

NORTH DELTA WATER AGENCY

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Melinda Terry, Manager

Board of Directors

Henry N. Kuechler, Chairman * Kenneth A. Ruzich, Secretary/Treasurer
Steve Mello, Director * Carel van Löben Sels, Director * Tom Hester, Director

Board of Directors Meeting
14120 Grand Ave, Walnut Grove, CA
Wednesday, December 10, 2014
9:00 a.m. Closed Session (Board Only)
9:30 a.m. Open Public Session

***** Note Following Time Certain Scheduled Items: *****

- ❖ **Item #2 CLOSED SESSION Scheduled at Early Start Time of 9:00 am**
- ❖ **Item #3 Open Public Session Anticipated to Reconvene at 9:30 am**

1. Call to Order & Introductions

Chair Henry Kuechler

2. CLOSED SESSION (Scheduled for 9:00 a.m.)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Based on existing facts and circumstances, the legislative body is deciding whether to initiate litigation pursuant to Government Code section 54956.9(d)(4) (two potential cases).

***** Note: Open Session Anticipated to Reconvene at 9:30 am *****

3. Closed Session Report

Steve Saxton, Attorney

- A. Summary of any action taken by the Board in closed session

4. Approval of the October 9, 2014 Board Meeting and the October 28, 2014 and November 5, 2014 Special Board Meeting Minutes

Chair Henry Kuechler

5. Financial Reports

Colleen Flannery, Assistant Manager

- A. Agency Revenue - Assessment billing update and presentation of financial statements.
- B. Dept. of Parks & Recreation Delinquency – Update on recovery actions & payment

6. Engineer's Report

Gary Kienlen, MBK Engineers

A. Contract Water Quality

- i) Distribute and discuss Bi-monthly Water Quality Report & Contract compliance
- ii) Report on October 29, 2014 meeting with DWR regarding Three Mile Slough non-compliance (water quality)
- iii) Report on weekly updates with SWP operations staff

7. Legal Report

Steve Saxton, Attorney

A. H-Pond Assessment Reclassification Appeal – Present follow-up legal memo and recommendation for action by Board

B. DWR Drought Agreements – Report on proposals and status of negotiations

- i) *Claims Procedure* – Discuss recent communications regarding potential agreement between NDWA and DWR establishing a “contingency” crop compensation process and provide Board’s direction to NDWA staff and legal counsel on this matter
- ii) *Contingency Drought Barriers* – Discuss status of project and recent communications with DWR on potential barrier installation in 2015
- iii) *Barrier Permitting* - Discuss CEQA review process, timelines, and development of comments by NDWA
- iv) *NDWA’s Negotiation Costs* - Discuss Agency’s estimated costs for negotiating one or more drought-related agreements, and provide Board’s direction on proposed budget
- v) *Fiscal Policy on Barriers* - Consider adopting a fiscal policy to fully fund, setting a maximum cost cap, or seeking DWR reimbursement before further negotiations
- vi) *Advisory Committee Oversight* - Consider appointing ad hoc committee(s) to work with staff on drought MOU(s): barriers and crop compensation process

8. Manager's Report

Melinda Terry, Manager

A. Administrative Issues

- i) Approve proposed 2015 Board meeting dates
- ii) Decision not to comment on long-term water transfer EIR/EIS

B. Meetings and Presentations - Report on Manager meetings and presentations

C. Correspondence & Communication – Discuss communication and correspondence received or sent by Agency and any recommended follow-up actions

- i) DWR response to NDWA notification of Three Mile Slough non-compliance
- ii) Parcel Reclassification Request – Dwyer, 2 parcels
- iii) Two drought updates emailed to North Delta RDs
- iv) DWR announcement – Paul Helliker resignation & interim program responsibility
- v) Follow-up email to Craig Trombly, DWR - DFW parcels in NDWA
- vi) BDCP letters – Delta Counties Coalition and Cooperating Agencies
- vii) Prospect Island EIR preliminary letter – Local Agencies of North Delta (LAND)
- viii) Steve Mello - Sandhill Crane Festival Conservation Farmer Award

9. Report on Delta Activities

Melinda Terry, Manager

- A. Bay Delta Conservation Plan (BDCP) – Update on status of comments, deadlines, and other activities and announcements
 - i) Report on Cooperating Agency meeting - Update on project changes, EIR/EIS revisions and recirculation, and DWR offer to schedule a presentation to NDWA
 - ii) Modeling Coalition – Report on recent meeting with DWR and consider NDWA’s additional financial participation in next steps
 - iii) State Treasurer’s Office Report - BDCP financing and affordability
- B. Habitat Projects - Update on habitat activities (BiOps/RPA/BDCP) and recommendations for Agency action
 - i) Water Education Report - Restoring Delta habitat and protecting landowners
- C. Delta Conservancy – Update and recommendations for Agency action
- D. Delta Protection Commission (DPC) - Update and recommendations for Agency action
- E. SWRCB – Update on activities and recommendation for Agency action
 - i) Water quality regulations, 2015 Drought Plan, Delta diversion and curtailment orders, workshops and hearings - Consider sending letter requesting inclusion of NDWA Contract as SWP operational criteria and the need to execute a MOU with NDWA for the barriers
- F. Delta Stewardship Council (DSC) – Update and recommendations for any Agency action

10. Public Comment

11. Announcements

- A. Dec 16 – Delta Protection Advisory Committee meeting, 5:30 pm, Walnut Grove
- B. Dec 18 – Delta Stewardship Council Meeting
- C. Feb 4, 2015 – Next scheduled NDWA Board meeting

12. Adjournment

***** Note: Action may be taken on any item listed on this agenda *****

Any documents related to agenda items that are made available to the board before the meeting shall be available for review by the public at 910 K Street, Suite 310, Sacramento CA 95814.