

## Minutes of Tuesday, October 19, 2021

North Delta Water Agency Special Board of Directors Meeting  
Remote Meeting Held Via Teleconference

### Call to Order

Chairman Mello called the special board of directors meeting to order at 2:02 p.m. on Tuesday, October 19, 2021. Held remotely via teleconferencing, a quorum was determined at that time. Those present on the call:

#### 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 (Joined @2:15pm)

#### Staff

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

#### Others

### Administrative Action

Melinda presented Resolution No. 2021-05 which will provide another 30-day extension of the modified Brown Action requirements to allow NDWA to continue holding public meetings remotely due to health risks in accordance with AB 361. Kevin will check the legislation to see if this remote meeting authority can be extended for a longer period through approval of a motion, instead of approving with a new resolution every 30 days.

**MOTION** by Director Kuechler to adopt Resolution 2021-05 as presented. The motion was seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, M. van Loben Sels and Slater ABSENT: J. van Loben Sels)

### Closed Session

The Board convened Closed Session through teleconference at 2:06 pm to discuss the following:

#### A. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9, the Board will Meet in Closed Session with Legal Counsel to Discuss the Following Items:

- i. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) – three potential cases.

#### B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: water entitlements under 1981 NDWA-DWR Contract

Agency negotiator: Melinda Terry

Negotiating parties: Woodland-Davis Clean Water Agency

Under negotiation: terms of transaction

### Closed Session Report

The Board reconvened in open session at 3:30 p.m. and Chairman Mello announced the board took no reportable action, but did direct staff to send a letter to DWR demanding DWR maintain water quality per the 1981 Contract.

### Public Comment

No public comments provided.

**Announcements**

Due to exceedances of the salinity criteria at the Three Mile Slough monitoring location that is specified in the 1981 Contract, Melinda recommended scheduling another Special Board Meeting on October 26<sup>th</sup> to provide the public an update on drought conditions and water quality, and to present the framework developed for implementation of a Dry-Year Incentive Pilot Program between January through June 2022. Director Mello agreed with having another meeting and pointed out that daily salinity spikes are significantly higher than the 14-day mean criteria in the Contract. Gary announced that CVP has reduced its Delta exports from 1,700 cfs down to 700 cfs and will continue keeping the Delta Cross Channel gates open on the weekend and shut during the week and plan to permanently from December 2021 through May 2022.

**Adjournment**

Chairman Mello adjourned the meeting at 3:32 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager