



Paradise Irrigation District

6332 Clark Rd, Paradise, CA 95969 · 530-877-4971 · Fax: 530-876-0483 · www.pidwater.com

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

THURSDAY, JANUARY 6, 2022 – 9:30 AM

- ❖ *The Board of Directors is committed to making its meetings accessible to all citizens. Any persons requiring a special accommodation to participate in the Board of Directors meeting is requested to contact the District Secretary at 530-877-4971, extension 2039 at least three business days prior to the date of the meeting to provide time for any such accommodation.*

- ❖ *The following options are available for members of the public interested in participating in the meeting remotely:*

Via Zoom Meeting: <https://us02web.zoom.us/j/88192841237>

Telephone: +1 669 900 6833 US (San Jose)

Meeting ID: 881 9284 1237

To improve participation during the meeting, we will be accepting public comments from Zoom Meeting participants during the meeting. The Board cannot take action on any matter not on the agenda. Public comments specific to an agenda item will be read directly after the agenda item and before the Board votes on an item.

Via Email or Telephone: Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM NO. ____ to gborrayo@paradiseirrigation.com or telephone (530) 876-2039 prior to 8:30 a.m. on the day of the meeting.

1. **OPENING:**
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Roll Call
2. **AB 361 and Remote Meeting Guidance:** Adopt Resolution No. 2022-01 Re-Authorizing Remote Meetings Consistent with AB 361. *Action may be taken. (Roll Call Vote)*
3. **PUBLIC COMMENT:** Individuals will be given an opportunity to address the Board regarding matters not scheduled on the agenda, although the Board cannot take action on any matter not on the agenda. Comments will be limited to 3 minutes per speaker. Opportunity for public comment on agenda items will be provided at the time they are discussed by the Board with comments limited to 3 minutes per agenda item.
4. **CLOSED SESSION:**
 - 4.1 Conference with Legal Counsel: Anticipated Litigation Pursuant to Government Code section 54956.9(d)(2), 1 potential case. Potential dispute with Town of Paradise regarding financial responsibility for the cost of relocating of valve boxes. (Section 54956.9(e)(2).
5. **ANNOUNCEMENT FROM CLOSED SESSION**
6. **NEW BUSINESS:**
 - 6.1. **Town of Paradise Road Project** (Tom Lando): Discussion and possible consideration to authorize approval of a Utility Agreement with the Town of Paradise for the adjustment of District valves to accommodate the project. *Action may be taken.*

6.2 Financing Consideration – Costs relating to relocating valve boxes (Tom Lando): Discussion and possible authority / direction in reference to entering into an agreement regarding costs associated with raising District valves in relation to the Town of Paradise Road Project. *Action may be taken.*

7. Adjournment of Meeting

RESOLUTION NO. 2022-01 (**SUBSEQUENT**)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PARADISE IRRIGATION DISTRICT RE-AUTHORIZING REMOTE MEETINGS CONSISTENT WITH AB 361

WHEREAS, the Paradise Irrigation District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Paradise Irrigation District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote participation in meetings by members of a legislative body by audio or video or both, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of remote meetings is a declaration of a state of emergency by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2021-15 on October 20, 2021, finding that the requisite conditions exist for the District’s legislative bodies to conduct remote meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency; and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, on March 4, 2020 the Governor proclaimed State of Emergency to exist in California due to the COVID-19 pandemic, which proclamation is still active; and

WHEREAS, state and local officials have recommended social distancing measures, including masks, to slow the spread of COVID-19 and the contagious Delta variant, and to protect the vulnerable and immunocompromised members of the community; and

WHEREAS, the Board does hereby find that the state of emergency continues to directly impact the ability of members to meet in-person; and

WHEREAS, as a consequence of the state of emergency and recommended social distancing measures, the Board of Directors does hereby find that the legislative bodies of Paradise Irrigation

District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the public may attend meetings and comment by calling in or by using the Zoom platform as described in meeting agendas.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF PARADISE IRRIGATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. Remote Teleconference Meetings. The District's General Manager, Secretary, and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from adoption of this Resolution or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the District's legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Paradise Irrigation District, this 6th day of January, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PARADISE IRRIGATION DISTRICT

ATTEST:

Shelby Boston
President, Board of Directors

Georgeanna Borrayo
Secretary, Board of Directors



Paradise Irrigation District

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December 20, 2021

Marc Mattox
Town of Paradise
5555 Skyway, Paradise, CA 95969

Dear Marc,

Thank you and the Town for all your work on the resurfacing project. I am sorry if there is some confusion regarding PID's participation in the project. We view ourselves as partners with the community and strong supporters of the Town of Paradise in the rebuild effort.

As has now been discussed over the last few months, the issue is the identification of who has the financial responsibility for the relocation of the valve boxes. We certainly understand that the District does have some financial obligation, however we also believe there are a number of roadways where, due to prior rights, that obligation lies with the Town.

Neither agency wants to expend public dollars for work that is not its responsibility. We would ask for a short extension to attempt to clarify this financial liability. Meantime, we support proceeding with the project, deferring cost allocation until the ownership priority investigation is completed. Using this approach, the Town can proceed and obtain bids while the final resolution to this issue is determined. As you are aware, our records were destroyed in the camp fire which makes this research much more difficult.

Again, thank you for your efforts and cooperation on this joint project.

Sincerely,

Tom Lando
District Manager
Paradise Irrigation District



TOWN OF PARADISE
PUBLIC WORKS
5555 Skyway
Paradise, CA 95969
(530) 872-6291

May 6, 2021

RE: Paradise On-System Road Rehabilitation Project: ER38YO (012)
Utility "B" Letter – Request for Letter of Liability

Dear Affected Utility Company or Agency:

The Town of Paradise Road Rehabilitation Project proposes to rehabilitate the pavement along "on-system" roadways within the Town. As a result of the project, the Town has hired several engineering consultants to generate a PS&E package for construction. Construction will be phased over a five (5) year period and will include numerous construction packages. Additional coordination between the Town and the affected utility for each construction package will occur at the time of bid.

The proposed improvements include roadway rehabilitation, ADA curb ramp upgrades and safety improvement. Some segment of the road will receive overlays, along with dig outs in areas of major distress. Other part of the project will include Full Depth Reclamation with an overlay cap. Both approaches would change the existing grades and have an impact to all the iron along the roadway prism.

The Town have identified a project wide approach for dealing with utility conflict. First, any utility distribution lines, service lines, or connections will be protected in place. Only water valve boxes, gas valve boxes, and manholes will need to be adjusted to grade. Construction is anticipated to commence during Fall of 2021 and will continue with each subsequent contract that gets released.

At this point, the Town of Paradise is requesting a **Letter of Liability** identifying who would be responsible for adjusting the utility valve boxes, and manholes to grade and who will pay for the adjustment. The Town is requesting that you provide a **relocation plan** or reference the accompanying plan as your utility relocation plans.

We are providing three sets of plans at this time: one for each of the three On-System Zones. You will find the plans labeled according to their respective zones.

Please provide the requested information for all utilities within twenty (20) business days of receipt of this letter. All utility coordination, including executed utility agreements, will have to be complete by June 4, 2021 in order to meet project funding obligations.

Thank you in advance for your prompt assistance with this matter. If you have any questions or concerns with the above request, please feel free to contact Jorge Renteria at 916-846-0640, or via email at: jrenteria@ben-en.com.

Sincerely,

Jessica Erdahl, Capital Projects Manager
Town of Paradise

Enclosure: Link to Utility in FTP site
CC: Bennett Engineering Services

Exhibit 14-F Utility Agreements

UTILITY AGREEMENTS

Town of Paradise

UTILITY AGREEMENT

County	Route	P.M.	Project #
BUTTE	Various	NA	ER38YO(012)
Fed. Aid. No. : ER38YO(012)			
Owner's File			
FEDERAL PARTICIPATION: On the Project: Yes On the Utilities: No			

UTILITY AGREEMENT NO. ER38YO(012)-PID-01

The **Town of Paradise** hereinafter called "LOCAL AGENCY" proposes to repair damage sections of roadway with HMA on Various Streets, in Town of Paradise, Butte County, California.

And: **PID**

hereinafter called "OWNER," owns and maintains water valve boxes facilities; within the limits of LOCAL AGENCY's project that requires relocation of said facilities to accommodate LOCAL AGENCY's project.

It is hereby mutually agreed that:

I. **WORK TO BE DONE:**

In accordance with Notice to Owner No. ER38YO(012)-PID-01 dated 12/08/21, LOCAL AGENCY shall relocate OWNER's Water valve boxes as shown on LOCAL AGENCY's contract plans for the improvement of route various roads, which by this reference are made a part hereof. OWNER hereby acknowledges review of LOCAL AGENCY's plans for work and agrees to the construction in the manner proposed.

Deviations from the plan described above initiated by either the LOCAL AGENCY or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the LOCAL AGENCY and agreed to/acknowledged by the OWNER, will constitute an approved revision of the plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner. OWNER shall have the right to inspect the work during construction. Upon completion of the work by LOCAL AGENCY, OWNER agrees to accept ownership and maintenance of the constructed facilities, and relinquishes to LOCAL AGENCY ownership of the replaced facilities except in the case of liability determined pursuant to Water Code 7034 or 7035.

645 is hereby incorporated into this Agreement.

It is understood that said highway is a Federal aid highway and accordingly, 23 CFR, Chapter 1, Part 645 is hereby incorporated into this Agreement.

In addition, the provisions of 23 CFR 635.410, BA, are also incorporated into this agreement. The BA requirements are further specified in Moving Ahead for Progress in the 21st Century (MAP-21), section 1518; 23 CFR 635.410 requires that all manufacturing processes have occurred in the United States for steel and iron products (including the application of coatings) installed on a project receiving funding from the FHWA.

Owner understands and acknowledges that this project is subject to the requirements of the BA law (23 U.S.C., Section 313) and applicable regulations, including 23 CFR 635.410 and FHWA guidance and will demonstrate BA compliance by collecting written certification(s) from the vendor(s) or by collecting written certification(s) from the manufacturer(s) (the mill test report (MTR)).

All documents obtained to demonstrate BA compliance will be held by the OWNER for a period of three (3) years from the date the final payment was received by the OWNER and will be made available to STATE or FHWA upon request.

One set of copies of all documents obtained to demonstrate BA compliance will be attached to, and submitted with, the final invoice.

This does not include products for which waivers have been granted under 23 CFR 635.410 or other applicable provisions or excluded material cited in the Department's guidelines for the implementation of Buy America requirements for utility relocations issued on December 3, 2013.

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

LOCAL AGENCY

(OWNER)

By: _____
Marc Mattox
Public Works Director

By: _____
Tom Lando
District Manager

Date: _____

Date: _____

Distribution: 1) Owner, 2) Utility Coordinator, 3) DLAE –File, 4) District Utility Coordinator – File

Town of Paradise

Number: ER38Y0(012)-PID-01

CITY / COUNTY	ROUTE/STREET LOCATION	PROJECT NUMBER
Paradise / Butte	Various Streets	ER38Y0(012)

Federal Aid Number: ER38Y0(012)

Owner's Plan Number: Town of Paradise PID - Utility Relocation Plans (Zone 1=77 sheets, Zone 2=68 sheets, Zone 3=54 sheets)

Date: 12/08/21

"On-System": ☐ YES ☒ NO

To: Paradise Irrigation District
6332 Clark Road
Paradise, CA 95969

Because of the (Name of LOCAL AGENCY) transportation project:

The Town of Paradise (Town) proposes to repair damaged sections of roadway with HMA and Aggregate Base, and re-striping when necessary. Costs includes pavement improvement of 32 miles of on-system roadway for the Town of Paradise. The roadway work includes 2" Grind and 3" overlay for the entire roadway with dig outs or FDR for sections with severe rutting and cracking damage, in **Town of Paradise, Butte County**, which affects your facilities: **water valve box facilities** as shown on Map Town of Paradise PID URP Zone 1-3, dated 04/30/21.

You are hereby ordered to: Relocate your facilities according to Town of Paradise PID-Utility Relocation Plan Zones 1-3, dated 04/30/21.

Your work schedule shall be from: 01/01/2022 to 12/31/2026

Notify Jessica Erdahl at (530) 872-6291, 72 hours prior to initial start of work, and an additional notification for starts 24 hours for subsequent starts when the work schedule is interrupted.

Liability is 100 % Owner Expense pursuant to section 673 of Streets and Highway Code

Owner Rep: _____

Tom Lando

Paradise Irrigation District Manager

cc: Resident Engineer
Permits

By: _____

Public Works Director

THIS NOTICE DOES NOT CONSTITUTE A PERMIT. OBTAIN AN ENCROACHMENT PERMIT BEFORE STARTING WORK.

Distribution: 1) Owner, 2) Utility Coordinator – File, 3) RE – File
4) DLAE – File, 5) District Utility Coordinator - File

Legend



HSIP

TS Zone



2



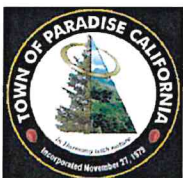
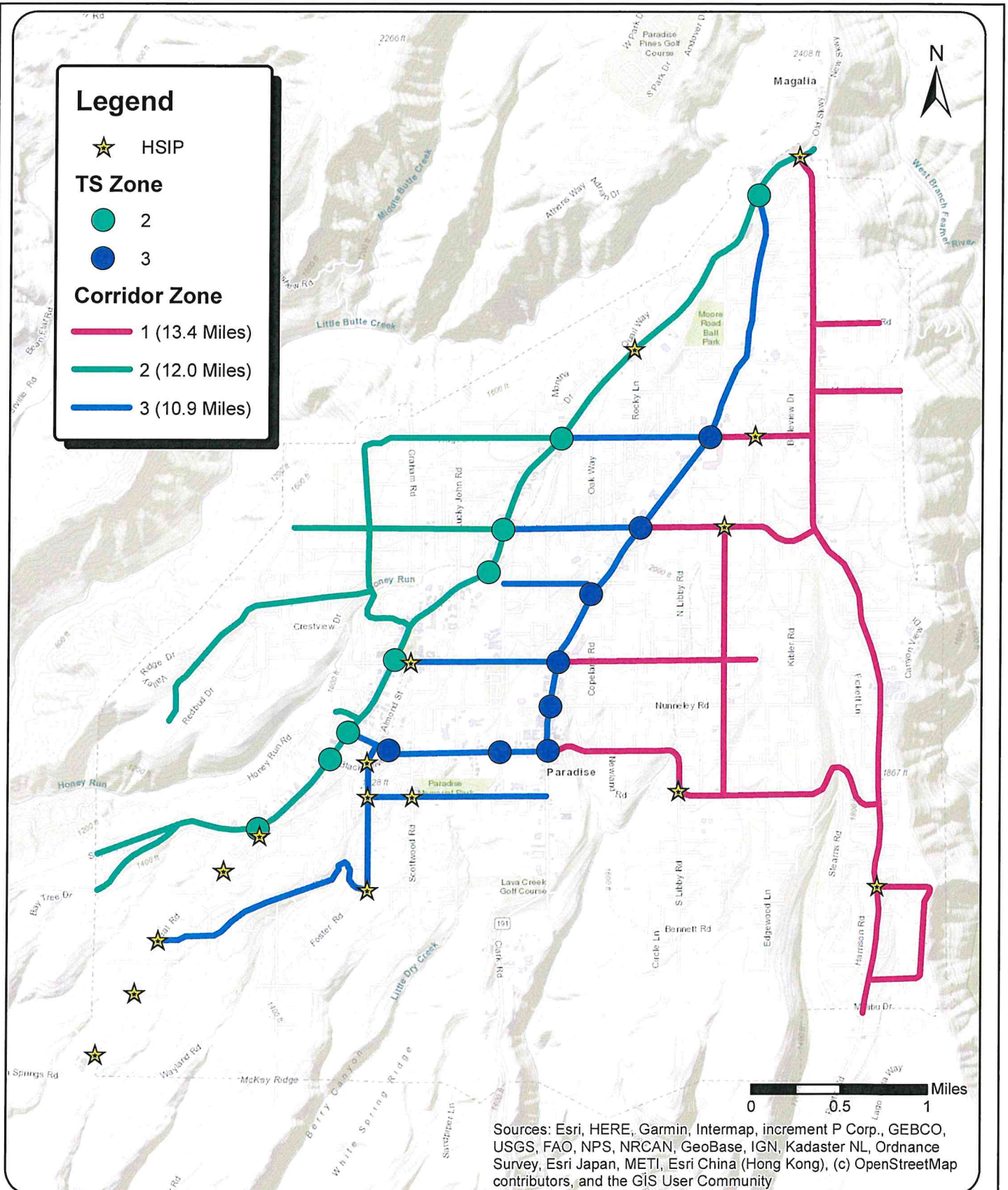
3

Corridor Zone

1 (13.4 Miles)

2 (12.0 Miles)

3 (10.9 Miles)



TOWN OF PARADISE
PUBLIC WORKS DEPARTMENT
5555 Skyway Road
Paradise, California 95969

**ON-SYSTEM ROAD
REHABILITATION PROJECT**
FEDERAL-AID NO. ER38Y0(012)
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**PROJECT
REGIONAL
MAP**
J ERDAHL
MAY 2020