



**REGULAR MEETING OF THE BOARD OF DIRECTORS  
JUNE 21, 2023  
MINUTES**

1. CALL TO ORDER

Vice President Bays called the meeting to order at 8:32 a.m. Board Members present were Zach Maring, Jarod Lara, and Jim Jasper.

2. OPPORTUNITY FOR PUBLIC COMMENT

Vice President Bays asked if there was any public comment and asked if anyone on the phone had any public comment. No one was on the phone line and there was no public comment.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea requested to have Item VI.C.1 *Consideration of USBR Extraordinary Circumstances Storage Fee Refund and Consideration of Staff to Obtain the Refund* to be added to the Agenda:

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

4. CONSENT CALENDAR

The Minutes from the Regular Board Meeting held on 5/17/23, Monthly Accounting Reports, and Field Operations Report for May 2023 were provided in advance for the Board's review. The Board approved the Consent Calendar Items as follows:

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

5. MANAGER'S REPORT

Anthea provided a copy of a letter from Friant Water Authority to CEPA Secretary Garcia and CNRA Secretary Crowfoot claiming that Reclamation was mishandling the administration of the Exchange Contractors water supply and that because of this the FWA was unwilling to "...take on the additional obligations of the VA's". Also shared was a communication sent to the Secretaries in response to the letter by the SLDMWA and multiple other agencies, including DPWD. She also shared that the Delta Conveyance Project and DWR's activities to promote the tunnels continued to be monitored by Staff.

6. ACTION ITEMS

A. Board to Review and Consider Annual Surface Water Transfer Policy

Anthea provided and reviewed the draft Surface Water Transfer Policy for supplies allocated under the District's contract. This policy was primarily updated to reflect the Water Use Policy adopted 11/16/22. After review and discussion, the Board approved the Annual Surface Water Transfer Policy as follows:

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

B. Treasurer's Quarterly Investment Report for the 1<sup>st</sup> Quarter Ending 5.31.23

Anthea provided and reviewed the Treasurer's Quarterly Investment Report for the 1<sup>st</sup> Quarter Ending 5.31.23. After a brief discussion, the Board approved the Treasurer's Quarterly Investment Report for the 1<sup>st</sup> Quarter Ending 5.31.23 as follows:

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

C. Board to Review and Consider Revised Results of the 2021-22 and 2022-23 Annual Additional Supplies Pool(s) and to Approve a Funding Source for the Projected Pool Losses

Anthea noted that she was going to review Item VI.C. 1. first, then VI.C, so that the Board would have the benefit of both reports prior to taking action on the items. Anthea provided and reviewed a revised report on the Results of the 2021-22 and 2022-23 Annual Additional Supplies Pool(s). Based on a revised analysis, she reported that the revenues reported previously were overstated for the 2021-22 Pool, and that the revised combined loss from the two pools was \$461,072. She further explained that the District Was able to deliver 1,576 AF of 2023-24 contract supply into OCCRP storage during the rescheduling period at contract rate of \$62/AF, and that the supply could be booked into prepaid water supply to include the losses at an added \$292/AF. Alternately, the stored water could be booked into prepaid at \$62/AF. Another option would be to consider using the recent USBR refund to cover the losses, or to try to go back and calculate a refund to customers on water lost to rescheduling in 2017-18, which would be difficult. After several questions and further discussion, the Board approved the Revised Results of the 2021-22 and 2022-23 Annual Additional Supplies Pool(s), which resulted in a loss of \$461,072, and directed Staff to utilize a portion of the USBR refund retained from the Storage Fee issue to cover the losses and hold the remainder of the refund in rate stabilization reserves with the intention of using it in the future to offset future additional supplies costs as follows:

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

1. Board to Consider USBR Extraordinary Circumstances Storage Fee Refund and Consideration of Staff to Obtain the Refund

Anthea provided and reviewed a detailed Staff Report outlining the background information that resulted in recent refund from USBR, and other information specific to the 2016-17 and 2017-18 Annual Additional Supplies pool, and costs incurred in those years for storage of non-project water, which were covered with Pool Profits, rather than charges to customers. Staff discussed how the refund was determined and the issue for consideration, which is what to do with the refunded monies. Staff recommended retaining the refund of \$724,141.32. After review and discussion, the Board approved Staff's recommendation to retain the refund from BOR in the amount of \$724,141.32 in District Reserves to cover pool losses for the current two years and potentially offset pool costs in the future as follows:

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

D. Board to Review and Consider Amendment No. 5 to Los Vaqueros Reservoir Expansion Multi-Party Cost Share Agreement and Approve 2023-24 Budget Amendment in an amount not to Exceed \$247,800.

Anthea provided a Staff Report pertaining to the Los Vaqueros Reservoir Expansion Project Multi-Party Agreement Amendment #5, to the Cost Share Agreement for Los Vaqueros Reservoir Expansion Project Planning, a LVE Operation Pathways Graph showing the Transfer-Bethany Pipeline and gave a presentation pertaining to the District's participation in the LVRE Project. Anthea reported that the proposed Amendment #5 will extend the MPA, through June 30, 2024 at a cost of \$1,239,000 for each JPA Member, split into 2 equal payments due in September 202 and January 2024, with the District's share being \$123,800 per payment, for a total of \$247,800. Staff recommended to the Board to authorize continued participation. After review and



discussion, the Board approved Amendment No. 5 to Los Vaqueros Reservoir Expansion Multi-Party Cost Share Agreement and Approve 2023-24 Budget Amendment in an amount not to Exceed \$247,800 as follows:

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

- E. Board to Review and Consider Amendment to the B.F. Sisk Activity Agreement (SLDMWA) with Stage Gate Contribution Scenarios, Ratify Requested Storage Capacity of 3,650 AF, and Approve 2023-24 Budget Amendment in an amount not to exceed \$140,385 based on Requested Storage Capacity

Anthea provided and reviewed a Staff Report / Item Request for the B.F. Sisk Dam Raise and Reservoir Expansion Project Planning Costs to Reserve up to 3,650 Acre-Feet of Storage. After discussion, Staff recommended funding its share of Project costs through San Luis & Delta-Mendota Water Authority B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement of up to \$140,385 to cover planning costs through September 2023 and reserve up to 3,560 acre-feet of storage capacity. The Board approved the Amendment to the B.F. Sisk Activity Agreement as follows:

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

- F. Board to Approve Resolution Announcing the November 2023 District Election and Procedures Related Thereto

Anthea provided and reviewed the 2023 Election Calendar, a list of current Elected Board Members / Terms, and a Draft Resolution Announcing the November 2023 District Election and Procedures Related Thereto. Anthea shared that the start of the election process would begin in the following week. The Directors whose terms end in 2023 are Director Bays, Director Maring, Director Perez and Director Jasper. After review and discussion, the Board approved the Resolution Announcing the November 2023 District Election and Procedures Related Thereto as follows:

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

- G. Board to Review and Consider Staff Recommendation for Prepayment of the District's Annual Unfunded Actuarial Liability (UAL) to CalPERS

Minnie provided and reviewed a Staff Recommendation for Prepayment of the District's Annual Unfunded Actuarial Liability (UAL) to CalPERS with the Board. After review and discussion, the Board approved Staff's recommendation for Prepayment of the District's Annual Unfunded Actuarial Liability (UAL) in the amount of \$63,171 to CalPERS as follows:

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

- H. Board to Ratify Request to USBR for Approval of a Transfer of Rescheduled Water from San Luis Water District to Del Puerto Water District as a matter of Agency Courtesy (Non-monetary)

Anthea provided and discussed the Request to USBR for Approval of a Transfer of Rescheduled Water from San Luis Water District to Del Puerto Water District, which was submitted as a matter of Agency Courtesy (Non-Monetary) to assist neighboring San Luis Water District in avoiding a potential loss to its Rescheduled Water. After review and discussion, the Board Ratified the execution of the Request to USBR for Approval of a Transfer of Rescheduled Water from San Luis Water District to Del Puerto Water District as follows:

Ayes: Bays, Maring, Lara and Jasper  
Nays: None

Abstentions: None  
Absent: Koster, Lucich and Perez

7. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

Anthea reported generally on CVP and SWP operations.

B. Monthly Supply/Use/Completed Transactions Summary Report as of 05.31.23

Paul provided Supply/Use/Completed Transactions Summary Report as of 5/31/23 and reported in-District use for the Month of May 7,900 AF, and OCCRP deliveries for the month of May at 465 AF. There were no Transfers Out for the month of May. Total use for the 2023-24 water year was 14,029 AF, leaving the total estimated for rescheduling into 2024-25 at 92,745 AF.

C. 2023-24 Additional Supplies Update

Anthea provided and reviewed the 2023-24 Annual Additional Supplies Pool, which continued to reflect District obligations for 5,061 AF of water at a cost of \$1,294,644.41. She also reported that she had offered the Refuge Water Supply Program the opportunity to receive all the Recycled Water this year, but they declined the offer. She shared that she would continue to work with them on this option, or on placing the Recycled supply elsewhere for future return.

D. Landholding/Licensing Updates

Paul provided an Active Permits and Licenses Report as of May 31, 2023 for the Board's review.

E. Rescheduling Update – FINAL

Anthea provided and reviewed the Rescheduled Water Remaining Report and shared that after May 2023, there will be no more losses to customers as all carryover water had been used.

8. RESOURCE MANAGEMENT ACTIVITIES

A. Westside Integrated Regional Water management (IRWM) Activities

Anthea reported that Staff continued to work on having the Grant Agreement in place for the ability to draw money for the Geotechnical investigations if the Board chooses to move forward with the Phase II Exploration Program

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

Adam shared that there had not been any meetings for the month of May.

C. Annual Report Filing – Response Update

Adam reported that he had reached out to those customers who had not yet turned in their paperwork.

D. Sustainable Groundwater Management Activities

Adam provided a memo summarizing DWR's announcement of inadequacy determinations for Groundwater Sustainability Plans (GSP), ruling that plans in several subbasins were inadequate. Six GSPs from 23 Groundwater Sustainability Agencies were submitted from the Delta-Mendota Subbasin to DWR. He also provided and reviewed a Draft Memorandum of Agreement among the Delta-Mendota Subbasin Groundwater Sustainability Agencies that the entire Subbasin would join to convert the basin from six GSPs to one consolidated GSP. Also provided and reviewed were Power Point Presentation copies of the June and May meetings and a GSP Implementation Tracking Tool report.

E. SGM Implementation Grant – Round 1 Monthly Grant Administrator Update

There was nothing to report on this item.

F. Well Registration Package – Response Update

Adam provided a list of Well Registrations not yet received and shared that he continued to do outreach to those who had not yet provided them.

9. FINANCIAL MATTERS

A. FY 2023 Audit Update



Minnie shared that a meeting had taken place with the auditor, and he will be providing Staff with a list of items required for the audit, which would likely be finalized by August.

B. CVP Financial Matters

Anthea reported that discussions continued with Reclamation on different issues. Recently discussions took place between Westlands WD, BOR and the CVPWA, as Westlands is requesting to have the 2023 Water Rates revised. Rather than agree to retroactively change the rates, the USBR committed that as of the end of the Fiscal Year (September 30, 2023), they would be willing to do an interim refund to contractors on the chargeable acre feet that had been delivered through September 30, 2023.

10. SUPPLY DEVELOPMENT PROGRAMS

A. Orestimba Creek Recharge & Recovery Project – Update

Anthea provided an invitation to the Groundbreaking Event to the Orestimba Creek Recharge and Recovery Project taking place on June 29<sup>th</sup>.

B. Del Puerto Canyon Reservoir Project – Update

There was nothing to report on this item.

C. Los Vaqueros Reservoir Expansion Project – Update

This item was covered on Item 6. D.

D. BF Sisk Dam Raise Project – Update

This item was covered on Item 6. E.

E. Ceres – DPWD – Turlock Discussions on Advancing Recycled Water into NVRRWP Facilities – Update

Anthea reported that she had recently attended a meeting and gathered enough data to put together a term sheet with the City of Ceres.

11. ADMINISTRATIVE ACTIVITIES

A. Staffing Update

Anthea introduced Gracie Chavez, who was working at the District for the summer to as an Intern.

12. SLDMWA Report

A. SLDMWA Minutes, Reports and Issues Updates

Anthea provided and reviewed the SLDMWA Board of Directors Regular Board Meeting Minutes for May, as well as an O&M Report for May.

13. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH

Anthea provided an announcement of Contra Costa Water District's Marguerite Patil's retirement, a copy of a Survey link from three UC Davis Grad Students requesting information on the public's recreational use of Del Puerto Canyon, a letter from the American Water Works Association thanking Staff for a tour of the Recycling Water Facilities of the NVRRWP, and articles from the Ag Water Coalition on Water Rights and Family Farm Alliance's June Report.

14. CLOSED SESSION

A. Conference with Legal Counsel – Existing Litigation

Upon return from Closed Session, Anthea reported that Staff met in closed session with the Board on items listed on the Agenda, and no reportable action was taken.

B. Conference with Legal Counsel – Existing Litigation

C. Conference with Legal Counsel – Existing Litigation

D. Conference with Special Legal Counsel – Existing Litigation

E. Conference with Special Legal Counsel – Existing Litigation

F. Potential Litigation Government Code Section 54956.1 – Potential Case Involving Eminent Domain - Conference with Real Property Negotiator, Anthea G. Hansen, Regarding Term Sheet with the City of Ceres for Additional Recycled Water

G. Conference with Real Property Negotiator, Anthea G. Hansen, Regarding Land Retirement Opportunity

H. Conference with Real Property Negotiator, Anthea G. Hansen, Regarding Term Sheet for Multi-Year Water Transfer Opportunity – Patterson ID

15. REPORTS PURSUANT TO GOVERNMENT CODE 54954.2

16. ADJOURNMENT

Being no further business, the meeting was adjourned at 11:42 a.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anthea G. Hansen". The signature is written in dark ink and is positioned above the printed name and title.

Anthea G. Hansen  
Secretary