

# NORTH DELTA WATER AGENCY

910 K Street, Suite 310, Sacramento, CA 95814  
(916) 446-0197 [www.northdeltawater.net](http://www.northdeltawater.net)

Melinda Terry, Manager  
[melinda@northdeltawater.net](mailto:melinda@northdeltawater.net)

## 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, October 7, 2015 - 9:30 a.m.

**NOTE:** *Item #8 is scheduled to be taken up at 11:00 a.m. Timed items will be considered as close to the listed time as possible, but not before the specified time. Untimed items may be heard in any order.*

**1. Call to Order & Introductions**

*Steve Mello, Chair*

**2. Approval of the August 5, 2015 Board Meeting Minutes**

*Steve Mello, Chair*

**3. Financial Reports**

*Cindy Tiffany, Assistant Manager*

- A. Review Quarterly Financial Reports
- B. Status of Biannual Audit
- C. Status of Annual Update of Assessment Roll

**4. Manager Report**

*Melinda Terry, Manager*

- A. NDWA Director Elections – Update on Candidate Nominations and Election Process
- B. Administrative Issues – 2016 Board meeting schedule and other organizational issues
- C. Correspondence & Communication – Review incoming/outgoing items, opened, and consider public comment letters on SWP/CVP operations and other Delta water quality issues.

**5. Delta and Drought Report**

*Melinda Terry, Manager*

- A. CA WaterFix – Comment letters for RDEIR/RDEIS and USACE 404 permit, and status of Diversion Change Petition and 401 Clean Water Act permits
- B. SWRCB – Update on Water Rights Curtailments, TUCPs, CA WaterFix petition hearing process, Delta Watermaster activities, and other programs and actions.
- C. Habitat Projects – Delta Wetlands project: purchase of four Delta islands by MWD
- D. Delta Conservancy - Update on programs, projects, and activities
- E. Delta Protection Commission (DPC) – Delta Water Agency Panel on Drought Impacts, and CA WaterFix permit sequencing presentation
- F. Delta Stewardship Council (DSC) – Update on programs, projects, and activities

**6. Legal Report**

*Kevin O'Brien, Attorney*

- A. Review NDWA's Liability Insurance Coverage
- B. Request for reimbursement by DWR for NDWA legal/engineering expenses associated with proposed DWR drought projects

**7. Engineer Report**

*Gary Kienlen, Engineer*

- A. Status of water quality at Contract monitoring locations, including any exceedances of salinity criteria and subsequent operational actions by DWR
- B. Drought Conditions and Activities Update – Report on recent compliance violations of NDWA Contract and Modified D-1641 salinity standards

**8. DWR Presentation – Scheduled for 11:00 a.m.**

*Paul Marshall, Chief – Bay Delta Office*

- A. Special Claims Process to provide compensation pursuant to provision 4(b)(iv) of the 1981 NDWA-DWR Contract

**9. CLOSED SESSION (Three Potential Cases)**

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to the authority of Government Code section 54956.9(a), the Board will meet in Closed Session to discuss potential settlement or dismissal of pending litigation involving the Agency (one pending case): *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); and the potential initiation of litigation by the Agency pursuant to Government Code section 54956.9(c) related to enforcement of the 1981 Contract.

**10. Closed Session Report**

*Steve Mello, Chair*

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

**11. Public Comment**

**12. Announcements**

- A. October 30 – Deadline to comment on DEIR/DEIS for CA WaterFix
- B. November 9 – Deadline to comment on USACE 404 permit for CA WaterFix

**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 \*\*\***