

BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING

Thursday, May 20th, 2021

1:30 PM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER

The regular meeting of the Delta Conveyance Design and Construction Authority (DCA) Board of Directors was called to order remotely - Conference Access Information: Phone Number: (916)262-7278 1461125493# <https://meetings.ringcentral.com/j/1461125493> at 1:30pm.

2. ROLL CALL

Board members in attendance were Richard Atwater, Martin Milobar, Tony Estremera, Sarah Palmer, Gary Martin, Robert Cheng, and Adnan Anabtawi constituting a quorum of the Board.

DCA staff members in attendance were Graham Bradner, Joshua Nelson, Nazli Parvizi, and Katano Kasaine.

Department of Water Resources (DWR) staff member in attendance was Carrie Buckman.

3. CLOSES SESSION

(a) Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case

Mr. Nelson reported that there were no reportable actions taken in closed session.

4. PLEDGE OF ALLEGIANCE

President Richard Atwater convened the open session at approximately 2:00 p.m. and led all present in reciting the Pledge of Allegiance.

5. PUBLIC COMMENT

No public comment requests were received for non-agendized items, President Atwater closed Public Comment.

6. APPROVAL OF MINUTES: April 15, 2021 Regular Board Meeting

Recommendation: Approve the April 15, 2021 Regular Board Meeting

Motion to Approve Minutes from April 15, 2021 as

Noted: Palmer

Second: Cheng
 Yeas: Atwater, Milobar, Estremera, Palmer, Blois, Martin, Cheng, Anabtawi
 Nays: None
 Abstains: None
 Recusals: None
 Absent: None
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 20-5-01).

7. CONSENT CALENDAR

None.

8. DISCUSSION ITEMS:

a) **May DCA Monthly Report**

Mr. Bradner highlighted the engineering work performed recently. The spring subsurface investigation program is underway. The DCA is projecting under budget by approximately 1.8M for FY 2020/2021. Mr. Bradner referenced the program schedule, noting a slight delay with the temporary entry permits due to the courts being significantly behind on their court ordered entries.

Mr. Cheng inquired about the field work that was deferred. Mr. Bradner confirmed any field work pushed will be rolled into FY 21/22 budget.

Mr. Martin inquired about eminent domain and court ordered permits, which Mr. Bradner mentioned that we would follow up on this item.

b) **DCA FY 21/22 Draft Budget Discussion**

Mr. Bradner noted the FY 21/22 draft budget was reviewed with DWR, incorporating modifications from these discussions. There were no significant changes in the proposed budget from the previous Board meeting.

c) **SEC Update**

Ms. Parvizi highlighted the April SEC meeting, including an introduction to Interim Executive Director Graham Bradner and DWR Director Karla Nemeth. The future timeline of Stakeholder Engagement Committee (SEC) meetings was discussed as well as recent outreach efforts. Ms. Parvizi spoke about the upcoming repackaged materials for the public, focusing on reaching audiences that we have not been successful in reaching before. Genevieve Taylor from AG Innovations gave a presentation on the Environmental Justice (EJ) survey results that many were very interested in discussing. A Community Benefits Program update was given by DWR. Ms. Parvizi said the next SEC meeting is scheduled for June 23rd, with a break in meetings for summer.

Ms. Palmer asked what the frequency of SEC meetings will be in the future. Ms. Parvizi responded that we expect to have quarterly meetings with an option to call special meetings as needed.

d) **Discuss Current SEC Vacancies and Consider Passing Resolution to Modify the Size of the SEC**

Recommended Action: Adopt Resolution to Modify the Size of the SEC

Ms. Parvizi discussed the potential quorum issue the DCA encountered at the April SEC meeting. For portions of the meeting, there was only 11 members, the minimum necessary for a quorum. There have been three (3) recent retirements from the SEC contributing to this issue as many members will occasionally miss meetings or leave early due to other commitments. Ms. Parvizi proposed the Board allow the DCA to right size the SEC by removing the three (3) vacant seats.

Ms. Palmer confirmed that SEC members can be added as needed. Ms. Parvizi noted that we have done this previously and can do it again as we feel there are areas we could use additional expertise on.

Mr. Nelson recommended removing the three (3) vacant seats from the SEC so there would now be 17 members, not including the three (3) ex-officio seats.

Mr. Estremera expressed his support in rightsizing the SEC.

Mr. Cheng appreciated staff's recommendation on the resolution to mitigate quorum issues.

Mr. Martin spoke to the amount of work that goes into these SEC meetings and the inconvenience it would cause to have to cancel due to quorum issues.

Move to Pass Resolution Adopting to Modify the Size of the SEC

as Noted: Martin
Second: Estremera
Yeas: Atwater, Milobar, Estremera, Blois, Martin, Cheng, Anabtawi
Nays: None
Abstains: None
Recusals: None
Absent: Palmer
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent. (Motion passed as Resolution 21-04).

Ms. Palmer was absent for the vote on this item due to technical difficulties.

9. STAFF REPORTS AND ANNOUNCEMENTS:

a. General Counsel's Report

A written report was provided in the Board package. Mr. Nelson highlighted the changes to the Brown Act being proposed in the Legislature that staff will continue to monitor. With the state reopening on June 15 at the direction of the Governor, this will potentially affect the Executive Order permitting remote only meetings and further information on whether we will need to go back to existing rules for teleconference meetings will be forthcoming.

Mr. Atwater asked if it is known when we would go back to in person meetings. Mr. Nelson said that if the Governor relaxes all social distancing and the Executive Order goes away, we will need to return to in person meetings in June, although we will continue to be able to have remote participation under the existing Brown Act rules.

b. Treasurer's Report

A written report was provided in the Board package. Ms. Kasaine noted as of May 12, the DCA has a cash balance of approximately \$554K. Ms. Kasaine thanked Mr. Bradner and DCA staff for working to align the budget to actuals.

c. DWR Environmental Manager's Report

A written report was provided in the Board package. Ms. Buckman reported on the community benefits framework that would be implemented in the DCA project to protect and enhance the cultural, recreational, natural resource and agricultural values of the Delta. DWR has had a series of meetings in the Delta to gain more information on the process. The final community benefits framework meeting is scheduled for May 25th.

d. Verbal Reports

None.

10. FUTURE AGENDA ITEMS:

None.

11. ADJOURNMENT:

President Atwater adjourned the meeting at 2:40p.m., remotely - Conference Access Information:
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