

RECLAMATION DISTRICT NO. 108

Minutes of the Regular Meeting Of the Board of Trustees

May 18, 2017

President Durst called the Regular Meeting of the Board of Trustees to order at 8:30 a.m. on Thursday, May 18, 2017 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

Trustees Present: Fritz Durst, Roger Cornwell, Sean Doherty, Jon Leonard and Hilary Reinhard

Trustees Absent: None

Others Present:	Lewis Bair, General Manager	Kim Gallagher, Landowner
	Meegan Nagy, Deputy Manager	Blair Voelz, Landowner
	Bill Vanderwaal, Deputy Manager	Don Huff Jr. Landowner
	Gary Marler, Superintendent	Don Huff III, Landowner
	Cathy Busch, Secretary	John Louden, Colusa Supervisor
	Beverly Walls, Bookkeeper	Steve Beckley, Public Relations
	Chad Navarrot, Asst. Superintendent	Eileen Diepenbrock, Attorney (by phone)

Agenda – Manager Bair reported that under Government Code Section 54954 2(b) the District is allowed to add a new item to the agenda by unanimous vote for new information received within 72 hours of the meeting (after agenda has been posted). The District received a funding agreement from DWR for Deferred Maintenance that needs immediate action and requested that it be added to the agenda under Business Item 2. Trustee Cornwell moved to add an action item for Deferred Maintenance to the Agenda under Business Item 2 and approve the agenda as amended. Trustee Leonard seconded. Approved 5 – 0.

Open Forum

President Durst welcomed the public to the meeting. Deputy Manager Nagy reported on the five flood damaged sites along the Back Levee submitted to the Central Velly Flood Protection Board and the Corps of Engineers (Corps) for repair. The Corps and Department of Water Resources (DWR) will visit each site today to determine their eligibility. The District should know by August or September which sites, or if all sites, will be eligible for funding. The Corps is required to have the repairs completed by the next flood season, but because of the number of sites, only the high priority sites might get repaired this year. The District has also submitted labor for levee patrol, flood fighting and power costs to FEMA for reimbursement. Superintendent Marler reported that District staff has cleaned, dozed and burned the debris along the Back Levee due to the high flows. The One-Stop Program has provided four laborers, funded as part of the emergency

declarations, to help with flood cleanup. He commended the District staff on their efficiency in the work that they do.

Manager Bair reported on the 2017 Irrigation season. He said that the District can increase the water diversions at Wilkins Slough Pumping Plant if needed for the initial rice flood-up. About 35 percent of the rice has been flooded.

Manager Bair gave a status report of the Delta issues. The proponents for the Delta tunnel project now called Water Fix are seeking a change the point of diversion. We are protesting that decision since it is unknown how that project will be operated and how the operation will impact upstream storage. He also reported on the OCAP litigation. NMFS is currently trying to amend the environmental documents for a more restrictive water temperature below Shasta for Salmon, if passed it could impact the District's April and May water supply in dry years. The Bureau of Reclamation (USBR) is considering the impacts of the proposal and whether or not the proposed conditions requirements could be modified without additional impact analysis or if it would require a more substantial analysis.

Manager Bair reported on the Water Quality Control Plan. The State Water Control Board is looking into requiring a specific percent of the flows generated by the watersheds, often referred to as "unimpaired flows", as a solution to benefit fish. The Districts propose that due to our modified waterways, you cannot simply return flows, you actually need to return the functions that those flows triggered which will require management of water to produce food, pulses etc. combined with restoration activities and reconnection of flood plains consistent with the ag practices. Everyone is motivated to resolve this through the voluntary process to avoid the considerable time and legal disputes that would be costly and delay the benefits to fisheries.

Deputy Manager Nagy asked that if any landowner receives a letter from DWR regarding pipe(s) through the levee to please contact her. The letters are unclear and new. The District will offer assistance in coordinating the new required efforts.

The Public Forum ended at 9:03 a.m.

ADMINISTRATION

Public Participation: There were no further comments from the Public at this time.

Consent Agenda – It was moved by Trustee Cornwell to approve the consent agenda, including the Minutes of the Board Meeting held on April 20, 2017 as submitted. Trustee Reinhard seconded. Vote: Approved 5 - 0.

Accounts Payable – It was moved by Trustee Doherty to approve the accounts payable: Maintenance Fund in the amount of \$398,930, payments issued in April and May to be ratified totaled \$19,619 and on-line payments issued in May to be ratified in the amount of \$29,164; and Irrigation Fund payments in May to be ratified in the amount of \$427.45 and on-line payments in May to be approved in the amount of \$5,224. Trustee Reinhard seconded. Approved 5 – 0.

BUSINESS ITEMS

1. Operations Report – Superintendent Marler reported on District-wide maintenance. The District started filling canals on April 24 with water deliveries starting the following week. Maintenance crews continued to replace pipe and risers and began removing fallen trees from the landside of the Sacramento River levee. Raincoats have been removed from the eight slips on the Back Levee and staff will begin repairs on three of the slips and one for KLRDD. The Spring levee inspection was completed on May 3 and all eight slips were photographed and added to DWR's report.

Assistant Superintendent Navarrot reported on repairs to the Rough & Ready Pumping Plant. This Project started in 2016 with the automated trash screen and purchase of new River gates. A bid proposal was prepared for completion of the of the electric gate operators and tying it to the SCADA system. The repair was for budgeted \$225,000, with low bid at \$242,000. Action on this item will be taken later in the meeting.

2. Flood Control Issues

- **Mid-Upper Sac River Regional Flood Plan** – Deputy Manager Nagy gave a status report of the Flood Plan update. She attended the first CVFPB Workshop on conservation strategy and found that most of the regions comments were incorporated into the Plan. The Plan will be delayed due to comments filed by the Indian tribes. Because of the delay, the workshops have been rescheduled and topics have been changed. Some of the participant agreements end on June 30 and since the Plan will not be completed until September, they may not be able to participate in the Plan completion. However, DWR has allocated an additional \$100,000 to the Mid-Upper Sacramento River Region and a corresponding time extension to work on the Regional Conservation Information Strategy (RCIS) will allow landowners to offer mitigation habitat on their farms and receive mitigation credits. Ms. Nagy attended a tour of the Sutter Bypass to see what fishery opportunities are there and how they can be linked to flood issues.

- **Storm Cleanup** – Deputy Manager Nagy reviewed the list of flood repairs submitted to FEMA for reimbursement. She reported that FEMA provides the State with 15 percent of FEMA funding for the Hazard Mitigation Assistance Grant Program so that the State can award grants to take critical mitigation measures to reduce the risk of loss of life and property from future disasters. The District will apply for an emergency generator for the office. This is a 75-25 cost-share.

- **Deferred Maintenance** - Deputy Manager Nagy reported that the District received a letter regarding the Deferred Maintenance Project and is asking that the Board take action issuing a Letter of Intent and adopting Resolution No. 17-11 in the matter of “Approving the Intent to Participate in the Deferred Maintenance Project to Receive State Funds Under the Section 6.10 of Senate Bill 826 (Stats. 2016 CH.32). After discussion, Trustee Doherty moved to adopt RESOLUTION NO. 17-11 in the matter of DWR Deferred Maintenance and to authorize Deputy Nagy to sign agreements on behalf of the District and do all things necessary to complete this Agreement. Trustee Reinhard seconded. Approved 5 – 0. It was the consensus of the Board to combine the District with SRWSLD and KLRDD for one joint grant pending approval by legal counsel.

3. Water Issues – Manager Bair reported that in 2017 the Irrigation Fund budgeted to borrow \$750,000 from Maintenance Fund to balance their budget. Because of the reduced Project Water Cost (est. \$200,000 savings), one year water transfer (est. \$200,000) and lower power cost for gravity diversion, Irrigation will not need the full amount.

4. SGMA – Deputy Manager Vanderwaal gave a status report of the Yolo County JPA. The Cities of Woodland, Davis and Winters have approved the JPA and all but 3 reclamation districts have either approved or have set up hearings to take action on the JPA. Per the JPA agreement a Board member must be appointed by the District to sit on the Board. President Durst appointed Trustee Reinhard as the District’s representative to the JPA Board and Deputy Manager Vanderwaal as the alternate. The initial JPA meeting is on June 19th.

Deputy Manager Vanderwaal gave a status report for the Colusa County GSA. He reported that the District will hold its Public Hearing on June 15 to consider adoption of a resolution approving the Joint Exercise of Powers Agreement Establishing the Colusa Groundwater Authority. The Resolution and JPA Agreement are in the meeting packet for Board review prior to the Public Hearing in June.

5. Water Transfer with Colusa County Water District and Dunnigan Water District – Manager Bair reported the Agreement for the in-lieu groundwater recharge project has been revised under Item 9, “Release from Transfer of Obligation” Item (a) to seven days and is being considered for approval by Colusa County Water District (CCWD) and Dunnigan Water District

(DWD). CCWD and DWD received a proposal for the environmental documents that was surprisingly expensive and is looking to review the approach proposed by the consultant. Therefore, the districts are looking for a one year transfer for 2017. Trustee Cornwell moved to authorize Deputy Manager Vanderwaal to enter into an agreement with CCWD and DWD for a one-year Project Water transfer and to do all things to complete the agreement. Trustee Reinhard seconded. Approved 5 – 0.

6. Adopt Resolution No. 17-09 Office Annex Project – Deputy Manager Vanderwaal reported that the District received four bids for the Office Annex Project. The bids were J-Walt Construction at \$778,850; Z Squared Construction at \$924,600; REM Construction at \$938,604; and Hilbers Incorporated at \$1,196,944. J-Walt Construction was found to be a non-responsive bid and subsequently withdrew their bid; therefore, it is staff recommendation to award the contract to Z Squared Construction for \$924,600. Trustee Reinhard moved to adopt RESOLUTION NO. 17-09 to award construction contact to Z Squared in the amount of \$924,600 and to authorize Deputy Manager Vanderwaal to enter into a contract and do all things to complete the Office Annex Project. Trustee Cornwell seconded. Approved 5 – 0.

8. Adopt Resolution No. 17-10 Rough & Ready Gate Actuator Replacement Project – Deputy Manager Vanderwaal reported that the District received four bids for the Rough & Ready Gate Actuator Replacement Project: Fort Bragg Electric at \$241,839; MarTech at \$244,260; MDS Engineering & Construction at \$259,768 and Davis Machine at \$261,507. After discussion, it was moved by Trustee Doherty to adopt RESOLUTION NO. 17-10 in the matter of awarding the Contract for the Rough & Ready Gate Actuator Replacement Contract to low bidder Fort Bragg Electric for \$241,839 and to authorize Deputy Manager Vanderwaal to enter into a contract and do all things to complete the Rough & Ready Gate Actuator Replacement Project. Trustee Cornwell seconded. Approved 5 – 0.

9. HR217 Farm Cost Reduction Act – Manager Bair reported that Representatives LaMalfa and Garamendi introduced HR217 modernizing federal flood insurance rules for agricultural structures and ease restrictions on agricultural construction. ACWA is seeking support of HR217. Trustee Reinhard moved to endorse HR217. Trustee Cornwell seconded. Approved 5 – 0.

7. CLOSED SESSION – The Board went into Closed Session at 10:25 a.m. to conference with legal counsel, one case of potential litigation pursuant to subdivision (b) of Section 54956.9 (El Dorado Pumping Plant). Trustee Cornwell stepped out of the meeting for this discussion. Attorney Diepenbrock was contacted by phone. The Board came out of Closed Session at 10:34 a.m. and President Durst announced that no action was taken.

10. Central Valley Flood Control Association Board Membership – Manager Bair reported that the District and its two sister districts, SRWSLD and KLRDD, each hold a seat on the Central Valley Flood Control Association (CVFCA) Board. SRWSLD Commissioner Ellis has stepped down from his seat on the CVFCA Board, therefore one seat is open. Currently Manager Bair sits on the Board and it has been recommended that Deputy Manager Nagy and a landowner fill the other two seats. Commissioner Tibbitts offered to fill the vacancy if Landowner Ben Carter declines the appointment.

INFORMATION REPORTS

NCWA Report – Trustee Cornwell reported on current NCWA activities. NCWA is currently involved with Salmon Recovery Program, Bay Delta Task Force, Voluntary Settlements and Water Bonds. Trustee Cornwell is currently the Chair of the Bay Delta Task Force.

Sites JPA – President Durst reported that Sites JPA is currently working with Cal Fish and Wildlife to determine how the State benefits from Sites water. The primary focus is on what the fish require as a bypass flow at the point of diversion for the Project. The JPA is also working on additional bypass modeling. President Durst passed around a list of committees and committee members for Board review.

Communications Consultant – Mr. Steve Beckley gave his public relations report. He complimented River Garden Farms on promoting farming through their Fish Project.

Deputy Managers' Report – Nagy & Vanderwaal

- **Water Efficiency Grant** – Deputy Vanderwaal reported that USBR has awarded the funding contract and will complete the NEPA process and the District will complete CEQA process. The State is reviewing the Statement of work and should award funding in June.

- **Alternative Water Supply** – Deputy Vanderwaal is working with Davids Engineers on the Alternative Water Supply Study. They are currently waiting on MBK Engineers for future water transfer information. A landowner meeting will be setup late June.

- **Sites Reservoir Committee** – A tour of the Sites Project area has been set for tomorrow for the Sites Reservoir Committee.

Manager's Report – Manager Bair reported on the Reinitiation of Consultation under the Water Fix includes the WIIN Act that provides for Water Users to be engaged. The Water Users have proposed an MOU to define their engagement. Manager Bair recommend that legal counsel review the MOU before the Board takes action. This will be added to the June Agenda.

Manager Bair reported that the Tehama County RCD is looking to do a side channel Project and is asking if RD108 would participate by contributing equipment operators. Deputy Manager Vanderwaal, Superintendent Marler and Assistant Superintendent Navarrot are scheduled to visit the Project site in Red Bluff. It was the consensus of the Board to move forward with this Project.

Other Matters – President Durst reported on a section of the River where an in-channel restoration project like Bullock Bend could benefit fish. This Project would be outside the District, but would also benefit the District. He suggested that the District look at this Project and see if there are others that would agree to partner on it. Deputy Manager Nagy said that the Corps of Engineers would be willing to look at the Project as a repair to the levee, but any betterment of the levee would not be eligible for funding. Trustee Cornwell reported that RGF has two oxbows in the River that could be setup as flood plain restoration projects.

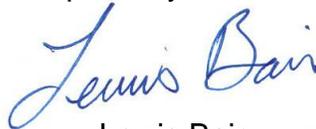
CLOSED SESSION – The Board went into Closed Session at 11:08 a.m. to conference with legal counsel regarding anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (Voluntary Agreement, Cal Water Fix comments and Settlement Contracts. The Board came out of Closed Session at 11:32 a.m. and President Durst announced that no action was taken.

The Board recessed at 11:32 a.m. for lunch.

ADJOURNMENT

There being no comments from the public and no further business to come before the board, the meeting was adjourned at approximately 12:01 p.m.

Respectfully Submitted



Lewis Bair
Manager