

NORTH DELTA WATER AGENCY

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Board of Directors

Steve Mello, Chairman Topper van Löben Sels, Vice-Chairman Tom Hester, Secretary/Treasurer
Jack Kuechler, Director Ken Jameson, Director

Board of Directors Meeting 14120 Grand Ave, Walnut Grove, CA Wednesday, January 6, 2016 - 9:30 a.m.

1. Call to Order & Introductions

Steve Mello, Chair

2. Approval of the December 9, 2015 Board Meeting Minutes

Steve Mello, Chair

3. Financial Reports

Cindy Tiffany, Assistant Manager

- A. Contract Payment Submission
- B. Update on CalPERS Termination Liability

4. Manager Report

Melinda Terry, Manager

- A. Administrative Issues – New and pending items, including future meeting agendas
 - i. DWR's Special Contract Claims Procedure - Schedule an informational meeting
 - ii. Director Elections – Status of County Certificates of Appointment and Oath of Office
- B. Ad-Hoc Committees – Discuss status reports and consider any recommendations
 - i. Projection of Contract payments and reserves
 - ii. Opinion letters on NDWA Contract history and assurances
 - iii. Solano groundwater basin MOU
- C. Correspondence & Communication – Review and act on incoming/outgoing items

5. Delta and Drought Report

Melinda Terry, Manager

- A. CA WaterFix – Status of SWP/CVP Water Rights Change Petition, 401 Clean Water Act permit, and 404 permit
- B. SWRCB – Update on Water Rights Curtailments, TUCPs, Bay-Delta Water Quality Plan, BDCP/WaterFix hearings, diversion monitoring regulations, Delta Watermaster activities, and other actions
- C. Habitat Projects – Agency comments on Cache Slough Complex Conservation Assessment
- D. Drought Projects - DWR Delta Drought Barriers proposal in 2016
- E. Delta Conservancy - Update on programs, projects, and activities
- F. Delta Protection Commission (DPC) – Delta Leadership Program update
- G. Delta Stewardship Council (DSC) – Review Delta Plan policy on water transfers

6. Legal Report

Kevin O'Brien, Attorney

- A. BDCP/WaterFix Water Rights Change Petition – Update on filing Protest and Notice to Appear on behalf of NDWA

- B. Sustainable Groundwater Management Act – Act on Ad-hoc Committee recommendation regarding Agency signing MOU agreeing to participate in stakeholder engagement process regarding the formation of a Groundwater Sustainability Agency in the Solano Sub-basin.
- C. DWR’s Special Contract Claims Procedure – Status of supplemental agreement to extend Special Claims compensation for water quality exceedances occurring after August 15th
- D. Reimbursement Request – NDWA letter requesting DWR reimburse expenses associated with working on 2014-15 drought actions

7. Engineer Report

Gary Kienlen, Engineer

- A. Water Quality – Update on Contract monitoring locations, including any exceedances of salinity criteria and operational actions by DWR
- B. Water Diversion Measuring – SWRCB draft regulations to implement SB 88, public workshop

8. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to the authority of Government Code section 54956.9(d)(1), the Board will meet in closed session to discuss two cases: 1) 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 Water Fix Project; and 2) the potential settlement or dismissal of pending litigation involving the Agency (*Steamboat Acres LLC v. Daniel P. Whaley, North Delta Water Agency, et al.*).

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code section 54956,9(d)(2), the Board will meet in closed session to consult with legal counsel regarding a matter in which there is significant exposure litigation (*H-Pond LLC v. North Delta Water Agency*).

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(d)(4), the Board will meet in closed session to decide whether to initiate litigation (one potential case).

9. Closed Session Report

Steve Mello, Chair

- A. Reconvene open session and provide summary of any action taken by the Board on items discussed with legal counsel in closed session.

10. Public Comment

11. Announcements

- A. January 5 – Deadline to submit Notice of Intent to Appear and Protest to SWRCB for BDCP/WaterFix water rights change petition
- B. January 19 – SWRCB consider adopting water diversion measuring regulations (tentative)
- D. January 21 – DPC meeting, 4664 Riverside Blvd, Sacramento, 5:30-7:30 pm
- E. January 29 – Deadline to comment on Cache Slough Complex Conservation Assessment
- F. February 3 – NDWA Board meeting, 14120 Grand Ave., Walnut Grove, 9:30 a.m.

12. Adjournment

"Public documents related to agenda items that are made available to the board before the meeting shall be available for review at 910 K Street, Suite 310, Sacramento CA 95814."

***** Actions may be taken on any item listed on this agenda *****