

# Yolo County Flood Control & Water Conservation District

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**Board Meeting**  
**Tuesday, January 4, 2022**  
**7:00 P.M.**

NOTE: This meeting is being agendized to allow Board Members, staff, and the public to participate in the meeting via teleconference, pursuant to [AB 361 \(Government Code section 54953\(e\)\)](#).

Teleconference Options to join GoToMeeting:

**YCFC&WCD Board of Directors Meeting**  
Tuesday, January 4, 2022 7:00 PM - 9:00 PM (PDT)

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Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of COVID-19, please consider the following:

1. You are strongly encouraged to observe the live stream of the Yolo County Flood Control & Water Conservation District Board of Directors' meeting (see details above).
2. If you are joining the meeting via GoToMeeting and wish to make a comment on an item, please provide your comment in the chat box to "YCFC&WCD Board of Directors". You will be called by name or phone number when it is your turn to comment.
3. If you choose not to observe the Board of Directors' meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on Monday, January 3, 2022. Please submit your comment to Christina Cobey at [ccobey@ycfcwcd.org](mailto:ccobey@ycfcwcd.org) to place your comment into the Board meeting record.
4. If you are watching/listening to the live stream of the Board meeting and wish to make either a general public comment or to comment on a specific agenda item as it is being heard, you may submit your comment to Kristin Sicke at [ksicke@ycfcwcd.org](mailto:ksicke@ycfcwcd.org). Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

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 by scheduling an appointment with Christina Cobey at (530) 662-0265 or [ccobey@ycfewcd.org](mailto:ccobey@ycfewcd.org).

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 please contact Christina Cobey. Requests should 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: Re-authorize Teleconference Meetings as a Result of the COVID-19 Emergency
- 7:05 2. Consideration: Adoption of the December 7, 2021 Regular Board Meeting Minutes
- 7:07 3. Open forum (Limited to five minutes): Guest introductions, unscheduled appearances, opportunity for public comment on non-agenda items
- 7:12 4. 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.
- 7:15 5. Consideration: Election of Officers for 2022
- 7:20 6. Consideration: Adoption of Resolution 22.01 Honoring Retired Director Bruce J. Rominger
- 7:25 7. Consideration: Review of Brown Act Provisions and Rules for Proceedings for the Board of Directors
- 7:30 8. Consideration: Updating River City Bank Account Signature Authorization
- 7:35 9. Consideration: Authorizing the District's YSGA Representative to Vote on the Consideration of Adopting the Yolo Subbasin GSP
- 7:45 10. Director's Report: Report on meetings and conferences attended during the prior month on behalf of the District
- 7:50 11. Attorney's Report: Report on legal matters of concern to the District

- 7:55 12. General Manager's Report: Report regarding current general activities and projects of the District
- a) Operations, Maintenance, and Water Conditions
  - b) Financial Report
  - c) Capital Improvement Program
  - d) General Activities
  - e) Upcoming Events
- 8:10 13. General Discussion: Opportunity for clarification or additional information request
- 8:15 14. Consideration: Consider the approval and the payment of bills
- 8:20 15. 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 & Water Conservation District, 34274 State Highway 16, Woodland, CA on December 30, 2021.

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

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT  
AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 1

SUBJECT: Consideration: Re-authorize Teleconference Meetings as a Result of the COVID-19 Emergency

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

Yolo County health officer has recommended that local government boards, commissions, and councils continue to meet remotely given the continued threat of COVID-19. Assembly Bill 361 passed in September 2021, which allows virtual board meetings to continue until January 1, 2024. In order to meet remotely, government agencies must make findings every 30 days that the existing state of emergency continues to directly impact the ability of the members to meet in person, or state officials continue to impose or recommend measures to promote social distancing.

**RECOMMENDATION:**

Staff recommend that the Board 1) find that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees; and 2) hold meetings by teleconference as authorized by subdivision (e)(1)(C) of Section 54953 of the Government Code.

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT  
AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 2

SUBJECT: Consideration: Adoption of the December 7, 2021 Regular Board Meeting Minutes

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

Pursuant to Section 54957.5 of the Brown Act, copies of the draft minutes are available to the public on the District's website and at the District office prior to their approval.

In advance of the Board meeting, staff request the Directors notify staff if a correction is needed in the draft minutes to clarify a substantial point or to correct content. Staff will make the appropriate change(s) and submit the revised draft for review to the Board and the public at the meeting.

**RECOMMENDATION:**

District staff recommend the adoption of the attached minutes with any corrections.



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

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## BOARD MEETING MINUTES

Tuesday, December 7, 2021, 7:00 PM

YCFC&WCD Offices  
34274 State Highway 16  
Woodland, CA 95695

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Due to the threat of COVID-19 and pursuant to the [AB 361 \(Government Code section 54953\(e\)\)](#), the regular meeting of the Board of Directors of the Yolo County Flood Control & Water Conservation District (District) was agendized to allow Board members, staff, and the public to participate in the meeting via teleconference. The meeting was held at 7:00 p.m. on Tuesday, December 7, 2021 remotely via GoToMeeting. Chair Rominger convened the meeting. The following people were remotely in attendance:

### District Board

Bruce Rominger, Chair  
Erik Vink, Vice Chair  
Tom Barth  
Mary Kimball  
Jim Mayer

### District Staff

Kristin Sicke, General Manager

### Members of the Public

Dave Pratt  
Kate Reza  
Lee Smith

### **1. CONSIDERATION: Re-authorize Teleconference Meetings as a Result of COVID-19 Emergency**

District staff recommended the Board find that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to health and safety of attendees and recommend the Board hold meetings by teleconference as authorized by Section 54953 (e)(1)(C) of Government Code.

M/S/C found that, as a result of the COVID-19 emergency, meeting in person would present imminent risks to health and safety of attendees and as authorized by Government Code Section 54953 (e)(1)(C) meetings will be held by teleconference.

Ayes: Directors Barth, Kimball, Mayer, Rominger, and Vink

Noes: None

Absent: None

Abstain: None

**2. CONSIDERATION: Approval of Minutes**

M/S/C approved the minutes of the November 2, 2021 regular Board meeting.

Ayes: Directors Barth, Kimball, Mayer, Rominger, and Vink

Noes: None

Absent: None

Abstain: None

**3. OPEN FORUM**

There were no comments during the open forum.

**4. CONSIDERATION: Adding Items to the Posted Agenda**

There were no changes made to the agenda.

**5. CONSIDERATION: Formation of an Ad Hoc Committee to Consider Winter Water Right**

General Manager Sicke provided a brief presentation of the District's history in considering and permitting a winter right for diverting excess storm flows to groundwater recharge. Sicke provided a cost comparison of the State Water Board's 180-day temporary permitting process and the standard permit application process. Additionally, Sicke discussed the potential evaluation of determining whether the District's pre-1914 water right could be applied for diverting excess storm flows to groundwater recharge.

Directors were in support of forming a winter water right committee; however, there was a desire for District staff to expedite efforts and focus on the District's financial security by initiating the process of evaluating alternative funding mechanisms.

M/S/C approved the formation of an ad hoc committee, consisting of Directors Barth and Mayer, to consider the District's winter water right.

Ayes: Directors Barth, Kimball, Mayer, Rominger, and Vink

Noes: None

Absent: None

Abstain: None

## **6. DIRECTORS' REPORTS**

Director Mayer reported on NCWA's upcoming meeting related to dry year scenario planning and groundwater recharge on the westside of the Sacramento Valley, which will take place on December 13, 2021 at the Groundwater Management Task Force meeting. The dry year scenario planning meetings are encouraging better, more timely decisions at the state and federal levels and is creating a habit to set up assertive coordination among local water agencies and state and federal agencies.

Director Barth reported on participating in the WRA/YSGA Board of Directors Meetings on November 15. He also participated in the ACWA and JPIA Conferences in Pasadena November 29-December 2. He reported that the District received the "President's Special Recognition Award" from JPIA for having a Loss Ratio of 20% or less in the Workers' Compensation Program. Additionally, Barth reported on attending a seminar at ACWA that discussed water theft and SB 427 (Eggman) a new law that allows the District to adopt a new ordinance to prohibit water theft and to enforce an administrative fine or penalty, if desired.

Director Kimball reported on participating in the District's Personnel Committee meeting on November 5.

## **7. ATTORNEY'S REPORTS**

There was no report from Legal Counsel Ramos.

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

General Manager Sicke provided reports on the following:

- a) Operations, Maintenance, and Water Conditions
- b) Financial Report Summary – Highlights from the November 30, 2021 Financial Statements Report were quickly reviewed, and the actual FY 2021/2022 Budget was compared to the projected FY 2021/2022 Budget.
- c) Capital Improvement Program – An update on the planning activities related to large capital projects was provided.
- d) YSGA Update – An overview of recent YSGA meetings and GSP-related tasks was discussed. The two-month schedule related to GSP adoption was reviewed.
- e) General Activities – A list of outreach activities and projects both in-house and coordinated with other agencies was reviewed.
- f) The following upcoming events were announced:
  1. December 8: Floodplain Reimagined Advisory Committee Meeting (Zoom)
  2. December 8: YSGA Ad Hoc Drought Contingency Planning Committee Meeting (GoToMeeting)
  3. December 10: NCWA Water Manager's Meeting – Annual Salinity Discussion (MS Teams)

4. December 13: Yolo Mitigation Projects Discussion with SAFCA (GoToMeeting)
5. December 13: NCWA Scenario Planning – Groundwater Management Task Force Meeting (Zoom)
6. December 14: NCWA Coordination Task Force Meeting (MS Teams)
7. December 14: Interim CAO and District Coordination Meeting (Zoom)
8. December 15: WRA/YSGA Executive Committee Meetings (GoToMeeting)
9. December 15: WRA TC Ad Hoc Task Force Meeting (GoToMeeting)
10. December 15: NCWA Meeting with Secretaries – Sac River Basin Principles, 2022 Priorities (Resources Agency)
11. December 16: CII December Board of Directors Meeting (Zoom)
12. January 10: WRA/YSGA Board of Directors Meetings (GoToMeeting)

## **9. GENERAL DISCUSSION**

During the general discussion, Directors and General Manager Sicke acknowledged and appreciated Chair Rominger's 21 years of service to the District.

Vice Chair Vink told Chair Rominger that it was a pleasure to serve with him on the Board for 20 plus years.

Director Mayer remarked that Chair Rominger had modeled a stewardship mind towards the District, the water, and the people; and that Mayer learned from Rominger on how to successfully manage and lead the District and how to collaboratively work with the people.

Director Barth told Chair Rominger that he not only has excellent skills in stewardship and leadership, but he has an intimate knowledge of the District's infrastructure and history. The Rominger family's rich history of serving on the Board and intimately engaging in preserving Yolo County's agriculture and water resources is commendable.

Director Kimball appreciated Rominger's time and commitment to the Board for the past 21 years.

## **10. CONSIDERATION: Payment of Bills**

M/S/C approved the following claims for payment – Yolo County Flood Control & Water Conservation District Checks # 60658-60667.

Ayes: Directors Barth, Kimball, Mayer, Rominger, and Vink

Noes: None

Absent: None

Abstain: None

**11. ADJOURNMENT**

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

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Erik Vink, Vice Chair

ATTEST:

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Kristin Sicke, Secretary

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 5

SUBJECT: Consideration: Election of Officers for 2022

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

Every January the Board elects the Chair and Vice Chair, its officers for the 2022 year. The Secretary to the Board is the District's Secretary/General Manager.

It has been the policy of the Board to rotate Directors through the positions of Chair and Vice Chair. If the Board wishes to continue that policy, the officers of the Board of Directors for 2022 would be as follows:

Chair: Erik Vink  
Secretary: Kristin Sicke

Vice Chair: Mary Kimball

**RECOMMENDATION:**

District staff recommend the Board continue the policy of the Board to rotate Directors through the positions of Chair and Vice Chair.

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 6

SUBJECT: Consideration: Adoption of Resolution 22.01 Honoring Retired Director Bruce J. Rominger

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

Yolo County Supervisor Dave Rosenberg recommended Bruce J. Rominger for appointment to the District Board of Directors in December 2000. When joining the Board, Director Rominger declared the following aspiration: “with a number of challenges facing agricultural water users, I hope to play a valuable role in the stewardship and protection of our water resources in Yolo County”. Over the past 21 years, Director Rominger has accomplished that and much more.

District Directors are honoring Director Rominger’s contributions and commitment to the District in the form of a resolution.

**RECOMMENDATION:**

Recommend the Board adopt Resolution 22.01 Honoring Retired Director Bruce J. Rominger.

**RESOLUTION NO. 22.01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
HONORING RETIRED DIRECTOR BRUCE J. ROMINGER**

**WHEREAS**, Bruce J. Rominger actively served on the Yolo County Flood Control and Water Conservation District (“District”) Board of Directors, was appointed in December 2000 by Yolo County Supervisor Dave Rosenberg, and faithfully served including five terms as Chair of the Board until December 2021; and

**WHEREAS**, Bruce J. Rominger is a fifth-generation Yolo County farmer, progressively and sustainably farming the land by implementing environmental and water conservation practices while growing processing tomatoes, almonds, walnuts, rice, wheat, corn, safflower, sunflower, and winegrape rootstock; and

**WHEREAS**, Bruce J. Rominger modeled leadership and a stewardship mind towards the District, the water, and the people of Yolo County while serving on the Board, and constantly demonstrated his hardworking and passionate spirit in preserving agriculture and ensuring water resources sustainability; and

**WHEREAS**, Bruce J. Rominger served on various committees, such as the District’s Water Conservation and Stewardship Award, Wild and Scenic, Water Management Plan Update, Financial Affairs, Legal Affairs, O&M, Conjunctive Use, Infrastructure, Environmental Issues, Lake County Communications, Yolo County 2X2, Pump Incentive Program, General Manager Recruitment, and Clear Lake Water User Agreements Committees; and

**WHEREAS**, the District’s accomplishments during Director Rominger’s tenure were substantial and numerous; Bruce J. Rominger was instrumental in the following:

1. Initiating the District’s Water Conservation and Stewardship Award in 2002 to recognize significant contributions to sustaining agriculture and the environment
2. Expanding District services into new areas
3. Replacing the Capay Diversion Dam Apron in 2010
4. Completing the District’s 2004 and 2006 Groundwater Management Plans and 2016 and 2020 Agricultural Water Management Plans
5. Protecting the District’s Conjunctive Use Program by leading negotiations in the proposed Wild and Scenic designation of Cache Creek
6. Applying for and securing grant funding to automate the District’s delivery system, investing in the proper infrastructure and communications network to promote water conservation and enhanced irrigation service
7. Completing the 2007 and 2011 Yolo County Integrated Water Resources Management Plans
8. Initiating the Drought Protection and Canal Capacity Program

9. Partnering with Yolo County and City of Woodland in the 2008 floodSAFE Yolo pilot program and with Yolo County in the 2018 floodSAFE Yolo 2.0 program
10. Authorizing the District to execute the Yolo Subbasin Groundwater Agency JPA Agreement in 2017 and supporting the thoughtful development of the Yolo Subbasin Groundwater Sustainability Plan
11. Entering into a 5-year Power Purchase Agreement with Valley Clean Energy in 2018 for selling power at Indian Valley Reservoir
12. Diverting excess storm flows to groundwater recharge with a State Water Board Temporary Permit in 2016, 2017, and 2019
13. Replacing the Moore Siphon with two-48” siphons under Cache Creek in 2019 to ensure continued irrigation service to Moore, Magnolia, Maple, Union, and South Fork Canals
14. Rehabilitating the turbine generators of the Indian Valley Reservoir Hydroelectric Facility in 2020
15. Authorizing the execution and delivery of an Installment Purchase Agreement not to exceed \$6M to reimburse the District for the Moore Siphon Replacement and Indian Valley Reservoir Hydroelectric Facility Rehabilitation Projects and to refinance the Capay Dam Apron Replacement Project loan in 2021
16. Hiring three new general managers in 2001, 2003, and 2021; and

**WHEREAS**, Bruce J. Rominger’s service to other state and Yolo County organizations should also be acknowledged: he currently serves on the Board of Directors of the California Tomato Growers Association, and served on the Board of Directors of the Yolo County Resource Conservation District from 1989 to 2000 and the Board of Directors of Western Yolo Intercom from 1984 to 1996; and

**WHEREAS**, Bruce J. Rominger and Rominger Brothers Farms have been awarded for their land stewardship and conservation practices such as the [National Conservation Planning Partnership’s Hugh Hammond Bennett 2018 Conservation Excellence Award](#) and [Sand County Foundation’s 2019 Leopold Conservation Award](#).

**NOW, THEREFORE, BE IT RESOLVED** that Bruce J. Rominger’s active participation in setting the District’s policies and goals benefitted not only the District and Yolo County’s agricultural community, but also the entire County of Yolo and deserves to be recognized and proclaimed; and

**BE IT FURTHER RESOLVED** that Bruce J. Rominger is afforded the District Board’s deep appreciation and gratitude for his tireless efforts, patience, and dedication over the past 21 years.

**PASSED AND ADOPTED** by the Board of Directors of the Yolo County Flood Control and Water Conservation District on the 4<sup>th</sup> day of January 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved by me this 4<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Erik Vink, Chair

Attest:

\_\_\_\_\_  
Kristin Sicke, Secretary

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 7

SUBJECT: Consideration: Review of Brown Act Provisions and Rules for Proceedings for the Board of Directors

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

Each January the District has its legal counsel provide the Board with a review and update on the Brown Act and the District's Rules for Proceedings for the Board of Directors (Rules).

The Rules set the procedures that are intended to keep the District Board in compliance with the provisions of the Brown Act. Legal Counsels Andrew Ramos and Christine Dugger have reviewed the Rules as they relate to the Brown Act and are suggesting revisions to *Rule 24 – Meetings by Teleconference*.

The proposed revised Rules are attached with changes shown in red.

**RECOMMENDATION:**

District staff recommend Board adoption of the attached 2022 Rules of Proceedings for the Board of Directors.

**YOLO COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT**

**RULES FOR PROCEEDINGS FOR THE  
BOARD OF DIRECTORS**

**INTRODUCTION**

These are the rules for proceedings of meetings of the Board of Directors of Yolo County Flood Control and Water Conservation District. (See Stats. 1951, chapter 1657, page 3772, "District Act," West's Water Code Appendix, section 65. See section 5 of the District Act.) The purposes of these rules are to facilitate public participation during meetings of the Board, protect the rights of all Directors and to provide a process for conducting Board meetings in an orderly and efficient manner. The provisions of the District Act and the Brown Act (Government Code section 54950, *et seq.*) and any other applicable law will control over any inconsistent provision contained in these rules.

**RULE 1 - SELECTION OF OFFICERS**

The Chair and Vice-Chair of the Board will be elected by the members of the Board for a one-year term. The election will be held at the first regular meeting in January each year. (See District Act section 5.) The remaining provisions of this section will be considered discretionary guidelines for the Board to follow in selecting its Chair and Vice-Chair, and will not be binding on the Board. The Board will normally follow a rotation for the election of Chair and Vice-Chair under which the Vice-Chair will normally be elected Chair at the conclusion of the Chair's one-year term. If the membership on the Board of the Chair is terminated before the expiration of his or her one-year term of office, the Vice-Chair will automatically become the Chair for the balance of that term, and will be eligible for election as Chair for another full one-year term.

The Board will appoint a Secretary, who will serve at the pleasure of the Board. (See District Act section 3.)

**RULE 2 - DUTIES OF CHAIR OF BOARD**

The Chair of the Board of Directors will be its presiding officer. (See District Act section 5.) The Chair's duties will include, but not be limited to, the following: acting as the liaison between the General Manager and the Board, calling special meetings of the Board, presiding over meetings of the Board, establishing and appointing committees of the Board, and appointing representatives of the District to associations of which the District is a member. In the Chair's absence, the Vice-Chair of the Board will perform such duties. If both the Chair and Vice-Chair are absent, but a quorum is present, the remaining three Board members will by motion choose one of their number to chair the meeting.

### **RULE 3 - TIME AND PLACE FOR REGULAR MEETINGS**

The regular monthly meeting of the Board of Directors will be held at the District office on the first Tuesday of each month, commencing at 7:00 p.m. The location, day and time for holding regular meetings may be changed by the Board of Directors from time to time by resolution. If a regular meeting falls on a holiday (as listed in Government Code section 6700), the meeting will be held on the day designated by the Board. (See Government Code section 54954(a).)

### **RULE 4 - QUORUM REQUIREMENTS**

The Board of Directors consists of five members. Three members of the Board will constitute a quorum for the transaction of business. (See District Act section 5.)

### **RULE 5 - MAJORITY VOTE**

A majority of all members of the Board present at a meeting will be required to approve any ordinance, resolution or motion, unless a different voting requirement to approve a particular action is specified under State law. (See District Act section 5.)

### **RULE 6 - WHAT CONSTITUTES AN AFFIRMATIVE VOTE**

Unless a Director is not voting because of a conflict of interest, a Director who is present will be deemed to have voted in the affirmative on a matter unless the Director votes against the measure by casting a "no" vote. An "abstain" vote will constitute an "aye" vote. (See *Dry Creek Valley Association, Inc. v. Board of Supervisors* (1977) 67 Cal.App.3d 839.) When calling for the vote on a motion, the Chair of the Board may (a) call for "aye" and "no" votes, or (b) ask if there is any opposition, since the remaining Directors present will be deemed to have voted in the affirmative unless they are not voting due to a conflict of interest.

### **RULE 7 - CONFLICTS OF INTEREST**

A member of the Board may not make, participate in making or in anyway attempt to use his or her official position to influence a decision of the Board of Directors in which he or she knows or has reason to know that he or she has a financial interest. (Government Code section 87100.) Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission's ["FPPC"] regulations) that is distinguishable from the effect on the public generally, involving dollar amounts set by FPPC regulations from time to time, on: (a) a business entity in which the Director has a direct or indirect investment, in the amount specified in FPPC regulations; (b) real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations; (c) a source of income of the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision; (d) a source of gifts to the Director, in the amount specified in FPPC regulations, within twelve months before the Board decision; or (e) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee. An "indirect interest" means any

investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a ten percent interest or greater. (Government Code section 87103.)

If a member of the Board believes he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be used: (a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the General Manager of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Director to discuss the potential conflict with the General Manager before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and (c) upon a determination that there is a disqualifying conflict of interest, the Director: (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists; and (2) leave the Board room until after the discussion, vote and any other disposition of the matter has been concluded, unless the matter has been placed on the consent agenda, except that the Director may speak on the matter during the time that the general public speaks on the matter. In such a case, the Board minutes will state: "Due to a potential conflict of interest, Director \_\_\_\_\_ did not participate in the discussion, deliberation or vote on this matter."

#### **RULE 8 - MOTIONS**

The three steps for bringing a motion before the Board are: (a) a Director makes a motion; (b) another Director seconds the motion; and (c) the Chair states the motion. Once the motion has been stated by the Chair, it is open to formal discussion. While only one motion can be considered at a time, and a motion must be disposed of before any other question is considered: (a) a motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second, which is then approved by the Board; or (b) a motion may be tabled before it is voted on by motion made to table, which is then seconded and approved by the Board; or (c) a motion may be rejected without further discussion or action on the motion by a motion of "objection to consideration," which is then seconded and approved by the Board; or (d) further discussion of a motion can be terminated by a motion "to call the question," which is then seconded and approved by the Board. Any Director may make or second a motion.

#### **RULE 9 - PROTECTION OF RIGHTS OF DIRECTORS**

One of the primary purposes for these rules of procedure is to protect the rights of all Directors. The Chair will allow each Director a reasonable opportunity to discuss a motion, after it has been made and seconded, and before it has been voted on. The Chair can set reasonable time limits for discussion of a motion. A Director can object to a procedural ruling by the Chair by stating: "Mr./Madam Chair, I rise to a point of order." The Chair must then ask the Director to state the point of order. The Chair will then rule on the point of order. The Chair's ruling on a point of order may be appealed by a motion made and seconded to appeal the decision, which is

then voted on by the Board.

#### **RULE 10 - RECORD OF VOTE**

The ayes and noes taken upon voting on all ordinances, resolutions or motions will be entered upon the minutes. The minutes will reflect the vote or abstention of each member present for the action. (See Government Code section 54953(c)(2).)

#### **RULE 11 - ORDINANCES**

The enacting clause of all ordinances passed by the Board will be: "Be it ordained by the Board of Directors of Yolo County Flood Control and Water Conservation District as follows:" (See District Act section 7.) All ordinances will be signed by the Chair and attested by the Secretary.

#### **RULE 12 - AGENDA AND AGENDA MATERIALS**

The General Manager will be responsible for preparing the agenda for regular Board meetings and meetings of standing committees (see Government Code section 54952 and Rule 22), and having it posted at the District office in a location freely accessible to the public and on the District's web site no later than seventy-two hours before a regular meeting. (See Government Code section 54954.2.) Effective no later than January 1, 2019, the agenda for each meeting shall be accessible directly via a prominent, direct link on the homepage of the District's web site. (See Government Code section 54954.2(a)(2).) The agenda will specify the time and location of the meeting and contain a brief, general description of each item of business to be transacted or discussed at the meeting, including closed session items. (See Government Code section 54954.2.) Any member of the Board may request the General Manager to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting will be at 4 p.m., four working days before the meeting. At any regular meeting, a member of the public may make a request to the Board to place an item for discussion and possible action on a future agenda.

An agenda for a regular or special Board meeting will contain the following statements: (1) "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." (See Government Code section 54954.3 (a) and (b).); (2) "In compliance with the Americans with Disabilities Act, if you have a disability, and you need a disability-related modification or accommodation to participate in this meeting, then please contact [insert the name and telephone number of the person designated by the General Manager]. Requests must be made as early as possible, and at least one-full business day before the start of the meeting." (See Government Code section 54954.2(a).); and (3) "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." (See Government Code section 54957.5(b).)

## **RULE 13 - REQUESTS FOR COPIES OF AGENDAS AND AGENDA MATERIALS**

Any person may request the District to mail him or her a copy of the agenda or agenda packet for any meeting of the Board. When the District receives such a request, the General Manager will mail copies of the requested materials (except for documents that are exempt from disclosure under the Public Records Act) to the requesting party at the time that the agenda is posted or when the agenda packets are distributed to a majority of the Board members, whichever occurs first. Any request for copies of agendas or agenda packets for all Board meetings in a given year will be valid for the calendar year in which the request is submitted, and the request must be renewed after January 1 of each year in which it is to remain in effect. (Government Code section 54954.1.)

Documents that are distributed to all or a majority of the members of the Board by any member of the public in connection with a matter subject to discussion or consideration at a regular or special meeting of the Board will be disclosable public records under the California Public Records Act (commencing with Government Code section 6250), and will be made available upon request by a member of the public without delay, except as to documents that are exempt from disclosure under the Public Records Act. Documents that are distributed during a regular or special Board meeting that are subject to disclosure under the Public Records Act will be made available for public inspection at the meeting, if prepared by the District or a member of the Board, or after the meeting, if prepared by some other person. The District may charge a fee for responding to requests for copies of agendas, agenda packets or other documents, which fee will be limited to the District's direct costs of copying and postage costs. (See Government Code sections 6253(b) and 54957.5(a) and (b).)

Documents and materials that are related to an open session agenda item that are provided to the District Board less than 72 hours prior to a regular meeting will be made available for public inspection and copying at the District office during normal District business hours. These documents will also be made available on the District's web site. (See Government Code section 54957.5.)

Upon request, the agenda and other documents referred to in this rule will be made available in an appropriate alternative format to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. section 12132) and the federal rules and regulations adopted in implementation thereof. (See Government Code sections 54954.1, 54954.2(a) and 54957.5(b).) The District will not charge a special surcharge to provide documents requested in an alternative format by a person with a disability in accordance with the Americans with Disabilities Act and its implementing regulations. (See Government Code section 54957.5(c).)

If the District tape records the meeting, it will retain the tape for at least thirty days following the meeting. The public may inspect the tape recording on a tape recorder made available by the District, without charge. (See Government Code section 54953.5(b).)

## **RULE 14 - AUTHORITY TO ACT ON MATTERS NOT ON THE AGENDA**

The Board will take no action on or discuss any item not appearing on the posted agenda, except under the following conditions, in which cases the item will be publicly identified before discussion begins: (a) upon a determination by a majority of the Board that an emergency situation exists, which involves matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, including work stoppages or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board, or a crippling disaster that severely impairs public health, safety, or both, as determined by a majority of the members of the Board; (b) upon a determination by a two-third vote of the Board members present at the meeting, or, if less than two-thirds of the members of the Board are present, a unanimous vote of those members present, that the need to take immediate action became apparent after the agenda was posted; or (c) the item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. (See Government Code sections 54954.2 and 54956.5.)

## **RULE 15 - CONSENT AGENDA**

The General Manager may list on the agenda a "consent agenda," which will consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent agenda items might include approval of minutes, financial reports and routine resolutions. Any matter may be removed from the consent agenda and placed on the regular agenda at the request of any member of the Board. The entire consent agenda may be approved by a single motion made, seconded and approved by the Board.

## **RULE 16 - ORAL INFORMATIONAL REPORTS**

Any member of the Board may make an oral report at a regular meeting for the purpose of informing the Board of any matter of interest to the District. The Board may also call on the General Manager, District staff or District legal counsel for oral informational reports on matters not on the agenda. Unless the Board makes the determinations required under Rule 14, there will be no more than limited discussion, and no action, on matters covered in such oral reports. (See Government Code section 54954.2(a).) In addition, all Directors who received reimbursement of expenses for attending meetings, conferences and other authorized events, other than noticed public meetings at the District office, will give a brief oral report at the next regular Board meeting on all such meetings, conferences and other authorized events attended at the District's expense occurring after the prior regular Board meeting. (Government Code section 53232.3(d).)

## **RULE 17 - PUBLIC FORUM AND COMMENT**

Every agenda for a regular meeting will provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and that do not appear on the agenda. This agenda item will be described substantially as follows: "Opportunity for public comment on non-agenda items." During the Public Forum, the Board may briefly respond to statements made or questions posed by the public, or ask District

staff for clarification, refer the matter to District staff or ask District staff to report back at a future meeting. (See Government Code sections 54954.2 and 54954.3.) The Board will not take action on any matter raised during the Public Forum, unless the Board first makes the determinations set forth in Rule 14. It is the general policy of the Board to refer to the General Manager for resolution complaints received from members of the public. If the complaint cannot be resolved, the General Manager will place it on a meeting agenda for consideration by the Board. In order to facilitate public participation during the Public Forum session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (ten minutes or less will normally be standard), and may limit the time allocated for public comment of an individual speaker (three minutes or less will normally be standard). The Chair may declare as out of order irrelevant, repetitious or disruptive comments. (See Government Code section 54954.3.)

The public may address the Board concerning an agenda item, including commenting on a closed session agenda item prior to the Board adjourning into closed session, either before or during the Board's consideration of that agenda item. (See Government Code section 54954.3(a).)

These rules are not intended to prohibit public criticism of policies, procedures, programs or services of the District, or of the acts or omissions of the Board. (See Government Code section 54954.3(c).)

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this section. Nothing in this section will prohibit the Board from readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. (See Government Code section 54957.9.)

#### **RULE 18 - PUBLIC HEARINGS**

The procedure for conducting public hearings during a meeting of the Board will be as follows: (a) no earlier than the time set for the public hearing, the Chair of the Board will declare the public hearing open; (b) the Chair will ask the General Manager whether notice of the public hearing has been given in the manner required by law; (c) the Chair will ask the General Manager whether written comments on the subject matter of the public hearing have been received; (d) the Chair will ask whether any member of the public wishes to present written or oral comments on the subject of the public hearing; (e) in its discretion, the Board may set time limits on the amount of time an individual speaker is allowed to comment orally during the public hearing; and (f) following the close of presentation of comments, the Chair will declare the public hearing closed. The Board may continue a public hearing from time to time.

#### **RULE 19 - ADJOURNMENT**

A meeting of the Board will be adjourned by: (a) loss of a quorum; (b) by declaration of the Chair that the meeting is adjourned when the agenda has been completed and there is no further

business to come before the Board; or (c) by motion made, seconded and approved to adjourn the meeting. A regular or special meeting of the Board may also be adjourned for the purpose of continuing it to a specific day and time: (a) by motion made, seconded and approved; (b) by approval of less than a quorum if a quorum is not present; or (c) by the Secretary of the Board if all members are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment to continue a meeting to another date will be conspicuously posted on or near the door of the District office where the meeting was held within twenty-four hours after the time of adjournment. (See Government Code section 54955.)

#### **RULE 20 - SPECIAL MEETINGS**

A special meeting may be called at any time by the Chair or by a majority of the members of the Board, by delivering personally or by any other means, including mail, facsimile and electronic mail, written notice to each member and to each newspaper, radio or television station requesting notice in writing. Such notice must be received at least twenty-four hours before the time of such meeting as specified in the notice to constitute notice of the special meeting (except as to emergency meetings, in which case, the notice requirements specified in Rule 23 will be followed.). Electronic mail will constitute notice of a special meeting only if the recipient confirms receipt, and it will be deemed to be received at the time of such confirmation. The call and notice will specify the time and place of the special meeting and the business to be transacted, and will include the statements specified in Rule 12. No other business will be considered at such meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the District Secretary a written waiver of notice. Waiver may be given in person or by mail, facsimile, electronic mail or telegram. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. The call and notice must also be posted at least twenty-four hours before the meeting in a location freely accessible to the public and on the District's web site. (See Government Code sections 54954.3(a) and 54956.)

#### **RULE 21 - BOARD WORKSHOP MEETINGS**

From time to time, the Board may set a regular or special meeting to be conducted as a "workshop meeting," during which the Board would have the opportunity to receive presentations on and discuss matters identified on the agenda, but the Board would not normally take action on those items. Nothing in this rule is intended to prevent the Board from taking action on a matter during a workshop session if it is identified as an "action item" on the agenda for that meeting.

#### **RULE 22 - BOARD COMMITTEES**

Board committees will be composed of less than three Directors, and may be either standing committees or *ad hoc* advisory committees. A Board standing committee has continuing subject matter jurisdiction. (See Government Code section 54952.) In accordance with Rule 12, standing committee meetings will be open to the public (except for authorized closed sessions), and the agenda for those meetings will be posted in the same manner as the agenda for regular Board meetings. In addition, the Chair may from time to time establish, and appoint the members of, *ad hoc* advisory committees to serve a limited or single purpose, which committees are to be

dissolved once their specific task is completed. The meetings of an *ad hoc* advisory committee are not required to be open to the public, and notice of such meetings is not required to be posted. (See Government Code sections 54951 and 54952.)

Directors who are not members of a standing committee may attend a standing committee meeting only as observers, and they may not participate in the committee meeting, ask questions or sit with the committee members at the Board table. (See subsection (c)(6) of Government Code section 54952.2.)

### **RULE 23 - CLOSED SESSIONS**

A closed session may be held on any subject authorized under the Brown Act. The agenda for a regular or special meeting will contain a brief, general description of the purpose of a closed session, in substantially the following form:

a. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(d); \_\_\_\_\_ v. \_\_\_\_\_ [insert name of case, e.g., *Jones v. District*].

b. Conference with legal counsel--existing litigation; Government Code sections 54954.5(c) and 54956.9(d); case name unspecified because \_\_\_\_\_ [insert either "disclosure would jeopardize service of process" or "disclosure would jeopardize existing settlement negotiations"].

c. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(d); significant exposure to litigation involving \_\_\_\_\_ [describe].

d. Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(d); consideration of initiation of litigation involving \_\_\_\_\_ [describe or specify only number of cases if confidentiality required or deemed necessary].

e. Public employee appointment involving \_\_\_\_\_ [insert position(s) to be filled]; Government Code sections 54954.5(e) and 54957.

f. Public employee performance evaluation involving \_\_\_\_\_ [insert position(s) being reviewed]; Government Code sections 54954.5(e) and 54957.

g. Public employee discipline/dismissal/release; Government Code sections 54954.5(e) and 54957. [No additional information required.]

h. Conference with labor negotiator involving \_\_\_\_\_ [insert name of District negotiator] and \_\_\_\_\_ [insert name of employee organization involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

i. Conference with labor negotiator involving \_\_\_\_\_ [insert name of District negotiator] and unrepresented employee(s) in position(s) of \_\_\_\_\_ [insert position(s) of unrepresented employee(s) involved in negotiation]; Government Code sections 54954.5(f) and 54957.6.

j. Conference with real property negotiator involving \_\_\_\_\_ [insert street address or, if no street address is available, other description of property], and \_\_\_\_\_ [insert name of other party(ies)]. Instructions to the negotiator may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8.)

k. Closed session consultation [insert the name, if applicable, of a law enforcement agency, and the title of the officer, or the name of an applicable agency representative and title, or the name of a security vulnerability assessment consultant] concerning a threat to public services or facilities, or concerning an assessment of the security vulnerability of District facilities. (See Government Code section 54957.)

l. Closed session (if approved by two-thirds vote of the Board, or the unanimous vote of the Board if less than two-thirds are present) for (1) an emergency, which will be defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by a majority of the Board, or (2) a dire emergency, which will be defined as a crippling disaster, mass destruction, terrorist acts or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety or both, as determined by a majority of the Board. (See Government Code section 54956.5.) [The notification for an emergency meeting requires notice by telephone to each local newspaper of general circulation, radio station and television station that has requested notice of special meetings. For a meeting for a "non-dire emergency," the telephone notice must be provided at least one hour prior to the emergency meeting. In the case of a meeting for a "dire emergency," the telephone notice must be provided to the media at or near the same time as notice is given to the members of the Board.]

The Board will not keep minutes of its closed sessions. (See Government Code section 54957.2.) In the closed session, the Board will consider only those matters covered in its statement of reasons for holding the closed session. (See Government Code section 54957.7.)

Before holding a closed session to consider complaints or charges against a particular employee (as distinguished from mere evaluation of performance unrelated to any specific complaint or charge), the District will provide twenty-four hours' advance written notice to the employee of his or her right to have the matter heard in open session. (See Government Code section 54957.)

A closed session may be held to meet with the District's negotiator regarding the salary and benefits of District officers and employees, but not including elected officials, but the District's available funds, funding priorities or budget will not be discussed during the closed session. (See Government Code section 54957.6.)

Following every closed session, the Board will reconvene to open session and publicly report any action and vote during the closed session in accordance with the following guidelines:

a. For action concerning final approval of a real property purchase/sale agreement or lease, report in open session at the same meeting the action taken (including the substance of the agreement) and vote, except that, if final approval rests with another party, the report may be deferred until the other party's approval. (See Government Code section 54957.1(a)(1).)

b. Approval given to legal counsel to defend or initiate a lawsuit, or seek appellate review will be reported in open session at the public meeting during which the closed session was held. (See Government Code section 54957.1(a)(2).)

c. Approval given to legal counsel to settle pending litigation or action taken to dispose of a claim will be reported in open session as soon as the settlement or claim disposition becomes final. (See Government Code section 54957.1(a)(3) and (4).)

d. For action to appoint, employ or dismiss, accept the resignation of, or otherwise affect the employment status of an employee, the Board will report in open session at the same meeting the action taken (including identity of employee or position and any change in compensation) and vote, except that, for any dismissal or non-renewal of a contract, the report back may be deferred until the first meeting after the exhaustion of administrative remedies. (See Government Code section 54957.1(a)(5).)

e. Before the Board takes final action on the salary, salary schedules or fringe benefits of one of the District's "local agency executives," as defined by law, the Board shall orally report the recommendations on those matters from closed session. The report shall occur no later than during the open meeting during which final action on those matters is to be taken. (Government Code sections 3511.1(d) and 54953(c)(3).) For purpose of this Rule, the District's "local agency executives" include at least the District's General Manager and Assistant General Managers.

f. For action concerning a labor MOU, after the MOU has been approved by both parties, the Board will report in open session the action taken and vote. (See Government Code section 54957.1(a)(6).)

g. For actions taken during an emergency meeting, the Board will report the fact that an emergency meeting was held, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible. (See Government Code section 54956.5(c).)

The District will make available after a closed session to anyone who has requested them in advance, agreements or other documents approved in closed session, unless the document needs to be revised, in which case it will be provided as soon as possible. After the closed session, changes to the agreement will be orally summarized if anyone present so requests. (See Government Code section 54957.1(b).)

A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a

person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit any of the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, (2) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098. ( See Government Code section 54963, and 76 Ops.Cal.Atty.Gen. 289, 290 (1993) and 80 Ops.Cal.Atty.Gen. 231 (1997).)

## **RULE 24 - MEETINGS BY TELECONFERENCE**

### **Meetings by Teleconference**

The Board may hold meetings by teleconference. (See Government Code section 54953(b).) For purposes of this rule, "meetings by teleconference" include meetings of the Board at which one or more Board member attends and participates in the meeting by telephone, video conferencing or any other electronic means using live audio or video, or both. For any meeting by teleconference conducted by the Board or any other legislative body of the District, the following requirements will apply:

a. Each teleconference location (i.e., the location from which one or more Board members attends and participates in a meeting by teleconference) will be accessible to the public.

b. A quorum of Directors must participate in the meeting from a location(s) within the jurisdictional boundaries of the District.

c. When meetings by teleconference are held by telephone, speaker phones will be used at the main meeting location and at any teleconference location where there are members of the public in attendance.

d.e. All votes taken at a meeting by teleconference will be by roll call.

e.f. The Board will conduct the meeting by teleconference in a manner that protects the statutory and constitutional rights of parties and the public to attend and participate in the meeting.

~~f.e.~~ Each teleconference location will be identified in the regular meeting agenda or special meeting notice, and the agenda or notice will state that members of the public will have the opportunity to address the Board from any teleconference location.

~~g.f.~~ Notice of any meeting by teleconference will be included in the meeting agenda or special meeting notice in substantially the following form:

"All or portions of this meeting will be conducted by teleconference in accordance with Government Code section 54953(b). The teleconference location(s) for the meeting are as follows: \_\_\_\_\_. Each teleconference location is accessible to the public, and members of the public may address the Board of Directors from any teleconference location."

~~h.g.~~ In addition to the usual notice and agenda requirements, the regular meeting agenda or special meeting notice will be posted at all teleconference locations at least seventy-two hours before regular meetings or twenty-four hours before special meetings.

#### Modified Rules for Meeting by Teleconference During Proclaimed State of Emergency

During a state of emergency declared by the Governor or the Director of the Office of Emergency Services, and where either (1) social distancing measures are required or recommended or (2) when the Board determines it cannot safely meet in person, the Board may hold meetings by teleconference under modified teleconference rules. (See Government Code section 54953(e).) Under such circumstances, the following modified rules apply:

- A. During a state of emergency when social distancing measures are not required or recommended, the Board must first meet to determine by a majority vote that it is not safe to meet in person. Such a determination, if made, is valid for 30 days, after which the Board must reconsider its prior determination before meeting by teleconference subject to the modified rules.
- B. Members of the Board may participate from any location. There is no requirement that a quorum of members participate from a location within the District's jurisdictional boundaries.
- C. The requirement that each teleconference location be accessible to the public and provide an opportunity for public comment is waived.
- D. The meeting notice and agenda do not need to identify each teleconference site, nor does the agenda need to be posted at each teleconference site.
- E. The meeting notice and agenda must contain all information related to remote participation, including how the public can access the meeting and offer public comment by call-in option, internet-based option, or both. The Board will conduct the meeting by teleconference in a manner that protects the statutory and constitutional rights of parties and the public to participate in the meeting.

F. The Board may not require the public to register or sign-in prior to making public comment. However, registration required by a third-party platform (e.g. ZoomGoToMeeting) is permitted.

G. If technological issues arise during a meeting which prevents the broadcasting of the meeting and/or the public's ability to make comment, the Board will stop the meeting and resolve the issue before taking any further action.

A-H. Unless addressed in A-G above, all existing rules under Government Code 54953(b) apply.

### **RULE 25 - AMENDMENT OF RULES**

By motion made, seconded and approved, the Board in its discretion may at any meeting:  
(a) temporarily suspend these rules in whole or in part; (b) amend these rules in whole or in part, or (c) both.

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 8

SUBJECT: Consideration: Updating River City Bank Account Signature Authorization

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

The District's Directors and General Manager are authorized signers to the District's bank accounts. The signature authorization needs to be updated to add Shane Tucker and remove Bruce J. Rominger and Matthew (Max) Stevenson. Since 2016, the District has used River City Bank's (Bank) public agency process for completing authorization for District representatives. Similarly, District Directors and staff will provide the necessary information for indicating the following individuals are authorized to sign on all the District's deposit accounts and services at the Bank:

- Thomas Barth
- Mary Kimball
- Jim Mayer
- Kristin Sicke
- Shane Tucker
- Erik Vink

**RECOMMENDATION:**

District staff recommend the Board authorize General Manager Sicke to submit the necessary documentation to River City Bank to update authorized signatories.

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 4, 2022

ITEM #: 9

SUBJECT: Consideration: Authorizing the District’s YSGA Representative to Vote on the Consideration of Adopting the Yolo Subbasin GSP

INITIATED OR  BOARD  
REQUESTED BY:  STAFF  
 OTHER \_\_\_\_\_

COORDINATED OR  
PREPARED BY: Kristin Sicke  
APPROVED BY: Kristin Sicke

ATTACHMENT  YES  NO  
 DIRECTION

INFORMATION  
 ACTION:  MOTION  
 RESOLUTION

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**BACKGROUND:**

At the District’s May 2017 Board meeting, the District adopted Resolution 17.07 Approving Joint Exercise of Powers Agreement (JPA) Establishing the Yolo Subbasin Groundwater Agency (YSGA). The District negotiated with other public agencies and interested parties to establish the YSGA JPA, which officially became the Groundwater Sustainability Agency for the Yolo Subbasin in June 2017. The primary purpose of the YSGA is to develop, adopt, and implement a legally sufficient Groundwater Sustainability Plan (GSP) for the Yolo Subbasin.

The draft Yolo Subbasin GSP was available for public comment from August 25 to October 27, 2021; approximately 300 comments were received, which YSGA staff worked diligently to review and incorporate in the GSP, accordingly. The final draft of the Yolo Subbasin GSP can be found at the following link: <https://www.yologroundwater.org/yolo-subbasin-groundwater-sustainability-plan>.

As one of the member agencies, the District will be participating in the YSGA’s consideration of adopting the Yolo Subbasin GSP at the YSGA’s Special Board meeting on January 24, 2022.

**RECOMMENDATION:**

District staff recommend the Board authorize the District's YSGA Representative, Director Tom Barth, to vote on behalf of the District in the consideration of adopting the Yolo Subbasin GSP.