



July 14, 2022

Delta Conveyance Design and Construction Authority
Board of Directors

Subject: ***Materials for the July 15, 2022 Special Board Meeting***

Members of the Board:

The Delta Conveyance Design and Construction Authority (DCA) Board of Directors will have a Special Board Meeting and is scheduled for **Friday, July 15th, 2022 at 9:00a.m.** and will be a **virtual** meeting. The call-in and video information is provided in the attached agenda. Meeting information will also be posted on the dcdca.org website.

Please note that given the current COVID-19 guidelines, the DCA will comply with public health recommendations regarding public meetings and social distancing efforts. Any meeting changes or cancellation will be communicated.

Enclosed are the materials for the Board meeting in a PDF file, which has been bookmarked for your convenience.

Regards,

A handwritten signature in blue ink that reads "Graham C. Bradner". The signature is written in a cursive style.

Graham Bradner
DCA Executive Director



DELTA CONVEYANCE DESIGN AND CONSTRUCTION AUTHORITY
BOARD OF DIRECTORS MEETING

SPECIAL MEETING

Friday, July 15, 2022

9:00 a.m.

Virtual Meeting (Remote Attendance)

(Authorized by AB 361 / Government Code Section 54953(e))

Conference Access Information:

Phone Number: (916)262-7278 Access Code: 1480595145#

Electronic Meeting Link:

Please join my meeting from your computer, tablet, or smartphone

<https://meetings.ringcentral.com/j/1480595145>

Additional information about participating by telephone or via the remote meeting solution is available here: <https://www.dcdca.org>

AGENDA

In compliance with Government Code Section 54953(e), the meeting will be held virtually through the listed meeting link and telephone number. Assistance to those wishing to participate remotely will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation as soon as possible in advance of the meeting by contacting the DCA support staff at (888) 853-8486 or info@dcdca.org. Members of the public may speak regarding items on the agenda when recognized by the Chair as set forth below. Speakers are limited to three minutes each; however, the Chair may limit this time when reasonable based on the circumstances. Persons wishing to provide public comment remotely on Agenda Items are encouraged to complete a public comment request form at: <https://tinyurl.com/dcapubliccomment> by 9:15 a.m. In addition, members of the public may use the “raise hand” function (*9 if participating by telephone only) during the meeting to request the opportunity to speak. Additional information will be provided at the commencement of the meeting.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**

Members of the public may address the Authority on matters that are within the Authority’s jurisdiction whether they are on or off the agenda. Speakers are limited to three minutes each; however, the Chair may limit this time when reasonable based on the circumstances. Persons wishing to speak may do so remotely through the electronic meeting link or teleconference number when recognized by the Chair.

4. **CLOSED SESSION - OPEN SESSION TO FOLLOW AT APPROXIMATELY 10:00 A.M.**

- (a) Public Employee Performance Evaluation
Title: Executive Director

5. **OPEN SESSION AND PLEDGE OF ALLEGIANCE**

6. **REPORT OUT OF CLOSED SESSION**

7. **CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the Board of Directors and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a director so requests, in which event the item will be removed from the Consent Calendar and considered separately.

- (a) Approve Resolution Authorizing Virtual Board and Committee Meetings Pursuant to AB 361.

8. **DISCUSSION ITEMS**

- (a) DCA Board Appointments for Office of President, Vice President, and Secretary
Recommended Action: Appoint Board Officers by Motion

9. **ADJOURNMENT**

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Next scheduled meeting: August 18, 2022 Regular Board Meeting at 2:00 p.m. (1:30 p.m. if there is a closed session).



Board Memo

Contacts: Josh Nelson, General Counsel

Date: July 15, 2022, Board Meeting

Item No. 7a

Subject:

Extend Resolution 2021-08 for Thirty Days to Re-Authorize Virtual Public Meetings in Accordance with AB 361.

General:

At the November Board Meeting, the Board adopted Resolution 2021-08, authorizing virtual public meetings in accordance with Assembly Bill (AB) 361. Meeting virtually helps contain the spread of the COVID-19 virus and keeps the Board, staff and the public safe.

Pursuant to AB 361, once a resolution is adopted, a local agency may meet virtually for a maximum period of 30 days. Prior to expiration of the 30 -day period, the local agency needs to renew its resolution if the Board would like to continue meeting virtually or in a hybrid format.

In accordance with Resolution 2021-08, the Board of Directors may extend the application of this Resolution, by motion and majority vote by up to thirty days at a time, if it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3). This item would extend Resolution 2021-08 for thirty days given the continued need to meet remotely in response to the COVID-19 pandemic. As set forth in the resolution, State and local officials have recommended social distancing and meeting in person presents imminent risks to the health and safety of attendees.

Recommended Action:

By motion, extend Resolution 2021-08 for thirty days to re-authorize virtual public meetings in accordance with AB 361.

Attachments:

Resolution 21-08

**BOARD OF DIRECTORS OF THE DELTA CONVEYANCE DESIGN AND CONSTRUCTION AUTHORITY
RESOLUTION NO. 21-08**

Introduced by Director: Sarah Palmer

Seconded by Director: Tony Estremera

AUTHORIZING VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361

Whereas, the Delta Conveyance Design and Construction Authority (DCA) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

Whereas, all meetings of DCA's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in DCA's meetings; and

Whereas, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued several executive orders aimed at containing the COVID-19 virus; and

Whereas, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

Whereas, pursuant to the Governor's executive orders, DCA has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff, and Directors; and

Whereas, the Governor's executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

Whereas, on September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

Whereas, such conditions now exist in the DCA, specifically, a state of emergency has been proclaimed related to COVID-19, Sacramento County officials are imposing and recommending measures to promote social distancing, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

Now, therefore, be it resolved by the DCA Board of Directors as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Remote Teleconference Meetings. Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect; (2) local officials in Sacramento County have imposed or recommended measures to promote social distancing in connection with COVID-19, including indoor mask requirements; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. Based on such facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board of Directors, the Stakeholder Engagement Committee and all other DCA legislatives bodies, under the provisions of Government Code Section 54953(e).

Section 3. Effective Date of Resolution. This Resolution shall take effect upon its adoption, and shall be effective for 30 days or until this Resolution is extended by a majority vote of the Board of Directors in accordance with Section 4 of this Resolution.

Section 4. Extension by Motion. The Board of Directors may extend the application of this Resolution by motion and majority vote by up to thirty days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

* * * * *

This Resolution was passed and adopted this 18th day of November, 2021, by the following vote:

Ayes:7
Noes:0
Absent:0
Abstain:0

Attest:

DocuSigned by:
Richard Atwater 12/15/2021
0282CDAE01D7427...
Richard Atwater, Board President

DocuSigned by:
Martin Milobar 12/15/2021
CC3A6997DF1F4B7...
Martin Milobar, Board Secretary

Board Memo

Contact: Josh Nelson, General Counsel

Agenda Date: July 15, 2022, Board Meeting

Item No. 8a

Subject: DCA Board Appoint Officers for Fiscal Years 2022-2024

Summary:

Staff recommends that the Board of Directors appoint a President, Vice-President, and Secretary for Fiscal Years 2022-2024 by motion. The Board should also re-appoint Katano Kasaine as Treasurer for Fiscal Years 2022-2024 by motion.

Detailed Report:

Article VI of the Joint Powers Agreement (JPA) discusses the DCA's Board of Directors and its Officers. Officers serve two-year terms, and the positions are the President, Vice-President, Secretary, and Treasurer. The JPA expressly permits the Secretary and Treasurer to serve multiple consecutive terms. However, all officers serve at the pleasure of the Board, and the President and Vice-President may similarly serve consecutive terms.

Section 5.2.2 of the Bylaws clarifies that terms are measured on a fiscal year basis and specify that the biennial selection of officers should occur "at the Board's first regular meeting in July or the next regular meeting thereafter if there is no regular meeting in July of even numbered years." As the Board will not be having its regular meeting in July, staff consulted with the President and Vice-President and recommends that the Board treat this meeting as its regular meeting in July for purposes of selecting officers. This will allow staff to prepare the President and Vice-President for chairing the August hybrid meeting.

The selection of the President, Vice-President, and Secretary is at the Board's discretion, and incumbents are eligible for re-appointment. For reference, Richard Atwater serves as President, Sarah Palmer serves as Vice-President, and Martin Milobar serves as Secretary. The DCA contracts with Metropolitan Water District for Treasurer services, and staff would recommend re-appointing Ms. Kasane for another term.

Recommended Action:

By motion, the Board of Directors should appoint a President, Vice-President, and Secretary for Fiscal Years 2022-2024 by motion. The Board should also re-appoint Katano Kasaine as Treasurer for Fiscal Years 2022-2024.