



**Notice of San Luis & Delta-Mendota Water Authority
Board of Directors Regular Meeting
Thursday, May 4, 2023, 9:30 a.m.**

**SLDMWA Boardroom
842 6th Street, Los Banos
(List of Member/Alternate Telephonic Locations Attached)**

Public Participation Information

Join Zoom Meeting

<https://us02web.zoom.us/j/89110712785?pwd=Z3VxWncvL3hBN0R0WEZtdG9uL0tldz09>

Meeting ID: 891 1071 2785

Passcode: 159043

One tap mobile

+16699006833,,89110712785#,,,,*159043# US (San Jose)

+16694449171,,89110712785#,,,,*159043# US

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+1 669 900 6833 US (San Jose)

+1 669 444 9171 US

Meeting ID: 891 1071 2785

Passcode: 159043

Find your local number: <https://us02web.zoom.us/j/89110712785?pwd=Z3VxWncvL3hBN0R0WEZtdG9uL0tldz09>

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

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

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. **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 2 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; 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Conant, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599 (PCFFA v. Glaser or GBP Citizen

- Suit)
- C. City of Fresno, et al. v. United States, U.S. Court of Appeals for the Federal Cir., Case No. 22-1994; U.S. Court of Federal Claims, Case No. 1:16-cv-01276 (2014 Friant Div. Operations)
 - D. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002852; Third District Court of Appeal, Case No. C093513 (Waste Discharge Requirement Cases)
 - E. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002898, Third District Court of Appeal Case No. C097948 (Delta Plan Amendment Cases)
 - F. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced Co. Superior Court, Case No. 19CV-04989; Fifth District Court of Appeal, Case No. F085972 (GBP Long-Term Storm Water Management Plan)
 - G. 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 (ROC on LTO BiOps)
 - H. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426 (ROC on LTO BiOps)
 - I. CDWR Water Operation Cases, Sacramento Co. Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al., Fresno Co. Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
 - J. 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)
 - K. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
 - L. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
 - M. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)
4. Return to Open Session / Report from Closed Session, if any Required by Government Code Section 54957.1
 5. 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.

6. **Board of Directors to Consider Approval of April 6, 2023 Meeting Minutes, and April 17, 2023 Workshop Minutes**
7. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**
8. **Board of Directors to Consider Finance & Administration Committee Recommendation to Board of Directors to Accept the Treasurer's Report for the Quarter Ending March 31, 2023**
9. **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

10. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Appointment of Representatives to State and Federal Contractors Water Agency Board of Directors, Barajas**
11. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Adoption of Staff Recommendation for Positions on Legislation, Petersen**
 - a. H.R. 872 (Calvert), Federally Integrated Species Health (FISH) Act
 - b. H.R. 2419 (Costa), Canal Conveyance Capacity Restoration Act

- c. H.R. 2671 (Costa), To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.
 - d. AB 939 (Pellerin), Santa Clara Valley Water District
 - e. AB 1469 (Kalra), Santa Clara Valley Water District
 - f. AB 1594 (Garcia), Medium- and heavy-duty zero-emission vehicles: public agency utilities
 - g. AB 345 (Wilson), Habitat Restoration: flood control: advance payment
 - h. SB 493 (Min), Air pollution: alternative vehicles and electric and hydrogen infrastructure
 - i. SB 550 (Grove), Water markets
 - j. SB 659 (Ashby), California Water Supply Solutions Act of 2023
 - k. AB 754 (Papan), Water management planning: automatic conservation plan
 - l. AB 1205 (Bauer-Kahan), Water rights: sale, transfer, or lease: agricultural lands
12. **Board of Directors to Consider Water Resources and Finance & Administration Committee Recommendations Regarding Adoption of Resolution Authorizing Award of Contract, Execution of Construction Agreement for O’Neill Pumping-Generating Plant Power Transformer Rehabilitations, and Expenditure of up to \$3.2 Million from the FY22 and FY23, EO&M Budgets; CEQA Exemption, Martin/McNeil**
 13. **Board of Directors to Consider Finance & Administration Committee Recommendation Regarding OM&R Rate Setting Methodology/Practice, Tarka**
 14. **Board of Directors to Consider Acceptance of Delta-Mendota SGMA Coordination Committee Recommendation Regarding \$225,200 Increase to Activity Agreement (Fund 63) Budget for SGMA Support Services for the Delta-Mendota Subbasin, Petersen**

Report Items

15. Report on State and Federal Affairs, Petersen/Dennis Cardoza/Kristin Olsen
16. Executive Director’s Report, Barajas (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)
17. Chief Operating Officer’s Report, Martin
(May include reports on activities related to 1) OM&R; 2) Infrastructure Projects; 3) Water transfers, exchanges, and release program)
18. Update on Water Operations and Forecasts, Bureau of Reclamation
19. Committee Reports:
 - a. Water Resources Committee Activities, Bourdeau
 - b. Finance & Administration Committee Activities, Hansen
 - c. O & M Technical Committee Activities, White
20. 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
 - f. San Joaquin Valley Collaborative Action Program
 - g. Central Valley Project Water Association
21. Board Member Reports
22. Reports Pursuant to Government Code Section 54954.2(a)(3)
23. 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, 842 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org. Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

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/>.

SLDMWA BOARD OF DIRECTORS REGULAR MEETING
TELEPHONIC LOCATIONS
May 4, 2023

2180 Enrico Avenue
Firebaugh, CA 93622

HQ. Building Boardroom
5700 Almaden Expressway
San Jose, CA 95123