

# **Yolo County Flood Control & Water Conservation District**

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**AGENDA  
Board Meeting  
34274 State Highway 16  
Woodland, CA 95695  
Tuesday, March 3, 2009  
7:00 P.M.**

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

In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, then please contact Christina Cobey at (530) 662-0265 or (530) 662-4982 fax. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

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## **AGENDA**

- 7:00      1. Board Consideration: The Board will consider adoption of the minutes of the February 3, 2009 Regular Board Meeting.
- 7:02      2. Open forum (Limited to five minutes): Guest introductions, unscheduled appearances and opportunity for public comment on non-agenda items.
- 7:07      3. Board Consideration: Adding Items to the Posted Agenda.  
In order to add an item to the agenda, it must fit one of the following categories:
  - a) A majority determination that an emergency (as defined by the Brown Act) exists; or
  - b) A 4/5ths determination that the need to take action that arose subsequent to the agenda being posted.
- 7:10      4. Board Presentation: Middle Creek Restoration Project at Clear Lake
- 7:40      5. Board Consideration: Water Rates and Charges for 2009
- 8:00      6. Board Consideration: Retention of Conserved Water Policy and Resolution
- 8:10      7. Board Discussion: NCWA Strategic Planning and Membership

- 8:30        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.
- 8:35        9. Attorney's Report: The District's attorney will report on the following:  
                a) Current legal and legislative activities.
- 8:45        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
- 8:55        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.
- 8:58        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 27, 2009.

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



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**BOARD MEETING MINUTES**  
**Tuesday, March 3, 2009, 7:00 PM**

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

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**FLOOD CONTROL &  
WATER CONSERVATION  
DISTRICT**

The regular meeting of the Board of Directors of the Yolo County Flood Control and Water Conservation District (District) was held at 7:00 p.m. on March 3, 2009, at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Tadlock convened the meeting. In attendance were:

**District Board**

Ron Tadlock, Chair  
Ann Brice, Vice Chair  
Jim Mayer, Director  
Bruce Rominger, Director  
Erik Vink, Director

**District Staff, Consultants, Presenters**

Tim O'Halloran, General Manager  
Margaret Kralovec, Writer/Editor  
Max Stevenson, Water Resources Associate  
Paul Bartkiewicz, Legal Counsel  
Fran Borcalli, floodSAFE Yolo Program Manager  
Tom Smythe, Water Resources Engineer, Lake County

**Members of the Public**

Duane Chamberlain  
Dave Pratt  
Don Rominger

**1. BOARD CONSIDERATION: Approval of Minutes**

M/S/C approved minutes for the February 3, 2009, Regular Board Meeting as submitted.

**2. OPEN FORUM**

None.

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

None.

**4. BOARD PRESENTATION: Middle Creek Restoration Project at Clear Lake**

General Manager O'Halloran reported that the District has been working closely with the Lake County Watershed Protection District, which represents Lake County in the regular District-Lake County 2x2 meetings. The District recently signed a Memorandum of Understanding (MOU) with Lake County to continue cooperative efforts. O'Halloran reported that one of Lake County's long-standing projects, the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, has some Clear Lake water rights implications. He introduced Tom Smythe to describe this Lake County project to the Board.

Lake County Water Resources Engineer Smythe presented an overview of the Middle Creek Restoration Project, including the history behind farmland reclamation levees at the north end of Clear Lake, the inadequacy and unsustainability of levees, their negative environmental impacts, and the threat to life and property posed by levee failure. Property owners and the Department of Water Resources were unable to find an affordable way to fund a project to remove the levees and to return 1,400 of the 7,520 acres of previously reclaimed land to wetlands. Since 1995, Smythe reports that federal interest in the project resuscitated failed efforts to seek a permanent solution. Lake County completed the EIR and EIS permits in 2004, and federal authorities authorized the project in 2007.

Project benefits include flood damage reduction, wetland habitat restoration, water quality improvement, reduction in Clear Lake sediment deposits, increased recreation and tourism, and improved fish and wildlife habitat.

Remaining issues include appropriation of federally approved project monies, a transfer of USA in Trust status of some affected lands, the necessity of constructing a temporary ring levee around USA in Trust land, Central Valley flood protection, and funding for the Flood Protection Corridor Program and the Clear Lake Wildlife Area Conceptual Area Protection Plan (CAPP).

Though the project is not expected to be shovel-ready for another five years to allow time for acquisition and preparation of affected properties for conversion, this top priority project for Lake County will require considerable planning and preparation, including anticipated changes, yet to be determined, to the Rumsey Gauge Levels contained in the Solano Decree as a result of increased Clear Lake capacity. Exact calculations of gauge levels have yet to be performed.

Legal Counsel Bartkiewicz added that if the project goes through, it will require a modification

to the Solano Decree. Additionally, both the District and Lake County are hopeful that an agreement can be crafted with a water storage permit that would save Lake County additional fees.

The Board thanked Smythe for his presentation, and expressed interest in keeping abreast of project progress.

## **5. BOARD CONSIDERATION: Water Rates and Charges for 2009**

General Manager O'Halloran informed the Board that District customers and landowners had received a District letter informing them that irrigation deliveries are not expected this year because of the drought; an application form to file for water in case the situation changes; and a form whereby customers will inform the District of their intention to use District canals to move water.

O'Halloran indicated that District agricultural rates established under Proposition 218 rate setting and notification processes in 2008, remain in effect.

He added that in the past four years, the District had not increased non-agriculture rates up to 5% as allowed. O'Halloran provided the Board with a history of Clear Lake contracts since 2003, and noted the value of Lake County contracts in light of water supply reliability issues and rate increases borne by agricultural users over the same period. The Board agreed with O'Halloran's suggestion to defer a decision on non-agricultural rate increases until the issue could be discussed with Lake County at the next 2x2 meeting.

O'Halloran noted the complexity of establishing wheeling rates and policies including penalties for unauthorized use of canals for private water movement. The District has received some notices of intent from customers both through returned forms and phone calls. The Finance Committee will meet to discuss wheeling rates, and then the District will convene a customer group to discuss wheeling rate issues, complexities, and rate and penalty options.

## **6. BOARD CONSIDERATION: Retention of Conserved Water Policy and Resolution**

Legal Counsel Bartkiewicz briefly summarized the Governor's State of Emergency related to the California drought, as well as legislative and executive policy initiatives on the Delta and water resources management which include significant water conservation measures by all water suppliers and customers. Water Code Section 1011 provides that a holder of an appropriative water right may retain control of conserved water for its use. The State Water Resources Control Board (SWRCB) has determined that the water rights holder must make an affirmative declaration that it intends to retain its right to conserved water at the time the conservation occurs. Bartkiewicz recommended that the Board make such an affirmative declaration, and prepared wording for a Board resolution that declares the intent of the District to retain control over the use of its conserved water, and also directs District staff to include reports of water conservation in its statements of water diversion and use that are filed with the SWRCB.

- 09.02 M/S/C adoption of Resolution 09.02 for purpose of declaring the District's intent to retain rights to all water conserved by the District. Ayes 5, Nays 0, Abstentions 0.**

## **7. BOARD DISCUSSION: NCWA Strategic Planning and Membership**

Board members engaged in a discussion about the current role of the Northern California Water Association (NCWA), its leadership under new Executive Director Zea, the benefits to the District of membership, the value of membership in both ACWA and NCWA, and the role of the District in influencing regional water policy in the current State crisis through its memberships and activity in advocacy groups.

## **8. DIRECTORS' REPORTS**

Vice Chair Brice and Director Rominger participated in a meeting with Bob Schneider to discuss the establishment of a National Conservation Area which would include land around the District's Indian Valley Reservoir.

## **9. ATTORNEY'S REPORT**

Legal Counsel Bartkiewicz presented to the Board the Delta Vision Strategic Plan Update report he developed for the Water Resources Association of Yolo County (WRA). This presentation summarized the Delta Vision Strategic Plan process, principles, and proposals as they relate to the Sacramento Valley, and described the potential impact of redefining "beneficial water use" and the possibility of statewide control of groundwater. Bartkiewicz closed his presentation with concerns that these changes to statewide water policy are occurring in a climate of drought, economic downturn, and unknowns about the reliability and vulnerability of the Delta conveyance infrastructure. He provided Board members and the public with a summary of State Bill 12 of particular relevance to water customers in the Delta watershed, and NCWA position papers on a variety of issues raised by the Delta Vision Strategic Plan.

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

### a. General Activities

O'Halloran made note of the upcoming WRA and Yolo County sponsored meeting on April 13, which would address the Delta Vision impact.

### b. Operations, Maintenance, and Water Conditions

No further information was offered in addition to prior agenda discussions and the March 3, 2009, Water Conditions Report made available to Board members and meeting attendees.

## **11. GENERAL DISCUSSION**

None.

## **12. BOARD CONSIDERATION: Payment of Bills**

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

Yolo Flood Control Checks: # 42146-42160

**13. ADJOURN**

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

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Ron Tadlock, Chair

ATTEST:

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Tim O'Halloran, Secretary