



Meeting: **Joint Sites Reservoir Committee &
Authority Board**

**August 18, 2023
9:00 AM – 12:00 PM**

Authority Board Chair: Fritz Durst (Reclamation District 108)
Authority Board Vice Chair: Jeff Sutton (Tehama-Colusa Canal Authority)
Reservoir Committee Chair: Valerie Pryor (Zone 7 Water Agency)
Reservoir Committee Vice-Chair: Mike Azevedo (Colusa County)
Treasurer: Jamie Traynham (Davis Water District)

MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Vice-Chair Sutton called the Joint Authority Board (AB) and Reservoir Committee (RC) Meeting to order at 9:00 a.m., followed by Roll Call and the Pledge of Allegiance.

ROLL CALL/ATTENDANCE:

Authority Board roll call, 7 members present, meeting the quorum requirement.

Reservoir Committee roll call, 20 representatives present, meeting the quorum requirement with an attendance rate of 94.1%.

INTRODUCTIONS:

The Sites staff, consultants and members of the public introduced themselves.

AGENDA APPROVAL:

ACTION RC: Moved by Mr. Vanderwaal, seconded by Mr. Tincher, to approve the August 18, 2023, meeting agenda. **Motion carried unanimously.**

ACTION AB: Moved by Director Evans, seconded by Director Allen, to approve the August 18, 2023, meeting agenda. **Motion Carried: All Directors present voted yes.**

ANNOUNCEMENT OF CLOSED SESSION:

General Counsel (GC) Doud announced that the Authority Board of Directors and the Reservoir Committee Members would consider Closed Session matters on agenda item 5.1.

9:10 Director Parker joined the meeting.

PERIOD FOR PUBLIC COMMENT:

Vice-Chair Sutton called for a period of public comment. Hearing none, he closed the period for public comment.

1. **CONSENT AGENDA:**

Chair Pryor and Vice-Chair Sutton made time to consider consent agenda items 1 through 5 as follows:

- 1.1 Reservoir Committee and Authority Board consider approval of June 16, 2023, Joint Reservoir Committee and Authority Board Meeting Minutes.
- 1.2 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority Treasurer's Report.
- 1.3 Reservoir Committee and Authority Board consider approval of the Payment of Claims.
- 1.4 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority's Second Quarter 2023 Budget Year Quarterly Financial Report. **(Attachments A)**
- 1.5 Reservoir Committee and Authority Board to consider approval of a contract amendment with BGT Consulting for the performance period ending December 31, 2024, to increase the Amendment 3 contract authority from \$100,000 to a new not to exceed total task order amount of \$260,000.

ACTION RC: Moved by Mr. Azevedo, seconded by Mr. Bettner, to approve Consent Agenda items 1 through 5. **Motion carried unanimously.**

ACTION AB: Moved by Director Allen, seconded by Director Evans, to approve Consent Agenda items 1 through 5. **Motion Carried: All Directors present voted yes.**

2. **ACTION ITEMS:**

- 2.1 Reservoir Committee and Authority Board consider approval and authorize the Executive Director to execute a Cooperative Agreement between the Sites Project Authority and Reclamation District No. 108 (RD108) regarding the use of existing Partner Facilities and development and operation of new infrastructure.

9:12 Mr. Vanderwaal and Mr. Doherty vacated the building for this item.

Executive Director (ED) Brown introduced this item on this new development for the project of the partnership of RD108.

Mr. Robinette gave an overview of the agreement noting that no single entity owns or controls operations of the drain. RD108 has been valuable in coordinating with landowners and agencies along the drain and ridge cut. The

agreement is the first step toward integrating the Sites Project use into the drain and Ridge Cut.

The agreement provides for RD108 to receive reimbursement for the activities of planning for the use of the drain and not around participation of the RC and AB. RD108 is not specified in the Joint Powers Agreement as a facility partner because at the time, the drain was not contemplated for us; however a "Section 2.5 like" term is included in this agreement to allow them to represent the drain and ridge cut on decisions related to the project.

Mr. Robinette continued with the related item regarding principles around the Sites Authority's use of the drain from the June 2023 board meeting and his appreciation for partnering and collaborating with local area representatives.

Cheng asked if this was for the planning portion and Mr. Robinette confirmed yes, that there would be a facility agreement and possibly other design and construction agreements. Executive Director Brown highlighted that section 2.5 coverage would be proposed to incorporate into the JPA revisions for Phase 3/4/5.

Director Sutton noted the interesting nuance of the agreement over property that neither the Authority nor RD108 control.

Mr. Neudeck asked about the planning and operations. Mr. Robinette clarified that potential improvements in specific properties may be needed to avoid causing floods due to our project. He also mentioned that the Project is working with DWR on the coordination with the KLOG.

ACTION RC: Moved by Mr. Bettner, seconded by Ms. Traynam to approve agenda item 2.1. **Motion carried unanimously.**

ACTION AB: Moved by Director Evans, seconded by Director Schmitz, to approve agenda item 2.1. **Motion Carried: All Directors present voted yes.**

9:27 Mr. Vanderwaal and Mr. Doherty returned to the meeting which followed conclusion of Item 2.1.

3. DISCUSSION AND INFORMATION ITEMS:

3.1 Review and comment on the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) status briefing in preparation for approval of the Project, public release and admin record preparation.

Ms. Forsythe gave an overview of the public rollout for the RDEIR/SDEIS which includes notices in development, video segments and written material. These materials will also be translated into Spanish. Release of the document to the

public is anticipated to occur on October 9, 2023, and will be posted on our website.

Ms. Forsythe continued with the importance of the Admin Record, also called “Record of Proceedings” in litigation. This provides the record that forms the foundation of litigation. We are preparing the Record with the requirements of SB149 and California Rules of Court.

An overview of what is to be included in the record was provided.

Mr. Kunde asked if meeting recordings are included, and Ms. Forsythe will check with legal counsel.

ED Brown concluded that all members should try to attend the October board meeting in person in anticipation of considering final approval of the Final EIR/EIS.

3.2 Review and comment on the approach for further developing the contracting strategy for terrestrial biological mitigation.

Ms. Forsythe reviewed the three planning principles as follows; 1) mitigation acquisition will be sequenced and timed to avoid impacting construction progress, 2) Project remains open to allowed approaches to providing mitigation and 3) mitigation contracting strategy needs to align with the July 2022 Board adopted contracting strategy.

Mr. Azevedo asked where the 10% stay ahead originated and Ms. Forsythe explained that is the industry standard, 10% is exclusive to the listed species impacts. ED Brown stated some discussions and negotiations can take place on how far and long the mitigation must be advanced to comply with the stay ahead but that the % for stay ahead is relatively fixed. Discussions in this regard are underway.

Director Sutton asked about the potential for some onsite mitigation. Ms. Forsythe commented on remaining open to the different mitigation options, each process for implementation, and potential trade-offs.

Mr. Weghorst asked if we would be asked to fund endowments. Yes, currently staff is unaware of any provisions in law that would allow endowments to not be used.

Mr. Bettner asked if there is any capacity with existing banks. Ms Forsythe responded that existing banks were possible but they likely do not contain adequate capacity for the entire needs of the project. He continued to ask if we will pay to build a bank so why can we not build our own bank? Ms. Forsythe responded that for the smaller ones, we can use existing banks. But might consider a large contract for the larger portions.

Ms. Forsythe continued with the mitigation contracting strategy needed to align with the July 2022 Board Adopted Contracting Strategy, reviewing the values, vision and packaging work along with delivery methods.

Director Evan asked how we define success and who decides that. Ms. Forsythe stated that will be defined in the permit.

ED Brown explained we need to guide this activity and be careful in vendor communications with landowners and their activities and not to confuse individuals.

Mr. Neudeck commented on seeking contractors and industry input on the draft strategy. Ms. Forsythe confirmed we would draft the strategy, reach out to review the strategy, and then would conduct a workshop similar to the construction contract strategy. Director Evans added he wanted a consultant working for Sites Project Authority.

3.3 Review and comment on a status update of amendments to the Joint Powers Agreement (JPA) and updated Bylaws being prepared, which, with the Benefits & Obligations Contract will codify the governance structure for Phase 3/4/5.

ED Brown introduced this item as a check-in and GC Doud is working on the draft JPA and Bylaws Amendment. The Governance Ad Hoc Committee identified a few areas to discuss and would like to receive feedback. He discussed what are the Reserved powers of the JPA and what are the delegated powers made to the RC and the durability of the legal aspects of that. He identified additional areas of shared decision-making and the various dispute resolutions of each entity area.

GC Doud presented the safeguards for Sacramento Valley interests including AB being the “owner” of the assets and assigns capacity rights to Storage Partners, AB secures project debt, shared decision-making in specified categories, changes to the JPA agreement, shared decision and changes to Bylaws requiring joint decisions of 75% of AB and 75% of RC.

Director Sutton added this came from a series of Governance Ad Hoc Committee meetings. Highlighting the development of going from quarterly to monthly joint board meetings and the trust and partnership developed over that time have been tremendous.

Mr. Neudeck voiced concerns and asked if the Sites Authority can delegate these delegations legally. Director Sutton said the concerns are well noted and want to ensure everyone is clear and comfortable. ED Brown said that AG Doud has prepared a legal analysis addressing the raised concerns and will distribute to the RC and AB.

Director Sutton encouraged all members to submit any concerns as soon as possible for this critical effort.

Mr. Kunde stated that both the Authority Board and the Reservoir Committee are looking for assurances and urged everyone to take the time now and review this critical information.

- 3.4 Receive and comment on a status update of deliverables needed to support home board decision-making (i.e., conditions precedent) when considering execution of the Sites Reservoir Benefits and Obligations Contract and initiating project financing.

ED Brown presented on staff generating a new Condition Precedence Report which includes dates of milestone events such as Water Right permit, loan agreement or going into construction. This will assist participants with the timing of home board approvals.

4. REPORTS:

4.1 Chairpersons' Reports:

Chair Pryor reported her attendance at a Benefits & Obligation workshop. The work impressed her a lot as it was executed very well.

Mr. Tincher attended the landowner's meetings and was able to compare them to the previous meetings. Mentioned that at the local Maxwell meeting concerns were raised regarding local control and wanted to further discuss how the appraisals and acquisitions are done. The attendees of the Dunnigan meeting were more concerned about the canal operations. Mr. Kunde also attended and applauded Mr. Robinette's approach to maximizing local involvement at the Dunnigan meeting.

4.1 Committee & Workgroup Chairpersons' Reports:

Director Evans reported there were fewer individuals at a landowner meeting in Maxwell and agreed with Mr. Tincher's comments above. Mr. Spesert mentioned these meetings are targeted with the landowners involved. We are planning a Land Management Committee meeting on September 11.

Mr. Spesert announced a Legislative and Outreach Committee Meeting on August 30. This meeting will be to provide an update on government and affairs, and communication update and the roll out of the environmental document.

Mr. Kunde gave an overview of the Operations and Engineering Workgroup which held a discussion on the procurement strategy and Division of Safety and Dams. Everything is proceeding and have not run into any major issues. Special O&E Workgroup on September 13.

Ms. Forsythe reported the Environmental Planning and Permitting Workgroup had a good discussion of the EIR/EIS, Admin Record and mitigation.

4.3 Authority Board & Reservoir Committee Participant Reports:

No additional reports.

4.4 Executive Director’s Reports:

ED Brown mentioned that a website link has been added to the Board Agenda to provide an easy way for board members to review the monthly Committees & Workgroups agendas (Committee and Workgroup Agendas).

Provided an update on the SB149 Application and updated timeline.

Announced that he sent out a memorandum regarding conduct to the consultants and discussed how this applied to board members.

Vice-Chair Sutton declared a recess at 10:54 a.m. to convene into Closed Session.

5. CLOSED SESSION:

5.1 Negotiations concerning water right permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).

Vice-Chair Sutton adjourned Closed Session at 11:49 a.m. and reconvened into Open Session.

6. REPORT FROM CLOSED SESSION:

GC Doud stated that no reportable action was taken on Closed Session matters.

7. Upcoming Meetings:

Joint Reservoir Committee & Authority Board

Friday, September 22, 2023 (9:00 am – 12:00 pm)

Maxwell Project Office & Virtual

Vice-Chair Sutton adjourned the Joint Reservoir Committee and Authority Board Meeting at 11:53 a.m.



Jeff Sutton, Authority Board Vice-Chair



Valerie Pryor, Reservoir Committee Chair



Marcia Kivett, Acting Board Clerk

Current Voting Authority Board (9)		Primary		Alternate
Colusa County	<input checked="" type="checkbox"/>	Gary Evans	<input checked="" type="checkbox"/>	Mike Azevedo
Colusa County Water District	<input type="checkbox"/>	Joe Marsh	<input type="checkbox"/> <input checked="" type="checkbox"/>	Hal Charter Shelly Murphy
Glenn County	<input type="checkbox"/>	Thomas Arnold	<input type="checkbox"/>	Jim Yoder
Glenn-Colusa Irrigation District	<input type="checkbox"/>	Logan Dennis	<input type="checkbox"/> <input type="checkbox"/>	John Amaro
Reclamation District 108	<input type="checkbox"/>	Fritz Durst	<input checked="" type="checkbox"/> <input type="checkbox"/>	Sean Doherty Hilary Reinhard
Placer County Water Agency	<input checked="" type="checkbox"/>	Gray Allen	<input type="checkbox"/>	Joshua Alpine
Tehama-Colusa Canal Authority	<input checked="" type="checkbox"/>	Jeff Sutton	<input type="checkbox"/>	Halbert Charter
Sacramento County	<input checked="" type="checkbox"/>	Kerry Schmitz	<input type="checkbox"/>	Mike Peterson
Westside Water District	<input checked="" type="checkbox"/>	Doug Parker	<input type="checkbox"/> <input checked="" type="checkbox"/>	Zach Dennis Dan Ruiz

Associate Members (non-voting)		Primary		Alternate
Western Canal Water District	<input type="checkbox"/>	Greg Johnson	<input checked="" type="checkbox"/>	Ted Trimble

Non-Voting Committee Participants (2)		Primary		Alternate/Other
Department of Water Resources	<input checked="" type="checkbox"/>	Rob Cooke	<input checked="" type="checkbox"/> <input type="checkbox"/>	Jagruti Maroney Itzia Rivera
Bureau of Reclamation	<input type="checkbox"/> <input checked="" type="checkbox"/>	Richard Welsh Allison Jacobson	<input type="checkbox"/> <input checked="" type="checkbox"/>	Don Bader Natalie Taylor

Current Voting Reservoir Committee (22)		Primary		Alternate
American Canyon, City	<input type="checkbox"/>	Jason Holley	<input type="checkbox"/>	
Antelope Valley-East Kern WA	<input type="checkbox"/>	Matt Knudson	<input type="checkbox"/>	Dan Flory
Coachella Valley Water District	<input checked="" type="checkbox"/>	Robert Cheng	<input type="checkbox"/>	Petya Vasileva
Colusa County	<input checked="" type="checkbox"/>	Mike Azevedo	<input checked="" type="checkbox"/>	Gary Evans
Colusa County Water District	<input type="checkbox"/>	Halbert Charter	<input checked="" type="checkbox"/>	Shelly Murphy
Cortina Water District	<input type="checkbox"/>	Jim Peterson	<input type="checkbox"/> <input checked="" type="checkbox"/>	Chuck Grimmer Jamie Traynham
Davis Water District	<input checked="" type="checkbox"/>	Jamie Traynham	<input type="checkbox"/>	Tom Charter

Joint Meeting Attendance

August 18, 2023

Agenda Item 1.1, Attachment B

9:00 AM-Noon

Desert Water Agency	<input type="checkbox"/>	Mark Krause	<input checked="" type="checkbox"/>	Steve Johnson
Dunnigan Water District	<input checked="" type="checkbox"/>	Bill Vanderwaal	<input type="checkbox"/>	
Glenn-Colusa Irrigation District	<input checked="" type="checkbox"/>	Thad Bettner	<input type="checkbox"/>	Greg Krzys
Irvine Ranch Water District	<input checked="" type="checkbox"/>	Paul Weghorst	<input type="checkbox"/>	Kellie Welch
LaGrande Water District	<input type="checkbox"/>	Zach Dennis	<input checked="" type="checkbox"/>	Mike Urkov
Metropolitan Water District	<input checked="" type="checkbox"/>	Randall Neudeck	<input type="checkbox"/> <input type="checkbox"/>	Nina Hawk Sam Smalls
RD 108	<input checked="" type="checkbox"/>	Bill Vanderwaal	<input checked="" type="checkbox"/>	Lewis Bair
Rosedale-Rio Bravo Water District	<input checked="" type="checkbox"/>	Trent Taylor	<input type="checkbox"/>	Dan Bartel
San Bernardino Valley Water District	<input checked="" type="checkbox"/>	Bob Tincher	<input type="checkbox"/>	Heather Dyer
San Geronio Pass Water Agency	<input checked="" type="checkbox"/>	Lance Eckhart	<input checked="" type="checkbox"/> <input type="checkbox"/>	Thomas Todd Emmett Campbell
Santa Clara Valley Water District	<input type="checkbox"/>	Cindy Kao	<input checked="" type="checkbox"/>	Katherine Maher
Santa Clarita Valley Water Agency	<input checked="" type="checkbox"/>	Steve Cole	<input type="checkbox"/>	Ali Elhassan
Westside Water District	<input type="checkbox"/>	Allen Myers	<input checked="" type="checkbox"/>	Dan Ruiz
Wheeler Ridge-Maricopa WSD	<input checked="" type="checkbox"/>	Rob Kunde	<input type="checkbox"/>	Sheridan Nicholas
Zone 7 Water Agency	<input checked="" type="checkbox"/>	Valerie Pryor	<input checked="" type="checkbox"/>	Lillian Xie

Authority, Non-Signatory (6)		Primary		Alternate
PCWA	<input type="checkbox"/>	Ed Horton	<input type="checkbox"/>	Ben Barker
Roseville	<input type="checkbox"/> <input type="checkbox"/>	George Hanson Scott Alvord	<input type="checkbox"/> <input type="checkbox"/>	Sean Bigley Trevor Joseph
City of Sacramento	<input type="checkbox"/>	TBD	<input type="checkbox"/>	Brett Ewart

Sites Project Authority:

<input checked="" type="checkbox"/>	Jerry Brown	<input checked="" type="checkbox"/>	Ali Forsythe	<input checked="" type="checkbox"/>	Kevin Spesert
<input checked="" type="checkbox"/>	JP Robinette	<input checked="" type="checkbox"/>	Joe Trapasso	<input checked="" type="checkbox"/>	Marcia Kivett
<input checked="" type="checkbox"/>	Alan Doud				

Public Attendance

<i>Name</i>	<i>Representing</i>	<i>Name</i>	<i>Representing</i>
Molly West	Colusa-NSN	Amy Young	CWC
Quang D. Tran	Southland Holdings	Mike Smith	AECOM
Eric Patterson	Kiewit	Jennifer Peters	KKCS World
Amy Aguer	SCVWA	Grace Lue	AECOM
Richard Newens	HDR	Linadria Porter	Catalyst Group
Juleah Cordi	Office of Assembly Member James Gallagher	Erin Huang	Jacobs
Sara Katz	Katz & Associates	Scott Brown	LWA
Ayoub Antabeel	MWH Constructors	Summer Shadley	Maxwell School District
Henry Luu	HDR	Conner McDonald	CMD West
Mark Shafer	GCINC	Caitlin Nielsen	HDR
Laurie Warner Herson	Phenix	John Spranza	HDR
Elizabeth Foss	Zone 7	Darcy Taylor	Ghirardelli Assoc.
Angela Smelser	Colusa Tribe	Marcus Maltby	Brown and Caldwell
Andy Fecko	Placer County	Wendy Taylor	Colusa County