

Minutes of Wednesday, April 10, 2019
North Delta Water Agency Board of Directors Meeting
14120 Grand Ave. (Walnut Grove Community Church), Walnut Grove

Call to Order

Chairman Mello called the board of directors meeting to order at 9:32 a.m. on Wednesday, April 10, 2019. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1
Justin van Loben Sels, Division 2
Jack Kuechler, Division 3
Ryan Mahoney, Division 4
Tom Slater, Division 5

Staff

Melinda Terry, Manager
Cindy Tiffany, Assistant Manager
Kevin O'Brien, Downey Brand
Gary Kienlen, MBK Engineers

Others

See attached sign-in sheet.

Closed Session

The Board convened into Closed Session with legal counsel at 9:32 a.m. to discuss the following items:

- i. 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 WaterFix Project (Gov. Code 54956.9(d)(1)).
- ii. Government Claims Act recovery of delinquent assessments, penalties, and interest against California Department of Fish and Wildlife (Gov. Code 54956.9(d)(1),(4)) – (Three Cases)
- iii. Litigation regarding WaterFix 2081 ESA permit. (Gov. Code 54956.9(d)(1)).
- iv. Litigation regarding WaterFix Environmental Impact Report under CEQA. (Gov. Code 54956.9(d)(1)).
- v. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 – (Two Cases).

The board reconvened in open session at 9:45 am and Chairman Mello announced there were no reportable actions taken during closed session.

Approval of the Minutes

No additions or corrections were made to the February 6, 2019 minutes.

MOTION by Director Kuechler to approve the February 6, 2019 minutes as presented. Seconded by Director Slater, and unanimously approved by a voice vote. (AYES: Mello, Kuechler, Mahoney, van Loben Sels, and Slater.)

Financial Report

Cindy Tiffany presented current financials and answered questions.

MOTION by Director Slater to accept the financials as presented. Seconded by Director Mello and unanimously approved by voice vote. (AYES: Mello, van Loben Sels, Mahoney, Kuechler, and Slater.)

Cindy provided an update on the delinquent 2018-19 direct bill assessments. Sam Bivens of Downey Brand will be mailing demand letters to landowners listed on the delinquent assessments list and she will update the board on the status of the remaining delinquencies in June.

Cindy briefed the board on what she learned at a CalPERS workshop. A new trust fund is being established by

PERS for agencies to address their unfunded liability, which may have higher returns than the LAIF fund. She will reach out to PERS staff to learn more information about options for repayment of the unfunded liability and the trust.

Presentation on Diversion Measurement

Dana Rollison of Environment Defense Fund gave a presentation on OpenET, a phone app that utilizes a constellation of satellites to provide water use data that will be publicly available and eliminate the installation of individual water meters to comply with SB 88. The BETA for OpenET is scheduled for end of 2019 and a final by end of 2020, but is seeking additional funding of about \$2.8 million. She said the team is hoping that each of the three Delta water agencies will contribute \$50,000. There were lots of questions in regards to this program like who owns the data, how much the service will cost, how does this change regulatory compliance, etc. She responded there is still a lot of details being sorted out with OpenET, including ownership. The board informed her this discussion was on the agenda as informational only, therefore the board cannot vote to approve an expenditure at this time. The board agreed to put the funding request on the June agenda, but would like Michael George to attend and answer questions prior to committing to this amount of funding.

Engineering Report

Water Quality Update

Gary Kienlen distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations. The four-river flow was 24.2 maf with high snowpack in the April 1 Bulletin 120. The snow survey in May will set the salinity criteria for the NDWA contract.

Legal Report

Waterfix Update

Kevin O'Brien reported that per the request of DWR stays have been put in place on the WaterFix petition hearings through May 4th and then the water board will either move forward or halt the proceedings. In addition, DWR requested a 90-day stay of the lawsuits challenging the ESA permits and the court also implemented a 60-day stay on the coordinated CEQA lawsuits.

Delta Water Quality Control Plan Update

Kevin informed the board that the Administration is pushing development of voluntary settlement agreements as alternatives to the unimpaired flow standards proposed by SWRCB staff for the Delta Water Quality Plan Update. The plan is to work issues out and review these alternatives by the end of June 2019. Melinda said 44 entities are participating in these settlement discussions. She sent an email to Secretaries Blumenfeld and Crowfoot with a copy of the 1998 MOU done between DWR and NDWA when D-1641 was developed and requested to participate in current settlement negotiations.

Questions were raised about potential cumulative water supply and quality impacts of changes flow from implementation of these settlement agreements and other proposed projects such as WaterFix, Sites Reservoir, President Trump's directive for increased CVP water deliveries, and recent amendments to the CVP/SWP Coordinated Operations Agreement (COA).

Manager Report

Habitat Restoration

Melinda Terry briefed the board on meeting she attended regarding the Lookout Slough habitat restoration project. Solano County is having a public meeting tonight in Dixon and Director Kuechler said information on habitat projects in the Cache Slough can be found at cacheslough.com website. Melinda said she will submit a NDWA comment letter on the Notice of Preparation for the Lookout Slough project. DWR released a Partially Recirculated EIR for the Prospect Island habitat restoration project, which re-opens a public comment period

through April 15, 2019.

Delta Activities

President Trump signed the Delta Heritage Area Act into law and the Delta Protection Commission is responsible for development of a management plan for the Heritage Area. Legacy Communities are in the process of organizing into a non-profit that can lobby against the tunnel project.

Ad-hoc Committee on Employee Benefits

Director Kuechler reported he and Director Mello conducted an employee review for the Manager, Melinda Terry and will schedule annual review every January. Cindy provided the committee members with a draft of the employee handbook.

Adjournment

Chairman Mello adjourned the meeting at 11:19 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager