

NORTH DELTA WATER AGENCY

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Melinda Terry, Manager
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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, December 9, 2015 - 9:30 a.m.

1. Call to Order & Introductions

Steve Mello, Chair

2. Approval of the October 7, 2015 Board Meeting Minutes

Steve Mello, Chair

3. Audit Report for FY 14-15

Rick Johnston, PBB&J

4. Financial Reports

Cindy Tiffany, Assistant Manager

- A. Review Quarterly Financial Reports
- B. Update on annual assessments, including direct billing

5. Manager Report

Melinda Terry, Manager

- A. NDWA Director Elections – Update on Process
- B. Approval of \$1,500 Sponsorship of a workshop for the Delta Leadership Program
- C. Administrative Issues – Updates
- D. Correspondence & Communication – Review incoming/outgoing items and development of an opinion editorial

6. Delta and Drought Report

Melinda Terry, Manager

- A. CA WaterFix – Status of permitting, including the Diversion Change Petition hearings and 401 Clean Water Act permit being considered at SWRCB and USACE 404/408 permits
- B. SWRCB – Update on Water Rights Curtailments, TUCPs, Bay-Delta Water Quality Plan update, BDCP/WaterFix permits, Delta Watermaster activities, and other actions
- C. Habitat Projects – Water hyacinth removal and Delta Coalition
- D. Delta Conservancy - Update on programs, projects, and activities
- E. Delta Protection Commission (DPC) – Briefing for Lt. Governor Gavin Newsom
- F. Delta Stewardship Council (DSC) – Update on programs, projects, and activities

7. Legal Report

Kevin O'Brien, Attorney

- A. Sustainable Groundwater Management Act – Presentation, discussion, and possible action by the board regarding NDWA considering applying to participate in or become a Groundwater Sustainability Agency
- B. DWR's Special Contract Claims Procedure – Update on process and April 1, 2016 deadline to submit claim, and possible action by the board regarding separate agreement to pay compensation for damage occurring after August 15, 2015 and to schedule a public meeting for DWR to provide guidance to landowners on eligibility and filling out the application
- C. Discussion and possible approval of an agreement between NDWA and the Department of Water Resources regarding the existence, in 2015, of a "drought emergency" pursuant to the 1981 Contract between NDWA and DWR.
- D. Appoint ad hoc committee of board members to meet with ACWA JPIA to discuss NDWA liability coverage
- E. Reimbursement Request - Review draft letter requesting reimbursement from DWR for legal/engineering expenses associated with working on 2014-15 drought actions

8. 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

9. CLOSED SESSION (Three Items)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to the authority of Government Code section 54956.9, the Board will meet in Closed Session to discuss two cases: 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 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

The Board will meet in Closed Session to consult with legal counsel regarding potential litigation involving the Agency (two potential cases): 1) Significant exposure to litigation (*H-Pond LLC v. North Delta Water Agency*) pursuant to Government Code section 54956.9(b).

10. 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.

11. Public Comment

12. Announcements

- A. December 17 – SWRCB workshop on water diversion measuring regulations (tentative)
- B. January 19 – SWRCB vote to adopt water diversion measuring regulations (tentative)
- C. February 3 – NDWA Board meeting

13. 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 *****