

# **SITES PROJECT JOINT POWERS AUTHORITY**

## **NOTICE OF REGULAR MEETING AND AGENDA**

Notice is hereby given that a regular meeting of the Sites Joint Powers Authority will be held on **SEPTEMBER 20, 2010**, at 9:00 a.m. at the Glenn County Board of Supervisors' Chambers, Veterans' Memorial Hall, 525 West Sycamore Street, Willows, California 95988.

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

### **2. Public Participation**

- a. Time set-aside for members of public that wish to address the Authority regarding matters within the jurisdiction of the Authority. Individuals are requested to limit comments to a maximum of five minutes.

### **3. Governance and Internal Organization**

- a. The Board will consider nominating and electing, from among the Directors, a Chair, Vice-Chair, Secretary, and Treasurer. (JPA §3.6)
- b. The Board will consider setting a term of office for the officers. (JPA §1.3.8)
- c. The Board will consider a regular meeting schedule. (JPA §3.3)
- d. The Board will consider the formation of an Ad hoc Personnel Committee to determine staffing needs of the JPA.

### **4. Financial Considerations**

- a. The Board will consider designating a depository for the JPA funds. (JPA §4.2)
- b. The Board will consider directing the Treasurer to collect the initial contributions from each member. (JPA §4.4)
- c. The Board will consider directing the Treasurer to begin preparation of the 2011 JPA Budget. (JPA §4.3)

### **5. Membership**

- a. The Board will consider making a formal request to DWR and USBR to enter into a contract or agreement to assist the JPA to carry out the purposes of the JPA. (JPA §2.2)
- b. The Board will consider the formation of a Consultation Committee pursuant to Paragraph 2.4 of the JPA.

**6. Regular Business**

- a. Hear Report from Department of Water Resources and US Bureau of Reclamation on Sites Reservoir Status.

**7. Other Business**

- a. The Board will consider directing staff to send notice of the formation of the JPA with the Secretary of State.
- b. The Board will consider directing staff to send notice of the formation of the JPA to the State Controller.
- c. The Board will consider directing staff to research and report back to the Board with a proposed Conflict of Interest Code.
- d. Development of a Project Agreement pursuant to Section V of the JPA.

**8. Member Comments**

**9. Adjourn**

In compliance with the Americans with Disabilities Act, if you need special assistance or accommodations to participate in this meeting, please contact Mary Spooner Danley at the District's offices at 530-934-8881. Notification at least 48 hours prior to the meeting will enable the Sites Project JPA to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.101-35.164 ADA Title II.)

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 3a**

**Subject:**

The Board will consider nominating and electing, from among the Directors, a Chair, Vice-Chair, Secretary, and Treasurer.

**Discussion:**

Pursuant to Paragraph 3.6 of the JPA, the Board shall select, from among the Directors, a Chair, who will be the presiding officer for all Board meetings, and a Vice-Chair, who will preside in the absence of the Chair. The Board shall also select a Secretary, who shall be responsible for keeping the minutes of all meetings of the Board and all other official records of the Authority, and a Treasurer, who shall be the depository and have custody of all money of the Authority and shall perform the duties specified in Government Code Section 6505.5. The Treasurer shall be bound in accordance with Government Code Section 6505.1 and shall pay all demands against the Authority that have been approved by the Board. The Board may combine the positions of Secretary and Treasurer.

**Recommendation:**

The recommendation to the Board is to nominate and elect the designated officers as provided in the JPA Agreement

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 3b**

**Subject:**

The Board will consider setting a term of office for the officers.

**Discussion:**

Pursuant to Paragraph 1.3.8 of the JPA, the Board is authorized to adopt bylaws, rules, regulations and procedures governing the operation of the Authority. This provision empowers the Board to set the term of office for the officers identified in Paragraph 3.6.

**Recommendation:**

The recommendation to the Board is that the term of officers be for a period of two years.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 3c**

**Subject:**

The Board will consider a regular meeting schedule.

**Discussion:**

Pursuant to Paragraph 3.3 of the JPA, the Board must hold at least one regular meeting per year, and may hold regular or special meetings at more frequent intervals. All meetings of the Board shall be called, held, noticed, and conducted subject to the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.).

Given the schedule for the next 24 months to meet the purposes of the JPA, as well as the requirements in the Water Bond (SB7X\_2) monthly meetings will be necessary.

In preparation of this meeting, member agency staff attempted to schedule a meeting focused on reoccurring day of the month. Based on the responses of Board members, the following days of the month appeared to be available by all Board members:

**Recommendation:**

The recommendation is that the Board set the first Wednesday afternoon, or the third or fourth Monday of each month as a regular meeting date.

## **SITES PROJECT JPA**

**September 20, 2010**

### **Agenda Item 3d**

#### **Subject:**

The Board will consider the formation of an Ad hoc Personnel Committee to determine staffing needs of the JPA.

#### **Discussion:**

The JPA will need to consider the staffing needs of the JPA including a General Manager, Legal Counsel, and to assist the Treasurer in its duties. Paragraph 3.7 of the JPA allows for the Board to appoint a General Manager or assign staff of one or more Members to conduct the business of the Authority in accordance with the policies of the Board; provided, that no Member's staff will be so assigned without the consent of that Member.

Given the legal issues that the JPA may face as well, it is likely that that Counsel will be needed to address specific governance issues of the JPA as well as future issues related to design, construction, and operation of Sites Reservoir. To date, the JPA Members have provided their own counsel to help in the creation of the JPA; however, the Board may want to consider its own counsel separate from the members.

The Treasurer will be elected from the Board, however, in reality, the Treasurer will need staff to conduct the day to day work of the JPA including the preparation of budgets, accounting, etc. as directed by the Treasurer.

In the interim of hiring staff, member agencies will continue to provide assistance to the operation of the JPA.

#### **Recommendation:**

It is recommended that the Board appoint an Ad hoc Personnel Committee to determine staffing needs of the JPA, and that one member of the Committee consist of the Treasurer.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 4a**

**Subject:**

The Board will consider designating a depository for the JPA funds.

**Discussion:**

Pursuant to Paragraph 4.2 of the JPA, all funds of the Authority must be held in separate accounts in the name of the Authority and not commingled with the funds of any Member or any other person or entity. Regular reports must be made as directed by the Board, but at least quarterly, to the Board of all receipts and disbursements. The books and records shall be open to inspection by the Board and individual Directors upon reasonable notice.

This effort will be the responsibility of the Treasurer as well as member staff made available to the Treasurer to assist in the implementation of financial responsibilities for the JPA. With the expected formation of a Personnel Committee, the Board may want to delegate the selection and designation of the depository to the Treasurer and report back to the Board.

**Recommendation:**

With the expected formation of a Personnel Committee, the Board may want to delegate the selection and designation of the depository to the Treasurer and report back to the Board

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 4b**

**Subject:**

The Board will consider directing the Treasurer to collect the initial contributions from each member. (JPA §4.4)

**Discussion:**

Pursuant to Paragraph 4.4 of the JPA, each Member of the JPA is required to contribute \$5,000 for the initial general and administrative costs of the JPA.

**Recommendation:**

It is recommended that the Board direct the Treasurer, at such time the appropriate banking and accounting is in place, to begin collecting the initial contributions from each JPA member and depositing the contributions in the JPA's account.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 4c**

**Subject:**

The Board will consider directing the Treasurer to begin preparation of the 2011 JPA Budget (JPA §4.3).

**Discussion:**

Pursuant to Paragraph 4.3 of the JPA, a draft budget will be prepared for the Members to review 90 days before the beginning of the fiscal year, which is October 1<sup>st</sup>, and the Board shall approve the budget no later than 15 days before the beginning of the fiscal year. The budget shall include general operation and administration of the Authority, but shall not include any costs incurred by the Authority directly as a result of a specific Project Agreement as described in Article V of the JPA.

The staffing needs as determined by the Personnel Committee, and as may be approved by the Board, will comprise the majority of the budgeted costs.

**Recommendation:**

It is recommended that the Board direct the Treasurer to begin preparation of the 2011 JPA budget, in accordance with the requirements of Paragraph 4.3 of the JPA.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 5a**

**Subject:**

The Board will consider making a formal request to DWR and USBR to enter into a contract or agreement to assist the JPA to carry out the purposes of the JPA (JPA §2.2).

**Discussion:**

Pursuant to Paragraph 2.2, the JPA may enter into a contract or other arrangement with the California Department of Water Resources (DWR) and the Bureau of Reclamation to carry out the purposes of this Agreement. DWR, upon the approval of the Authority Board, may be a non-voting, ex-officio member of the Authority.

At this meeting, the Board will receive presentations from DWR and USBR as to the status of the Sites Reservoir studies, investigations and timelines. In order for the work being conducted by these agencies as well as the JPA, it will be beneficial to all parties to enter into contracts or other arrangements which clearly identified the roles and responsibilities, as well as outcomes, of these respective efforts.

**Recommendation:**

It is recommended that the Board authorize the Chair to send a letter to DWR and USBR requesting a formal engagement with the JPA.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 5b**

**Subject:**

The Board will consider the formation of a Consultation Committee pursuant to Paragraph 2.4 of the JPA.

**Discussion:**

Pursuant to Paragraph 2.4 of the JPA, a Consultation Committee will be formed to provide a forum in which non-Member public agencies and private entities provide input on matters affecting the Authority. The Consultation Committee will meet on a regular basis to exchange information and provide input concerning upcoming decisions expected to be made by the Authority. Consultation Committee Members will not have a seat on the Board and will not vote on matters before the Authority but will have opportunity to inquire about relevant matters, be apprised by the Authority of issues of interest, and make recommendations concerning pending decisions. The purpose of the Consultation Committee is to maximize transparency regarding the decision-making process and facilitate the exchange of information; provide opportunity for comment, input, and recommendations; ensure meaningful discussions regarding the rationale for decisions and the outcomes that result.

Until specific Project Agreements are executed, the Consultation Committee will be engaging early with DWR on the current project studies as well as activities required to meet the Water Bond legislation.

The Board should consider and provide direction as to who may participate on the Committee as well as making invitations to potential committee members.

**Recommendation:**

It is recommended that the Board approve forming the Consultation Committee and nominate a Board member to Chair the Committee.

**SITES PROJECT JPA**  
**September 20, 2010**  
**Agenda Item 6a**

**Subject:**

Hear Report from Department of Water Resources and US Bureau of Reclamation on Sites Reservoir Status.

**Discussion:**

Staff from the Department of Water Resources and US Bureau of Reclamation will appear at the Board meeting and make a presentation on the current status of Sites Reservoir. DWR has been focusing primarily on design of the project as well methods to optimize the benefits and costs. USBR has been focused primarily on the environmental compliance of the project as it relates to NEPA.

These presentations will be a good opportunity for the Board to ask questions of the agency staff as well as allow members of the public to offer questions and comments on the project.

**Recommendation:**

No action is required this will be a report and presentation to the Board only.