

**Minutes of Wednesday, October 2, 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, October 2, 2024. Pursuant to Government Code section 54953(b)(3), Director Mark van Loben Sels attended remotely via a publicly accessible teleconference location identified on the agenda. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Justin van Loben Sels, Division 2  
Mark van Loben Sels, Division 4  
Tom Slater, Division 5

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Kevin O'Brien, Downey Brand  
Austin Cho, Downey Brand  
Anne Williams, MBK Engineers  
Gary Kienlen, MBK Engineers  
Yuen Lenh, MBK Engineers

Others

Bruce Blodgett

Jay Ziegler

**Closed Session**

The board adjourned into closed session at 9:32 a.m. with legal counsel to discuss the following four items:

- i. Existing Litigation (Gov. Code section 54956.9(d)(1)) (Three Cases):
  - a. North Delta Water Agency v. California Department of Water Resources, Sacramento Superior Court Case No. 24WM000076.
  - b. SWRCB Hearing on Petition of Water Rights Permits for the Delta Conveyance Project.
  - c. Arsenith v. 3M Company, Alameda Superior Court Case No. 24CV089313
- ii. PUBLIC EMPLOYMENT – Appointment of public employee pursuant to Government Code Section 54957(b)(1) (One Item).

The board reconvened in open session at 10:57 a.m. and Chairman Mello announced there was no reportable action taken in Closed Session.

**Approval of the Minutes**

The minutes for the August 7, 2024, Board Meeting, and August 14, 2024, Special Board Meeting were presented. No additions or corrections were made.

**MOTION** by Director Kuechler to approve the minutes for both August 7, 2024, regular board meeting and the August 14, 2024 special board meeting as presented. Seconded by Director Slater and unanimously approved by a roll call vote. (AYES: Mello, Slater, Kuechler, and M. van Loben Sels ABSENT: J. van Loben Sels)

**Manager Report**

*Report on Meetings, Presentations, and Correspondence*

Melinda reported that there will be a Special Board Meeting on Wednesday, October 23, 2024, at 9:30 a.m. to discuss a closed session item. Melinda announced that the Governor appoint a new Deputy Secretary of Water.

Melinda presented a staff memo on the ACWA Retirement Health Plan with information for the board to consider providing for employees when they retire from the Agency. Any action by the board would be agendaized for a future board meeting.

### **Legislation**

Melinda announced that AB 460, a water rights enforcement bill, was signed by the Governor. More information describing the new law is included in the Manager's Report.

### **Succession Planning**

Director Slater reported that the previous candidate they were speaking with is no longer available for the Manager position. The joint ad hoc succession committee is currently working on finalizing a benefits package and job announcement to be distributed at a later date.

### **Financial Report**

Cindy presented the current fiscal year financial statements to the board and answered questions regarding financial transactions.

**MOTION** by Director Kuechler to accept the financial statements as presented. Seconded by Director Slater and unanimously approved by a roll call vote. (AYES: Mello, Kuechler, Slater, and M. van Loben Sels ABSENT: J. van Loben Sels)

### **Delta Activities Report**

#### *SWRCB/Delta Watermaster*

Jay Ziegler reported there are around 89 water rights filers that have not submitted their 2023 water use reports. These landowners will be sent a failure to file letters within the next two weeks. He asked whether DWR's recent announcement to waive the Fall X2 requirement will have a water quality impact. Anne Williams commented that MBK does not see any changes in water quality this fall due to this change.

#### *Delta Protection Commission*

Bruce Blodgett announced that the Delta Protection Commission is currently accepting nominations for the Delta Leadership Program and the deadline to apply is November 22nd. The DPC is currently looking to hire a Senior Environmental Planner and an Information Officer. The National Heritage Management Plan is currently in tribal consultation and is expected to be final in November. The next Advisory Committee meeting is October 31<sup>st</sup>.

#### *Delta Habitat Projects*

Melinda reported there is a groundbreaking event scheduled for the Lookout Slough Restoration Project.

#### *Delta Conservancy and Delta Stewardship Council*

Nothing new to report.

#### *SWP/CVP*

The most recent Bulletin 132 report on the SWP was recently released. More information is included in the Manager's Report. In August the USBR conducted a preliminary geotechnical investigation at the Delta Cross Channel as part of the CVP improvement/upgrade project.

### **Engineering Report**

#### *Water Quality and Hydrologic Conditions Update*

Yuen Len from MBK Engineering provided a PowerPoint presentation on water quality conditions. The 14-day

mean is currently well within the NDWA Contract salinity criteria at all seven monitoring locations. The Northern Sierra 8-Station Index reported 48.2 inches of rain for water year 2024 ending at 91% of average. Reservoir conditions are close to historical averages and are currently at the maximum levels allowable for winter storage. Delta is in balanced conditions. Term 91 is no longer in effect as of September 30th.

Yuen also announced that DWR gave a briefing on the 2025 water year, announcing they are expecting a La Nina year, but not sure if it will be a wet or dry year. DWR also created a water watch website where you can track California water conditions at [www.cww.water.ca.gov](http://www.cww.water.ca.gov).

## **Legal Report**

### *Delta Conveyance Project*

Austin announced that the prehearing conference on the Delta Conveyance Project (DCP) water rights change petition with SWRCB will be held on October 17<sup>th</sup> and will address an amendment to the construction and operations of the DCP. Case in chiefs have been postponed until January 10<sup>th</sup>. We will learn more details about the procedural decisions at the Oct. 17<sup>th</sup> prehearing conference.

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

The SWRCB is still analyzing the voluntary agreement proposals. A number of entities are already signed onto the agreements. The SWRCB is scheduling public workshops.

### *Lawsuits*

Austin reported on the status of the Arsenith V. 3M Company lawsuit that NDWA has also been named in. This is an asbestos lawsuit. The NDWA is currently working with the ACWA JPIA legal counsel to have the case dismissed from the lawsuit.

## **Announcements**

The NDWA will be scheduling a Special Board Meeting at 9:30 a.m. on October 23, 2024.

## **Public Comments**

Director Slater reported that he attended a water law conference, attending discussions on the Sustainable Groundwater Management Act and the Delta Conveyance Project.

## **Adjournment**

Chairman Mello adjourned the meeting at 11:54 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager