

Yolo County Flood Control & Water Conservation District

**AGENDA
Board Meeting
34274 State Highway 16
Woodland, CA 95695
Tuesday, March 2, 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 February 2, 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.
- 7:30 4. Board Report: Appointment of District Representations to Committees and Various Groups.
- 7:35 5. Board Consideration: Rate Setting for 2010.
- 7:40 6. Board Consideration: Capay Dam Apron Rehabilitation Project Update.
 - a) Engineering and Construction
 - b) Permitting Issues
 - c) Loan Application Submittal
- 8:00 7. Board Consideration: Provide Direction to NCWA Regarding Water Bond.

- 8:20 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: 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
- 8:50 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.
- 8:55 12. Board Consideration: The Board will consider the approval and the payments of bills.
- 9:00 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 26, 2010.

By:

Christina Cobey, Administrative Assistant



FLOOD CONTROL &
WATER CONSERVATION
DISTRICT

BOARD MEETING MINUTES
Tuesday, March 2, 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 was held at 7:00 p.m. on March 2, 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
Stefan Lorenzato, Environmental Program Manager
Jen Reed, Project Manager
Max Stevenson, Water Resources Associate
Paul Bartkiewicz, Legal Counsel

Members of the Public

Duane Chamberlain
Dave Pratt
Don Rominger
Bob Schneider
Frank Sieferman

1. BOARD CONSIDERATION: Approval of Minutes

M/S/C approved minutes for the February 2, 2010, Regular Board Meeting as submitted.

2. OPEN FORUM

None.

3. BOARD CONSIDERATION: Adding Items to the Posted Agenda

None.

4. BOARD REPORT: Appointment Of District Representatives to Committees in Various Groups

Chair Brice reported she had met with each of the Directors regarding committee representation in their area of interest. The appointments of 2009 are being retained for 2010. The Budget Committee will be renamed to the Finance Committee (Committee).

Director Tadlock was elected to the board of the Northern California Water Association (NCWA). If he is unable to attend a NCWA meeting, he will contact another District Director to attend for him with the understanding that the alternate will not be able to vote as a NCWA Board member.

5. BOARD CONSIDERATION: Rate Setting for 2010

General Manager O'Halloran reviewed the proposed rate settings from the February 2010 Regular Board Meeting and the current water conditions. He stated that the major change in Agricultural rate schedule was an increase in the water rate when the District water supply was 90,000 acre feet or less, and that the District's current supply substantially higher than that. He had contacted members of the Committee to review the proposed rate schedule and the current water supply conditions. Due to the current water supply, the Committee recommended the agricultural rate schedule not be changed. The previously proposed increase in the Nonagricultural water rate to \$55.00 an acre-foot was reaffirmed.

Discussion followed regarding the Prop 218 process, the use of District Reserves, rate stabilization, long-term funding for capital costs and repairs, and identifying funding priorities.

M/S/C approved increasing the Nonagricultural water rate to \$55.00 per acre foot and canceled the public hearing to consider raising agricultural rates, which was scheduled for the April Regular Board Meeting.

6. BOARD CONSIDERATION: Capay Dam Apron Rehabilitation Project Update

General Manager O'Halloran reported that the District is pushing hard on the Capay Dam Apron Rehabilitation Project (Project). Staff members will report on the engineering, environmental and financial aspects of the Project.

Engineer Horgan reported on construction aspects of the Project. The bid documents are in the process of being rechecked for completeness by Stantec. Stantec will provide a revised proposal for construction management services. Advertising the bid is expected in April, rights-of-way are in the process of being secured, and the Operation and Maintenance Manual is in the process of being revised. Construction activities within Cache Creek are to be completed no later than November 1; therefore, activities in the creek are proposed to begin on September 15.

Environmental Program Manager Lorenzato reported the California Department of Fish and Game and Regional Water Quality Control Board permits have been secured. The District is in the process of securing the US Army Corps of Engineers (Corps) 404 permit, which coordinates with the US Fish and Wildlife Service (USFWS). It has been determined that mitigation will not be required for Giant Garter Snake. However, there will be Elderberry Beetle mitigation in the form of funds to a

mitigation bank or an in lieu project, neither of which are currently available in Yolo County. It is understood that the Corps will issue the 404 permit with the understanding that the mitigation options will be available by the time of the Project. It is presumed that if the mitigation options are not available by the time of the Project, that there will be an extension of the timeline for mitigation measures related to the Project.

Project Manager Reed reported on financial issues related to the Project. Reed and Lorenzato have been investigating potential grants and loans. Grants to reduce the cost and loans to spread out the expense over time. Total Project costs are estimated at \$4.544 million. It was noted that while grants are competitive, loans are generally first come first serve for qualified applicants. The District is proposing to apply to the State Revolving Fund for an estimated \$4.2 million for a 20-year term at an interest rate of one-half the general obligation bond rate - historically between 2.5 and 3.5%. This includes reimbursement for expenses already paid. She reviewed the loan procedure, stating if the loan package is approved by the State Water Board a proposed contract agreement for the District Board of Directors' consideration will probably be on the agenda for June or July. However the first step is to submit a resolution to provide a dedicated fund source for repayment of the loan and authorizing submittal of the loan documents for consideration.

Lorenzato stated there may be potential stimulus funds made available for grants. If that occurs, loan packages which qualify for grants will automatically be submitted for grants. He also discussed potential matching fund loans which could be financed with no interest.

O'Halloran reported there will be a line item in the proposed budget identifying the loan repayment.

Legal Counsel Bartkiewicz suggested some changes be made to the proposed resolution to clarify the intent of items 3 and 4.

M/S/C unanimously approved Resolution 10.01 with modifications as recommended by Legal Counsel Bartkiewicz to more clearly state the intent to establish a dedicated account for funds to replace a state revolving fund loan, and authorized the General Manager to apply for a State revolving fund loan and take related actions.

7. BOARD CONSIDERATION: Provide Direction to NCWA Regarding Water Bond

Legal Counsel Bartkiewicz reported on the water bond proposed for the November 2010 election and reviewed a presentation that was included with the agenda package. He reported that prior to taking a position on the water bond, NCWA is requesting its members provide their position on the water bond. He reviewed the allocation of the \$11.14 billion proposed for the water bond. He reported that whether or not the voters approve the water bond, the other 2009 Delta Legislation will still be implemented. ACWA has taken a support position. NCWA has yet to take a position. He provided information regarding the advantages the water bond will provide for northern California and Sacramento Valley. Advantages to the District may be limited to potential funding for the Interagency Regional Water Management Plan implementation and reduce competition for water if the Sites Reservoir is constructed.

Director Tadlock reported that NCWA would prefer to support the water bond. It believes that in order to have a seat at the table regarding implementation of the Bay/Delta Legislative Package, one must have taken a supportive position on the water bond. Furthermore, should the water bond not pass, NCWA should be able to participate in the development of any follow-up funding attempts.

General Manager O'Halloran suggested taking this issue to the Water Resources Association of Yolo County (WRA) for its consideration input prior to responding to NCWA. This action would be consistent with activities currently going on in Yolo County regarding water issues, and would support and strengthen the WRA's position in Yolo County. He stated the Bay Delta Stewardship Council appointments and decisions could impact Yolo County and could adversely impact the District's interests. O'Halloran reported the next WRA meeting is scheduled for March 15, 2010. Yolo County Supervisor Chamberlain stated that the County has not taken a position regarding the water bond.

Discussion followed regarding the District's desire to be supportive of NCWA, the tremendous effort and numerous compromises that went into the development of the water bond including the efforts of the Farm Bureau, Legal Counsel Bartkiewicz and Senator Jim Nielsen, the potential impacts if the water bond passes or fails, and the lack of specific package outcomes.

The Board opted to take no position on the water bond at this time, but to consult with our local partners and other districts. O'Halloran said he would try to get a representative from ACWA and NCWA to make a presentation to the WRA regarding the water bond.

8. DIRECTORS' REPORTS

Director Tadlock reported on activities in the Yolo Bypass related to the Bay Delta Conservation Plan (BDCP) and a recent BDCP meeting with local landowners. The DBCP is a long-term plan. Yolo County local landowners are being provided opportunities for input and the information is being assimilated.

9. ATTORNEY'S REPORT

Legal Counsel Bartkiewicz reported that the State Water Resources Control Board is conducting proceedings regarding the Bay Delta flow criteria using an informal, not evidentiary or a due process procedure, for the hearings. He reviewed some legislation that he expects to be revised and resubmitted in the next legislative session and two law suits that may test Area-of-Origin protections.

Bartkiewicz also reported that the impacts of BDCP to the District would be indirect; through impacts on the Yolo Bypass and Yolo County.

10. GENERAL MANAGER'S REPORT

General Manager O'Halloran reviewed the current water conditions, the table regarding Clear Lake summer operational criteria, and current estimations for customers' water availability, which he will report to customers at a meeting on March 3, 2010. He also reviewed last year's operational activities and reinforced the need to end the season early this year due to the Capay Dam Project.

Project Manager Reed reported on meetings in Lake County regarding the invasive Quagga Mussel, reviewing problems that mussel has created elsewhere, actions being taken to protect Clear Lake and other water bodies in Lake County, and problems being encountered in implementing the protective actions. She reported Indian Valley Reservoir does not attract much attention out-of-state due to its remoteness, low speed limit, types of fishing and the presence of trees that were left in the reservoir when it was flooded. Signs regarding the need to have a screening for mussels before launching have been posted at the Highway 20 entry to Indian Valley Reservoir and at two additional locations

along the entry road.

11. GENERAL DISCUSSION

Environmental Program Manager Lorenzato reported on a hearing scheduled for April 15, 2010 regarding Mercury Total Maximum Daily Load that will include Cache Creek, the Willow Slough and the Yolo Bypass.

12. BOARD CONSIDERATION: Payment of Bills

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

Yolo County Flood Control Checks: # 43798-43806

13. ADJOURN

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

Ann Brice, Chair

ATTEST:

Tim O'Halloran, Secretary