

Yolo County Flood Control & Water Conservation District

REVISED AGENDA Board Meeting Tuesday, March 1, 2005 7:00 P.M.

In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, then please contact Christina Cobey at (530) 662-0265 or (530) 662-4982 fax. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

AGENDA

- 7:00 1. Board Consideration: The Board will consider adoption of the minutes of the February 1, 2005 Regular and February 15, 2005 Special Board Meetings.
- 7:02 2. Open forum (Limited to five minutes): Guest introductions, unscheduled appearances and opportunity for public comment on non-agenda items.
- 7:07 3. Board Consideration: Adding Items to the Posted Agenda.
In order to add an item to the agenda, it must fit one of the following categories:
a) A majority determination that an emergency (as defined by the Brown Act) exists; or
b) A 4/5ths determination that the need to take action that arose subsequent to the agenda being posted.
- 7:10 4. Board Consideration: The Wild & Scenic Ad Hoc Subcommittee will report on and discuss current activities related to potential State Wild & Scenic legislation (AB 1328). Action may be taken regarding establishing a District position on the legislation.
- 7:30 5. Board Consideration: The Board will establish the 2005-2006 water rates.
- 7:50 6. Board Consideration: The Board will consider adopting a resolution for bank card services.
- 7:55 7. Board Consideration: MOU for County Installation of Drain Pipe into District Canal.
- 8:15 8. Directors' Reports: Each member of the Board will have the opportunity to report on meetings and conferences attended during the prior month on behalf of the District.

- 8:25 9. Attorney's Report: The District's attorney will report on the following:
a) Current legal and legislative activities.
- 8:35 10. General Manager's Report and Recommendations: The Board will receive a report from the General Manager or designated representatives regarding current general activities and projects of the District.
a) General Activities
b) Operations, Maintenance and Water Conditions
c) Groundwater Program Report
d) Basin Plan Amendments for Mercury TMDL
e) Water Management Plan Update
f) Off-Season Maintenance and Construction Program
- 9:15 11. General Discussion: Opportunity for Board members to ask questions for clarification, provide information to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda.
- 9:25 12. Board Consideration: The Board will consider the approval and the payments of bills.
- 9:30 13. Adjourn

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Public comment on items within the Board's jurisdiction is welcome, subject to reasonable time limits for each speaker. Upon request, agenda items may be moved up to accommodate those in attendance wishing to address that item. Times listed for consideration of agenda items are approximate only. The Board may consider any agenda item at any time during the Board meeting.

I declare that the foregoing agenda was posted at the office of the Yolo County Flood Control and Water Conservation District, 34274 State Highway 16, Woodland, CA on February 25, 2005.

By: _____
Christina Cobey, Administrative Assistant

REGULAR BOARD MEETING MINUTES

March 1, 2005

The regular March meeting of the Board of Directors of the Yolo County Flood Control and Water Conservation District was held at 7:00 p.m. on March 1, 2005 at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Brice convened the meeting with Directors Eoff, Scheuring, Rominger and Vink present. Also in attendance were:

District Staff and Consultants

Tim O'Halloran, General Manager
Christy Barton, Assistant General Manager
Mike Horgan, Engineer
Sal Espinoza, Operations Supervisor
Paul Bartkiewicz, Legal Counsel
Fran Borcalli, Consulting Engineer

Members of the Public

See attached sign-in sheets.

MINUTES

M/S/C approved the minutes of the February 1, 2005 Regular and February 15, 2005 Special Board meetings as mailed.

OPEN FORUM

No comments were made.

WILD AND SCENIC AD HOC SUBCOMMITTEE REPORT

Chair Brice outlined the format for Board and public discussion on the Cache Creek Wild & Scenic (W&S) legislation topic and for accompanying Board action.

Director Rominger, Chairman of the District's Wild & Scenic Ad Hoc Subcommittee, described policy considerations and general watershed principles associated with Wild & Scenic designations.

He also identified concerns with the current AB 1328 process which included the lack of complete stakeholder involvement, potential unintended consequences, the non-free flowing condition of Cache Creek along with over 100 years of managed creek flows and the uncertainty of all W&S designation parameters.

Mr. O'Halloran provided an overview of the Cache Creek W&S process to date which included:

- Summarizing various invitation only roundtable and "small group" discussions that were held over the last year.
- District research, identification and dissemination potential historical Cache Creek flow regime information, as well as legal analysis of impacts of the W&S Act.
- Creation of a W&S working group now named the Cache Creek Preservation Coalition (Coalition).
- Coalition development of alternative legislation language (Cache Creek Preservation Act of

2005) that was drafted to address the primary issues of concern as articulated by Assemblymember Wolk and the proponents of W&S legislation. These main issues of concern include:

- Prohibition of new dams in the designated reaches of Cache Creek.
- Establishment of “a place at the table” for all interested parties.
- Protection of historic irrigation practices and water rights.
- Local control.
- Introduction of W&S legislation by Assemblymember Wolk on February 22, 2005.

Mr. Bartkiewicz reported that AB 1328 as drafted presented the following technical and legal problems:

- District water rights were not adequately protected; language was ambiguous at best.
- The District’s current water right application before the State Water Resources Control Board would be affected.
- Language stating the intent not to seek Federal W&S designation was not binding; the Governor is not prohibited from entering into such a designation in the bill.

Director Rominger stated that:

- AB 1328 was not in compliance with AB 1405.
- The Cache Creek Preservation Act of 2005 would address the Assemblymember’s stated goals in a more focused, positive manner than AB 1328.
- The Coalition is committed to working with Assemblymember Wolk and others to promote positive Cache Creek Watershed stewardship.
- The District’s Ad Hoc Subcommittee recommended that the Board oppose AB 1328 unless amended: (1) to exclude a designation under the California Wild and Scenic Rivers Act; and (2) to include support for a Cache Creek Watershed collaborative stakeholder process.

Director Eoff stated that AB 1328 should be fought aggressively and the Coalition plan actively promoted.

Director Scheuring stated that it was time to act in the District’s interests and expressed concern over the impact of the W&S process on the District’s resources.

Director Brice stated that the Coalition was made up of a great group of people fully committed to the Cache Creek Watershed Forum and general Cache Creek stewardship.

Fifteen members of the public in attendance addressed the Board. Two speakers spoke in support of AB 1328, eleven spoke in opposition and two raised concerns regarding the AB 1328 process and expressed the desire to continue further analysis and discussion and to broaden participation.

Director Vink stated he disagrees with AB 1328 and that W&S legislation is not warranted for Cache Creek. He stated that the prohibition of Dams is addressed in the Coalition’s proposed language. He also expressed concern over the divisiveness of the W&S legislation.

M/S/C approval of opposition to AB 1328 unless amended: (1) to exclude a designation under the California Wild and Scenic Rivers Act; and (2) to include support for a Cache Creek Watershed

collaborative stakeholder process.

Assemblymember LaMalfa arrived later in the meeting and spoke in opposition to AB 1328.

ESTABLISHMENT OF 2005 WATER RATES

Director Eoff as Chair of the Finance Committee provided an overview of the annual water rate establishment process. He advised that the Finance Committee recommends the Board adopt a 50 cent per acre foot increase this year for both agricultural and non-agriculture categories. The recommended change equates to 3.7% and 1% increases to agriculture and non-agriculture customers, respectively.

Mr. O'Halloran reported on newly proposed CalFed storage fees which could amount to an additional \$600,000 of expenses annually to the District. Mr. Bartkiewicz advised that NCWA was active on this issue, participating in a process to oppose imposition of these fees on the District.

Mr. Robert Lossius, Lake County Assistant Public Works Director, and Mr. Ed Robey, Chairman of the Board of Lake County Supervisors, expressed concerns about the District's process to determine rates, government code violations and lack of reasonable justification for the differential between agriculture and non-agriculture rates.

Mr. Bartkiewicz advised that the District's rate determination process is consistent with law and that Lake County rate changes are looked at in light of the cost to the District to replace the water used by Lake County users. He also stated that District actions complied with its contracts with Lake County users and that proper notice is provided through the process.

M/S/C approved the Finance Committee's recommendation to raise water rates by 50 cents per acre foot to both agricultural and non-agricultural water users.

BANK CARD SERVICES

M/S/C approved Resolution No. 05.02 Authorizing Bank Card Services as drafted.

MOU FOR COUNTY INSTALLATION OF DRAIN PIPE INTO DISTRICT CANAL

Mr. Horgan summarized the proposed MOU between the District and Yolo County for County installation of a roadside storm water drain pipe into the South Fork Canal. Board questions and discussion followed.

M/S/C approved the MOU and authorized the District's General Manager to sign it once approved and signed by Yolo County.

DIRECTORS' REPORTS

Director Scheuring reported that the Water Resources Association of Yolo County was proceeding on the Integrated Water Management Plan (IRWMP) and was drafting an application for grant funding. The District's Water Management Plan Update has been incorporated into the more regional IRWMP process.

Director Rominger stated that the District/Yolo County 2X2 meeting had recently been held. The County 2X2 representatives are now Frank Sieferman, Jr. and Duane Chamberlain.

Director Vink reported that the Conaway Ranch JPA has not met since the last Board meeting and that the JPA will cease to meet until after the County's eminent domain proceedings have concluded.

ATTORNEY'S REPORT

Mr. Bartkiewicz reported that the proposed CalFed fee matter will continue to be a concern and that his office and NCWA will keep the Board and General Manager apprised of any developments.

GENERAL MANAGER'S REPORT

Mr. O'Halloran reported the following:

- a. General Activities – As reported earlier, District staff is spending a lot of time in dealing with the Cache Creek Wild and Scenic legislation process.
- b. Operations, Maintenance and Water Conditions – Mr. O'Halloran reviewed the current Water Conditions Report.
- c. Groundwater Program Report – Mr. Stevenson described the status of the Water Management Program which includes groundwater level and quality activities. He also discussed the USGS GAMA Program in Yolo County and the new effort with WRIME (Engineering Consultant) on an integrated groundwater and surface water computer modeling program.
- d. Basin Plan Amendments for Mercury TMDL – Mr. Stevenson described new regulatory efforts to address the mercury load in Cache Creek waters and sediments. He stated that development of mercury TMDL's for inclusion in a revised Basin Plan is at the draft stage.

Board discussion followed regarding the need for good science, uncertainty of benefits from the proposed Basin Plan amendments, and an anticipated complicated mercury remediation process with uncertain outcomes.

Mr. Stevenson reported that the District and Yolo County have hired consultants Larry Walker and Associates and Daryl Slotten to assist in addressing and analyzing the new draft program.

- e. Mr. Borcalli described the status of the Fredericks Flume control structure replacement, the Cottonwood Canal culvert replacement and the Yolo Central Canal culvert project, noting that many similar county road - District canal crossings exist, but have not been inventoried.

PAYMENT OF THE BILLS

M/S/C after review approved the following claims for payment:

Yolo Flood Control Checks: # 33445-33453

There being no further business to come before the Board, the meeting was adjourned.

Ann T. Brice, Chair

ATTEST:

Tim O'Halloran, Secretary