

SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 7

TO: Board of Directors

FROM: David B. Okita, General Manager *D. Okita*

DATE: February 11, 2010

SUBJECT: February General Manager's Report

The week of wet weather in January certainly helped increase the storage in Lake Berryessa, but we will need several more large storms to even get us back to where we were last year. February and March can be big months for rainfall and let's hope this comes true. For our State Water Project supplies, the 3 years of drought and the dry fall conditions have resulted in a 5% allocation of contract amounts. This allocation will be reviewed in mid-February and is expected to increase by a currently unknown amount. With a 100% Solano Project supply we do not expect any of our cities or districts to have shortages in 2010.

This month the CCCC meets so we will have a short meeting. Most of the meeting will be devoted to updating the Board on Delta issues and receiving direction. We are very active on many fronts and want to keep the Board informed.

If you have any questions please contact me at 455-1103 or by e-mail at dokita@scwa2.com.

Feb.2010.it7.mem

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Time Period Covered: January 2010

**REPORT OF CONSTRUCTION CHANGE ORDERS
AND CONTRACTS APPROVED BY GENERAL
MANAGER UNDER DELEGATED AUTHORITY**

Construction Contract Change Orders (15% of original project costs or \$50,000, whichever is less)

Construction Contracts (\$30,000 and less)

Professional Service Agreements (\$30,000 and less)

ARCADIS U.S. – Cache Slough Watershed Group - \$30,000

Non-Professional Service Agreements (\$30,000 and less)

Lower Putah Creek Coordinating Committee Agreements

Construction contracts resulting from informal bids authorized by SCWA Ordinance

Note: Cumulative change orders or amendments resulting in exceeding the dollar limit need Board approval.

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**ACTION OF
SOLANO COUNTY WATER AGENCY**

DATE: February 11, 2010

SUBJECT: Legislation

RECOMMENDATIONS:

1. Support SB 808 (as amended in January 25, 2010) by Senator Wolk that extends the Delta levee subvention funding program and expressing the desirability for a lengthier extension.
2. Support introduction of legislation to amend Water Code section 85031(b) to clarify that the provision regarding area of origin does not apply to the North Bay Aqueduct or the NBA Alternate Intake project.

FINANCIAL IMPACT:

None

BACKGROUND:

1. The existing State levee subventions program provides funding to local agencies to maintain Delta levees. That program is set to expire on July 1, 2010. This program is beneficial to local entities that maintain levees, including many in Solano County. This bill extends the program to 2013. We would prefer a longer extension, but it is critical that the program be extended beyond this year.
2. SB7X1 that was signed into law last year included a provision that was intended to clarify that any new Delta conveyance facility not be a means to provide area of origin rights to users of the conveyance facility outside the Sacramento River basin. It unintentionally could impact our area of origin rights for water obtained through the North Bay Aqueduct Alternate Intake project. We have prepared language that would clarify this and our Legislative Advocate is seeking an author/vehicle to get the language introduced.

Recommended: _____

David B. Okita, General Manager

Approved as
recommended

Other
(see below)

Modification to Recommendation and/or other actions:

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on February 11, 2010 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

David B. Okita
General Manager & Secretary to the
Solano County Water Agency

AMENDED IN SENATE JANUARY 25, 2010

AMENDED IN SENATE JANUARY 15, 2010

AMENDED IN SENATE JANUARY 4, 2010

SENATE BILL

No. 808

Introduced by Senator Wolk

(Coauthors: Assembly Members Bill Berryhill, Buchanan, Galgiani,
Huber, and Yamada)

February 27, 2009

An act to amend Sections 12986 and 12987.5 of the Water Code, relating to water projects, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, Wolk. Delta levee maintenance.

Existing law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. Existing law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2010, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee, and on and after that date, in an amount not to exceed 50% of those described costs.

This bill, instead, would declare legislative intent to reimburse up to 75% of those described costs until July 1, ~~2016~~ 2013, and on and after that date, to reimburse up to 50% of those described costs.

Existing law, until July 1, 2010, authorizes the board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share.

This bill would extend the operation of that authorization to July 1, ~~2016~~ 2013.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12986 of the Water Code, as amended
2 by Section 4 of Chapter 548 of the Statutes of 2006, is amended
3 to read:

4 12986. (a) It is the intention of the Legislature to reimburse
5 an eligible local agency pursuant to this part for costs incurred in
6 any year for the maintenance or improvement of project or
7 nonproject levees as follows:

8 (1) No costs incurred shall be reimbursed if the entire cost
9 incurred per mile of project or nonproject levee is one thousand
10 dollars (\$1,000) or less.

11 (2) Not more than 75 percent of any costs incurred in excess of
12 one thousand dollars (\$1,000) per mile of project or nonproject
13 levee shall be reimbursed.

14 (3) (A) As part of the project plans approved by the board, the
15 department shall require the local agency or an independent
16 financial consultant to provide information regarding the agency's
17 ability to pay for the cost of levee maintenance or improvement.
18 Based on that information, the department may require the local
19 agency or an independent financial consultant to prepare a
20 comprehensive study on the agency's ability to pay.

21 (B) The information or comprehensive study of the agency's
22 ability to pay shall be the basis for determining the maximum
23 allowable reimbursement eligible under this part. Nothing in this
24 paragraph shall be interpreted to increase the maximum
25 reimbursement allowed under paragraph (2).

26 (4) Reimbursements made to the local agency in excess of the
27 maximum allowable reimbursement shall be returned to the
28 department.

1 (5) The department may recover, retroactively, excess
2 reimbursements paid to the local agency from any time after
3 January 1, 1997, based on an updated study of the agency's ability
4 to pay.

5 (6) All final costs allocated or reimbursed under a plan shall be
6 approved by the reclamation board for project and nonproject levee
7 work.

8 (7) Costs incurred pursuant to this part that are eligible for
9 reimbursement include construction costs and associated
10 engineering services, financial or economic analyses,
11 environmental costs, mitigation costs, and habitat improvement
12 costs.

13 (b) Upon completion of its evaluation pursuant to Sections 139.2
14 and 139.4, by January 1, 2008, the department shall recommend
15 to the Legislature and the Governor priorities for funding under
16 this section.

17 (c) Reimbursements made pursuant to this section shall reflect
18 the priorities of, and be consistent with, the Delta Plan established
19 pursuant to Chapter 1 (commencing with Section 85300) of Part
20 4 of Division 25, as enacted by Section 39 of Chapter 5 of the
21 Seventh Extraordinary Session of the Statutes of 2009.

22 (d) This section shall become inoperative on July 1, ~~2016~~ 2013,
23 and, as of January 1, ~~2017~~ 2014, is repealed, unless a later enacted
24 statute, that becomes operative on or before January 1, ~~2017~~ 2014,
25 deletes or extends the dates on which it becomes inoperative and
26 is repealed.

27 SEC. 2. Section 12986 of the Water Code, as amended by
28 Section 5 of Chapter 548 of the Statutes of 2006, is amended to
29 read:

30 12986. (a) It is the intention of the Legislature to reimburse
31 from the General Fund an eligible local agency pursuant to this
32 part for costs incurred in any year for the maintenance or
33 improvement of project or nonproject levees as follows:

34 (1) No costs incurred shall be reimbursed if the entire cost
35 incurred per mile of levee is one thousand dollars (\$1,000) or less.

36 (2) Fifty percent of any costs incurred in excess of one thousand
37 dollars (\$1,000) per mile of levee shall be reimbursed.

38 (3) The maximum total reimbursement from the General Fund
39 shall not exceed two million dollars (\$2,000,000) annually.

40 (b) This section shall become operative on July 1, ~~2016~~ 2013.

1 SEC. 3. Section 12987.5 of the Water Code is amended to read:

2 12987.5. (a) In an agreement entered into under Section 12987,
3 the board may provide for an advance to the applicant in an amount
4 not to exceed 75 percent of the estimated state share. The
5 agreement shall provide that no advance shall be made until the
6 applicant has incurred costs averaging one thousand dollars
7 (\$1,000) per mile of levee.

8 (b) Advances made under subdivision (a) shall be subtracted
9 from amounts to be reimbursed after the work has been performed.
10 If the department finds that work has not been satisfactorily
11 performed or where advances made actually exceed reimbursable
12 costs, the local agency shall promptly remit to the state all amounts
13 advanced in excess of reimbursable costs. If advances are sought,
14 the board may require a bond to be posted to ensure the faithful
15 performance of the work set forth in the agreement.

16 (c) This section shall become inoperative on July 1, ~~2016~~ 2013,
17 and, as of January 1, ~~2017~~ 2014, is repealed, unless a later enacted
18 statute, that becomes operative on or before January 1, ~~2017~~ 2014,
19 deletes or extends the dates on which it becomes inoperative and
20 is repealed.

21 SEC. 4. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 In order to facilitate the performance of necessary levee
26 maintenance as soon as possible, it is necessary that this act take
27 effect immediately.

Amend Section 85031(b) of the Water Code, as follows:

Delete the period in the last sentence in this sub-section and add the following:

“; provided, however, that this limitation shall not apply to the North Bay Aqueduct either with respect to the location of its current intake or with respect to any modification to its intake that may occur after January 1, 2010.