

**Minutes of Wednesday, June 5, 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 9:32 a.m. on Wednesday, June 5, 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  
Austin Cho, Downey Brand  
Gary Kienlen, MBK Engineers  
Chris Connor, MBK Engineers

Others

Jay Ziegler

**Closed Session**

The board adjourned into closed session at 9:33 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. Water Right Change Petition Hearing for the Delta Conveyance Project, State Water Resources Control Board Administrative Hearing Office.
- ii. PUBLIC EMPLOYMENT – Appointment of public employee pursuant to Government Code Section 54957(b)(1) (One Item).

The board reconvened in open session at 10:53 a.m. and Chairman Mello announced there was no reportable action taken in Closed Session.

**Approval of Minutes**

The minutes for April 3, 2024, and April 15, 2024, were presented for approval. Chairman Mello requested corrections to the April 3, 2024, minutes; correct the word “She” to Melinda on page two and a spelling correction on page 3.

**MOTION** by Director Slater to approve the April 3, 2024, minutes as amended and the April 15, 2024, minutes as presented. Seconded by Director Kuechler and approved by a roll call vote. (AYES: Mello, Kuechler, Slater, J. van Loben Sels, and M. van Loben Sels)

**Financial Statements**

Cindy Tiffany presented her projections for revenues and expenses at the end of the fiscal year. The Agency’s LAIF account earned \$96,000 in interest. As expected, legal and engineering expenses were overbudget.

**Approval of Annual Budget for Fiscal Year 2024-2025**

Cindy presented the proposed fiscal year 2024-2025 budget with total expenditures of \$1,618,902.00 and

approximately \$246,000 added to reserves. She also distributed a document disclosing employee compensation as required by CalPERS. No changes were made to the proposed budget.

**MOTION** by Director Slater to approve the 2024-2025 NDWA budget as presented. Seconded by Director Kuechler and approved by a roll call vote. (AYES: Mello, Kuechler, Slater, J. van Loben Sels, and M. van Loben Sels)

### **Adoption of the Assessment Rate for Fiscal Year 2024-2025**

Cindy provided a document showing annual assessment revenues with a projection of annual contract payments to DWR through the year 2060. The current Board policy is to build a \$6 million reserve fund in order to keep up with the increasing Contract payments and annual expenses. The current amount in reserves is about \$3.2 million. In accordance with Agency assessment policies, the maximum amount the assessment rates can be increased is either 3% or the annual change in the Consumer Price Index, whichever is higher. MBK estimates the CPI will remain at 3.96%, but the official CPI will not be established until July. The board discussed increasing all assessment rate categories to the maximum allowed, including the minimum per parcel rate.

**MOTION** by Director Mello to adopt resolution #2024-02 authorizing the increase of annual assessment rates for all categories to the maximum allowed, 3% or annual change in CPI, whichever is greater. Seconded by Director Slater and approved by a roll call vote. (AYES: Mello, Kuechler, Slater, J. van Loben Sels, and M. van Loben Sels)

**MOTION** by Director Slater to approve Resolution #2024-03 governing the collection of NDWA assessments by Yolo County. Seconded by Director Mello and approved by a roll call vote. (AYES: Mello, Kuechler, Slater, J. van Loben Sels, and M. van Loben Sels)

### **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 47.2 inches of rain this water year, which put it right about the historical average. Snow water content for northern California is around 23%, which is 82% of normal. Oroville Reservoir is at 100% capacity, while Shasta and Folsom are at 95% and 96% respectively. The water in Shasta Reservoir is warmer than normal so there may be issues with temperature control. The DCC gates are only open on the weekends and the Delta is in excess with restrictions.

### **Legal Report**

#### *Delta Conveyance Project*

Kevin O'Brien of Downey Brand reported that NDWA filed a water rights protest with SWRCB and a CEQA lawsuit against DWR for the Delta Conveyance Project (DCP). Kevin discussed the next steps dealing with a case management meeting and the preparation of an administrative record under CEQA. He anticipates the case will not heat up until late 2024 or early 2025. Legal counsel will begin preparing evidence and briefs for the SWRCB water rights hearings. The SWRCB is giving DWR 180 days to move forward with settlement negotiations. DWR released a new cost estimate for the DCP, which is now projected to cost \$20 billion. Austin Cho reported there was a complaint filed by the Central Delta Water Agency claiming the SWRCB has provided more favorable treatment to DWR on administration of SWP water rights permits.

#### *Bay-Delta Quality Control Plan Update*

The SWRCB hosted a 3-day workshop in May on voluntary agreements. Additional workshops will be scheduled on other topics. Kevin expects the SWRCB to move forward with a final plan in early 2025.

## **Succession Planning**

Director Slater reported the joint committee with CCVFCA is working on an employee benefits package. He would like to schedule a Special Board meeting on June 18<sup>th</sup> at 9:00 a.m. to update the NDWA Board on the costs the Agency will incur if it withdraws from the program.

## **Manager Report**

### *Report on Meetings, Presentations, and Correspondence*

Legal counsel has drafted a letter responding to a letter from the State Lands Commission requesting reclassification of several parcels. These parcels are the same as those in a prior decision issued by the Manager based on previous request from SLC, so it is unnecessary to render a new decision. A copy of the final letter will be included in the next board packet.

## **Legislative Report**

Melinda provided a brief description of two bills dealing with water rights, AB 460 and AB 1337. More details on the legislation are available in the May 2024 Manager's Report. Information is also provided on SB 366, dealing with water supply planning.

## **Delta Activities Report**

### *SWRCB/Delta Watermaster*

Jay Ziegler said he has extended the deadline to June 16<sup>th</sup> for the Delta Alternative Compliance Plan reporting due to technical issues with the online platform. An overview of the final data from 2022 for the Delta Drought Pilot Program will be presented on June 20<sup>th</sup> at the Ryde Hotel. Two new staff will be joining the Delta Watermaster's office in July.

### *Delta Habitat Projects*

Information on the performance of a new bioacoustics barrier installed near Georgianna Slough is provided in the May 2024 Manager's Report.

### *State Water Project*

DWR released a strategic plan and delivery capability report for the State Water Projects. In addition, they released an EIR for long-term SWP operations, which we will need to review to see if NDWA should comment. DWR also released a long-term drought plan.

### *Delta Protection Commission and Delta Stewardship Council*

Nothing new to report.

## **Announcements**

In addition to items on the agenda, the Agency will schedule a Special Board Meeting on June 18<sup>th</sup> and the Delta Conservancy is hosting a briefing of results for the Delta Drought Pilot Program on June 20<sup>th</sup>.

## **Public Comments**

No public comment.

## **Adjournment**

Chairman Mello adjourned the meeting at 12:28 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager