

RECLAMATION DISTRICT NO. 108

Minutes of the Regular Meeting Of the Board of Trustees

October 23, 2018

President Durst called the Regular Meeting of the Board of Trustees to order at 8:31 a.m. on Tuesday, October 23, 2018 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

Trustees Present: Fritz Durst, Roger Cornwell and Hilary Reinhard

Trustees Absent: Todd Miller and Sean Doherty

Others Present:

Lewis Bair, General Manager	Cathy Busch, Secretary
William Vanderwaal, Deputy Manager	Beverly Walls, Bookkeeper
Meegan Nagy, Deputy Manager	Anne Zwald, Administrator
Meredith Nikkel, Legal Counsel	Cameron Kaelin, Landowner
Gary Marler, Superintendent	Mark Repetto, 5150 Duck Club

Agenda – It was moved by Trustee Doherty to approve the agenda as submitted. Trustee Miller seconded. Approved 3 – 0.

Open Forum – President Durst welcomed guests to the Open Forum. He reported that a decision on Sites participation has been moved back several months, though they are still looking for quantities in November. The Reservoir Committee is looking at less work next year and is requesting a significantly reduced cash call compared to previous landowner discussions estimated to be about \$62/acre-foot. After the first year of payments, there would be an option to opt out of Phase 2. Deputy Manager Vanderwaal reported that pushing back the Sites Reservoir will postpone engineering and environmental EIS/EIR studies, postponing the Project by a year. Deputy Manager Vanderwaal gave a presentation showing the potential differences between the District's contributions of a partial or full subscription of 20,000 acre-feet for the entire project for the years to come.

President Durst reported that the high cost of Phase 2 of the Sites Reservoir Project has caused some entities to drop out and they are actively seeking others to take over their allocation. There are some enterprises in the San Joaquin Valley looking for more water, up to 40,000-acre feet, that might be interested in subscribing to the Sites Reservoir project.

President Durst opened the floor for questions on Sites Reservoir. Landowner Cameron Kaelin expressed her concern regarding the Sites investment and the ever-changing environment. She suggested that the District hold a Landowner meeting where Landowners can discuss the Project and concerns prior to making a decision in February 2019. President Durst suggested a meeting in December. The District will send a letter to Landowners regarding the Sites deadline being pushed back and notice a December meeting to discuss Sites Reservoir.

Manager Bair reported on Fall Water. He reminded Landowners and Water Users that the District operates under its junior water right permit starting in November and that water is available until October 31 under our more senior rights.

Manager Bair reported that the District is getting more requests for winter water availability for bird and fish programs and requests for January and February water deliveries. He recommends that we look at maintenance workload and see how flexible the District can be with January and February deliveries without compromising maintenance programs.

Manager Bair reported on the charter that was submitted to flood 5,000 acres on the south end of the District to produce fish food. This is for three years; flooding and draining 5,000 acres three times each winter. The grant includes funding estimated to cover water and labor costs to manage the water. The Board will be taking action on this later in the meeting.

The Public Forum ended at 9:11 a.m.

ADMINISTRATION

Public Participation: There was no Public Participation at this time.

Consent Agenda – It was moved by Trustee Reinhard to approve the consent agenda, including the Minutes of the Board Meeting held on September 20, 2018. Trustee Cornwell seconded. Vote: Approved 3 - 0.

Accounts Payable – It was moved by Trustee Cornwell to approve the accounts payable: Maintenance Fund in the amount of \$266,335; checks issued in September to be ratified in the amount of \$948,229; online payments to be ratified issued in September in the amount of \$13,871; on-line electronic payments issued in September in the amount of \$29,384, and transfers between River City Bank account to Money Market Fund in the amount of \$150,000. Irrigation Fund in the amount of \$149,916; checks issued in September to be ratified in the amount of \$391,586 and on-line electronic payments to be ratified in the amount of \$110,636. Trustee Reinhard seconded. Approved 3 – 0.

BUSINESS ITEMS

1. Operations Report – Superintendent Marler reported on District-wide maintenance. He reported that pipe and riser replacements continue throughout the District. Pruning on the Back Levee was conducted for a clear path to create a fire break. A flap gate was repaired at

Wilkins Pumping Plant and the District continues with diagnostics on pump #5 to find the cause of vibration. Staff cleaned up woody vegetation to help deter beaver activity. Grading the levee for the gravel is completed. A post-season meeting between Landowners, Water Users and Watermen is set for Nov. 9th in the Boardroom starting at 9am. Dunnigan water operations are going well and it has been determined that Rafael Villa will backup both Steve and Mike at Dunnigan Water District.

2. KLOG – Manager Bair gave an update on the draft agreement on reinstalling Knights Landing Outfall Gates (KLOG). The Project Agreement states that RD 108 will contribute Manager Bair’s time, cash flow for reconstruction and operation for the first year. Ideally, we would like to have reconstruction completed by Nov. 1, 2019. Trustee Reinhard moved to give Manager Bair authority to do what is necessary to move the Project forward, with legal review from Attorney Sean Filipinni. Trustee Cornwell seconded. Approved 3-0.

3. Fish Food Program – Manager Bair reported on a proposed Fish Food Project that would include lands in the south end of the District, focused on Tract 6. Trustee Cornwell moved to give Manager Bair the authority to become the grant administrator for the Fish Food Project and SRSC Projects or to find a suitable organization and to give Manager Bair authorization to do all thing reasonable in regard to the Fish Food Project. Seconded by Trustee Reinhard. Approved 3-0.

4. Deferred Maintenance Program - Deputy Manager Nagy reported on the Deferred Maintenance Program. DWR completed their geophysics survey for the sites where no pipes were found. She said that five pipes need to be inspected and with so few the cost is high. It was recommended that all the Districts pool their inspections together for one contact to lower the cost. It was moved by Trustee Reinhard to Adopt RESOLUTON NO. 18-04 in the matter of Authorizing SRWSLD as the Lead Agency to Execute a Contract for the Deferred Maintenance Project. Trustee Cornwell seconded. Approved 3 – 0. Because Downey Brand is legal counsel to RD108, SRWSLD and KLRDD, Downey Brand is requiring a Consent to Limited Simultaneous Representation agreement be signed by each of the Districts. It was moved by Trustee Reinhard to authorize Manager Bair to sign a Consent to Limited Simultaneous Representation Agreement between the District, SRWSLD and KLRDD. Trustee Cornwell seconded. Approved 3 – 0.

INFORMATION REPORTS

1. NCWA Report – Trustee Cornwell reported that there will not be an increase in annual dues for 2019.

2. Sites JPA – Nothing further to report at this time.

3. Public Relations Consultant – The Public Relations Report is in the meeting packet for review.

4. Attorney's Report – The Board went into CLOSED Session at 10:58 a.m. to conference with Legal Counsel – existing litigation (Paragraph (1) of subdivision (d) of Section 54956.9. Natural Resources Defense Council et al v. Zinke.

Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (CalWaterFix Comments, Settlement Contracts, NRDC, SWRCB Settlement Process and Voluntary Agreement, KLOG). The Board came out of Closed Session at 11:00 a.m. and President Durst announced no action was taken.

5. Deputy Managers' Report

Deputy Manager Nagy Report – Deputy Manager Nagy reported that she attended a meeting by the Berkley Law Energy and Environment Legacy group regarding what the next Governor's top water issues should be. They plan to draft a two-page letter covering all the issues of the participants. The draft should be out close to the election with a very short review time to determine if the participants want to be included and if it covers their issues. It was the consensus of the Board that the draft letter be reviewed by both President Durst and Manager Bair to determine if the District should be a signatory. Deputy Manger reported that SRWSLD will hold its Annual Landowner meeting on November 14 at the Colusa Industrial Center.

Deputy Manager Vanderwaal Report -

- **Dunnigan Water District (DWD) Management** – Deputy Manager Reported on the status of the District taking on the Management of DWD. Ms. Donita Hendrix is working half days on Tuesday and Thursdays. The Board will need to affirm it's decision to continue with DWD management at the Nov meeting. The District will send out postcards reminding Landowners.

- **Project Updates** – Deputy Manager Vanderwaal reported that the Project Reports were in the meeting package for review.

6. Manager's Report – Manager Bair reported that the District will be interviewing for the office positions on November 1.

7. Other Matters – President Durst asked if the Employee Handbook would be ready for Board review and action at the November Board meeting. The Handbook has been revised and approved by Downey Brand and has been sent to Trustees Reinhard and Cornwell for their review. He also commented on the possibility of improving drainage under the main canal East of Highway 45. He also suggested a board in program to retain storm water for groundwater recharge and potential fish food programs.

ADJOURNMENT

There being no comments from the public and no further business to come before the board, the meeting was adjourned at approximately 11:35 a.m.

Respectfully Submitted

William Vanderwaal
Deputy Manager