



## **Meeting Minutes**

Wednesday, January 19, 2011

1:00 p.m. to 5:00 p.m.

State of California, Resources Building  
1416 Ninth Street, First Floor Auditorium  
Sacramento, CA 95814

### **1. Call to Order**

Meeting was called to order at 1:03 p.m., January 19, 2011 by Anthony Saracino, Member of the California Water Commission. Mr. Saracino asked Commission Members to introduce themselves.

### **2. Roll Call**

Roll call was taken and a quorum established. All Commission members were present: Andrew Ball, Joseph Byrne, Joe Del Bosque, Dave Cogdill, Danny Curtin, Kimberly Delfino, Luther Hintz, Paul Kelley and Anthony Saracino.

### **3. Approval of minutes**

Minutes from the previous meeting, held November 9, 2010 were reviewed. Mr. Saracino asked that under Item 6, Informational Briefing on Agricultural Water Measurement, the minutes be changed to reflect the fact that the Agricultural Water Measurement issue was brought before the commission as an informational item in January, not an action item. Regarding Item 7, Informational briefing on CALFED Surface Storage Investigations progress report, the minutes were changed to indicate funding for the projects has not been determined. A motion was made to approve the minutes as amended and seconded. The motion passed unanimously.

### **4. Interim Executive Officer's update on various administrative issues**

Sue Sims presented the Interim Executive Officer's Report. 1) A draft 2011 Commission Workplan was provided to Commissioners for their feedback and direction. 2) Rules and Guidelines have been utilized by the previous Water Commission governing meeting schedules, subcommittees, and election of a chair and vice-chair. Ms. Sims offered to update those guidelines and bring them back to the Commission at the February meeting for consideration. She also reviewed the procedures for election of a chair. 3) Ms. Sims suggested the Commission consider establishing subcommittees at their February meeting which could include subject areas of Regulations, Surface Storage, State Water Project (SWP), and Federal and State budget appropriations. 4) The Commission received an invitation from Dr. Charles Burt of Cal Poly, San Luis Obispo's Irrigation Training and Research Center (ITRC) to participate in a tour of the facility. Staff will look into possible dates in February or March for Commission members to tour the facility. 5) A high-level overview of DWR's proposed budget for 2011-2012 was provided.. 6) 2011 Commission meetings will continue on the third Wednesday of the month for 2011. 7) Rachel Ballanti, Policy Assistant, provided a brief overview of current work on Quantification of Public Benefits and offered to schedule a staff briefing in February.

## **5. Staff Counsel's Update**

Staff Counsel Spencer Kenner presented an update on Bagley-Keene issues. He provided clarification on the distinctions between the Bagley-Keene and Brown Acts. The overarching purpose of the law is to make sure all commission business is conducted publicly and transparently. He recommended the Commission have a publicly noticed working session before regular meetings and form subcommittees on topics of interest. Additionally, commissioners may attend public events and conferences, such as the Association of California Water Agencies conference, but must refrain from conducting or discussing official commission business.

## **6. Action Item: Election of a Commission Chair and Vice-Chair**

The Commission discussed the Guidelines for election of a chair and vice-chair that were used by the previous California Water Commission. The guidelines are as follows:

### *1. Commission Officers*

- a. Shall consist of a Chairperson and Vice Chairperson each of whom shall be elected by a majority of the members to serve a one-year term to begin the first Friday of January their year of their election.*
- b. The Chairperson shall have all the usual and customary authority and prerogatives of a presiding officer in addition to such as are provided by statute.*
- c. The Vice Chairperson shall act in the absence or unavailability of the Chairperson and, when so acting, shall have the same authority and prerogatives as the Chairperson.*
- d. In the absence of both the Chairperson and Vice Chairperson from any meeting, the members present, if constituting a quorum, shall elect a temporary chairperson who shall preside at that meeting.*
- e. Should a vacancy occur in either office prior to the expiration of a term, a successor will be selected by a majority vote to fill the unexpired term.*

Mr. Byrne made a motion to adopt the guidelines used by the previous Commission and nominated Mr. Saracino for the position of Chair and Mr. Kelley for Vice-Chair. That motion was seconded and passed unanimously.

## **9. Informational briefing on Bay Delta Conservation Plan**

Jerry Meral, Deputy Secretary for Natural Resources and Karla Nemeth, also with the Natural Resources Agency, gave a briefing on the Bay Delta Conservation Plan. Mr. Meral described the problems and goals of the program. Ms. Nemeth provided the details including timeline, funding, and major components of the conservation strategy.

Mr. Cogdill asked what had been done to determine a 15,000 cfs capacity for the proposed project. Ms. Nemeth advised that it was based on the current capacity of the state and federal Delta pumping facilities, climate change modeling, and the potential intakes. Mr. Cogdill expressed concern that the facility may not be large enough to properly manage water in wet years and take advantage excess water when it is available.

Ms. Delfino advised that specificity of goals and objectives will be critical to the success of the process and encouraged the inclusion of additional voices, such as counties and local land managers, in the process.

Mr. Ball raised the concern that the facilities may be too large. He suggested that one does not want to need to rely upon policy for control against taking too much water.

#### **10. Informational briefing on the State Water Project Current Issues and Challenges**

Ralph Torres, DWR's Deputy Director for the State Water Project, presented a briefing on current issues and challenges facing the project. He provided a brief overview of the physical project and described issues including decreased operational availability and recruitment and retention problems. The current recruitment and retention problems are primarily attributed to the inability of the State Water Project to offer competitive salaries for trades and crafts positions. Mr. Torres described the work that has been done by the Department to try and address these problems and the next steps that will be taken. Commission members, including Mr. Ball, Mr. Curtin and Mr. Saracino, expressed a strong interest in helping the Department find a solution to these problems and requested more information regarding the Commission's duty to write an annual report on the State Water Project.

#### **7. Action Item: Update on the status of Emergency Process Water Regulations and initial approval to begin regular rulemaking process**

Dr. Manucher Alemi, chief of the DWR's Water Use and Efficiency Branch, provided an update on the status of the Emergency Process Water Regulations that were approved by the Commission in November. The regulations were submitted to the Office of Administrative Law and became effective on December 17, 2010. The regulation that will be submitted as the initial action in the permanent rulemaking process has not changed significantly from the emergency regulation with two exceptions. The Office of Administrative Law has determined that two related documents should be incorporated by reference into the regulation. The first, a guidance document for the implementation of 20% water conservation by 2020, is *Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use*. The second, which is still under development, is the Method 4 for calculating a target water use, which DWR was required to develop in SBX7-7, the water conservation legislation passed in 2009.

Kent Frame, Senior Land Use Engineer, provided an economic analysis and addressed questions from the last CWC meeting.

Mr. Cogdill made a motion to postpone action on this item until all related documents were complete, and make this an action item for the February Commission meeting. The motion was seconded and passed unanimously.

#### **8. Informational briefing on Emergency Regulations for Agricultural Water Measurement**

Dr. Alemi provided an introduction to the issue of Agricultural Water Measurement Regulations. He described the efforts to develop the draft regulation, including a robust stakeholder process. He also provided a first draft of the regulation. The regulation will likely be brought before the Commission as an action item in March 2011, but the schedule may change depending on stakeholder and other issues that need to be addressed.

**11. Consideration of items for next California Water Commission meeting and discussion of meeting dates for the rest of 2011**

Ms. Sims discussed the possibility of having the next meeting in Cal Poly San Luis Obispo during the commission's tour of the facilities. She provided a list of potential topics for the next month's agenda and committed to draft the guidelines document and complete other administrative activities.

**12. Public comments**

There were not public comments.

**13. Adjourn**

The meeting was adjourned by Mr. Saracino at 4:21 p.m.