

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

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## **AGENDA Board Meeting Tuesday, December 7, 2004 7:00 P.M.**

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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 October 5, 2004 Regular Board Meeting.
- 7:02 2. Open forum; Guest Introductions and Unscheduled Appearances  
Opportunity for public comment on non-agenda items.  
Open forum will be limited to five minutes.
- 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 arose subsequent to the agenda being posted.
- 7:10 4. Wild & Scenic Ad Hoc Subcommittee Report and Discussion:  
The Wild & Scenic Ad Hoc Subcommittee will report on and lead a discussion regarding current activities related to potential Wild & Scenic Legislation.
- 7:15 5. Finance Committee Report and Recommendation: The Finance Committee will report on their recent meeting and make a recommendation regarding loans from the District's Money Purchase Retirement Plan.
- 7:30 6. 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.

- 7:40 7. Attorney's Report: The Board will receive a report from the Attorney regarding current legal and legislation activities.
- 8:00 8. General Manager's Report and Recommendations:  
The Board will receive a report from the General Manager regarding current general activities and projects of the District.  
a) Resolution in Support of Groundwater Modeling Grant.  
b) Letter of Support for Yolo County Capay Open Space Park Grant Proposal.  
c) Water Management Plan Update.  
d) Off-Season Maintenance and Construction Program.  
e) General activities.
- 8:30 9. Operations and Maintenance Report:  
The Board will receive a status report on the previous month's operation and maintenance activities.
- 8:45 10. General Discussion:  
Opportunity for Board members to ask questions for clarification, provide information to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda.
- 8:55 11. Board Consideration:  
The Board will consider the approval and the payments of bills.
- 9:00 12. Adjourn

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

I declare that the foregoing agenda was posted at the office of the Yolo County Flood Control and Water Conservation District, 34274 State Highway 16, Woodland, CA on December 3, 2004.

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

## **REGULAR BOARD MEETING MINUTES**

### **December 7, 2004**

The regular December meeting of the Board of Directors of the Yolo County Flood Control and Water Conservation District was held at 7:00 p.m. on December 7, 2004 at its regular place of business, 34274 State Highway 16, Woodland, California. Chairman Vink convened the meeting with Directors Brice, Eoff, Scheuring and Rominger present. Also in attendance were:

#### District Staff and Consultants

Tim O'Halloran, General Manager  
Christy Barton, Assistant General Manager  
Paul Bartkiewicz, Legal Counsel  
Francis Borcalli, Engineering Consultant

#### **Members of the Public**

Duane Chamberlain, Yolo County Supervisor Elect  
Frank Siefertman, Sr., Past Yolo County Supervisor  
Petrea Marchand, Yolo County Planning & Public Works

#### APPROVAL OF MINUTES

M/S/C approved the minutes of the November 2, 2004 Regular Board meeting as corrected.

#### OPEN FORUM

Mr. Siefertman stated that General Manager O'Halloran provided a very good presentation regarding the District at today's Yolo County Board of Supervisors meeting.

#### CHANGES TO THE POSTED AGENDA

Mr. O'Halloran requested the addition to the agenda of a closed session item concerning property acquisition along the University Canal. This item requires Board consideration prior to the next Regular Board meeting and had come to the District after the posting of the agenda.

M/S/C by unanimous approval the Board determined a 5/5<sup>th</sup> vote determined that the need to take action arose subsequent to the agenda being posted and approved adding the closed session item to the agenda.

#### WILD & SCENIC AD HOC SUBCOMMITTEE REPORT

The Wild & Scenic Ad Hoc Subcommittee held two meetings during the last month with a group of concerned stakeholders to develop a response to the proposed legislation. This response, while still being drafted, is intended to protect the stakeholders' interests while enhancing the water management and environmental efforts that are ongoing on Cache Creek. The nine issues previously developed during Assemblymember Wolk's roundtable meeting have not yet been addressed. Assemblymember Wolk's office has called a meeting of a smaller group of stakeholders. An agenda

has not yet been provided to the District. The District continues to encourage Assemblymember Wolk to work with a more comprehensive group of stakeholders. It is expected that Assemblymember Wolk will submit Wild & Scenic legislation in late January or early February 2005.

### **FINANCE COMMITTEE REPORT**

Director Eoff reported on the recent meeting of the Finance Committee. The Committee reviewed the year to date budget activities including the loss of \$379,971 per year in property tax funds. These funds have been shifted to the State budget for the next two years. The Capital Budget was reviewed and will need some mid-year adjustments. These adjustments will be brought to the Board at its January meeting for their consideration.

Also discussed by the committee was the term “Non-agricultural” water as used in the District’s Rules and Regulations and a request by representatives of the Yolo Flyers Club golf course for exceptions from certain aspects of the Rules and Regulations. Mr. O’Halloran will respond to the golf course representatives to inform them that use of water on a golf course is considered a “Non-agricultural” use, that non-District structures are not to be constructed within the District’s property without a right-of-way variance and that the District’s rules regarding intermittent water deliveries applies to Yolo Flyers Club’s proposed project.

The Committee also considered the District’s current policy of allowing an employee to borrow from the portion of the District’s Money Purchase Plan (Plan) retirement account that is vested for that employee. The Committee recommended the policy of allowing loans from the Plan be eliminated. It was noted that only three loans have been taken in the last thirty years and that employees can legally borrow from their deferred compensation retirement plan accounts, and that the loan process can be completely handled by VALIC, the administrator for the District’s retirement plan.

M/S/C elected to discontinue the policy of allowing employees to borrow from the District’s Money Purchase Plan.

### **DIRECTORS’ REPORTS**

Director Eoff reported that the NCWA Board of Director’s November meeting focused on the coming year’s budget. By holding expenses in staffing and benefits to their current level, NCWA has been able to retain their current dues structure in the proposed budget for 2005. He noted that the proposed budget did include funds to hire a lobbyist in Washington, D.C., but that the amount was more a placeholder than an expected expenditure.

Director Scheuring defffered to Mr. O’Halloran regarding the November Water Resources Association of Yolo County (WRA) meeting. Mr. O’Halloran stated the Technical Committee continues to meet to discuss Proposition 50 opportunities and strategies. The Committee will report to the WRA Board that it supports submission of an application for Proposition 50 funding to develop Volume II of the Yolo County Integrated Regional Water Management Plan (IRWMP).

Ms. Marchand reported that the WRA members would need to decide how to fund completion of the Volume I, which is under funded. Volume I will include a chapter devoted to addressing environmental water issues.

Mr. O'Halloran reported that the update of the District's Water Management Plan is expected to "piggyback" on the completed IRWMP for possible grant funding during a future grant cycle.

Director Scheuring reported the WRA is trying to get more agency members.

Director Rominger reported the District toured the Imperial Irrigation District (IID) on November 30, 2004. He found it very interesting and educational. He also reported that he did not find that much information at the ACWA Conference that he felt was relevant to the District. However, he found the opportunities for networking with representatives of other agencies very important.

Director Vink reported he also found the IID tour very worth-while and noted that IID is very large not only in geographic area but also the number of employees. Additionally, Mr. Vink reported that there had not been a meeting of either the Lake County/District Ad Hoc Committee or the Conaway JPA in November.

Director Brice agreed the IID tour was very interesting, commenting on the opportunity to view the Salton Sea and its associated birdlife. She noted that a slight rain a week earlier had left pools of water still standing during the tour. Apparently, this is typical of the very heavy alkali clay soil of the area.

### **ATTORNEY'S REPORT**

Attorney Bartkiewicz reported on three items;

- a) Water Rights Fees – He has been working with ACWA, NCWA and other attorneys on the issue of the State Board's water rights fees. California Senator Florez is drafting a bill that will restructure the approach being used to fund the State Board. Some of the Board's budget would come from the State General Fund, reflecting the fact that the entire State benefits from the activities of the Board, and that some of the budget would be direct user fees reflecting the actual use of staff and/or facilities. An annual audit would be required to determine how the funds were being used.
- b) The status of the Cache Creek appropriation application process was reviewed. Engineer Borcalli reported that many of the District's recent activities have been directed towards developing information that is needed to properly evaluate the environmental impact of recharge/recovery projects. The District's activities demonstrate due diligence regarding the application.
- c) State Board Bay-Delta Hearings – During the Bay-Delta Hearings the District presented testimony to document that during times when the Delta is not in balance, Cache Creek lacks hydraulic continuity with the Sacramento River. The State Board agreed with the

information and found the District has no obligation to provide water to the Delta during the summer. After Phase VIII agreements were executed, a number of suits were filed to contest certain of the findings. Although the finding for the District was not contested, Mr. Bartkiewicz's office continues to monitor the process to be sure the District's interests are protected.

### **GENERAL MANAGER'S REPORT**

Mr. O'Halloran expressed his appreciation to the Board for their continued volunteer efforts on behalf of the District. He has found them great to work with and noted that it was a real pleasure to have all of them participate on the tour of IID. He also thanked Petrea Marchand for coordinating the Water Day presentations at today's Yolo County Board of Supervisors' meeting.

- a) Mr. O'Halloran reported that the District submitted an application for an AB 303 grant on December 2, 2004 to fund the expansion of the current groundwater model to cover those areas of Yolo County not yet covered (from the western foothills to the Sacramento River and south of Cache Creek to Putah Creek).

**M/S/C** adopted Resolution 04.05 Authorizing Application to DWR for Local Groundwater Assistance.

- b) Dimitrios Georges, Yolo County Resource Specialist, called to request the District provide a letter of support for a Yolo County Capay Open Space Grant Application. This grant would provide funds to restore gravel-mined properties donated to Yolo County into a park area for citizens in the Capay/Esparto area. Mr. O'Halloran was directed to submit a letter of support on behalf of the District.
- c) Water Management Plan Update – Messrs. Borcalli, Davids, Stevenson and O'Halloran continue to meet to develop a comprehensive scope of work, schedule and budget to update the District's Water Management Plan consistent with AB 3030 and SB 1938. As a result of discussion held at the Board's November meeting, the District's Environmental Committee met recently to scope out a Board workshop format that will facilitate a broad discussion regarding the District's environmental commitment. A special Board workshop will be held to discuss this topic in early 2005.
- d) Off-Season Construction/Maintenance Priorities - The five main construction/maintenance jobs (Winters Canal maintenance, Cottonwood Canal heading replacement, Yolo Central Canal crossing replacement, Fredericks Flume check replacement, and Chapman Reservoir outlet automation) appear to be on schedule. Mr. Bartkiewicz's office is reviewing the projects for CEQA requirements and will provide direction as needed. If the jobs are considered "projects" under CEQA, there will be at least 45 days added to the project timeline. A more comprehensive briefing on the status of the projects will be given at the January Board meeting.

### **OPERATION & MAINTENANCE REPORT**

Mr. O'Halloran reviewed the Water Conditions Report. He reported that the District has been and

will continue to systematically check all of the gates on the canal system during the off-season to ensure that they are in good condition for the coming irrigation season.

Mr. O'Halloran mentioned that he had met recently with Duane Chamberlain to discuss District operations. In the coming irrigation season Mr. Chamberlain will be the sole water customer on the Sturm Canal. This should facilitate operations for both Mr. Chamberlain and the District.

### **GENERAL DISCUSSION**

Mr. Eoff asked Mr. Bartkiewicz if the District's reserves might be in jeopardy of the State using them to help balance the budget in the future. Mr. Bartkiewicz reported the State Treasurer has previously issued an opinion that the State does not have the authority to take funds from non-state agencies. However, given that the District is a special district that was created by the State Legislature, the State could legislate funds back from the District. Such an action would cause a lot of concerns throughout the State and is not probable.

### **PAYMENT OF THE BILLS**

The Board requested a presentation at the January Board meeting regarding the U.S.G.S. Contract.

M/S/C after review, approved the following claims for payment:

Yolo Flood Control Checks: #32932-32941

### **CLOSED SESSION**

The regular meeting was adjourned to Closed Session under Real Property Acquisition Government Code 54956.8.

Persons present other than the Board members were General Manager O'Halloran, Assistant General Manager Barton, Attorney Bartkiewicz and Engineer Borcalli.

### **CLOSED SESSION REPORT**

The regular Board meeting was reconvened. Mr. Bartkiewicz reported that the Board took no action during the Closed Session.

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

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Erik Vink, Chairman

ATTEST:

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Tim O'Halloran