



CALAVERAS COUNTY RESOURCE CONSERVATION DISTRICT

PO Box 1041 ♦ 423 E. St Charles St. ♦ San Andreas, CA 95249
info@CalaverasRCD.org

SPECIAL MEETING AGENDA

Thursday, June 30, 2022, 6:00 PM

LOCATION

CCRCD Building - Top Floor. 423 E. Saint Charles St., San Andreas, CA 95249 and via
GoToMeeting — <https://meet.goto.com/320817253>

Dial in # 1-571-317-3112

Access Code 320-817-253

In compliance with the Americans with Disabilities Act (ADA), if you need assistance to participate in the meeting, please contact the District Secretary at 754-5887 at least 48 hours prior to the start of the meeting.

CALL TO ORDER:

- Roll Call
- Pledge of Allegiance

PUBLIC COMMENT:

The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items not listed on the agenda.

ORDER OF BUSINESS:

1. Announcements from RCD partners. NRCS, CC Ag Dept., UCCE, etc. Info only

CONSENT AGENDA: None

OLD BUSINESS:

1. Discuss the Pine Ridge SNC grant award. Long/Simpson. **Action**

NEW BUSINESS: None

REPORTS AND DIRECTOR/STAFF COMMENTS:

1. Board Member announcements. Info only
2. Staff announcements. Info only

ADJOURNMENT:

Providing public comment

The CCRCD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Chair will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Chair has the discretion to amend this time based on the number of speakers
- The Chair will keep track of time and inform each speaker when his/her allotted time has concluded

Date	Description
4/25/2022	Request for Proposal released to public
5/2/2022	Site Visit for Potential Bidders for contracted services
5/11-14/2022	Review of 9 bids by selection committee - Kaylee Dillishaw, Sid Beckman, Gordon Long, Pat McGreevy, Jan Bray
5/14/2022	Selection of contractor An Honest Approach, led by Tim Madden
5/15/2022	An Honest Approach sent email with notice of Contract Award
5/15/2022	Email to 8 unsuccessful bidders with notice on non-award.
5/17/2022	Kaylee informs selection committee and CCRCD she didn't include 2 bids. One went to her spam folder and one was never seen prior to selection
5/23/2022	Received Letter of Protest of Pine Ridge contract award, filed by Travis Glass of CA Forestry and Excavation
5/23/2022	Selection committee reconvenes to rerank 11 applicants, after two bids had not been ranked and reviewed. An Honest Approach is chosen again.
6/1/2022	D. Simpson contacts Hal Clay of the CA Licensing Board to ask whether we can legally hire a contractor without a contractor license. He said an LTO is not a proper license, that a C61/D49 would be the appropriate license for fuel reduction work.
6/1/2022	Gordon sends out email that the award has been retracted due to the fact that awardee does not have proper contractor license
6/8/2022	Mtg between S. Beckman, G. Long, K. Dillishaw, P. McGreevy, and L. Plautz to discuss how to proceed with Pine Ridge contract award
6/9/2022	Email from Gordon to CCRCD staff and unsuccessful bidders that we retracted the award and a new RFP would be forecoming
6/9/2022	Email to D. Simpson from Hal Clay with potential exemption for contractor license if for fire prevention work and if County is considered "rural"
6/16/2022	Gordon has discussion with T. Madden that CCRCD may be able to re-award the contract to his company, but no assurances
6/20/2022	Decision by S. Beckman that this topic needs to be brought to the full CCRCD board. Plan a special meeting to address topic

6/20/2022	G. Long has discussion with County Supervisor J. Garamendi. Mr. Garamendi informed Gordon that Calaveras County is a rural county. Therefore, the exemption for conducting fire prevention work without a contracting license is legitimate.
6/20/2022	G. Long has discussion w/ T. Madden that the Pine Ridge topic will be addressed at a special meeting of the CCRCD
6/20/2022	G. Long sends out email to CCRCD board to schedule a special meeting of the CCRCD. Mtg to be held between June 27-30, 2022
6/22/2022	Meeting set for CCRCD special meeting Thursday, June 30 at 6 pm



Gordon Long <glong@calfauna.org>

FW: Tree Service

1 message

Dana Simpson <dsimpsonrcd@outlook.com>
To: "glong@calaverasrcd.org" <glong@calaverasrcd.org>

Wed, Jun 22, 2022 at 2:18 PM

Response from Hal re C61/D19

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Tuesday, June 21, 2022 8:23 AM
To: Dana Simpson <dsimpsonrcd@outlook.com>
Subject: RE: Tree Service

Good morning,

The D19-Land Clearing license classification is obsolete and no longer available. The work that D19 contractors performed now falls under the C12-Earthwork and Paving classification or A-General Engineering. The D19 or C12 classification is acceptable for clearing the land when the method alters the grade. It is not acceptable for C12 contractors to perform the work of D49-Tree Service contractors.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrkd@outlook.com>
Sent: Monday, June 20, 2022 11:34 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: RE: Tree Service

CAUTION: This email originated from outside of CSLB. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Hal,

Once again, I appreciate the information and the fast response.

We are located in Calaveras County and that meets all the requirements for being a rural county. This would mean that we could contract with an unlicensed contractor to complete fire prevention projects.

One of our contractors (who is currently taking steps to become a licensed C61/D49 contractor) contacted us and asked if a C61/D19 land clearing license would be acceptable too. I read through what was online and didn't really see anything that would allow us to allow this license, but I wasn't sure if there was anything else in the language that I was missing. Would that license apply to tree work for fire prevention?

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Thursday, June 9, 2022 10:49 AM
To: Dana Simpson <dsimpsonrkd@outlook.com>
Subject: RE: Tree Service

Good morning,

It is not acceptable for a CAL Fire LTO to perform the work of a CSLB D49-Tree Service contractor. They are distinctly different licenses issued by separate agencies and are limited to working within what those licenses allow. Yes, B&P 7049 is the license exemption that allows clearing for fire prevention purposes in rural districts without a contractors license. The CSLB does not define a rural district. That is determined by the county or local fire agency and is based, I believe, on the population of the county.

§ 7049. Ditch work and agricultural or fire prevention work

This chapter does not apply to any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon the land in rural districts for fire prevention purposes, except when performed by a licensee under this chapter.

The provisions of this chapter do apply to the business of drilling, digging, boring, or otherwise constructing, deepening, repairing, re-perforating, or abandoning water wells.

Added Stats 1939 ch 37 § 1. Amended 1959 ch 1691 § 2.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrcd@outlook.com>
Sent: Thursday, June 9, 2022 10:09 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: RE: Tree Service

CAUTION: This email originated from outside of CSLB. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hal,

Thank you so much for the response and additional information. Just to make sure I am undertaking this correctly – can an LTO-A or LTO-B (without a c61/D49 license) bid on a project that is not a commercial timber operation? Most of our projects do not include the sale or removal of any material from the site, so I would not classify them as licensed timber operations.

We also received information that there may have been an exemption for wildfire safety fuel work done in rural communities. Is this exemption still in effect?

I appreciate your time helping us with this matter.

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774

From: Clay, Hal@CSLB <Hal.Clay@cslb.ca.gov> **On Behalf Of** CSLB Classifications Deputy@CSLB
Sent: Wednesday, June 1, 2022 10:53 AM
To: Dana Simpson <dsimpsonrcd@outlook.com>
Subject: RE: Tree Service

Good morning,

A Cal Fire Licensed Timber Operator (LTO) does not take the place of a CSLB licensed contractor on tree service projects. The most appropriate CSLB license classification for stand-alone tree service projects is either C27-Landscaping or D49-Tree Service. A-General Engineering contractors have historically been allowed to perform large scale tree removal projects for utility companies, such as PG&E, but without any project information, that is about all I can tell you. I have included some LTO information above. One thing I do know about LTO's is that a timber harvest plan is required for their projects.

Hal Clay

Special Investigator

Licensing Classification Deputy

Contractors State License Board

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This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Dana Simpson <dsimpsonrcd@outlook.com>
Sent: Wednesday, June 1, 2022 10:09 AM
To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>
Subject: Tree Service

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Hello,

I would like some clarification on which license is required for the contractors that we hire. I work for a Resource Conservation District and we have been awarded grants to do fuels reduction projects (mastication with heavy equipment as well as handwork - tree cutting/limbing). We are hiring contractors to do this work and would like to have clarification on what license is required to do this work in CA. Some of our contractors have a Licensed Timber Operators (LTO) license and some have a General Engineering License, General Building License, and/or a D-49 Contractors license. Does having an LTO license meet the requirements to work in CA or does the contractor need a contractor's license in addition to the LTO?

Any clarification on the required license(s) would be greatly appreciated.

Thank you,

Dana Simpson

Calaveras County RCD

(209) 304-8774



California Forestry and Excavation llc
367 Biring Dr, Camp Connell CA 95223
P.o box 4535, Camp Connell CA 95223
LTO# A012555
Office 209-795-6500

Written Notice of Protest of the Pine Ridge Summit Level RFP

Attention Sid Beckman

1. California Forestry and Excavation (hereinafter "CFE") bid was not presented to the board for consideration by the project manager.
2. When the project manager was contacted by CFE as to why no response was presented as to contractor selection, CFE was informed that no bid was submitted by CFE. After sending email confirmation that the bid was received by the project manager and that it was timely, CFE was promptly informed that their bid was over budget. The prompt explanation is factually incorrect and arouse suspicion, leading CFE to believe that their bid was not presented and the prompt response "your bid was over budget" a blatant lie.
3. CFE then contacted Gordon Long of CCRCDC and he informed me he was on vacation and he did not see some of the bids, nor did he see CFE's bid, and that he would investigate and thereafter send emails out about the incident.
4. After contacting Gordon Long, CFE contacted Pat McGreevy and he confirmed CFE's bid was not presented along with the other bids (that were discovered) and that CFE's bid was not over budget as the project manager claimed.
5. The contractor "An Honest Approach LLC" that was chosen for the project is not licensed in California to do any tree work for or forestry work. CFE has conducted a search via the CSLB and LTO websites and An Honest Approach LLC is not listed with either website, nor is their owner, Tim Madden. Since the RFP clearly stated proof of licensing was required in the bid, CFE is under suspicion that An Honest Approach LLC is using another entity's license which is not allowed as this would make the winning contractor an employee to the license holder and not a prime contractor. CFE would kindly requests what license number was submitted with the winning bid to ensure fairness.
6. In addition to the above-mentioned items, the project manager has a family company (Tanner Logging), that is in direct competition to all of the bidders and has access to information that all the other contractors do not have; this is a conflict of interest even if her company does not bid directly on her projects, because of the information she attains while on the job and relationships she forges with co-workers who are board members of agencies.
7. The board manager has a lot of finite details that she can use to her advantage when she writes the bids for her family company that give her and her family business a clear advantage over others; case and point; the Woodland unit of the Forest Meadows to Murphy's project put out by CCRCDC. This unit was stated as the easiest unit in the project and it was awarded to her family at a record setting price of \$2500 per acre, and her family property was included in that unit to be treated.

8. The clear conflict of interest has been brought up many times to Pat McGreevy and others. I, Travis Glass, the representative for CFE have a history with her family company. I have mentioned in the past to other agencies that they (family company) are held to a different standard than other companies. I feel the decision to not present CFE's bid was by the project manager was of personal motive.

9. If the decision was purely oversight, I believe a more appropriate response would have been provided (it was not). CFE feels that the project manager also has influence on CCRCDC and is connected to the last three (3) RFPS CCRCDC has put out, in which CFE bid and lost. To date, CFE has lost approximately \$1,800,226.00 worth of bids through CCRCDC during the time Kaylee (project manager) has been working with CCRCDC and her family's company has won CCRCDC projects at record rates, coincidentally. Kaylee's involvement in any capacity at CCRCDC is analogous to insider trading, and the bids which have awarded to her family company can and should be considered misappropriation of public funds/embezzlement.

I would like these matters to be resolved in a profession and timely manner, otherwise I would seek litigation, if necessary, although it is my sincere hope that it will not be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Glass", written over a faint horizontal line.