



**Notice of San Luis & Delta-Mendota Water Authority
Board of Directors Regular Telephonic Meeting
Thursday, September 16, 2021, 9:30 a.m.**

**Telephonic Participation
(669) 900-6833
Meeting ID: 838 2171 2180
Passcode: 201042**

**SLDMWA Boardroom
842 6th Street, Los Banos, CA 93635**

In accordance with the Governor's Executive Order N-08-21, members of the Board of Directors and Water Authority staff will be participating in this meeting from multiple locations. This meeting will occur with an in-person option for members of the Board interested in attending at the San Luis & Delta-Mendota Water Authority Los Banos Administrative Office, 842 6th Street, Los Banos, California. There will still be an option to attend by calling in for members of the Board and the public. 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: Any member of the public may address the Board concerning any item on the agenda before or during its consideration of that item. For each item, public comment is limited to no more than three minutes per person. For good cause, the Chair of the Board may waive this limitation.

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 August 5, 2021 Meeting and August 23, 2021 Workshop Minutes**
5. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**
6. **Board of Directors to Consider Finance & Administration Committee Recommendation to Accept the Treasurer's Report for the Quarter ending June 30, 2021**
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 Resolution Approving Project Modification to Extend Potential Transfer Window and Adopting Addendum to the 2019 Final Long-Term Water Transfers EIS/EIR, Mizuno**
9. **Board of Directors to Consider Ratifying Execution of Agreement for Services and First Amendment to the Agreement for Thrust Collar and Bearing Repair with Kingsbury Inc., Adoption of Single Source Procurement Justification, and Related Expenditure of up to \$233,160 from the FY22 EO&M Budget, Arroyave**
10. **Board of Directors to Consider Grassland Basin Drainage Steering Committee Recommendation to Adopt Resolution Authorizing Execution of Memorandum of Understanding Regarding Use of the Supplemental Mitigation Project Fund, Joseph McGahan**
11. **Board of Directors to Consider Water Resources Committee Recommendation to Adopt Staff Recommendation for Positions on Legislation, Petersen**
 - a. H.R. 3023 (Costa) – Restore WIFIA Eligibility Act
 - b. H.R. 4284 (Ruiz) – Clean Drinking Water Equity Act
 - c. H.R. 4915 (McClintock) – Water Supply Permitting Coordination Act
 - d. S. 2334 (Cortez Masto) – Large Scale Water Recycling Project and Drought Resiliency Investment Act
12. **Board of Directors to Finance & Administration Committee Recommendation Regarding Authorization to Execute Delta-Mendota Canal Subsidence Correction Project Cooperative Agreement and Memorandum of Agreement with the U.S. Bureau of Reclamation, Barajas/Arroyave**
13. **Board of Directors to Consider Finance & Administration Committee Recommendation to Adopt Staff Recommendation for Allocation of Settlement Payment, Arroyave/Machado**
14. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding Pursuit of Self-Funding or Public-Private Partnership Option for San Luis Transmission Project Financing, Mizuno**
15. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Selection of Proposed Operational Configuration for the B.F. Sisk Dam Raise and Reservoir Expansion Project Alternative, Arroyave**

Report Items

16. Report on State and Federal Affairs, Petersen/Dennis Cardoza/Kristin Olsen
17. Executive Director's Report, Barajas
 - a. Future Board Meeting Format
 - b. 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
18. Chief Operating Officer's Report, Arroyave
(May include reports on activities related to 1) OM&R; 2) Infrastructure Projects; 3) Water transfers, exchanges, and release program)
19. Update on Water Operations and Forecasts, Boardman
20. Committee Reports:
 - a. Water Resources Committee Activities, Birmingham
 - b. Finance & Administration Committee Activities, Gilmore
 - c. O & M Technical Committee Activities, White
21. 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

22. Board Member Reports

23. **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 3 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 – 2 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. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207-DAD-EPG, 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen’s Associations, et al. 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)
- C. Delta Stewardship Council Cases, Sacramento County Superior Court, Case No. JCCP 4758 (formerly San Luis & Delta-Mendota Water Authority and Westlands Water District v. Delta Stewardship Council, et al., Sacramento County Superior Court, Case No. 34-2013-80001500) (Delta Plan Litigation)
- D. City of Fresno, et al. v. United States, U.S. Court of Federal Claims, Case No. 1:16-cv-01276-EDK (2014 Friant Breach of Contract)
- E. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento Superior Court Case No. 34-2018-80002852 (Waste Discharge Requirement Cases)
- F. 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)
- G. 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)
- H. Pacific Coast Federation of Fishermen’s Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431-DAD-EPG (ROC on LTO BiOps)
- I. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426-DAD-EPG (ROC on LTO BiOps)
- J. CDWR Water Operation Cases, Sacramento County Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority et al. v. California Department of Water Resources et al., Fresno Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
- K. AquAlliance et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878-DAD-EPG (Long-Term Water Transfers EIS/EIR)
- L. Winnemem Wintu Tribe et al. v. State Water Resources Control Board et al., Merced County Superior Court, Case No. 21CV-02721 (GBP Waste Discharge Requirements)
- M. SWRCB Administrative Hearing Office: County of San Joaquin Permit to Appropriate Water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, Pending Application A029657 (Permit Application Protest)

24. Return to Open Session / Report from Closed Session, if any Required by Government Code Section 54957.1

25. Reports Pursuant to Government Code Section 54954.2(a)(3)

26. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office via telephone (209) 826-9696 or email [cheri.worthy@sldmwa.org or sandi.ginda@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/>.