

**Minutes of Wednesday, June 3, 2020**  
**North Delta Water Agency Board of Directors Meeting**  
Remote Meeting Held via Teleconference

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:35 a.m. on Wednesday, June 3, 2020. Pursuant to State of California Executive Orders N-25-20 and N-29-20, members of the North Delta Water Agency Board of Directors and members of the public participated remotely by teleconference. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Justin van Loben Sels, Division 2  
Jack Kuechler, Division 3  
Mark van Loben Sels, Division 4  
Tom Slater, Division 5

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Kevin O'Brien, Downey Brand  
Gary Kienlen, MBK Engineers  
Anne Williams, MBK Engineers

Others

Bryan Busch  
Erik Vink  
Osha Meserve  
Mark Wilson

**Closed Session**

The board adjourned into closed session at 9:38 a.m. to confer with legal counsel on the following three items:

- i. Litigation regarding WaterFix Environmental Impact Report under CEQA. (Gov. Code 54956.9(d)(1)).
- ii. Litigation regarding Coordinated Operations Agreement Addendum (Gov. Code 54956.9(d)(1)).
- iii. Initiation of potential litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9.

The board reconvened in open session at 10:56 a.m. and Chairman Mello announced the board of directors established an ad-hoc committee to further review and analysis of possible litigation pursuant to item (i) above.

**Approval of the Minutes**

No additions or corrections were made to the February 5, 2020 or the April 21, 2020 minutes.

**MOTION** by Director Kuechler to approve the February 5, 2020 and the April 21, 2020 minutes as presented. Seconded by Director M. van Loben Sels and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

**Engineering Report**

Gary Kienlen distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations. Director Mello reported he received complaint from landowner in

his Division about water levels caused by operation of the federal Delta Cross Channel gates.

## **Legal Report**

Kevin O'Brien reported not much happening with development of Voluntary Agreement negotiations associated with the update of the Delta Water Quality Control Plan, but there has been activity in the courts with the State and federal government filing lawsuits against each other's endangered species biological opinions and incidental take permits for the operation of the SWP and CVP. Secretary Crowfoot is still working behind the scenes to see if negotiations can get back on track, but this is challenging with dueling lawsuits. The court approved an injunction restricting CVP export pumping limits through May.

## **Manager Report**

### *Administration*

Melinda announced staff is reviewing CDC guidelines for workplaces to re-open with COVID-19 protections in place and will work on developing a plan specifying actions to be followed. Staff will also be researching banks to select one to transfer NDWA accounts. We've received one bank suggestion from a board member and welcome any suggestions others may have.

### *Correspondence*

NDWA signed on to a coalition letter commenting on the EIR that was released for the Lookout Slough restoration project and submitted a comment letter on the Notice of Preparation for the Delta Conveyance Project.

## **Delta Activities Report**

### *SWRCB/Delta Watermaster*

John Collins with the Delta Watermaster's office reported that compliance on water use reporting has been good. Due to the COVID-19 pandemic he announced the Open ET Beta model release has been postponed most likely until the end of June.

### *Delta Projects*

The CVFPB has approved two Statement of No Objection letters for Delta projects related to export water supply: Delta Conveyance Project (DCP) intakes and tunnel and Fremont Weir notch and operable gate project. These letters provide CVFPB approval for the U.S. Army Corps of Engineers to initiate the 408 review process for both projects. NDWA and many other Delta agencies expressed concern that the letter for the DCP is premature because an EIR has not yet been released. Acknowledging the public interest and concerns regarding the Delta tunnel project, the CVFPB committed to providing regular updates at their public meetings on the 408 review process for the DCP.

### *Delta Conservancy Activities*

The Delta Conservancy continues to pursue implementation of a Carbon Program in the Delta, which targets up to 200,000 acres to rice or wetlands. Most of the acreage is in the Central Delta, but some projects may be located within the NDWA jurisdiction. Despite targeting farmland for conversion, the Conservancy has not made an effort to confer with county farm bureaus or farmers. Director Mello announced there has been a meeting about converting 1,000 acres on Staten Island as part of this program and also pointed out that water consumption is higher for wetland habitats than crops.

### *Delta Stewardship Council*

Melinda announced the Yolo Ranch Restoration project is getting closer to construction with the submission of a certification of consistency to the Delta Stewardship Council. However, an appeal was filed by the Solano County Water Agency and a hearing is scheduled for July 6<sup>th</sup>. This is only the third appeal hearing the DSC has scheduled. The DSC is also working on updating the Ecosystem Chapter of the Delta Plan.

Director Mello announced that the Delta Conservancy approved his application to benefit the Greater Sandhill Crane agreeing not to convert his lands to vines or trees.

#### *Delta Protection Commission*

Erik Vink announced the DPC will be restarting the process to update the Land Use and Resource Management Plan (LURMP), but said will slow due to staff changes. He said the Commission also has concerns about large scale conversion in the Delta from agriculture to wetland restoration.

#### **Approval of Annual Budget**

Cindy presented the proposed fiscal year 2020-21 NDWA budget with total expenditures of \$1,173,506, and a document disclosing employee compensation as required by CalPERS. No changes were made to the budget presented. She committed to researching alternative employee health plans to discuss at future meetings.

**MOTION** by Director Mello to approve the Fiscal Year 2020-21 Budget as presented. Seconded by Director M. van Loben Sels and approved by a roll call vote. (AYES: Mello, J van Loben Sels, Kuechler, M. van Loben Sels, Slater)

#### **Adoption of the 2020-21 Assessment Rate**

In accordance with Agency assessment policies, the maximum amount the assessment rates can be increased is either 3% or the Consumer Price Index, whichever is higher. The Directors confirmed commitment to having a \$2 million reserve and agreed to increase all assessment rate categories to the maximum allowed, including the minimum per parcel rate.

**MOTION** by Director Kuechler to adopt Resolution #2020-01 authorizing the increase of annual assessment rates to the maximum allowed 3% or CPI, whichever is greater, once the CPI is released. Seconded by Director Mello and approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, Slater)

**MOTION** by Director Mello to approve Yolo County Resolution #2020-02 governing the county's collection of NDWA assessments. Seconded by Director Kuechler and approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, Slater)

#### **Public Comments**

No public comments received. Manager announced the next NDWA board meeting is on August 5<sup>th</sup> and will be held remotely via teleconference due to the COVID-19 pandemic.

#### **Adjournment**

Chairman Mello adjourned the meeting at 12:15 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager