT



PARADISE IRRIGATION DISTRICT

Memo to: Board of Directors
From: Tom Lando, Interim District Manager
Subject: Lobbyist Services
12/07/2020 Special Board of Directors Meeting

Background:

The District has used the services of Broad and Gusman, a Professional Lobbyist firm to help advocate on behalf of the District with the California State Legislature and as needed with other agencies.

I have attached the memorandum that Kevin Phillips presented in February of this year, as the examples Mr. Phillips presents remain true today, including but not limited to, pushing for the third year of backfill funding and the Design/Build legislation introduced by Assemblyman Gallagher on PID's behalf.

The cost of retaining the services is \$4,000 per month and is funded in the District's budget through 2020. If the Board desires, additional funding for 6 months is recommended.

The Agreement commenced on March 1, 2020 and is on a month-to-month basis and may be terminated by either party with thirty days written notice. A Lobbying Firm Activity Authorization (Form 602) must be completed and verified by each business entity or organization who employs or contracts with a lobbying firm.

Recommendation:

"I move to authorize an additional six months funding to continue to engage the services of Broad and Gusman to provide lobbyist services on behalf of PID and authorize the Interim District Manager to execute Form 602 – Lobbying Firm Activity Authorization disclosure on behalf of the District."



PARADISE IRRIGATION DISTRICT

TO: Board of Directors

FROM: Kevin Phillips, District Manager

DATE: 2/14/2020

**RE: Lobbyist services
02/19/2020 Board of Directors Meeting**

Over the last year, the District has enjoyed the services of a lobbyist firm, Broad & Gusman, without charge. The firm was instrumental in helping secure PID's backfill funding of approximately \$14.6m through its advocacy with the Legislature, Governor's Office, State Water Resources Control Board, Department of Water Resources, and other entities. The District cannot and should not expect Broad & Gusman's services to continue to be without charge.

District staff and counsel expect to need the services of professional lobbyists in the current legislative session. The following are examples of topics that the District will likely need lobbying services for:

1. AB 1957 (Assm. Gallagher); allowing the District the option of utilizing the design/build construction procurement methodology. If the bill is passed and if the potential project is ultimately deemed feasible, this could save the District a considerable amount of money as part of project implementation.
2. A potential November 2020 Drinking Water, Wildfire Prevention, and Natural Resources Bond. There are a number of bills in the legislature to place a bond on the November 2020 ballot for consideration by the voters. A bond also has the support of the Governor's office. The bond could be an opportunity to secure additional funding for the District's operations and/or recovery efforts.
3. PG&E Bankruptcy. There are a number of legislative packages directly or indirectly implicating PG&E's ongoing bankruptcy. PID needs to ensure it is positioned to achieve a successful outcome with its pending claim in the bankruptcy proceeding.
4. Assistance with the development of an Options/Sustainability Analysis being prepared by the State Water Resources Control Board. As you recall, PID's backfill funding was conditioned on the District participating in a "consolidation feasibility study". The parties have agreed that that is too narrow of a focus and, instead, should more broadly analyze the various options available to this community to allow for the continued delivery of affordable, reliable and safe water.

5. Potential request for a third year of backfill funding, mirroring the duration of backfill funding provided to tax-funded agencies, such as the Town of Paradise.

The firm proposes a set rate of \$4,000/mo. and the agreement may be terminated at any time. Staff has not done a formal RFP, but we believe the foregoing rate is highly competitive. The current, standard rate for lobbyists for water agencies, such as PID, is \$10,000/mo.

In sum, Board and Gusman has proven to be an effective lobbyist that can achieve bipartisan support for the District's needs.

The recommended form of motion is:

"I move to authorize the District Manager to execute a Professional Services Agreement with Broad and Gusman to provide legislative representation to the District for a fee of \$4,000 per month, plus necessary expenses on a month-to-month basis until the agreement is terminated."

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is between Paradise Irrigation District (Client) and the Broad & Gusman (Contractor). Clients and Contractor agree as follows:

1. Services. During the term of this Agreement, Contractor shall perform professional services for the Clients which shall consist of legislative representation before the California State Legislature, the Governor's Office, and other administrative agencies of the State of California as may be deemed necessary by the parties. Such duties shall consist of reviewing legislation as introduced and amended, bill tracking, communication with members of the Legislature and staff including testimony at public hearings, preparation of such reports, newsletters, and other forms of communication as may be required by Clients, attendance at meetings with members and officers of Clients, and other such duties as Clients may deem necessary.
2. Compensation. Clients agree to pay Contractor a fee of \$4,000 per month, plus necessary expenses. Necessary expenses shall include, but shall not be limited to, reimbursement at the cost incurred by the Contractor for any cellular or long-distance telephone charges made on behalf of Clients, postage, reproduction of materials at \$.05 per page, reimbursement for automobile travel outside of Sacramento at the IRS approved rate, and any travel, lodging or meal expenses incurred on behalf of Clients. Travel, lodging and meal expenses shall not be incurred without the advanced approval of Clients. No expenses shall be charged above \$200 without prior approval of Clients.
3. Term. The term of this agreement shall commence on March 1, 2020 and shall continue on a month-to-month basis until the agreement is terminated. Either party may terminate the agreement with thirty days written notice. The parties may modify the terms of the agreement by mutual consent.
4. Contract Not Contingent. In accordance with the laws of the State of California, it is understood by the parties that neither the services described herein nor the payment for those services is contingent on the defeat or enactment of any legislation or administrative regulation.
5. Independent Contractor. Contractor, in performing services under this Agreement, shall act as an independent contractor and not as an employee of Clients. Nothing in this Agreement shall be construed to create a partnership, agency, joint venture, or employer-employee relationship. Contractor understands that Clients have no federal or state obligations regarding employment tax liability and Clients' total commitment and liability under this Agreement is limited to the payments set forth herein.
6. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to its subject matter. All prior negotiations, proposals, and agreements between the parties are included in this agreement.

7. Governing Law. This Agreement shall be interpreted under the laws of the State of California.

By: Broad & Gusman



Shane Gusman
Partner

Date: 3/3/2020

By: Paradise Irrigation District



Kevin M. Phillips
District Manager

Date: March 2, 2020

Lobbying Firm
Activity Authorization
(Government Code Section 86104)

Check *one* box, if applicable

☒ Lobbyist Employer
(Gov. Code Section 82039.5)

☐ Lobbying Coalition
(FPPC Regulation 18616.4)

Type or Print in Ink

Legislative Session

2019-2020

(Insert Years)

Page 1 of 2

CALIFORNIA
FORM **602**

FAIR POLITICAL PRACTICES COMMISSION

For Official Use Only

NAME OF FILER:

Paradise Irrigation District

BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(Zip Code)

6332 Clark Road

Paradise

CA

95969

MAILING ADDRESS: (If different than above.)

ELECTIVE DATE:

3/01/2020

TELEPHONE NUMBER:

(530) 877-4971

FAX NUMBER: (Optional)

()

E-MAIL: (Optional)

I hereby authorize Broad & Gusman

(Name of Lobbying Firm)

1127 11th Street, Suite 512, Sacramento, CA 95814

(Business Address)

to engage in the activities of a lobbying firm (as defined in California Government Code Section 82038.5 and 2 Cal. Code of Regs. Section 18238.5) on behalf of the above named employer.

If you are authorizing another lobbying firm to lobby on behalf of your firm's client(s), provide the name(s) of the client(s) below. (It is not necessary to complete the Nature and Interests section.)

NAME OF SUBCONTRACTED CLIENT:

NAME OF SUBCONTRACTED CLIENT:

NAME OF SUBCONTRACTED CLIENT:

NAME OF SUBCONTRACTED CLIENT:

VERIFICATION

I have used all reasonable diligence in preparing this Statement. I have reviewed this Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 5, 2020
DATE

By [Signature]
SIGNATURE OF RESPONSIBLE OFFICER

Name of Responsible Officer Kevin M. Phillips
PRINT OR TYPE

Title District Manager

FPPC Form 602 (10/15)
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

**Lobbying Firm
Activity Authorization**

SEE INSTRUCTIONS ON REVERSE

Type or Print in Ink

CALIFORNIA
FORM **602**
FAR POLITICAL PRACTICES CODE

NAME OF FILER:
Paradise Irrigation District

Page 2 of 2

Nature and Interests of Lobbyist Employer

Check one box only:

☐ INDIVIDUAL (Complete
only Parts A and E)

☒ BUSINESS ENTITY
(Complete only Parts B
and E)

☐ INDUSTRY, TRADE OR
PROFESSIONAL ASSN.
(Complete only Parts C and E)

☐ OTHER (e.g., lobbying
coalition) (Complete only
Parts D and E)

A. Individual

1. Name and address of employer (or principal place of business if self-employed):

2. Description of business activity in which you or your employer are engaged:

B. Business Entity

Description of business activity in which engaged:

Irrigation district delivering water to municipal, industrial, and irrigation customers.

C. Industry, Trade or Professional Association

1. Description of industry, trade or profession represented:

2. Specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents:

3. Number of members in association (check appropriate box)

☐ 50 OR LESS (provide names of all members on an attachment.)

☐ MORE THAN 50

D. Other

1. Statement of nature and purposes:

2. Description of any trade, profession, or other group with a common economic interest which is principally represented or from which membership or financial support is principally derived:

E. Industry Group Classification

Check one box which most accurately describes the industry group which you represent. See instructions on reverse.

☐ AGRICULTURE

☐ LEGAL

☐ ENTERTAINMENT/RECREATION

☐ OIL AND GAS

☐ EDUCATION

☐ PUBLIC EMPLOYEES

☐ FINANCE/INSURANCE

☐ PROFESSIONAL/TRADE

☐ GOVERNMENT

☐ POLITICAL ORGANIZATIONS

☐ LODGING/RESTAURANTS

☐ REAL ESTATE

☐ HEALTH

☒ UTILITIES

☐ MANUFACTURING/INDUSTRIAL

☐ TRANSPORTATION

☐ LABOR UNIONS

☐ OTHER: _____
(Describe in detail)

☐ MERCHANDISE/RETAIL

☐ OTHER: _____
(Specific Description)

FPPC Form 602 (10/15)
FPPC Advice Email: advice@fppc.ca.gov
FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov



PARADISE IRRIGATION DISTRICT

Memo to: Board of Directors
From: Tom Lando, Interim District Manager
Subject: District Manager Recruitment
12/07/2020 Special Board of Directors Meeting

Background:

The extended recruitment ended Friday (December 4th).

The Board should now discuss how it would like to proceed and the next step in the selection process. I've outlined a possible approach below:

- Screening Committee reviews applications (currently this committee consists of Board President Sulik and Vice President Boston)
- Board meets in closed session at your meeting on December 18 to confirm candidates to interview as well as when those interviews will occur.
- Interviews held the second week in January (depending on when the Board is available to hold those interviews)
- Background and reference checks done on the preferred candidate(s) and a second interview held if desired.
- January 20th Closed session- authorize negotiation with the selected individual.
- February 17th Formal approval of employment agreement (by law this must be done at a regular meeting).
- Time to give notice (if required)- new District Manager starts work (probably in March 2021)

Recommendation:

The Board should confirm whether it wants to continue with a screening committee and who the members of that committee should be. At your December 18th meeting that committee, (if selected), can report back to the full Board in closed session and an interview date(s) selected.