

Yolo County Flood Control & Water Conservation District

AGENDA Board Meeting 34274 State Highway 16 Woodland, CA 95695 Tuesday, January 5, 2010 7:00 P.M.

Documents and materials relating to an open session item that are provided to the District Board less than 72 hours prior to a regular meeting will be available for public inspection and copying at 34274 State Highway 16, Woodland, CA.

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 December 8, 2009 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: Election of Officers.
- 7:15 5. Board Action: Updating District's Rules for Proceedings for Board of Directors' Meetings.
- 7:20 6. Staff Report: Attorney's Review of Brown Act Provisions.
- 7:25 7. Board Consideration: Delegation of Authority to Finance Committee regarding rate changes.

- 7:45 8. Staff Report: Groundwater Conditions Update.
- 7:55 9. 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.
- 8:00 10. Attorney's Report: The District's attorney will report on the following:
a) Current legal and legislative activities.
- 8:15 11. 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
- 8:30 12. 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.
- 8:40 13. Board Consideration: The Board will consider the approval and the payments of bills.
- 8:45 14. 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 December 30, 2009.

By: _____
Christina Cobey, Administrative Assistant



BOARD MEETING MINUTES
Tuesday, January 5, 2010, 7:00 PM

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 (District) was held at 7:00 p.m. on January 5, 2010, at its regular place of business, 34274 State Highway 16, Woodland, California. 2009 Vice Chair Brice convened the meeting. 2009 Chair Tadlock was absent. In attendance were:

District Board

Ann Brice, 2009 Vice Chair, 2010 Chair
Jim Mayer, Director
Bruce Rominger, Director, 2010 Vice Chair
Erik Vink, Director

District Staff, Consultants, Presenters

Tim O'Halloran, General Manager
Christy Barton, Assistant General Manager
Fran Borcalli, floodSAFE Yolo Program Manager
Margaret Kralovec, Writer/Editor
Jen Reed, Project Manager
Ryan Bezerra, Legal Counsel
Max Stevenson, Water Resources Associate

Members of the Public

Duane Chamberlain
Dave Pratt
Don Rominger
Bob Schneider
Phil Hogan

1. BOARD CONSIDERATION: Approval of Minutes

10.1 M/S/C approved minutes for the December 8, 2009, Regular Board Meeting as submitted.

2. OPEN FORUM

Phil Hogan, US Natural Resources Conservation Service, presented Don Rominger with a framed copy of an old photograph from a soil survey commemoration event in which Rominger appears.

3. BOARD CONSIDERATION: Adding Items to the Posted Agenda

None.

4. BOARD CONSIDERATION: Election of Officers

10.2 M/S/C election of 2010 Chair Ann Brice and 2010 Vice Chair Bruce Rominger, and the continuance of General Manager O'Halloran as 2010 Secretary, and Assistant General Manager Barton as the 2010 Assistant Secretary. Director Vink expressed the Board's gratitude for the service of Director Tadlock as 2009 Chair.

5. BOARD ACTION: Updating District's Rules for Proceedings for Board of Directors' Meetings

Legal Counsel Bezerra indicated that while there were no changes to the Brown Act which would affect District Rules, he recommended that the Board approve wording changes in its Rules for Proceedings for Board of Directors' Meetings to reflect Government Code Section 54957.5(b) regarding a statement of public document posting requirements on the agenda. Bezerra referred to suggested wording changes appearing in italics in the Board packet, but noted that the Board has already been meeting their obligations on public document requirements with similar wording.

10.3 M/S/C approved adoption of suggested wording revisions to the District's Rules for Proceedings for Board of Directors' Meetings.

6. STAFF REPORT: Attorney's Review of Brown Act Provisions

Legal Counsel Bezerra reiterated that there were no changes to the Brown Act, but he took the opportunity to review relevant Brown Act provisions. He reminded the Board that the Brown Act was intended to ensure that local public agencies make decisions in public, so Board members could not make decisions prior to a public meeting, nor hold conversations in person or by telephone or email that would constitute private decision-making. He noted exceptions to public decision-making, including Board conferences regarding litigation, employee matters, real estate negotiations. General Manager O'Halloran mentioned that any number of Board members could attend conferences or other special events together without violating Brown Act provisions as long as they are acting as members of the public, and not meeting as members of a board at the special event.

7. BOARD CONSIDERATION: Delegation of Authority to Finance Committee

Regarding Rate Changes

General Manager O'Halloran opened this agenda item with an overview presentation of a Fiscal Year 2009-1010 mid-year budget review, and worst-case scenario for the coming year. Because the worst-case scenario of a non-delivery irrigation season would result in unacceptably low reserves of just over \$1M, O'Halloran reported that the District would be forced to anticipate its financial situation well in advance of budget shortfalls, and vigorously implement further measures to cut expenses and to increase efficiencies so that staff cutbacks, layoffs, and furloughs can be minimized if not avoided. He reviewed steps already taken in the current budget year to increase efficiencies and reduce expenditures, and listed further options that may have to be considered for the 2010-2011 fiscal year, depending on water supplies, other sources of income, and final budget numbers.

O'Halloran described the need for the Board to consider next season's rates in order that the District can meet rate notification requirements contained in Proposition 218 provisions, should there be any changes to water rates. If there are no changes to District rates, there is no requirement for rate notification under Proposition 218. O'Halloran indicated that the Finance Committee, consisting of Directors Tadlock and Vink would be meeting in the coming days, and would need the Board's approval to arrive at decisions on behalf of the Board. He reminded the Board that March 15 is the date for water customers to sign up their acreage for irrigation for the coming season. O'Halloran noted that under the current system, water customers are apt to sign up more acreage for irrigation in low water years than in years of ample supply in order to assure that they will have sufficient irrigation deliveries, regardless of how many acres they actually intend to irrigate during the season. One possible remedy for inaccurate signups would be to consider a revenue neutral water availability fee, which would disincentivize inaccurate acreage signups, and would help spread the costs of water deliveries, canal maintenance, and water losses to all water customers who wished to keep their acreage eligible to receive District water, regardless of actual use. For example, if the current drought continues and no water is available to deliver next season, a water availability fee could provide an equitable system by which District water customers could share costs of canal maintenance and system startups/water losses once deliveries resume. A revenue neutral water availability fee could provide important revenue stability to the District which has heretofore been subject to revenue swings without comparable variations in expenditure needs. Assistant General Manager Barton indicated a rate decision would need to be made by January 15, 2010, in time for the March Regular Board meeting. O'Halloran added that the Board could call Special Board meetings, if necessary, but that the Finance Committee needed to begin 2010 rate considerations well before the next Regular Board meeting. Director Mayer requested that any delegation of authority for decision-making to the Finance Committee be amended to include a request that the Finance Committee inform other Board members of rate limit changes and new fee structures before arriving at a decision on behalf of the Board.

- 10.4** M/S/C approved granting authority to the Finance Committee to review a rate increase needs report, to determine maximum rates, and to set a time, date, and place for a public hearing on any proposed rate and fee changes after reporting back on such information to other Board members.

8. STAFF REPORT: Groundwater Conditions Update

Water Resources Associate Stevenson provided the Board with an update on groundwater conditions as of Fall, 2009. He reported that about 450 wells are monitored in the county and presented a series of hydrological graphs and charts of groundwater supplies over nearly the past 50 years by which current supplies and conditions can be compared, particularly in relation to

1977 during which the District experienced its lowest groundwater availability. Stevenson reported that although the District is in the midst of a multi-year drought, groundwater levels remain in much better shape than during the 1970's, in large part due to the protection of local groundwater supplies afforded by the construction of the Indian Valley Reservoir. When District groundwater supplies are compared to other California regions, the District levels are nearly unchanged, while the pumping of groundwater in other regions has created extreme groundwater losses that have also resulted in major subsidence problems that may be irreversible.

General Manager O'Halloran thanked Stevenson for his report, and informed the Board that he considered the legacy of groundwater data monitoring since the 1950's one of the District's most important efforts. He hoped that groundwater monitoring would not be discontinued or interrupted, even if other District programs need to be curtailed in the event of cutbacks in District expenditures. Legal Counsel Bezerra added that the District would be ineligible for grant funding if it discontinues mandatory groundwater monitoring.

9. DIRECTORS' REPORTS

Director Vink reported that the Northern California Water Association (NCWA) had changed its board structure in order to improve its governance, and to reflect its structure as a nonprofit corporation, not a coalition of public agencies. The NCWA board will consist of around 15 members, who are to be chosen by class of membership. Bob Schneider expressed his hope that the NCWA changes were not designed to subvert public information and decision-making requirements. General Manager O'Halloran noted there would be no value to NCWA in avoiding Brown Act provisions, and District Board members concurred that NCWA deliberations and decisions need to remain transparent.

Director Rominger reported that he had attended the Association of California Water Agencies (ACWA) conference in San Diego in December, 2009. He found it meaningful and helpful to meet representatives of Southern California water agencies, and to learn about statewide water issues from their perspective.

Director Brice thanked the District staff for hosting a lovely, scaled-back holiday celebration in December.

10. ATTORNEY'S REPORT

Legal Counsel Bezerra reported that the District should expect a considerable amount of legislative activity on outstanding water issues, including water rights enforcement, Delta flows, and the development of the Bay-Delta Conservation Plan (to be completed by August 2010). Director Mayer inquired about water rights fee language under current consideration. Bezerra reported that there is a water rights fee challenge still pending before the Supreme Court, which can hold cases indefinitely prior to oral arguments, as in the case of this particular challenge.

11. GENERAL MANAGER'S REPORT

General Manager O'Halloran provided Board members and meeting attendees with a January 5, 2010 memo entitled "2009 Year in Review Summary Report," and briefly pointed out a few sections of particular note, especially related advances in SCADA capabilities, and progress on canal maintenance and rehabilitation made possible by the short delivery season in 2009 and the hard work of staff.

12. GENERAL DISCUSSION

Director Brice asked about the possibility of setting up a field trip to the University Canal. Environmental Program Manager Lorenzato is to set up the outing.

13. BOARD CONSIDERATION: Payment of Bills

10.5 M/S/C approval for the following claim(s) for payment, specifically including payment for ACWA dues:

Yolo Flood Control Checks: # 43444, 43464 and 43466-43473

13. ADJOURN

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

Ann Brice, 2010 Chair

ATTEST:

Tim O'Halloran, Secretary