

Minutes of Wednesday, August 1, 2018
North Delta Water Agency Board of Directors Meeting
14120 Grand Ave. (Walnut Grove Community Church), Walnut Grove

Call to Order

Chairman Mello called the board of directors meeting to order at 9:37 a.m. on Wednesday, August 1, 2018. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1
Jack Kuechler, Division 3
Tom Slater, Division 5

Staff

Melinda Terry, Manager
Cindy Tiffany, Assistant Manager
Rebecca Smith, Downey Brand
Anne Williams, MBK Engineers

Others

See attached sign-in sheet.

Announcements

Chairman Mello announced that Closed Session would be moved to the end of the meeting.

Manager Report

Melinda Terry Melinda announced the resignation of Division 2 Director Topper van Loben Sels. The vacancy notice has been posted and the board will appoint a new Director at the Special Board Meeting scheduled on August 22, 2018. She highlighted activities and issues described in the June and July Manager's Reports and reported on meeting with Santa Clara Water District board members that are serving on the WaterFix Design and Finance Committees. They were not very knowledgeable about actual impacts of WaterFix construction that are described in the EIR. She mentioned survey results provided by ACWA on retirement benefits provided by water districts to their employees and suggested the Agency determine if it should establish a retirement policy for NDWA employees. Director Kuechler asked legal counsel about forming a committee to review the Agency's employee compensation and benefit policies (retirement, health, vacation and sick time). An ad hoc committee was recommended and Melinda will put this issue on the August 22nd agenda.

Approval of the Minutes

No additions or corrections were made to the June 6, 2018 minutes.

MOTION by Director Kuechler to approve the June 6, 2018 minutes as presented. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, Slater. ABSENT: Mahoney.)

Financial Reports

Cindy reported on financial statements for the FY Ending 2017-18 and the current FY 2018-19.

MOTION by Director Slater to accept the financial statements as presented. Seconded by Director Kuechler. (AYES: Mello, Kuechler, Slater. ABSENT: Mahoney.)

Engineering Report

Anne Williams distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations. She also reported that DWR contacted MBK about initiating monthly coordination calls on SWP operations in August and continue them through the fall for now.

Legal Report

Rebecca Smith reported that the WaterFix hearings will resume on August 2nd and NDWA will be submitting their rebuttal for Part 2. She said the administrative record for the WaterFix CEQA lawsuit is still being compiled and will probably be scheduled for hearing in fall.

Rebecca and Melinda recommended the Agency submit a comment letter on the recently released WaterFix Supplemental EIR and provide a statement at SWRCB hearing on the Final San Joaquin River Amendments to the Bay-Delta Plan. Melinda reported that the most concerning issue in the SJR Amendments relevant to the NDWA 1981 Contract is a proposal to relax existing salinity standards for the San Joaquin area, which means water board staff may also recommend relaxing salinity standards in the Sacramento River Amendments. Therefore it seems important for the NDWA to remind the water board about the specific salinity criteria and obligation of DWR to provide water for additional flows that are contained in the 1981 Contract.

MOTION by Director Kuechler to authorize Melinda Terry to work with Downey Brand on drafting written comments for both the proposed Delta Water Quality Plan San Joaquin River Amendments and the WaterFix Supplemental EIR. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, Slater. ABSENT: Mahoney.)

Watermaster Update and Water Rights Presentation

Michael George distributed a presentation on the *Memorandum on the Theory of Overlap between Riparian and pre-1914 Water Rights*. He walked everyone through his presentation titled, "Implication & Application of the Overlap Memo" and answered questions on the memo.

Melinda said she received a report from Watermaster's staff on water users that are delinquent in filing reports and will email it to the board. Michael announced legislation was passed that would allow fines to occur immediately upon the delinquency of the report instead of 30 days after. He is currently not enforcing this new authority, but would like the help of the public to get these reports in on time.

Public Comment

Jane Dixon asked NDWA legal counsel if she agreed with the content of the water board's water rights memo. Rebecca Smith responded there were differences in interpretation of some language in the law, but these differences could only be clarified if litigation over water rights enforcement arises in the future.

Closed Session

The board adjourned into Closed Session at 12:35 p.m. to confer with legal counsel on three items. The board reconvened in open session at 1:07 p.m. and Chairman Mello announced the board of directors authorized counsel to send a writ of mandate on delinquent assessments against the California Department of Fish and Wildlife and the California Wildlife Conservation Board.

Adjournment

Chairman Mello adjourned the meeting at 1:07 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager.