



**Notice of San Luis & Delta-Mendota Water Authority  
Board of Directors Telephonic Regular Meeting  
Thursday, November 5, 2020, 9:30 a.m.**

**Join Zoom Meeting**

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**Meeting ID: 827 1604 6525**

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NOTE: In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency as a result of the threat of COVID-19, members of the Board of Directors, and Water Authority staff will be participating in this meeting remotely from multiple locations. This meeting will occur exclusively through Zoom. If members of the public have any problems using the call-in number during the meeting, please contact the Authority office at 209-826-9696.

NOTE FURTHER: Any member of the public may address the Board concerning any item on the agenda before or during consideration of that item, as appropriate.

## **Agenda**

1. Call to Order/Roll Call
2. Board to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.
3. Opportunity for Public Comment – Any member of the public may address the Board concerning any matter not on the agenda, but within the Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Board may waive this limitation.

## **Consent Calendar**

Note: All matters listed on the Consent Calendar are considered to be routine and non-controversial and will be acted upon by a single action of the Board of Directors, unless a Board Member requests separate consideration of the item. If such a request is made, the item may be heard as an action item at this meeting.

4. **Board of Directors to Consider Approval of October 8 and October 21, 2020 Meeting Minutes**
5. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**
6. **Board of Directors to Consider the Finance & Administration Committee Recommendation to Accept the Treasurer's Report for the Quarter Ending September 30, 2020.**
7. **Board of Directors to Consider Acceptance of Staff Reports:**
  - a. **O&M Budget to Actual**
  - b. **Operations & Maintenance**
  - c. **Science Program**
  - d. **Activity Agreements**

e. **Procurement Activity**

**Action Items**

8. **Board of Directors to Consider the Finance & Administration Committee Recommendation Regarding the Final Fiscal Year (FY) 2020 Audited Financial Statements, Machado/Brian Nash**
9. **Board of Directors to Consider the Finance & Administration Committee Recommendation Regarding Jones Pumping Plant Unit Rewind Project Financing Options, Barajas**
  - a. **Action to Authorize the Executive Director to Execute a Funding Agreement for Jones Pumping Plant Unit Rewind Project with the Friant Water Authority**
  - b. **Resolution Authorizing the Preparation and Distribution of a Preliminary Official Statement with Respect to Revenue Bonds to Finance a Portion of the Extraordinary Maintenance to the Jones Pumping Plant, Authorizing the Execution of Certain Documents, and Authorizing Certain Other Actions in Connection Therewith**
  - c. **Action to Self-Fund the 4th and 5<sup>th</sup> units of the Jones Pumping Plant Unit Rewind Project by Including a Component Rate for the Unit Rewinds in FY22 and FY23 O&M Rates**
10. **Board of Directors to Consider the Finance & Administration Committee Recommendation Regarding Adoption of Resolution Amending Resolution Updating Banking Relationship with and Signature Requirements for Central Valley Community Bank and Superseding Resolution Nos. 2009-293, 2017-415, and 2020-455, Arroyave**

**Report Items**

11. Report on State and Federal Affairs, Petersen/Dennis Cardoza
12. Executive Director's Report, Barajas
  - a. Los Banos and Sacramento Office Space
  - b. B.F. Sisk Dam Raise Project
  - c. San Luis Transmission Project
  - d. May include reports on activities related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response
13. Chief Operating Officer's Report, Arroyave
  - a. Delta Channel Maintenance Planning Effort
  - b. May include reports on activities related to 1) OM&R; 2) Infrastructure Projects; 3) Water transfers, exchanges, and release program
14. Update on Water Operations and Forecasts, Boardman
15. Committee Reports:
  - a. Water Resources Committee Activities, Birmingham
  - b. Finance & Administration Committee Activities, Gilmore
  - c. O & M Technical Committee Activities, White
16. Outside Agency/Organization Reports:
  - a. State and Federal Contractors Water Agency
  - b. Family Farm Alliance
  - c. Farm Water Coalition
  - d. Association of California Water Agencies
  - e. San Joaquin Valley Water Blueprint Effort
17. Board Member Reports
18. **CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 5 potential cases

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9 – 3 potential cases

## CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Section 54956.9

- A. Natural Resources Defense Council et al. v. Bernhardt et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207, LJO-BAM (Old FWS – OCAP BO/Contracts)
  - B. Modesto Irrigation District, et al. v. State Water Resources Control Board & Woods Irrigation Company, Sacramento County Superior Court Case No. 34-2011-80000803 (Complaint for Declaratory Relief re Woods Irrigation Company)
  - C. SWRCB Water Rights Complaints: Modesto Irrigation District, State Water Contractors, San Luis & Delta-Mendota Water Authority, Interested Persons in SWRCB CDO Enforcement Proceedings and/or Petitions for Reconsideration: Pak & Young; Mussi et al; George Speckman Testamentary Trust (WR Complaints)
  - D. Pacific Coast Federation of Fishermen’s Associations, California Sportfishing Protection Alliance, Friends of the River, San Francisco Crab Boat Owners Association, Inc., The Institute for Fisheries Resources, and Felix Smith v. Donald R. Glaser and San Luis & Delta-Mendota Water Authority, U.S. District Court, E.D. Cal., Case No. 2:11-CV-02980-KJM-CKD (“PCFFA v Glaser” or “GBP Citizens Suit”)
  - E. San Luis & Delta-Mendota Water Authority and Westlands Water District v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758); State Water Contractors, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758); California Water Impact Network, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758); Central Delta Water Agency, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758); North Coast Rivers Alliance, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758); Save the California Delta Alliance v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (“Delta Plan Litigation”)
  - F. City of Fresno, et al. v. United States, U.S. Court of Federal Claims, Case No. 16-1276L (Friant Takings Suit)
  - G. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento County Superior Court Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento County Superior Court Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Superior Court Case No. 34-2018-80002852 (“Waste Discharge Requirement Cases”)
  - H. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002898; Central Delta Water Agency v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002900; Friends of the River v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002901; California Water Impact Network v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002904 (“Delta Plan Amendment Cases”)
  - I. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced County Superior Court, Case No. 19CV-04989 (GBP Long-Term Storm Water Management Plan)
  - J. Pacific Coast Federation of Fishermen’s Associations, et al. v. Wilbur Ross, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431-DAD-EPG (ROC on LTO BiOps)
  - K. California Natural Resources Agency, et al. v. Wilbur Ross, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426-DAD-EPG (ROC on LTO BiOps)
  - L. California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al., Stanislaus County Superior Court, Case No. CV-20-001748 (Delta-Mendota Subbasin SGMA Challenge)
  - M. Tehama-Colusa Canal Authority et al. v. California Department of Water Resources et al., Fresno County Superior Court, Case No. 20CECG01303 (SWP EIR Challenge)
  - N. AquAlliance et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878 (Long-Term Water Transfers EIS/EIR)
  - O. Guillermo Garcia v. Travis James Conrad and San Luis & Delta-Mendota Water Authority, Merced County Superior Court, Case No. 19CV-04982 (Traffic collision)
  - P. Winnemem Wintu Tribe et al. v. State Water Resources Control Board et al., Merced County Superior Court, Case No. 19CV-04989 (GBP Waste Discharge Requirements)
19. Return to Open Session
20. Report from Closed Session, if any Required by Government Code Section 54957.1
21. Reports Pursuant to Government Code Section 54954.2(a)(3)
22. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Felicia Luna at the San Luis & Delta-Mendota Water Authority Office via telephone (209) 826-9696 or email [[cheri.worthy@sldmwa.org](mailto:cheri.worthy@sldmwa.org) or [felicia.luna@sldmwa.org](mailto:felicia.luna@sldmwa.org)] at least 3 days before a regular meeting or 1 day before a special meeting/workshop.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority’s bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority’s bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.