

Yolo County Flood Control & Water Conservation District

AGENDA Board Meeting Tuesday, March 2, 2004 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:
Minutes of January 29, 2004 Special and February 3, 2004 Regular Board Meetings
- 7:02 2. Open forum; Guest Introductions and Unscheduled Appearances
Opportunity for public comment on non-agenda items.
Open forum will be limited to five minutes.
- 7:07 3. Board Consideration: Adding Items to the Posted Agenda.
Items 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 arose subsequent to the agenda being posted.
- 7:08 4. Board Consideration:
The Board will consider declaring certain assets as surplus property and authorizing their disposal.
- 7:13 5. Board Consideration:
The Board will consider setting new rates and charges for water and services.
- 7:30 6. Board Consideration:
The Board will consider appointments to an Ad Hoc State Wild and Scenic Committee.
- 7:35 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.
- 7:45 8. Attorney's Report:

The Board will receive a report from the Attorney regarding current legal and legislative activities.

- 7:55 9 General Manager's Report:
The Board will receive a report from the General Manager regarding selected general activities and projects of the District
- 8:10 10. Operations and Maintenance Report:
The Board will receive a status report of the previous month's operation and maintenance activities.
- 8:15 11. Conjunctive Use and Infrastructure Improvements Initiative Report:
The Board will be updated on the status of its ongoing conjunctive use program.
- 8:30 12. Board Consideration:
Consistent with the District's ongoing conjunctive use initiative, the Board will consider formally authorizing staff to develop a defined project or group of projects in furtherance of its Cache Creek Water Appropriation Application.
- 8:45 13. Consulting Engineer's Report:
The Consulting Engineer will report on the status of the AB 303 Grant activities to development of a groundwater quality monitoring plan.
- 8:55 14. 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.
- 8:59 15. Board Consideration: Approval and Payments of Bills
- 9:00 16. 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 April 30, 2004.

By: _____
Christina Cobey, Administrative Assistant

REGULAR BOARD MEETING MINUTES

March 2, 2004

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 2, 2004 at its regular place of business, 34274 State Highway 16, Woodland, California. Chairman Vink convened the meeting with Directors Brice, Eoff, Scheuring and Rominger present. Also in attendance were:

District Staff & Consultants

Tim O'Halloran, General Manager
Christy Barton, Assistant General Manager
Mike Horgan, Engineer
Paul Bartkiewicz, Legal Counsel
Francis Borcalli, Engineering Consultant

Members of the Public

Gerald Hartwig, District Water User
Don Rominger, Retired District Director
Chad Roberts, Yolo Audubon
Bob Schneider, Cache Creek Wild
Duane Chamberlain, District Water User

MINUTES

M/S/C approved the minutes of the January 29, 2004 Special Board meeting approved as corrected and the February 3, 2004 Regular Board meeting as mailed.

OPEN FORUM

No comments were made.

SURPLUS PROPERTY

Mr. O'Halloran reviewed the requirements for disposal of District property.

Director Eoff reported that the Finance Committee had reviewed the proposed property to be disposed of and had recommended declaring the list of property as surplus.

M/S/C declared the following property as surplus to the needs of the District and authorized it to be sold: 1974 F600 Flatbed Truck, Brave Products 34 Ton Log Splitter and Wacker Vibratory Rommer (DS720).

RATES AND CHARGES

Mr. O'Halloran reminded the Board that rates are normally set in March in order to provide water users with their rates before the March 15 application deadline. He pointed out some timing issues with setting the rates. Although water applications with crop and acreage information are due by

March 15, the budget is still being developed. The budget will incorporate water sales information based on the water applications and water available from Clear Lake and Indian Valley. The amount of water available from Clear Lake is not formally set until May 1. He noted that the budget will have to be reconciled with the water rate the Board sets.

Director Eoff reported on the Finance Committee's deliberations. It appears the 2003/04 budget expenses and revenues will, at best, break even. There are approximately \$150,000 worth of expenses for 2004/05 representing new State or Federally related fees and expenses. This includes dues to the Northern California Water Association (NCWA), which is handling litigation that includes the District to contest the State's water rights fees.

Director Eoff reported the Finance Committee recommends a conservative increase to recoup a portion of the additional fees increasing the Agricultural rate to \$13.50 per acre-foot and the Non-agricultural rate to \$46.17 per acre-foot.

Mr. O'Halloran told the Board that the raise in rates will help demonstrate that the District intends to move forward with projects and, hopefully, will be able to stretch the additional funds by using them to leverage outside funding. He also noted that the District has not historically been actively investigating water use in the upper watershed. Some funds should be used to fund the monitoring of water use in the upper watershed.

M/S/C accepted the Finance Committee's recommendation increasing the basic Agricultural rate to \$13.50 per acre foot and the basic Non-agricultural rate to \$46.17 per acre foot.

WILD AND SCENIC LEGISLATION

Mr. O'Halloran reported that Assemblymember Wolk had informed him that she did not intend to introduce Wild and Scenic legislation this year, but does intend to introduce the legislation next January. She wants to work with her constituents to discuss and investigate Wild and Scenic related issues before introducing the legislation. Mr. O'Halloran requested the Board appoint an Ad-Hoc Committee to address this issue as needed.

Chairman Vink reported this Ad-Hoc Committee is different from the standing Environmental Issues Committee and requested volunteers. He appointed Directors Brice and Rominger to the Wild and Scenic Ad-Hoc Committee.

DIRECTORS' REPORTS

Director Eoff reported on the annual NCWA meeting. Guest speakers were Art Baggett, State Water Resources Control Board (SWRCB) and Terry Taminenn, Cal EPA. He announced that there will be a conference call regarding the proposed litigation over the SWRCB's water rights fees.

Director Brice reported that the Natural Heritage Institute (NHI) report is being circulated in its draft

form. Greg Thomas of NHI said that all the funds for the original contract had been spent developing the review draft report. Ms. Brice related her concern that because NHI did not have time for editorial review, the draft appears unprofessional.

Mr. O'Halloran agreed with Ms. Brice and stated he would like to get an estimate from NHI for them to complete an editorial review, to clean up the draft, and to incorporate corrections suggested by Dr. Peter Moyle, Fishery Biologist at UC Davis, into the draft report.

Chad Roberts commented that the District was authorized by NHI to circulate the report to the public. Bob Schneider credited the District for allowing the draft report to be circulated.

Mr. O'Halloran will bring back a proposal from NHI to clean up the draft report and address Dr. Moyle's concerns, but cautioned this will not be to complete the report.

ATTORNEY'S REPORT

Attorney Bartkiewicz reported on AB 2864 (Canciamilla) regarding the SWRCB fees on water rights. NCWA and the Central Valley Project Association (CVPA) have proposed an alternative approach to the fees. They propose a minimum charge plus an additional charge based on the "cost of service." Additionally, due to the fact the SWRCB performs a function for the good of the public, a portion of its budget would come from the General Fund. The NCWA/CVPA litigation is on hold pending the outcome of this legislation.

Dam Safety Fees: Mr. Bartkiewicz reported that the Turlock Irrigation District is contesting the Dam Safety Fees. However, he noted that these fees are the result of a negotiated compromise.

SB 1272 (Ortiz): Mr. Bartkiewicz reported this legislation would require the annual audits of special districts to be performed in accordance with the General Accounting Office (GAO) standards. Additionally, it will define "meetings" for compensation purposes. The District's audit already meets the proposed standards; and the Board is voluntary and not paid for attending meetings.

SB 1620 (Aanestad) will add the County of Yolo to the Sacramento Area Flood Control Association (SAFCA). If the legislation passes in its current form, the Yolo County Board of Supervisors will have a representative on the SAFCA Board.

GENERAL MANAGER'S REPORT

Mr. O'Halloran reported he had continued his outreach efforts as follows:

- 1) Water Users' Meeting – These meetings were started by Past-General Manager Eagan and continued by Past-General Manager Warmerdam as an opportunity to hear water users' concerns and to discuss issues. Mr. O'Halloran took the opportunity to review the District Power Point presentation providing the District's background, internal issues of infrastructure, and external issues of imposed fees and potential strategic

partnerships for moving projects forward.

- 2) Farm Bureau meeting - The District's Power Point presentation, as provided to the water users', was also presented at a Farm Bureau meeting.
- 3) Yolo County Supervisor Mariko Yamada and Aide – A brief overview of the District's purpose and functions was provided.
- 4) Yolo County Supervisors Helen Thomson and Lynnel Pollock meeting – Conjunctive use opportunities and the District's role in Yolo County were discussed.
- 5) Joe Farnham – The 93-year old gentleman, who was raised on Cache Creek, provided a photo album for Mr. O'Halloran to review. The District will make copies for itself, the Cache Creek Conservancy, the Yolo County Historical Society and Mr. Farnham.
- 6) Ag Discharge Waiver – Rick Landon, Yolo County Ag Commissioner, Denise Sagara, Yolo County Farm Bureau, Chuck Dudley and Mr. O'Halloran have been meeting to put together the required report and monitoring plan for the watershed by the April deadline. Mr. O'Halloran reported it will be important to have the staff of watershed groups working closely with the staff of the Central Valley Regional Water Quality Control Board.

Mr. Bartkiewicz reported that the Delta Keepers had filed a lawsuit against the adopted Ag Discharge Waiver provisions, contesting that the waiver violates CEQA requirements and that discharges should require National Pollution Discharge Elimination System (NPDES) permits.

Mr. O'Halloran reported that the District's website needs revamping to be more user friendly. He asked about his authority to hire a person to recreate and maintain the District's website. He also asked about the requirement for a Request for Proposal.

Mr. Bartkiewicz reported that the District does not need to go to bid for consulting services, including the services to revamp the District's website. He recommended the Board adopt a policy specifying the General Manager's contracting authority and that policies be kept in a binder for easy reference.

Chairman Vink instructed Mr. O'Halloran to gather the information for review by the Public Education Committee, and stated that to the extent there are funds in the Public Education budget that can be used for this purpose, the Public Education Committee can approve the work.

OPERATIONS AND MAINTENANCE REPORT

Mr. O'Halloran provided the Board and visitors copies of the current Water Conditions Report. His

power point display included a photo of 9,000 cfs flowing over the Capay Diversion Dam, the Indian Valley Reservoir full to the bottom of the flood pool, and a short video of 12,000 cfs flowing over the Capay Diversion Dam. He reported that the Indian Valley Reservoir has encroached slightly into the 40,000 acre-foot flood reserve. However, after discussion with the US Army Corps of Engineers (Corps), the District was authorized to release only the 240 cfs that can be released through the two hydroelectric units. We will monitor for potential storms and coordinate as needed with the Corps.

ACTIVE CONJUNCTIVE USE

Mr. O'Halloran reported Director Scheuring had discussed his desire to move forward on the District's active conjunctive use opportunities, to keep the momentum going. He reported the term "active conjunctive" use does not resonate with people or provide a vision of the District's intent.

Director Scheuring reported he would like to see a Twenty-First Century Water Project developed through a coalition of Ag, urban, environmental, recreational, and flood control interests. These groups should work together to develop a project to satisfy increasing demands on and for water resources including such things as active recharge, an on-canal reservoir, and use of Cache Creek as a conveyance system.

Mr. Bartkiewicz reviewed the District's pending Cache Creek application for up to 95,000 acre feet of winter water and the procedure for taking a project through a CEQA process.

Mr. O'Halloran will provide the Board a 2-4 page briefing paper identifying problems, needs and opportunities. He reported an advisory group will be an important aspect of the overall initiative.

M/S/C directed Mr. O'Halloran to develop a brief project action plan and report back to the Board on the plan including a descriptive title.

Elly Fairclough recently contacted the District regarding the potential to request ear-marked funds for water projects. Subsequently, the District submitted a proposal for 240,000 dollars to Congressman Thompson's office for groundwater and delivery system modeling.

AB 303 – WATER QUALITY MONITORING PLAN

Mr. Borcalli reported on the AB 303 groundwater monitoring meeting and identified the wells selected for the first round of water quality monitoring, which will start on March 4, 2004. It appears this will be primarily a District program as no other entities outside the District's service area are participating at this time. The program will enhance the District's current well monitoring program, collecting data from the cities, the gravel industry and the Yolo County Health Department. Elements to be screened for are general minerals; and some wells will be checked for pesticides and hydrocarbons.

On-going funding will need to be discussed with Yolo County and the cities. The well network can provide these cities with an early detection of pollutants before they get to a city well.

GENERAL DISCUSSION

Bob Schneider informed the Board that Assemblymember Wolk dropped her Wild and Scenic legislation at this time in order to review related information and that she is waiting for information from Attorney Bartkiewicz.

Mr. O'Halloran reported Mr. Bartkiewicz's information has been provided to the District, but not yet reviewed.

PAYMENT OF THE BILLS

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

Yolo Flood Control Checks: #31890-31898

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

Erik Vink, Chairman

ATTEST:

Tim O'Halloran