

# Yolo County Flood Control & Water Conservation District

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## AGENDA Board Meeting 34274 State Highway 16 Woodland, CA 95695 Tuesday, September 6, 2011 7:00 P.M.

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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.

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## AGENDA

- 7:00 1. Consideration: The Board will consider adoption of the minutes of the August 2, 2011 Regular 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. 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. Consideration: Review of the District's Investment Policy.
- 7:15 5. Presentation: Update on Indian Valley Hydroelectric Issues.
- 7:35 6. Presentation: Briefing on Clear Lake Water Contracts.

- 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. Consideration: The Board will consider the approval and the payment 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 September 2, 2011.

By: \_\_\_\_\_  
Christina Cobey, Administrative Assistant



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

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**BOARD MEETING MINUTES**  
**Tuesday, September 6, 2011, 7:00 PM**

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

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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 September 6, 2011, at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Rominger convened the meeting. In attendance were:

District Board

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

District Staff

Tim O'Halloran, General Manager  
Christy Barton, Assistant General Manager  
Anthony Lopez, Facilities Supervisor  
Jen Reed, Project Manager  
Max Stevenson, Water Resources Associate  
Paul Bartkiewicz, Legal Counsel

Members of the Public

Duane Chamberlain  
Dave Pratt

**1. CONSIDERATION: Approval of Minutes**

M/S/C approved the minutes of the August 2, 2011 Regular Board Meeting as submitted.

## **2. OPEN FORUM**

None

## **3. CONSIDERATION: Adding Items to the Posted Agenda**

None

## **4. CONSIDERATION: Review of the District's Investment Policy**

General Manager O'Halloran reported that the District's Investment Policy (Policy) was provided to Attorney Boyd for the required annual review and comment. Although no changes were required, a couple of modifications were suggested by Boyd and staff for clarification. O'Halloran reported that the District is complying with the Policy.

## **5. PRESENTATION: Update on Indian Valley Hydroelectric Issues**

General Manager O'Halloran reported that this item will review three issues associated with the Indian Valley Hydroelectric Plant. They are related to insurance, the PG&E Power Purchase Agreement, and the state of the hydro units themselves.

The District's insurance carrier inspected the District's facilities and requested copies of inspection records, which included the 2009 Sites Constructors, Inc. (SCI) inspection. After review of the SCI report, the insurance underwriter recommended that the units be shut down until the SCI recommended repair or replacement of the units could be completed. The District agrees the units need work, but disagrees with the need to shut them down until fixed. As such the District has been running Unit #2 this summer when water was required for release. He noted that Unit #1 was recently started to utilize the additional water being released from Indian Valley to meet demand.

The District recently received notice from PG&E that its Power Purchase Agreement (PPA) at the Indian Valley Dam had expired. However, because the expiration had gone unnoticed, PG&E had continued to pay per the terms of the PPA. PG&E has provided the District with a temporary extension agreement to be signed by September 30, 2011 if the District wants PG&E to continue to purchase its power at the Indian Valley Reservoir. O'Halloran is in discussion with Lon House, Ph. D, Water and Energy Consulting, regarding the District's PPA options and other District energy issues.

Facilities Supervisor Lopez reviewed the history of inspections and recommendations related to the refurbishing or replacement of the generators and turbines at the Indian Valley Dam. Lopez reported that Matthew Gass is currently investigating options with costs and potential contractors to develop recommendations for the District's review.

O'Halloran reported that he may be able to provide the Board information from Gass regarding alternatives and costs to review next month.

## **6. PRESENTATION: Briefing on Clear Lake Water Contracts**

General Manager O'Halloran reported that Assistant General Manager Barton and Consultant Holmes have been spending some time compiling information regarding the District's property rights around Clear Lake.

Barton provided the Board with a brief historical review of the actions of Yolo Water and Power Company (YWPC), a District predecessor, around Clear Lake regarding the acquisition of real property and water rights. She displayed an YWPC 1913 map that identified land ownerships by parcel for all the properties at and below 10 foot on the Rumsey Gauge from the Cache Creek Dam around Clear Lake up to Tule Lake. She reported that the map is an index to the YWPC's property rights around Clear Lake, but it is a snapshot in time that is not all inclusive. As indicated by the map, the District has flowage rights over extensive areas around Clear Lake. Additionally, there are many lands around the lake that have had their littoral (aka riparian rights) removed from the property.

Barton reviewed the District's contractual agreements to provide Clear Lake water for non-agricultural purposes around Clear Lake. Because there are different situations at different locations around the lake, some of the District's Water Sales Agreements address the use of littoral water, and/or a prescriptive right acquired against the Clear Lake Water Company, another predecessor of the District.

Barton explained some of the reasons that it is important for the District to know what property rights it has around Clear Lake. Not only are there water right and budgetary impacts, there are also legal ramifications. e.g. in the 1980's an attorney filed two flooding related suits for a group of clients against the District. A number of the clients dropped out when it was shown that the District had a flood easement up to the 10 foot level on their land. Barton also reviewed a request from Nice Mutual Water Company for an amendment to its Water Sales Agreement, and a request for review from the Paradise Valley Subdivision.

O'Halloran reported the District is in the process of locating and centralizing the records in order to index them. How far the District goes regarding asserting its rights remain to be discussed.

## **7. DIRECTORS' REPORTS:**

None

## **8. ATTORNEY'S REPORT**

Legal Counsel Bartkiewicz reported that U.S. District Judge Wanger has rendered a decision that includes severe criticism about the lack of scientific evidence for the biological opinion regarding the appropriate location of the salt water/fresh water interface needed to protect Delta Smelt.

Bartkiewicz's office continues to work closely with the Northern California Water Association (NCWA) regarding the Delta Plan. He reported that he believes NCWA and the Association of California Water Agencies are well aligned and working together on the issues regarding the Delta Plan and water quality issues.

Bartkiewicz reported that many of the Governor's appointed positions are empty. He noted that Chuck Bonham has been nominated as Director for Fish and Game, and that the State Water Resources Control Board has two openings.

## **9. GENERAL MANAGER'S REPORT**

General Manager O'Halloran reported on the following:

- a) The end of the irrigation season is approaching. Water deliveries are starting to drop off. The District continues to coordinate releases from Clear Lake and Indian Valley to track the Solano Decree. O'Halloran expects the District to run water to mid-October or until the water sales no longer warrant the required releases and associated water losses. O'Halloran reported the District will be in much better water supply position at the end of this season than last year in both Clear Lake and Indian Valley.
- b) The District's water sales have been better than was expected in June after the late spring rains. The District now anticipates being close, but a little short, to the water sales budget.
- c) O'Halloran will be meeting with Dr. House, Water and Energy Consulting, regarding PG&E issues and, on a broader level, to look at the entire District, its needs and opportunities.
- d) A Board Retreat will be held at Director Brice's home on September 30, 2011 from 9:00 a.m. to 2:00 p.m. Dr. House is expected to provide a briefing during lunch.

## **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: # 46033-46046

## **12. ADJOURNMENT**

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

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Bruce J. Rominger, Chair

ATTEST:

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Tim O'Halloran, Secretary

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