

Yolo County Flood Control & Water Conservation District

AGENDA Board Meeting 34274 State Highway 16 Woodland, CA 95695 Tuesday, July 6, 2010 7:00 P.M.

Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the District's Administrative Office at the address listed above.

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 June 1, 2010 Regular Board Meeting.
- 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: Capay Dam Apron Rehabilitation Project Update.
a) Engineering and Construction
b) Permitting Issues
c) Loan Application Submittal
- 7:30 5. Board Discussion: Water Rights Documentation and Diversion Reporting.
- 7:50 6. Board Discussion: Membership in Northern California Water Association.

- 8:00 7. 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.
- 8:05 8. Attorney's Report: The District's attorney will report on the following:
a) Current legal and legislative activities.
- 8:15 9. General Manager's Report: 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
- 8:25 10. 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.
- 8:28 11. Board Consideration: The Board will consider the approval and the payments of bills.
- 8:30 12. 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 July 2, 2010.

By: _____
Christy Barton, Assistant General Manager



Y O L O C O U N T Y
FLOOD CONTROL &
WATER CONSERVATION
DISTRICT

BOARD MEETING MINUTES

Tuesday, July 6, 2010. 7:00 P.M.

**YCFCWCD Offices
34274 State Highway 16
Woodland, CA 95695**

The regular meeting of the Board of Directors of the Yolo County Flood Control and Water Conservation District was held at 7:00 p.m. on July 6, 2010, at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Brice convened the meeting. In attendance were:

District Board

Ann Brice, Chair
Bruce Rominger, Vice Chair
Jim Mayer
Ron Tadlock
Erik Vink

District Staff

Tim O'Halloran, General Manager
Christy Barton, Assistant General Manager
Fran Borcalli, floodSAFE Yolo Program Manager
Mike Horgan, Engineer
Max Stevenson, Water Resources Associate
Paul Bartkiewicz, Legal Counsel

Members of the Public

Duane Chamberlain
Don Rominger
Denise Sagara

1. BOARD CONSIDERATION: Approval of Minutes

M/S/C approved the minutes of the June 1, 2010 Regular Board Meeting with a modification to the footer.

2. OPEN FORUM

Don Rominger provided a sample of a weed that he previously had brought to the attention of the District. He reported that the weed is very thick and spreading. Rominger said it appears the District

has done nothing to eradicate it. He noted he has been spraying the weed on his canal banks, but it has not had much impact on the weed.

General Manager O'Halloran reported that the District looked into the matter after Rominger brought the issue to the District's attention. The plants are a primrose species and were mowed or sprayed last year. O'Halloran noted the District is still spraying this year. He will meet with Field Supervisor Espinoza regarding the issue and respond to Rominger. O'Halloran will report back to the Board on this matter.

3. BOARD CONSIDERATION: Adding Items to the Posted Agenda

None

4. BOARD CONSIDERATION: Capay Dam Apron Rehabilitation Project Update

General Manager O'Halloran reported this item will culminate in the Board consideration of awarding the construction contract for the Capay Dam Apron Rehabilitation Project (Project). However, the Board would first be given updates regarding the various components of the Project.

- a) Engineering and Construction – Engineer Horgan reviewed the bid process from advertising through bid opening and the evaluation of the bids. Horgan reported the two lowest bids were within 1% of each other and the three lowest bids were within 4% of each other. The lowest bid was \$2,197,777 from Steelhead Constructors, Inc. This bid was determined to be the lowest responsible responsive bidder. Horgan reviewed some items that will need to be addressed by change orders to the contract after the awarding of the contract.
- b) Permitting Issues – Horgan reported that all the required permits have been received with the exception of the Caltrans permit, which is in progress with no expected problems. He noted that Environmental Program Manager Lorenzato reported that the requirements related to the Storm Water permits had changed on July 1, 2010 and that the new criteria would have required a permit for the Project.
- c) Loan Application Submittal – O'Halloran reported that the District's loan application is on the consent agenda for the August 3, 2010 meeting of State Water Resources Control Board (State Board). If approved, the State Board staff would begin negotiations with the District regarding the terms of the loan agreement. The final loan agreement will be brought to the District Board for consideration. O'Halloran reported that the District has investigated alternative funding sources and can secure commercial funding within 3 – 4 weeks, if necessary.

M/S/C awarded the Capay Dam Improvements Project Construction Contract to the lowest responsible responsive bidder, Steelhead Constructors, Inc. of Redding, CA in the amount of \$2,197,777, and authorized General Manager O'Halloran to execute the Construction Contract and any necessary Contract Change Orders up to 5% of the Project costs to address modifications to the plans and specifications.

Legal Counsel Bartkiewicz reported on the process used to negotiate change orders to awarded contracts. O'Halloran reviewed Stantec's role under its Construction Management Contract related the contract change orders and the Project.

5. BOARD DISCUSSION: Water Rights Documentation And Diversion Reporting

General Manager O'Halloran briefly reviewed water rights reporting issues raised at the June Board meeting. As a follow up to the June discussion, O'Halloran asked Legal Counsel Bartkiewicz to brief the Board on the District's water rights in general, and Assistant General Manager Barton to discuss the District compliance with the new diversion reporting requirements.

Bartkiewicz provided an overview of the District's water rights noting the District has almost every type of water right including pre-1914 appropriative water rights on Clear Lake and Cache Creek, permitted appropriative rights on the North Fork of Cache Creek, riparian contracts on Cache Creek, non-riparian contracts on Cache Creek, contracts on tributaries to Clear Lake, wholesale contracts for use around Clear Lake and riparian rights for District use at the Cache Creek Dam for hydro power and on District property in the Moore Dam area. The District has been diligent in reporting on its various water rights as required and has historically reported its uses in the aggregate due to the fact the water sources are comingled in Cache Creek.

Bartkiewicz reported that the recent Delta legislation provides significant financial penalties associated with not reporting use of water and provides for additional State Water Resources Control Board (SWRCB) staffing to help implement the legislation and enforcement water use reporting. The SWRCB has revised the reporting forms to require additional data to help identify and quantify inappropriate and unauthorized water use. By 2012, the reporting regulations will become even stricter and the penalties for non-reporting or incorrect reporting will be increased.

Barton reported that this year the District had an option to file its water rights reports on-line. After reviewing the on-line reporting processes for the District's various water right, it was determined that the on-line reporting would not accommodate the District's reporting needs. A number of issues were identified with the on-line reporting and were relayed to the SWRCB in the cover letters providing the District's water rights reports. One of the issues Barton noted was that the reports want the District to identify which water source was used at which diversion point, not accounting for the fact that the water is co-mingled and travels fifty some miles of natural waterway between release from storage and use. Barton also noted that future reporting will require monthly data from contractual water customers who have previously reported annually. She also noted many diverters may not have a meter for measuring actual diversions.

O'Halloran said there may be follow-up discussion with Yolo County Counsel and the Farm Bureau regarding water right reporting issues and SWRCB fees and noted a number of potential future problems for diverters from sloughs, who need to file their own Statement of Diversion and Use Reports. This may be a topic for a future water customer meeting.

Bartkiewicz reported that the SWRCB is hiring additional people to help enforce the water right reporting legislation and has the ability to hire more people, if needed, and to recoup its costs by raising water rights fees.

6. BOARD DISCUSSION: Membership In Northern California Water Association

General Manager O'Halloran provided a follow-up report regarding the Northern California Water Association (NCWA). Director Tadlock was provided talking points to raise with the NCWA Board of Directors, which he did. O'Halloran reported that David Guy has been reappointed as President of NCWA, which provides a degree of confidence regarding NCWA leadership, but other issues of District concern remain. O'Halloran and Guy recently met at Legal Counsel Bartkiewicz's office and agreed to meet with Tadlock to discuss issues. The intent is for Tadlock and O'Halloran to meet

with Guy to discuss the issues and to invite Guy to a District Board meeting to address the District's concerns.

Tadlock noted that the District needs to be spending its funds effectively, getting the best value and representation regarding its political issues, which may or may not align well with the priorities of NCWA. Director Mayer requested information regarding NCWA's costs and priorities, and a comparison of its functions to the costs. This would allow the District to compare NCWA's priorities to those of the District.

7. DIRECTORS' REPORTS

Chair Brice reported on the Day in Capay tour arranged by the Yolo Basin Foundation. The tour included a stop at an organic farm, the Capay Dam and a winery. She thanked Water Resources Associate Stevenson for his presentation at the Capay Dam providing information regarding the dam and the District's activities. The tour included people from Davis and West Sacramento, and was very successful.

8. ATTORNEY'S REPORT

Legal Counsel Bartkiewicz reported that the SWRCB has set its budget for the new fiscal year and fees are going to be increased to cover its additional costs. There are three proposed fees scenarios under which the SWRCB could increase the District's water rights fees from \$29,000 to \$48,000, \$66,000 or \$74,000.

Bartkiewicz also reported on some legislative bills. AB 2092/Huffman - will provide the Delta Stewardship Council the authority to impose new fees. SB 565/Pavley & Steinberg – includes authority for the SWRCB to require any study it deems necessary of a water user and have that water user fund the study.

Bartkiewicz noted that the Governor is currently proposing to pull the Water Bond from the November ballot due to the State's current financial situation. If that happens, water fees or taxes could be assessed as an alternative funding source to pay the costs to implement the Delta legislation. Water user fees within the Sacramento Valley for this purpose would likely be extremely controversial.

9. GENERAL MANAGER'S REPORT

- a) General Manager O'Halloran reported on operations activities, noting that water releases are tracking expectations and releases are expected to continue from Indian Valley into August due to the Solano Decree timing limitations on use of Clear Lake water.
- b) Resources Associate Stevenson reported on the spring 2010 groundwater measurements and provided a handout of historical trends, which he explained. Groundwater trends closely reflect the District's operations importing surface water into Yolo County for use in lieu of groundwater. This correlation has also been noted in studies by the City of Woodland.

10. GENERAL DISCUSSION

None

11. BOARD CONSIDERATION: Payment of Bills

M/S/C approval for the following claim(s) for payment:

Yolo County Flood Control Checks: # 44350-44361

12. ADJOURN

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

Ann Brice, Chair

ATTEST:

Tim O'Halloran, Secretary

[This page has been intentionally left blank.]