

Minutes of Wednesday, August 7, 2024
North Delta Water Agency Board of Directors Meeting
3050 Beacon Blvd Ste 203, West Sacramento, CA

Call to Order

Chairman Mello called the board of directors meeting to order at 9:33 a.m. on Wednesday, August 7, 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
Gary Kienlen, MBK Engineers
Yuen Lenh, MBK Engineers

Others

Jay Ziegler

Closed Session

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

- i. Existing Litigation (Gov. Code section 54956.9(d)(1)) (Two Items):
 - a. North Delta Water Agency v. California Department of Water Resources, Sacramento Superior Court Case No. 24WM000076.
 - b. SWRCB Hearing on Petition of Water Rights Permits for the Delta Conveyance Project.
- ii. PUBLIC EMPLOYMENT – Appointment of public employee pursuant to Government Code Section 54957(b)(1) (One Item).

The board reconvened in open session at 10:06 a.m. and Chairman Mello announced there was no reportable action taken in Closed Session.

Approval of the Minutes

The minutes for the June 5, 2024, Board Meeting were presented. No additions or corrections were made.

MOTION by Director Slater to approve the June 5, 2024, 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

Report on Meetings, Presentations, and Correspondence

Melinda reported that NDWA will be submitting a comment letter on the Draft EIR for the Long-term Ops for the State Water Projects, and this is due on September 9, 2024.

Succession Planning

Director Slater reported the joint committee with CCVFCA has made a little bit more progress in a benefits package for the new Manager. The committee is currently looking at one candidate who might be interested in this position and the joint committee will be meeting with them next Friday.

Financial Report

Final Assessment

Cindy announced that final June CPI was 3% so that is the final amount that the assessment will be raised for FY 2024-2025.

Financial Statements

Cindy presented both the final financial statements for FY 2023-2024 and the current fiscal year financial statements to the board and answered questions regarding fiscal transactions.

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

Delta Activities Report

SWRCB/Delta Watermaster

Jay Ziegler reported that the SWRCB is in the process of scheduling new Voluntary Agreement workshops for the fall, and he will keep us posted once he has those dates. He announced his staff is still working on getting approximately 100 licenses to submit their water use reports.

Jay suggested there are similar projects to the Elk Slough Restoration project within the Delta we may be able to leverage these projects through the voluntary agreement process. Both Gilbert Cosio and Tom Slater have suggested some potential sites. Director Slater said that utilizing voluntary agreement funding for these types of projects would be great, but he stressed that we cannot reduce erosion repair to do these other projects. Melinda commented that one of the final State budget acts was to restore the \$500 million for the voluntary agreements.

Delta Conveyance Project

The SWRCB hearing officer for the DCP change of diversion petition has scheduled a pre-hearing on August 13th. The SWRCB also released a notice that the petition hearings will begin on January 16th. Congressman Josh Harder introduced legislation to prohibit the conveyance of CVP water through the DCP tunnel facilities. Geotechnical drilling for the DCP is temporarily delayed to an injunction granted by the court.

Delta Conservancy

The Delta Conservancy released the results of the 2023 Delta Drought Response Pilot Program. Both Melinda Terry and Anne Williams attended the presentation that was given. The results were that the program had a high cost for not much water savings. They did announce that there will be no drought response program this year or next. Melinda commented that the presentation was well done, and she did want to invite the UC Davis study group to share their study they are conducting on the salt content in soil to the board and public at a later date.

Delta Protection Commission, Delta Stewardship Council, and Delta Habitat Projects

Nothing new to report.

Engineering Report

Water Quality and Hydrologic Conditions Update

Anne Williams from MBK Engineering provided a PowerPoint presentation on water quality conditions. Currently the 14-day mean is well within the NDWA Contract salinity criteria at all seven monitoring locations. The Northern Sierra 8-Station Index reported 47.3 inches of rain this water year, which put us a little lower than the historical average. Reservoir storage is very high coming into this water year with Oroville at 79% of capacity, while Shasta is at 74%, and Folsom at 62%. Term 91 is in effect as of July 2nd.

Legal Report*Delta Conveyance Project*

Kevin O'Brien of Downey Brand reported that December 4th is the current due date for submission of testimony for the DCP change petition hearing.

WaterFix CEQA Litigation

Brian Hamilton of Downey Brand has been attending all the CEQA litigation meetings. There is not much to report at this time. The hearing will likely start in 2025.

Bay-Delta Quality Control Plan Update

Nothing new to report.

Announcements

The Agency will be having their FPPC Ethics Training on August 14, 2024.

Public Comments

No public comment.

Adjournment

Chairman Mello adjourned the meeting at 11:12 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager