



**VIDEO CONFERENCE MEETING OF THE BOARD OF DIRECTORS
JANUARY 20, 2021
MINUTES**

1. CALL TO ORDER

President Gene Bays, who was present, called the meeting to order at 8:34 a.m. in accordance with Governor Newsom’s Executive Order N-29-20, allowing the meeting to be held via video conference. Board Members connected via Zoom video conference were Bill Koster, Kyle Perez, Zach Maring, Jim Jasper, Pete Lucich and Jarod Lara.

2. OPPORTUNITY FOR PUBLIC COMMENT

There was no public comment.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea shared that Marguerite Patil of CCWD would be making a presentation on the Los Vaqueros Reservoir Expansion Project, Item 10.D, and requested to have her present after the Consent Calendar and Action Items were addressed. No other additions or revisions to the Agenda were noted.

4. CONSENT CALENDAR

The Minutes from the Board Meetings of 12/16/20, Monthly Accounting Reports as of 12/31/20, and Field Operations Report for December were provided in advance for the Board’s review. The Board approved the Consent Calendar per roll call vote as follows:

Ayes: Bays, Koster, Perez, Maring, Lara, and Jasper
Nays: None
Abstentions: Lucich (unable to connect to Zoom Audio)
Absent: None

Note: Director Lucich was connected to the Zoom call, however was unable to vote as his microphone was in mute. Two attempts were made to call for his approval and neither were replied.

5. ACTION ITEMS

A. Board to Review and Consider Acceptance of the Treasurer’s Quarterly Investments Report for the 3rd Quarter Ending 11.30.20

Anthea provided and presented the Treasurer’s Quarterly Investments Report for the 3rd Quarter Ending 11.30.20. After review and discussion, the Board approved via role call the Treasurer’s Quarterly Investments Report for the 3rd Quarter Ending 11.30.20 as follows:

Ayes: Bays, Koster, Perez, Maring, Jasper, Lucich and Lara
Nays: None
Abstentions: None
Absent: None

B. Board to Appoint a Director to the ACWA-JPIA Board to Fill Vacancy (Created upon Director Dompe’s Retirement)

Anthea shared that upon the retirement of Director Dompe, a vacancy in the ACWA-JPIA Board of Directors was created for the District. After discussion, it was suggested the appointment stay with the Director who took Director Dompe’s position in the Del Puerto Water District and Director Lara was asked to be appointed as the new Director to the ACWA-JPIA Board, to which he agreed to do. The Board appointed Director Lara to fill Director Dompe’s vacancy and the appointment was approved by roll call vote as follows:

Ayes: Bays, Koster, Perez, Maring, Jasper, Lucich and Lara
Nays: None
Abstentions: None

Absent None

C. Board to Review and Approve Proposed Changes to the District's Surface Water Transfer Policy for Supplies Allocated under District Contract

Anthea provided the Surface Water Transfer Policy for Supplies Allocated under the District Contract which was revised based on the guidance from the Board in the last 2 meetings. This policy is reviewed annually and she reported that language was added to include the DM-II Groundwater Sustainability Agency's (GSA) management of groundwater, language pertaining to unused and/or unsubscribed surface water be reverted to the District for remarketing as Additional Supplies, language that clarifies the District's intent to develop Additional Supplies for the lowest cost possible for the users and not to supplement or interfere with Additional Supplies Programs of neighboring districts, updates regarding the recently issued Long-Term Change Place of Use Permit, and a Whereas was added that the USBR has environmental documentation in place supporting the transfer of CVP supplies between similarly contracted CVP districts. She also added language on Additional Policy Guidelines Related to Inter-District Transfers. Additionally, language was added in the revised policy which would ensure equity and cost-fairness to District customers utilizing additional supplies in-lieu of CVP supplies planned for transfer out of the District. After review and discussion of the updates, the Surface Water Transfer Policy for Supplies Allocated under the District Contract was approved by roll call vote as follows:

Ayes: Bays, Koster, Perez, Maring, Jasper, Lucich and Lara
Nays: None
Abstentions: None
Absent None

D. Board to Consider DM-II GSA Steering Committee Recommendation for Approval of a Resolution Directing that Application Be Made To Obtain a Grant under the 2020 Sustainable Board to Consider DM-II GSA Steering Committee Recommendation for Approval of A Resolution Directing That Application Be Made To Obtain A Grant Under The 2020 Sustainable Groundwater Grant (SGM Program Implementation Grant – Round 1 And To Enter Into Agreement With The Department of Water Resources to Receive a Grant for the Delta-Mendota Subbasin GSP Implementation Proposal, and Authorizing Related Actions

Anthea reported that on January 13, 2021, the DM-II Steering Committee Members met and took several actions and appointed a Chairman and Vice-Chairman. Kyle Perez from Del Puerto Water District was elected Chairman of the Steering Committee, Fred Beltran of Oak Flat Water District was elected Vice-Chairman of the Steering Committee, and Adam Scheuber the Water Operations & Resources Manager of the DPWD was elected as the Secretary of the Steering Committee. Also covered at the meeting was a review of the 2021 SGMA budget and a Resolution Directing that Application Be Made To Obtain a Grant under the 2020 Sustainable Groundwater Grant (SGM Program Implementation Grant – Round 1) And To Enter Into Agreement With The Department of Water Resources to Receive a Grant for the Delta-Mendota Subbasin GSP Implementation Proposal, and Authorizing Related Actions which was recommended for approval to the Board of Del Puerto Water District and Oak Flat Water District. After review and discussion, the Board approved the Resolution by roll call vote as follows:

Ayes: Bays, Koster, Perez, Maring, Jasper, Lucich and Lara
Nays: None
Abstentions: None
Absent None

E. Board to Consider Change Order(s) for Building Expansion Project – 2 items

Anthea provided change orders pertaining to flooring, cabinetry and caulking the exterior of the building due to leaks. After review and discussion, the Board approved the change orders for the Building Expansion Project by roll call vote as follows:

Ayes: Bays, Koster, Perez, Maring, Jasper, and Lara
Nays: None
Abstentions: None
Absent Lucich

Note: Director Lucich was disconnected from the meeting at 9:14 a.m.

6. MANAGER'S REPORT

Anthea reported that there was not much to report this month due to the fact that Congress and State Legislature had been wrapped up with many other issues pertaining to the transfer of offices at the White House. Challenges at the local level due to lawsuits related to the Biological Opinion and DWR's CESA Incidental Take Permits, as well as suggestions from political leadership that these things should be settled in order to continue talks of voluntary agreements in advance of any further activity on the water quality control plans. There was nothing further to report.

7. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

Anthea reported that CVP and SWP operations are very limited at least for the next 60 days. A January 8th Operations Update from the Water Authority was provided and showed a 10% allocation in a dry year and a 20% on an average year. Jones remained at 20% capacity due to low delta inflow, SWP exports pumped about 100 TAF during December, current Shasta storage was as at 2.05 MAF and a predicted peak of 2.5 MAF by late March and CVP demands were about 57 TAF during December. San Luis storage projection graphs were provided for the Board's review.

B. Monthly Supply/Use/Completed Transactions Summary Report as of 12.31.20

Adam reported in-district use for the month of December at 681 AF and no transfers out for the month, for a total of 681 AF of use in December for a total current use for the year at 63,580 AF. In-District use forecasted for the year is 66,351 AF with a total of 14,791 AF is estimated for rescheduling into 2021-22. Anthea added that rescheduled water quantity was very close to the cap of 10% CVP allocated water and committed to making sure that any supplies available that had storage capability over and above contract supplies, would float on top, but with a higher spill risk. Anthea asked if any guests had any comments. Being none, she continued the meeting.

C. 2021 Water Supply Planning/Transactions in Process

Anthea shared that per the Board's direction, changes to the Database had been implemented internally to effect an increase of available CVP supply from 3.1 af/acre to 3.2 af/acre from the 2021-22 water year forward. Going into the 2021-22 water year, the District will serve 43,815 acres of irrigable land. She reported that a few weeks ago, Grasslands Water District issued its Initial Study and Negative Declaration Finalized Environmental Documentation on the Groundwater Transfer Program that the District participates in and the San Luis Water District, to acquire up to 29,000 acre-feet per year of local groundwater supplies and/or exchange a portion of its level 2 surface water for such groundwater supplies, to assist BOR in meeting its water supply obligations under the CVP. She shared that the best time to produce this water is during the winter months, but the Districts do not maximize the quantities because it does not have the ability to be stored, which is another reason why having locally controlled storage is so important. Anthea also reported that she had been working with Arvin-Edison Water Storage District to renew an Agreement for Annual Storage and Exchange Transfers, which had been operating on a 5-year Environmental Documentation and had been requested to the Bureau to be renewed with a 10-year timeframe. Additionally, The Historical Accelerated Water Transfer Program was recently renewed for the next 5-years. She provided a recap of the SJRECWA 5 year transfer agreement that the District participates in, which showed the District receiving 8.64% of the potential available supply and a chart that shows the pricing and quantities of allocation available to the District under that program. Anthea also shared that the District has an amount of water stored in Arvin Edison, an amount to be returned from Cross Valley Contractors, 100 AF owed to the District from the City of Huron, and 390 AF loan to be returned to Pacheco Water District. She asked if there were any questions. Bill Koster asked if the amount loaned to Arvin Edison amount would be returned in full to which she responded the contract would determine how and when the water would be returned, but generally would be only limited by a less than 40% Class 1 allocation to Arvin.

D. Landholding / Licensing Updates

Anthea shared that a few recent landholding changes had taken place.

E. Discussion on Policy Considerations Related to Land Conversions to Solar Facility Uses

Anthea asked if there were any comments from members of the public. Hearing none, she reported that the District has an existing policy related to conversions to non-agricultural uses of lands within the District and gave an overview of a current Solar Facility proposal by the County of Stanislaus. She provided a list of the parcels that would be temporarily retired from Ag but would require an estimated 20 af of use per year to maintain the solar farm. Board Member Maring asked how that need would be met during a 0% allocation year, being that

recycled water cannot be used for M&I, to which Anthea responded that this was one of the things to consider. The Board gave direction for Management to work with the County to find a mutually beneficial arrangement.

8. RESOURCE MANAGEMENT ACTIVITIES

A. Westside Integrated Regional Water Management (IWRM) Activities

Anthea provided a summary of Activities from the SLDWA and reported that the final Grant Agreement for the IWRM was being routed for signatures at the Department of Water Resources. She reminded the Board that there were four recipients under that grant with the Orestimba Creek Recharge and Recovery Project receiving \$800,000, and the NVRWP being able to submit claims for any of the final expenses incurred prior to the grant award date, which was estimated to be \$30,000 to \$40,000. She also reported that the City of Newman was being assisted by IWRM with \$270,000 of funding from the IWRM Group for disadvantaged communities.

B. SJVDA/Westside San Joaquin River Watershed Coalition Report(s)

Adam provided the SJVDA January 5th BOD Meeting Agenda. He reviewed and discussed the Budget Expenditure Summary and reported that a small reduction in the Draft Budget for this coming year from \$2.95 million to \$2.8 million, due to a reduction in water sampling and Summer's Engineering staff time on data management. The District's upcoming membership dues to the SJVDA for the new year are \$6.895/acre. Also provided and discussed were the new requirements for sampling on-farm drinking water wells. Anthea asked if there were any questions on this item, hearing none, Adam continued with the next item.

C. Sustainable Groundwater Management Activities

Adam shared that a few grants had become available for implementation and finalization of GSP development as well as working on getting the annual report completed were currently being worked on. A summary of areas that are requesting revision to the monitoring network, to which the District was not one of those requesting revisions was provided and discussed. A GSP Implementation Schedule was provided and reviewed. A Prop 68 grant was submitted which included the Orestimba Creek Project as one of the projects seeking funds. Anthea added that in a previous meeting, Staff failed to convene the GSP to pass the resolution which was taken care of today.

D. Remote Telemetry Project – Update

Adam reported that he was working on getting the website up and running to provide individual logins to individual customers. Anthea asked if there were any questions. Being none, the meeting continued.

9. FINANCIAL MATTERS

A. Repayment Contract Construction Obligation Payment Issue – Update

Anthea asked if there were any members of the public that wished to make a comment on this item. Being none, she indicated there were two main issues to address pertaining to the Contract Conversion Payment. The first issue was per the terms of the negotiated and executed Repayment Contract with the Bureau signed and effective on October 1st, a payment of \$14,764,204 was made per the 2020 Final Ratebook Schedule. That amount had since been confirmed to be \$2,672,222 in excess of the final 2021 Final Ratebook Schedule, which showed \$12,091,982 as being the final amount owed. The Bureau of Reclamation has confirmed that the District will be able to use the overpayment credits to offset future obligations. She added that the District had since stopped remitting any funds under the Repayment Contract for obligations other than Restoration Fund payments. One of the implications of this issue is that \$2,672,222 is a large amount of credit that will take some time to use, approximately 2 to 3 years. The second issue she explained pertained to payments made in FY'20 for estimated construction costs to the Bureau of Reclamation through the District's water rate. The Bureau's 2020 estimated payments for water included a construction component, which was over \$50 for every acre foot paid. Assuming the final accountings for FY'20 result in adequate collection of the O&M component, approximately \$2.2 million would be available for refund to the District. Normally, in the accounting cycle, it would not be until August 2021 when the final reconciliation of the Bureau's O&M and construction costs for the fiscal year would be completed. The USBR has agreed that if contractors can reconcile their fiscal year 2020 deliveries and the Bureau agrees on the delivery calculations, they would be willing to give the District an advance of 50% of the overestimated payment as soon as March, and the balance will either be released in increments further through the year but more likely just be settled up in August 2021 as a refund during the normal final accounting process for the previous year. Anthea believed there would be more issues that come up related to construction obligations and Contract Conversions that will be CVP wide, which will be worked out with the Bureau of Reclamation. Anthea asked if there were any questions. Board Member Jim Jasper asked if the payoffs and or financing that

Landowners made toward the construction cost was also overpaid, to which Anthea responded that the contract conversion overpayment was covered by the District and that the overpayment was only a District related issue.

B. Summary of CERBT OPEB Valuation for FY Ending 02/29/2020 Valuation Date

Minnie provided and reviewed the CERBT OPEB Valuation for FY Ending 02/29/2020. After review and discussion, she asked if there were any questions. Being none, the meeting continued.

C. CVP Financial Matters

Anthea provided an Agenda from a CVPWA Financial Affairs Committee held the week prior as well as notes to a meeting held on November 20, 2020. She reported that after many years (about 15), the Bureau finalized the Municipal and Industrial Ratesetting Policy. The final cost allocation was implemented in 2020 and the CVPIA True-Up was currently in the Office of Management and Budget for review.

10. SUPPLY DEVELOPMENT PROGRAMS

A. North Valley Regional Recycled Water Program – Update

Anthea shared that the project was fully in process and the last two grants were being reconciled. Once finalized, the NVRWP will be removed as a standing Board Agenda item. She reported that as much as \$200,000 could be available as residual of the Title XVI grants that can be collected. She asked if there were any questions. Being none, she reminded the Board that the billings for the first payment of the 2021 NVRWP supply had already been mailed at an allocation of 6 inches per acre and the average cost estimated to be \$185/af.

B. Orestimba Creek Recharge & Recovery Project – Update

Anthea reported that the District had been working to get Reclamation engaged on the NEPA side of the environmental process. A special request was made to ask Reclamation to transport any water that the District eventually captures as flood flows through the DMC rather than building 1,800 feet of pipeline adjacent to the Canal and to consider as doing so under an arrangement other than a Warren Act Contract, maybe an Exchange Agreement as an example.

C. Del Puerto Canyon Reservoir Project – Update

Anthea shared that after a lot of effort and close work with the Bureau of Reclamation at the regional level, she was notified that the DPCR received a finding of Federal Feasibility as of 12/31/20 and was also transmitted within required the 30 day timeline to Congress along with several other very viable storage projects including the Los Vaqueros Reservoir Expansion Project, the Sites Reservoir Project, and the BF Sisk Dam Raise Project. Anthea expressed her appreciation for the Project's partners at the San Joaquin Valley Exchange Contractor Water Authority particularly Chris White, the Executive Director. A scope of work was currently being worked on for the coming budget year. She asked if there were any questions. Being none, the meeting continued.

D. Los Vaqueros Reservoir Expansion Project - Update

Anthea introduced Marguerite Patil, who presented an update on the Los Vaqueros Reservoir Project, and Maureen Martin and Frances Mizuno, who also joined the meeting. Anthea asked if there were any members of the public who wanted to make any comments. Being none, Marguerite presented several slides and gave a recap of the Project status as well as current activities. After her presentation, Marguerite asked if there were any questions or concerns. Being none, Anthea also asked if there were any questions or concerns. Board Member Bill Koster asked if there were any pumping restrictions during dry years as with the Jones Pumping Plant to which Marguerite replied that they do coordinate with the State and Federal Export Pumps but are not as limited in their pumping due to screened intakes. Board Member Jim Jasper asked if the District was participating as pool or as conveyance, to which Marguerite replied that at the moment, the District was under Conveyance, but with flexibility to change. Anthea added that the District was being modeled as part of the conveyance group and kept options open. Board Member Maring asked if there was seniority on the pumps pertaining to the order of shut off. Marguerite let him know that they were in the process of obtaining permits and it is a changing and dynamic environment due to the new biological opinions and potential modifications to the state and federal take permit, but felt CCWD's rock slough intake was a reliable way to pump even if Banks and Jones Pumping Plants are restricted. Frances Mizuno added that a decision the Board needs to make in the near future would be whether they want to continue and join the Joint Powers Authority of this project or would they like to participate as part of the Activity Agreement with the Water Authority. Board Member Perez asked if there had been any thought pertaining to an Agency wishing to exit the Agreement if it did not work out for them. Marguerite shared that there was language in the Joint Powers Authority Agreement that explains if an agency wishes to exit, it is

up to that Agency to find another that would "buy them out". Anthea asked if there were any further questions, being none, she thanked Marguerite and Frances for joining the meeting.

E. BF Sisk Dam Raise Project - Update

Anthea reported that as mentioned prior, BF Sisk received a Final Federal Feasibility Determination and had already been transmitted to Congress. Updates show that there had been some issues come up with Highway 152 and that the project proponents working with CalTrans and continued coordination with the Agencies for consultation and permitting. No updates on the operational discussions to do with BF Sisk were available, but will be coming in the near future. Anthea asked if there were any questions on Supply Development. Being none, the meeting continued.

11. ADMINISTRATIVE ACTIVITIES

A. Office Building Expansion Project – Update

Anthea reminded the Board that a temporary occupancy permit will be provided this week and floor tile will be installed in the new work room tomorrow. The front gate was having the wiring finalized and lighting will be finalized as well. A walk through would also be taking place by next week.

B. Board Member Reporting/Training/Term Updates

Anthea reminded the Board that this was an election year and Board Members Bill Koster of Division 1, Pete Lucich of Division 3, and Jarod Lara of Division 6 were up for re-election if they decided to do so. She also reminded the Board that is was training time and that Staff would be reaching out to them for required training. Form 700 submittals were due on April 1, 2021 and Staff would be contacting members on that item. A synopsis of the new social media requirements under the Brown Act (AB992) was also provided and reviewed for the Board.

C. Contract Conversion Update

Anthea reported that Staff had determined that the Contractors that had elected to make the lump sum payment were conditionally exempt from RRA from the effective date of the Contract, the District's date being 10/01/2020. She shared that due to the District not having to pay Reclamation for the Construction Component or full-cost pricing after that date, she made an administrative decision to refund the cost of those components to the customers that had been charged for them in October and November. Those adjustments were made in December. She also reported that the District had received a letter from the Bureau of Reclamation on 1/15/21 confirming the Exemption from the Ownership and Full-Cost Pricing Provisions of Federal Reclamation Law. She asked if there were any questions on Administrative Issues. Being none, she continued with the meeting.

12. SLDMWA Report

A. SLDMWA Minutes, Reports and Issues Updates

Anthea provided the SLDMWA Board of Director Meeting Minutes and noted that a Board Action Request, a Contract to Develop a Planning Guide for Future South Delta Channel Depth Restoration was included in the packet as well. She reported that this Action Request was to aid in the diminished capacity of the channels of the Sacramento-San Joaquin Delta due to siltation.

13. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH

Anthea shared a Tracy Press obituary for James McLeod, a grower from the Banta Carbona Irrigation District who passed away on new-year's day due to Covid-19. Articles from the Family Farm Alliance pertaining to the 2020 election, events that took place at the Capitol, and the new coming administration were also provided.

14. CLOSED SESSION

Upon return from Closed Session, Staff reported that the Board received an update on existing litigation and the Board took up the matter of Public Employee Performance Evaluation for its General Manager. President Bays asked if there were any comments from Board Members or guests. Hearing none, the meeting was adjourned.

15. ITEMS TO DISCUSS PURSUANT TO GOVERNMENT CODE 54954.2

There was nothing to report on this item.

16. ADJOURNMENT

Being no further business, the meeting was adjourned at 12:34 a.m.

Respectfully submitted,



Anthea G. Hansen
Secretary