

BOARD OF DIRECTORS MEETING

MINUTES

SPECIAL MEETING

Wednesday, January 24, 2024

1:00 p.m.

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER

The special 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: 85649883389#, <https://dcdca-org.zoom.us/j/85649883389?from=addon> at 1:00 pm.

2. ROLL CALL

Board members in attendance from the DCA Boardroom were Sarah Palmer, Miguel Luna and Gary Martin. Martin Milobar participated from Kern County Water Agency Boardroom. Robert Cheng participated from the Metropolitan Water District, Gene Headquarters. Tony Estremera participated from Valley Water Headquarters Boardroom and Alternate Director Dennis LaMoreaux sitting in for Adnan Anabtawi participated from Palmdale Water District Boardroom.

Alternate Directors in attendance remotely were John Weed, Royce Fast, Dan Flory, Russel Lafevre, Bob Tincher and Barbara Keegan.

DCA staff members in attendance were Graham Bradner and Valerie Martinez. Josh Nelson participated in the Board Meeting remotely.

DWR staff member in attendance was Carrie Buckman.

3. CLOSED SESSION

a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION DISCUSSION
(Government Code Section 54957)

Title: Executive Director

b) CONFERENCE WITH LEGAL COUNSEL

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 2 cases

- i. *Sierra Club et al. v. California Department of Water Resources*, Sacramento County Superior Court Case No. 34-2020-80003517
- i. Petitions regarding the Department of Water Resources' certification of the Final Environmental Impact Report for the Delta Conveyance Project.

4. OPEN SPECIAL MEETING & PLEDGE OF ALLEGIANCE

President Sarah Palmer convened the open session at approximately 2:19 p.m. and led all present in reciting the Pledge of Allegiance.

There were no reportable actions from the closed session.

5. APPROVAL OF MINUTES: December 14, 2023, Regular Board Meeting

Recommendation: Approve the December 14, 2023, Regular Board Meeting Minutes

Motion to Approve Minutes from December 14, 2023, as

Noted: Cheng
Second: Estremera
Yeas: Palmer, Milobar, Martin, Luna, Estremera, Cheng, LaMoreaux
Nays: None
Abstains: None
Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as MO 24-01-01).

6. CONSENT ITEMS:

- a) **Adopt Resolution Approving Amendment No. 8 to JEPa with DWR and Finding that Execution of Amendment is Not a Project Subject to CEQA**

Motion to Adopt Resolution Approving Amendment No. 8 to JEPa with DWR and Finding that Execution of Amendment is Not a Project Subject to, as

Noted: Luna
Second: Palmer
Yeas: Palmer, Milobar, Martin, Luna, Estremera, Cheng, LaMoreaux
Nays: None
Abstains: None
Recusals: None
Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 24-01).

7. DISCUSSION ITEMS:

a) January DCA Monthly Report

Information Item

DCA Executive Director, Graham Bradner, presented an overview of the monthly board report. He continued to Section 1: Work Performed in November 2023. The Program Controls team continued the implementation and training of Standard Operating Procedures (SOP) and Management Plans. This is all associated with the organizational growth and transition plan for the DCA. DCA continued to work with contract managers to refine the forecasted financials for the second half of the fiscal year.

Mr. Bradner moved on to the administrative functions, stating that Valerie Martinez would be providing updates regarding the outreach that DCA has been doing. DCA continued to work on the installation of new equipment. The activities associated with the learning management system as this is a new system that DCA is utilizing to ensure tight control and understanding of all the training requirements within the organization and to ensure that DCA has an interactive platform that stands up to the needs of the organization.

Mr. Bradner continued to the engineering section, the Engineering team continued to focus on supporting the Department of Water Resource (DWR) and the Delta Conveyance Office (DCO) permitting efforts while developing and making progress on engineering studies. Carrie Buckman will be updating the Board during the staff reports on the status of the planning and permitting activities. With the completion and certification of the Environmental Impact Report (EIR), DCA will be updating the cost estimate for the preferred project, the Bethany Reservoir alternative. The DCA plans to issue the updated cost estimate publicly during quarter two (2) of this calendar year. The cost estimate will be fully reviewed and updated to a 2023-dollar basis. As DCA works on the cost estimate development, staff will be evaluating potential innovations that could reduce impacts, potentially reduce costs and better manage schedule or improve constructability.

Mr. Bradner went on to update the Board on fieldwork activities and stated that the DCA completed most of the fall program in December. There were a few locations that DCA was not able to access prior to the rainy weather, but overall, the team had great success. Currently, the Fieldwork Team is taking consideration of potential priority of future investigations to support continued evaluations of potential design and construction refinements as the project continues to refine and evolve.

Mr. Bradner continued to Section 3: Budget, and the DCA has committed just under \$33M to date. Currently through December there are charges of about \$13.1M. DCA lays out the budget at the beginning of the fiscal year and at the mid-year mark, the DCA reflects on the intended scope for each contract and efforts. Scope reviews evaluate what priorities may have shifted or if the work itself has evolved. DCA will be reassessing this month to evaluate whether funds need to be repositioned or modified for scopes for the second half of the year.

Mr. Bradner continued to state that DCA stayed on track with projected and planned expenditures during the first four (4) months of the current FY 23/24 and continues to be on track as DCA approaches mid-year. Mr. Bradner said he expects an underrun for the fiscal year.

Mr. Bradner presented to the Board the budget plot that shows the actuals versus planned monthly expenditures. The blue bars are the expenditures while the gold bars are the actual invoice to the organization. DCA has fully invoiced through November and the actual expenditures are coming close to the planned expenditures.

Mr. Bradner continued to Section 5: The Program Schedule. Mr. Bradner presented to the Board the program support activities continue as planned. The Program Management office continues supporting all the DCA activities. The Engineering Team continues to support DWR through the various permitting processes. As projected, many activities are currently on track for completion.

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

b) Discuss and Potentially Appoint a Director Legislative Liaison

Discuss and potentially appoint by motion

President Palmer asked Director Luna to lead the discussion on the appointment of a Legislative Liaison item.

Director Luna led the discussion, noting the possibility of appointing a Board liaison to increase communication on the benefits of the project to decisionmakers. This appointee would work in coordination with DCA staff and the communications consultant to serve as a point of contact with decision makers on time-sensitive opportunities to educate and inform.

The liaison would collaborate with DWR as part of the educational approach and opportunities. The liaison would coordinate with the DCA Board on educational opportunities and report back to the Board to maintain engagement.

Director Luna noted the benefit of ensuring more people are informed and educated on the Delta Conveyance Project (DCP).

Director Martin stated that Director Luna is well suited for the position as liaison and fully supports it.

Director Cheng stated that he appreciates Director Luna for bringing this issue up for discussion. Director Cheng agrees that that project is at a pivotal moment and believes that more information to the elected is better than less. Supportive of Director Luna taking on the liaison role.

Director Estremera stated that he supports Director Luna’s proposal. Also stated that while visiting the Legislature several times a year has noticed that very few officials have had any role in water districts and believes that having a good relationship with legislators and keeping them informed about the project is a great thing.

President Palmer stated that would like to nominate Director Luna as the liaison and would expect Director Luna to come back to the Board to make reports and let them know how he is progressing on his educational endeavors.

Director Martin stated that he appreciates Director Luna taking on this task and understands that it is not an easy job.

Director Luna stated to the Board that he thanks them for their confidence and support and looks forward to the collaboration and opportunities. Also, thanks to the communication team for all the coordination and communication that has been developed with DWR and will continue to heavily rely on the communications team.

Recommendation: Approve the Appointment of a Director Legislative Liaison

Appoint by Motion, as

Noted:	Palmer
Second:	Martin
Yeas:	Palmer, Milobar, Martin, Luna, Estremera, Cheng, LaMoreaux
Nays:	None
Abstains:	None
Recusals:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as MO 24-01-02).

8. STAFF REPORTS AND ANNOUNCEMENTS:

a. General Counsel’s Report

DCA General Counsel, Josh Nelson, informed the Board that the General Counsel continues to provide legal assistance as requested. This has included assisting with the Joint Exercise of Powers Agreement (JEPA) amendment and the Board Legislative Liaison items on the agenda. As a follow-up to the December meeting, the DWR certified the Final Environmental Impact Report (FEIR) on December 23rd. Copies of the decision documents are available on the DCA website.

Mr. Nelson also stated to the Board and public that the DCA anticipates releasing a Request for Qualification (RFQ) for long-term executive director services shortly. The Board was informed that there was an approved assignment of the existing agreement from Baker Tilly to Bradner Consulting last month. As part of the process for finalizing that assignment, it was determined that a competitive procurement for long term executive director services was in the best interest of the program and consistent with our commitment to transparency especially considering the recent certification of the Final EIR. More information will be available on the DCA website under the “work for us” tab once the RFQ is released.

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

b. DCP Communications Report

DCA Communications Manager, Valerie Martinez informed the Board that the communications team has been working on the digital outreach aspect of the program to ensure that communities within the state understand the project and components. After the release of the FEIR, the communications team noticed that more folks tuned into the project asking questions about the project. DCA’s social media sites are receiving more views and interactions including the DCA website. DCA has been posting more information about the project and the community views have increased. Due to weather, the Delta Tours are on hiatus, but will be starting again in late February to early March.

Ms. Martinez continued to present to the Board regarding the presentations to some of DCA’s member agencies and others by DWR and DCA. The presentations continue to be a great opportunity for specific groups and organizations to obtain information from the entire DCA team. The communications team is currently doing a web audit and removing “proposed” from all references to the project.

The communications team continues to develop a one-pager for the water agencies and review some of the content to assure the data points are put in context so that the public can better understand the importance of the project. The closer looks pages released a fact sheet and video with information on pile driving in the North Delta, to view the sheets, visit the DCA website.

Ms. Martinez continued to inform the Board that the Governor’s outreach efforts. When DWR released the FEIR, the Governor posted a video on social media informing the public

as to why he supports the project, why it is important and how it is the most important project regarding water management in California. Governor Newsom also did a spot on the Bill Maher show and spoke regarding the DCP. The Sacramento Bee also did an article on the opinions pages as to how this DCP is a topic within the Senate candidates.

President Palmer stated that it is important to understand each region that is affected by the project and understand communities.

Ms. Martinez stated that communities want to know what the project means to them and their communities.

Director Martin asked if the Bill Maher show was available for viewing in some way.

Ms. Martinez stated that the show is on HBO and that there may be a way to provide the link to the Governor interview.

Director Luna stated that there is a link to the interview on YouTube.

Ms. Rodriguez stated that the video can be distributed to the Board.

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

c. DWR Environmental Manager's Report

DWR Environmental Manager, Carrie Buckman informed the Board that DWR reached an important milestone in December, releasing the Final EIR on December 8th and then certifying the EIR as meeting the requirements of the California Environmental Quality Act (CEQA) and approving the Delta Conveyance Project to move forward with engineering, design and permitting on December 21st. After completing an extensive environmental review, DWR selected the Bethany Reservoir Alignment as the approved project.

DWR is beginning their formal consultation processes under the California and Federal Endangered Species Act. The start process is for DWR to submit an incidental take permit application which will be done in late March to early April. On the federal side, DWR is looking into construction and operations separately. The operations will be analyzed at a programmatic level, due to operations being far into the future and conditions may change. This is part of the long-term operations consultation for the State Water Project (SWP) and the Central Valley Project. Prior to operation, DWR will need a subsequent project level consultation. For construction, DWR will need a project specific detailed consultation due to DWR beginning construction, which will be through the US Army Corps of Engineers as the lead agency. DWR will proceed with this plan this year.

Ms. Buckman continued to present to the Board that DWR is requesting a change in pointed diversion for their water rates. DWR is not planning to expand their water rights

but add two (2) points of diversion in the North Delta at the two intakes. This request will require a petition from DWR for the change of point of diversion, which will be requested soon. This will be followed by noticing from the State Board and then a protest resolution period. DWR is looking to further develop the community benefits program framework noted in the FEIR, and DWR will have a series of public meetings starting in the late 2nd quarter of this year.

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

d. Verbal Reports

Director Martin wanted to acknowledge Mr. Bradner and Ms. Buckman for their effort to present about the DCP at the Santa Clarita Valley Water Board meeting and felt that it was valuable and vital.

President Palmer stated that Mr. Bradner and Ms. Buckman are an exemplary team and truly appreciate their efforts.

9. FUTURE AGENDA ITEMS:

No future agenda items requested.

10. PUBLIC COMMENT:

No public comment requests.

11. ADJOURNMENT:

President Palmer adjourned the meeting at 2:55 p.m., remotely-Conference Access Information: Phone Number: (669) 444-9171, Code: 85649883389#, <https://dcdca-org.zoom.us/j/85649883389?from=addon>