

BOARD OF DIRECTORS MEETING

---

# MINUTES

---

**REGULAR MEETING**

Thursday, June 17<sup>th</sup>, 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 1489963619# <https://meetings.ringcentral.com/j/1489963619> 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, and Katano Kasaine.

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

**3. CLOSES SESSION**

(a) Public Employment

Title: Executive Director

Mr. Nelson reported Mr. Graham Bradner has been appointed Executive Director of the DCA for Management Partners with a 7-0 vote.

**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**

President Atwater opened Public Comment, one request was submitted.

Curt Taras, Infrastructure Improvement Inc., offered comments regarding their written requests for reimbursement costs related to the Program Management contract they submitted a proposal for. Mr. Taras asked to reach an agreement with the DCA to resolve this issue.

President Atwater closed Public Comment.

**6. APPROVAL OF MINUTES: May 20, 2021 Regular Board Meeting**

Recommendation: Approve the May 20, 2021 Regular Board Meeting

Motion to Approve Minutes from May 20, 2021 as

Noted: Palmer

Second: Estremera

Yeas: Atwater, Milobar, Estremera, Palmer, Martin, Cheng, Anabtawi

Nays: None

Abstains: None

Recusals: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 21-06-01).

## 7. CONSENT CALENDAR

None.

## 8. DISCUSSION ITEMS:

### a) June DCA Monthly Report

Mr. Bradner highlighted DCA work performed in the past month, focusing on fiscal year budgets and the Engineering team working on updates to the conceptual design and documentation. Fieldwork is ongoing, with 25 explorations since April. There have been significant delays due to permitting and entry access. Many locations will be deferred until access to properties is granted. Mr. Bradner discussed the budget summary, tracking an estimated underrun of approximately \$2.45M for FY 2020/2021.

### b) Adopt DCA FY 21/22 Budget

Recommendation: Adopt Resolution Approving DCA FY 21/22 Budget

Mr. Bradner provided an overview of DCA FY 21/22 Budget. Mr. Bradner provided a detailed break-down of the costs for each functional lead including Executive Office, Community Engagement, Program Controls, Administration, Property and Permitting Management, additional PMO Functions, Engineering, and Fieldwork. Mr. Bradner highlighted the contract vendors that will be utilized for their services. The projected \$2.45M current budget underrun will be moved to FY 21/22 Executive Office budget category under the 'Undefined Allowance' line item until it is reallocated for additional scope items. Total budget being proposed is \$21.5M for the next fiscal year.

Mr. Anabtawi referenced the PMO budget, asking if Sustainability is something the DCA anticipates coming on in the future. Mr. Bradner noted that we will have line items established that are not currently funded. We will bring Sustainability back in the future when the time and budget permits for it. Mr. Anabtawi asked if the delayed Fieldwork will be caught up by FY 21/22. Mr. Bradner said there are variables related to the entry process that could cause future delays.

Mr. Cheng asked what is intended for the \$2.45M underrun being moved to the next fiscal year. Mr. Bradner responded that some money will be allocated for the facility studies scope and the remainder will stay in reserve contingency until needed.

Ms. Palmer requested clarification if the DCA will be building a reserve contingency. Mr. Bradner confirmed in case other items come up during the next fiscal year.

Mr. Bradner noted once FY 20/21 is closed, the accurate underrun will be incorporated into the FY 21/22 budget and brought to the Board for approval.

Move to Adopt FY 21/22 Budget by Minute Order

as Noted: Anabtawi  
Second: Palmer  
Yeas: Atwater, Milobar, Estremera, Palmer, Martin, Cheng, Anabtawi  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Minute Order 21-06-02).

**c) Pass Resolution to Adopt Updated Investment Policy**

Recommendation: Adopt Resolution Updating Investment Policy

Ms. Kasaine presented the key changes to the Investment Policy.

Mr. Cheng asked if this Investment Policy is like Metropolitan's (MET) Investment Policy. Ms. Kasaine responded that it is slightly different.

Move to Pass Resolution Adopting Updated Investment Policy

as Noted: Martin  
Second: Milobar  
Yeas: Atwater, Milobar, Estremera, Palmer, Martin, Cheng, Anabtawi  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 21-05).

**d) Pass Resolution to Adopt Updated Ethics Policy and Protest Policy**

Recommendation: Adopt Resolution Updating Ethics Policy and Protest Policy

Mr. Nelson noted the various minor changes in these policies that can be referenced in the redline version included in the Board packet. Legal and the DCA reviewed these documents.

Mr. Taras, Infrastructure Improvement Inc., felt they submitted a timely protest for their disqualification related to the DCA's Program Management solicitation and were unhappy with

the outcome. Mr. Taras recommended the protests procedure include a hearing in front of DCA Board and disclosure of procurement documents related to the protests.

Move to Pass Resolution Adopting Updated Ethics Policy and Protest Policy

as Noted: Palmer  
 Second: Milobar  
 Yeas: Atwater, Milobar, Estremera, Palmer, Martin, Cheng, Anabtawi  
 Nays: None  
 Abstains: None  
 Recusals: None  
 Absent: None  
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 21-06).

e) **DCA Board of Directors Meeting Cadence**

Mr. Bradner discussed potential Board meeting cadence options including monthly, bi-monthly, quarterly, and twice yearly. Mr. Bradner noted that special Board meetings can be added, and meetings can be canceled as needed. Additionally, the Board can choose to change the meeting cadence again in the future.

Ms. Palmer offered her suggestion of meeting bi-monthly with the option to cancel if there are no agenda items. Ms. Palmer felt quarterly or twice a year would not be consistent enough. Ms. Palmer suggested the Board meet in July and begin the bi-monthly meeting cadence after that.

Mr. Milobar echoed the suggestion of meeting bi-monthly.

Mr. Martin agreed with the bi-monthly Board meeting cadence. Mr. Martin recommended the Board keep the third Thursday of the month available on their calendars if a special meeting needs to be called.

Mr. Martin asked if we would continue to meet virtually for Board meetings now that the state has opened. Mr. Nelson noted the Governor’s Executive Order issued, allowing for remote only work through September 30<sup>th</sup>. Staff is recommending we continue to meet remotely until this date. The DCA is exploring hybrid meeting options for after September 30<sup>th</sup>. If the Board would like to meet in person sooner, this can be arranged.

Mr. Bradner emphasized that monthly Board reports will continue to be provided despite changes in the Board meeting cadence.

Motion to Approve DCA Board of Directors Meeting Cadence as

Noted: Estremera  
 Second: Palmer  
 Yeas: Atwater, Milobar, Estremera, Palmer, Martin, Cheng, Anabtawi  
 Nays: None  
 Abstains: None  
 Recusals: None  
 Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 20-6-02).

**9. STAFF REPORTS AND ANNOUNCEMENTS:**

**a. General Counsel's Report**

A written report was provided in the Board package. Mr. Nelson gave an update on CalOSHA mask requirements. DCA's HR Director is working closely with staff to ensure we remain in compliance.

**b. Treasurer's Report**

A written report was provided in the Board package. Ms. Kasaine noted as of June 9, the DCA has a cash balance of approximately \$694K. The schedules are attached to the Board packet.

**c. DWR Environmental Manager's Report**

A written report was provided in the Board package. Ms. Buckman highlighted that DWR has posted the published report of the Environmental Justice (EJ) survey to their website. Additionally, DWR will be hosting 4 upcoming technical webinars to inform the public and interested stakeholders about the current progress related to preparation of the Draft Environmental Impact Report (EIR).

Ms. Palmer requested the dates of the technical webinars be added to the DCA website. Ms. Buckman confirmed this has been done.

**d. Verbal Reports**

Ms. Palmer welcomed new Alternate Director John Weed, representing Alameda County Water District (Class 2).

Mr. Weed provided an overview of his education and work background and looks forward to working on this project.

**10. FUTURE AGENDA ITEMS:**

None.

**11. ADJOURNMENT:**

President Atwater adjourned the meeting at 2:40p.m., remotely - Conference Access Information:  
Phone Number: (916)262-7278 Access Code: 1489963619#  
<https://meetings.ringcentral.com/j/1489963619>