



Board of Directors Meeting

14120 Grand Ave, Walnut Grove

Wednesday, December 5, 2018

9:30 a.m.

***** Note: Action may be taken on any item listed on this agenda *****

1. Call to Order and Introductions

Steve Mello, Chairman

2. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL: EXISTING AND ANTICIPATED LITIGATION (four items)

Pursuant to Government Code section 54956.9, the Board will meet in Closed Session with legal counsel to discuss the following four items:

- i. State Water Resources Control Board adjudicatory proceeding regarding Petition for Changes in Water Rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project (Gov. Code 54956.9(d)(1)).
- ii. Anticipated Litigation regarding recovery of delinquent assessments, penalties, and interest against California Department of Fish and Wildlife and the California Wildlife Conservation Board (Government Code section 54956.9(d)(4)). (Two potential cases.)
- iii. Litigation regarding WaterFix 2081 ESA permit. (Gov. Code 54956.9(d)(1)).
- iv. Litigation regarding WaterFix Environmental Impact Report under CEQA. (Gov. Code 54956.9(d)(1)).

3. Closed Session Report

Steve Mello, Chairman

A. Reconvene Open Session and provide summary of any action taken by the Board on items discussed with legal counsel in Closed Session.

4. Approval of Minutes

Steve Mello, Chairman

A. ACTION: Approve October 3, 2018 Board Meeting Minutes

5. Financial Report

Cindy Tiffany, Assistant Manager

- A. Receive Fiscal Reports
- B. Delinquent Assessments – Letter from CalTrans

6. Engineer Report

Gary Kienlen, Engineer

- A. Water Quality Update – NDWA notification to DWR of salinity levels exceeding Contract criteria at Three Mile Slough in November

7. Legal Report

Kevin O'Brien, Attorney

- A. Update on WaterFix Legal Proceedings –Change of diversion petition hearing and CEQA and 2081 Permit Lawsuits
- B. Update on State Claim filed against CDFW and Wildlife Conservation Board

8. Manager Report

Melinda Terry, Manager

- A. Report on meetings, presentations, and correspondence – Distribute and summarize items in October and November 2018 Manager's Reports
- B. Manager's Decision on CA Dept. of Fish and Wildlife Parcel Reclassification Petition
- C. Report from Ad Hoc Committee on Employee Benefits
- D. NDWA Video

9. Delta Activities Report

Melinda Terry, Manager

- A. SWRCB/Delta Watermaster – Updates on water measurement and diversion report requirements and enforcement, consumptive use study, and other ongoing activities
- B. WaterFix Project Updates – SWP Contract Amendments
- C. Delta Habitat Projects – ACTION: Letter on Lookout Slough
- D. Delta Stewardship Council –WaterFix Consistency Appeals
- E. Delta Conservancy and Delta Protection Commission Activities

10. Public Comment**11. Announcements**

- A. Dec 11 – SWRCB Adoption of SJR Amendments, CalEPA
- B. Dec 20 – DSC Hrg on WaterFix Appeals, 1110 W. Capitol Ave West Sac, 9:00 am
- C. Jan 17 – DPC Mtg, Rio Vista, 5:30 pm
- D. Feb 6 - NDWA Board Mtg, 14120 Grand Ave, Walnut Grove, 9:30 am

12. Adjournment