



**REGULAR MEETING OF THE BOARD OF DIRECTORS
SEPTEMBER 15, 2021
MINUTES**

1. CALL TO ORDER

President Gene Bays called the meeting to order at 8:34 a.m. Board Members present were Zach Maring, Jim Jasper, Jarod Lara and Kyle Perez, Bill Koster and Pete Lucich.

2. OPPORTUNITY FOR PUBLIC COMMENT

Anthea noticed a member of the public connected to the meeting and asked if that any member of the public wanted to make a comment. Being none, the meeting continued.

3. ADDITIONS/REVISIONS TO THE AGENDA

Anthea requested to have Closed Session with Special Legal Counsel, Jim Moose at 10:00 a.m.

4. CONSENT CALENDAR

The Minutes from the Board Meeting of 8/18/21, Monthly Accounting Reports as of 8/31/21, and Field Operations Report for August 2021 were provided in advance for the Board's review. The Board approved the Consent Calendar as follows:

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

5. CLOSED SESSION

Conference with Real Property Negotiator (two items) and Legal Counsel – Existing Litigation

Upon return from Closed Session, Anthea reported that Staff met with General Counsel regarding the items listed on the Agenda. No reportable actions were taken.

Conference with Special Legal Counsel – Existing Litigation

Upon return from Closed Session, Anthea reported that the Board met with Special Counsel on one item of existing litigation listed on the Agenda.

Closed session continued for potential litigation - one additional case. Upon return from that Closed Session, Anthea reported that Staff brought to the Board's attention an item of potential litigation under Govt. Code Section 54956.9 and no reportable action was taken.

6. ACTION ITEMS

A. Board to Review and Consider Amendment to the Contract for the Exchange and Purchase of North Valley Regional Recycled Water Program Water

Anthea provided and reviewed an Amendment to the Contract for the Exchange and Purchase of North Valley Regional Recycled Water Program Water and reported that Staff had indicated preliminary discussions with the City of Ceres to perform some pump station improvements on their trunk line that sends wastewater to the Turlock Treatment Plant for a potential of an extra 1,000 AF of recycled water per year, with the hopes of having it by early next year. Funding for these improvements could potentially be financed with funds advanced by the RWSP to the NVRWP. Upon review and discussion, the Board approved the Amendment to the Contract for the Exchange and Purchase of North Valley Regional Recycled Water Program Water as follows:

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

B. Board to Provide Direction for Directing District Refund from the USBR FY'20 Annual Accounting Analysis
Anthea provided a recap of USB FY '20 Annual Accounting Analysis and asked Minnie to give her presentation where she explained the District had a \$12,000 deficit for Actual CVP O&M, but would be receiving a \$2.2 million refund for overpaid CVP construction rates. After the presentation, Anthea asked the Board for guidance as to how to handle the construction rate refund, explaining various options and the pros and cons of refund-vs-retention. Staff recommended that the Board retain the refund in the CVP Capital Fund, primarily because the 2020 construction payoff was an estimate only and final true up would not occur until 2030. The Board approved requesting the refund from the Bureau and forwarding it into the CVP Capital Fund for use as the Board directs in the future as follows:

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

C. Board to Review and Approve Treasurer's Quarterly Report for the Second Quarter Ending 8/31/21
Anthea provided the Treasurer's Quarterly Report for the Second Quarter Ending 8/31/21 and reported that the District does have adequate liquid funds to meet ordinary and extraordinary cash needs and that there exists adequate reserves and cash on hand to sufficiently meet normal budgetary requirements for the next six months. After review and discussion, the Board approved the Treasurer's Quarterly Report for the Second Quarter Ending 8/31/21 as follows:

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

7. MANAGER'S REPORT

Anthea reported that discussions continued regarding all of the different parallel Federal and State issues going on with operations. The discussions focused on the State and Federal govts. trying to come to an understanding on the diverging biological opinions and incidental take permit process that the state uses to operate their side of operations. Anthea shared that the day prior, the director of DWR, Karla Nemeth, gave a report that told the California Water Commission that because of the hydrologic situation and curtailments, the storage reservoirs developed for the projects such as Oroville, Shasta, Folsom and New Melones are not being used as storage reservoirs to incur potential contract supplies for next year, rather being used as regulating reservoirs to meet water quality and environmental standards. Anthea shared that every piece of information she has received recently points to another 0% allocation year. Staff is currently working to acquire water supplies now to be ready for the next coming year.

8. WATER OPERATIONS & SUPPLY

A. CVP/SWP Operations

Anthea provided the San Luis Storage Projection Graphs showing 50% and 90% exceedance hydrology and reported that although San Luis Reservoir Federal share was currently negative, borrowing would be covered under previous arrangements for exchanges with the State Water Project. The Bureau was tasked with tracking what was in storage currently in each contractor's name rather than wait until the spring and the initial report showed there was 98,000 AF of contractor water San Luis Reservoir and of that, Del Puerto had 5,300 AF as of the end of July. Anthea clarified that it was actually 4,712 AF of recycled water in storage.

B. Monthly Supply/Use/Completed Transactions Summary Report as of 8/31/21

Adam provided the Supply/Use/Completed Transactions Summary and reported in-District use for the month of August at 4,654 AF. Total current use for the year was 31,634 AF. Total estimated for rescheduling into 2022-23 was 19,256 AF. Anthea also provided a chart showing the Stockton East transfer of 7,500 AF less a 10% loss, of which the District's share was 4,176 AF. She added that a portion of the August and all of the September supply meant for WSID (about 1,400 AF) might become available for the District if WSID had no demand for it.

C. 2021-22 Additional Supplies Update

Anthea provided a report showing the make up of the Additional Supplies Pool. Adam also provided a report on Late Request and Unsubscribed Additional Supplies and reported that per the Board's instructions from the last meeting, late subscribers for Additional Supplies were given the opportunity to purchase them at the rate of \$675/AF. There were 486 AF of Prepaid Late Requests and 12 AF of Unsubscribed to date. Anthea added that about a dozen customers with a dire need for water were contacted and 6 of those purchased needed supplies. Anthea reiterated that the purchase of Late Additional Supplies was non-refundable, even if the water was not fully used by year end, and that water was not eligible to reschedule into the next year. The purpose of this water was to help end the current water year. Anthea reported that there was currently enough water to meet all requests from customers and pre-sell water for carryover into 2022. Anthea indicated that Staff will provide as much information as possible when advertising the opportunity to customers. She further indicated that the pre-purchased 2022 supplies would be pro-rated, tracked, and billed monthly as it becomes available but not placed in accounts until March. After discussion, the Board advised charging \$575/AF.

- D. Landholding / Licensing Updates
There were no landholding or licensing updates.

9. RESOURCE MANAGEMENT ACTIVITIES

- A. Westside Integrated Regional Water Management (IRWM) Activities
Anthea provided a Staff Report from the SLDMWA reporting on IRWM Activities the Disadvantaged Communities Involvement Program as well as the Tulare-Kern Funding Area.
- B. SJVDA/Westside San Joaquin River Watershed Coalition Report(s)
Adam reported that Staff submitted the annual Surface Water Quality Report to the Regional Board which he included in the packet and reviewed. Also included was a list of customers who have not yet complied with required paperwork. Adam indicated that one-on-one meetings will be arranged to assist those customers if needed.
- C. Sustainable Groundwater Management Activities
Adam reported that discussions ensued in preparation for addressing GSP comments from the Department of Water Resources. He indicated there would be a short window to respond to the comments, and that the effort currently was focused on looking at DWR's comments on existing plans and trying to anticipate what comments might be received on the District's GSP and strategizing how to respond to comments, as they will immediately need to be addressed for the Plan to ultimately be approved. Adam also reported that there were a number of activities ongoing, such as Subsidence Monitoring, Well Census Grant Funding, and review of neighboring basin GSPs. He provided a copy of the GSP Implementation Tracking Tool Report showing groundwater quality sampling for the wells in the DPWD and GSA and noted that the District had provided sampling services to PID and some of the County northwestern GSA wells and would be invoicing for the cost of this task. Anthea also reported that there had recently been discussion at the management group level as the plan is now being implemented, and how to address the goals not being achieved because of the drought. There seemed to be a focus amongst the neighbors in keeping the subbasin whole and discussions have been turning into how support for each other can be given. She added that it is time to get the final steps implemented, specifically with respect to data collection.
- D. Remote Telemetry Project – Update
There was nothing to report on this item.
- E. ADLP / SRF Loan Program Update
Anthea provided email correspondence showing a stall at the moment on the funding request for a District ADLP / SRF Loan program.

10. FINANCIAL MATTERS

- A. CVP Financial Matters
An Executive Committee Meeting Agenda and Financial Affairs Committee Meeting Agenda were provided for the Board to review.
- B. Balance Sheet Analysis Report for the Second Quarter Ending 8/31/21
A Balance Sheet Analysis Report for the Second Quarter Ending 8/31/21 was provided for the Board to review.

11. SUPPLY DEVELOPMENT PROGRAMS

A. Orestimba Creek Recharge & Recovery Project – Update

Anthea asked if any members of the public had questions or comments before this item was discussed. Being none, Anthea provided a preliminary Engineer's Opinion of Probable Construction Cost for the preliminary design of the Orestimba Creek Recharge & Recovery Project and reported that Staff had been working with the grant administrators at the Stormwater Program which could potentially pay for half of the project. A meeting had been held with the State Board about the Water Rights Permit Process and what would be needed to apply for a water right to capture stormflows. The Cultural and Biological Resources Reports had also been completed and turned over to Reclamation for the NEPA document. Anthea reported her hope that this project could be operational by 2023.

B. Del Puerto Canyon Reservoir Project – Update

Anthea reported that Staff had issued a Request for Qualifications (RFQ) for Dam Design Teams to bring on an engineer team to design the dam, roadways and some of the facilities. She reviewed the tasks that Woodard and Curran had recently completed for the period. She also reported that Congressman Harder had been working with the District to get Financial Assistance Agreements moving out of Reclamation. All of the information requested had been submitted. She also shared that Congressman Harder hosted a meeting with the Secretary of the Interior recently and the Regional Director and Commissioner. During that meeting, he asked why Congress had been able to approve funding for a broad list of projects in the west, yet cannot get any of those funds into the corresponding accounts. Anthea was told that the District's FA Agreement would be received by the end of September. Once received, the District would be able to access the funding.

C. Los Vaqueros Reservoir Expansion Project - Update

Anthea provided a Monthly Report for the Los Vaqueros project and reported that the California Water Commission final approval of LVRE funding will occur in October. The JPA is being stood up and Anthea will become a director on that Board representing the SLDMWA LVRE Activity Agreement.

D. BF Sisk Dam Raise Project – Update

A memo from SLDMWA pertaining to a selection of an Operational Configuration was provided. Anthea reported that discussions were ongoing about how investors might control any additional capacity that is purchased in and what will it cost. There is potentially 130 TAF that can be added for storage and 50% of that will be investor directed. There will need to be understandings in place on who owns the capacity, who controls it, what are the rules and how it will interface with the existing rescheduling guidelines and current capacity.

E. Pacheco Reservoir Expansion – Update

A power point presentation on the Pacheco Reservoir Expansion was provided for the Board to review.

F. Ceres-DPWD-Turlock Discussions on Advancing Recycled Water into NVRWP Facilities

Anthea provided information in the packet pertaining to the pump station improvements to get additional recycled water moving next year and a potential project that would build out the physical infrastructure to accommodate the City's full build out.

12. ADMINISTRATIVE ACTIVITIES

A. 2021 Landowner/Customer Meeting

The date for this meeting has been noticed as November 17, 2021 at 10:30 a.m.

13. SLDMWA Report

A. SLDMWA Minutes, Reports and Issues Updates

Anthea shared a report from the SLDMWA pertaining to subsidence studies. Adam reviewed the report with the Board as well as the graph showing the subsidence occurring in the DMC throughout the last seven years. Anthea also reported that throughout most of the District, the DMC has subsided about 6 inches and lost an average of 16% capacity, meaning that when there are surface water allocations, the District does not receive what is fully available due to the loss of conveyance capacity. She added that at the last meeting she attended, questions arose pertaining to pinpointing the causes the subsidence, and responsibility for its correction.

14. ARTICLES/CORRESPONDENCE/PUBLIC OUTREACH

Anthea welcomed Paul Stearns to the District and informed the Board that the District's Accounting Specialist, Jaclyn Hoobler, had turned in her 2 week notice. Articles pertaining to President Biden's Interior Secretary backing the West Side reservoir and more California water storage were provided for the Board to review.

15. CLOSED SESSION

There was no closed session.

16. ITEMS TO DISCUSS PURSUANT TO GOVERNMENT CODE 54954.2

There was nothing to report on this item.

17. ADJOURNMENT

Being no further business, the meeting was adjourned at 11:52 a.m.

Respectfully submitted,



Anthea G. Hansen
Secretary



**SPECIAL VIDEO (ZOOM) BOARD OF DIRECTORS MEETING
OCTOBER 5, 2021**

MINUTES

1. CALL TO ORDER

President Gene Bays, who was present, called the meeting to order at 8:30 a.m. in accordance with Governor Newsom's Executive Order N-29-20. Board Members connected via Zoom call were Bill Koster, Jarod Lara, Pete Lucich, Jim Jasper, Zach Maring and Kyle Perez.

2. OPPORTUNITY FOR PUBLIC COMMENT

Anthea asked if any member of the public that joined the meeting had any public comments. There was no public comment.

3. ADDITIONS/REVISIONS TO THE AGENDA

There were no additions or revisions to the Agenda.

4. ACTION ITEMS

1. Board to Consider Resolution Initially Authorizing Remote Teleconference Meetings Under AB361

A Resolution Initially Authorizing Remote Teleconference Meetings Under AB361 was provided and reviewed for the Board. After review and discussion, the Board approved the Resolution Initially Authorizing Remote Teleconference Meetings Under AB361 via roll call vote as follows:

Ayes: Bays, Jasper, Koster, Lucich, Maring, Perez, Lara
Noes: None
Absent: None
Abstained: None

2. Board to Consider Resolution Authorizing an Application to the Bureau of Reclamation's Watersmart Drought Response Program: Drought Resiliency Projects for FY 2022

Anthea provided a Draft Resolution Authorizing an Application to the Bureau of Reclamation's Watersmart Drought Response Program: Drought Resiliency Projects for FY 2022 and shared that she had instructed Adam to look in to some grant funding opportunities through the Watersmart Program and that Staff had drafted a grant that would compliment the Telemetry Program and at the same time provide funding support for the District's growers with respect to SGMA compliance activities. Adam reported that \$500,000 would be available for small projects through the Drought Resiliency Watersmart Program, and it was expected that between 16 and 21 projects would apply. District Staff felt it would be a good opportunity to receive some cost share for a project that will have to be done by the District's growers anyway. This project would also compliment the District's effort to map all of District wells. After review and discussion of what the Project consisted of, the Board approved the Resolution Authorizing an Application to the Bureau of Reclamation's Watersmart Drought Response Program: Drought Resiliency Projects for FY 2022 via roll call vote as follows:

Ayes: Bays, Jasper, Koster, Lucich, Maring, Perez
Noes: Lara
Absent: None
Abstained: None

3. Board to Consider Adopting Guidelines for Irrigable Acreage Converted to Commercial Cannabis Operations
Anthea provided maps and correspondence pertaining to several use permit applications for commercial cannabis operations in Stanislaus County. She reported that over the past couple of years there have been several applications from landowners within the DPWD for a conditional use permit and development agreement that allows them to construct and operate commercial cannabis operations. Recently, the District received notification from the County that there is a fourth application pending. She wanted to ensure that Staff is understanding of the Board's guidance with respect how Staff administers obligations with respect to irrigable acreage that will be converted to these "Temporarily" permitted uses. They County permits indicate that if the operation ceases the lands would have to be returned to agriculture. Further, CVP supplies cannot be delivered to cannabis or hemp operations. After review and discussion, the Board instructed Staff to continue to charge assessments on lands converted to commercial cannabis uses, but to withhold water allocations to those lands until such time as they revert back to agricultural use as follows:

Ayes: Bays, Jasper, Koster, Lucich, Maring, Perez, Lara
Noes: None
Absent: None
Abstained: None

5. CLOSED SESSION

Upon return from closed session, it was reported that action was taken by the Board to unanimously approve an Agreement to Exercise Option to Purchase Approximately 80 Acres Located in Stanislaus County and Fixtures and Appurtenances Thereon, and Terms and Conditions of Purchase, along with the Orestimba Creek Recharge and Recovery Project Development and Operations Agreement. Both agreements are in partnership with Central California Irrigation District.

A. ADJOURNMENT

Being no further business, the meeting was adjourned at 12:39 p.m.

Respectfully submitted,



Anthea G. Hansen
Secretary