

## JOINT SPECIAL MEETING

**CITY OF ANGELS, CITY COUNCIL,  
AND BOARD OF DIRECTORS OF  
UNION PUBLIC UTILITY DISTRICT (UPUD) and  
UTICA WATER AND POWER AUTHORITY (UWPA)  
January 31, 2024 at 4:00 p.m.**

***THIS MEETING WILL BE HELD AT NATIVE SONS HALL, 389 Main Street Murphys, CA 95247***

**In person public attendance will be available with limited seating. Seats are available on a first come, first served basis. Members of the public shall have the right to observe and offer public comment at the appropriate time.**

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### **CITY OF ANGELS, CITY COUNCIL:**

**Mayor** Jennifer Herndon

**Vice Mayor** Isabel Moncada

**Council Members** Alvin Broglio, Michael Chimente, Caroline Schirato

**City Administrator** Rebecca Callen

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### **UNION PUBLIC UTILITY DISTRICT (UPUD):**

**PRESIDENT** Eric Bottomley

**VICE PRESIDENT** Greg Rasmussen

**SECRETARY** Tom Quincy, **TREASURER** Bruce Tallakson, **DIRECTOR** Ralph "Rocky" Chick

**GENERAL MANAGER** Jessica Self

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### **UTICA WATER AND POWER AUTHORITY (UWPA):**

**CHAIR** Vacant

**VICE CHAIR** Ralph "Rocky" Chick

**SECRETARY** Jennifer Herndon **DIRECTORS** Caroline Schirato, Gary Conrado

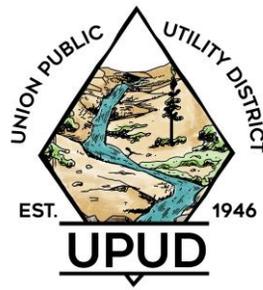
**GENERAL MANAGER** Joel Metzger

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### **4:00 p.m. REGULAR MEETING**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)**
- 4. PUBLIC COMMENT**

The public may address the Council and Boards on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City, UPUD, or UWPA. No action may be taken. Matters to be addressed may be referred to agency staff or placed on a subsequent meeting Agenda. Speakers are limited to five minutes per person.



## 5. REGULAR AGENDA

- A. Overview of Utica Water and Power Authority
- B. Joint Powers Agreement Review
- C. Utica Water and Power Authority Financial Overview
- D. Break
- E. Overview of Upcoming Rate Studies: City of Angels and Union Public Utility District
- F. Utica Water and Power Authority Federal Energy Regulatory Commission Exemption Application Overview
- G. Joint Powers Authority Communication and Direction
- H. Discussion / Direction From the Full Joint Powers Authority to Staff

## 6. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at 209-728-3651. Notification in advance of the meeting will enable UPUD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at UPUD for review by the public.

## UTICA WATER AND POWER AUTHORITY

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**Date:** January 31, 2024  
**To:** Joint Powers Authority Member Entities  
**From:** Joel Metzger, General Manager  
**Re:** Overview of the Utica Water and Power Authority

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### **Recommended Action:**

Discussion/direction only.

### **Summary:**

The Utica Water and Power Authority (Utica, UWPA) was formed as a Joint Powers Authority (JPA) in 1995 and recognized by the State in 1996. It was originally a partnership between three agencies: the Calaveras County water District (CCWD), City of Angels Camp (COA), and the Union Public Utility District (UPUD), collectively the "Member Entities". A Joint Powers Agreement (Agreement) was signed on December 20, 1995, which provided a legal framework for how the JPA would operate. Per the agreement: the Authority was created to obtain the FERC hydroelectric project licenses for the Angels Project No. 2699 and the Utica Project No. 2019 in order to help assure that there will be adequate water available from the Projects for the protection of all beneficial public uses in Calaveras County, including for power production, domestic water supply, agricultural and irrigation water supply, recreation, aesthetics and fish and wildlife purposes.

Utica took on \$3.7 million in debt for the purchase of the system, and the debt was paid in full in by Utica 2016. Including interest, the system cost was more than \$4 million. Watch this video on Calaveras Community Television to learn more:  
<https://www.youtube.com/watch?v=ZX9hBOxOdIQ&t=646s>

### **Utica Mission Statement:**

*Updated in 2022: We are committed to preserving and protecting local control of our water resources through effective fiscal and operational management and assuring a safe and reliable water supply for municipal and agricultural stakeholders, while ensuring the quality and quantity of this precious resource for generations to come.*

### **Background:**

Utica traces its roots back to the Gold Rush. The Union Water Company (UWC) was formed in 1852 to formalize efforts to bring water from Angels Creek and Mill Creek to serve large mining operations in Murphys and Angels Camp. By 1854, UWC extended its system to tap the North Fork of the Stanislaus River. In need of water storage in the high country, Union Reservoir was constructed in 1858, and that same year the company acquired Calaveras County Water Co., which also built extensive water conveyance canals and flumes to serve the mines.

In the 1880s, the Utica Gold Mining Company (UGMC) took over the Union Water Company's holdings, and in 1889 completed the construction of Lake Alpine, which increased water storage in the high country. One year later, Utica harnessed the pressure of water falling from the Angels Forebay to operate air compressors, hoists and stamp mills used to crush ore (gold-bearing rocks) in Angels Camp mines. In 1895, UGMC built a small power plant in Angels Camp and in 1899, the Utica Powerhouse was built in Murphys. By 1906, UGMC completed the construction of Utica Reservoir, just downstream of Union Reservoir. The final up-country reservoir to be built was completed in 1929 – the original Spicer Meadow Reservoir.

As the mining industry declined in the 1900s, an increasing amount of water was used for agricultural irrigation and residential/commercial consumptive use. However, in 1939, UGMC declared it only wanted to provide consumptive service to Angels Camp. This led to a legal dispute between UGMC and Murphys residents, which resulted in a settlement agreement that allowed a group called the Calaveras Water Users Association (now known as the Union Public Utility District) to purchase water from the Utica system to meet consumptive needs.

By the mid-1900s, most of the large mines in Calaveras County had closed. In 1941, the Utica Gold Mining Company constructed a new powerhouse in Angels Camp, and in 1946, it sold the water conveyance system and powerhouses to Pacific Gas and Electric (PG&E). Over the next 10 years, PG&E made substantial investments in the system, including building a new powerhouse in Murphys in 1954 and upgrading the Angels Powerhouse. During the PG&E era, more than 20 employees were used to operate the system. In the late 1980s, PG&E began the process of relicensing the project through the

Federal Energy Regulatory Commission (FERC) – the license was set to expire in 1995. During the relicensing process, the Northern California Power Agency (NCPA), which provides power to its member agencies outside of Calaveras County, filed a competing application for PG&E's Utica and Angels projects. A group of community members in Murphys and Angels Camp objected to an outside agency taking control of the long-held water rights – and NCPA's proposal to substantially reduce the amount of water from the Stanislaus River flowing through Angels / Murphys Creek. After a long negotiation between NCPA, the Calaveras County Water District (CCWD) and community stakeholders, the Utica Power Authority (UPA) was formed in 1996 as a Joint Powers Authority (JPA) with three members – CCWD, Union Public Utility District (UPUD) and the City of Angels Camp (COA). The newly formed JPA took ownership of a 27-mile-long water conveyance system, five reservoirs, and two powerhouses. A settlement agreement awarded a portion of PG&E's water rights to NCPA (28 CFS), and the remainder was awarded to UPA (60 CFS).

Although some water rights were lost as part of the settlement agreement, the JPA did benefit from the construction of the North Fork Project in the 1980s, which was financed by NCPA and owned by CCWD. The total cost of the project was around \$650 million, which was used to build New Spicer Dam and Powerhouse, the North Fork Diversion Tunnel, McKay's Dam, the Collierville Tunnel and the Collierville Powerhouse. McKay's, built just downstream of Calaveras Big Trees State Park, is a dam holding back around 2,000 acre feet of water, and its purpose is to divert the

majority of the North Fork Stanislaus River water into an 18-foot diameter tunnel that is 8 ½ miles long and terminates at the 252-megawatt Collierville Powerhouse, which was constructed at the end of Camp 9 Road near Murphys. As Stanislaus River water flows through the Collierville Tunnel beneath Avery, Utica withdraws a portion of it through a “Tunnel Tap”, which is a 3-foot-diameter vertical shaft drilled into the tunnel below ground. Since McKay’s elevation is higher than the tunnel’s elevation at Avery, gravity creates head pressure that pushes the water up the Tunnel Tap and delivers it into Utica’s ditch system without the need for pumps. The Tunnel Tap discharges water into the Upper Utica Canal, which is the last remaining remnant of an 8-mile canal / flume that historically stretched from McKay’s Diversion Dam on the Stanislaus River near Calaveras Big Trees to Hunter Reservoir in Avery. That upper section of ditch / flume was abandoned following the construction of the Collierville Tunnel, which delivers water to the remainder of Utica’s 27-mile-long water conveyance system near Avery.

Utica’s longest wooden flume – called ¾ Mile Flume – near Forest Meadows was completely destroyed by the Darby Fire in 2001, cutting off the sole public water supply to more than 10,000 residents. Six other smaller wooden flumes were also destroyed by the Fire. It took 10 months to rebuild with the help from California Office of Emergency Services and the Federal Emergency Management Agency.

Following the 2001 Darby Fire, CCWD chose to leave the JPA, which left UPUD and the City of Angels Camp as the only remaining members. In 2013, Utica Power Authority was renamed to “Utica Water and Power Authority” to reflect its primary mandate, which is to provide a reliable water supply to this community.

### **Operational Overview in 2024**

In 2024, Utica has a 10-person staff that is responsible for conveying about 33,000-acre-feet of water from the North Fork Stanislaus River through a 27-mile-long conveyance system, consisting of wooden flumes, earthen/concrete ditches, and five reservoirs. Utica continues to operate a 3.6 MW hydroelectric power plant in Murphys and 1.4 MW plant in Angels Camp. Revenues generated by these powerhouses is used to help offset the cost of operating and maintaining the water supply system. The water conveyed by Utica is provided directly to agricultural water contractors directly from the system, and to COA and UPUD, which deliver water to residential, commercial, and agricultural customers in the Murphys, Douglas Flat, Vallecito, and Angels Camp region.

### **Financial Considerations:**

For the first 18 years of its existence, the Utica Board did not request financial contributions from member entities. However, in 2014, the Utica Board approved budgets requesting contributions from COA and UPUD. Since 2014, contributions from the Member Entities have continued, although they have increased and decreased, depending on Utica’s volatile hydropower revenues and Board decisions regarding expenditures.

### **Attachments:**

1. History of UWPA

2. UWPA Strategic Plan
3. Attachment A Water Supply
4. Projected hydropower revenues

## The History of the Utica Water and Power Authority



Gold made Calaveras County, but it was water that made the mines. When gold seekers crowded into Murphys and the surrounding area in 1848, they soon discovered the importance of a reliable water supply. The Union Water Company was formed in 1852 by the combination of companies already working to tap Angels Creek and the Mill Creek watershed. By 1854, the company had extended its reach to the North Fork of the Stanislaus River.

Four years later, it expanded into the high mountains to build Union Reservoir and improve its water supply through the long, dry season. In 1858, the Union Water Co. acquired the Calaveras County Water Company, which had built a roughly parallel ditch/flume system from a North Fork Stanislaus River diversion at McKays Point to Hunters Reservoir in Avery and then on to the mines. It was a better route and survived into the late 20<sup>th</sup> Century as the “Upper Utica Canal”.

In the late 1880s, the Union Water Company passed into the hands of the Utica Gold Mining Company (Utica Company), which already owned some of the richest mines in Calaveras County. The mining company expanded storage on the upper watershed by creating Lake Alpine in 1889-1892 and Utica Reservoir in 1903-1906. Its final reservoir was at Spicer Meadow, which was completed in 1929.

The Utica Company put its water to work running the heavy machinery of industrial mining. The first penstocks from what is now the Angels Forebay were run to the mines at Angels Camp in 1890, where the “head-pressure” of falling water was harnessed to operate air compressors, hoists and the stamp mills that processed the ore. It was also the dawn of the hydroelectric age. In 1895 the company set up a small hydroelectric power plant in Angels Camp and a 1,000-foot transmission line to power electric lights in one of its mines. Other experimental plants followed, and in 1899 the Utica Powerhouse was built east of Murphys. When the Utica Mine closed in 1918, an air compressor assembly in Angels Camp was converted into a temporary electric generator. It served until a new Angels Powerhouse was constructed in 1940-1941.

Although built for mining, the network of ditches and flumes fed by the Utica system had been a source of water for domestic use and small-scale agricultural irrigation since the Gold Rush. For unknown reasons, the Utica Company petitioned the forerunner of the California Public Utilities Commission in 1926 to abandon its public utility service everywhere except Angels Camp. Alarmed at the prospect of losing their water supply, residents of the Murphys area organized the Calaveras Water Users Association and engaged in a legal battle with the Utica Company that lasted until 1939. A settlement agreement guaranteed the right to purchase water from the Utica system, and the Association eventually became today’s Union Public Utility District. Households and businesses in Angels Camp purchased their water directly from the Utica system until 1984 when the city purchased the municipal water system.

When Emma Rose, who owned half of the Utica Mining Co., died in 1946 the company was sold to Pacific Gas & Electric. PG&E modernized the system, including replacement of the Utica Powerhouse in 1953-1954 and upgrades to the miles of ditches and flumes. The PG&E system was covered by two licenses issued by the Federal Energy Regulatory Commission (FERC). Project No. 2019 included the four upper reservoirs (Alpine, Union, Utica and Spicer Meadow), the diversion dam at McKay’s Point on the North Fork of the Stanislaus River and the Upper Utica Canal from McKay’s to Hunters Reservoir on Mill Creek in Avery. Then as now, the Lower Utica Canal carries water to the Utica Powerhouse, with diversions into UPUD’s North Ditch and South Ditch for irrigation and in more recent years to Cademartori Reservoir, which feeds UPUD’s water treatment plant, as well as to water contractors along the canal. The Angels Project, FERC No. 2699,

begins at the Angels Diversion Dam about 3 miles downstream from the Murphys Afterbay. From the diversion, water flows down the Upper Angels Canal into Ross Reservoir and is released into the Lower Angels Canal that ends at the Angels Forebay. Diversions from the Angels Forebay provide water to irrigation users on the Dogtown Ditch and the City of Angels' water treatment plant. Remaining water flows into the Angels Penstock, which feeds the Angels Powerhouse.

The Utica system has some of the oldest and most secure water rights on the North Fork Stanislaus River. They included a right to 60 cubic feet per second (CFS) of the combined flow of the North Fork Stanislaus River, Beaver Creek and Mill Creek, the right to store water in the upper reservoirs, and senior rights to the flow of Angels Creek sufficient to fully supply the Upper and Lower Angels Canals.

By the mid-1980s, the [Calaveras County Water District](#) (CCWD), in partnership with the [Northern California Power Agency](#) (NCPA), began work on construction of the ambitious North Fork Stanislaus Hydroelectric Development Project (FERC project No. 2409). This project cost more than \$600 million, and was funded by NCPA's member agencies ([watch a video about the project here](#)). New Spicer Meadow Dam built, which inundated the 1929 Spicer Meadow Dam, and increased total water storage to 189,000-acre-feet. A 5 MW hydroelectric powerhouse was built at the base of the new dam. Downstream from Spicer, the McKay's Point Diversion Dam was constructed to divert the majority of North Fork Stanislaus River water into the Collierville Tunnel, which is an 8.3-mile, 18-foot-diameter tunnel drilled through solid rock to supply the [252-megawatt Collierville Powerhouse](#), which was built at the end of Camp 9 Road, 4 miles east of Murphys. The vast majority of gross annual power sale revenues (estimated at around \$40 million) from the Collierville Powerhouse go to NCPA, with the exception of an annual payment to CCWD of fewer than \$1 million. This tunnel eliminated the need for the McKay's Point Diversion Dam and 99% of the Upper Utica Canal, which was abandoned. To maintain water service to the Utica system, the 400-foot vertical Mill Creek Tap "Tunnel Tap" connected the Collierville Tunnel to a short remnant of the Upper Utica Canal near Hunter Reservoir. Utica's water entitlement was delivered through a combination of the Tunnel Tap and flows from Mill Creek, according to Allocation A, a monthly schedule agreed upon by CCWD, NCPA, and Utica. Depending on water year (wet vs. dry) between 16,107-acre-feet and 33,514-acre-feet of water is diverted into Utica system through the Tunnel Tap and/or Mill Creek.

PG&E's FERC licenses were due to expire in 1996, but even as the company began the relicensing process a new complication arose when NCPA filed a competing application for the Utica and Angels licenses. It was believed that if NCPA could take control of the project from PG&E, it would re-route much of the water that had historically run through the Utica water system to the new Collierville Powerhouse to increase its own power revenues. Citizens of Murphys and Angels Camp did not want to lose their historic water supply to NCPA or see the flow of water through Murphys Park and Angels Creek diminished. CCWD entered the negotiations, and in 1995 signed a settlement agreement with NCPA. CCWD would buy the PG&E projects, with NCPA sharing in the cost. In exchange, NCPA would take ownership of the Lake Alpine, Union and Utica reservoirs, and the old Spicer Meadow storage rights in addition to 28 CFS of the 88 CFS North Fork Stanislaus water right. All the rest of the PG&E projects—from the Tunnel Tap through the Angels Powerhouse—would be transferred to a new entity, the Utica Power Authority (UPA). UPA was created as a joint powers authority (JPA) consisting of CCWD, UPUD, and the City of Angels as original members, giving the local area ownership of its water supply. Although governed by a board made up of two representatives from each member agency and one community member at-large, UPA is the legal owner of all of its assets, including the remaining 60 CFS water right and UPA retained all of PG&E's rights on Angels Creek and French Gulch.

Utica Power Authority was officially organized in December 1995 and the JPA was recognized by the State in 1996. The assets and rights of the PG&E Utica and Angels projects were conveyed to UPA by deed and bill of

sale in 1997. The cost of purchasing the system from PG&E was initially \$3.65 million, and that cost exceeded \$4 million including interest payments over 20 years – the debt was paid off in 2016. New FERC licenses for projects 2019 and 2699 were issued to UPA in 2003. These two licenses are due to expire in September 2033.

Operating a water delivery system in rugged terrain comes with substantial challenges, and that was never more apparent than in September 2001 when the Darby Fire destroyed seven wooden flumes, including “3/4-Mile Flume,” which is the longest continuous stretch of wooden flume on the system. An emergency pumping system kept a minimum amount of water (4-5 CFS) flowing to local communities during the 10 months needed to rebuild the flume. Although much of the costs were covered by insurance companies and the California Office of Emergency Services (Cal OES), this catastrophe caused CCWD to grow concerned about the legal and financial costs of participation in UPA, and it withdrew entirely in 2005.

In 2013 the Authority’s name was changed to Utica Water and Power Authority (now known as UWPA or Utica) to reflect its primary mandate to assure delivery of its precious resource for the best beneficial public use for generations to come.

In addition to water deliveries to Murphys and Angels Camp, the Utica Power Authority operates two hydroelectric powerhouses built by the Utica Gold Mining Company and PG&E. The Murphys Powerhouse is rated at 3.6 megawatts and the Angels Powerhouse at 1.4 megawatts. As a producer of certified “green energy” Utica commands higher prices than standard energy markets for electrical output. In 2017 and 2021, Utica secured 20-year Power Purchase Agreements (PPR) with PG&E for the Angels and Murphys Powerhouses through the [ReMAT Program](#), which was put in place by the California State Legislature to incentive the development and continuation of small, decentralized green energy generators. These ReMAT contracts increased Utica’s power sales revenues and reduced impacts from market fluctuations.

As of the writing of this document in 2023, Utica’s annual budgets have averaged around \$3 million over the past five years. However, hydropower revenues under ReMAT generate between \$600,000 and \$1.8 million. Even with other revenue sources, such as water sales, leases, and interest, Utica’s revenues are not enough to cover expenses approved the Board of Directors. These budget shortfalls has been covered by contributions from the City of Angels Camp and Union Public Utility District.

For more information about Utica, go to [www.uticawater.com](http://www.uticawater.com), visit the Authority on Facebook at [www.facebook.com/UticaWaterPower](https://www.facebook.com/UticaWaterPower), or follow on Instagram @UticaWaterPower.



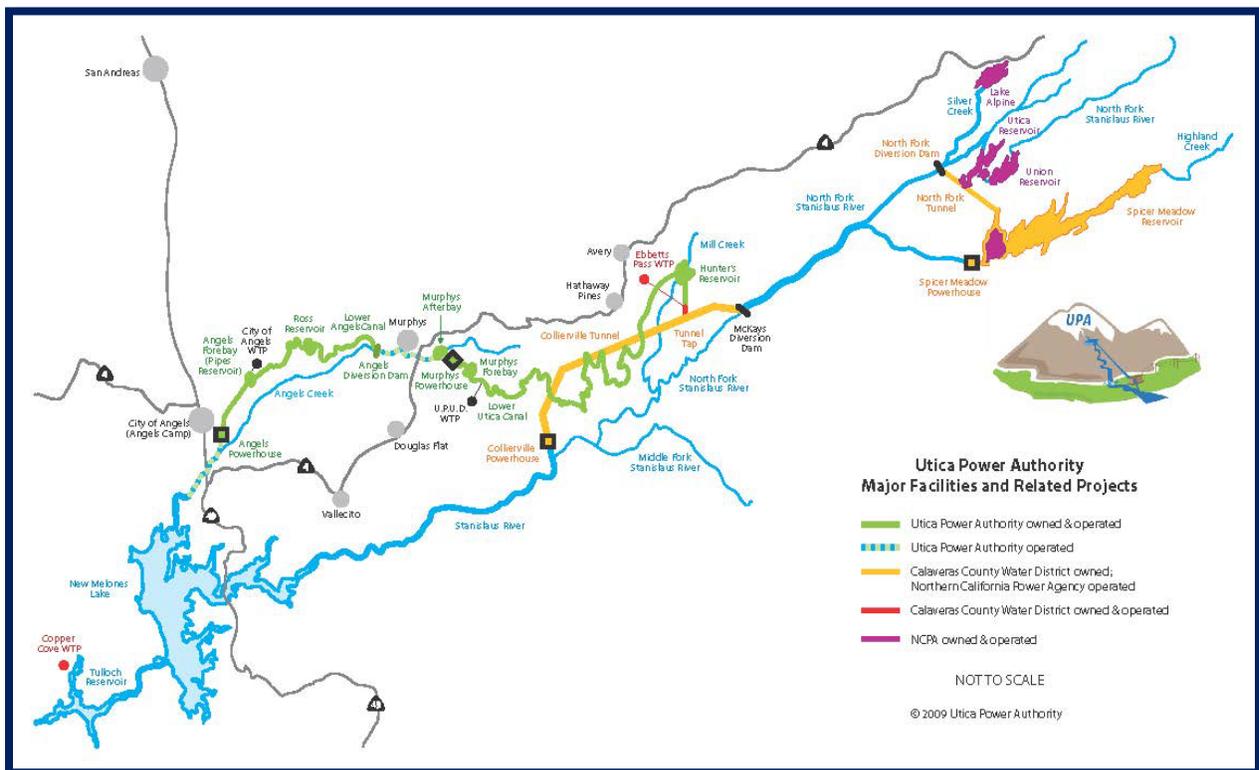
# **Utica Water and Power Authority Mission, History, Core Values, and Strategic Plan 2022-2026**

Adopted – April 26, 2022

# Foreword

Carrying on the tradition of the community leaders who fought to preserve local control of water rights by creating Utica in the mid-1990s, we are committed to continuing to protect local control of our water resources for our existing communities, while paving the way for future growth and generational prosperity for the residents, businesses, and agricultural customers we serve. We are proud to celebrate the history of our system that dates back to 1852 while continuing to provide water to more than 10,000 people who rely on us between Avery and Angels Camp. In Utica’s Core Values and Five-Year Strategic Plan 2022-2026 lays out the goals our team will strive to achieve in a new era of proactive management, stronger stakeholder partnerships, thoughtful resource stewardship, and long-term operational and financial reliability. Utica will remain focused on its primary mission – to safely and consistently deliver the water supply to the Union Public Utility District (UPUD), City of Angels Camp (COA) and agricultural customers.

## Utica Water and Power Authority System Map



# Our Mission

We are committed to preserving and protecting local control of our water resources through effective fiscal and operational management, and assuring a safe and reliable water supply for municipal and agricultural stakeholders, while ensuring the quality and quantity of this precious resource for generations to come.

# Our History

Utica Water and Power Authority (Utica) traces its roots back to the Gold Rush. The Union Water Company (UWC) was formed in 1852 to formalize efforts to bring water from Mill Creek (in Avery) and Angels Creek to serve large mining operations in Murphys and Angels Camp. By 1854, UWC extended its system to tap the North Fork of the Stanislaus River. In need of water storage in the high country, Union Reservoir was constructed in 1858, and that same year the company acquired Calaveras County Water Co., which also built extensive water conveyance canals and flumes to serve the mines.

In the 1880s, the Utica Gold Mining Company (UGMC) took over the Union Water Company's holdings, and in 1889 completed the construction of Lake Alpine, which increased water storage in the high country. One year later, Utica harnessed the pressure of water falling from the Angels Forebay to operate air compressors, hoists and stamp mills used to crush ore (gold-bearing rocks) in Angels Camp mines. In 1895, UGMC built a small power plant in Angels Camp and in 1899, the Utica Powerhouse was built in Murphys. By 1906, UGMC completed the construction of Utica Reservoir, just downstream of Union Reservoir. The final up-country reservoir to be built was completed in 1929 – the original Spicer Meadow Reservoir.

As the mining industry declined in the 1900s, an increasing amount of water was used for agricultural irrigation and residential/commercial consumptive use. However, in 1939, UGMC declared it only wanted to provide consumptive service to Angels Camp. This led to a legal dispute between UGMC and Murphys residents, which resulted in a settlement agreement that allowed a group called the Calaveras Water Users Association (now known as the Union Public Utility District) to purchase water from the Utica system to meet consumptive needs.

By the mid-1900s, most of the large mines in Calaveras County had closed. In 1941, the Utica Gold Mining Company constructed a new powerhouse in Angels Camp, and in 1946, it sold the water conveyance system and powerhouses to Pacific Gas and Electric (PG&E). Over the next 10 years, PG&E made substantial investments in the system, including building a new powerhouse in Murphys in 1954 and upgrading the Angels Powerhouse. During the PG&E era, more than 20 employees were used to operate the system. In the late 1980s, PG&E began the process of relicensing the project through the

Federal Energy Regulatory Commission (FERC) – the license was set to expire in 1995. During the relicensing process, the Northern California Power Agency (NCPA), which provides power to its member agencies outside of Calaveras County, filed a competing application for PG&E's Utica and Angels projects. A group of community members in Murphys and Angels Camp objected to an outside agency taking control of the long-held water rights – and NCPA's proposal to substantially reduce the amount of water from the Stanislaus River flowing through Angels / Murphys Creek. After a long negotiation between NCPA, the Calaveras County Water District (CCWD) and community stakeholders, the Utica Power Authority (UPA) was formed in 1996 as a Joint Powers Authority (JPA) with three members – CCWD, Union Public Utility District (UPUD) and the City of Angels Camp (COA). The newly formed JPA took ownership of a 27-mile-long water conveyance system, five reservoirs, and two powerhouses. A settlement agreement awarded a portion of PG&E's water rights to NCPA (28 CFS), and the remainder was awarded to UPA (60 CFS).

Although some water rights were lost as part of the settlement agreement, the JPA did benefit from the construction of the North Fork Project in the 1980s, which was financed by NCPA and owned by CCWD. The total cost of the project was around \$650 million, which was used to build New Spicer Dam and Powerhouse, the North Fork Diversion Tunnel, McKay's Dam, the Collierville Tunnel and the Collierville Powerhouse. McKay's, built just downstream of Calaveras Big Trees State Park, is a dam holding back around 2,000 acre feet of water, and its purpose is to divert the majority of the North Fork Stanislaus River water into an 18-foot diameter tunnel that is 8 ½ miles long and terminates at the 252-megawatt Collierville Powerhouse, which was constructed at the end of Camp 9 Road near Murphys. As Stanislaus River water flows through the Collierville Tunnel beneath Avery, Utica withdraws a portion of it through a "Tunnel Tap", which is a 3-foot-diameter vertical shaft drilled into the tunnel below ground. Since McKay's elevation is higher than the tunnel's elevation at Avery, gravity creates head pressure that pushes the water up the Tunnel Tap and delivers it into Utica's ditch system without the need for pumps. The Tunnel Tap discharges water into the Upper Utica Canal, which is the last remaining remnant of an 8-mile canal / flume that historically stretched from McKay's Diversion Dam on the Stanislaus River near Calaveras Big Trees to Hunter Reservoir in Avery. That upper section of ditch / flume was abandoned following the construction of the Collierville Tunnel, which delivers water to the remainder of Utica's 27-mile-long water conveyance system near Avery.

Utica's longest wooden flume – called ¾ Mile Flume – near Forest Meadows was completely destroyed by the Darby Fire in 2001, cutting off the sole public water supply to more than 10,000 residents. Six other smaller wooden flumes were also destroyed by the Fire. It took 10 months to rebuild with the help from California Office of Emergency Services and the Federal Emergency Management Agency.

Following the 2001 Darby Fire in 2003, CCWD chose to leave the JPA, which left UPUD and the City of Angels Camp as the only remaining members. A \$1.5 million loan was

repaid to CCWD over the next 10 years, which had been taken out to fund the purchase of the system from PG&E. In 2013, Utica Power Authority was renamed to “Utica Water and Power Authority” to reflect its primary mandate, which is providing a safe, reliable water supply to the communities who rely on Utica’s water.

## Who We Are Today

A staff of 10 operate an intricate 27-mile-long water conveyance system consisting of Gold-Rush-era earthen ditches partially lined with gunite, more than 20 wooden flumes, and five water storage reservoirs, all utilized to convey water from Avery to Angels Camp. Utica’s water serves the residential, commercial and agricultural needs of more than 10,000 people who live along the Highway 4 Corridor between Murphys and Angels Camp. To help fund the operation and maintenance of the conveyance system, Utica operates two hydroelectric powerhouses – one in Murphys and one in Angels Camp.

In an average year, Utica holds pre-1914 water rights for more than 33,000 acre feet of water from a combination of Mill Creek and the North Fork Stanislaus River. Utica conveys this untreated water supply to UPUD and COA who serve Murphys, Douglas Flat, Vallecito, Six Mile Village, Carson Hill and Angels Camp, as well as to more than 20 agricultural customers directly from the ditch. A family of four with a standard home size, lawn, and garden uses about 1 acre foot of water annually, which is about 326,000 gallons.

Utica’s water falls as rain and snow in the North Fork Stanislaus Watershed in the high Sierra between Ebbett’s Pass and Sonora Pass. Runoff flows through Highland Creek, Silver Creek and the North Fork Stanislaus, as it passes through Lake Alpine and Utica, Union and Spicer Reservoirs, before the tributaries join together to form the main stem North Fork Stanislaus River.

The remaining section of the Upper Utica Canal carries water from the Tunnel Tap into Hunter Reservoir near Avery. Utica releases water from Hunter into the “Lower Utica Canal”, which flows 13 miles through canals and wooden flumes along the steep wall of the North Fork Stanislaus River Canyon from Avery to Murphys. Several irrigation customers have water services along this section.

The Lower Utica Canal ends at the Murphys Forebay on a hill above Murphys. Just upstream of the forebay, water is supplied to Cadamartori Reservoir, which is owned by the Union Public Utility District (UPUD) and used to supply its Water Treatment Plant, which serves more than 2,000 customers. Additionally, Utica’s water is diverted into UPUD’s North Ditch and South Ditch, which serve more than 100 irrigation customers in Murphys, Douglas Flat, Vallecito and along Red Hill Road to Carson Hill.

Water from the Murphys Forebay is released into the Murphys Penstock (large pipe above a hydroelectric powerhouse) that drops 650 feet down a steep hill to spin a 7-foot-

diameter Pelton Wheel that powers Utica's 3.6 megawatt Murphys Powerhouse. Built in the 1950s, the Murphys Powerhouse still uses many original components used to convert the water's potential energy into mechanical energy and electrical energy. The Murphys Powerhouse is interconnected to the PG&E grid, and Utica entered a 20-year power purchase agreement with PG&E in 2021.

After spinning the Pelton Wheel, water exits the powerhouse out the tailrace (the conduit where water flows out of a hydro powerhouse) into Murphys Afterbay, which can be seen from Highway 4 at the lower end of Utica Grade just east of Murphys. From there, the water is released into the Angels/Murphys Creek and flows through Murphys Park. Once the water leaves the Murphys Afterbay, it leaves Utica's jurisdiction for the next few miles. Few people realize that without Stanislaus River water from Utica, the creek in Murphys Park would be dry during the summer and fall months, since Angels Creek's natural watershed is seasonal.

Downstream of Murphys, Utica diverts a portion of the creek water using its Angels Creek Diversion Dam and 5-cubic-feet per second (2,244 gallons per minute) is released into Lower Angels Creek to meet environmental requirements in Utica's FERC license.

The File Flume, the longest flume on the Angels Canal/Flume system, can be seen from Murphys Grade Road and carries water through the Upper Angels System, which flows along a steep hillside and passes through irrigated pastureland, eventually flowing into Utica's Ross Reservoir near French Gulch Road. Ross is the primary backup water supply for the City of Angels Camp, and is a critical asset in the event of an emergency. From Ross, water is released into the Lower Angels Canal and it flows about three miles until ending at the Angels Forebay, which is on the hill above Angels Camp near Roller Landscape Products on Murphys Grade Road. Utica uses the Angels Forebay to supply water to the City of Angels Camp's water treatment plant and the Dogtown Ditch Users Association. However, the majority of the water from the Angels Forebay flows into Utica's Angels Penstock, which supplies the Angels Powerhouse on Booster Way, along with agricultural customers along its 8,000-foot length, which drops 430 feet. The large, gray penstock can be easily seen from the Highway 4 Bypass near Angels Camp and Murphys Grade Road.

Utica's Angels Powerhouse was built in the 1940s and has a nameplate rating of 1.4 megawatts. Once water passes through the plant, it is released through the tailrace back into Angels Creek. Some of that water is provided to the Greenhorn Creek Golf Course for irrigation, however, the majority of the water is not consumed in Calaveras County. All unused water flows into New Melones Reservoir, and Utica no longer has the right to use or sell that water. The water is used by agencies that have storage rights in Melones, including the U.S. Bureau of Reclamation, South San Joaquin Irrigation District, and Oakdale Irrigation District.

# Challenges We Face

## **Aging Infrastructure**

With some infrastructure more than 150 years old, the Utica water conveyance system and powerhouses are in need of repairs and replacements. A large infusion of funds is needed to avoid major system failures. To address these challenges, the Utica Board of Directors adopted a Capital Improvement Plan (CIP) in 2020, which provides a rolling five-year road map to address aging infrastructure needs. The list of projects is long and the cost is much higher than Utica's annual revenues can support.

## **Regulatory Compliance**

In addition to infrastructure, there is a substantial regulatory compliance burden Utica must satisfy in order to continue operating and remain in compliance with the Federal Energy Regulatory Commission (FERC), and the California Division of Safety of Dams (DSOD), among others. Utica spends hundreds of thousands annually to stay in compliance and costs are expected to increase each year.

## **Natural Disasters**

There are numerous natural disasters that pose an ever-present danger to Utica's infrastructure. Wooden flumes are highly vulnerable to wildfires, and could also be damaged or destroyed by landslides, tree falls and severe weather events. In 2001, the Darby Fire burned seven of Utica's 24 wooden flumes and caused more than \$4 million in damage to the system, along with cutting off the sole public water supply to more than 10,000 people. Utica's canals and dams are vulnerable to damage from landslides, treefall, earthquakes, and severe weather events.

## **Revenues vs. Expenses**

Depending on the water year, Utica can earn between \$600,000 and \$1.8 million in power sales, which is the vast majority of annual revenues generated directly by Utica. A key supplementary source of revenue is contributions from Joint Powers Authority (JPA) member agencies, UPUD and COA. Other sources of revenue include fees from Utica's agricultural customers and lease revenues, but these are minimal. When factoring in Operations and Maintenance, the Capital Improvement Plan, and Reserves Policy, Utica's annual budget is generally around \$3 million, which creates a substantial financial shortfall. Utica is working to identify new sources of revenue, and pursuing grant funding

to help close this gap, but in the near-term contributions from the JPA members are essential for Utica to balance its budget.

### **FERC Relicensing**

Perhaps the biggest challenge facing Utica comes in 2033, when the Utica and Angels Hydroelectric Projects are up for relicensing. The relicensing process takes a minimum of five years to complete, and is projected to cost millions of dollars. In 2021, staff and Board members began analyzing options to determine what course of action is in the best interest of the JPA and the community it serves.

### **Community Education and Awareness**

As of 2020, very few people in the communities of Avery, Murphys, Vallecito, and Angels Camp knew about Utica or the purpose it served in providing the community's sole water supply. In an effort to change this, Utica created a new website, [www.uticawater.com](http://www.uticawater.com), Facebook page [www.facebook.com/uticawaterpower](http://www.facebook.com/uticawaterpower) and is working with community groups to share Utica's story and build a stronger relationship with community stakeholders. The goal of this ongoing effort is to increase the community's understanding of the complexities and costs related to providing this precious water supply and supporting Utica through rates.

## **Values and Goals**

Our core values and strategic goals reflect who we are as an organization, who we want to be, and how we plan to get there. They were refined and revisited over a series of meetings through a collaborative process with our Board of Directors and Utica staff. We will use these values and goals to guide the actions we take and inform decisions we make.

# Our Core Values

1. **Employee Well-Being:** We value the health and wellbeing of our employees and support a balance between work and personal responsibilities.
2. **Effective and Safe Workforce:** We support well-qualified, well-trained and committed employees who work safely, provide excellent customer service, and give their best to get the job done.
3. **Teamwork:** We believe that inclusive teamwork is fundamental to our success.
4. **Professionalism:** We will be professional, respectful, considerate, self-aware, honest, and caring in our interactions with colleagues and community stakeholders.
5. **Organizational Integrity:** We are committed, respectful, responsible, ethical, and accountable.
6. **Stewardship:** We will be responsible and thoughtful stewards, respect the rich history of our system and community, and manage resources sustainably for future generations.
7. **Pride:** Our Conveyance, Hydroelectric, and Administrative teams take personal ownership and pride in our responsibilities.
8. **Communication:** We are committed to being transparent with each other and community stakeholders and practicing open and honest communication.
9. **Leadership:** We will be proactive in promoting and protecting the interests of our JPA, customers, and the community.
10. **Innovation:** We will seek solutions to challenges and improve the services we provide using creative ideas and ingenuity.

# Our Strategic Goals

## 1. Joint Powers Authority Partnerships

- a. Actively seek and explore ways in which Utica could partner more closely with the Union Public Utility District and City of Angels Camp. This includes, but is not limited to:
  - Joint emergency response training and planning
  - Equipment-sharing agreement
  - Labor-sharing agreement
  - Multi-agency grant applications

## 2. Water Supply

- a. Protect and develop Utica's water rights.
- b. Work collaboratively with other water rights holders in the region to protect our collective interests.
- c. Expand water deliveries to existing customers and take on new customers.
- d. Improve water reliability and resiliency.
- e. Reduce water loss by minimizing system leaks.
- f. Take a leading role in protecting our watersheds and infrastructure by promoting healthy forest management projects for wildfire protection, water yield, and water quality.

## 3. Hydropower

- a. Ensure hydropower resources are fully utilized to support the Authority's goals.
- b. Determine funding mechanisms to support FERC relicensing or another preferred alternative.
- c. Develop a comprehensive energy strategy that explores options to generate additional revenue or decrease operational costs, which could include upgrading existing powerhouses or adding additional units.

## 4. Natural Disasters

- a. Update Utica's Local Hazard Mitigation Plan annually, and use it as a guide to take proactive actions to prepare for natural disasters.
- b. Maintain defensible space around all critical infrastructure, per Cal Fire's recommendations.
- c. Actively pursue funding for large fuels-reduction projects to protect Utica's critical infrastructure and the community at large.
- d. Harden Utica's critical infrastructure against natural disasters
- e. Write an Emergency Response Plan (ERP) that addresses emergencies not covered in Utica's existing Emergency Action Plan (EAP)

## **5. Fiscal Responsibility**

- a. Develop and commit to a long-term financial strategy and framework to fund the projects identified in the Capital Improvement Plan (CIP) and other long-term Authority obligations and needs.
- b. Explore alternative funding and financing through grants, loans and partnerships to execute our CIP for short, mid- and long-term investments.
- c. Develop best management practices for budget forecasts and tracking, and base decisions on data-driven outcomes that define and reflect value and cost effectiveness.
- d. Commit to responsible financial decisions during our day-to-day operations.
- e. Effectively communicate Utica's fiscal needs to our JPA members and develop a long-term funding agreement.

## **6. Infrastructure**

- a. Ensure our infrastructure is operated and maintained to realize its maximum expected lifespan.
- b. Implement preventive, predictive, and corrective maintenance plans to ensure safe and reliable operations.
- c. Rehabilitate or replace aging infrastructure to increase reliability, capacity, and efficiencies.
- d. Complete alternatives analysis studies on key infrastructure and identify repair and replacement costs and options for implementation.
- e. Implement a communications and control Line of Sight (LOS) tower and radio network.
- f. Sediment removal from Hunter Reservoir, Murphys Forebay, Murphys Afterbay, and Ross Reservoir.
- g. Hunter Reservoir Dam testing and repairs.
- h. Angels Penstock repairs and / or replacement.

## **7. New Revenues and Grants**

- a. Seek new revenue sources such as new hydropower facilities, adding irrigation and municipal customers, and lease opportunities.
- b. Build an effective team of in-house staff and outside consultants to develop a comprehensive, strategic, and successful Grants Program.
- c. Implement and report on grants that have been awarded.
- d. Continue pursuing new grant opportunities, with special focus on grant funding that supports Utica's CIP.

## **8. Regulatory Compliance**

- a. Put plans and procedures into place to carefully track regulatory requirement schedules.

- b. Provide staff with ongoing training regarding regulatory compliance.
- c. Comply with FERC and DSOD mandates, including the Emergency Action Plan (EAP), implementation of recommendations in the Owner's Dam Safety Plan (ODSP) Audit, and all other FERC license requirements.

## **9. Administration and Planning**

- a. Value the team that enables us to deliver on the Strategic Plan goals and objectives and upholds Utica's core values.
- b. Maintain up-to-date Board policies, and bring new policies to the Board for consideration as needed.
- c. Expand employee safety training program in an effort to meet best practices.
- d. Offer employees additional educational and professional growth opportunities.
- e. Update Utica's Employee Handbook.
- f. Initiate strategic planning regarding the JPA's organizational structure.
- g. Work with legal counsel and JPA member agencies to update and revise the JPA agreement.
- h. Utilize new software, hardware and digital workflow strategies to increase employee and organizational efficiencies.
- i. Consider drafting a Utica System Public Access policy to enact official rules regarding public access to the Utica conveyance system.
- j. Invest in employee engagement and wellness for recruitment and retention
- k. Ensure proactive succession planning to leverage our sustaining staff knowledge and integrate the next generation to inspire stability and innovation.

## **10. Community Education, Engagement and Partnerships**

- a. Develop and implement a Communications Plan that supports Utica's outreach to internal and external partners and reflects our shared values and mission.
- b. Create a recognizable presence in the County through engagement in community events and outreach opportunities.
- c. Continue to develop relationships with local, regional, state, and federal partners to manage Utica's risk and leverage our assets.
- d. Educate and engage our communities regarding Utica's history, purpose, and the challenges we face.
- e. Closely monitor and engage in relevant local, state, or federal, policy developments that may affect the Authority.

# Participants

The Utica Water and Power Authority is grateful to those who contributed to this planning process, including:

## **Utica Board of Directors**

- Ralph Chick, Board Chair, Representing Union Public Utility District
- Alvin Broglio, Board Vice Chair, Representing City of Angels Camp
- Greg Rasmussen, Director, Representing Union Public Utility District
- Jennifer Davis-Herndon, Director, Representing City of Angels Camp
- Gary Conrado, Director, Representing Community at Large
- Larry Thompson, Alternate Director, Representing Community Large

## **Utica Staff**

Joel Metzger, General Manager

Kyle Rasmussen, Conveyance Supervisor

Frank Fields, Operations and Maintenance Superintendent

Ryan Heryford, Relief Hydroelectric and Conveyance Operator

Sebastian Martz, Senior Conveyance Operator

Mike Emehiser, Senior Hydroelectric Operator

Jeremiah Hyde, Hydroelectric Operator

Lori Karnes, Administrative Manager

Shelly Davis, Administrative Assistant

Shawn Graham, IT Administrator



Utica Water and Power Authority

1168 Booster Way

Angels Camp, CA 95222

[uticawater.com](http://uticawater.com)

(209) 736-9419



Amended  
ATTACHMENT A  
to the  
Agreement Between  
Northern California Power Agency  
and  
Calaveras County Water District  
Regarding  
Utica/Angels Hydroelectric Projects  
(Effective January 1, 2008)  
Schedule of Maximum Delivery in Acre-Feet  
To the Utica/Angels Projects from combined flow of  
Mill Creek Tap and Mill Creek (a)

Department of Water Resources May 1 Forecast of Total Unimpaired  
Runoff from April through July into the Stanislaus River below Goodwin Reservoir (acre-feet)

Month	DRY YEARS					NORMAL TO WET YEARS
	0 - 100,000 (b)	100,001 - 140,000	140,001 - 320,000	320,001 - 400,000	400,001 - 500,000	500,001 - & Greater
	WY 6	WY 5	WY 4	WY 3	WY 2	WY 1
May	1,342	1,646	1,955	2,257	2,538	2,834
June	1,409	1,708	2,005	2,315	2,603	2,906
July	1,500	1,795	2,041	2,404	2,704	2,979
August	1,583	1,876	2,183	2,472	2,780	3,046
September	1,538	1,833	2,101	2,398	2,697	2,953
October	1,551	1,845	2,152	2,472	2,780	3,019
November	1,257	1,547	1,846	2,136	2,402	2,694
December	1,278	1,568	1,574	2,183	2,455	2,730
January	1,216	1,506	1,752	2,134	2,400	2,682
February	1,072	1,333	1,616	1,883	2,118	2,378
March	1,186	1,478	1,783	2,091	2,352	2,639
April	1,175	1,470	1,708	2,085	2,322	2,654
Total	16,107	19,605	22,716	26,830	30,151	33,514

(a) Flow as measured at Mill Creek Tap gage and at the gage on Mill Creek immediately upstream of Hunters Reservoir.

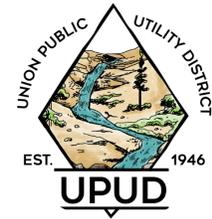
(b) The following conditions must exist to consummate monthly water deliveries:

- 1) Sufficient water must be available without the need to pump;
- 2) All FERC Project 11563 and FERC Project 2409 license compliance requirements will have priority; as well as other mandated restrictions or requirements imposed by appropriate government and/or regulatory authorities which may result from critically dry water conditions will have priority; and
- 3) CCWD, NCPA, and UPA agree to meet prior to May 1 during any year when CDWR issues an annual forecast of inflows of 100,000 Af or less to discuss then existing conditions and prospective water delivery scenarios for the coming

The Parties may, by mutual written agreement, modify the monthly allocations to best serve the respective needs of each Party.

# Utica Water and Power Authority: Projected Annual Power Sale Revenue

	WY1		WY2		WY3		WY4		WY5		WY6	
	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH
<b>May</b>	\$ 104,213	\$ 47,196	\$ 89,919	\$ 39,230	\$ 76,641	\$ 31,595	\$ 63,145	\$ 23,463	\$ 51,114	\$ 15,164	\$ 39,084	\$ 6,866
<b>June</b>	\$ 104,595	\$ 45,971	\$ 89,951	\$ 37,780	\$ 76,562	\$ 30,070	\$ 62,749	\$ 21,718	\$ 51,107	\$ 13,688	\$ 39,464	\$ 5,657
<b>July</b>	\$ 104,640	\$ 43,903	\$ 91,342	\$ 36,601	\$ 77,296	\$ 28,468	\$ 60,777	\$ 18,261	\$ 51,153	\$ 11,623	\$ 39,603	\$ 3,656
<b>August</b>	\$ 106,385	\$ 44,981	\$ 93,302	\$ 37,844	\$ 78,966	\$ 29,546	\$ 65,900	\$ 21,745	\$ 53,869	\$ 13,447	\$ 42,320	\$ 5,480
<b>September</b>	\$ 88,265	\$ 45,160	\$ 91,838	\$ 38,253	\$ 77,931	\$ 30,223	\$ 64,554	\$ 22,192	\$ 54,076	\$ 14,964	\$ 42,433	\$ 6,934
<b>October</b>	\$ 85,980	\$ 51,377	\$ 90,296	\$ 44,904	\$ 83,504	\$ 36,606	\$ 69,133	\$ 27,976	\$ 57,103	\$ 19,677	\$ 45,554	\$ 11,711
<b>November</b>	\$ 80,446	\$ 55,452	\$ 69,417	\$ 47,582	\$ 76,236	\$ 40,354	\$ 63,129	\$ 32,484	\$ 51,486	\$ 24,453	\$ 40,077	\$ 16,583
<b>December</b>	\$ 105,892	\$ 57,591	\$ 92,316	\$ 50,122	\$ 79,478	\$ 42,820	\$ 53,888	\$ 26,389	\$ 53,648	\$ 26,223	\$ 42,339	\$ 18,422
<b>January</b>	\$ 103,784	\$ 56,479	\$ 90,002	\$ 48,844	\$ 77,460	\$ 41,708	\$ 60,818	\$ 31,418	\$ 51,194	\$ 24,779	\$ 39,885	\$ 16,979
<b>February</b>	\$ 92,162	\$ 50,069	\$ 79,520	\$ 43,023	\$ 68,453	\$ 36,727	\$ 56,497	\$ 29,532	\$ 45,413	\$ 21,886	\$ 33,678	\$ 13,791
<b>March</b>	\$ 101,934	\$ 55,251	\$ 88,191	\$ 47,616	\$ 75,689	\$ 40,480	\$ 61,973	\$ 32,181	\$ 49,942	\$ 23,883	\$ 38,634	\$ 16,082
<b>April</b>	\$ 101,630	\$ 54,753	\$ 86,076	\$ 45,920	\$ 74,676	\$ 39,495	\$ 58,344	\$ 29,376	\$ 49,030	\$ 22,952	\$ 37,387	\$ 14,921
<b>Revenue</b>	\$ 1,179,927	\$ 608,182	\$ 1,052,170	\$ 517,719	\$ 922,892	\$ 428,091	\$ 740,906	\$ 316,735	\$ 619,135	\$ 232,739	\$ 480,458	\$ 137,083
<b>Total Revenue</b>	\$1,788,109		\$1,569,889		\$1,350,984		\$1,057,641		\$851,874		\$617,541	



**DATE:** January 31, 2023  
**TO:** Joint UWPA Board  
**FROM:** Rebecca Callen, City of Angels City Administrator  
**RE: JOINT POWERS AGREEMENT REVIEW**

**RECOMMENDATION:**

The staff recommends that the members of the Joint Powers Authority (JPA) discuss the formation of an ad hoc committee. This committee's primary task will be to conduct a thorough review of the existing JPA Agreement for the Utica Water and Power Authority (UWPA). It is essential that the composition of the ad hoc committee effectively represents both member agencies, ensuring a balanced and comprehensive review process.

Additionally, the staff advises the JPA members to consider and approve the allocation of an additional legal budget. This budget will be instrumental in facilitating the review of the draft agreement by legal experts, ensuring that all modifications and updates align with current legal standards and best practices.

The formation of this ad hoc committee and the allocation of the necessary legal budget are critical steps towards enhancing the efficiency and effectiveness of the UWPA's operations, ultimately benefiting all stakeholders involved.

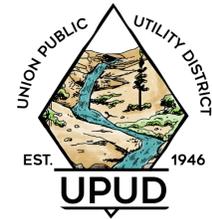
**BACKGROUND:**

The Utica Power Authority (UPA), established through its original Joint Powers Agreement (JPA) on December 20, 1995, has been a cornerstone in managing and regulating regional power resources and conveying water to its member agencies. Over the years, this foundational agreement has experienced a series of amendments and clarifications. These modifications were essential to adapt to the dynamic landscape of energy needs, technological advancements, member agency needs, and regulatory challenges. The evolving nature of the JPA reflects UWPA's commitment to staying responsive and efficient in the face of changing demands and opportunities within the energy sector.

**DISCUSSION:**

The trajectory of UWPA's governance and operational frameworks can be traced through a series of significant amendments and clarifications made to our foundational agreements and bylaws. This historical overview serves as a foundational reference as we move forward with consolidating these changes into a cohesive document. The detailed chronology is as follows:

**1. 1995: Establishment of the Utica Power Authority Joint Powers Agreement**



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This year marked the formal definition of the Utica Power Authority agreement and its membership structure, laying the groundwork for our collaborative endeavors in power management.

**2. June 2001: Modification of Section 3.2(b)**

This amendment granted discretionary power to the UPA Water and Power Sales Committee for power purchases by NCPA, contingent upon the full board's concurrence. This represented a shift towards more dynamic decision-making within the committee structure.

**3. February 2002: Rescinding 2001 Amendment in Section 3.2(b)**

In a significant turn, the 2001 amendment was rescinded, authorizing the Water and Sales Committee to independently enter into power sales agreements, enhancing the committee's autonomy in operational decisions.

**4. July 2003: Preliminary Discussions with CCWD**

This period initiated the discussions and drafting of a withdrawal agreement with the Calaveras County Water District (CCWD), indicating a reevaluation of membership and partnerships.

**5. January 2005: Structural Reorganization of Sections 3.2 and 3.3**

This amendment brought clarity to officer roles and streamlined meeting schedules, reflecting an ongoing effort to optimize organizational governance.

**6. May 2005: CCWD Membership Amendment**

A significant organizational change occurred with the amendment to remove CCWD as a member of the Joint Powers Authority, reshaping the membership landscape.

**7. March 2013: Foundational Date Correction and Addition of Section 2.5**

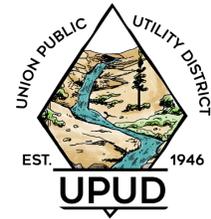
This amendment corrected the historical record of the Authority's founding date and introduced Section 2.5, transitioning from UPA to UWPA, signifying a pivotal rebranding and structural evolution.

**8. March 2016: Amendment to Section 3.1(a)**

This change introduced a provision for the appointment of an alternative at-large public member, expanding the scope and inclusivity of board representation.

**9. October 2019: Expansion with Sections 4.5 and 4.6**

The inclusion of these sections addressed CalPERS enrollment and clarified the responsibilities of member agencies, ensuring compliance with broader regulatory frameworks.



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Moving forward, it is imperative to note that several other resolutions passed between 1995 and 2019 need thorough examination. Our staff is tasked with researching and compiling these amendments into a unified document. This comprehensive document will serve as a vital reference for the proposed ad hoc committee, which will review and make informed recommendations, subject to legal review, to all JPA member agencies. The consolidation of these amendments will not only streamline governance but also provide clear guidance for future amendments and organizational decisions.

### **Staff Recommendations**

Recognizing the evolving needs of the Utica Water and Power Authority (UWPA) and its member agencies, it's proposed to form a specialized ad hoc committee. This committee, comprising Board members and staff, will undertake a focused review of the Joint Powers Agreement (JPA), aiming to enhance its clarity and effectiveness.

The committee's task is to identify areas in the JPA needing further clarification or amendment. By combining the strategic insights of Board members with the operational knowledge of staff, the committee is uniquely positioned to offer comprehensive recommendations.

Upon completion of the review, the committee will present its recommendations to the full board and agency bodies, ensuring the JPA remains a dynamic and effective framework for UWPA's future operations and collaborations.

### **FINANCIAL IMPACT:**

Cost of a legal review.

### **ATTACHMENTS:**

Partial Agreement

**THIRD AMENDMENT TO  
AMENDED JOINT POWERS AGREEMENT  
UTICA WATER AND POWER AUTHORITY**

This Third Amendment to the Amended Joint Powers Agreement dated as of October 1, 2019, is made and entered into by and between the City of Angels ("Angels") and Union Public Utility District ("UPUD"), each of whom is a member of the Utica Water and Power Authority (the "Authority"). Angels and UPUD are collectively referred to herein as the "members".

**RECITALS**

- A. The Authority was formed by that certain Joint Powers Agreement dated December 20, 1995; and
- B. The members entered into an Amended Joint Powers Agreement dated May 18, 2005 (the "Agreement"), which superseded the December 20, 1995 Joint Powers Agreement, as amended, in its entirety; and
- C. The Agreement was amended by a First Amendment dated April 1, 2013, and by a second amendment dated March 15, 2016, which was incorrectly designated as the "Third Amendment"; and
- D. Section 7.1 of the Agreement authorizes the members to amend the Agreement pursuant to the terms of Section 7.1; and
- E. The members find that it is in the best interests of the Authority to join the California Public Employees' Retirement System ("CalPERS") and to adopt the CalPERS' required amendment to the Agreement.

**AGREEMENT**

NOW, THEREFORE, the members agree to amend the Agreement by adding the following:

1. Section 4.7. Liability of Members for All Liabilities and Obligations of the Authority.

Each member's proportionate share of CalPERS liability is as set forth in Sections 4.5 and 4.6. In the event that this Agreement is terminated, the Authority becomes insolvent, or the Authority's agreement with CalPERS is terminated, each member is responsible for its proportionate share of all other outstanding Authority liabilities and obligations incurred under this Agreement and allocated in accordance with Sections 4.5 and 4.6, so that the members have fiscal responsibility for 100% of the Authority's outstanding liabilities and obligations upon termination or insolvency. Except as

provided in Sections 4.5, 4.6, and 4.7, the members shall not be responsible for the debts, liabilities or obligations of the Authority during the operation of the Authority.

2. Except as expressly set forth above, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the members have executed this Amendment on the date(s) shown below.

UNION PUBLIC UTILITY DISTRICT

CITY OF ANGELS

By:

Ralph Chick  
President

By:

[Signature]  
Mayor

Date:

11-1-19

Date:

10/5/19

Attest:

Elaine M. Murphy  
Secretary

Attest:

Susan Wenger  
Deputy City Clerk

~~SECOND~~  
~~THIRD~~ AMENDMENT TO  
JOINT POWERS AGREEMENT FOR  
UTICA WATER AND POWER AUTHORITY

*UWPA's proposed amendment to Article III, Section 3.1a, adding language allowing the appointment of an alternate at-large public member, was approved by the City of Angels' Resolution 16-11 dated March 15, 2016 and UPUD's Resolution 2016-01 dated March 15, 2016.*

ARTICLE III

INTERNAL ORGANIZATION

Section 3.1 Governing Body

- a. The business of the Authority shall be conducted by a five member Board of Directors, consisting of two (2) directors appointed by UPUD, and two (2) directors appointed by ANGELS, and a fifth "at-large" director who shall be appointed by majority vote of the UPUD and ANGELS members of the UPA to serve a two (2) year term, and who can be reappointed to serve successive terms. The selection process shall be determined by the Board. Said fifth "at-large" director will have all the duties and responsibilities of an elected director except he or she cannot hold an officer position. Said fifth "at-large" director shall be subject to recall and replacement at any time upon the vote of the UPUD and ANGELS members of the UPA as set forth in Section 3.3.b.

**An alternate "at-large" member may be appointed by a majority vote of the four directors serving for UPUD and ANGELS. The role of the alternate "at-large" director, if appointed, is to assume the duties of the "at-large" director in the absence or unavailability of the "at-large" director. The UPUD and ANGELS directors determine the selection process of the "at-large" alternate. UPUD and ANGELS directors may recall and remove the "at-large" alternate by majority vote.**

The two UPUD and two ANGELS Directors and the alternates for those directors shall from time to time be selected from and designated in writing by the governing body of each of the parties. The governing body of each party shall designate an alternate for each director who shall serve in the absence of their Directors. The role of the alternate director shall be to assume the duties of the director appointed by his/her member entity in case of the absence or unavailability of such Directors. The Directors and the alternates so named shall serve at the pleasure of their respective appointing governing body and shall continue to serve until the respective successors are appointed.

**FIRST AMENDMENT TO AMENDED JOINT POWERS AGREEMENT  
UTICA POWER AUTHORITY**

This First Amendment to Amended Joint Powers Agreement (“Amendment”), dated as of April 1, 2013, is made and entered into by and between the City of Angels (“Angels”) and Union Public Utility District (“UPUD”), each of whom is a member of the Utica Power Authority (“the Authority”). Angels and UPUD are collectively referred to herein as the “members” or the “parties”.

**RECITALS**

WHEREAS, the Authority was formed by that certain Joint Powers Agreement dated December 20, 1995; and

WHEREAS, the members entered into an Amended Joint Powers Agreement dated May 18, 2005 (“Agreement”), which is presently in effect; and

WHEREAS, Section 7.1 of Article VII of the Agreement provides that said Agreement may be amended as follows:

“This Agreement may be amended by an agreement approved by all parties, subject to the exceptions set forth in Section 5.2 and subject to any conditions or restrictions established by resolution or indenture authorizing the issuance of Bonds. Approval of the Board shall not be required for the amendment of this Agreement.”

WHEREAS, the members wish to change the name of the Authority to add the word “water” to the name of the Authority to more completely reflect to the public the nature of the Authority’s functions, and wish to make certain other clarifying amendments to the Agreement, as provided below.

NOW, THEREFORE, the members agree to amend the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, as follows:

**AGREEMENT**

1. **Change in Name.**

The name of the Authority is changed to the Utica Water and Power Authority, and the Authority shall henceforth be known as the Utica Water and Power Authority (“UWPA”).

2. Amendment to the Introductory Paragraph, Page 1, of the Agreement.

The first paragraph of the Agreement, on page 1, contains a typographical error in the date of the original Joint Powers Agreement; to wit, the date December 20, 1985 should read as December 20, 1995. The first paragraph of the Agreement, on page 1, is therefore amended to read as follows:

“THIS AMENDED AGREEMENT made and entered into this 18th day of May, 2005 pursuant to the Joint Exercise of Powers Act, by and between CITY OF ANGELS (ANGELS) and UNION PUBLIC UTILITY DISTRICT (UPUD), and amends the Joint Powers Agreement for the UTICA POWER AUTHORITY dated December 20, 1995, as amended by the amendment of July 8, 1996, and as clarified by UPA Resolution No. 99-9.”

3. Addition of Section 2.5 to Article II.

The following section 2.5 is added to Article II:

“2.5. Restrictions on Powers. To comply with the provisions of Section 6509 of the California Government Code, the manner of exercising any power is subject only to the restrictions upon the manner of exercising such powers as are imposed upon UPUD on the exercise of similar powers.”

4. The amendment changing the name of the Authority is a change in name only, and does not in any way alter or modify the existence of the Authority, its membership, purposes or powers, or create a new or different entity. The Authority remains the same entity, operating under a changed name.

5. This Amendment modifies the Agreement only as expressly set forth above. As hereby amended, all of the terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date(s) shown below.

UNION PUBLIC UTILITY DISTRICT

By: *Bill Lindholm*  
President

Date: 3-20-13

Attest: *Thomas E. Quincy*  
Secretary

CITY OF ANGELS

By: *Edward M. Moses*  
Mayor

Date: 3-20-13

Attest: *Mary Kelly*  
City Clerk

RESOLUTION 13 - 01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
UTICA POWER AUTHORITY APPROVING AND RECOMMENDING  
FIRST AMENDMENT TO AMENDED JOINT POWERS AGREEMENT  
UTICA POWER AUTHORITY

WHEREAS, the Amended Joint Powers Agreement for the Utica Power Authority (UPA), dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said agreement; and

WHEREAS, the Board of Directors of the Utica Power Authority wishes to recommend to the member agencies that the Amended Joint Powers Agreement dated May 18, 2005 be amended as shown in the attached proposed First Amendment to Amended Joint Powers Agreement.

NOW, THEREFORE, LET IT BE RESOLVED, by the Board of Directors of the UPA that the attached proposed First Amendment to Amended Joint Powers Agreement is approved by the Board of Directors of UPA and the Board recommends that the member agencies approve and adopt by Resolution the attached First Amendment to Amended Joint Powers Agreement.

On a motion by Director Thompson, and seconded by Director Rasmussen, the foregoing Resolution was duly passed and adopted by the Board of Directors of the Utica Power Authority, this 26<sup>th</sup> day of February 2013, by the following vote:

Ayes: Directors Thompson, Rasmussen, Raggio, Lynch  
Noes: None  
Absent: Director Airola  
Abstain: None

  
Chairman, John Lynch

Attest

  
Secretary, Greg Rasmussen

**CITY COUNCIL  
CITY OF ANGELS  
STATE OF CALIFORNIA**

**RESOLUTION #13-05**

**RESOLUTION APPROVING FIRST AMENDMENT TO AMENDED JOINT POWERS  
AGREEMENT FOR THE UTICA POWER AUTHORITY**

**WHEREAS**, the City of Angels is a member of the Utica Power Authority; and

**WHEREAS**, the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said Agreement; and

**WHEREAS**, on February 26, 2013 the Board of Directors of the Utica Power Authority approved proposed changes as shown in the attached First Amendment to the Amended Joint Powers Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Angels hereby approves the changes on the attached First Amendment to the Amended Joint Powers Agreement and authorizes the Mayor to execute the Agreement.

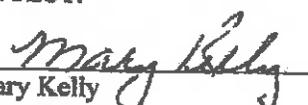
**ON A MOTION BY** Council Member Raggio, seconded by Council Member Lynch, the foregoing resolution was duly passed and adopted this 19th day of March, 2013 by the following vote:

**AYES:** Morris, Lynch, Raggio, Kulm and Sobon  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**APPROVED:**

  
Elaine Morris  
Mayor

**ATTEST:**

  
Mary Kelly  
City Clerk



**HOME OF THE JUMPING FROG**

# UNION PUBLIC UTILITY DISTRICT

## RESOLUTION NO. 2013-01

### RESOLUTION APPROVING FIRST AMENDMENT TO THE AMENDED JOINT POWERS AGREEMENT OF THE UTICA POWER AUTHORITY

WHEREAS, the Union Public Utility District (UPUD) is a member of the Utica Power Authority (UPA); and

WHEREAS, the Amended Joint Powers Agreement for the Utica Power Authority, dated May 18, 2005, provides, in Section 7, that the Amended Joint Powers Agreement may be amended by an agreement approved by all parties to said agreement; and

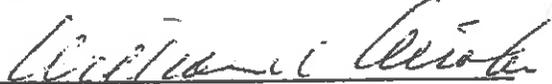
WHEREAS, on February 26, 2013, the Board of Directors of the Utica Power Authority approved the proposed amendments and recommended that the member agencies approve and adopt by resolution the amendments as shown in the attached First Amendment to the Amended Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Union Public Utility District that the attached First Amendment to the Amended Joint Powers Agreement is hereby approved.

BE IT FURTHER RESOLVED, that the President or his or her designee is authorized to sign the First Amendment to the Amended Joint Powers Agreement.

ON A MOTION by Director Rasmussen, seconded by Director Chick, the foregoing Resolution was duly passed and adopted by the Board of Directors of the Union Public Utility District, this 20th day of March, 2013, by the following vote:

AYES: Directors Airola, Oneto, Quincy, Rasmussen and Chick  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
William Airola, President  
Union Public Utility District

ATTEST:

  
\_\_\_\_\_  
Thomas E. Quincy, Secretary  
Union Public Utility District

**AMENDED  
JOINT POWERS AGREEMENT  
UTICA POWER AUTHORITY**

THIS AMENDED AGREEMENT made and entered into this 18<sup>th</sup> day of May, 2005, pursuant to the Joint Exercise of Powers Act, by and between CITY OF ANGELS (ANGELS) and UNION PUBLIC UTILITY DISTRICT (UPUD), amends the Joint Powers Agreement for the UTICA POWER AUTHORITY dated December 20, 1995, as amended by the amendment of July 8, 1996, and as clarified by UPA Resolution No. 99-9.

These public entities are hereinafter collectively referred to as the "Parties" or "Member Entities." The terms "Parties" and "Member Entities" shall also include any additional parties that join in this Agreement, but shall exclude any parties that withdraw or have withdrawn from this Agreement pursuant to any of the provisions hereto.

**R E C I T A L S**

This Agreement is made with reference to the following facts:

1. All of the Parties to this Agreement are public agencies.
2. ANGELS is an incorporated city/
3. UPUD is a public utility district established pursuant to the California Public Utility District Act of the Public Utilities Code, Section 15501 et seq.
4. Each of the Member Entities distributes water to customers within their respective boundaries.
5. Members of the UPA created the UTICA POWER AUTHORITY (UPA) to obtain the FERC hydroelectric project licenses for the Angels Project No. 2699 and the Utica Project No. 2019 in order to help assure that there will be adequate water available from the Projects for the protection of all

beneficial public uses in Calaveras County, including for power production, domestic water supply, agricultural and irrigation water supply, recreation, aesthetics and fish and wildlife purposes.

6. The parties hereto believe it will be mutually beneficial to them to cooperate in their efforts as members of the UPA.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

## ARTICLE I

### DEFINITIONS

Section 1.1 Definitions. As used in this Agreement, unless the content requires otherwise, the meaning of the terms hereinafter set forth shall be as follows:

a. "Authority" - Shall mean the Utica Power Authority, being the separate entity created by this Agreement.

b. "Board of Directors" or "Board" - Shall mean the governing body of the Authority as established in Section 3.1 of this Agreement.

c. "Law" or "The Law" - Shall mean the Joint Exercise of Powers Act, being Articles 1 and 2 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (Sections 6500 et seq.).

d. "Project" - Shall mean the Angels and Utica Hydroelectric Projects described in Article V of this Agreement.

e. "Bonds" - Shall mean any bonds, notes or other evidence of indebtedness of the Authority, authorized and issued pursuant to the Law.

## ARTICLE II

### CREATION OF THE UTICA POWER AUTHORITY

Section 2.1. Creation. The public entity created pursuant to the Law by the Agreement of December 20, 1995 is known as the "Utica Power Authority".

Section 2.2 Term. This Amended Agreement shall be effective from the date of the Withdrawal Agreement and Release between Calaveras County Water District, UPUD, and Angels dated June 20, 2004, and remain in effect until terminated by mutual agreement of all parties. Notwithstanding the foregoing, this Agreement shall remain in effect until such time as all bonds or other debt of the Authority and the interest thereon shall have been paid in full or provision for such payment shall have been made.

Section 2.3. Purpose. The purpose of this Agreement is to provide for the joint exercise through the Authority of powers common to each of the parties to study and participate in the financing, acquisition, operation, maintenance and replacement of facilities of the project, to enter into agreements to sell the electric output of the Project, and agreements for the sale of water for the generation of power at the Collierville power plant being FERC Project No. 2409, and to do all acts related and incidental thereto.

Section 2.4. Powers. The Authority shall have the power to study and participate in the financing, acquisition, and operation of the project, to acquire, construct, operate, maintain and replace other facilities for the generation and transmission of electric energy and for the distribution of water, to enter into agreements to wheel and exchange electric energy, and to do all acts related and incidental thereto in order to provide electric energy and water needed by the parties and their respective customers. The Authority is authorized in its own name to do all acts necessary for the exercise of these powers for these purposes, including, but not limited to any or all of the following: to make and enter

into contracts; to accept the assignment of and to be bound by the provisions of contracts concerning the sale and operation of the Projects previously entered into between CCWD and the Pacific Gas & Electric Company, and between CCWD and NCPA; to employ agents and employees; to acquire, construct, manage, maintain, operate and replace any buildings, works or improvements; to acquire by eminent domain or otherwise and to hold or dispose of any property; to sue and be sued in its own name; to incur debts, liabilities and obligations; and to issue Bonds or other debt to the extent and on the terms provided by law. The Authority shall have the power to apply for, accept and receive all State and Federal licenses, permits, grants, loans or other aids from any agency of the United States of America or the State of California.

### ARTICLE III

#### INTERNAL ORGANIZATION

##### Section 3.1 Governing Body.

a. The business of the Authority shall be conducted by a five member Board of Directors, consisting of two (2) directors appointed by UPUD, and two (2) directors appointed by ANGELS, and a fifth "at large" director who shall be appointed by majority vote of the UPUD and ANGELS members of the UFA to serve a two (2) year term, and who can be reappointed to serve successive terms. The selection process shall be determined by the Board. Said fifth at large director will have all the duties and responsibilities of an elected director except he or she cannot hold an officer position. Said fifth at large director shall be subject to recall and replacement at any time upon the vote of the UPUD and ANGELS members of the UFA as set forth in Section 3.3.b.

The two UPUD and two ANGELS Directors and the alternates for those directors shall from time to time be selected from and designated in writing by the governing body of each of the parties. The governing body of each party shall designate an alternate for each director who shall serve in the absence of their Directors. The role of the alternate director shall be

to assume the duties of the director appointed by his/her member entity in case of the absence or unavailability of such Directors. The Directors and the alternates so named shall serve at the pleasure of their respective appointing governing

body and shall continue to serve until the respective successors are appointed.

### Section 3.2 Officers

a. A Chairperson, Vice-Chairperson and a Secretary shall be selected from the four directors from ANGELS and UPUD to serve for two year terms. The five UPA directors shall select such officers by majority vote. Officers may serve consecutive terms.

b. An office shall be declared vacant if the person serving dies, resigns, or is removed by his/her member entity as its representative on the Authority, or if his/her member entity withdraws from this Agreement pursuant to any of the provisions hereof.

c. The Board may also appoint or employ such other officers and employees as it deems necessary to carry out the purposes of this Agreement.

### Section 3.3. Meetings.

a. The Board shall hold at least one regular meeting each year and by resolution may provide for the holding of regular meetings at more frequent intervals. The date upon which the hour and place at which each such regular meeting shall be held shall be fixed by resolution of the Board. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code. All meetings of the Board shall be called, held, noticed and conducted subject to the provision of the Ralph M. Brown Act (Sections 54950 et seq., Government Code). Compensation and reimbursable expenses of the Board members shall be set from time to time by resolution of the Board.

b. A quorum of the Board for the transaction of business shall consist of a majority of directors, except that less than a quorum may adjourn from time to time. The concurring vote of three directors of the Board shall be required for any action of the Board of Directors, except that action to recall and replace the fifth at large director before expiration of his or her appointed term shall require a concurring vote of four directors from UPUD and ANGELS.

c. The selected Chairperson shall be the presiding officer at all Board meetings. In the event of the Chairperson's absence, the selected Vice Chairperson shall preside. The Secretary shall be responsible for keeping the Minutes of all meetings of the Board and all other official records of the Authority.

Section 3.5. Principal Office. The principal office of the Authority shall be the UPA Office Building, 1168 Booster Way, P.O. Box 358, Angels Camp, California 95222. The Board of Directors may change the principal office from one location to another.

#### ARTICLE IV

##### FINANCIAL PROVISIONS

Section 4.1. Fiscal Year. The fiscal year of the Authority is July 1-June 30.

Section 4.2. Depository: Auditor.

a. The Board of Directors shall select the officers of a member entity or some other person as the law may provide to carry out the responsibilities of Treasurer/Depository and Auditor/Controller in accordance with Government Code section 6505.5.

b. All funds of the Authority shall be strictly and separately accounted for and regular reports shall be rendered of all receipts and disbursements at least quarterly during the fiscal year. The books and records of the Authority shall be open to inspection by the member entities and by

bondholders as and to the extent provided by resolution or indenture. The Auditor/Controller shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the Authority which shall be conducted, at a minimum, in accordance with the requirements of the State Controller under Section 26909 of the California Government Code and shall conform to generally accepted auditing standards.

**Section 4.3. Property Bonds.** The Board of Directors shall from time to time designate the officers and persons, in addition to those specified in Section 4.2 above, who shall have charge of, handle or have access to any property of the Authority. Each such officer and person, including those specified in Section 4.2, shall file a bond in an amount designated by the Board of Directors. Such designations shall be subject to ratification by the parties in compliance with Government Code section 6505.1.

**Section 4.4. Budget.** At least 30 days prior to commencement of each fiscal year, the Board of Directors shall adopt a budget for the Authority for the ensuing fiscal year.

**Section 4.5. Contributions for Authority Operating Expenses.**

a. If additional funds are needed in the future to cover expenses, each of the Member Entities shall equally pay such expenses upon request from the Board of Directors as the expenses are incurred. The Authority shall send each Member Entity a statement for its share of the operating expenses which is to be paid by the Member Entity. Any Member Entity which does not transmit its contributions within 30 days after receipt of a statement from the Authority shall be sent a follow-up notice demanding its payment within 10 days from its receipt of the notice. If the Member Entity does not make adequate arrangements with the Authority to make such payment, that Member Entity shall be deemed to have withdrawn as a Member Entity and cease to be a party to this agreement. The refunds or repayment of contribution shall be made in accordance with the terms and conditions upon which the contribution was made.

b. In accordance with Government Code section 6512.1, repayment or return to the parties of all or any part of any contributions made by the parties and any revenues received by the Authority may be directed by the Board at such time and upon such terms as the Board may decide. The Authority shall hold title to all funds, property and works acquired by it during the term of this Agreement.

Section 4.6. Sharing of Project Capital Costs, Operating Costs and Liabilities, and Net Revenues.

a. ANGELS and UPUD shall each be financially obligated for one-half ( $\frac{1}{2}$ ) of CCWD's portion of the purchase price obligation under the CCWD/PG&E Agreement for the Angels and Utica Hydroelectric Projects. ANGELS and UPUD shall each be responsible for paying one-half ( $\frac{1}{2}$ ) of all costs and liabilities, including annual operation, maintenance and replacement costs of the Project, and all costs of maintaining the Projects in compliance with requirements of the FERC or other regulatory authority.

b. ANGELS and UPUD shall share on an annual basis in proportion to each of their one-half ( $\frac{1}{2}$ ) Project participations, the net revenues from the sale of the Project's electric energy, and the net revenues from the sale of Project water sold to generate electrical energy at the Collierville power plant, available after payment of all required annual payments of capital costs and all other operation, maintenance and replacement costs of the Project, and after full repayment of any loans or advances of funds made by any Member Entity to another Member Entity.

c. In the event of the withdrawal of a Member Entity as set forth in Sections 4.5 or 6.4, such withdrawing Member Entity shall remain obligated and liable to the Authority for its one-half share of capital costs and any accumulated operating deficits and liabilities incurred by the Authority up until the effective date of the withdrawal. The withdrawing party shall not be entitled to any Project revenues received by the Authority after its withdrawal, except that the withdrawing party will be entitled to payment

of its contributions made under Section 4.5, without interest, out of the first twenty-five percent (25%) of net revenues each year, and after payment of any loans or advances it has received from other Member Entities.

d. The withdrawal of any Member Entity does not terminate this Agreement, and in the event of withdrawal of any Member entity as set forth in Sections 4.5 or 6.4, and subject to the obligations set forth in subsection "c", the remaining Member entities shall assume and be equally, jointly and severally liable for the withdrawing Member's Project liabilities to third parties.

## ARTICLE V

### THE PROJECT

Section 5.1. Description of Project. The Project which the Authority intends to participate in is the operation of the Angels and Utica Projects.

Section 5.2. Rafinement of Project; Amendment of Agreement; Withdrawal of Parties.

a. It is understood and agreed that the aforementioned description of the Project represents the present intention and agreement of the parties and that any material changes in the Project will be provided and set forth as necessary. Should a change in Project description occur, it is agreed that this Agreement may be amended at such time as the details of any change in the Project and its financing and the allocation of costs and benefits becomes sufficiently known to permit them to be described in such an amendment. No party shall be obligated to participate in the modified Project or its financing unless its governing body has approved such amendment.

b. If the Member Entities are unable to agree unanimously on the details of the modified Project, and its financing and the allocation of costs and benefits, but a

majority of Member Entities can so agree, or in the absence of a majority there exists a plurality of Member Entities agreeing upon a single proposal, then in such event each Member Entity shall have the option of either participating in such proposal or ceasing to be a party to this agreement. If a sufficient number of Member Entities agree to participate in such proposal to enable the Project and its financing to be implemented, then this Agreement shall be amended in accordance with such proposal, and the other Member Entities that do not then agree to participate shall cease to be parties hereto, and this Agreement shall be terminated as to them.

c. If there are insufficient remaining Member Entities to proceed with the Project or a modification thereof, this Agreement shall be terminated in accordance with Section 6.5 of this Agreement.

## ARTICLE VI

### RELATIONSHIP OF AUTHORITY AND ITS MEMBER ENTITIES

Section 6.1. Separate Entity. The Authority shall be a public entity separate from the parties to this Agreement. Unless and to the extent otherwise agreed herein, the debts, liabilities or obligations of the Authority shall not be debts, liabilities or obligations of the Member Entities. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority except as otherwise provided in this Agreement.

Section 6.2. Additional Parties. Additional parties may join in this Agreement and become Member Entities if accepted and approved unanimously by the then-existing parties. The terms and conditions of such new membership shall be set forth in an amendment to this Agreement signed by all of the then-existing parties and shall be consistent with any contracts, resolutions, indentures or other obligations of the Authority then in effect.

Section 6.3. Termination of a Member Entity's Participation in the Authority. Any Member Entity may

withdraw from this Agreement by giving a one-year written notice of its election to do so, which notice shall be given to the Board of Directors and to each of the other parties; provided that such withdrawal does not in any way impair any contracts, resolutions, indentures or other obligations of the Authority then in effect, and is subject to the withdrawing member's continuing payment obligations under Section 4.6 hereof.

**Section 6.4. Termination and Disposition of Property Upon Termination.**

a. This agreement shall be terminated at any time when the written notice of Member Entities to terminate leaves only one remaining non-terminating Member Entity, provided however that this Agreement and the Authority shall continue to exist for the purpose of disposing of all claims, distribution of all assets and all other functions necessary to wind up the affairs of the Authority.

b. Upon termination of this Agreement any surplus money on hand shall be returned to the then Member Entities of the Authority in proportion to the contributions made and in accordance with the provisions of Section 4.6. The Board of Directors shall first offer any property, works, rights and interests of the Authority for sale to the Member Entities. If no such sale is consummated, the Board of Directors shall offer the property, works, rights, and interests of the Authority for sale to any governmental agency, private entity or persons for good and adequate consideration. The net proceeds from any sale shall be distributed among the Member Entities in proportion to the contributions made.

c. If no such sale is consummated, all property, works, rights and interests of the Authority shall be allocated to the Member Entities in the same manner as the allocation of the net proceeds from a sale, unless otherwise agreed to be all of the Member Entities.

d. The foregoing subsections are subject to any approvals required by the Federal Energy Regulatory Commission.

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

Section 7.1. Amendment of this Agreement. This Agreement may be amended by an agreement approved by all parties, subject to the exceptions set forth in Section 5.2 and subject to any conditions or restrictions established by resolution or indenture authorizing the issuance of Bonds. Approval of the Board shall not be required for the amendment of this Agreement.

Section 7.2. Assignment; Binding on Successors. Except as otherwise provided in this Agreement, the rights and duties of the parties to this Agreement may not be assigned or delegated without the advance written consent of all of the other parties, and any attempt to assign or delegate such rights or duties in contravention of this Section shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indentures and other obligations of the Authority then in effect. This agreement shall accrue to the benefit of and be binding upon the successors and assigns of the parties hereto. This Section does not prohibit a Member Entity from entering into an independent agreement with another agency regarding the financing of that Member Entity's contributions to the Authority, or the disposition of proceeds which that Member Entity receives under this Agreement, so long as such independent agreement does not affect or purport to affect the rights and duties of the Authority or the parties under this Agreement.

Section 7.3. Notices. Any notice authorized or required to be given pursuant to this Agreement shall be in writing and shall be deemed to have been given when mailed, postage prepaid, or delivered during working hours to the following addresses or to such changed addresses as are communicated to the Authority and the Member Entities in writing:

City of Angels  
584 South Main Street  
P. O. Box 667  
Angels Camp, CA 95222

Union Public Utility District  
339 Main Street  
P. O. Box 429  
Murphys, CA 95247

Section 7.4. Withdrawal by Operation of Law. Should the participation of any party to this Agreement be decided by the Courts or the Legislature to be illegal or in excess of that party's authority or in conflict with any law, the validity of the Agreement as to the remaining parties shall not be affected thereby and each party hereto agrees that it would have entered into this Agreement upon the same terms as provided herein if that withdrawing party had not been a participant in this Agreement.

Section 7.5. Multiple Originals. This Agreement may be executed in counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties have executed this Agreement as follows:

CITY OF ANGELS

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

DATED:

UNION PUBLIC UTILITY DISTRICT

# UTICA WATER AND POWER AUTHORITY

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**Date:** January 31, 2024  
**To:** Joint Powers Authority Member Entities  
**From:** Joel Metzger, General Manager  
**Re:** Utica Water and Power Authority Financial Overview

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## **Recommended Action:**

Discussion/direction only.

## **Summary:**

For most of its existence, the Utica Water and Power Authority (Utica, Authority), a Joint Powers Authority (JPA), relied on revenues from hydropower sales and water sales to the Northern California Power Agency (NCPA) to provide funding for operations and maintenance (O&M), capital improvements (CIP), reserve contributions, and debt payments. In addition to covering O&M, CIP, and reserve costs, the Authority paid off more than \$4 million in debt (including interest), which was taken out to purchase the system from PG&E. The debt was paid in full in 2016.

In 2014, the Utica Board determined this approach was no longer sufficient to meet the needs of the Authority. From 2014 to 2023, the Utica Board has approved budgets that rely on contributions from JPA members: City of Angels (COA), and the Union Public Utility District (UPUD). These contributions ranged from a low of \$100,000 in FY 2014-2015 to a high of \$980,000 in FY 2022-2023.

While Utica has successfully increased hydropower revenues and obtained grant funding, expenses continue to exceed revenues.

One of the most difficult challenges Utica faces is the volatility of hydropower and water sale revenues. Utica has a contractual agreement with the Northern California Power Agency (NCPA) that dictates how much water can be diverted from Mill Creek and the North Fork Stanislaus River under Utica's water rights. This agreement is called “

Utica is actively pursuing a Federal Energy Regulatory Commission (FERC) Exemption for both the Utica Project (P-2019) and Angels Project (P-2699), which is a regulatory reduction effort that could reduce current and future expenses by millions of dollars, thereby decreasing the financial burden on COA and UPUD.

Additionally, Utica is exploring major grant-funded infrastructure projects that could reduce the risk of damage to the system by natural disasters and could also provide opportunities to substantially reduce ongoing maintenance costs.

However, over the next five years and beyond, it is expected that Utica will continue to rely on contributions from COA and UPUD to balance its budget, providing the Authority Board continues to support existing priorities.

**Background:**

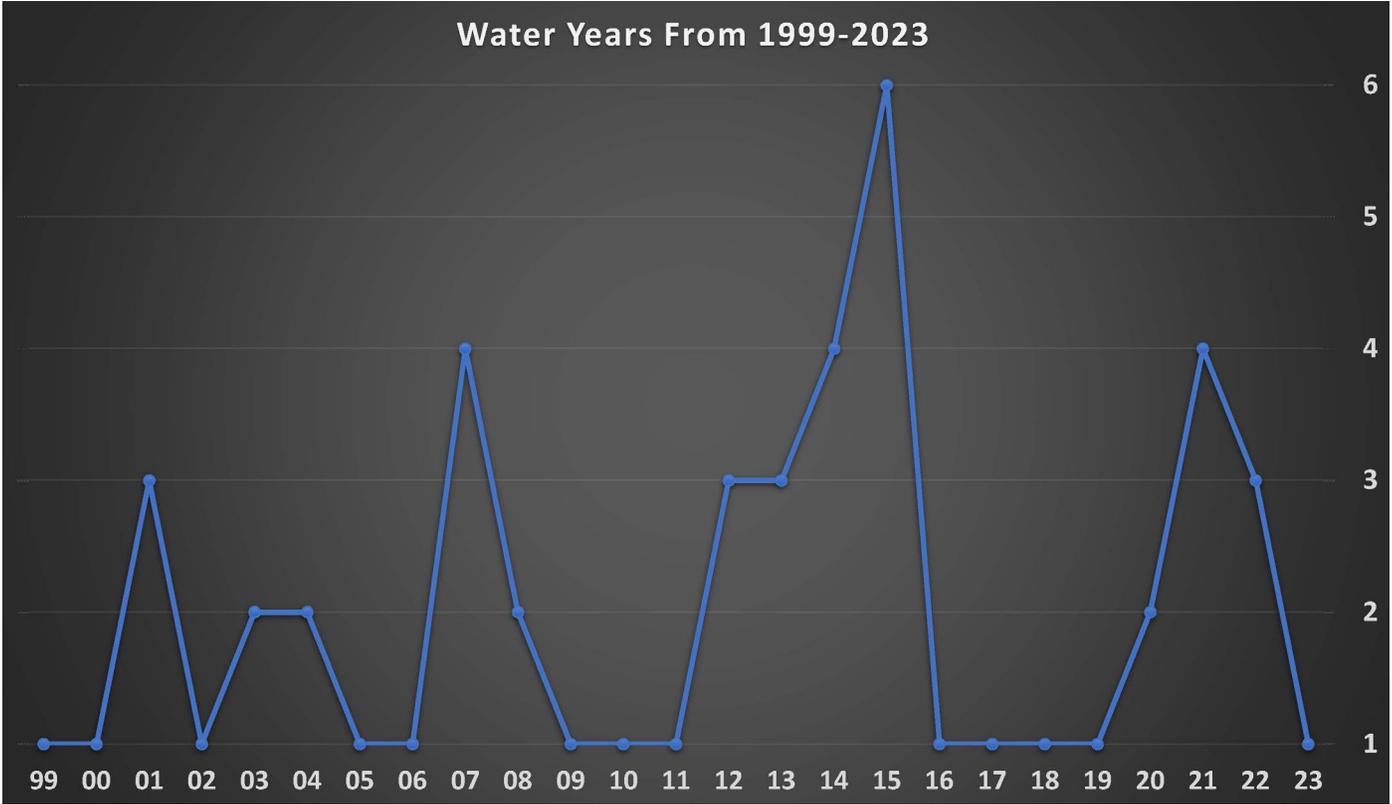
In 2017, Utica entered into a Renewable Energy Market Adjusting Tariff (ReMAT) power purchase agreement with PG&E for the Angels Powerhouse. This increase the average price per megawatt hour (MWh) from \$23.00/MWh to \$89.23/MWh.

In 2021, Utica entered into a second ReMAT agreement – this time for the Murphys Powerhouse. That agreement increase the average price from \$29.00/MWh to \$73.50/MWh. Since Murphys is a larger powerhouse than Angels, the 2021 agreement had a large impact on hydro revenues.

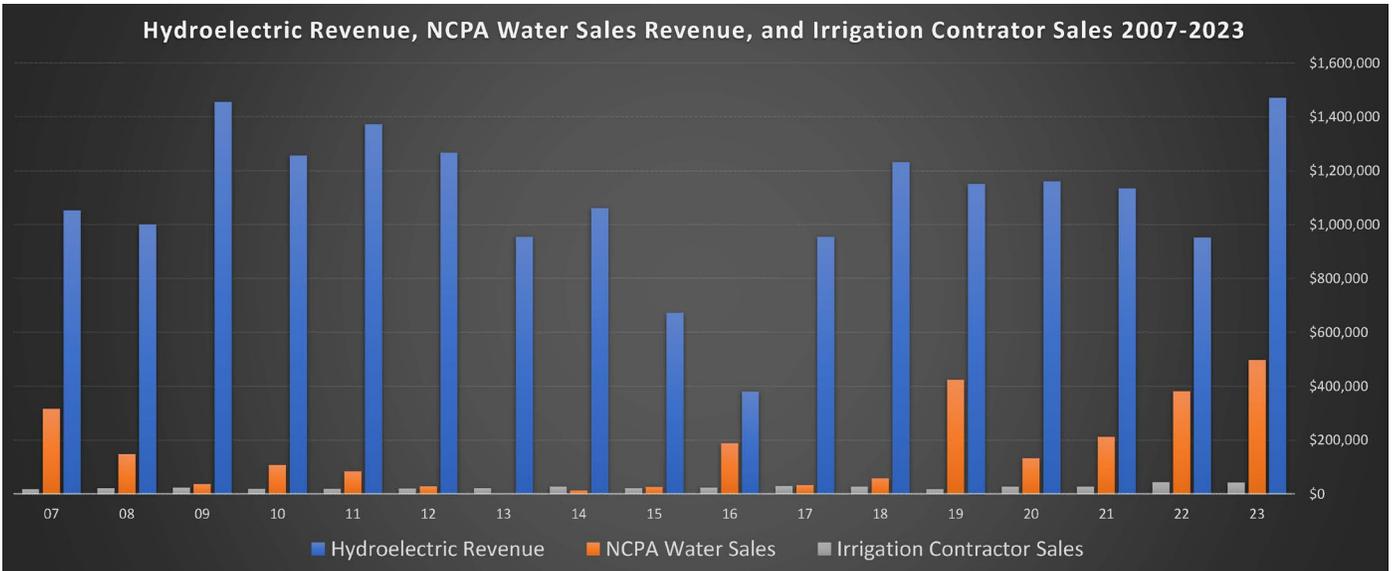
Updated January 2024

Utica Water and Power Authority: Projected Annual Power Sale Revenue												
	WY1		WY2		WY3		WY4		WY5		WY6	
	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH
May	\$ 104,213	\$ 47,196	\$ 89,919	\$ 39,230	\$ 76,641	\$ 31,595	\$ 63,145	\$ 23,463	\$ 51,114	\$ 15,164	\$ 39,084	\$ 6,866
June	\$ 104,595	\$ 45,971	\$ 89,951	\$ 37,780	\$ 76,562	\$ 30,070	\$ 62,749	\$ 21,718	\$ 51,107	\$ 13,688	\$ 39,464	\$ 5,657
July	\$ 104,640	\$ 43,903	\$ 91,342	\$ 36,601	\$ 77,296	\$ 28,468	\$ 60,777	\$ 18,261	\$ 51,153	\$ 11,623	\$ 39,603	\$ 3,656
August	\$ 106,385	\$ 44,981	\$ 93,302	\$ 37,844	\$ 78,966	\$ 29,546	\$ 65,900	\$ 21,745	\$ 53,869	\$ 13,447	\$ 42,320	\$ 5,480
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<b>Total Revenue</b>	<b>\$1,788,109</b>		<b>\$1,569,889</b>		<b>\$1,350,984</b>		<b>\$1,057,641</b>		<b>\$851,874</b>		<b>\$617,541</b>	

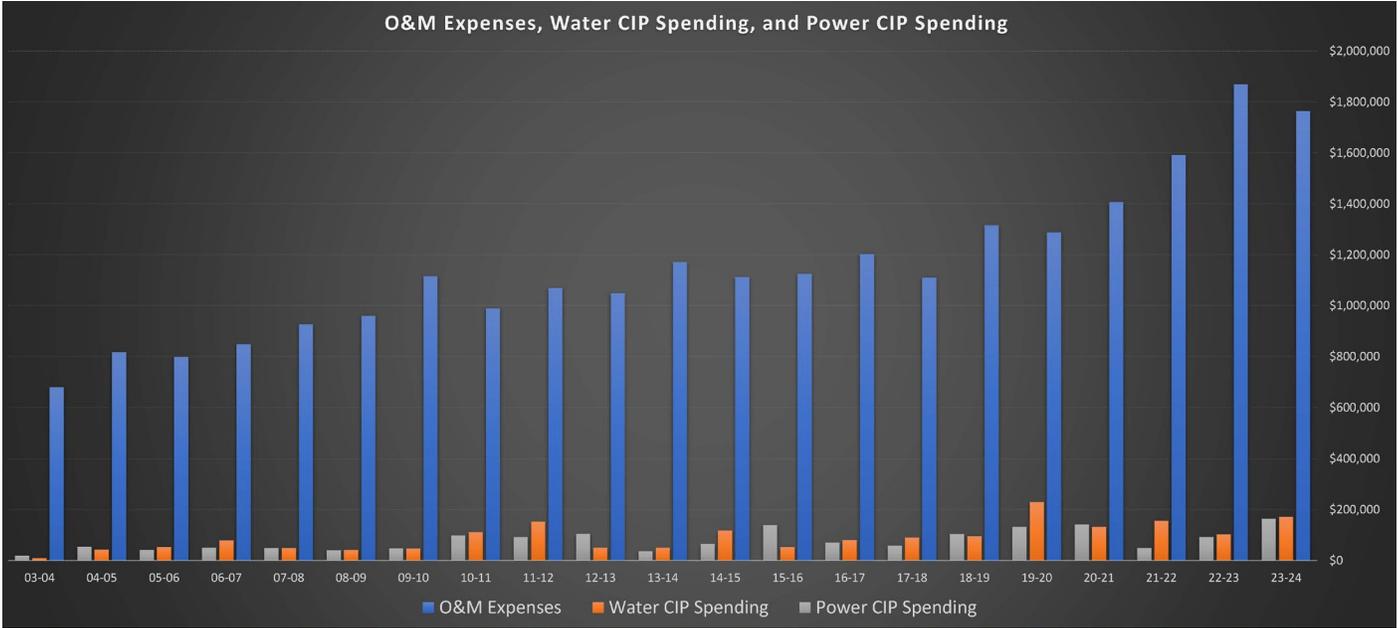
This table provides an estimate of hydropower revenues for MPH and APH



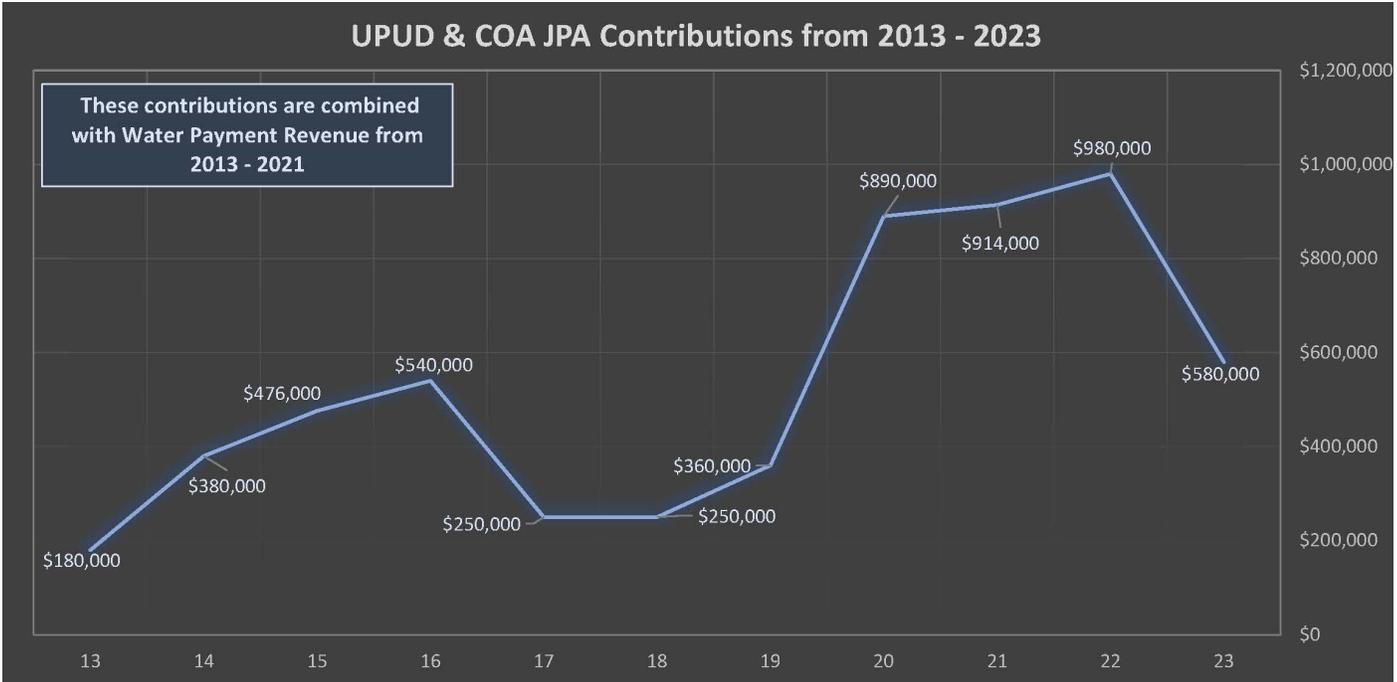
This table shows the Water Years from 1999 to 2023. Average is 2.04.



This table shows Utica's primary revenues from 2007 to 2023



This table shows Utica’s O&M, Water CIP, and Power CIP spending from 2004-2023



This table shows JPA Member contributions to Utica from 2013-2024. Between 1995 and 2012, no contributions were made to Utica by COA or UPUD.

**Next Steps:**

Utica will continue to seek new revenue sources and increase existing revenues. Grant applications are being submitted each year, and Utica staff is optimistic that the success with grant funding over the past few years will continue.

Utica, COA, and UPUD staff are discussing funding agreements options. These discussions are timely, as both COA and UPUD are in the process of conducting rate studies in 2024.

**Attachments:**

1. Presentation given to a Joint JPA Meeting on February 25, 2020, by interim UWPA General Manager, Dave Andres.
2. UWPA Reserves Policy: Adopted June 20, 2020. Amended May 24, 2022.
3. UWPA Capital Improvement Plan. Amended and adopted December 12, 2023.
4. UWPA Adopted Budget FY 2023-2024

Please Note:  
UWPA's Interim General Manager,  
Dave Andres, Presented The  
Following Slides to the Joint JPA  
Meeting on February 25, 2020

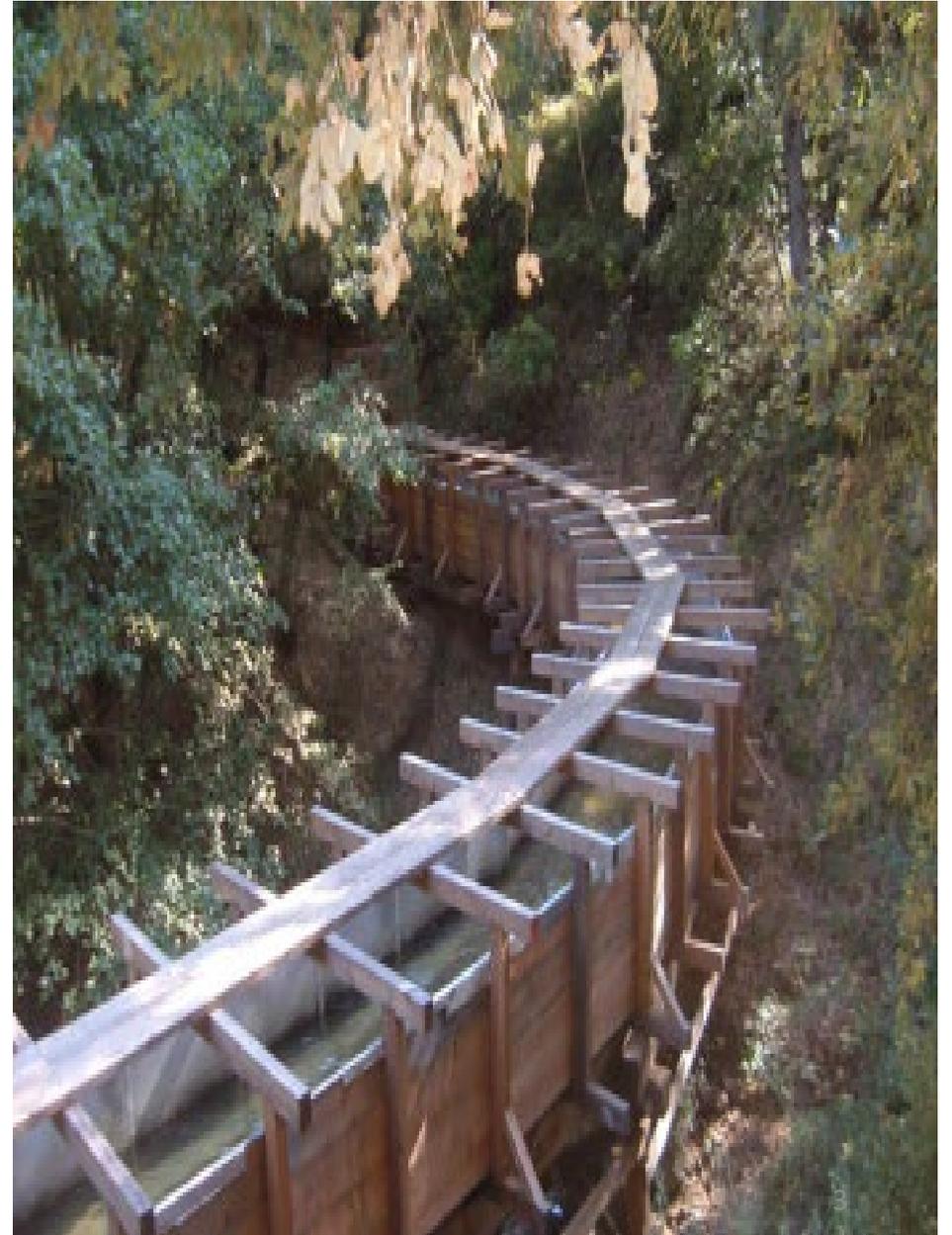


# JOINT AGENCY MEETING

- **UTICA WATER & POWER AUTHORITY**
- **CITY OF ANGELS CAMP**
- **UNION PUBLIC UTILITY DISTRICT**
  
- **DATE: FEBRUARY 25, 2020**
- **TIME: 5:30 PM**
- **LOCATION: City of Angels Camp Fire Station**

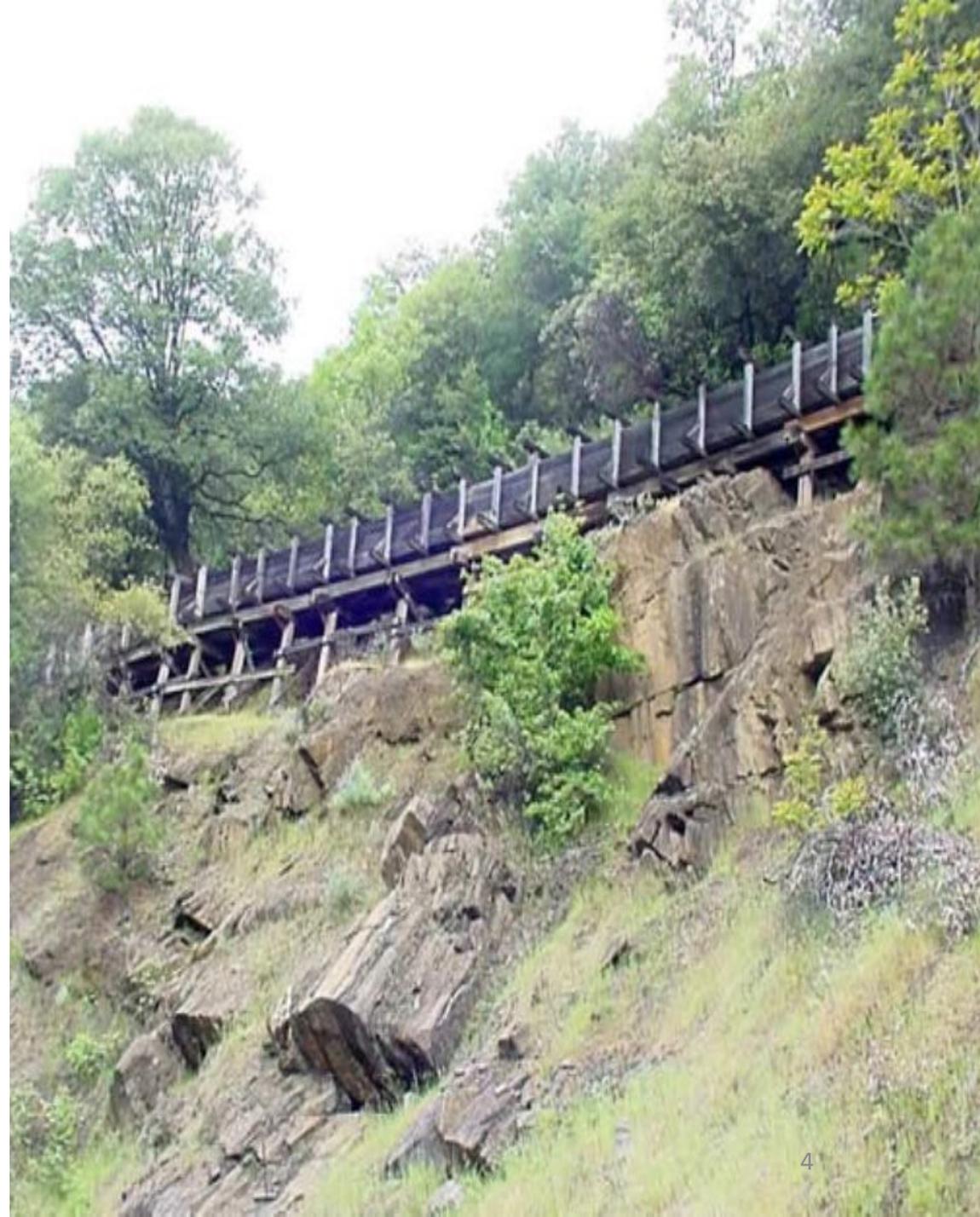
# UWPA JOINT POWERS AUTHORITY (JPA)

- **FORMATION**: The *Utica Water and Power Authority* (UWPA) was formed in December 1995 as a *Joint Powers Authority* (JPA)
- **ORIGINAL MEMBERS**: The *City of Angels Camp* (COA), *Union Public Utilities District* (UPUD) and the *Calaveras County Water District* (CCWD)
- **PURPOSE**: To acquire Pacific Gas & Electric's (PG&E) Highway 4 water conveyance and hydroelectric facilities
- **ACQUISITION**: CCWD purchased the system in 1996 and subsequently sold a portion of the facilities to UWPA. This included contractual obligations to sell non-treated water to the town of Murphys, COA and adjacent properties. CCWD withdrew from the JPA in 2004 and UWPA's remaining authority members purchased CCWD's portion.



# DESCRIPTION OF MAJOR SYSTEM COMPONENTS

- **NORTH FORK DIVERSION**: a dam and reservoir to convey water from the North Fork of the Stanislaus River to Angels Creek
- **DITCHES AND FLUMES**: 27 miles of conveyance facilities with portions of the system dating back to the late 1800's and early 1900's
- **STORAGE RESERVOIRS**: 5 reservoirs with a combined capacity of 447-acre feet (AF)
- **HYDROELECTRIC PLANTS**: purchased by PG&E in 1946 to generate hydroelectric power from the systems two power plants at Murphys (3.6 Megawatts [MW]) and Angels Camp (1.4 MW)
- **Water Rights**: up to 33,513-AF per year subject to water year type and existing agreements that provide untreated water supplies to member agencies and UWPA customers



# Organization & Staffing

## ➤ **Five-member Board of Directors**

(2 members each agency and 1 public member appointed by the agency members)

## ❖ **General Manager**

## ❖ **Senior Management – O & M Superintendent,**

## **Water Conveyance Superintendent & Administrative Manager**

## ❖ **1.5 Water Conveyance Operators**

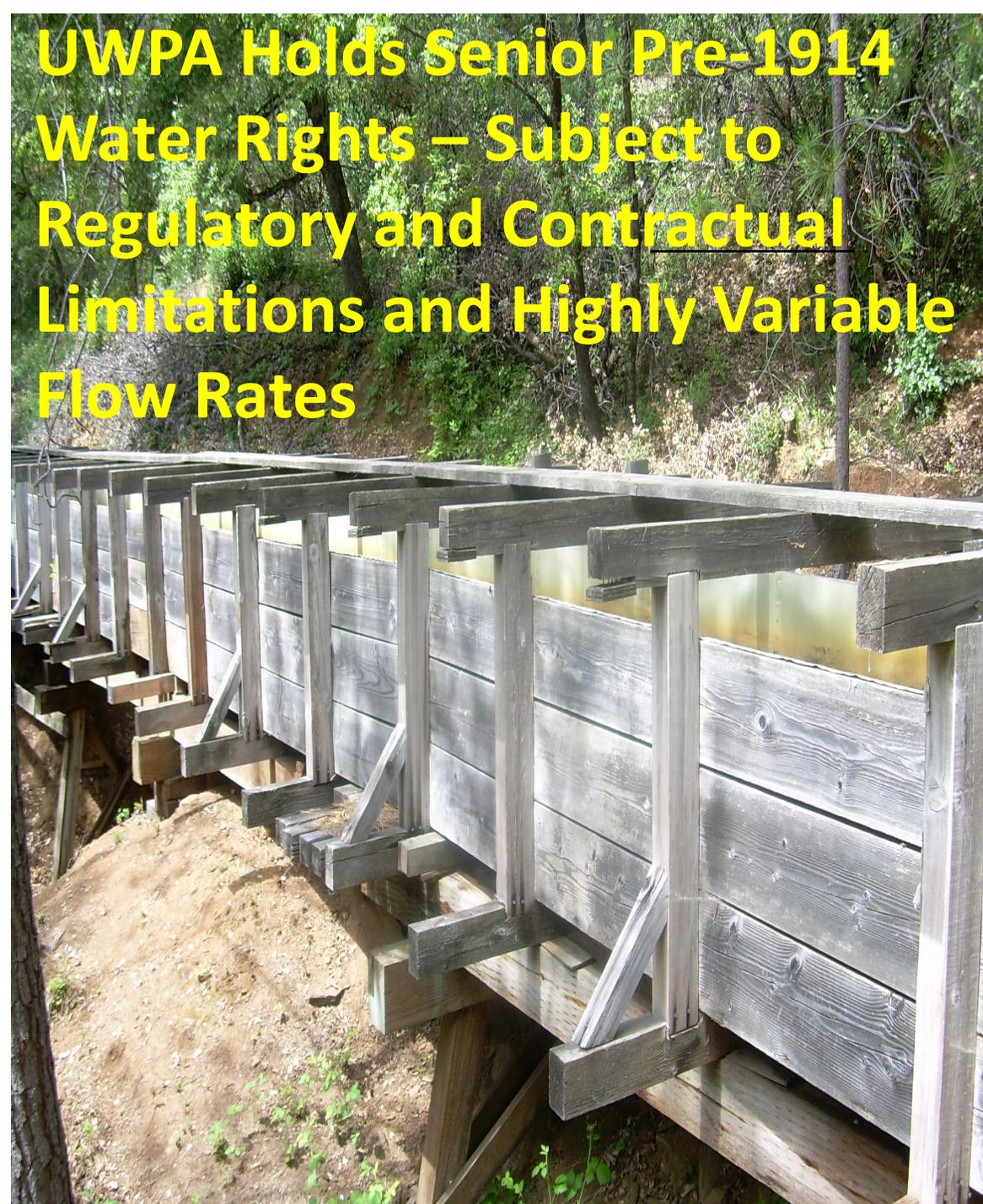
## ❖ **2.5 Hydroelectric Operators**

## ❖ **0.5 Administrative Assistant**

## ❖ **0.75 Information Technology Administrator**



# UWPA Holds Senior Pre-1914 Water Rights – Subject to Regulatory and Contractual Limitations and Highly Variable Flow Rates



Water Year	Unimpaired Runoff in Acre Feet (1)	Percentage of Average	Water Year Tier Schedule
2005	970,000	136%	1
2006	1,310,000	175%	1
2007	290,000	46%	4
2008	500,000	71%	2
2009	580,000	83%	1
2010	770,000	110%	1
2011	1,150,000	164%	1
2012	370,000	53%	3
2013	360,000	52%	3
2014	240,000	34%	4
2015	95,000	14%	6
2016	670,000	96%	1
2017	1,490,000	218%	1
2018	580,000	83%	1
2019	1,080,000	158%	1

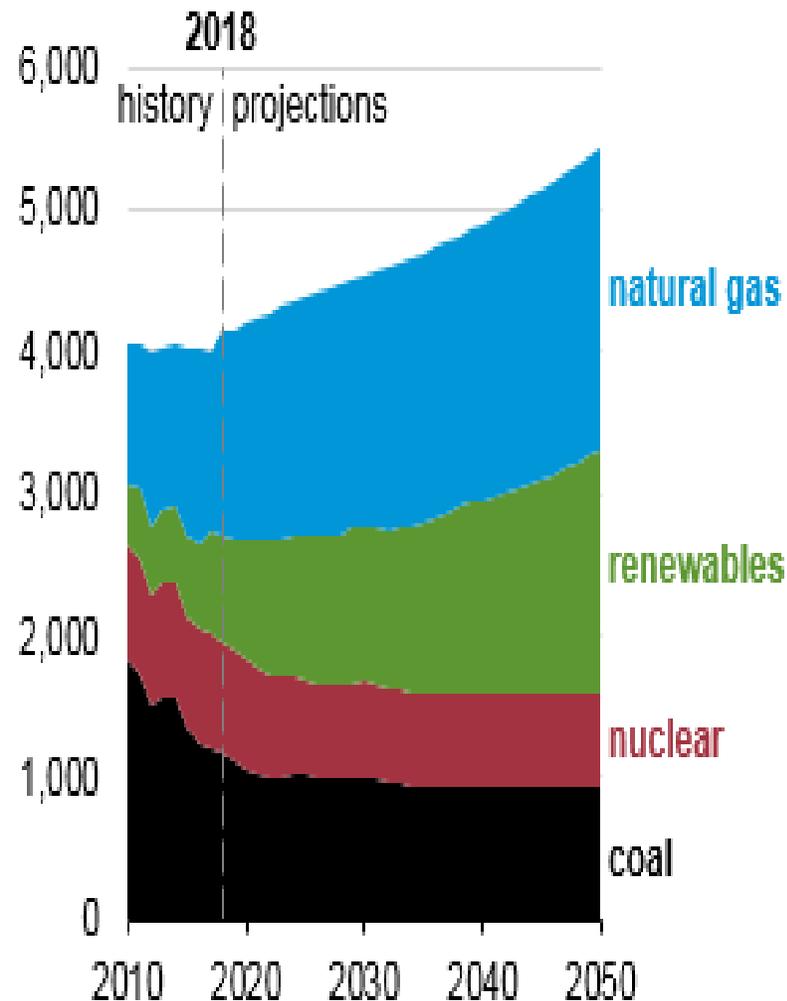
(1) April – July Forecast for Stanislaus River below Goodwin Dam

# Reliance on Electrical Generation Revenues

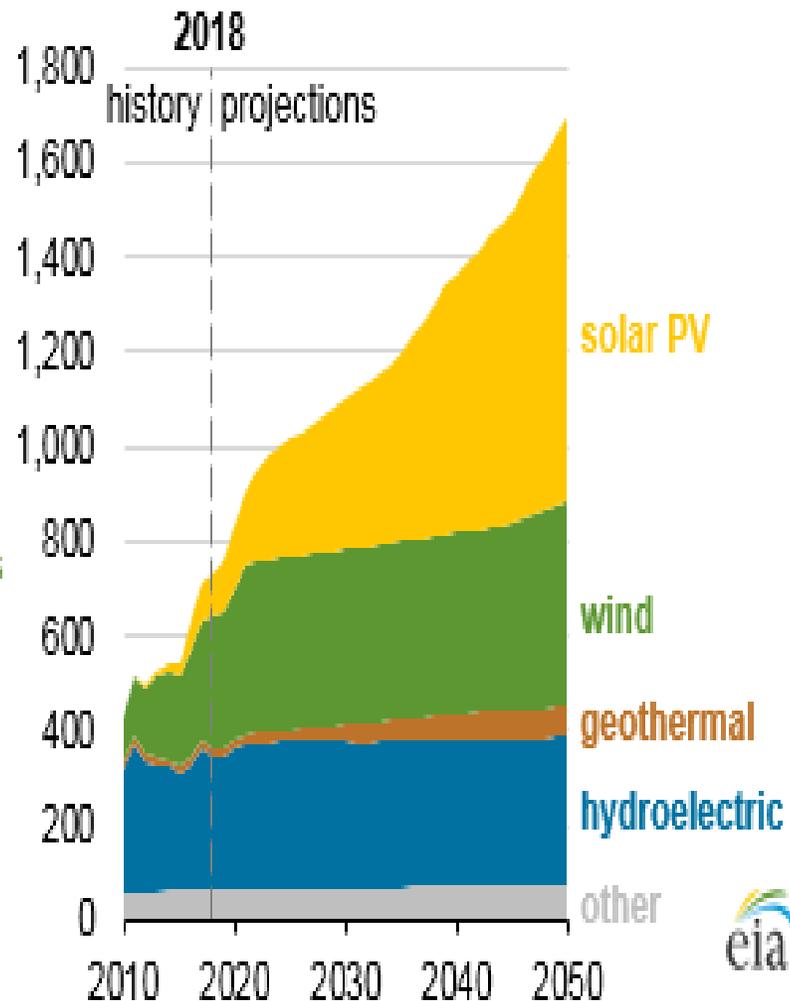
Fiscal Year / Water Tier	Hydroelectric Revenue	Total Member Contributions	All Other Revenue*	Total Revenues
2009-10 /1	\$1,255,782	\$2278	\$109,980	\$1,368,040
2010-11 /1	<b>\$1,372,791</b>	\$2187	\$96,121	\$1,471,099
2011-12 /1	\$1,267,505	<b>\$2025</b>	\$35,914	\$1,305,444
2012-13 /3	\$954,835	\$2491	\$17,745	\$975,071
2013-14 /3	\$1,061,058	\$102,935	\$39,379	\$1,203,372
2014-15 /4	\$671,053	\$380,000	\$58,715	\$1,109,768
2015-16 /6	<b>\$379,180</b>	\$476,000	\$344,896	\$1,200,076
2016-17 /1	\$953,966	<b>\$540,000</b>	\$99,181	\$1,593,147
2017-18 /1	\$1,230,933	\$250,000	\$148,805	\$1,629,738
<u>2018-19 /1</u>	<u>\$1,150,348</u>	<u>\$250,000</u>	<u>\$511,752</u>	<u>\$1,912,100</u>
Average	\$1,029,745	\$200,792	\$146,249	\$1,376,786
**2019-20 /1	\$1,208,412	\$360,000	\$145,654	\$1,714,066
<b>*Excludes</b>	<b>Grants;</b>	<b>**Estimated</b>		

# Change in Power Generation Market

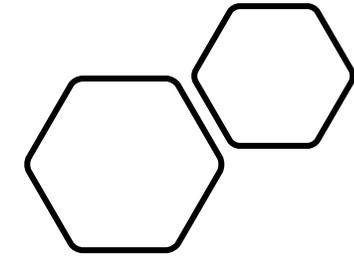
Electricity generation by fuel in the AEO2019 Reference case  
billion kilowatthours



Renewable electricity generation in the AEO2019 Reference case  
billion kilowatthours



## Problem – Insufficient Generation Revenues:



- **Weak Energy Markets**
- **Abundant Natural Gas**
- **Competition from Renewables (i.e. Wind & Solar)**
- **Water Availability - Dry Years, Limited Storage, Contractual & Regulatory Restrictions**

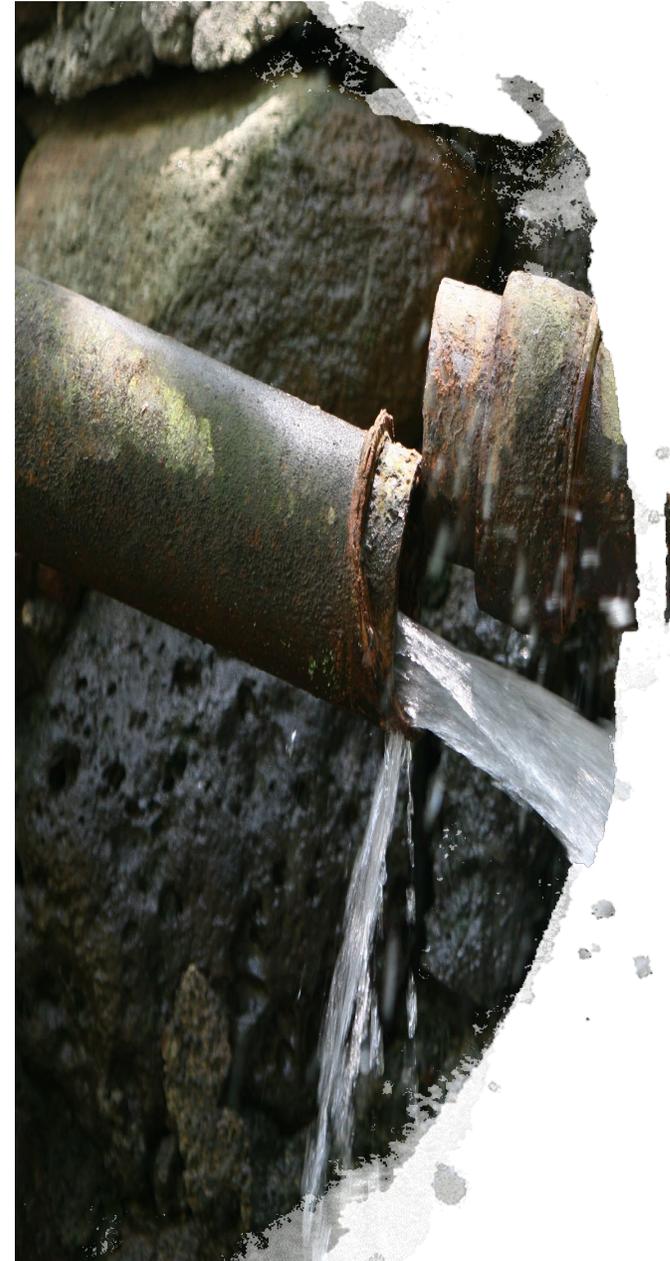
# Review of Audited Revenues

<b>Fiscal Year</b>	<b>Hydroelectric Revenue</b>	<b>Water Tier Year</b>	<b>Total Revenue Less Member contributions</b>	<b>Total Member Contributions</b>
<b>2014-15</b>	<b>\$671,053</b>	<b>4</b>	<b>\$729,768</b>	<b>\$380,000</b>
<b>2015-16</b>	<b>\$379,180</b>	<b>6</b>	<b>\$724,076</b>	<b>\$476,000</b>
<b>2016-17</b>	<b>\$953,966</b>	<b>1</b>	<b>\$1,053,147</b>	<b>\$540,000</b>
<b>2017-18</b>	<b>\$1,230,933</b>	<b>1</b>	<b>\$1,379,738</b>	<b>\$250,000</b>
<b>2018-19</b>	<b>\$1,150,348</b>	<b>1</b>	<b>\$1,662,100</b>	<b>\$250,000</b>
<b>2019-20*</b>	<b>\$1,208,412</b>	<b>1</b>	<b>\$1,354,006</b>	<b>\$360,000</b>
	<b>* Projected</b>			

# Current UWPA Funding

## Model:

- **Minimize Agency Contributions**
- **Set Agency Contributions based on Water Year Type**
- **Rely on Hydroelectric Revenue to Fund JPA**
- **Defer Operational and Capital needs**



## Current UWPA Financial Situation:

- Operating Deficit 9 out last 10 Fiscal Years
- Inadequate Reserves
- Limited funding for FERC Relicensing (2033)
- Limited Maintenance & Repair Budget
- Inadequate Capital Improvement Funding
- Anticipate Difficulty Obtaining Grants/Loans Due to Audit Deficits

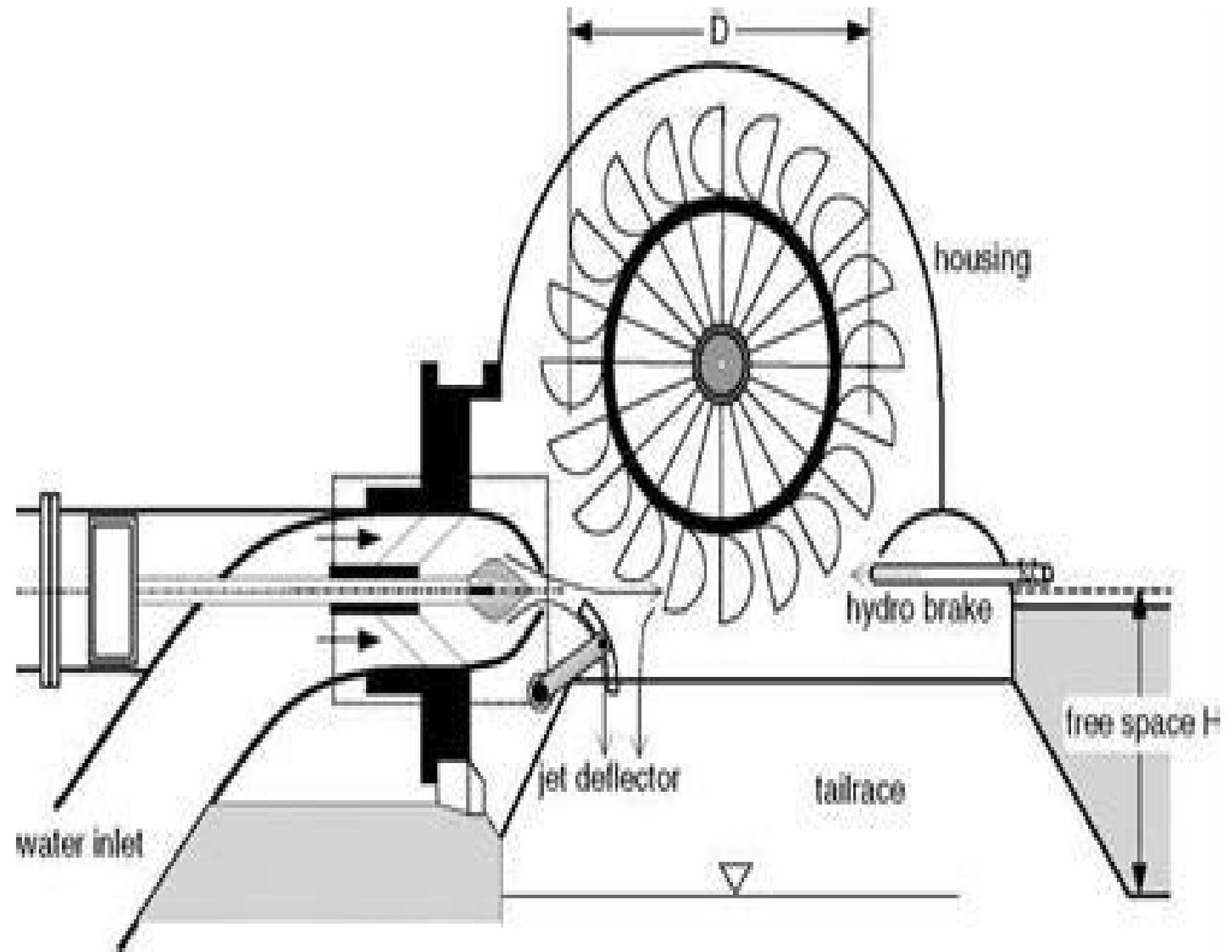


Figure 3.8 Cross section of a Pelton turbine.

# Deferred Equipment and Capital Maintenance

- Canal, Flume, Weir and Ditch Maintenance & Repair
- Reservoir Sedimentation Issues
- Trash Rake Replacement
- Angels Penstock
- Murphys Powerhouse: Relay Protection, Needle Control
- Automation Upgrades: Communications, Alarms, Controls





Need to Upgrade and Modernize  
Equipment and Facilities

---

## Proposed Draft Reserve Policy

	<u>Goal</u>	<u>Current</u>
• <u>Emergency Reserve</u> .....	\$170,000	0
• <u>Operating Reserve</u> .....	\$425,000	\$85,000
• <u>Capital Reserve</u> .....	\$250,000	0
• <u>FERC Reserve</u> .....	\$3,675,000	\$250,000

# FERC License Timeline

When to begin your hydropower relicensing process.



**10-7**

Ten to seven years  
prior to license renewal

Do you own other hydro-  
electric projects on the same  
river system with licenses with  
similar license expiration?

Are you satisfied with the  
current project boundary?

**6 1/2**

Six and half years  
prior to license renewal

Which process are you  
considering?

**6-5 1/2**

Six to 5 1/2 years  
prior to license renewal

Do you want to send a  
PAD questionnaire?

Do you know who the  
stakeholders are?

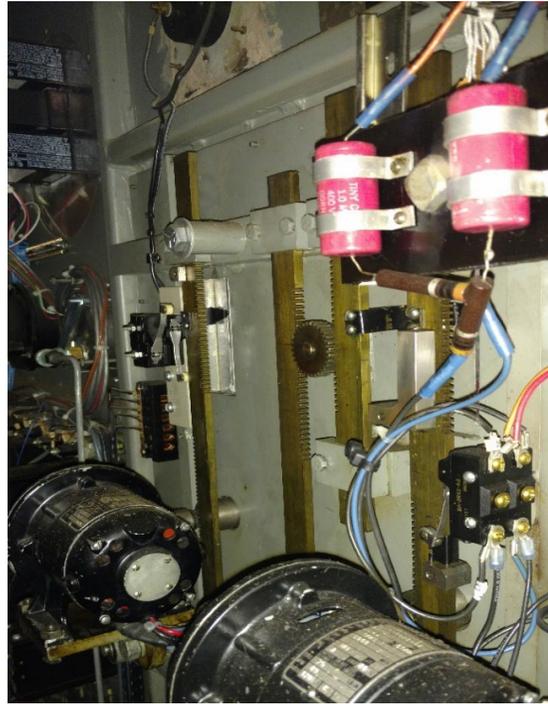
Should you host a site visit  
with potential stakeholders?

**5+**

Five years and one month  
prior to license renewal

Which license process are  
you going to use?

Proposed Draft  
Capital  
Improvements  
Over the Next  
5-Years



16

Sample of Major Projects:

Lower Utica Flume Improvements.....	\$600,000
Murphys Forebay & After-bay Sediment Removal.....	\$125,000
Murphys Trash Rake Replacement / Relocation.....	\$385,000
Hydroelectric Feasibility & Facility Assessment Studies...	\$200,000



# Reserves

	<u>FY 2020-21</u>	<u>FY 2011-22</u>
<b><u>Emergency Reserve: Goal -10% of the <i>Operating Budget</i></u></b>		
<b><i>Expenses (\$170,000)</i></b> .....	\$50, 000	\$20,000
<b><u>Operating Reserve: Goal -25% of the <i>Operating Budget</i></u></b>		
<b><i>Expenses (\$425,000)</i></b> .....	\$65,000	\$60,000
<b><u>Capital Reserve: Goal - \$250,000 Flat Amount</u></b> .....	\$50,000	\$50,000
<b><u>FERC Reserve: Goal - \$3,675,000 Flat Amount</u></b> .....	\$250,000	\$300,000



# Relicensing Expenses

---

## Proposed Revenues for Fiscal Years ending June 30, 2021 & 2022

<u>Budget Category</u>	<u>Fiscal Year</u> <u>2020-21</u>	<u>Fiscal Year</u> <u>2021-22</u>
<u>REVENUE SOURCE</u>	<u>ESTIMATED</u>	<u>ESTIMATED</u>
<b>POWER SALES</b>	<b>\$1,200,000</b>	<b>\$1,200,000</b>
<b>MEMBER CONTRIBUTIONS</b>	<b>\$810,000</b>	<b>\$834,000</b>
<b>ALL OTHER REVENUES</b>	<b><u>\$165,000</u></b>	<b><u>\$166,000</u></b>
<b><u>TOTAL REVENUES:</u></b>	<b>\$2,175,000</b>	<b>\$2,200,000</b>
<b>Note: Excludes Grant Funding</b>		

<b><u>PROPOSED EXPENDITURES</u></b>	<b><u>FY 2020-21</u></b>	<b><u>FY 2021-22</u></b>
<b>WAGES &amp; EMPLOYEE BENEFITS</b>	<b>\$985,000</b>	<b>\$1,015,000</b>
<b>FERC / DAM SAFETY / FEES / HYDROGRAPHY</b>	<b>\$255,000</b>	<b>\$245,000</b>
<b>RESERVES</b>	<b>\$440,000</b>	<b>\$455,000</b>
<b>CAPITAL CONVEYANCE REPAIRS &amp; IMPROVEMENTS</b>	<b>\$180,000</b>	<b>\$208,000</b>
<b>SERVICES &amp; SUPPLIES</b>	<b>\$605,000</b>	<b>\$624,000</b>
<b>OTHER CAPITAL IMPROVEMENT PROJECTS</b>	<b>\$157,000</b>	<b>\$408,000</b>
<b>CAPITAL OUTLAY</b>	<b><u>70,000</u></b>	<b><u>60,000</u></b>
<b><u>TOTAL ESTIMATED EXPENDITURES:</u></b>	<b>\$2,692,000</b>	<b>\$3,015,000</b>
<b>Net Surplus / (Shortfall)</b>	<b>(\$517,000)</b>	<b>(\$815,000)</b>
<b>Percentage Surplus / (Shortfall)</b>	<b>19%</b>	<b>27%</b>

# Proposed New Funding Model

- Agencies pay fixed amount annually for the first two years (FY's 2020-21 & 2021-22)
- Year 3 – Five-year Operating, Capital and Reserve Costs estimates established for UWPA
- Agencies Coordinate Proposition 218 Hearings for JPA costs in FY 2021-22
- Eliminate water year type from funding formula and rely on a predetermined base funding level from each member agency and the use of reserves to address poor water supply years



# IMPORTANT FUTURE UWPA ISSUES

<u>Power Plant Licensing Options</u>	<u>JPA Organizational Issues</u>	<u>Hydroelectric Plant Issues</u>
Conduit Exemption(s)	Maintain Current Organization	Funding Capital Upgrades
Small Hydro Exemption(s)	Consolidate with an Existing Organization(s)	Feasibility Studies
Re-License	Contract for Services	Water Supply Contracting
Surrender License(s)	Create New Organization	Long-term Power Contracts
De-commission Hydro-plant(s)	Contract with an Existing Organization	Cost-Benefit Analysis



## REQUESTED ACTION 1.)

Establish two-year funding commitment of \$405,000 for Fiscal Year 2020-2021 and \$417,000 for Fiscal Year 2021-2022 for each agency. (Same as approved rate study for the City of Angels Camp).

REQUESTED ACTION 2.) Commitment by Member Agencies to guaranty repayment of grants/loans applied for by UWPA when required.





## REQUESTED ACTION 3.)

Commitment by Member Agencies to conduct Proposition 218 hearings on UWPA funding needs when necessary.

## Requested Action 4.)

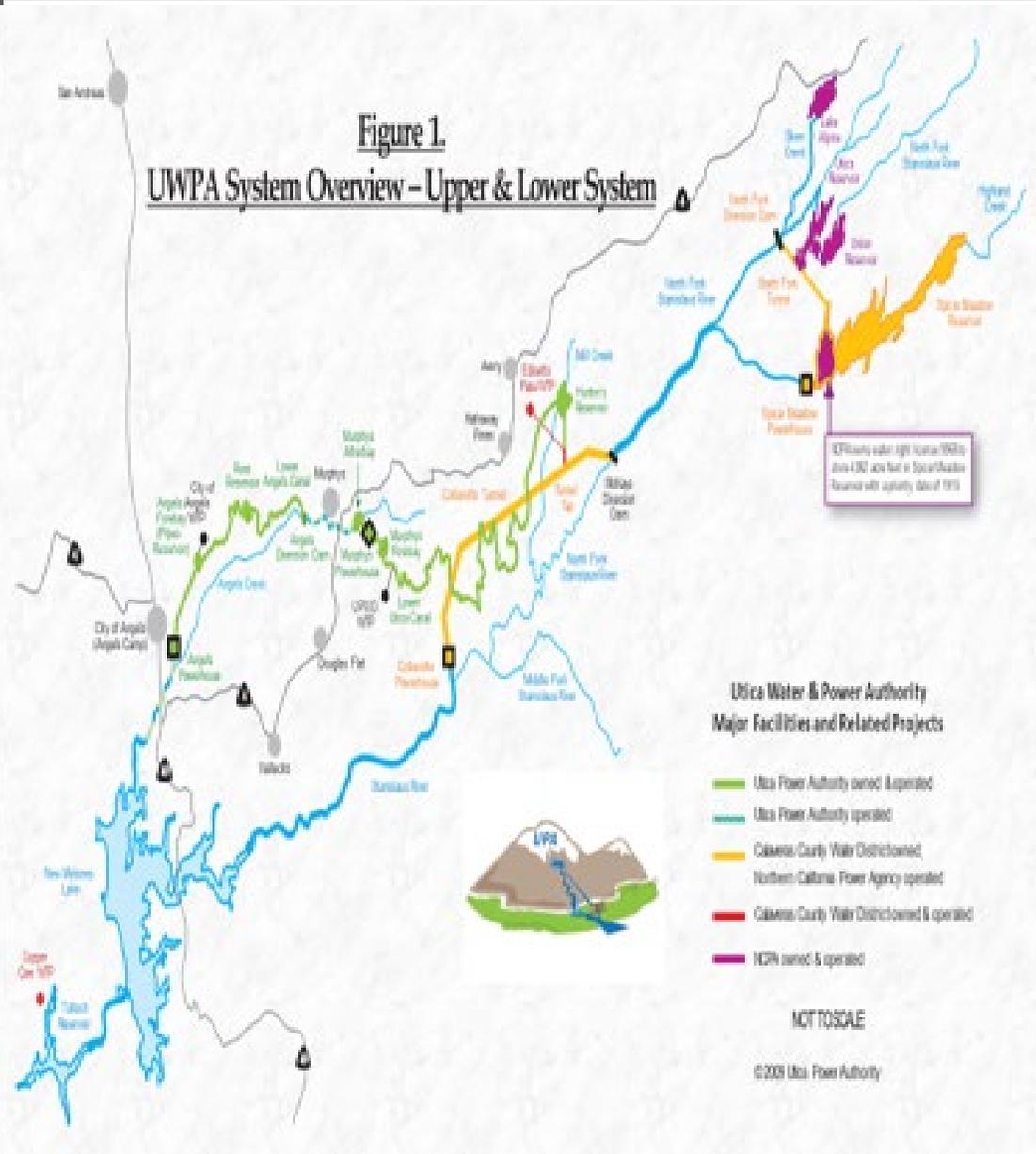
Amend current JPA Agreement to ensure the long-term sustainability of the organization and to account for new issues, obligations and requirements.



## Requested Action 5.)

Establish future “UWPA Funding Levels” beginning in 2022 for the ensuing 5-year period based on future information and studies.





# SUCCESSFUL FUNDING PLAN IMPLEMENTATION



# Open Forum

UWPA Joint Agency Meeting  
February 25, 2020



# Utica Water and Power Authority: Projected Annual Power Sale Revenue

	WY1		WY2		WY3		WY4		WY5		WY6	
	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH	MPH	APH
<b>May</b>	\$ 104,213	\$ 47,196	\$ 89,919	\$ 39,230	\$ 76,641	\$ 31,595	\$ 63,145	\$ 23,463	\$ 51,114	\$ 15,164	\$ 39,084	\$ 6,866
<b>June</b>	\$ 104,595	\$ 45,971	\$ 89,951	\$ 37,780	\$ 76,562	\$ 30,070	\$ 62,749	\$ 21,718	\$ 51,107	\$ 13,688	\$ 39,464	\$ 5,657
<b>July</b>	\$ 104,640	\$ 43,903	\$ 91,342	\$ 36,601	\$ 77,296	\$ 28,468	\$ 60,777	\$ 18,261	\$ 51,153	\$ 11,623	\$ 39,603	\$ 3,656
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<b>Total Revenue</b>	\$1,788,109		\$1,569,889		\$1,350,984		\$1,057,641		\$851,874		\$617,541	



# UTICA WATER AND POWER AUTHORITY

## Resolution No. 22-11

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UTICA WATER AND POWER AUTHORITY ADOPTING THE REVISED UTICA RESERVE POLICY

**WHEREAS**, the Utica Water and Power Authority (Utica) Board of Directors adopted a Reserve Policy on June 23, 2020, to establish Reserve Fund Accounts for specific anticipated costs and to maintain adequate cashflow for the successful operation of the agency; and,

**WHEREAS**, Utica dedicated to prudent management of public funds and committed to ensuring fiscal responsibility and accountability in the expenditure of Agency funds; and,

**WHEREAS**, prudent fiscal management requires public agencies to establish reserve fund accounts which can be used in the event of financial emergencies, provide for protection against economic uncertainty and fluctuating revenues, maintain sufficient cash flow to pay for short and long-term operational and capital improvement costs and to maintain the financial solvency of the agency; and

**WHEREAS**, by the adoption of the resolution in 2020, the Board of Directors established five separate *Reserve Funds* consisting of an *Emergency Reserve*, *Operating Reserve*, *Capital Reserve*, *FERC Reserve*, and a *FERC/Dam Safety 5-year and 10-year Plan Reserve*; and

**WHEREAS**, as a cost-saving measure, the Utica Board wishes to reduce reserve contributions in three of the reserve accounts it created in 2020; and

**WHEREAS**, by the adoption of this resolution the Board of Directors shall eliminate the *Emergency Reserve* and *Capital Reserve* accounts and consolidate any funding therein into the *Operating Reserve*; and

**WHEREAS**, no changes will be made to the *FERC Reserve*, *FERC/Dam Safety 5-Year and 10-Year Plan Reserve* accounts or contribution schedules; and

**WHEREAS**, the Board of Directors shall retain control over the circumstance under which the *Operating Reserve*, *FERC Reserve*, and the *FERC/Dam Safety 5-year and 10-year Plan Reserve* can be used.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors does hereby amend the Reserve Policy to eliminate the *Emergency Reserve* and *Capital Reserve*, and consolidate all funds in those accounts into the *Operating Reserve*, and all reserve accounts will be funded per the schedule set forth below.

**BE IT FURTHER RESOLVED** that the Board of Directors of the UWPA does hereby determine and establish the following policies regarding reserve funds:

1. The establishment and purpose of the UWPA Reserve Funds shall be as follows:

#### Operating Reserve

An unrestricted fund balance set aside to stabilize UWPA finances by providing a cushion against unexpected events, losses of income, and large unbudgeted expenses, as well as for working capital and cash flow while awaiting revenues, reimbursements and/or grant funding. In addition, the Operating Reserve shall maintain any “over payments” made by the member agencies based on water year types during Fiscal Years 2020-21 and 2021-22. The Operating Reserve shall not be used to cover a long-term or permanent income shortfall, but shall only be used to address temporary, non-structural financial issues.

Operating Reserve funds are also intended to be used for Capital Projects and Emergencies per the guidelines set forth below:

Emergencies: Funds may be used in emergency situations involving a major facility or equipment failure, to provide resources to meet emergency expenditures in the case of flood, fire, drought or other natural disaster and/or the sudden loss of a major revenue source(s) resulting in a fifteen percent (15%) or more decline in annual UWPA revenues. Use of these funds during the fiscal year shall require a Board of Directors’ declared emergency.

Capital: Funds may be used to pay for unanticipated costs and/or cost overruns associated with the study, construction, re-construction, repair, replacement and/or upgrade of capital facilities costing \$50,000 or more, and/or the purchase of equipment and/or vehicles costing \$5,000 or more in any one fiscal year.

#### FERC Reserve

A restricted fund balance set aside to pay for anticipated costs for studies, environmental analysis, consulting fees, legal fees and such other expenses associated with activities to renew the Federal Energy Regulatory Commission (FERC) power generation license and/or to seek an exemption to licensing or other associated costs regarding the continued use or conversion of UWPA’s power facilities.

#### FERC/Dam Safety 5-year and 10-year Plan Reserve

A restricted fund balance set aside to pay for the anticipated cost of preparing various reports, plans, assessments and/or other documents that are required on a periodic basis to maintain compliance with the Federal Energy Regulatory Commission and/or California Department of Dam Safety and/or such other regulatory agency requirements.

2. Per recommendations from the *Independent Auditor's Report and Financial Statements for the Fiscal Year Ending June 30, 2019* as the base year, this policy hereby establishes a goal for accumulating and maintaining "target" thresholds as follows:

Operating Reserve – 15% of total *Operating Budget Expenses* exclusive of depreciation plus any *Debt Service*, or \$30,000 per year beginning in Fiscal Year 2022-23 until the accumulated total reaches 15% of *Operating Budget Expenses* exclusive of depreciation plus any *Debt Service*, or \$275,000.

FERC Reserve

Establish a \$3,150,000 Reserve over ten years as follows:

- 2022 - 23 FY: \$275,000
- 2023 - 24 FY: \$350,000
- 2024 - 25 FY thru the 2028 - 29 FY: \$400,000 each fiscal year

FERC/Dam Safety 5-year and 10-year Reserve

Establish a Reserve in an amount determined during the annual fiscal year budget process that will have sufficient funds to conduct the required activities in the fiscal year the activity is required.

3. Should the fund balance of the any of the reserve funds fall below the target, the General Manager shall prepare a plan for consideration by the UWPA Board of Directors to implement actions within a reasonable time period to rebuild the fund balance(s).
4. With the exception of allocating funds during the adoption of the annual budget, a four-fifths (4/5) vote of the Board of Directors is required for any appropriation and expenditure of funds from the Operating Reserve, FERC Reserve, or the FERC/Dam Safety 5-year and 10-year Reserve during the Fiscal Year for reasons other than there intended purpose.
5. Interest/Investment Returns accrued from each of these *Reserve Funds* shall remain in the corresponding fund until such time as they are fully funded in accordance with Section 2 above. Once fully funded the Interest/Investment Returns accrued shall be used to support the general UWPA operating budget with the exception of the *FERC Reserve* which shall continue to accumulate interest for the purposes intended.
6. The General Manager shall provide an update during discussions of the annual fiscal year budget on the status of each of the reserve accounts and as necessary during the fiscal year to keep the Board of Directors up to date on the status of the reserves. Based on the annual review the Board of Directors by majority vote modify the targeted amounts in each reserve category.

**ON A MOTION** by Director Broglia, and seconded by Director Conrado, the foregoing resolution was duly passed and adopted by the Board of Directors of the Utica Water and Power Authority, on the 24th of May, 2022, by the following vote:

AYES: Directors Chick, Broglia, Davis-Herndon, Rasmussen, Conrado  
NOES: None  
ABSTAIN: None  
ABSENT: None

*Ralph Chick*

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Ralph Chick, Board Chair

*Lori Karnes*

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Lori Karnes, Clerk to the Board

# Signature Certificate

Reference number: RD4SI-2Y9CT-QS68Z-FB9D9

Signer	Timestamp	Signature
<b>Lori Karnes</b> Email: admin@uticapower.net Sent: 03 Jun 2022 17:23:49 UTC Signed: 03 Jun 2022 17:23:49 UTC	03 Jun 2022 17:23:49 UTC 03 Jun 2022 17:23:49 UTC	 IP address: 96.92.110.142 Location: Stockton, United States
<b>Rocky Chick</b> Email: rockyc@uticawater.com Sent: 03 Jun 2022 17:23:49 UTC Viewed: 20 Jun 2022 14:56:02 UTC Signed: 20 Jun 2022 14:56:15 UTC	03 Jun 2022 17:23:49 UTC 20 Jun 2022 14:56:02 UTC 20 Jun 2022 14:56:15 UTC	 IP address: 66.178.169.181 Location: Rogue River, United States
<b>Recipient Verification:</b> ✓ Email verified	20 Jun 2022 14:56:02 UTC	

Document completed by all parties on:  
20 Jun 2022 14:56:15 UTC

Page 1 of 1



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# UTICA 2023-2032 CAPITAL IMPROVEMENT PLAN

Amended and adopted by the UWPA Board December 12, 2023

<u>PROJECTS</u>											
<u>WATER CONVEYANCE</u>	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>	<u>Five Year Total</u>	<u>FY 2028-29</u>	<u>FY 2029-30</u>	<u>FY 2030-31</u>	<u>FY 2031-32</u>	<u>TOTAL</u>
FLUME IMPROVEMENTS	\$ 150,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000		\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 1,010,000
CANAL IMPROVEMENTS	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000		\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 250,000
DAM & SPILLWAY IMPROVEMENTS	\$ 20,000	\$ 35,000	\$ 15,000	\$ 15,000	\$ 15,000		\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 175,000
MURPHYS TRASH RAKE	\$ 135,000	\$ 150,000	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 285,000
S-66 / FRENCH GULCH WEIRS	\$ 10,000	\$ -	\$ -	\$ -	\$ -		\$ 25,000	\$ 75,000	\$ -	\$ -	\$ 110,000
ANGELS PENSTOCK REPLACEMENT					\$ 100,000		\$ 100,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 800,000
RESERVOIR SEDIMENT REMOVAL	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 125,000	\$ 125,000	\$ 300,000	\$ 300,000	\$ 850,000
GAGING STATIONS	\$ 10,000	\$ -	\$ -	\$ -	\$ -						\$ 10,000
AUTOMATED WASTEGATES AND CROSSGATES	\$ 80,000	\$ 100,000	\$ 100,000	(Partially grant funded)							\$ 280,000
COMMUNITY WATER SUPPLY RESILIENCY		\$ 1,000,000		(Dependent on Grant Funding)							\$ 1,000,000.00
SCOPING PROJECT						<u>Five Year Total</u>					
	\$ 430,000	\$ 1,410,000	\$ 240,000	\$ 140,000	\$ 240,000	\$ 2,460,000	\$ 365,000	\$ 515,000	\$ 615,000	\$ 615,000	\$ 4,770,000
<u>GENERAL PROJECTS</u>											
FEASIBILITY ASSESSMENTS & PLANNING	\$ 50,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000		\$ -	\$ -	\$ -	\$ -	\$ 215,000
GENERAL FACILITIES	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 10,000		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 222,500
						<u>Five Year Total</u>					
<u>GENERAL TOTAL:</u>	\$ 85,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 35,000	\$ 300,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 437,500
<u>POWER GENERATION</u>											
MPH Jet Controller Upgrade											\$ 5,000
Murphys Powerhouse Relay Protection	\$ -	\$ 200,000									\$ 245,000
APH DC/AC INVERTOR UPGRADE	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 5,000
APH DEFLECTOR CONTROL REPLACEMENT		\$ 15,000									\$ 15,000
MURPHYS GOVERNOR RETROFIT	\$ 230,000				\$ -		\$ -	\$ -	\$ -	\$ -	\$ 300,000
MPH 17 KV GENERATOR RECLOSURE BREAKER	\$ 12,500	\$ -			\$ -		\$ -	\$ -	\$ -	\$ -	\$ 57,500
MPH 17 KV LINE BREAKER	\$ 12,500	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 57,500
MPH BACKUP TRANSFORMER		\$ 150,000	\$ 150,000	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 300,000
MPH STATIC EXCITER	\$ -	\$ -	\$ -	\$ 60,000	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 60,000
MPH COOLING WATER LINES	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ 45,000	\$ 45,000	\$ 45,000	\$ 135,000
						<u>Five Year Total</u>					
<u>POWER GENERATION TOTAL:</u>	\$ 255,000	\$ 365,000	\$ 150,000	\$ 60,000	\$ -	\$ 830,000	\$ -	\$ 45,000	\$ 45,000	\$ 45,000	\$ 1,180,000
<u>FUTURE</u>											
MPH GENERATOR REWIND	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 200,000	\$ 200,000	\$ 400,000
APH GENERATOR REWIND	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000
APH BACKUP TRANSFORMER										\$ 300,000	\$ 300,000
<u>FUTURE TOTAL:</u>	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 200,000	\$ 600,000	\$ 800,000
						<u>Five Year Total</u>					<u>Ten Year Total</u>
<u>GRAND TOTAL:</u>	\$ 770,000	\$ 1,835,000	\$ 450,000	\$ 260,000	\$ 275,000	\$ 3,590,000	\$ 375,000	\$ 570,000	\$ 870,000	\$ 1,270,000	\$ 7,187,500

<b>Budget Summary</b>	<b>Budget FY 2023-24</b>
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Fiscal Year 2023-2024 v2

Adopted by the Utica Board on May 30, 2023

Adjusted by the Utica Board on July 25, 2023

**REVENUES:** Based on Water Year 1

**OPERATING INCOME GL 1200**

1200	01	Water Sales to NCPA	\$192,000
1200	02	City of Angels Water Agreement	\$290,000
1200	03	Union Public Utility District Water Agreement	\$290,000
1200	04	Irrigation Water Contractors	\$43,775
1200	05	Slurry Line / CCWD Wheeling Fees	\$7,000
1210	01	Angels Powerhouse - Power Sales	\$570,642
1210	02	Murphys Powerhouse - Power Sales	\$1,152,768
1220	01	Other Income	\$0
<b>Totals</b>			<b>\$2,546,185</b>

**NON OPERATING INCOME GL 1300**

1300	01	Interest Income	\$95,000
1310	01	Siera HOPE Lease Agreement	\$16,791
1310	02	Crown Castle MFB Tower Lease Agreement	\$25,061
1310	03	Hunter Reservoir Rental Hourse	\$12,854
1310	04	Cal.Net MFB Tower Lease Agreement	\$3,189
1340	01	COA Sierra Hydrographics Pass Throug	\$5,200
1340	02	Other Income	\$0
<b>Total</b>			<b>\$158,095</b>

**GRANT FUNDING INCOME GL 1400**

1400	01	Hunter Reservoir Fuels Reduction Project	\$500,000
1400	02	Lower Utica Canal Wastegates and Gaging Stations	\$55,000
1400	03	Darby Apple Fuels Reduction Project	\$0
1400	04	Utica Community Water Supply Resiliency Project	\$0
1400	05	Utica Wooden Flume Mitigation Project	\$0
<b>Total</b>			<b>\$555,000</b>

**DISASTER RELIEF REIMBURSEMENTS GL 1500**

1500	01	FEMA 75% (New Year's Storm)	\$375,000
1500	02	Cal OES 75% of 25% Remainder (New Year's Storm)	\$93,750
1500	03	Local Match 6.25% (New Year's Storm	\$0
<b>Total</b>			<b>\$468,750</b>

<b>TOTAL REVENUE</b>	<b>\$3,728,030</b>
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**EXPENDITURES:****WAGES/BENEFITS GL 3000**

3000		Wages, Benefits, Burden, On-Call, Overtime	\$1,226,194
<b>Total</b>			<b>\$1,226,194</b>

**SERVICES AND SUPPLIES GL 4000**

4100		Maintenance and Repairs	\$619,500
4110		Misc. Supplies	\$20,300
4120		Leases	\$13,640
4200		Property and Liability Insurance	\$57,554
4300		Memberships	\$15,065
4400		Professional Services	\$275,701
4500		Governmental Fees	\$93,628
4600		Communications	\$24,560
4700		Utilities	\$39,734
4800		Travel and Training	\$24,000
4900		Information Technology	\$10,000
<b>Total</b>			<b>\$1,193,682</b>

**CAPITAL IMPROVEMENT PROGRAM GL 5000**

5000		Powerhouses	\$ 255,000
5100		Conveyance	\$ 350,000
5200		General Projects	\$ 85,000
<b>Total</b>			<b>\$ 690,000</b>

**CAPTIAL OUTLAY GL 6000**

6000		Vehicle Replacement	\$55,000
6100		Equipment and Materials	\$30,000
<b>Total</b>			<b>85,000</b>

**RESERVES GL 7000**

7000		FERC Relicensing / Exemption Fund	\$350,000
7200		Operating Reserve	\$30,000
7400		FERC 5-Year Plan Reserve	\$61,800
7500		FERC 10-Year Plan Reserve	\$12,000
<b>Total</b>			<b>\$453,800</b>

**GRANTS GL 8000**

8000	Grant-Funded Expenditures	\$485,000
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<b>TOTAL EXPENDITURES</b>	<b>\$4,133,675</b>
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TOTAL REVENUES:	\$	3,728,030
TOTAL EXPENDITURES:	\$	4,133,675
SURPLUS/DEFICIT	\$	(405,645)

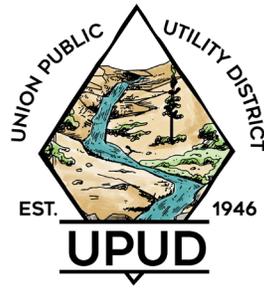
CARRY OVER	\$	359,659
JPA MEMBER CONTRIBUTION RESERVE	\$	45,988
TRANSFER FROM FERC RELICENSING RESERVE FUND		
BALANCED BUDGET	\$	(0)

William J. Bidul  
President

ATTEST:

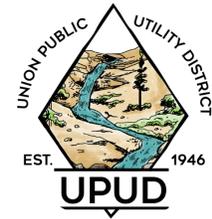
Edmund W. Halm  
Secretary

DATED:



5D

BREAK



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**DATE:** January 31, 2023  
**TO:** Joint UWPA Board  
**FROM:** Rebecca Callen, City of Angels City Administrator  
**RE: OVERVIEW OF UPCOMING RATE STUDIES: CITY OF ANGELS AND UNION PUBLIC UTILITY DISTRICT**

**RECOMMENDATION:**

Discussion only

**BACKGROUND:**

Union Public Utility District and the City of Angels both have rates charged for service to customers. UPUD provides domestic and irrigation water. The City of Angels provides domestic water, irrigation water, and sewer services.

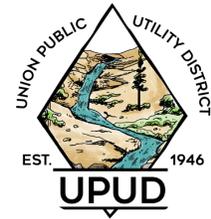
**DISCUSSION:**

**City of Angels:**

In the City of Angels, the revision of the water rate plan in 2019, facilitated by a rate consultant, marked a significant shift in the city's approach to managing and pricing its utility services. This was a critical development, coming after a long period of rate consistency since the last comprehensive study in 2006.

Prior to this pivotal change, the Utica Water and Power Authority (UWPA) charges were set at a modest \$1.00 per billing cycle for each 5/8" meter. This rate had been stable for over a decade. However, the 2019 rate plan brought a substantial increase, raising the UWPA charge to \$12.00 per 5/8" meter. This increase was part of a strategic move to cover projected contributions and to adapt to the evolving financial landscape of utility services.

A key feature of the 2019 plan was the introduction of a tiered revenue generation model based on 'Water Year' levels. Contrary to what might be intuitively expected, Water Years 1 and 2 were projected to generate the most revenue. This is because these levels represent years with higher water availability and demand, leading to increased utility usage and, consequently, higher revenue. The plan recommended setting charges at a 'Water Year 3' level as a baseline. In Water Year 1 or 2 scenarios, the surplus revenue generated over the 'Water Year 3' rate would be directed into a reserve fund. This fund was designed to provide financial stability, allowing the city to accumulate savings in years of high revenue.



In contrast, in years categorized as Water Year 4, 5, or 6, which would typically yield lower revenue due to reduced water availability and demand, the City planned to utilize the reserve to ensure that ratepayers continued to be billed at the 'Water Year 3' rate. This approach was aimed at stabilizing rates across varying water year conditions, thereby protecting consumers from drastic rate fluctuations.

The 2019 rate plan, while forward-thinking in some aspects, did not factor in new potential revenue sources like ReMAT contracts. It continued to rely on traditional rates from power and water sales. Post-adoption, the City's base rate for water saw a decrease of over \$5.00 per month, a welcome change for consumers. However, this decrease was offset by the increase in the UWPA fee.

From 2020 to 2023, the City executed annual rate adjustments, with an 8% increase in the City water rate and a 2.5% increase in the UWPA fee each year. These adjustments reflect the City's commitment to balancing fiscal responsibility with the provision of affordable utility services, adapting to changing environmental conditions and water availability.

#### **Union Public Utility District:**

Union Public Utility District recently adopted a five-year rate structure in December of 2022. In the summer of 2023, a Citizens Initiative was submitted to the County with the intention to repeal UPUD's rates in addition to other stipulations. Since then, the Initiative has moved forward and is scheduled to appear on the November 2024 General Election ballot. Due to this, the UPUD Board of Directors are considering initiating a new Proposition 218 rate study so that the Board can adopt new rates immediately following the election in case the District's rates are overturned.

If the District moves forward with a new rate study, the District will likely consider updating the structure for the District's Utica contribution.

#### **FINANCIAL IMPACT:**

Cost of a legal review and rate studies.

#### **ATTACHMENTS:**

Partial Agreement

# UTICA WATER AND POWER AUTHORITY

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**Date:** January 31, 2024  
**To:** Joint Powers Authority Member Entities  
**From:** Joel Metzger, General Manager  
**Re:** UWPA Federal Energy Regulatory Commission Exemption Application Overview

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## **Recommended Action:**

Discussion/direction only.

## **Background:**

The primary purpose of Utica Water and Power Authority (Utica) is to operate and maintain a 27-mile-long water supply system that provides the sole public water supply to 10,000 people in the Murphys, Douglas Flat, Vallecito, and Angels Camp communities, and provides irrigation water to more than 1,000 acres of agricultural land in Calaveras County, California. To help offset the maintenance cost of the water supply system, Utica operates two small hydroelectric powerhouses, each operating under a Federal Energy Regulatory Commission (FERC) license, P-2019 Utica Project, and P-2699 Angels Project.

Both of Utica's federal licenses include the powerhouses and associated water conveyance facilities. They are both 30-year term licenses that will expire in 2033. The purpose of FERC licenses is to ensure the licensee (Utica) is safely operating its facilities and that the power and water conveyance facilities conform with the environmental and other needs of the public waterways. The existing federal licenses provide a solid framework for Utica and others to manage water flows and meet community needs. Prior to 2033, Utica would need to apply for new FERC licenses for its two projects. The upcoming relicensing process would take at least five years and could cost the Utica and the communities Utica serves up to \$10 million to complete. For context, Utica's annual budget is around \$3 million.

Given the financial and operational challenges presented by FERC relicensing, in 2020 the Utica Board performed an in-depth Operational Alternatives Analysis to examine options for the long-term operations of the Authority's two federally licensed hydropower facilities. Of the options analyzed, seeking small conduit exemptions (Exemption) from FERC (and associated license Surrender of part of the water conveyance system) was selected as the preferred alternative. Pursuing an exemption requires an application process similar to relicensing. If FERC approves exemptions for the Utica and Angels projects, FERC relicensing every 30 years would no longer be required. It would lead to permanent FERC authorization to operate the powerhouses, with all

of the water conveyance system continuing to operate as it does now, but under local authorization and control.

To determine whether Utica was a good candidate for FERC exemptions, Utica staff worked closely with FERC staff in Washington D.C. to provide information about Utica’s system, operations, and purpose. In 2022, FERC staff in D.C. confirmed that, at a staff level, Utica was deemed to be a good candidate to apply for exemptions.

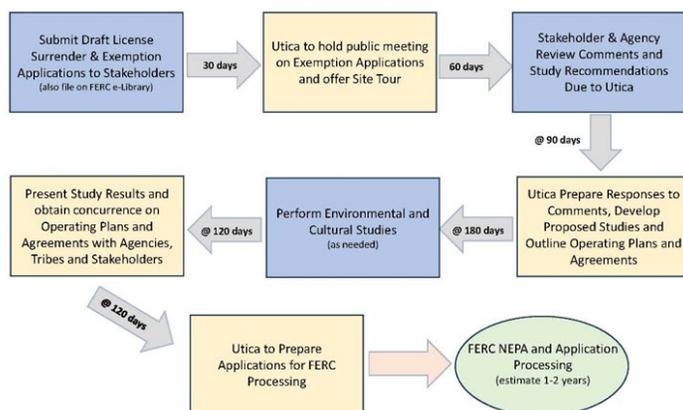
In late 2022, Utica began working with Stantec Consultants to begin work on the process of applying for FERC exemptions. The goal is to convert the existing Angels Hydroelectric Project to the Angels Powerhouse Project and the Utica Hydroelectric Project to the Murphys Powerhouse Project. As part of the Exemption process, Utica is also seeking to surrender portions of its existing water conveyance system.

Over the course of 2023, Utica staff and Stantec met with many key stakeholders, conferred with specialty FERC legal counsel, and moved forward with the process of drafting an Initial Consultation Document (ICD) in the form of two draft FERC Exemption applications. This process culminated with Utica and Stantec staff distributing draft FERC Exemption Application documents to all interested parties on Wednesday December 20, 2023. All documents are available [here at www.uticawater.com/exemption](http://www.uticawater.com/exemption).

**Next Steps:**

The draft FERC Exemption Application document distribution on December 20, 2023, was the beginning of a lengthy process with the end goal of FERC approving Utica’s Exemption applications.

### FERC Conduit Exemption Application Timeline and Process



The Exemption Application in December 2023 document circulation kicked off a 90-day period for review and comments by interested parties. After the parties have had access to the documents for 30 days, FERC requires Utica to hold a Joint Meeting and Site Visit.

The Joint Meeting and Site Visit were held on Thursday January 25, 2024, at the Native Sons Hall in Murphys. The event was well attended by key resources agencies (including the U.S. Forest Service, CA Fish and Wildlife, CA State Water Board) and Tribes. No substantial objections to the Exemption Application process were raised during the meeting, although there are many questions that will be discussed and solutions identified to address various concerns.

Following the Joint Meeting, interested parties have an additional 60 days to continue reviewing the draft documents before the comment submittal deadline of Monday March 25, 2024. Utica staff and Stantec will be in close communication with interested parties during the 60-day period following the Joint Meeting to ensure all questions are answered and information is provided to help inform the comments being developed.

Once the comment period closes, Utica staff will work with Stantec to review, analyze, categorize, and respond to the comments. The Utica Board will be briefed on the findings at the April 23, 2024, Board meeting and provide direction to staff on next steps.

The May 28, 2024, Utica Board meeting will be a key decision point. Utica staff and Stantec will present a detailed technical memorandum to the Board with comment analysis, recommended studies, cost estimates, and projected timelines moving forward. Much more detailed information will be available to the Utica Board in the coming months and staff and consultants will have a higher degree of certainty on options and costs moving forward.

### **Financial Considerations:**

Relicensing is expected to cost up to \$10 million, and license terms are for 30 years. The Exemption process is expected to cost much less than relicensing, and it is in perpetuity. If successful, the Exemption would provide substantial cost savings to Utica, which in turn will reduce the financial burden on COA and UPUD.

### **Attachments:**

1. FERC Exemption Presentation from Joint Agency Meeting 1/25/2024

# Utica Water and Power Authority FERC Exemption & License Surrender Joint Agency Public Meeting and Site Visit

January 25, 2024



## Joint Meeting/Site Visit Schedule

Joint Meeting 1: 9:30 a.m. Start

Site Visit: 12:30 p.m. Departure

Joint Meeting 2: 6:00 p.m. Start

# Meeting Agenda

## General Meeting Agenda

- Welcome and Introductions
- Overview of the Utica & Angels Projects Layouts and Operations
- FERC Surrender and Conduit Exemption Process and Schedule
- Overview of ICD/Draft Conduit Exemption Application Documents
- Comments and Information Needed

**Please note this meeting is being recorded**

# Welcome, Introductions, Meeting Overview

Welcome	Ralph Chick, UWPA Board Vice Chair
Introductions and JPA Overview	Joel Metzger, UWPA General Manager
Meeting Goals and Expectations	Mike Manwaring, Stantec

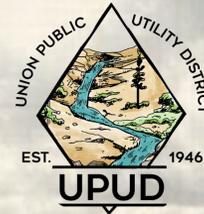
Utica Water and Power Authority (UWPA) is applying to FERC for a Small Conduit Exemption for the:

- (i) Murphys Powerhouse Project, currently part of the existing Utica Hydro Project (FERC No. 2019)
- (ii) Angels Powerhouse, currently part of the existing Angels Hydro Project (FERC No. 2699)

UWPA publicly noticed potentially interested parties of this intent on December 20, 2023.

UWPA has prepared draft Conduit Exemption applications for both projects, which are available on UWPA's website at: <https://uticawater.com/exemption>.

# What is Utica Water and Power Authority?



- Utica is a Joint Powers Authority (JPA) that was formed in 1996
  - Members: Union Public Utility District, City of Angels Camp
- 10,000 people rely on this system for their sole public water supply
- UWPA holds pre-1914 water rights on North Fork Stanislaus River
- UWPA transports and conveys water through five reservoirs, 27 miles of ditches and flumes and operates two small hydro plants
- UWPA's annual budget is about \$3 million/year. JPA contributions
- Remarks from Rebecca Callen (COA) and Jessica Self (UPUD)

# What Led to UWPA Exploring Conduit Exemptions?

- UWPA conducted a long-term planning effort in 2020
- Result of the planning efforts concluded a FERC conduit exemption was UWPA's preferred pathway
- UWPA coordinated with FERC D.C. to explore exemption options
- UWPA determined both the Utica and Angels projects were good candidates for Conduit Exemptions
- A new powerhouse built today on UWPA's system would qualify for a Conduit Exemption
- FERC is processing Conduit Exemption applications for similar projects across the United States

# Why is UWPA Pursuing Conduit Exemptions?

- UWPA's primary purpose is supplying water to our community
- Power is generated along the water supply system conduit and energy recovery is a secondary benefit (helps offset costs)
- A FERC Exemption provides UWPA with the ability to more efficiently operate and maintain the water supply system in a cost-effective manner
- UWPA is committed to continuing to operate the system safely and effectively; working closely with local, state, and federal partners

# Main Goals for Today

- We are here today to provide information about UWPA and the FERC Conduit Exemption and Surrender Applications
- UWPA is requesting interested parties review the draft Conduit Exemption Applications and provide us your comments no later than March 25, 2024.

Please review information posted here:

[www.cticawater.com/exemption](http://www.cticawater.com/exemption)

# Meeting Expectations

- This meeting is being recorded. Please speak into a microphone if you have questions or comments
- Participants will be respectful of other meeting attendees
- UWPA staff and Stantec will present information about UWPA's system and the Conduit Exemption/Surrender process
- There will be an opportunity for questions and comments following this presentation
- UWPA will take notes and attendee comments will be documented
- Formal comments on this process are due by March 25, 2024

# UWPA System Overview



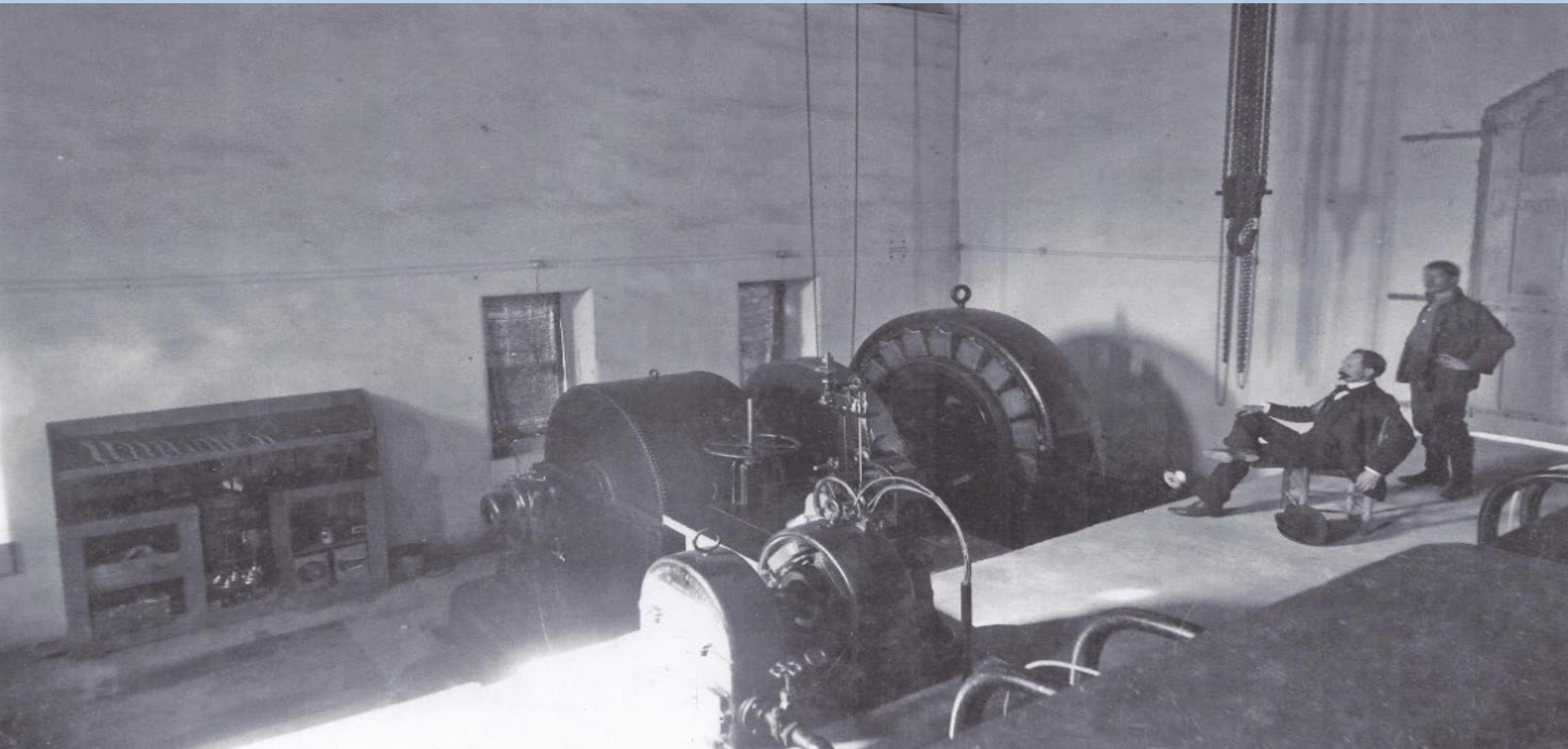
# Utica's System was Built by Gold Miners in the 1850s to Provide a Reliable Year-Round Water Supply for Mining



# Community Members Gather by a Flume Near Murphys (1890s) - Present-day Penn Gulch Road



# The Old Utica Powerhouse: Built in 1901



# Overview of the Utica and Angels Projects

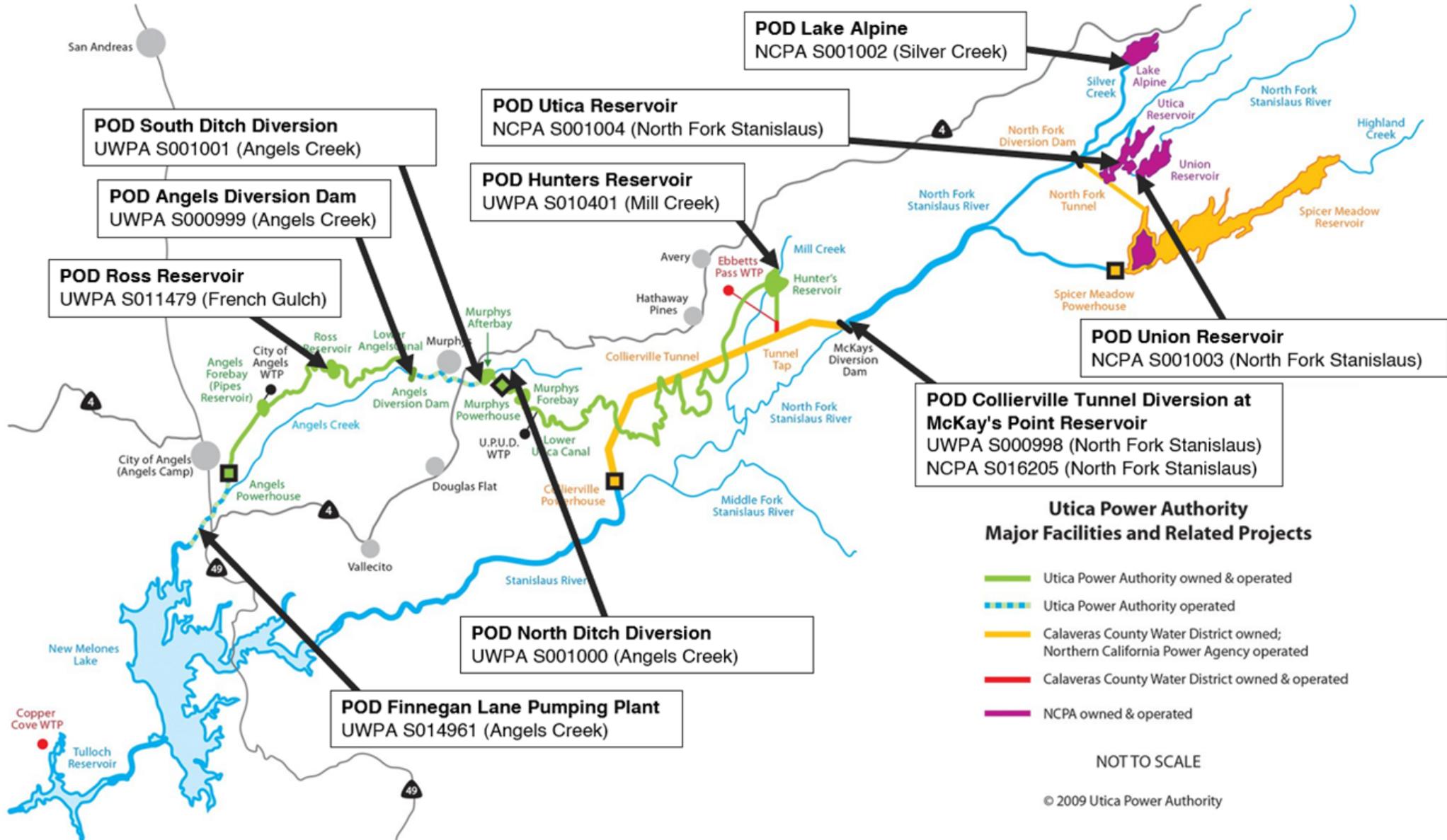
## Layouts and Operations

### Utica's Existing FERC Licenses

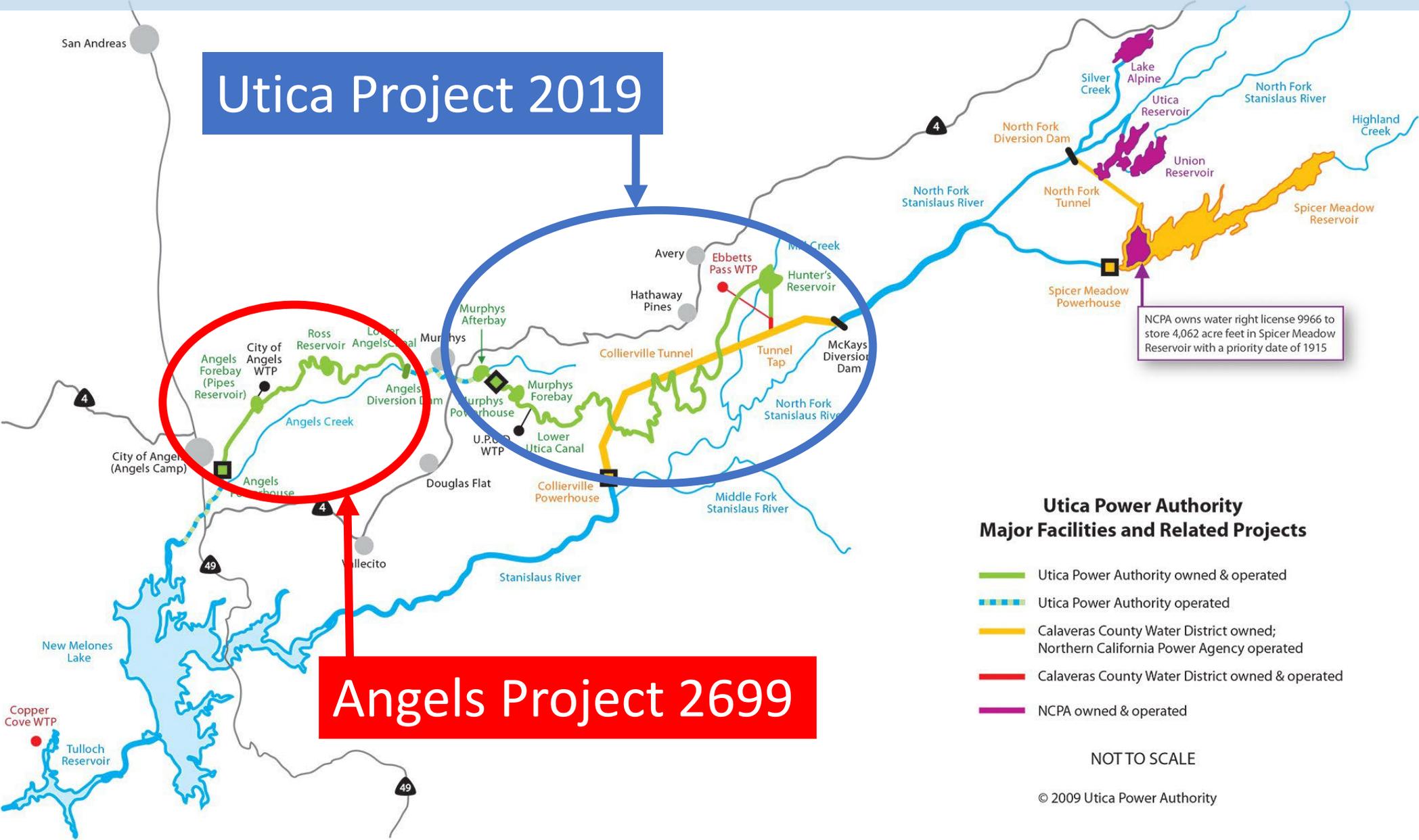
- Utica Project No. 2019
- Angels Project No. 2699
- When projects were acquired from PG&E in 1995, both projects were in the process of being relicensed
- FERC issued current licenses in 2003
- Both licenses are on the same schedule to expire in 2033



# UWPA Water Rights Portfolio



# UWPA System Map



**Utica Project 2019**

**Angels Project 2699**

NCPA owns water right license 9966 to store 4,062 acre feet in Spicer Meadow Reservoir with a priority date of 1915

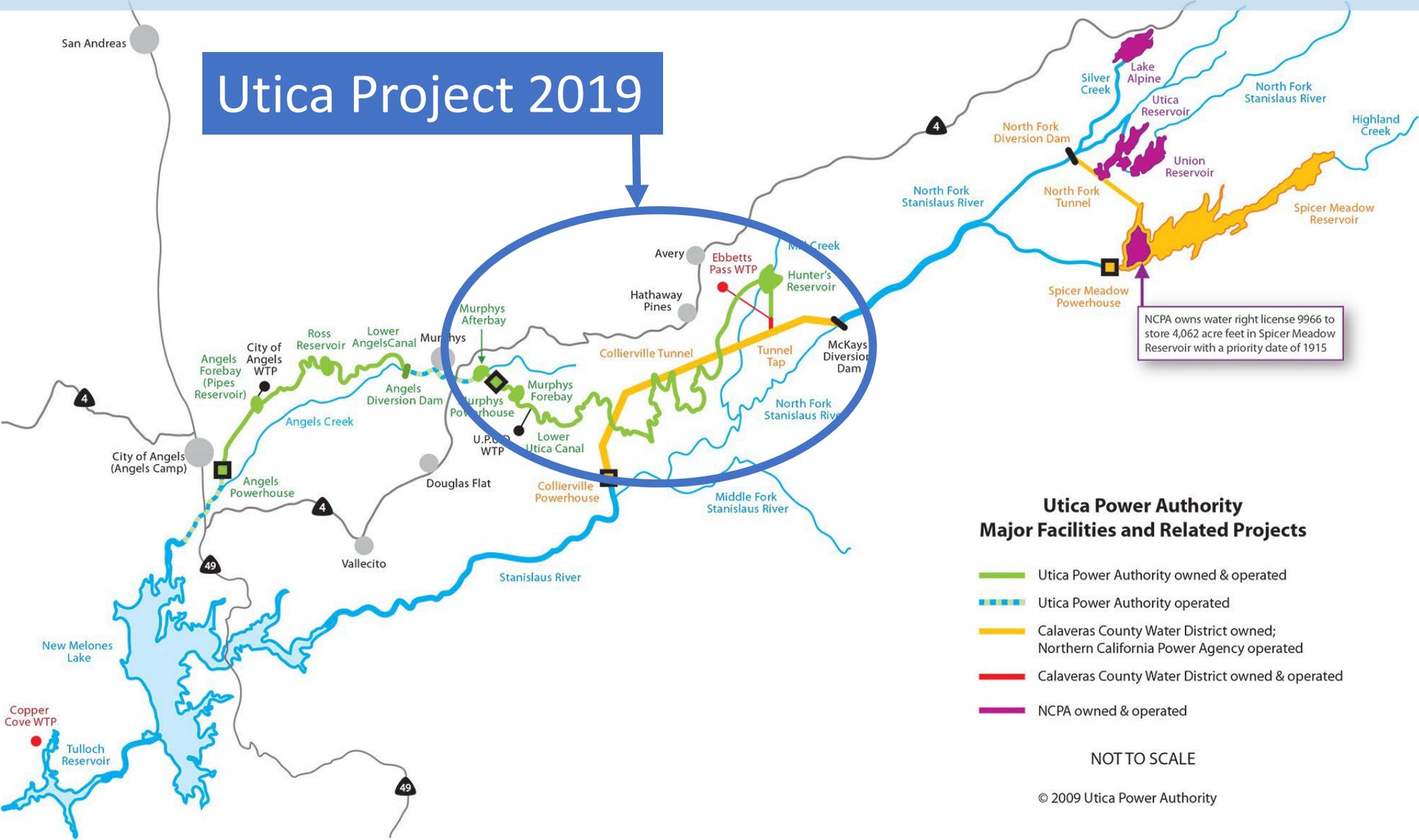
### Utica Power Authority Major Facilities and Related Projects

- Utica Power Authority owned & operated
- Utica Power Authority operated
- Calaveras County Water District owned; Northern California Power Agency operated
- Calaveras County Water District owned & operated
- NCPA owned & operated

NOT TO SCALE

# Utica Project Overview

Utica Project 2019



### Utica Power Authority Major Facilities and Related Projects

- Utica Power Authority owned & operated
- Utica Power Authority operated
- Calaveras County Water District owned; Northern California Power Agency operated
- Calaveras County Water District owned & operated
- NCPA owned & operated

NOT TO SCALE

# Upstream (Non-UWPA Project) McKay's Point Reservoir Intake to 8.3-mile, 18-foot-diameter Collierville Tunnel



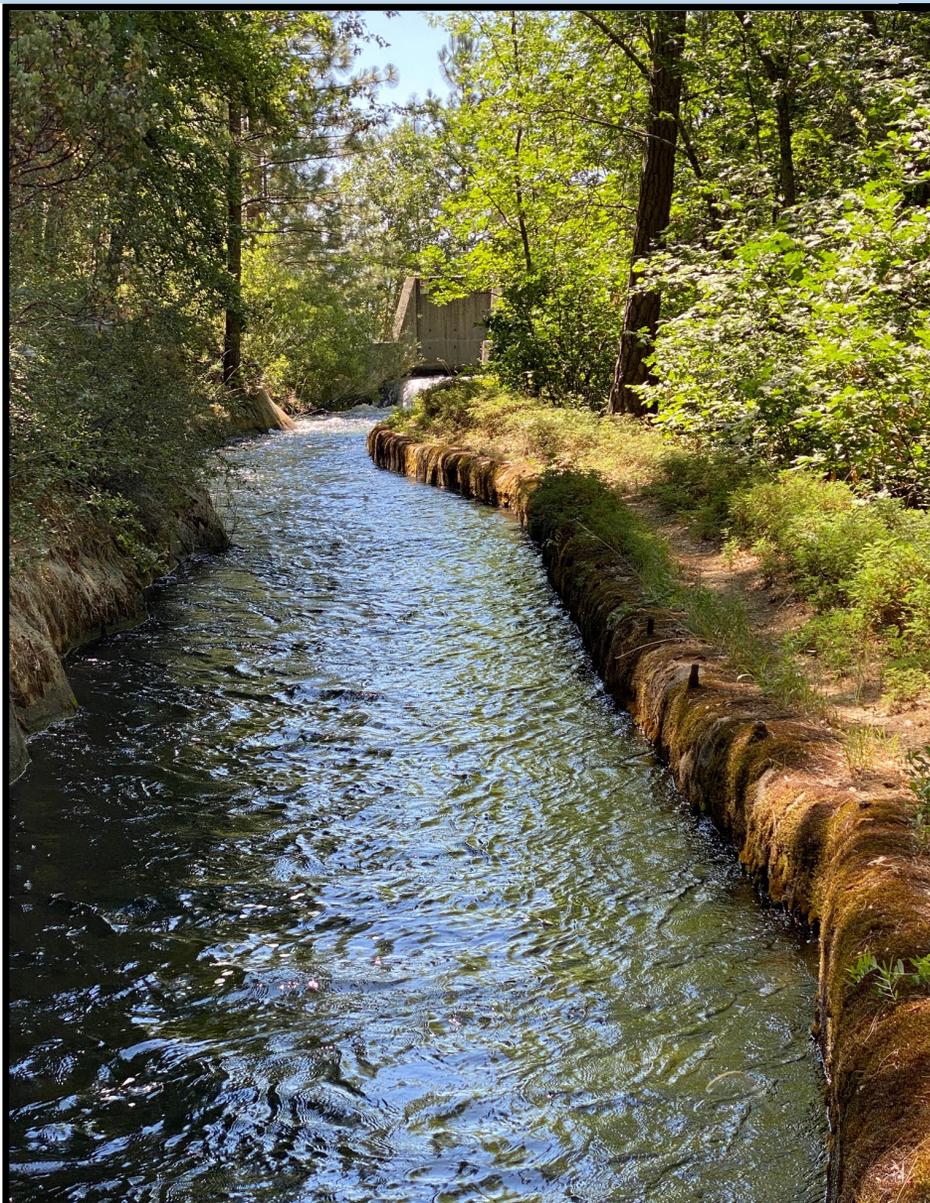
# Mill Creek Tunnel Tap

## Start of UWPA's Water Conveyance System (P-2019)

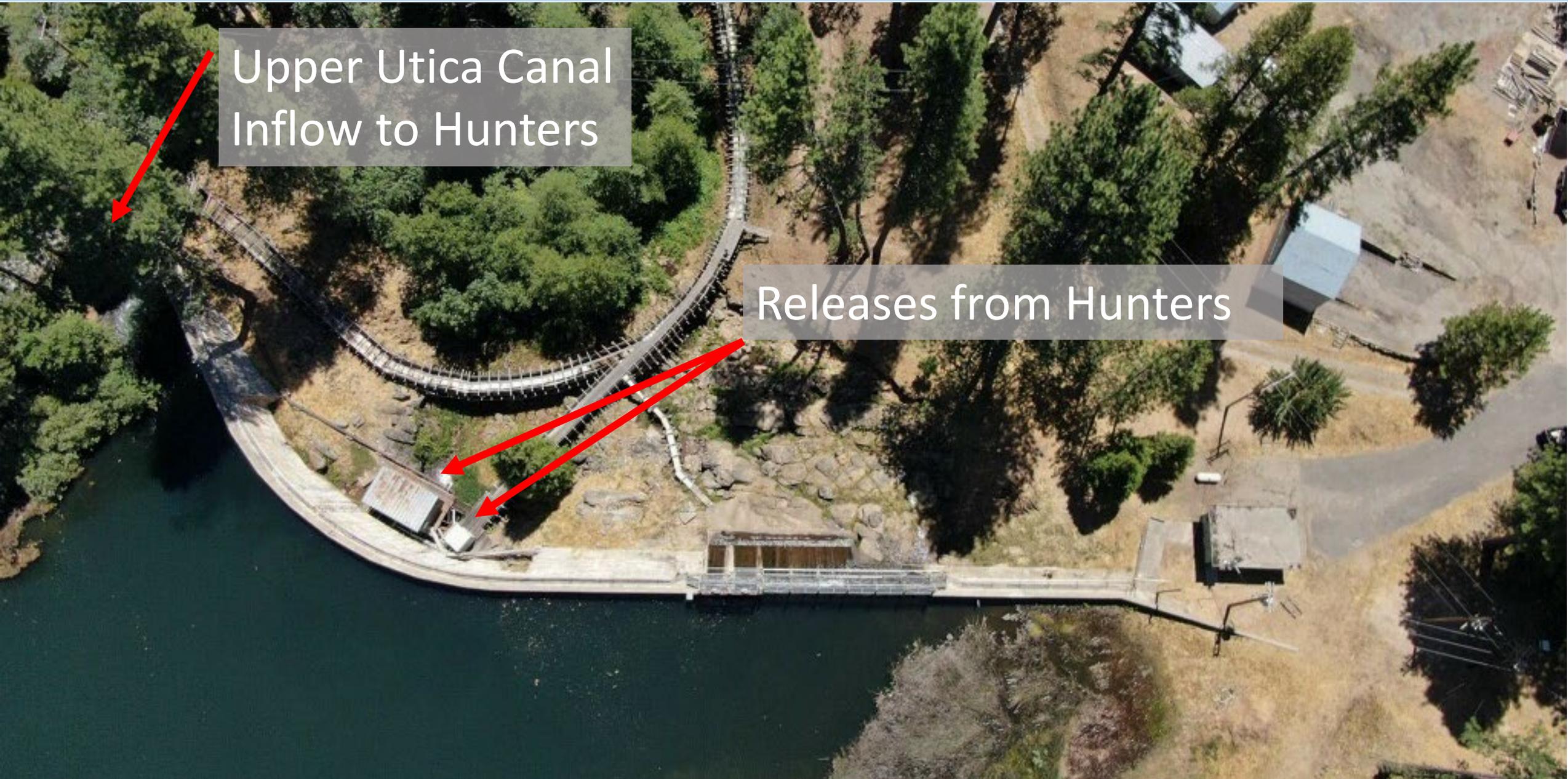


Start of Utica  
Project P-2019

# Outflow of Mill Creek Tunnel Tap in Upper Utica Canal



# Upper Utica Canal and Hunter Dam



Upper Utica Canal  
Inflow to Hunters

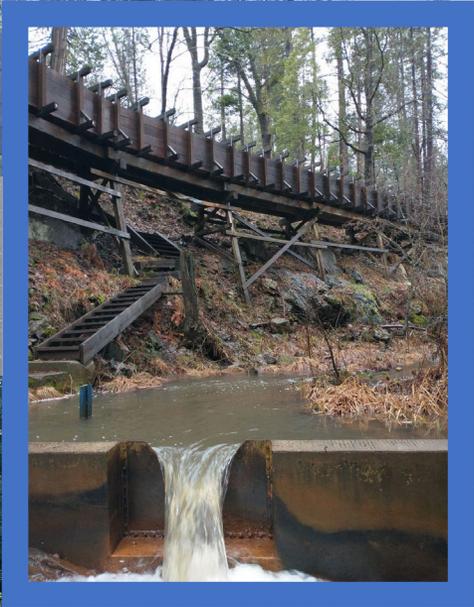
Releases from Hunters

# Hunters Dam Releases Control Flows into UWPA System



Mill Creek Inlet

S128 Gaging Station



Hunter Reservoir Serves as CCWD Backup Water Supply

Environmental Release: 1.5 CFS summer 0.5 CFS winter

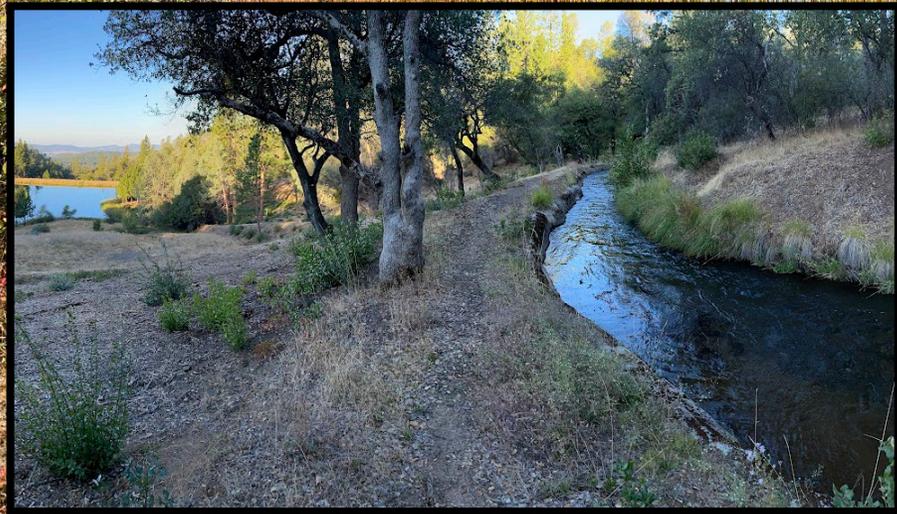


**Canals Make Up >90% of Utica's Water Conveyance System**

# 3/4-Mile Flume: Utica's Longest Wooden Flume



# UWPA Provides Water to UPUD's Cademartori Reservoir





**Cademartori Supplies UPUD's Water Treatment Plant**

# UWPA Supplies UPUD's Two Irrigation Pipelines: North Ditch & South Ditch Irrigate 700+ Acres



# The Lower Utica Canal Ends at the Murphys Forebay



North Ditch  
Irrigation  
Deliveries



Water from the Forebay is released into the Murphys Penstock

# Murphys Penstock Conveys Water to Murphys Powerhouse



# UWPA's 3.6 MW Murphys Powerhouse & Switchyard



Town of Murphys

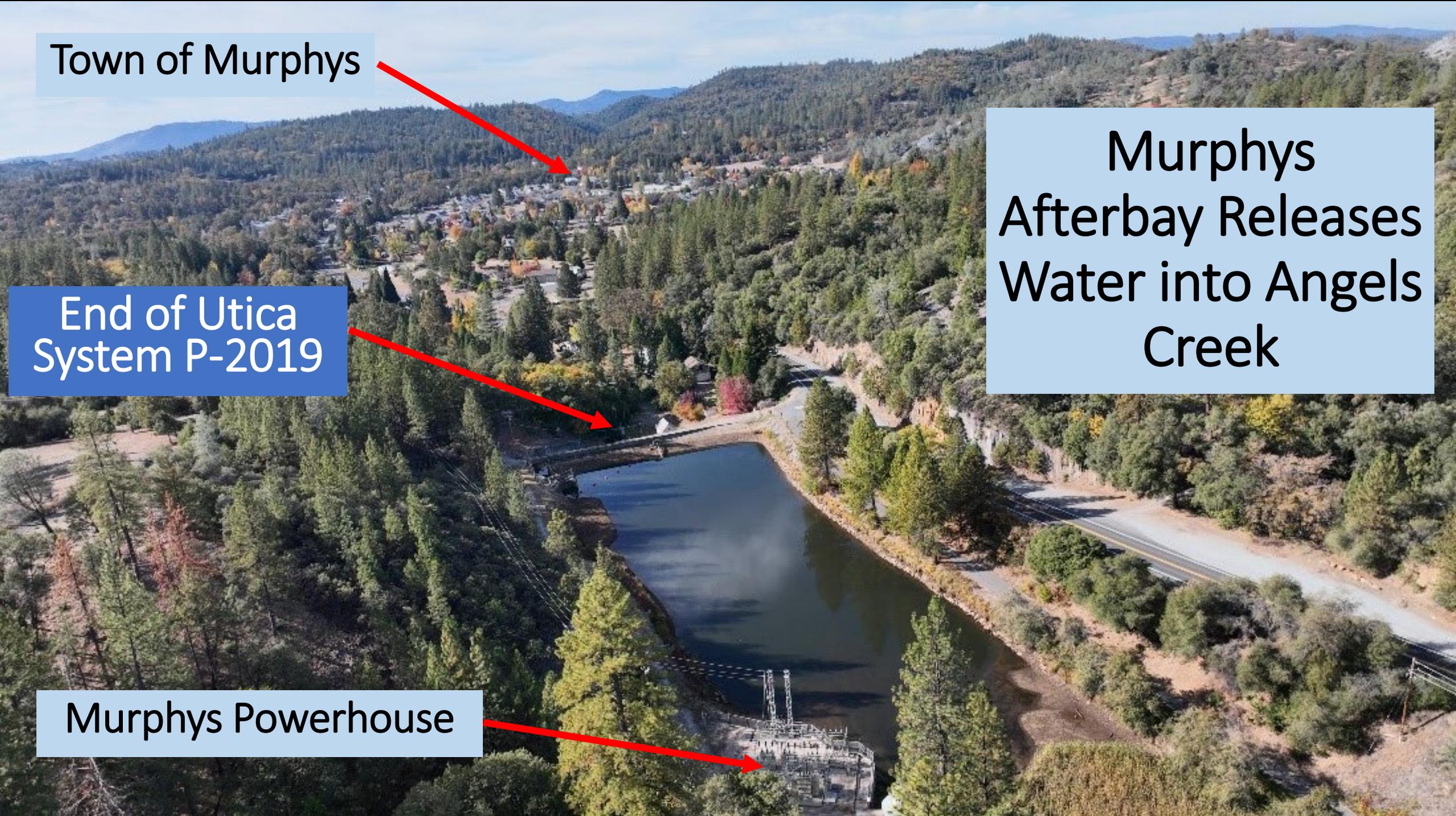


End of Utica  
System P-2019

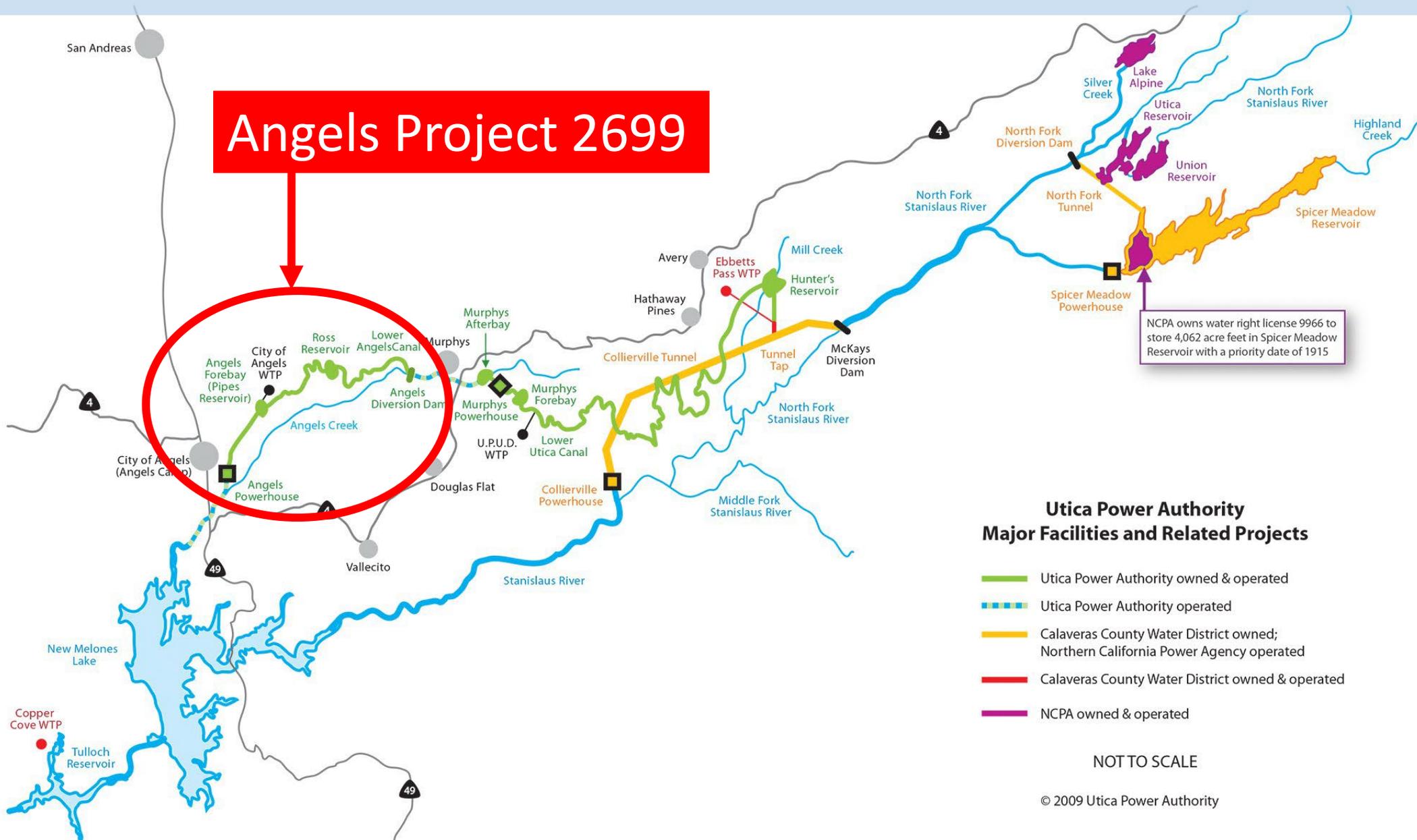


Murphys  
Afterbay Releases  
Water into Angels  
Creek

Murphys Powerhouse



# Angels Project Overview



# Angels Diversion Dam: Start of the Angels Project (P-2699) (5 cfs Minimum Year-round Releases into Angels Creek)

Start of Angels  
Project 2699



# File Flume: Longest on the Upper Angels Canal System

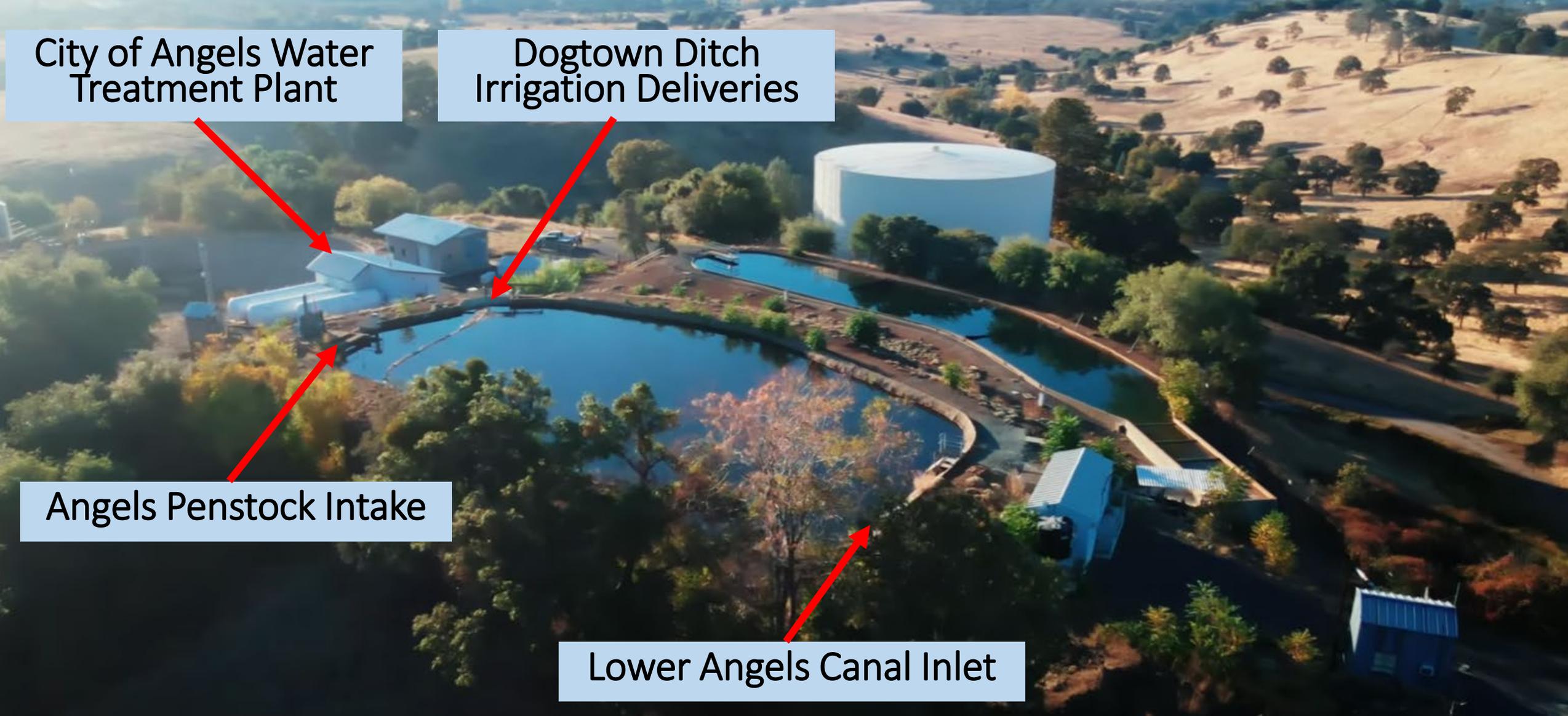


# Upper Angels Canal Flows into Ross Reservoir



# Releases from Ross Reservoir Flow into Lower Angels Canal





City of Angels Water Treatment Plant

Dogtown Ditch Irrigation Deliveries

Angels Penstock Intake

Lower Angels Canal Inlet

Lower Angels Canal ends at Angels Forebay; UWPA Provides Water to Angels Camp and Dogtown Ditch Association



Winegrape Vineyard

City of Angels Camp

Irrigated Pasture

Angels Penstock Supplies Agricultural Users and the Angels Powerhouse

# Angels Powerhouse (1.4 MW)



# Angels Powerhouse Releases Into Angels Creek, Melones

End of Angels  
Project 2699



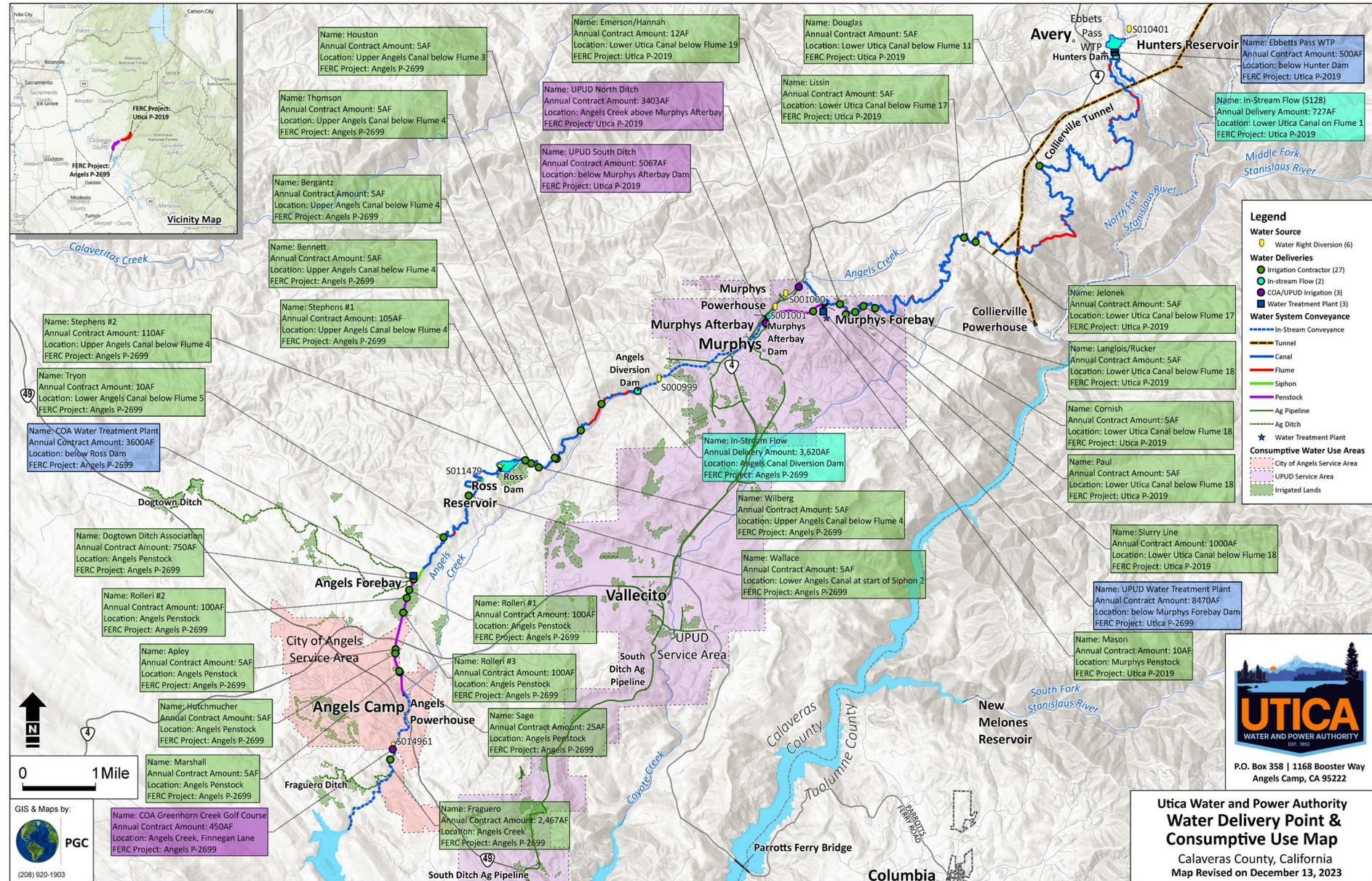
# Map of UWPA's Water Supply and Conveyance System

Water Treatment Plants: 3

Irrigation Contractors: 27

Environmental Releases: 2

JPA Agricultural Deliveries: 3



# FERC Exemption and Application Process Overview



# Overview of the Conduit Exemptions

## Conduit Exemption Authorizations

- An Exemption is not a form of deregulation. It is a statutory provision that allows an applicant to be exempt from some or all of Part I of the Federal Power Act
- A “conduit” means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for electric generation
- Utica and Angels Projects fit closely to the Exemption requirements, as detailed in each project’s “Petition for Waiver”
  - (<http://www.uticawater.com/exemption/>)

## License Surrender Process

- Required concurrent authorization by FERC to grant the Exemption

# Overview of the Conduit Exemptions

Link to Federal requirements for additional details:

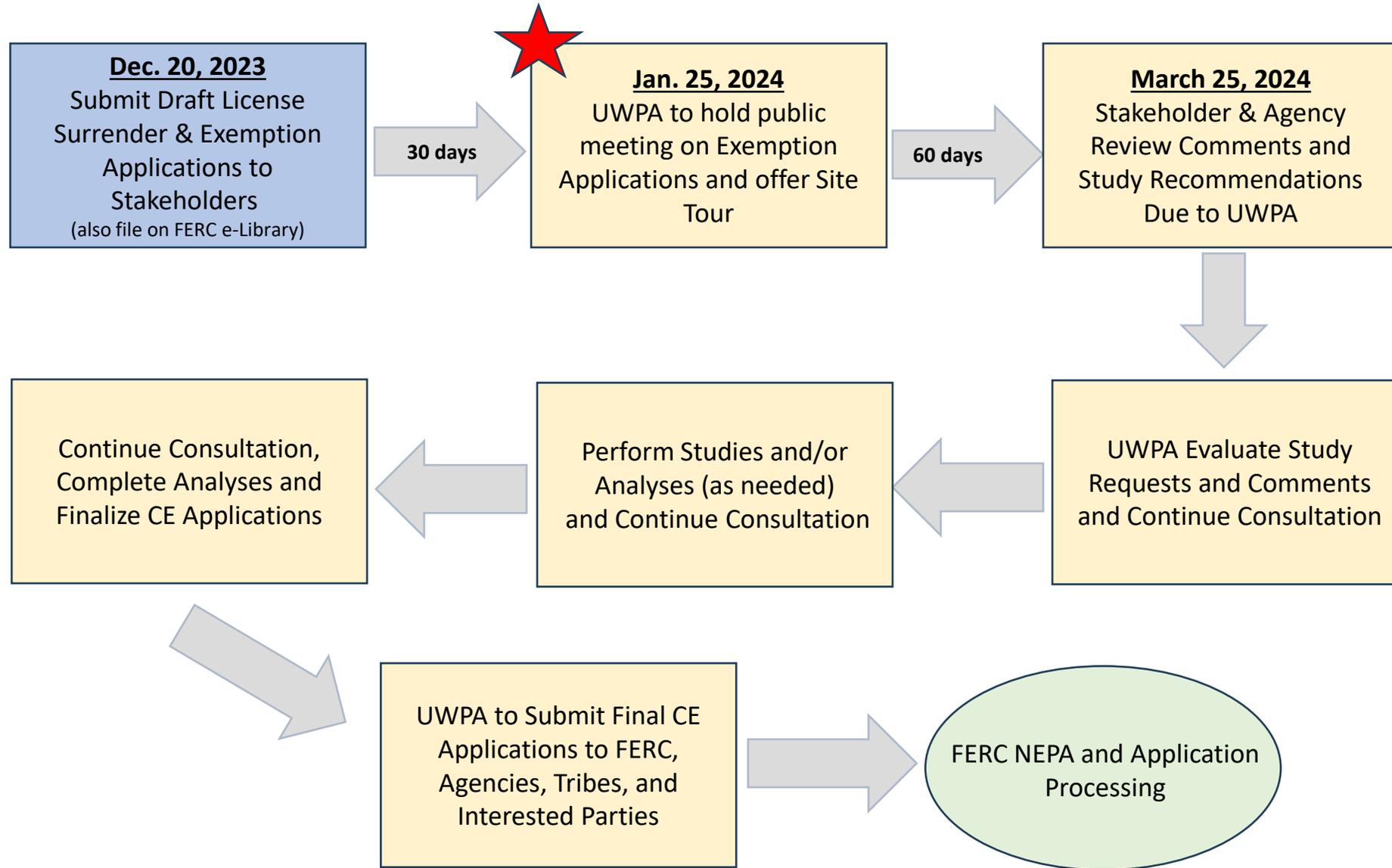
## FERC Conduit Exemption Authorizations

<https://www.ecfr.gov/current/title-18/chapter-I/subchapter-B/part-4/subpart-D/section-4.30>

## Definition of Who Qualified for a Conduit Exemption

<https://www.ecfr.gov/current/title-18/chapter-I/subchapter-B/part-4/subpart-D/section-4.31>

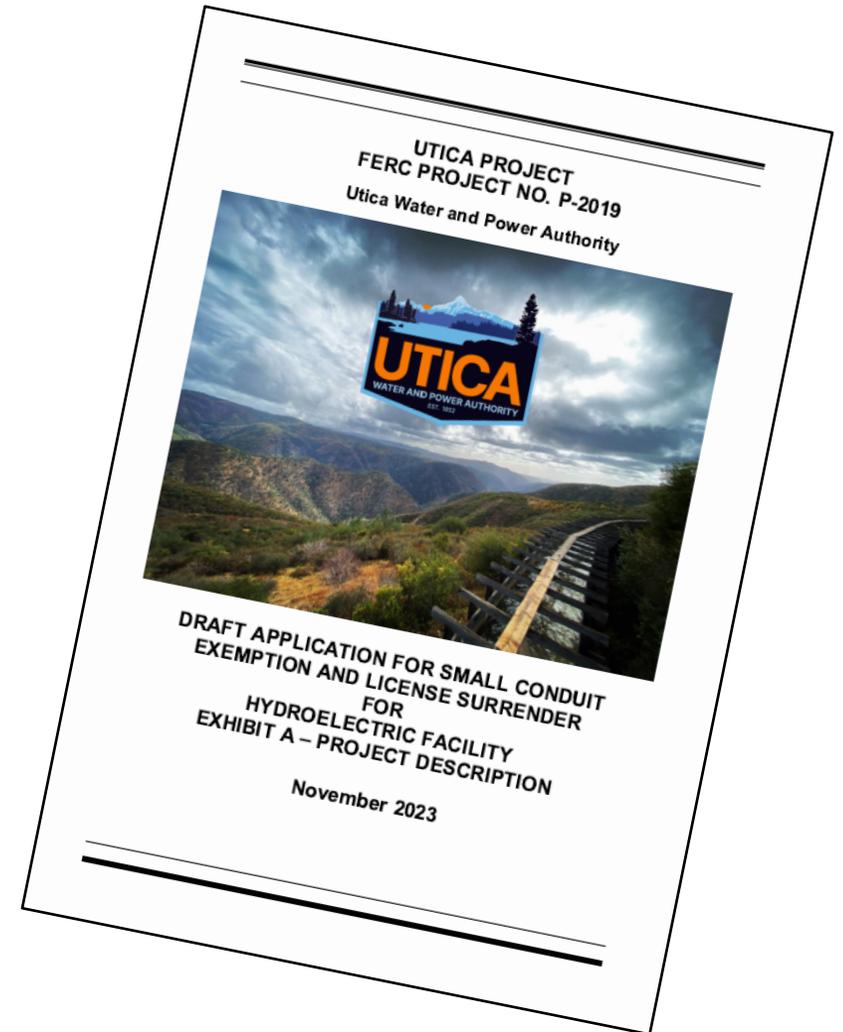
# FERC Conduit Exemption & Surrender Process & Schedule



# Overview of the Initial Consultation Documents (ICD)/ Draft Conduit Exemption Application Documents

For Both Utica and Angels Projects:

- Introductory Statement
- Exhibit A – Project Description
- Exhibit E – Environmental Report
- Exhibit F – General Facility Drawings (CEII)
- Exhibit G – Project Maps
- Petition (regarding uses of water for CE)



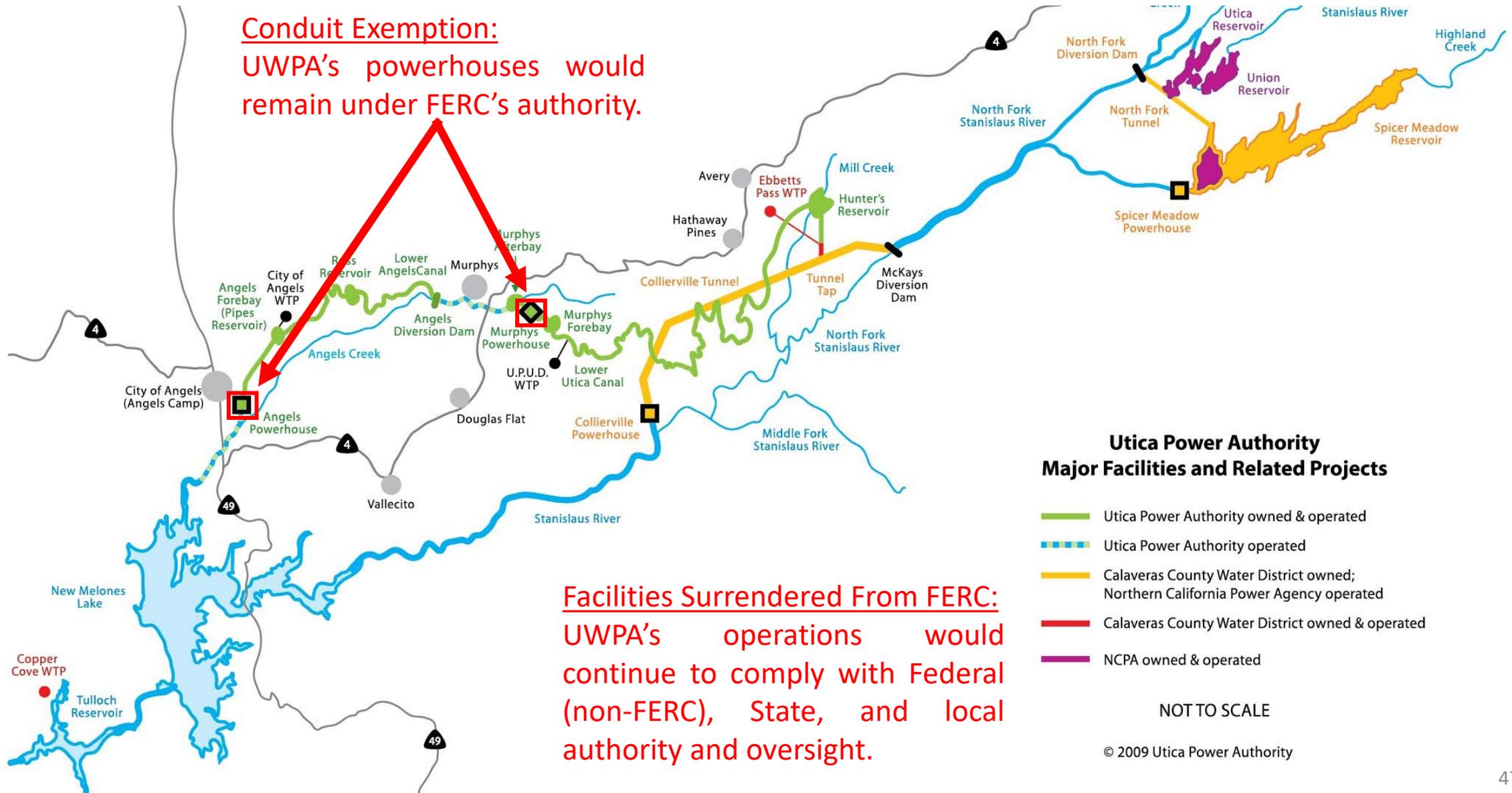
Located at UWPA's website: <https://uticawater.com/exemption>

# Result of a Conduit Exemption

- Utica's dams and water conveyance system would follow Federal (non-FERC), State, and local authority and oversight
- The powerhouses (generation facilities) would remain under the authority of FERC, with current Federal and State agreements
- CA Division of Safety of Dams (DSOD) will continue to regulate UWPA's dams to ensure dam safety is maintained
- System operations will remain the same

# Regulatory Context Resulting From Conduit Exemption

Conduit Exemption:  
UWPA's powerhouses would remain under FERC's authority.



Facilities Surrendered From FERC:  
UWPA's operations would continue to comply with Federal (non-FERC), State, and local authority and oversight.

# Murphys Powerhouse Project Boundary

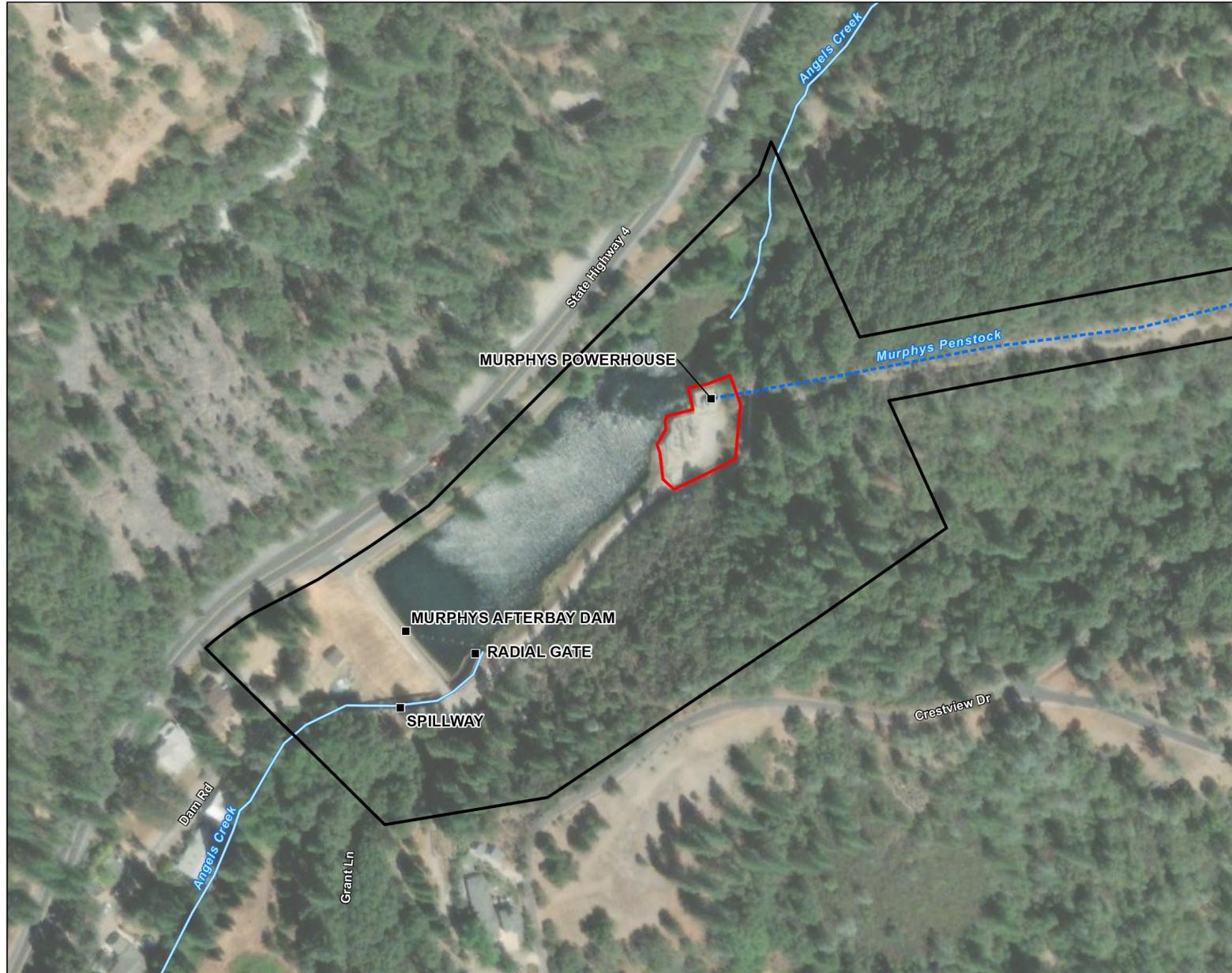


Figure No.

**DRAFT**

Title

**Project Location Map**

Client/Project

Utica Water and Power Authority  
Utica Hydroelectric Project

Project Location 224202690

T03N, R14E, S02-04; T04N, R14E, S25-33-36  
T04N, R15E, S17-20, 30-31  
Cclevers Co., CA

Prepared by PG on 2023-09-07  
Independent Review by IM on 2023-09-08

0 100 200 Feet  
1:1,800 (At original document size of 11x17)

-  Existing FERC Project Boundary
-  Project Boundary
-  Key Facilities
-  Conveyance
-  Penstock

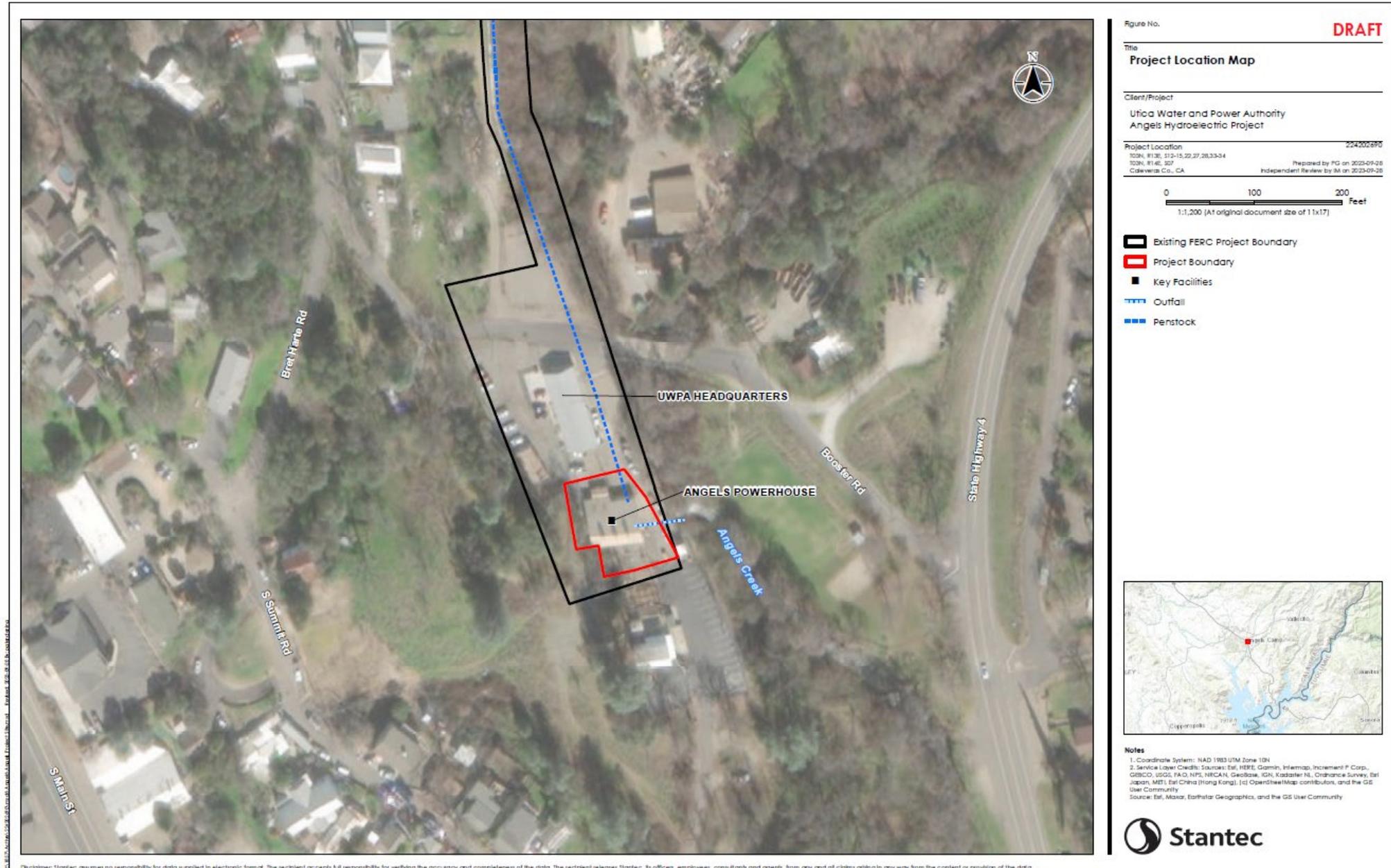


Notes

1. Coordinate System: NAD 1983 UTM Zone 10N
  2. Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
- Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



# Angels Powerhouse Project Boundary



# UWPA FERC Surrender and Conduit Exemption Joint Agency Public Meeting and Site Visit

Comments and Information Needed



# Comments and Information Needed

- Similar to a FERC Relicensing, interested parties are requested to review the information developed by UWPA to provide comments on the information provided
- Agencies and Interested Parties to provide comments to UWPA on the two draft Conduit Exemption Applications by March 25, 2024
- Based on comments and further data analysis, UWPA will update both Exemption Applications and file final documents with FERC
- FERC would then initiate their process and consult with agencies, tribes, and interested parties

# More Information & Point of Contact

- Additional information about the FERC Exemption application will continue to be posted at: [www.cticawater.com/exemption](http://www.cticawater.com/exemption)
- Parties interested in additional discussions or meetings on the CE applications or process is encouraged to contact UWPA staff
- UWPA primary contact: Joel Metzger, UWPA General Manager, at [joelm@cticawater.com](mailto:joelm@cticawater.com) or (209) 736-9419
- UWPA is committed to open communication and consultation with all interested parties as this process continues

# What are your Questions and Comments?



# Agenda Item

**DATE:** January 31, 2024  
**TO:** Full JPA Board  
**FROM:** Jessica Self, UPUD General Manager  
**SUBJECT:** Joint Powers Authority Communication and Direction

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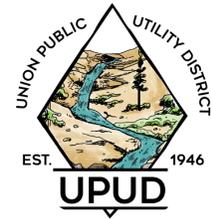
## RECOMMENDED ACTION:

Discussion and direction on communications protocols and procedures for the full Joint Powers Authority (JPA) with regards to Utica Water and Power Authority (Utica) updates and financial decisions.

## SUMMARY:

Tonight, we aim to facilitate a cohesive understanding of procedures and processes each agency can take to streamline communication pertaining to the JPA. As public agencies, it is our commitment to ensure there is effective communication among member agencies of our JPA. We will take some time to discuss what methods of communication are working to keep the full JPA informed. In addition, the JPA Board members will discuss how we can implement improved communication methods. Topics to consider include:

- **Designated Agency Liaison(s):** Who will be responsible for notifying the full Union Public Utility District (District) and City of Angels (City) boards?
- **Regular Reporting Schedule:** Consideration of a monthly standing agenda item on the District and City's agenda stating, "Discussion, direction and potential action regarding Utica Water and Power Authority Updates and Financial Decisions".
- **What triggers the need for the Full JPA to weigh in on an item?** The Joint Powers Agreement requires full Member Entity approval of a "material change", but there is not a clear definition for what qualifies as a material change. Is this a monetary amount? Something that would affect the Utica budget permanently or at least beyond the currently adopted fiscal year budget? The initiation of CIP projects? The change of the project that would change water rights, system route, etc.?
- **Reoccurring Annual or Biannual meetings:** The last one was held in February 2020. Should we plan for annual or biannual Full JPA meetings to check in? Would this be the opportunity to provide clarity and direction on vision and goals for the upcoming operating year and discussion on JPA needs and issues?
- **When to call a Special Full JPA meeting:** Either for efficiency or the need to have a broader discussion, what should trigger a special meeting, beyond what would be included in bullet three?



5H

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**DATE:** January 31, 2023  
**TO:** Joint UWPA Board  
**FROM:** Joel Metzger – General Manager (UWPA), Rebecca Callen- City Administrator (City of Angels), Jessica Self – General Manager (UPUD)  
**RE:** **DISCUSSION/DIRECTION FROM THE FULL JOINT POWERS AUTHORITY TO STAFF**

**RECOMMENDATION:**  
Discussion and direction from the JPA on future items.

**BACKGROUND:**

**DISCUSSION:**  
Staff are seeking clarification and direction on what the full JPA would like to see that would require a change in communication, operations, planning, holding joint meetings annually and/or special, etc. This helps staff identify resources needs for the upcoming fiscal year and interactions between the member agencies and their leadership.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**