

BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING

Thursday, December 15, 2022

2:00 p.m.

(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: (669) 444-9171, Code: 833 6616 9986, <https://dcdca-org.zoom.us/j/83366169986> at 2:00 pm.

2. ROLL CALL

Board members in attendance remotely were Martin Milobar, Gary Martin, Richard Atwater, Tony Estremera, Adnan Anabtawi and Alternate Director Bob Tincher sitting in for Robert Cheng. Sarah Palmer participated from the DCA Boardroom, constituting a quorum of the Board.

Alternate Directors in attendance remotely were Barbara Keegan, Dan Flory, Royce Fast and Dennis LaMoreaux; the Board Clerk captured their attendance for the record.

DCA staff members in attendance were Graham Bradner, Rod Houser, and Joshua Nelson.

3. PLEDGE OF ALLEGIANCE

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

4. PUBLIC COMMENT

President Palmer opened Public Comment. There were no public comment requests received and the comment period was closed.

5. APPROVAL OF MINUTES: October 20, 2022 Regular Board Meeting, and November 18, 2022 Special Board Meeting

President Palmer noted that the meeting minutes did not capture her or Director Cheng as participating in person from the Board Room in October and requested that the meeting minutes be approved with the correction.

Recommendation: Approve the October 20, 2022 Regular Board Meeting, and November 18, 2022 Special Board Meeting Minutes

Motion to Approve Minutes from October 20, 2022, and November 18, 2022 as

Noted: Estremera
Second: Atwater
Yeas: Palmer, Milobar, Martin, Atwater, Estremera, Anabtawi, Tincher
Nays: None
Abstains: None
Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as MO 22-12-01).

6. CONSENT CALENDAR

a) **Approve Extending Resolution No. 2021-08 Authorizing Virtual Board and Committee Meetings Pursuant to AB 361**

Recommendation: Approve Extending Resolution Authorizing Virtual Board and Committee Meetings Pursuant to AB 361

Motion to Approve Extending Resolution Authorizing Virtual Board and Committee Meetings Pursuant to AB 361, as

Noted: Anabtawi
Second: Martin
Yeas: Palmer, Milobar, Martin, Atwater, Estremera, Anabtawi, Tincher
Nays: None
Abstains: None
Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 21-08-17).

7. DISCUSSION ITEMS:

a) **December DCA Monthly Report**

Informational Item

Executive Director, Graham Bradner, presented an overview of the monthly board report. He started with Section 1: Worked Performed, highlighting that DCA staff continue to work towards the closeout of Fiscal Year (FY) 2021/2022 as a couple of task orders were extended past June 30, 2022. In conjunction with this, staff are performing activities associated with the current FY 22/23. Standard Operating Procedures (SOPs) are also being developed to support organizational growth and transitional activities. The Administration team continues to provide support to the DCA Board of Directors and coordinate the transition of DCA's video conferencing platform from RingCentral to Zoom. As for the Engineering team, staff continues to provide support to the Department of Water Resources (DWR) and their permitting efforts associated with the public draft Environmental Impact Report (EIR) review by responding to requests for clarification regarding the information DCA provided as part of the conceptual design process. The Geotechnical team

completed the Fall 2022 Exploration Program, the last program scheduled for the 2022 calendar year. The team is now focusing on the planning activities for the Spring 2023 Exploration Program.

Mr. Bradner continued with Section 3: Budget, stating that the DCA has committed \$29M of the \$31.16M budget through task orders and contracts and only \$7M has been incurred to date. Mr. Bradner noted that staff are beginning a process to rigorously evaluate the projections and estimate at completion and as a result of this, the budget will reflect changes in the distribution of the funds. The project is currently on budget and proceeding as planned.

Lastly, Mr. Bradner went over the program schedule which lays out the previously identified activities on a timeline. All the activities planned are on track.

No comments or questions were received from the Board, nor were any public comment requests received.

b) Sr. Leadership Spotlight – Rod Houser

Informational Item

Executive Director, Graham Bradner, briefly introduced DCA's EDM Design Manager, Rod Houser.

Rod Houser joined the DCA in October of 2022 and has 30 years of professional experience. He received his bachelor's degree in Civil Engineering from the University of California, Davis in 1992. Shortly after he became a California Registered Professional Civil Engineer (PE) in 1995. In addition to being a registered PE, Mr. Houser is a Board-Certified Environmental Engineer (BCEE) with a specialty certification in water supply and wastewater, and a Pump Systems Assessment Professional (PSAP) through the Hydraulic Institute.

Previously, Mr. Houser worked as the Conveyance Design Lead for Kennedy Jenks Consultants from 2011 to 2022 and as an Adjunct Lecturer for semester-length course on pump technology and hydraulics from 2012 to 2017. The most notable projects he worked on were the Santa Rosa Subregional System Geysers Recharge Program from 1999 to 2022 as the Pump Station Project Engineer; the Monterey One Water Indirect Potable Reuse Program from 2015 to 2020 as the Conveyance Engineer; and the San Francisco Public Utilities Commission, Westside Recycled Water Program from 2012 to 2022 as the Pump Station Project Engineer.

Currently, as the EDM Design Manager for the DCA, Mr. Houser provides technical management of the DCA EDM team and supports the Executive Director with external technical information as needed.

President Palmer welcomed Mr. Houser and expressed her gratitude to having him as part of the DCA.

Director Gary Martin echoed President Palmer's comment.

Director Adnan Anabtawi welcomed Mr. Houser and stated that he has an impressive resume. He expressed that he is glad that the DCA continues to find extraordinary people to work on the project.

No further comments or questions were received from the Board, nor were any public comment requests received.

c) DCA FY 2021/22 Financial Annual Audit Report

Informational Item

Executive Director, Graham Bradner, briefly introduced Brianne Wiese, the Managing Director for KMPG. KMPG performed the financial audit for DCA’s Fiscal Year 2021/2022. Brianne Wiese introduced Liezl Malabanan to provide the presentation for this item.

Ms. Malabanan stated that they are expected to provide an unmodified audit opinion on the financial statements of the DCA. She informed the Board that this was a clean audit and there were no matters to report.

No comments or questions were received from the Board, nor were any public comment requests received.

d) JEPa Amendment 7

Adopt Resolution

DCA General Counsel, Josh Nelson, presented this item. He informed the Board that this item is a proposed amendment to the Joint Exercise of Powers Agreement (JEPa) with DWR. He reminded the Board that the JEPa is the agreement under which the DCA is currently providing DWR for support as it conducts its planning phase for the proposed Delta Conveyance Project. The proposed amendment is an administrative update to change the repayment date of the DWR initial contribution from January 10, 2023 to January 10, 2025. DWR provided initial funds for the planning phase and the DCA previously agreed to repay those funds. This amendment would simply push that repayment date out for two years. This amendment is not a project under the California Environmental Quality Act (CEQA).

No comments or questions were received from the Board, nor were any public comment requests received.

Recommendation: Approve Resolution to Adopt Amendment No. 7 to the JEPa with DWR and Finding that Execution of the Amendment is Not a Project Subject to CEQA

Motion to Approve Resolution to Adopt Amendment No. 7 to the JEPa with DWR and Finding that Execution of the Amendment is Not a Project Subject to CEQA, as

Noted: Palmer
Second: Anabtawi
Yeas: Palmer, Milobar, Martin, Atwater, Estremera, Anabtawi, Tincher
Nays: None
Abstains: None

Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 22-09).

e) **AB2449 Remote Meeting Update**

Informational Item

DCA General Counsel, Josh Nelson, presented this item. AB2449 was approved by the legislature last year and will take effect starting January 1, 2023 and will change the rules for remote meetings going forward. Under the bill there are three different types of remote meetings.

The first would be those that are held during the statewide declaration of emergency or similar to AB 361. The challenge there is that the Governor has indicated that the COVID-19 statewide declaration of emergency will likely sunset at the end of February 2023 and if that's the case, the Board will most likely no longer have the ability to participate under these very flexible remote means.

The second would be those under AB2449, which allow private remote meetings. The bill does recognize there may be some situations in which a director is unable to call in from a public location and allows directors to call in from a private location which is not listed on the agenda if they satisfy a just cause or emergency standard. Under AB2449 there are significant practical limitations for using those private meetings. For a single director to call in from a private location, a quorum of the Board would need to be in a single physical location. In addition, there are numerical limitations on the number of times an individual director can call in from a private remote location under the bill.

The third option, which is just the traditional pre-pandemic Brown Act teleconference rules, allows directors to call in from a location that is not the DCA Boardroom as long as that location is listed on the agenda and publicly accessible. Staff recognizes the flexibility that remote meetings provide and the fact that a given number of the DCA directors are in Southern California or other locations in the state. As a result of this, DCA's Board Clerk is working with member agencies to potentially have a local Boardroom as a potential satellite location to host DCA Board members during the meetings. The plan is currently to allow directors to call in from remote locations starting when AB361 sunsets.

President Palmer inquired about if having a posted location outside of the DCA will qualify as a quorum for someone who may attend remotely.

Mr. Nelson informed the Board that under AB2449, a quorum needs to take place in a single physical location, such as the DCA Boardroom.

No further comments or questions were received from the Board, nor were any public comment requests received.

8. STAFF REPORTS AND ANNOUNCEMENTS:

a. General Counsel's Report

DCA General Counsel, Josh Nelson, provided the written report in the Board package. Mr. Nelson informed the Board that he covered his topics in the previous items he presented.

No comments or questions were received from the Board, nor were any public comment requests received.

b. Treasurer's Report

DCA Treasurer, Ms. Katano Kasaine, informed the Board that Bernadette Robertson, DCA's Controller, will present the item on her behalf. Ms. Robertson stated that the reports cover October and November 2022. As of the end of September, the ending cash balance was \$448,271. During the month of October and November 2022 receivables totaled \$3,596,934 and the disbursements totaled \$3,850,590 which left the ending cash balance at \$194,615 as of November 30, 2022.

Director Adnan Anabtawi inquired about if the low ending cash balance is a concern.

Ms. Robertson and Mr. Bradner informed the Board that the DCA is in the process of requesting and receiving an additional \$300,000 in advance payment to increase the amount from \$500,000 to \$800,000.

No further comments or questions were received from the Board, nor were any public comment requests received.

c. Verbal Reports

President Palmer stated that she attended the Association California Water Agency meeting hosted in Indian Wells and she realized that there is opportunity to present about the importance of the Delta Conveyance Project. She also found that those who lived North of the Delta had concerns regarding the impact the project would have on their communities.

9. FUTURE AGENDA ITEMS:

None.

10. ADJOURNMENT:

President Palmer adjourned the meeting at 2:40 p.m., remotely-Conference Access Information:
Phone Number: (669) 444-9171, Code: 833 6616 9986, <https://dcdca-org.zoom.us/j/83366169986>