

**Minutes of Wednesday, July 1, 2015**  
**North Delta Water Agency Board of Directors Meeting**  
13941 River Road (RD 563 office), Walnut Grove

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:37 a.m. on Wednesday, July 1, 2015. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Topper van Loben Sels, Division 2  
Jack Kuechler, Division 3  
Tom Hester, Division 5

Staff

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

Others

See attached sign-in sheet.

Absent

Division 4 - Vacant

**Approval of the Minutes**

No corrections or additions were made to the June 3, 2015 minutes.

**MOTION by Director Kuechler to approve the June 3, 2015 minutes as presented. Seconded by Director van Loben Sels, and unanimously approved by a voice vote (AYES: Mello, van Loben Sels, Kuechler, Hester)**

**Appointment of Secretary-Treasurer**

Due to the resignation of Ken Ruzich effective June 10, 2015, the Secretary-Treasurer position is vacant and needs to be filled.

**MOTION by Chairman Mello to appoint Tom Hester as the Secretary-Treasurer for the Agency. Seconded by Director Kuechler, and approved unanimously by a voice vote. (AYES: Mello, van Loben Sels, Kuechler, Hester)**

**Initiate Director Elections**

Manager Melinda Terry reminded the board that four of the five Divisions must hold elections this year due to appointments made in Divisions 3 and 5 to fill vacancies that have occurred since the last election. She explained that the counties no longer conduct landowner elections, so NDWA must assume all responsibility for developing and publishing election documents, and verifying candidates eligible to be Directors of the Agency. If more than one candidate files application in a Division, then the Agency will need to hire a company to perform a vote by mail election in November.

**MOTION by Director van Loben Sels to approve election procedures and resolution calling for a general Agency election on November 10, 2015 to fill full terms for Directors in Divisions 2 and 4, and remaining short terms in Division 3 and 5. Seconded by Chairman Mello, and approved unanimously by a roll call vote. (AYES: Mello, van Loben Sels, Kuechler, Hester)**

**Engineer Report**

Gary Kienlen handed out water quality graphs, noting salinity levels are still within Contract criteria, but pointed out the trending increase on the Three Mile Slough graph and discussed DWR's ability to operate the SWP to maintain Contract and modified D-1641 salinity standards at Three Mile Slough.

**Legal Report**

Kevin O'Brien reported that although NDWA previously sent a copy of the prior agreement from the 1990s with language establishing a claims process for DWR to use as a template, the department has still not provided a new draft drought agreement for the Agency to review. He will request a meeting with DWR legal counsel. Gary Kienlen suggested the Agency consider developing provisions in the new claims process to also cover damages to soils, decreased production, or other issues unique to permanent crops.

Now that pre-1914 water rights have been curtailed by the State, the State Water Contractors have submitted a formal complaint against water diverters in the Central and South Delta for unauthorized diversion of water stored by SWP, which will require the SWRCB to hold a formal hearing at some point. In anticipation of the drought possibly continuing into next year, counsel suggested the Agency send a notice to landowners within the NDWA advising them of their responsibility to prepare for the possibility of drought conditions getting worse, and will have draft for the Board's review on August 5<sup>th</sup>.

**Manager Report**

Melinda Terry reported that the Vacancy Notice for appointment of a Director to Division 4 has been publicly posted in four locations. Interested landowners have until July 17<sup>th</sup> to submit an application so that the ad hoc interview committee will have time to speak with eligible candidates before making a recommendation to the full Board on August 5, 2015.

**Public Comment**

Chairman Mello suggested the Agency write an op-ed piece explaining the history of the north Delta water users reaching a settlement agreement with the State to counter the attacks being made against senior water rights. Counsel will prepare a first draft for Board's review at the August board meeting.

**Adjournment**

Chairman Mello adjourned the meeting at 11:00 a.m.

Respectfully submitted by Melinda Terry, Manager