

**Minutes of Wednesday, June 2, 2021**  
**North Delta Water Agency Board of Directors Meeting**  
Remote Meeting Held via Teleconference

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:32 a.m. on Wednesday, June 2, 2021. Pursuant to State of California Executive Orders N-25-20 and N-29-20, members of the North Delta Water Agency Board of Directors and members of the public participated remotely by teleconference. 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  
Meredith Nikkel, Downey Brand  
Gary Kienlen, MBK Engineers  
Anne Williams, MBK Engineers

Others

Harvey Correia  
Michael George  
Bryan Busch  
Jess Runick

Brett Baker  
Mark Wilson  
Osha Meserve

**Closed Session**

The board adjourned into closed session at 9:32 a.m. Pursuant to Government Code Section 54956.9, the Board met in Closed Session with legal counsel to discuss the following items:

- i. Initiation of litigation pursuant to Government Code Section 54956.9(4)(d) – two items.
- ii. Public Employment discussion pursuant to Government Code Section 54957(b) – three positions.

The board reconvened in open session at 10:26 a.m. and Chairman Mello announced the board of directors approved an additional 2.5 days of vacation for Cindy Tiffany and a performance payment for Melinda Terry, with the amount to be determined later.

**Approval of the Minutes**

No additions or corrections were made to the minutes for the regular board meeting held on April 7, 2021.

**MOTION** by Director Mello to approve the April 7, 2021 minutes as presented. Seconded by Director Kuechler and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

No additions or corrections were made to the minutes for Special Board Meetings held on April 7, 2021 and April 12, 2021 or the informational drought briefing on April 27, 2021.

**MOTION** by Director Kuechler to approve the Special Board Meeting minutes of April 7, 2021 and April 12, 2021 and also the April 27, 2021 informational briefing as presented. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

## **Engineering Report**

### *Water Quality and Monitoring*

Anne Williams reported weekly meetings with DWR Operations Staff will continue at least through the summer. There was a rise in salinity over the Memorial Day weekend due to a King tide followed by a high tide, but levels were still within our contract criteria. The State Water Resources Control (SWRCB) conditionally approved a TUCP authorizing D-1641 salinity standards set at Emmaton to be moved to Three-Mile Slough, which is same as 1981 Contract criteria. At this time, the Delta Cross channels gates are closed until further notice due to drought conditions. The U.S. Bureau of Reclamation is considering opening on the weekend for recreational boat traffic, but no final decision has been yet. Melinda asked if the problem with monitoring equipment at the Three-Mile Slough location was fixed. Anne reported two changes were made: DWR transferred the reporting to a public site and data is uploaded every hour instead of every 3-6 so that water users will be able to access more real time data.

## **Legal Report**

### *Delta Water Quality Plan Update*

Meredith Nikkel reported that discussions on voluntary agreements briefly resumed, but did not include NGOs or the public, and is once again on hold as drought issues have taken precedence. Michael George stated one outcome of the recent negotiation was an agreement to reach out to Delta interests, which has evolved into the North, Central, and South Delta Water Agencies developing a Drought Response Plan that will be discussed later in the agenda. In addition, a State Team has been formed to continue internal discussions on voluntary agreements: Karla Nemeth (DWR); Erik Loboschefsky (DWR); Chuck Bonham (CDFW); Kristin Peer (CalEPA); and Eric Oppenheimer (SWRCB).

### *Emergency Drought Provision*

Melinda reported that Kevin O'Brien contacted Tripp Mizell, legal counsel with DWR, about implementing the claims procedure described in the Art. 4(b)(iv) Drought Emergency provision in the 1981 Contract. Mr. Mizell expressed interest and requested the Agency send him any recommended revisions to the 2015 Claims Procedure. Melinda suggested the board establish an ad-hoc committee to discuss potential changes to the prior Claims Procedures and invite water users that submitted claims during the 2015 drought to participate. Jack Kuechler and Steve Mello volunteered to serve on the ad-hoc committee.

**MOTION** by Director Kuechler to establish an ad-hoc committee of Director Kuechler and Director Mello to discuss potential revisions to recommend for the drought emergency claims process pursuant to Art. 4(b)(iv). Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

## **Manager Report**

### *Correspondence*

The NDWA previously signed on to a joint letter to DWR regarding issues with Lookout Slough. DWR has not yet addressed these issues, so NDWA will be a signatory to another joint letter to the CVFPB requesting them

to consider adding conditions when issuing a permit for this project.

#### *NDWA Board Meetings*

Melinda recommended adding a July board meeting due to drought conditions and the board agreed. She also asked if the board was comfortable in having the next board meeting in person at the Agency's West Sacramento office. We would also continue providing public access to the board meeting through online media platforms such as Zoom, which will require the purchase of additional audio and visual equipment.

#### *Drought Conservation Proposal*

Melinda provided introductory comments regarding the NDWA's participation in developing the Drought Conservation Proposal that was included in the board packet. Facilitated by the Delta Watermaster, this effort is intended to provide a unified Delta proposal for responding to drought conditions. Representatives from the North, Central, and South Delta Water Agencies participated in this effort. Michael George spoke about the content in the proposal focused on a menu of voluntary actions, but acknowledged they would not result in significant water savings since farmers have already made planting decisions. There will likely be additional revisions to this proposal, therefore it is not ready for approval, but Melinda recommended the board support her continued participation in this effort. Michael will arrange a meeting between the Delta Agencies and the State Team to discuss these concepts.

#### **Delta Activities Report**

##### *SWRCB/Delta Watermaster*

Delta Watermaster Michael George announced the final Open ET is scheduled for a late July release and the Governor issued a drought proclamation for the Sacramento-San Joaquin River watershed, which emphasizes reservoir storage for carryover. A Temporary Urgency Change Petition (TUCP) conditionally approved by the Water Board order went into effect, which includes requirements for additional reporting, limitations on Delta exports, no water transfers until after July 1<sup>st</sup>, and other mandates.

##### *Delta Habitat Projects*

The Central Valley Flood Protection Board postponed the hearing on Lookout Slough permit until its July meeting.

No reports were given for following issues listed under *Delta Activities Report* Item 8: *Delta Conservancy Activities; Delta Stewardship Council; or Delta Protection Commission.*

#### **Approval of Annual Budget and Adoption of the 2020-21 Assessment Rate**

Cindy presented the proposed fiscal year 2021-22 NDWA budget with total expenditures of \$1,311,637 and shared a document disclosing employee compensation as required by CalPERS. Changes were made to the following categories: \$3,000 increase in Engineering, \$10,000 for Employee Compensation, and \$7,500 in Office Expenses. These increases bring the total budgeted expenses to \$1,333,937. The board also reviewed a document showing the projection of contract payments through year 2060 and discussed fact that contract payments will exceed the assessment revenues by 2035. In accordance with Agency assessment policies, the maximum amount the assessment rates can be increased is either 3% or the Consumer Price Index, whichever is higher. The Directors confirmed commitment to having a \$2 million reserve and agreed to increase all assessment rate categories to the maximum allowed, including the minimum per parcel rate.

**MOTION** by Director Mello to approve the Fiscal Year 2021-22 budget of \$1,333,937 and adopt

resolution #2021-01 authorizing the increase of annual assessment rates to the maximum allowed of 3% or CPI, whichever is greater, once the CPI is released. Seconded by Director Kuechler and approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, Slater)

**MOTION** by Director Kuechler to approve Yolo County Resolution #2021-02 governing the county's collection of NDWA assessments. Seconded by Director Slater and approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, Slater)

### **Special Presentation**

Brett Baker gave a presentation on the development of a Delta alternative compliance plan for the SB 88 Diversion Measurement Reporting. The program is open to everyone, so contact him if interested in participating. They are currently working on a website.

### **Public Comments**

No public comments received.

### **Adjournment**

Chairman Mello adjourned the meeting at 12:42 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager