

# RECLAMATION DISTRICT NO. 108

## Minutes of the Regular Meeting Of the Board of Trustees

June 15, 2017

President Durst called the Regular Meeting of the Board of Trustees to order at 8:33 a.m. on Thursday, June 15, 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  
Meegan Nagy, Deputy Manager  
Gary Marler, Superintendent

Deke Dormer, Landowner  
Derek Strain, Landowner  
Don Huff III, Landowner

Cathy Busch, Executive Secretary  
Beverly Walls, Bookkeeper  
Kevin O'Brien, Legal Counsel  
Steve Beckley, Public Relations

John Louden, Colusa Supervisor  
Kim Gallagher, Landowner  
Mary Fahey, Colusa County  
Don Huff, Jr. Landowner

### Open Forum

Manager Bair reported on the spring flood-up. He said that several Laterals were hit with more water demands than the capacity but with the cooperation of the Water Users all went well.

Manager Bair reported on BayDelta issues. He said that the Voluntary Agreement Group were working on the State Board Water Control Plan and trying to move them away from narrow unimpaired flows to proposals that will provide fish habitat and increase fish survival. It is important to show that landside and floodplain habitat is needed, not more water. One example of a salmon recovery project that has been very successful without additional water is Butte Creek.

Attorney O'Brien gave a status report of the BayDelta Cal Water Fix, water tunnel project. Hearings have restarted. Part one includes the water tunnels that will take water from three diversions to export pumps at Tracy. We have submitted protests based on the unclear operation of the Project and how it could impact our water supply. If protections are built into the operation, it could resolve our protests. These discussions could take up to six months. The final EIR should be completed soon and will trigger a 30-day protest period. Part 2 will show Project impacts on fish and game, and the environment.

Manager Bair gave an update on SGMA for both Yolo and Colusa Counties. Ms. Mary Fahey reported that Colusa County is forming a JPA. Six agencies have already completed the process. A letter of rescission has been drafted and once all the participants have signed the JPA the rescission letters will be submitted to DWR at one time. The first meeting of the JPA will be late July or early August. The estimated cost for both Counties is approximately \$0.50 per acre. Colusa County will have a \$9,000 fee for a seat on the Board to help fund the initial process until the Prop. 218 process can be developed for all members.

Manager Bair reported on the SMUD powerline proposal. He did not have an update, but saw the updated brochure that had included an additional option in Yolo County. Yolo County is very organized in their opposition to the new proposal. It will be a while before a final decision is made.

The Public Forum ended at 9:07 a.m.

## **ADMINISTRATION**

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

**Consent Agenda** – It was moved by Trustee Doherty to approve the consent agenda, including the Minutes of the Board Meeting held on May 18, 2017 as submitted. Trustee Reinhard seconded. Vote: Approved 5 - 0.

**Accounts Payable** – It was moved by Trustee Cornwell to approve the accounts payable: Maintenance Fund in the amount of \$344,993 and on-line payments issued in June to be ratified in the amount of \$32,614; and Irrigation Fund in the amount of \$43,840 and payments to be ratified in the amount of \$3,358. Trustee Leonard seconded. Vote: Approved 5 – 0.

## **BUSINESS ITEMS**

**1. Operations Report** –Superintendent Marler reported on District-wide operations. The Irrigation season is in full operation and the District is still running gravity water at Wilkins Slough. The District maintenance crew continue to replace pipe and risers as needed and made repairs to the slip on Canal 10R. Work has started on the new patio for the Manager’s residence.

Superintendent Marler reported on the Rio Vista Project that will clean and restore the channel and side channels which will be beneficial to fish rearing. They have requested equipment operators from the District to help with the work. The Project should last less than four weeks and the District cost of labor and meals for staff, approximately \$38,000. The overall budget being

considered is \$58,313 which includes plan review, MOU preparation, legal review and other project management support time.

Manager Bair reported on the Rough & Ready Gate Actuator Replacement Project. The contractor has provided all the required bonds and insurance documents and received a Notice to Proceed. Innovative Controls was selected to complete the SCADA work.

**2. Water Issues** – Discussed during Open Forum.

**3. Public Hearing – Colusa Groundwater Authority Formation** – President Durst opened the Public Hearing at 9:38 a.m. to discuss the formation of the Colusa Groundwater Authority. The participants will fund the program for the first two years and then a Proposition 218 process will be held to adopt an assessment. The Groundwater Sustainability Plan must be substantially completed in five years and sustainable in 20 years. President Durst asked if any of the Public had any comments on this matter. The Public Hearing ended at 9:45 a.m. After discussion, it was moved by Trustee Doherty to Adopt RESOLUTION NO. 17-08 in the matter of Authorizing Execution of Joint Exercise of Powers Agreement Establishing the Colusa Groundwater Authority and to appointment Trustee Reinhard as the District's representative and Deputy Manager Vanderwaal as the alternate.

**4. Flood Control Projects** – Deputy Manager Nagy reported on the Mid-Upper Sacramento Regional Flood Plan. The Project Agreement was amended for an additional \$100,000 to work with the Environmental Defense Fund to work on Central Valley Habitat Exchange and Mitigation Enhancement on working lands. This program would allow landowners to receive mitigation credits for projects completed that they would be able to sell or use for future projects. She recommended that the District enter into an Memorandum of Understanding with the Environmental Defense Fund to move forward with a pilot program with total costs funded by DWR. She also recommends that the District enter into contract with Stillwater Science to execute the work. It was the consensus of the Board to defer action regarding the MOU and Stillwater Science contract to the July Board meeting. It was moved by Trustee Cornwell to support the RCIS as the local applicant on behalf of the Mid & Upper Sacramento River Regional Flood Management plan and commit staff time to the effort and to authorize Deputy Manager Nagy to represent the District on the Steering Committee for the MUSRFMP Regional Conservation Investment Strategy. Trustee Reinhard seconded. Approved 5 – 0.

**5. SGMA Update** – No further discussion.

**6. Water Transfer** – Manager Bair reported that the District received a letter from Dunnigan Water District notifying the District that they would not pursue a one-year water purchase in 2017. They stated that they were still committed to finalizing the environmental documents and the five-year in lieu groundwater recharge agreement. The District has submitted the required documents to USBR for the one-year transfer with Colusa County Water District for 8,000 acre-feet of Project water and the Agreement has been signed. Colusa County Water District payment will be the total amount determined by USBR water rates and transfer guidelines dated June 1, less all capital costs included in the District's water rate. Deputy Manager Vanderwaal was directed to continue to work with legal counsel on the five-year in lieu groundwater recharge agreement.

**7. Water User Participation in Water Fix** – Attorney gave a status report on the Water Fix process. After discussion, it was moved by Trustee Cornwell to authorize Manager Bair to execute a Memo of Understanding (MOU) regarding Water User participation in the Water Fix process. Trustee Reinhard seconded. Approved 5 – 0.

**8. Office Remodel & Budget Amendment** – Manager Bair gave an update on the Office Remodel Project. He said that the Budget for the Office Remodel was set with the winning Project Bid of \$924,000. The current budget does not have very much in contingency funds. After discussion, it was moved by Trustee Doherty to authorize 15 percent of the budgeted amount of the Office remodel budget for change orders and unexpected costs. Trustee Cornwell seconded. Motion failed due to lack of vote. It was further moved by Trustee Reinhard to authorize \$100,000 for Office remodel project change orders. Trustee Leonard seconded. Approved 5 – 0.

## **INFORMATION REPORTS**

**NCWA Report** – President Durst reported on current NCWA leadership activities.

**Sites JPA** – President Durst gave a status of the Sites Reservoir Project. He said that the JPIA will be submitting application in mid-July for Proposition 1 funding. One challenge facing the Project is Calif. Fish & Wildlife's concerns about impacts on fish.

**Communications Consultant** – Mr. Steve Beckley have a status report on his Public Relation activities during the month of May.

**Deputy Managers' Report** – Deputy Manager Nagy reported that there was a site visit to the PL84-99 flood damage sites. The next step will be to write up the reports. She should have an update on eligibility based on cost-benefit-ratio at the July Board meeting. She also reported that

she is still working through FEMA paperwork for reimbursement of protective measures and power costs. Ms. Nagy also reported on the Deferred Maintenance Program pipe inspections and that KLRDD has signed on to participate with RD108. Legal counsel has been reviewing the Agreement with DWR and is working through several areas of concern.

President Durst expressed his concern that the District will be exposed to further flood damage during the 2017/18 storm season since there is no funding available to make needed repairs from the last storm season.

**Manager's Report** – Manager Bair reported on the recent Washington DC trip. President Durst, Trustee Cornwell, Attorney O'Brien and Manager Bair participated in the trip. The delegation talking points were the infrastructure and fishery programs impacts, flood repair funding and bringing Sacramento Valley projects into a comprehensive plan.

Manager Bair reported on the KLOG Project. The State has finished their analysis of the structure failure and will make the repairs in 2018.

Manager Bair reported that there will be a Wallace Weir Project meeting here today with impacted landowners to discuss how the Weir will be operated. The DWR Division of Flood Maintenance will operate the Weir.

**Attorney's Report** – The Board went into Closed Session at 11:30 a.m. to conference with legal counsel – anticipate litigation. Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 (CalWater Fix Comments, Settlement Contractors). The Board came out of Closed Session at 11:45 a.m. and President Durst announced that no action was taken.

The Board recessed at 11:45 p.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 12:30 p.m.

Respectfully Submitted

Lewis Bair  
Manager