

Minutes of Wednesday, April 3, 2024
North Delta Water Agency Board of Directors Meeting
3050 Beacon Blvd., Ste 203, West Sacramento, CA 95691

Call to Order

Chairman Mello called the board of directors meeting to order at 9:34 a.m. on Wednesday, April 3, 2024. Pursuant to Government Code section 54953(b)(3), Directors Jack Kuechler, Justin van Loben Sels, and Mark van Loben Sels attended remotely via publicly accessible teleconference locations identified on the agenda. 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
Anne Williams, MBK Engineers
Kevin O’Brien, Downey Brand
Austin Cho, Downey Brand
Yuen Lenh, MBK Engineers
Gary Kienlen, MBK Engineers

Others

Jay Ziegler

Closed Session

The board adjourned into closed session at 9:35 a.m. with legal counsel to discuss:

- A. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (Two Items).

Closed Session Report

The Board reconvened in open session at 10:55 a.m. and Chairman Mello announced that the board took no reportable action during closed session.

Approval of the Minutes

The minutes for the February 7, 2024, Board Meeting and February 14, 2024, Special Board Meeting were presented. No additions or corrections were made.

MOTION by Director Slater to approve the February 7, 2024 Board Meeting and February 14, 2024 Special Board Meeting minutes as presented. Seconded by Director Kuechler and unanimously approved by a roll call vote. (AYES: Mello, Slater, Kuechler, J. van Loben Sels, and M. van Loben Sels)

Manager Report

Correspondence, Meetings, and Presentations

The Agency received a letter from DWR intended to memorialize revisions to the calculation of the annual payment in accordance with corrections previously agreed to by NDWA and DWR staff. Adjustments to the prior year invoices now match the payments made by NDWA. The Agency also received a letter from the State Lands Commission (SLC) requesting reductions in their annual assessment. Copies of both letters were provided in the board packet. Agency staff are currently working on a written response to the SLC letter, and it should be included in the next board meeting.

Succession Planning

Director Slater reported that the Agency has not yet received a response from the CalPERS actuarial department regarding our request for a buy-out amount. They have 60 days to respond to our Resolution and that date is around April 14th.

Financial Report

Cindy Tiffany presented the current financial documents for review and discussion.

MOTION by Director Slater to accept the financial statements as presented. Seconded by Director Mello and unanimously approved by roll call vote. (AYES: Mello, Slater, Kuechler, J. van Loben Sels, and M. van Loben Sels)

Engineering Report

Water Quality and Hydrologic Update

Yuen Lenh reported water quality is well within the Contract criteria at all seven monitoring locations. She reminded the board that May Bulletin 120 will set the contract criteria for the remainder of the calendar year. Currently the 8-Station index shows we are at 100% of average for rainfall, which is at 44.4 inches so far this water year. Snow water content for the Northern Sierra is 119% of historical average.

Current reservoir storage levels are:

- Shasta 116% of Historical Average;
- Oroville 124% of Historical Average;
- Folsom 115% of Historical Average.

Hydrologic conditions show the Delta is in Excess Condition, but there are restrictions. DCC gates are closed and will remain closed until May. All CVP and SWP water export allocations have been increased, but are still below 100% allocation south of the Delta.

Legal Report

Bay Delta Water Quality Control Plan Update

SWRCB will be having workshops on the Staff SED and Voluntary Agreements for the Sacramento River and tributaries on April 24th, 25th, and 26th. There will likely be additional workshops to be held on future topics. Kevin O'Brien reported the Superior Court upheld the SWRCB's prior decision on flows for the San Joaquin River and tributaries.

The board discussed sending a supplemental comment letter raising additional issues the SWRCB should analyze in the Sacramento River SED related to fisheries, in addition to their analysis of unimpaired flows. Melinda will work with legal and engineering consultants on the supplemental letter.

Delta Conveyance Project

Kevin reported that April 29th is the current deadline to file a protest on the water rights petition filed for the DCP. It is also our current deadline to file a CEQA lawsuit, which was extended due to our tolling agreement with DWR. Other groups have requested an extension to the date for the water rights petition, and it is possible that date could be extended. If the SWRCB extends the petition deadline, then the Agency will request an extension of the tolling agreement with DWR for CEQA lawsuit.

Delta Activities Report*Delta Protection Commission*

The Delta Leadership closing reception will be at 5:00 p.m. on April 19th at Bogle Winery.

SWRCB/Delta Water Master

Jay Ziegler announced another extension for the Delta Alternative Compliance Plan reporting requirement until May 15th. There have been some technical issues with online reporting having to do with appropriative water rights that need to be fixed.

Delta Stewardship Council

The Council issued a notice that they will be starting the regulatory process to amend the Ecosystem Chapter of the Delta Plan.

Delta Conservancy and Delta Habitat

Nothing to report on either item.

Delta Conveyance Project

Discussed above under Legal Report.

SWP/CVP

Increased allocation discussed above under Engineer's Report.

Announcements

The Manager announced that a Special Board meeting will be scheduled on April 15th at 11:00 a.m.

Public Comment

No public comment provided.

Adjournment

Chairman Mello adjourned the meeting at 12:03p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager.