

BOARD OF DIRECTORS MEETING

# MINUTES

REGULAR MEETING

Thursday, May 18, 2023

1:30 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 in person, by teleconference, and remotely - Conference Access Information: Phone Number: (669) 444-9171, Code: 87355473430#, <https://dcdca-org.zoom.us/j/87355473430?from=addon> at 1:30 pm.

## 2. ROLL CALL

Board members in attendance from the DCA Boardroom were Sarah Palmer, Robert Cheng, Adnan Anabtawi and Alternate Director Dan Flory sitting in for Gary Martin. Martin Milobar participated from Kern County Water Authority's Boardroom and Miguel Luna participated from Hilton Scottsdale Resort. Tony Estremera participated from a private, remote location in accordance with AB 2449, constituting a quorum of the Board.

Alternate Directors in attendance remotely were John Weed and Dennis LaMoreaux. Royce Fast attended from Kern County Water's Boardroom; the Board Clerk captured their attendance for the record.

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

DWR staff member in attendance was Carrie Buckman.

## 3. PLEDGE OF ALLEGIANCE

President Sarah Palmer convened the open session at approximately 1:30 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 she proceeded to close the comment period.

## 5. CLOSED SESSION

- a) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION DISCUSSION**  
(Government Code Section 54957) Title: Executive Director

President Palmer reconvened the open session at approximately 2:15 p.m. and informed the Board and members of the public that there were no reportable actions.

**6. APPROVAL OF MINUTES:**

a) **April 20, 2023 Regular Board Meeting**

Recommendation: Approve the April 20, 2023 Regular Board Meeting Minutes

Motion to Approve Minutes from April 20, 2023, as

Noted: Anabtawi  
Second: Cheng  
Yeas: Palmer, Milobar, Luna, Cheng, Anabtawi  
Nays: None  
Abstains: Flory  
Recusals: None  
Absent: Estremera  
Summary: 5 Yeas; 0 Nays; 1 Abstain; 1 Absent. (Motion passed as MO 23-05-01).

**7. DISCUSSION ITEMS:**

a) **May 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 the Engineering team continues to support the Department of Water Resources (DWR) through the permitting processes by responding to any requests for clarification on the conceptual designs or any of the information that has been provided and evaluated through the impact analysis of the draft Environmental Impact Report (EIR). He informed the Board that there is an ongoing Spring geotechnical exploration program and there are planning efforts for a Summer and Fall program as well. These investigations are performed to support DWR's evaluation of the alternatives as well as better developing a better understanding of subsurface conditions Delta-wide.

Mr. Bradner continued to Section 3: Budget, stating that the DCA has an approved FY 2022/23 budget of \$31.16M and is forecasting an estimate at completion of approximately \$27.5M, creating an underrun of approximately \$3.6M. Mr. Bradner expects the underrun to be closer to \$4M upon the finalization of completion. The main item that is contributing to this underrun is the Project Definition Reports which has been deferred from this fiscal year. He anticipates that the remainder of the months for this fiscal year will have actuals that closely match the planned monthly expenditures.

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 with the exception of the Project Definitions Reports. Staff will begin working on the reports if and when DWR recommends a final project within the EIR.

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

**b) Draft Fiscal Year 2023/24 Budget**

*Informational Item*

Executive Director, Graham Bradner, informed the Board that there is a memo included in the Board package. He reminded the Board that Staff will present the proposed fiscal year 2023/24 to the Board in June for their consideration of adoption. He informed the Board that the DCA's work is to continue to support DWR in the permit preparation, activities, applications, and documents associated with all of the permitting activities, execute the geotechnical program as described in the monthly report, analyze a range of different potential engineering concepts, procurements, and contract strategies. As well as planning and preparing the organizational development of the DCA, including policies, procedures and all of the sort of programmatic side of the organization that is needed as staff start to contemplate a transition into the next phase of the project.

The proposed budget for the next fiscal year is approximately \$39.9M, which includes an unallocated reserve of \$2M. Mr. Bradner provided an overview of the breakdown of the budget stating that the Program Management Office total is approximately \$16.6M and the Program Initiation is approximately \$23.3M. He reiterated that there will be a more detailed presentation in June when the Board considers the proposed budget for adoption.

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

**c) Adopt Resolution Approving the Fifth Amendment to the Baker Tilly US, LLP Agreement for Executive Director Services**

*Approve Resolution*

DCA General Counsel, Josh Nelson, informed the Board that the DCA contracts with Baker Tilly for Executive Director services and this item is to modify that agreement. The proposed changes fall into three (3) categories, the first is an extension of the term as the term is currently set to expire in March 2024. This presents an issue as staff are budgeting for the next fiscal year and would not be able to issue a task order for the full fiscal year, so the proposed amendment would update the expiration date to June 30, 2029. Second, there are a couple of administrative changes – one would be to update the agreement administrator to Nina Hawk from Metropolitan Water District, as well as to clean up some of the insurance language consistent with other agreements. The last proposed amendment is a compensation adjustment which is detailed in the staff report and the amendment. A clean and red line version of the amendment is included in the Board package.

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

Recommendation: Approve the Resolution Approving the Fifth Amendment to the Baker Tilly US, LLP Agreement for Executive Director Services

Motion to Approve the Fifth Amendment to the Baker Tilly US, LLP Agreement for Executive Director Services, as

Noted: Estremera  
Second: Anabtawi  
Yeas: Palmer, Milobar, Luna, Estremera, Cheng, Anabtawi, Flory  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 23-03).

d) **Adopt Resolution Approving the Fifth Amendment to the Jacobs Engineering Group Inc. Agreement for Engineering Design Manager Services**

*Approve Resolution*

DCA General Counsel, Josh Nelson, informed the Board that this item is for an amendment to the Jacobs agreement for the Engineering team. The Jacobs agreement is set to expire in January 2024, so this amendment is to extend the term for another five years to June 30, 2029, for the reasons described in the last item. There also is some cleanup language related to Jacobs' hourly rate which is non substantive. A clean version of the amendment is included in the Board package.

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

Recommendation: Approve the Resolution Approving the Fifth Amendment to the Jacobs Engineering Group Inc. Agreement for Engineering Design Manager Services

Motion to Approve the Fifth Amendment to the Jacobs Engineering Group Inc. Agreement for Engineering Design Manager Services, as

Noted: Luna  
Second: Anabtawi  
Yeas: Palmer, Milobar, Luna, Estremera, Cheng, Anabtawi, Flory  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 23-04).

e) **Adopt Resolution Approving the Third Amendment to the Parsons Transportation Group Inc. Agreement for Program Management and Associated Design and Construction Program Management Support Services**

*Approve Resolution*

DCA General Counsel, Josh Nelson, informed the Board that this item is for an amendment to the Parsons agreement for the Program Management team. The Parsons agreement is set to expire in April 2024, so this amendment is to extend the term to June 30, 2029, for the reasons described

in item seven (7)c. There also is some cleanup language related to Parsons' hourly rate which is non substantive. A clean version of the amendment is included in the Board package.

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

Recommendation: Approve the Resolution Approving the Third Amendment to the Parsons Transportation Group Inc. Agreement for Program Management and Associated Design and Construction Program Management Support Services

Motion to Approve the Third Amendment to the Parsons Transportation Group Inc. Agreement for Program Management and Associated Design and Construction Program Management Support Services, as

Noted: Estremera  
Second: Anabtawi  
Yeas: Palmer, Milobar, Luna, Estremera, Cheng, Anabtawi, Flory  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 23-05).

**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 the notable actions were the discussion items, therefore he has nothing further to report.

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

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

A written report was provided in the Board package. DWR's Environmental Manager, Carrie Buckman, informed the Board that there are not a lot of updates to report since the previous Board meeting. She noted that staff is continuing to respond to comments from the draft EIR with the expectations of a final complete at the end of the year.

Director Luna inquired about the number of comments that are still needing to be responded to.

Ms. Buckman informed the Board that there are approximately 7,500 individual comments of which 5,000 are technical comments and of those individual comments, roughly half are responded to.

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

**c. Verbal Reports**

President Palmer informed the public that there was a conference in Monterey hosted by the Association of California Water Agencies (ACWA) which provided a various amount of great programs.

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

**9. FUTURE AGENDA ITEMS:**

None.

**10. ADJOURNMENT:**

President Palmer adjourned the meeting at 2:35 p.m., remotely-Conference Access Information: Phone Number: (669) 444-9171, Code: 87355473430#, <https://dcdca-org.zoom.us/j/87355473430?from=addon>