

WESTLANDS WATER DISTRICT

NOTICE OF REGULAR MEETING AND AGENDA

NOTICE

Notice is hereby given that a regular meeting of the Board of Directors of Westlands Water District will be held on October 18, 2016 at 1:00 p.m. at the District's Fresno Office, 3130 N. Fresno Street, Fresno, California 93703.

Public Comment - Any member of the public may address the Board concerning any matter on the agenda before or during its consideration of that matter. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Board President may waive these limitations.

AGENDA

1. **Approval of the Minutes of the Special Board Meeting of September 14, 2016 and Regular Board Meeting of September 20, 2016**
2. **General Manager's Report (Birmingham)**
 - a. Water supply, drainage, energy and other resources activities
 - b. Federal affairs
 - c. Other District activities
3. **Outside Agency Activities (Board)** - Reports on activities of outside agencies (FFA, SLDMWA and SFCWA, etc.) will be presented.
4. **Legal Affairs Committee (Coelho)** - The Board will act upon recommendations of the Committee, if any, regarding District legal issues.
5. **Operations & Maintenance Committee (Coelho)** - The Board will act upon recommendations of the Committee, if any, regarding District maintenance issues.
6. **Personnel Committee (Enos)** - The Board will act upon recommendations of the Committee, if any, regarding District personnel issues.
7. **Water Policy Committee (Errotabere)** - The Board will act upon recommendations of the Committee, if any, regarding the following items:
 - a. Fresno County and Kings County Memorandums of Understanding for Implementing the Sustainable Groundwater Management Act
 - b. Sustainable Groundwater Management Act Update

WESTLANDS WATER DISTRICT

October 18, 2016 1:00 p.m.

Public Comment - Any member of the public may address the Board concerning any matter on the agenda before or during its consideration of that matter. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Board President may waive these limitations.

8. **Finance & Administration Committee (Enos)** - The Board will act upon recommendations of the Committee, if any, regarding the following items:
 - a. 2015-2016 Audited Financial Statements
 - b. Budget Transfers and Augmentations
 - c. Accounts Payable Reports
 - d. Investment and Financial Reports

9. **Public Comment** - Any member of the public may address the Board concerning any matter not on the Agenda within the Board's jurisdiction. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Board President may waive these limitations.

10. **Closed Session** - The Board will meet in closed session pursuant to the Government Code sections noted to discuss the following:
 - a. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
(Pursuant to Cal. Gov. Code section 54956.9(d)(1))
 - 1) *Westlands v. United States* (Drainage)
 - 2) *Firebaugh Canal Water District v. United States* (Drainage)
 - 3) *SLDMWA, et al. v. Natural Resources Defense Council* (2008 Delta Smelt BiOp)
 - 4) *SLDMWA, et al. v. Locke* (2009 Salmon BiOp)
 - 5) *Pacific Coast Federation of Fishermen's Assoc., et al., v. US Department of Interior, et al.; Westlands, Intervenor* (2012-2014 Interim Renewal Contract EA)
 - 6) *SLDMWA & Westlands v. Jewell* (Trinity River 2012 and 2013 Releases)
 - 7) *Westlands v. Mireles* (Breach of Contract)
 - 8) *Delta Stewardship Council Cases* (Delta Reform Act; CEQA)
 - 9) *Modesto Irrigation District, et al, v. Woods Irrigation Company* (Water Rights Enforcement)
 - 10) *California Farm Bureau, et al, v. State Water Resources Control Board* (Water Rights Fees)
 - 11) *SLDMWA & Westlands v. United States Bureau of Reclamation* (Trinity River 2014 and 2015 Releases)
 - 12) *California Sportfishing Protection Alliance, et al, v. State Water Resources Control Board; Westlands, Intervenor* (2015 TUCP Orders)
 - 13) *SLDMWA & Westlands v. State Water Resources Control Board* (2015 TUCP Extension)
 - 14) *Westside Irrigation District v. State Water Resources Control Board; Westlands, Intervenor* (2015 Draft Cease and Desist Order)
 - 15) *SLDMWA & Westlands v. U.S. Dept. of Interior* (OCAP EIS)

WESTLANDS WATER DISTRICT

October 18, 2016 1:00 p.m.

Public Comment - Any member of the public may address the Board concerning any matter on the agenda before or during its consideration of that matter. Public comment is limited to three minutes per person and no more than fifteen minutes per topic. For good cause, the Board President may waive these limitations.

- 16) *Natural Resources Defense Council v. Environmental Protection Agency; Westlands, Intervenors* (Clean Water Act and TUCPs)
- 17) *North Coast Rivers Alliance, et al, v. U.S. Dept. of Interior; Westlands, Intervenors* (2016-2018 Interim Renewal Contract EA)

b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Pursuant to Cal. Gov. Code section 54956.9(d)(2), (3), or (4))

Number of Potential Cases: Three (3)

c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Cal. Gov. Code section 54956.8)

- 1) Property: Approximately 460 acres of land consisting of portions of Sections 28, 34, and 35 in T.19S., R.19E., M.D.B.&M.

Agency Negotiator: General Manager or delagatee

Negotiating Parties: Recurrent Energy

Under Negotiation: Price and terms of payment

- 2) Property: Less than 1 acre of land, located in the SE coreners of the SE ¼ Sections 2 and 34 in T.17S., R.16E., M.D.B.&M.; and the SE corner of the SE ¼ Section 4, in T.18S., R.16E., M.D.B.&M.

Agency Negotiator: General Manager or delagatee

Negotiating Parties: Matthew E. Diener

Under Negotiation: Access Easement and terms of payment

- 3) Property: Less than 1 acre of land, located in the SW ¼ of the SW ¼ of the SW ¼ of Section 9 in T.16S., R.15E., M.D.B.&M.

Agency Negotiator: General Manager or delagatee

Negotiating Parties: SPower

Under Negotiation: Access Easement and terms of payment

d. PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Cal. Gov. Code section 54957(b)(1))

Title: General Counsel

Written materials related to an item on this agenda to be considered in open session that are public records and that are distributed less than 72 hours prior to the meeting will be made available for public inspection, (1) when distributed if said materials were prepared by the District or a member of the Board of Directors or (2) after the meeting if said materials were prepared by others, at the District's Fresno office, 3130 N. Fresno St., Fresno, California during normal business hours.

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the District provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence.