

**Upper Kings Basin Integrated Regional Water Management Authority
Board of Directors Meeting, October 19, 2011
Fresno County Farm Bureau, 1274 W. Hedges Avenue, Fresno, CA 93728**

Minutes of the Regular Meeting of the Board of Directors of the Upper Kings Basin Integrated Regional Water Management Authority (Water Authority) held October 19, 2011.

1. Call to order

Chair Harry Armstrong called the meeting to order at 9:34 am. Roll call was taken. Armstrong stated a quorum was present.

Directors/Alternate Directors Present:

Robert Nielsen, Consolidated Irrigation District
Bruce Blayney, City of Kingsburg
Denise Akins, County of Tulare (alternate)
Judy Case/Joe Prado, County of Fresno
Martin Querin City of Fresno (alternate)
Harry Armstrong, City of Clovis
Don Mills, Kings County Water District (alternate)
Dean Uota, City of Dinuba (alternate)
Lou Martinez, City of Parlier (alternate)
John Mulligan, City of Sanger (alternate)
Roy Spina, Fresno Metropolitan Flood Control District
Roseann Galvan, City of Selma

Members Absent:

Alta Irrigation District
City of Kerman
Kings River Conservation District
City of Reedley
Fresno Irrigation District
Raisin City Water District

Interested Parties Present:

Paul Boyer, Self-Help Enterprises
Tim Bakman, Bakman Water Company
Laurel Firestone, Community Water Center
J.J. Westra, County of Kings

David Cehrs, El Rio Reyes Trust, Sierra Club,
Tehipite Chapter
Hank Urbach, Kings River Conservancy
John Malloyan, James Irrigation District

Interested Parties Absent:

Biola Community Services District
California Native Plant Society, Sequoia
Chapter
City of San Joaquin
Cutler Public Utilities District
East Orosi Community Services District
Hardwick Water Company
Kings River Water Association
Laguna Irrigation District
Liberty Canal Company

Liberty Water District
London Community Services District
Mid-Valley Water District
Orange Cove Irrigation District
Orosi Public Utilities District
Riverdale Irrigation District
Riverdale Public Utility District
Sierra Resource Conservation District
Sultana Community Services District
Terranova Ranch, Inc.
Tulare Basin Wildlife Partners

Others Present:

Brock Buche, City of Fresno
Eric Osterling, KRCD
Cristel Tufenkjian, KRCD
Rick Hoelzel, KRCD
Ron Samuelian, Provost & Pritchard
Steve Pickens, Bakman Water Company
Shay Bakman, Bakman Water Company
Buzz Burleson, Fresno Metropolitan Flood
Control District
Shelly Abajian, Senator Feinstein

Jerry Lakeman, Fresno Metropolitan Flood
Control District
Randy Shilling, KRCD
Lisa Koehn, City of Clovis
Phil Desatoff, Consolidated Irrigation District
Juliette de Campos, Community Water Center
Kathy Wood, Tulare Basin Wildlife Partners
Cheryl Lehn, URS

2. Addition to or Deletion from the Agenda

It was requested by Chair Armstrong to move items #9 Recommendation to Contract with Provost & Pritchard for the DAC Pilot Study and #10 Budget Augmentation up on the agenda to insure that a two-thirds supermajority of the membership was present for consideration of these items. Item #9 will become agenda item #5b. Item #10 will become agenda item #5c. The Board concurred with the changes.

3. Public Presentations

None

4. Approval of Minutes of the July 20, 2011 Regular Board of Directors

It was moved by Director Blayney, seconded by Director Galvan and unanimously carried that the minutes of the July 20, 2011 regular meeting of the Board of Directors be approved as presented.

5. Member-Interested Party Reports

Chair Armstrong called on Steve Pickens to provide a presentation on the Bakman Water Company. Pickens reported that the Bakman family started farming in the San Fernando Valley in the late 1800s. In 1948, the Bakman family formed the Bakman Water Company in the Fresno area. The company is a fourth generation, private, for-profit, family-owned business. The company currently serves domestic water to approximately 2,500 commercial and residential services in an area covering approximately five square miles in southeast Fresno. The area served by Bakman Water Company is considered a severely disadvantaged community. The system includes over 80 miles of pipelines delivering water to approximately 10,000 residents. The company is regulated by the California Public Utilities Commission.

5b. Recommendation to Contract with Provost & Pritchard for the DAC Pilot Study

Chair Armstrong called on Authority staff member Eric Osterling to report on the Advisory Committee's recommendation to enter into a contract with Provost & Pritchard for the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study administered by the California Department of Water Resources. Osterling provided an overview of the DAC grant proposal including the goal of implementing a long-term engagement process with DACs and other entities and to enable DACs to implement sustainable water quality projects. The \$500,000 contract scope of work includes mapping DAC communities, outreach to DACs, identify their needs, and project development. This contract covers just the Kings Basin.

Osterling reported that the Water Authority had a competitive bid process to select a vendor to update the IRWM Plan. The Water Authority chose and signed a contract with Provost & Pritchard to update the Plan. It was anticipated at that time that the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study would be completed prior to the update process; however, the delay in issuing the contract for the Pilot Study now puts it on a parallel track with the Plan update process. Because the information from the Pilot Study will be incorporated into the Plan update, Osterling stated that there is a linkage between the IRWM Plan Update, the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study, and Tulare County DAC grant. Consequently using Provost & Pritchard will create efficiencies in costs and time. The Advisory Committee members discussed having a separate contract rather than amending the current contract since there is a separate funding source for the Pilot Study. It was moved by Director Mills, and seconded by Director Uota and unanimously carried to enter into a contract with Provost & Pritchard for the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study.

5c. Budget Augmentation

Chair Armstrong called on Authority staff member Randy Shilling to present for Board consideration an augmentation to the Fiscal Year (FY) 2011-2012 Budget to provide for increased revenues and expenditures as a result of the awards and execution of agreements for the Proposition 50 Round 2 Grant, the Proposition 84 Planning Grant, and the Disadvantaged Communities Pilot Study. Shilling reported that the amount to be augmented was \$2,470,274.

It was moved by Director Galvan, and seconded by Director Querin to augment the Fiscal Year (FY) 2011-2012 Budget to provide for increased revenues and expenditures as a result of the awards and execution of agreements for the Proposition 50 Round 2 Grant, the Proposition 84 Planning Grant, and the Disadvantaged Communities Pilot Study. The motion passed by the following vote:

AYES: Directors Armstrong, Nielsen, Jr., Mulligan, Uota, Blayney, Akins, Prado, Mills, Querin, Galvan, Martinez, and Spina

NOES: None

ABSENT: Directors Graham, Yep, Boren, Betancourt, Waldron, and Neely

6. Advisory Committee Report and Recommendations

The Board received a report from Advisory Committee Acting Vice Chair Brock Buche regarding activities of the Advisory Committee. Buche reported that the Advisory Committee held its regularly scheduled meeting on September 21, 2011. Buche noted that there was not a quorum.

Monitoring Work Group - Buche called on staff member Rick Hoelzel to report on Monitoring Work Group activities. Hoelzel reported that as of September 13, KRCD had been conditionally approved by DWR as the CASGEM (SBx7 6) Monitoring Entity for the Kings Basin. Hoelzel reported that CASGEM requires two well elevation surveys per year in the Fall and the Spring. Hoelzel reported that the participants in the Kings and Tulare Lake Hydrologic basins have been contacted regarding conducting their Fall surveys during the month of October. Hoelzel reported that the data would be collected no later than the end of November. KRCD will compile the data and send it DWR prior to their January 1, 2012 deadline.

Model Work Group - Buche called on Osterling to report on Model Work Group activities. Osterling reported that the Model Work Group is reviewing the *Development, Maintenance, and Management of the Groundwater and Surface Water Model Policy* that was adopted in 2008. Osterling reported that the model is being utilized in a DBCP lawsuit filed by one of the Water Authority members. Osterling stated that when the model was developed, the member agencies agreed to keep the data provided by member agencies confidential and this continues to be the policy.

DAC Work Group – Buche called on Osterling to report on the DAC Work Group. Osterling called on Advisory Committee member Laurel Firestone to provide an update on the Tulare County DAC grant. Firestone reported that the grant will study water and wastewater problems and inventory the needs for the communities. Firestone reported that a stakeholder advisory committee has been formed with representatives from all four counties involved in the study including Fresno, Kings, Tulare, and Kern. Firestone reported that the first advisory committee meeting was scheduled for Monday October 24 in Tulare County. The advisory committee will identify priority issues, viable solutions and select pilot projects. Pilot projects will begin in the Summer of 2012. Firestone reported that they are compiling and formatting the data. This process should be done by the end of October. The grant has been funded through 2014. Firestone reported that she has been working on outreach for the grant including the development of an e-mail distribution list for those who want to receive updates regarding the grant. Information is also available at the Tulare County website.

Outreach Work Group - Buche called on staff member Cristel Tufenkjian to report on Outreach Work Group activities. Tufenkjian reported that the logo selection for the Water Authority will be discussed under agenda item #12.

Projects Work Group – Buche called on Osterling to report on Projects Work Group activities. Osterling reported that to keep the Project List more current, the Advisory Committee is proposing that a call for projects would occur at each Board meeting. This would allow for an ongoing process to add projects to the Project List that meet the goals and objectives of the IRWMP. A project summary would be submitted a week prior to Advisory Committee meetings. Any projects that were submitted and approved by the Advisory Committee would be brought before the Board for approval for the Project List. Osterling noted that he is developing a project summary template and called for project submittals for the December Advisory Committee meeting.

7. Staff Reports

Chair Armstrong called on Osterling to report on the status of planning and implementation contracts. Osterling reported that a status table and map of the planning and implementation contracts were included in the agenda packet. Osterling reviewed the status of projects listed in the table including Prop 13 Groundwater Storage Construction Grant Program, Prop 50 Round 2 IRWM Implementation Grant Program, Prop 50 Supplemental – Mini 50 – Grant Program, Prop 84 IRWM – Discretionary Funds – Disadvantaged Communities Pilot Program, Prop 84 Round 1 IRWM Implementation Grant Program, Prop 84 Round 1 IRWM Planning Grant Program, and Prop. 1E Stormwater Flood Management Grant Program. Osterling reviewed a DWR program schedule table included in the agenda packet that provided target dates for the next round of funding programs. Osterling also reviewed a Prop 84 Regional Allocations table and map included in the agenda packet that showed funding regions amounts spent and remaining for grant programs. Osterling noted that the Tulare/Kern funding area had \$60 million allocated for grants. There is approximately 33 million balance remaining or 56 percent of the funds available for future grants.

Osterling gave an update on the IRWM Plan update process. Osterling stated that the IRWM Plan is being updated to meet new requirements by DWR and to include Water Authority membership changes that have occurred since the original Plan's completion in July 2007. Osterling reviewed the process for preparation including the development of a Plan Update Work Group. Osterling reported that the Plan Update Work Group members include David Orth, Jerry Lakeman, Gary Serrato, Brock Buche, Joe Prado, Dean Uota, Lisa Koehn and Water Authority staff. Osterling reported that the Work Group met for the first time last month and reviewed the first tasks to be accomplished. Osterling noted that the Plan update will proceed on a parallel track with the Pilot Study, which results will need to be incorporated into the Plan update. Osterling reviewed the update schedule, which includes completion of a draft Plan in the Summer of 2012 and adoption of the final Plan at the October 2012 Board meeting. Osterling reported that a Notice of Intent to Prepare a Plan was included in the handouts. He requested that each member review the content. It will be published twice in the Fresno Bee according to California Code. Osterling reported that DWR's intent is that every entity that is part of the Water Authority adopt the IRWMP, including Interested Parties. Osterling reported that the IRWM Plan update falls under a Statutory Exemption for CEQA Compliance.

Inter-regional and Statewide Coordination - Armstrong called on Osterling to report on inter-regional and statewide coordination. Osterling reported that KRCD staff members attend monthly coordination meetings of the Tulare Lake Hydrologic Region JPAs. At the last meeting, the group discussed the DAC regional studies. The group also discussed the Southern Sierra's boundaries and Regional

Acceptance Process. The topic of discussion for the statewide roundtable meeting in October was San Diego's issue with DWR regarding invoicing and processing of reimbursements.

Osterling reported that Monica Reis will no longer be the DWR staff contact for the Water Authority. The new contact from DWR will be Simarjit Dhanota.

Public Information – Chair Armstrong called on staff member Tufenkjian to report on public information. Tufenkjian reported that a media event and editorial meetings are being planned for the November/December timeframe to celebrate the tenth anniversary of the Water Authority and the successes accomplished over this period of time.

Legislation - Tufenkjian reported on three bills that are being tracked by Kings River interests that impact IRWMPs.

SB 263 (Pavley) Wells: reports: public availability. This bill requires the Department of Water Resources to make well log reports available, with certain restrictions, to governmental agencies for studies, college-level or higher academics for research, geologists, geophysicists, hydrologists, civil engineers, licensed well contractors or any person who obtains written authorization from the well owner. This bill makes any person who knowingly violates the restrictions on the use or sharing of a well completion report guilty of a misdemeanor violation punishable by up to \$25,000 per day, a year in county jail, or both. The bill was vetoed by the Governor, but it is expected to be reintroduced in 2012.

SB 834 (Wolk) Integrated regional water management plans: contents. The bill was originally drafted requiring an integrated regional water management plan to demonstrate the manner in which the plan complies with a specified state policy concerning reducing reliance on the Sacramento-San Joaquin Delta for water supply and improving regional self-reliance for water. The bill was amended to narrow the scope of the impact to only those regions that receive water supply that originates in the Sacramento-San Joaquin Delta. The bill was vetoed by the Governor.

SB 244 (Wolk) Local government: land use: general plan. This bill would require, on or before the next adoption of its housing element, a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would impose a state-mandated local program. This bill was signed by the Governor.

Firestone reported on three additional bills that were signed by the Governor:

AB 983 (Perea) Safe Drinking Water State Revolving Fund. This bill would authorize the department to take specified actions to improve access to financial assistance for small community water systems and not-for-profit nontransient noncommunity water systems serving severely disadvantaged communities, as defined. This bill would require small community water systems or nontransient noncommunity water systems, owned by a public agency or private not-for-profit water company, serving severely disadvantaged communities to be eligible to receive up to 100% of eligible project costs in the form of a grant, to the extent the system cannot afford a loan.

AB 1221 (Alejo) State Water Quality Control Fund: State Water. The act requires certain

moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the money in the account to the State Water Resources Control Board for specified cleanup programs. The act authorizes the state board, upon application by a public agency with authority to clean up or abate the effects of waste on waters of the state, to order moneys in the account to be paid to the agency to assist in cleaning up or abating the effects of the waste. This bill would additionally authorize the state board to pay these moneys to specified tribal governments and not-for-profit organizations serving disadvantaged communities, as defined, that have authority to clean up or abate the effects of waste.

AB 938, (V. Manuel Pérez) Public water systems. This bill would require, commencing July 1, 2012, that written public notice given by a public water system pursuant to these provisions be in English, Spanish, and in the language spoken by prescribed numbers of residents of the community served, and that the notice contain prescribed public water system contact information. The bill would also authorize and encourage nonwritten notice to be provided through foreign language media outlets.

Firestone reported that the major policy bill water as a basic human right did not make it to the Governor this year, but will probably be reintroduced next year.

Other- Chair Armstrong called on staff member Hoelzel to provide an update on the Kings River water year. Hoelzel reported that it was the seventh wettest year on record. There were 167 days of flood releases, which is the third longest on record.

8. Request to modify the IRWMP Project List

Chair Armstrong called on Osterling to report on the Advisory Committee's recommendation that the "*KRCD – Kings River Levee Evaluation Project*" and the "*KRCD – Kings River Critical Levee Repairs Project*" be added to the IRWMP Project List. Osterling referred to the project summaries in the agenda packets. Osterling reported that there are two projects that KRCD is requesting be added to the IRWMP Project List, the Kings River Levee Evaluation Project and the Kings River Critical Levee Repairs Project. The Kings River Levee Evaluation Project will conduct hydrology and hydraulic studies and geotechnical evaluations of levees that are needed for accreditation by FEMA. The objective of this project is to reduce flood risk by evaluating flood project levees, identifying deficiencies, and recommending appropriate management actions. The Kings River Critical Levee Repairs Project will undertake critical levee repairs throughout various reaches of the Kings River. The objective of this project is to reduce flood risk by making critical levee repairs and achieving a design level of flood protection. Osterling reported that both projects were reviewed and approved by the Project Review Panel for their consistency with the IRWMP goals and objectives. Osterling reported that the Project Work Group recommended to the Advisory Committee that the projects be added to the IRWMP Project List. Osterling reported that the projects were presented to the Advisory Committee and there was no opposition expressed to including them to the Project List. It was moved by Director Querin, seconded by Director Spina, and unanimously carried to add the "*KRCD – Kings River Levee Evaluation Project*" and the "*KRCD – Kings River Critical Levee Repairs Project*" to the IRWMP Project List.

11. Financial Report

Chair Armstrong called on KRCD staff member Randy Shilling to provide an overview of the quarterly financial report for the period of July 1 – September 30, 2011. Shilling noted that the financial report was included in the agenda packet. Shilling reported that the quarterly expenses included one check totaling \$11,206.64, which as written to KRCD. Shilling recommended approval

of the report and the disbursements for the quarter. It was moved by Director Spina, seconded by Director Mills, and unanimously carried to approve the quarterly financial report and disbursements for the period of July – September 30, 2011.

12. Logo Selection

Chair Armstrong called on Tufenkjian to present the Advisory Committee’s recommendation for a logo for the Water Authority. Tufenkjian reported that the agenda packet included the five choices for the Water Authority logo. Tufenkjian reported that an e-mail was sent out on Friday, October 14 to the Advisory Committee with the five logo choices attached requesting that members rank the logos. Tufenkjian stated that based on the votes received, logo #1 was the choice by the majority of those who voted. It was moved by Director Querin, seconded by Director Mulligan, and unanimously carried to select logo #1 for the Water Authority.

13. Other items for discussion or reporting

Armstrong called on Tufenkjian to report on the request by Director Boren to change the meeting time for the Board. Tufenkjian reported that the Board considered a prior request by Director Boren to change the meeting date at their April 20 Board meeting. At that meeting, the Board took no action regarding the request. Chair Armstrong recommended that a poll be e-mailed out to the Board with other possible meeting times to see if a new date would be workable. This poll will be conducted prior to the next meeting scheduled on January 18, 2012.

14. Next Meeting Date

Chair Armstrong reported that the next regularly scheduled Board of Directors meeting is on January 18, 2012 at 9:30 am at the Fresno County Farm Bureau office.

It was moved by Director Martinez and seconded by Director Mills, and unanimously carried to adjourn the meeting. There being no further business, Chair Armstrong adjourned the meeting at 10:47 am.

Respectfully submitted,

David Orth
Secretary/Treasurer

Approved

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