

# RECLAMATION DISTRICT NO. 108

## Minutes of the Regular Board Meeting

February 21, 2019

President Durst called the Regular Meeting of the Board of Trustees to order at 8:30 a.m. on Thursday, February 21, 2019 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

**Trustees Present:** Roger Cornwell, Sean Doherty, Fritz Durst and Todd Miller

**Trustees Absent:** Hilary Reinhard

**Others Present:**

Lewis Bair, General Manager	Anne Zwald, Secretary
William Vanderwaal, Deputy Manager	Kevin O'Brien, Legal Counsel: by phone for closed session only
Meegan Nagy, Deputy Manager	Beverly Walls, Bookkeeper
Gary Marler, Operations Manager	Don Huff III, Landowner
Steve Beckley, Landowner	Camie Kaelin, Landowner
John Loudon, Colusa County	Candy Dormer, Landowner
Deke Dormer, Landowner	

**Agenda:**

M/S/C: Cornwell/Miller: approve agenda with the exception of removing items E.1. and E.12 as they were no longer relevant to discuss.

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**Open Forum:** President Durst welcomed guests to the Open Forum.

- **RD108 Groundwater Planning** – RD 108 is looking to move forward with groundwater development in RD 108 and requested that Landowners participate in formulating an approach to do so. The District will establish a subcommittee of the Board and reach out to Landowners shortly. Landowners are encouraged to go to the Colusa GSA Open House Meetings where they will be updating the CGA's progress on developing a GSP and discussing the Prop 218 that is being done to fund the CGA's operations from July 2019 into the future. Chair Durst directed the staff to put a link on the RD-108 website to the DWR website that has monitoring well data. The DWR Subsidence Report and its results was discussed.
- **Water Supply Update** – Manager Bair reported that there should be no problem receiving 100% of our contracted water supply in 2019 as we are well beyond the inflow requirement for Shasta.
- **Dunnigan Water District (DWD) Management** – Deputy Manager Vanderwaal reported that the DWD Board approved continuing the contract with RD108 as previously written up. He informed the board and the public that the added management only takes about 20% of his time and has yet to affect his work for RD108. Steve is currently the waterman at DWD but will only work 4 days a week during water season and then Mike from RD108 will take on the other days if needed. A benefit to RD108 with continuing

management of DWD is sharing the cost of Mr. Vanderwaal's time at conferences and meetings that are relevant to both districts he is representing.

- **Lands in RD108 wanting to add water service** – Manager Bair reported that not all acres in the district receive irrigation water. Some of those areas, like the Roosevelt Ranch, are looking to start receiving water. The challenge for the Board is to make sure that this is done in an equitable and reasoned manner.
- **Voluntary Agreements** – Manager Bair reported that an interim submittal will be provided to the State Water Resources Control Board on March 1<sup>st</sup>. While there will still be some unresolved issues, this will represent a substantial step in the right direction.

**Public Participation:** No further public participation at this time.

The Open Forum ended around 9:15 a.m.

## ADMINISTRATION

### Consent Agenda:

M/S/C: Doherty/Miller: to approve Minutes of the Regular Board Meeting on January 17, 2019

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**Accounts Payable:** Maintenance Fund in the amount of \$727,018.23; checks issued in February to be ratified in the amount of \$120,023.14; online payments to be ratified issued in February in the amount of \$12584.92; on-line electronic payments issued in January/February in the amount of \$20,021.39, and transfers between River City Bank account and the Money Market Fund in the amount of \$250,000. Irrigation Fund in the amount of \$36,429.02 and on-line electronic payments were ratified in the amount of \$5,161.74.

M/S/C: Doherty/Miller: to approve accounts payable as stated above.

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**Approve the Following Venders for On-Line Payment:** United Ag (Health Insurance).

M/S/C: Cornwell/Miller: to approve United Ag to be paid On-Line

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

## BUSINESS ITEMS

1. **Final Budget Amendments for 2018:** Taken off the agenda.
2. **Budget Amendments for 2019:** Manager Bair pointed out a few changes needed for the 2019 Budget: 1). Increasing labor for additional hires including a summer intern and crew chief, 2). Office Supplies Expenses increased because the server needs to be replaced and the sound proofing of the board room is still taking place, 3). Headquarter residence needs the furnace/ac unit replaced as well as the replacing the fallen down fence, 4). Telemetry and SCADA requirements needed for SB88 compliance requiring real-time diversion data acquisition

and posting on the website, 5). Pumping Plant Maintenance increased for repairing a failing pump and spare bell and finally, 6). The Sacramento River Loan, it was budgeted to issue money in 2018 but will actually be issued in 2019.

M/S/C: Doherty/Cornwell: to approve the Budget Amendments as mentioned above.

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**3. Operations Report** – Superintendent Marler report is attached. (Attachment 1 of 1 for 02.21.2019 Minutes)

**4. Consideration of entering into a Master Service Agreement with Yolo County for maintenance support of the CSA-6 Levee:** Yolo County CSA-6 approached RD108 and asked if weed spraying and rodent baiting could be taken over by the District. There would be no additional cost to RD108 because Yolo County would be billed for work performed. Deputy Manager Nagy and Superintendent Marler feel the work load would not affect current District work. Yolo County will draft up a Master Service Agreement for RD108 to sign if it decides to take on the task.

M/S/C: Doherty/Cornwell: to approve to enter into a Master Service Agreement with Yolo County for maintenance support of the CSA-6 Levee with General Manager’s approval for Deputy Manager Nagy to sign after legal review. Legal review will need to make sure that RD108 takes on no additional liability.

AYES/NOES: Cornwell, Doherty, Durst/Miller

**5. Consider signing the OMRR&R agreement for FMAP:** At the last meeting, it was approved for Deputy Manger Nagy to sign a new funding agreement in order to receive FMAP funding. The State hasn’t officially published the funding agreement however the template OMRR&R agreement was released. Deputy Manager Nagy reviewed the key items in the OMRR&R agreement that Counsel highlighted for the Board’s awareness in making a decision. Deputy Manager Nagy identified the following items contained within the OMRR&R agreement; the requirement of Repair, Replacement and Rehabilitation is explicitly expressed; explicit authority for DWR to bill the District if the District doesn’t do work that is necessary and DWR steps in; explicit obligation of the District to be the lead on hazardous waste issues, and as between the two to be liable; and explicit indemnity of the State and Feds. Deputy Manager explained that most local maintaining agencies (LMA) have already agreed to maintain to Federal standards, and Federal standards include the three Rs; that DWR/CVFPB can form a maintenance area and charge landowners for the cost of work that is necessary; that a finding of hazardous materials on the levee as a result of O&M is extremely unlikely after so many years of maintaining the levee; that the CVFPB better defined what the three Rs are, so as to reduce (although not eliminate) the risk of the State transferring obligations to LMAs; and that the State water code already obligates LMAs to maintain the levee and imposes an indemnity. The Board is still fine with continuing to allow Deputy Manager Nagy sign agreement.

**6. Officer Elections:**

Currently, positions are as follow:

<u>Capital Outlay Committee:</u> Todd Miller & Sean Doherty	<u>Finance Committee:</u> Roger Cornwell & Fritz Durst
<u>Tract 6 Committee:</u> Todd Miller & Sean Doherty	<u>Personnel Committee:</u> Sean Doherty & Hilary Reinhard
<u>PWRPA:</u> William Vanderwaal & Lewis Bair - Alternate	<u>Sites Joint Power:</u> Fritz Durst & Sean Doherty - Alternate
<u>Water Resource Agency (WRA):</u> Roger Cornwell & Hilary Reinhard	
<u>ACWA Health Benefit Authority:</u> Roger Cornwell & Fritz Durst – Alternate	

NCWA Board of Directors: Roger Cornwell – Director & Hilary Reinhard – Alternate  
Groundwater Committee: Fritz Durst, Roger Cornwell, Hilary Reinhard & Todd Miller  
Retirement Plan Trustees: Sean Doherty & Lewis Bair

M/S/C: Doherty/Cornwell: to keep positions as they currently are.

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**7. Lands in the District’s service area wanting to add irrigation water service:** This was talked about in Open Forum. Manager Bair feels that with this being such a big decision with so many different variables, that the District would not be able to make a decision for the Roosevelt Ranch at this Board Meeting. The Board feels that the solution agreed upon for the Roosevelt Ranch would need to be a conclusion that works for the other lands within the District boundaries in the same situation. The Board has directed Manager Bair to get together with Legal Counsel and provide an analysis of historic assessments to support the appropriate cost to “join” as active water user and have legal counsel provide a legal memo regarding the rights of these lands to receive water.

**8. Groundwater Program as a backup supply:** Deputy Manager Vanderwaal reviewed with the Board the subsidence map created by DWR. Won’t know until there is full recovery, but currently looking at about 10-15 feet below normal level and expecting about ½ of that to be nonrecoverable. The Basin needs to have a coordinated effort to help with the recharge. There is an opportunity to resubmit, by March 27, the Bureau Drought Resilient Grant that would fund 50% of up to three ground water wells. The District may be able to add subsidence monitoring locations to the Grant this year. Staff will start to work with the RD108 Groundwater Committee in regards to the Grant and the Land Owners Meeting.

**9. Dunnigan Water District Contract Renewal:** Was discussed in Open Forum. Nothing further to add.

M/S/C: Doherty/Cornwell: sign renewal contract with DWD for another year.

AYES/NOES: Cornwell, Doherty, Durst, Miller/ NONE

**10. Market Street Gravel Project Participation:** Deputy Manager Vanderwaal reported that River Garden Farms Nonprofit SAVER is waiting to hear back from the Bureau on finalizing the contract. The project is set to take place as early as March and last for about 3 weeks. Sutter Mutual, GCID, PCGID & PID, River Garden Farms and RD108 are all contributing operators to the project. Labor, per diem and housing are all reimbursable.

M/S/C: Doherty/Miller: to continue participation in Market Street Gravel Project.

AYES/NOES/ABSTAINED: Doherty, Durst, Miller/ NONE/Cornwell

**11. Housing for Employees:** Back at the Waterman meeting in November of 2018, there was a discussion about wages and housing. Some of the waterman were satisfied with their wages and living situation while others came across as not being satisfied with their situation. After much discussion, it was determined that Manager Bair would send out a letter to all employees living in District Housing. The letter would explain the current policy and emphasize the value of the housing.

**12. Consideration of temporary change for RD108 Board Meeting Dates:** Taken off the agenda as not needed.

## INFORMATION REPORTS

1. **Public Relations Report** - Steve Beckley reported that he is continuing to cover the highwater situations. He was able to get some photos of the crew repairing an erosion slip. Recorded a video to post of the Tisdale Weir flowing. The almond blossoms are blooming and bees are coming out. Sean Doherty has been tweeting a lot about water and ag and Steve continues to repost it.

2. **NCWA Report** – Vice President Cornwell reported that on February 25, there would be a tour leading up to District headquarters for a briefing on the Voluntary Agreements with 2 of the 5 State Water Resource Control Board Members. March 1<sup>st</sup> is the Annual Meeting at Sierra Nevada Brewery. March 5<sup>th</sup> is a presentation to the entire State Water Board for the Voluntary Agreements.

3. **Attorney's Report** – The Board went into CLOSED Session at 9:30 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. The Board came out of CLOSED Session at 9:50 a.m.

M/S/C: Cornwell/Miller: for Tract 6 tenants, will show a credit for 2019 for an error in previous invoices.

AYES/NOES: Cornwell, Durst, Miller/ Doherty

#### 4. **Deputy Managers' Report:**

- **Project Updates** – Deputy Manager Nagy:
  - Phase 3 Emergency Grant Funding: still waiting on the funding agreement, possibly in April.
  - Central Valley Flood Control Association: Deputy Manager Nagy will start participating in monthly leadership meetings to keep local and state coordination and communication open.
  - Deferred Maintenance program: have received grant to inspect pipes at Jacob Point. There is expressed concern that *if* the pipes are able to open, they might not be able to shut again and possibly even break. Putting in the contract that will have the ability to completely pull out the pipes if they break or are unable to shut.
  - Regional Flood Management Planning: just received \$50K to keep operations going. The department issued draft guidelines to fund the program and RD108 will once again be asked to be the lead for Mid and Upper Sac Flood Management Region. New guidelines will allow for a lot more expanded activities such as design of projects and possibly even permitting of projects.
  
- **Project Updates** – Deputy Manager Vanderwaal:
  - Energy Management: CEQA NOE for the removal of the Hydropower Sunset Clause is complete and will make sure it is on the LAFCO agenda for March 7<sup>th</sup>. The RFP for O&M of the Sycamore Slough Solar Plant is still in review by staff but will be ready to go to solicitation within a month. WAPA reallocated 24 MWh to RD108 for Base Resource.
  - Colusa Groundwater Sustainability Agency: Public Information Meetings for Proposition 218 election will be held as at the following: March 6<sup>th</sup> for the Arbuckle/College City area @6pm at the Odd Fellows Building , March 14<sup>th</sup> for the Colusa/Princeton/Grimes area @6pm at the Colusa Veterans Hall and March 21<sup>st</sup> for the Maxwell/Williams area @6pm at the Sites Office.
  - Water Use Efficiency Grant: We received a letter from State informing they are starting the process for the Incidental Take permit and have the go-ahead from both State and Federal grant

officers to start ordering materials. Chad has begun the process to get quantities and quotes and we hope to start late March and early April.

**5. Manager's Report –**

- a. DWR intends to have a KLOG Construction agreement to the District within a month. The goal is to have a complete and operational fish barrier by the end of this year.
- b. **KLOG Potential Entrainment Program** – Would like to assemble a project description for a grant to see if juveniles would be able to go thorough and survive passing through the gates at KLOG.
- c. **Voluntary Agreement Update** – Nothing further to report at this time.
- d. **Update on Potential water transfers during 2019** – In regards to a letter from Legal Counsel Kevin O'Brian for working on an environmental document dealing with water allocations for 2019 and 2020. The letter is a conflict of interest waiver as Legal Counsel also has ties to River Garden Farms. Board sees no issues with the potential conflicts and gave General Manager Bair authority to sign the letter for Legal Counsel.
- e. **American Council of Engineering Companies Water Resources Honor Award** – Wallace Weir received a top award from the American Counsel of Engineering Companies for Water Resources. Manager Bair went to San Francisco for a dinner to accept the award.
- f. **SWRCB Flood Plain Presentation March 5<sup>th</sup>** – Nothing further to report at this time.
- g. **Tract 6 Committee Report** – Was able to meet with 3 of 4 Tract 6 tenants. Will need to schedule with Hafeez. Talked with each tenant about hunting season and importance of not parking directly in front of levee road accesses. No concerns and all are good with how things are going.

**ADJOURNMENT**

There being no further comments from the public and no further business to come before the board, the meeting was adjourned at 11:23 a.m.

Respectfully Submitted



Lewis Bair

Manager