



**Notice of San Luis & Delta-Mendota Water Authority
Board of Directors Regular Meeting
Thursday, December 8, 2022, 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/88022839320?pwd=Kzq5UE1PdXhwTWRzYXVHQU4rT0JIUT09>

**Meeting ID: 880 2283 9320
Passcode: 322788**

One tap mobile

**+12532158782,,88022839320#,,,,*322788# US (Tacoma)
+13462487799,,88022839320#,,,,*322788# US (Houston)**

Dial by your location

**+1 669 444 9171 US
+1 669 900 6833 US (San Jose)**

**Meeting ID: 880 2283 9320
Passcode: 322788**

Find your local number: <https://us02web.zoom.us/j/88022839320?pwd=Kzq5UE1PdXhwTWRzYXVHQU4rT0JIUT09>

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.

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 November 7, 2022 Meeting Minutes**
5. **Board of Directors to Consider Acceptance of Financial & Expenditures Reports**
6. **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

- 7. **Board of Directors to Consider Resolution Adopting the 2023 Regular Meeting Calendar for the San Luis & Delta-Mendota Water Authority Board of Directors, Water Resources Committee, and Finance & Administration Committee, Barajas**
- 8. **Board of Directors to Consider Resolution Recognizing the Service and Contributions of Thomas W. Birmingham, General Manager of Westlands Water District, Barajas**
- 9. **Board of Directors to Consider Water Resources Committee Recommendation Regarding Adoption of Fiscal Year 2024 Objectives, Barajas**
- 10. **Board of Directors to Consider Authorizing Execution of Amendment to Professional Services Agreement for DMC Subsidence Mitigation Geotechnical Exploration Work, Issuance of Notice to Proceed for Phases 2 and 3, and Expenditure of up to \$2,708,556, Arroyave**
- 11. **Board of Directors to Consider Authorizing Los Vaqueros Reservoir Expansion Project Activity Agreement Expenditure of up to \$1,094,000 in FY23 to Fund Amendment No. 4 to the Cost Share Agreement for Los Vaqueros Reservoir Expansion Project Planning, Arroyave**

Report Items

- 12. Report on State and Federal Affairs, Petersen/Dennis Cardoza/Kristin Olsen
- 13. 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)
- 14. Chief Operating Officer's Report, Arroyave
 - a. BIL Aging Infrastructure Funding Application Resolution
 - b. May include reports on activities related to 1) OM&R; 2) Infrastructure Projects; 3) Water transfers, exchanges, and release program
- 15. Update on Water Operations and Forecasts, Boardman
- 16. Committee Reports:
 - a. Water Resources Committee Activities, Birmingham
 - b. Finance & Administration Committee Activities, Gilmore
 - c. O & M Technical Committee Activities, White
- 17. 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
- 18. Board Member Reports
- 19. **CLOSED SESSION**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director
Title: General Counsel

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section

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 – 1 potential case

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-JLT-EPG, 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Glaser and San Luis & Delta-Mendota Water Authority, U.S. District Court, E.D. Cal., Case No. 2:11-CV-02980-DAD-CKD (PCFFA v Glaser or GBP Citizens 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-EDK (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; Central Delta Water Agency v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002900; Friends of the River v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002901; California Water Impact Network v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002904 (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 (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-JLT-EPG (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-JLT-EPG (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-JLT-EPG (Long-Term Water Transfers EIS/EIR)
- K. Winnemem Wintu Tribe et al. v. State Water Resources Control Board et al., Merced Co. Superior Court, Case No. 21CV-02721 (GBP Waste Discharge Requirements)
- L. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21-CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
- M. 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)
- N. 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)

20. Return to Open Session / 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 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/>.

December 8, 2022

2180 Enrico Avenue
Firebaugh, CA 93622

1331 Garden Highway
2nd Floor
Sacramento, CA 95833

3580 Sierra Road
San Jose, 95132

15685 La Bella Court
Morgan Hill 95037