

Yolo County Flood Control & Water Conservation District

Board Meeting
34274 State Highway 16
Woodland, CA 95695
Tuesday, January 8, 2019
7:00 P.M.

Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the District's Administrative Office at the address listed above.

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

AGENDA

- 7:00 1. Consideration: Adoption of the December 4, 2018 Regular Board Meeting Minutes
- 7:02 2. Open forum (Limited to five minutes): Guest introductions, unscheduled appearances, 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: Election of Officers for 2019
- 7:15 5. Presentation: River Garden Farms' "*New Way Forward*"
- 7:45 6. Consideration: Review of Brown Act Provisions and Rules for Proceedings for the Board of Directors
- 7:55 7. Consideration: Pawnee Fire Damages and Cost Recovery

- 8:00 8. Directors' Reports: Report on meetings and conferences attended during the prior month on behalf of the District
- 8:05 9. Attorney's Report: Report on legal matters of concern to the District
- 8:10 10. General Manager's Report: Report regarding current general activities and projects of the District
- a) Operations, Maintenance, and Water Conditions
 - b) Financial Report
 - c) General Activities
 - d) Upcoming Events
- 8:25 11. General Discussion: Opportunity for clarification or additional information request
- 8:30 12. Consideration: Consider the approval and the payment of bills
- 8:35 13. Closed Session: Conference with Legal Counsel – Potential litigation
- Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One matter concerning the State Water Resources Control Board's proceedings related to the Bay-Delta Water Quality Control Plan Update.
- 8:50 14. Adjourn

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Public comment on items within the Board's jurisdiction is welcome, subject to reasonable time limits for each speaker. Upon request, agenda items may be moved up to accommodate those in attendance wishing to address that item. Times listed for consideration of agenda items are approximate only. The Board may consider any agenda item at any time during the Board meeting.

I declare that the foregoing agenda was posted at the office of the Yolo County Flood Control & Water Conservation District, 34274 State Highway 16, Woodland, CA on January 4, 2019.

By: _____
Christina Cobey, Administrative Assistant

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 8, 2019

ITEM #: 1

SUBJECT: Consideration: Adoption of the December 4, 2018 Regular Board Meeting Minutes

INITIATED OR BOARD
REQUESTED BY: STAFF
 OTHER _____

COORDINATED OR
APPROVED BY: Tim O'Halloran

ATTACHMENT YES NO
 DIRECTION

INFORMATION
 ACTION: MOTION
 RESOLUTION

BACKGROUND:

Pursuant to Section 54957.5 of the Brown Act, copies of the draft minutes are available to the public at the Board meeting prior to their approval.

Staff request the Directors call the Yolo County Flood Control & Water Conservation District (District) office if a correction is needed to be made to the draft minutes to clarify a substantial point or to correct content. Staff will then have time to make the appropriate change(s) and submit the revised draft for review to the Board and the public at the Board 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

BOARD MEETING MINUTES

Tuesday, December 4, 2018, 7:00 PM

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

The regular meeting of the Board of Directors of the Yolo County Flood Control & Water Conservation District (District) was held at 7:00 p.m. on Tuesday, December 4, 2018, at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Kimball convened the meeting. The following people were in attendance:

District Board

Mary Kimball, Chair
Tom Barth
Jim Mayer
Erik Vink

District Staff

Tim O'Halloran, General Manager
Kristin Sicke, Assistant General Manager
Ryan Bezerra, Legal Counsel

Members of the Public

Jim Barrett
Tanya Meyer
Dave Pratt
Fanny Ye

1. CONSIDERATION: Approval of Minutes

M/S/C approved the minutes of the November 6, 2018 regular Board meeting as submitted.

Ayes: Directors Barth, Kimball, and Mayer

Noes: None

Absent: Directors Rominger and Vink

Abstain: None

2. OPEN FORUM

There were no comments.

3. CONSIDERATION: Adding Items to the Posted Agenda

There were no changes made to the agenda.

4. PRESENTATION: Yolo County Resource Conservation District's Putah-Cache Arundo Eradication Program

Yolo County Resource Conservation District's (Yolo RCD) Project Manager Tanya Meyer presented on Yolo RCD's Putah-Cache Arundo Eradication Program. Meyer gave an excellent overview of what Arundo is and why it is harmful to the ecosystem. Meyer reported that the California Invasive Plant Council mapped over 92 river miles in the Putah-Cache Watershed and estimated about 127 acres of Arundo were along the river banks.

The Yolo RCD has received a Proposition 1 planning grant from the California Wildlife Conservation Board to plan for optimal Arundo treatment within the Putah-Cache Watershed. The grant will be expended within two years while Yolo RCD develops a treatment and monitoring plan. The hope is that implementation funding will be available in the future.

Director Mayer inquired whether there was an implementation plan for Yolo RCD to perform the eradication of Arundo. Meyer reported that the bigger contractors would physically do the work, with the landowners assisting with the long-term maintenance.

Chair Kimball commented that it might be nice for big contractors to train smaller, local contractors to pass on that knowledge and retain local experts.

Meyer completed her presentation by reviewing other projects that the Yolo RCD is currently involved in, which includes the Healthy Soils and Carbon Storage Program; Habitat Improvements at Capay Open Space, City of Woodland's Stormwater Retention Ponds, City of Davis Open Space Sites Program, and PG&E's property in City of Winters; Fire Safety Training with CAL FIRE; Creek Restoration with Cache Creek Conservancy; and Slough Restoration with Putah Creek Council, Yocha Dehe Wintun Nation, and Center for Land-Based Learning.

5. CONSIDERATION: Pawnee Fire Damages and Cost Recovery

Assistant General Manager Sicke provided an update on the timeline and cost for repairing the damaged transmission power poles at Indian Valley Reservoir. Sicke reported that the power poles and line are expected to be replaced in January 2019; and hopefully, will come in as budgeted. Sicke also reported that the District was still pursuing financial reimbursement from state disaster funds.

District staff recommended the Board declare continuation of emergency conditions related to the Pawnee Fire damages and cost recovery.

M/S/C declared continuation of emergency conditions related to the Pawnee Fire damages and cost recovery.

Ayes: Directors Barth, Kimball, Mayer, and Vink

Noes: None

Absent: Director Rominger

Abstain: None

6. PRESENTATION: Fiscal Year 2018/2019 Capital Jobs Update

General Manager O'Halloran provided an update on the District's Fiscal Year (FY) 2018/2019 capital jobs. O'Halloran provided the Board and meeting participants with an updated *Capital Prioritization Worksheet* and a *3-Year Capital Improvement Plan* to review projects scheduled for implementation.

O'Halloran highlighted the larger projects within the 3-Year Capital Improvement Plan: replacement of the Moore Siphon, inspection and rehabilitation of the Indian Valley Reservoir spillway, replacement of the inflatable bladder at the Capay Diversion Dam, and access improvements to the canal headings.

Chair Kimball inquired whether the District should build in a contingency in the budget for hazards. O'Halloran stated that the District's current policy was to keep the reserve funds high enough so that the District is financially prepared for hazards.

Director Mayer asked what the consideration was when prioritizing the projects. O'Halloran directed the room to the Capital Projects spreadsheet on the wall and highlighted the Prioritization Index. He stated that projects are prioritized by evaluating system risk, operational safety, operational improvement, regulatory compliance, and whether it increases revenue.

O'Halloran reported that the District would be purchasing a new mini-excavator and backhoe this year to assist with daily operation and maintenance on the canal system. This new equipment would have Tier 4-compliant engines, which would assist the District in meeting California emission standards. The District requested an alternative project request from the California Office of Emergency Service (Cal OES) and the Federal Emergency Management Agency (FEMA) as part of the February 2017 Storm Events to help fund the equipment purchases. The District is eligible for reimbursement of up to \$153,000.

O'Halloran requested the Board approve the purchase of equipment not to exceed \$125,000 in District expenses, not including the reimbursement from Cal OES and FEMA.

M/S/C approved the purchase of equipment not to exceed \$125,000 in District expenses.

Ayes: Directors Barth, Kimball, Mayer, and Vink

Noes: None

Absent: Director Rominger

Abstain: None

7. DIRECTORS' REPORTS

Director Barth reported that he attended ACWA's Fall Conference in San Diego.

Director Kimball reported that she participated in the Infrastructure Committee meeting with Director Rominger on December 3, 2018.

8. ATTORNEY'S REPORTS

Legal Counsel Bezerra reported that the Arambula Bill for streamlining groundwater recharge permits will likely be coming back.

9. GENERAL MANAGER'S REPORT

General Manager O'Halloran provided reports on the following:

- a) Operations, Maintenance, and Water Conditions – The Water Conditions Report and hydrographs of real-time groundwater monitoring wells were reviewed.
- b) Financial Report Summary – Highlights from the November 30, 2018 financial statements report were reviewed and the actual FY 2018/2019 Budget was compared to the projected FY 2018/2019 Budget.
- c) General Activities – A list of outreach activities and projects both in-house and coordinated with other agencies was reviewed.
- d) The following upcoming events were announced:
 1. December 6: WRA Technical Committee Meeting, District Boardroom
 2. December 8: District Holiday Party, Sacramento
 3. December 10: NCWA Water Management's Meeting: Yolo Bypass Tour, Bypass Farms
 4. December 10: NCWA Groundwater Management Task Force Meeting, Orland
 5. December 11: Meeting with NCWA and Yolo County Farm Bureau to Discuss SGMA and CV-SALTS Integration, Yolo County Farm Bureau
 6. December 11: WRA/YSGA Executive Committee Meetings, District Boardroom
 7. December 11: DWR Basin Boundary Modification Workshop, Sacramento
 8. December 19: Call with FERC to Discuss Part 12D, Conference Call

10. GENERAL DISCUSSION

There was no general discussion.

11. CONSIDERATION: Payment of Bills

M/S/C approved the following claims for payment – Yolo County Flood Control & Water Conservation District Checks # 056353 – 056366, and 056369.

Ayes: Directors Barth, Kimball, Mayer, and Vink

Noes: None

Absent: Director Rominger

Abstain: None

12. CLOSED SESSION

Conference with Legal Counsel – Potential litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One matter concerning the State Water Resources Control Board’s proceedings related to the Bay-Delta Water Quality Control Plan Update.

13. ADJOURNMENT

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

Mary Kimball, Chair

ATTEST:

Tim O’Halloran, Secretary

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 8, 2019

ITEM #: 4

SUBJECT: Consideration: Election of Officers for 2019

INITIATED OR BOARD
REQUESTED BY: STAFF
 OTHER _____

COORDINATED OR
PREPARED BY: Tim O'Halloran
APPROVED BY: Tim O'Halloran

ATTACHMENT YES NO
 DIRECTION

INFORMATION
 ACTION: MOTION
 RESOLUTION

BACKGROUND:

Every January the Board elects the Chair and Vice Chair, its officers for the upcoming year. The Secretary to the Board is the District's Secretary/General Manager. At the Secretary's request, the Board has additionally elected to appoint an Assistant Secretary to the Board.

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 2019 would be as follows:

Chair:	Tom Barth	Vice Chair:	Jim Mayer
Secretary:	Tim O'Halloran	Assistant Secretary:	Kristin Sicke

It should be noted that this election automatically would set the officers to the Yolo County Water Supply Financing Corporation for 2019 as follows:

President:	Tom Barth	Vice President:	Jim Mayer
Secretary:	Tim O'Halloran	Assistant Secretary:	Kristin Sicke

RECOMMENDATION:

Staff recommends 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 8, 2019

ITEM #: 5

SUBJECT: Presentation: River Garden Farms' "*New Way Forward*"

INITIATED OR BOARD
REQUESTED BY: STAFF
 OTHER _____

COORDINATED OR
PREPARED BY: Tim O'Halloran
APPROVED BY: Tim O'Halloran

ATTACHMENT YES NO
 DIRECTION

INFORMATION
 ACTION: MOTION
 RESOLUTION

BACKGROUND:

River Garden Farms, along with several other Sacramento River water agencies, has been investing in habitat and flow enhancement projects over the last number of years. Roger Cornwell, River Garden Farms' General Manager, has been invited to address the Board on River Garden Farms' efforts as well as to show a new 7-minute video that they have produced that explains the philosophy and motivation behind their efforts.

RECOMMENDATION:

This agenda item is for informational purposes only. No Board action is required.

YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

AGENDA REPORT

MEETING DATE: January 8, 2019

ITEM #: 6

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: Tim O'Halloran

ATTACHMENT YES NO
 DIRECTION

INFORMATION
 ACTION: MOTION
 RESOLUTION

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 Counsel Bezerra has reviewed the Rules as they relate to the Brown Act and has suggested revising Rule 10 – Record of Vote. Bezerra recommended deleting the following language from Rule 10 “Except where action is taken by the unanimous vote of all Board members present and voting,”. This deletion is intended to clarify language about recording the directors' votes. The proposed revised Rules are attached with changes shown in red.

RECOMMENDATION:

Staff recommends Board adoption of the attached 2019 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 of 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 the passage of 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

The Board may hold meetings by teleconference. (See Government Code section 54953(b).) For purposes of this rule, "meetings by teleconference" include meetings 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, 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. 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.

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

d. 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.

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.

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."

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.

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 8, 2019

ITEM #: 7

SUBJECT: Consideration: Pawnee Fire Damages and Cost Recovery

INITIATED OR BOARD
REQUESTED BY: STAFF
 OTHER _____

COORDINATED OR
PREPARED BY: Kristin Sicke
APPROVED BY: Tim O'Halloran

ATTACHMENT YES NO
 DIRECTION

INFORMATION
 ACTION: MOTION
 RESOLUTION

BACKGROUND:

The Pawnee Fire started on June 23, 2018 in the Spring Valley area of Lake County and burned 15,185 acres. While largely sparing the facilities at Indian Valley Reservoir, the Pawnee Fire damaged 39 of the District's power poles, which provide electricity to and transmission from the Hydroelectric Facility (Facility). The Facility requires electric power to make operational changes to the penstock, hydropower turbines, 60" butterfly valve, 60" Hollow Jet Valve, spillway gates, accelerographs, water treatment plant, and critical infrastructure.

On June 25, 2018, Governor Jerry Brown issued an emergency proclamation for Lake County due to the effects of the Pawnee Fire and allowed Federal Emergency Management Agency's Fire Management Assistant Grant (FMAG) to assist with mitigation, management, and control of the Pawnee Fire. At the July 3, 2018, Board meeting the Board confirmed and ratified the local emergency and authorized General Manager O'Halloran to represent the District as needed for state and federal cost recovery, if available. At the August 7, September 4, October 2, November 6, and December 4, 2018, Board meetings the Board declared the continuation of the emergency.

The power poles and associated power lines need to be restored as soon as possible to bring power and hydropower back online. District staff will provide the Board with an update on the timeline for repair and replacement of the damaged infrastructure.

RECOMMENDATION:

District staff recommend the Board declare continuation of emergency conditions related to the Pawnee Fire damages and cost recovery.