

Minutes of Wednesday, October 2, 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 9:41 a.m. on Wednesday, October 2, 2019. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1
Jack Kuechler, Division 3
Tom Slater, Division 5

Staff

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 9:41 a.m. to discuss the following existing and anticipated litigation (3 cases):

- i. Litigation regarding WaterFix Environmental Impact Report under CEQA (Gov. Code 54956.9(d)(1)).
- ii. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9.

The board reconvened in open session at 9:58 am and Chairman Mello announced that the board voted to file liens on properties that had not paid the 2018-19 assessment for direct billing.

Approval of the Minutes

A correction was made to the August 7, 2019 minutes by replacing the word "double" with the word "exceeded" in the last paragraph on page 1. No corrections were made to the Special Board meeting minutes for September 4, 2019s.

MOTION by Director Kuechler to approve the August 7, 2019 minutes as amended and the September 4, 2019 as presented. Seconded by Director Slater, and unanimously approved by a voice vote. (AYES: Mello, Kuechler and Slater. ABSENT: Mahoney and van Loben Sels.)

Financial Report

Cindy Tiffany reported on the current financials and answered questions regarding transactions for legal consultants to review Downey Brand's legal fee related to reimbursement of attorney fees for CEQA litigation.

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

Engineering Report

Gary Kienlen distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all monitoring locations. He also noted that all reservoirs are currently above normal.

Legal Report

Water Quality Control Plan Update

Kevin O'Brien reported the voluntary agreement process is still moving forward. Environmental groups have written a joint letter to Secretary Crowfoot requesting more assets for fish even though these assets have not changed since this process began. The letter was signed by Bay Institute, American Rivers, Environmental Defense Fund, Defenders of Wildlife, and The Nature Conservancy. These NGO letter requested more flows even though still waiting for modeling and scientific analysis to guide completion of the agreements.

Director Slater pointed out that landowners in the north Delta have already reduced their use since 1981 due to better farming practices, such as use of drip irrigation and asked if there was any way NDWA could quantify this reduction. There was discussion about whether there is anything NDWA can bring forward in the voluntary agreement process and maybe create a white paper. Slater volunteered to work on quantifying this reduction by using RD 999 as an example since he has data on water use reductions.

Manager Report

Director Election

Cindy Tiffany reported for Melinda Terry that they only had one candidate in each Division submit an application so each will be appointed by the County Board of Supervisors and no election will be required.

Office Move

Cindy notified the board that CCVFCA is planning to move their offices out of downtown Sacramento to West Sacramento. The current lease is up in December 2019. The new location is higher monthly rent, but the cost per square foot is less than what is currently being paid. Since the space is larger it could accommodate NDWA board meetings and has ample parking. The move is anticipated to occur in December.

Presentation- NDWA Video

The NDWA video developed for the WaterFix petition hearings was shown with the new audio that was added. Mark Wilson suggested copying the video onto thumb drives that could be handed out.

Delta Activities Report

SWRCB/Delta Water Master

John Collins reported that had very good compliance with filing of water use reports, with only one failure to file. They are currently working through the enforcement process. The water board is working on drought planning efforts.

Delta Habitat Projects

Director Kuechler reported on landowner meeting at Hastings in regards to Lookout Slough habitat project and ACWA also hosted a well-attended tour of the Cache Slough Complex. He stated that Solano County filed a CEQA lawsuit against the Lookout Slough project. Bryan Busch, RD 2068 Manager, announced that Lookout Slough EIR is expected to be released soon, but he has heard that proponents are no longer planning to breach the RD 2098 levee. Westervelt has not yet entered into an agreement with DWR on the Little Egbert habitat restoration project.

Delta Conservancy Activities

Director Slater announced that the Delta Conservancy approved the project submitted by RD 999 and RD 150 to open Elk Slough to the Sacramento River. This grant will help with funding a feasibility study. SAFCA has also expressed interest in the project as mitigation.

Delta Protection Commission

Cindy announced that NDWA would be nominating Mary Kuechler for the DPC Leadership Program.

Public Comment

There was no public comment.

Adjournment

Chairman Mello adjourned the meeting at 11:01 am

Respectfully submitted by Cindy Tiffany, Assistant Manager