

Reservoir Committee & Authority Board

November 15, 2024

Authority Board Chair:	Fritz Durst (Reclamation District 108)
Authority Board Vice Chair:	Jeff Sutton (Tehama-Colusa Canal Authority)
Reservoir Committee Chair:	Mike Azevedo (Colusa County)
Reservoir Committee Vice Chair:	Robert Kunde (Wheeler Ridge-Maricopa Water Storage District)
Treasurer:	Jamie Traynham (Davis Water District)

MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Chair Durst called the Authority Board (AB) and Reservoir Committee (RC) Meeting to order at the hour of 9:01 a.m., followed by Roll Call and the Pledge of Allegiance.

ROLL CALL/ATTENDANCE:

Authority Board: 8 members in attendance, resulting in a quorum.

Reservoir Committee: 16 representatives (88.69%) in attendance, resulting in a quorum.

INTRODUCTIONS:

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

AGENDA APPROVAL:

ACTION RC: Moved by Ms. Traynham, seconded by Ms. Pryor, to approve the November 15, 2024, meeting agenda. **Motion carried unanimously**.

ACTION AB: Moved by Vice Chair Sutton, seconded by Director Vanderwaal, to approve the November 15, 2024, meeting agenda. Motion Carried: All Directors present voted yes.

ANNOUNCEMENT OF CLOSED SESSION:

General Counsel (GC) Doud announced the Authority Board of Directors, and the Reservoir Committee Members would consider Closed Session matters 5.1 and 5.2.

PERIOD FOR PUBLIC COMMENT:

Chair Durst called for a period of public comment.

One member of the public, representing Nor Cal Carpenters Union, made comments related to the Union's appreciation of important labor requirements and standards and stated that the Union is looking forward to the Sites Project coming to fruition.

1. CONSENT AGENDA:

For the Committee, Mr. Cheng asked to pull Item 1.4 for discussion, and Chair Azevedo asked to pull Item 1.6. Before moving to those items, Director Vanderwaal asked if Item 1.3 had recently been updated, staff responded it had.

ACTION RC: Vice Chair Kunde moved, seconded by Mr. Dennis approval of the Consent Calendar Items 1.1, 1.2, 1.3, and 1.5 for the Reservoir Committee and recommend approval to the Authority Board. The **motion carried unanimously**.

1.4 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority's Third Quarter 2024 Budget Year Quarterly Financial Report.

Mr. Cheng asked about the unrestricted contingency release table and asked if the figure is approaching \$50k, Mr. Maltby answered that the figure is \$30k and confirmed that the \$30k is in the plan.

ACTION RC: Mr. Cheng moved, seconded by Vice Chair Kunde to approve Consent Item 1.4 for the Reservoir Committee and recommend approval to the Authority Board. The **motion carried unanimously**.

1.6 Authority Board considers approval of membership dues covering Authority general and administrative costs estimated to not exceed \$410,000 in fiscal year 2025, which equates to dues per member of \$45,000 (9 members total) and \$5,000 per Associate Member (1 member total). Authorize release of invoices in January 2024.

Chair Azevedo asked to correct a typo that incorrectly read, "releases of invoices in January 2024," noting that it should be written as "2025."

<u>ACTION RC</u>: Ms. Traynham moved, seconded by Mr. Navarrot to approve Consent Item 1.6 4 for the Reservoir Committee and recommend approval to the Authority Board. The **motion carried unanimously**.

Chair Durst and Chair Azevedo noted consideration of consent agenda items 1.1 through 1.6, with corrections as noted above by the Committee, as follows:

- 1.1 Reservoir Committee and Authority Board consider approval of October 18, 2024, Reservoir Committee and Authority Board Meeting Minutes. (Attachments A & B)
- 1.2 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority Treasurer's Report. (Attachments A & B)

- 1.3 Reservoir Committee and Authority Board consider approval of the Sites Project Authority Payment of Claims. (Attachments A & B)
- 1.4 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority's Third Quarter 2024 Budget Year Quarterly Financial Report.
- 1.5 Reservoir Committee and Authority Board consider approval for payment of the California Independent System Operator Interconnection Application Cluster 15 resubmission fees which are partially refundable.
- 1.6 Authority Board considers approval of membership dues covering Authority general and administrative costs estimated to not exceed \$410,000 in fiscal year 2025, which equates to dues per member of \$45,000 (9 members total) and \$5,000 per Associate Member (1 member total). Authorize release of invoices in January 2024.

<u>ACTION AB</u>: Director Vanderwaal moved, seconded by Director Evans to approve Consent Agenda items 1.1 through 1.6, with the Committee's corrections, for the Authority Board. **Motion carried**: **All Directors present voted yes.**

2. ACTION ITEMS:

2.1 Reservoir Committee and Authority Board consider authorizing the Executive Director to proceed with completing and issuing the Reservoir Construction Manager At Risk Request For Qualifications. (Attachments A & B)

Executive Director (ED) Brown introduced the item and explained the action before the bodies is to get concurrence to proceed with obtaining a constructor, not to authorize construction. He explained a constructor is necessary in order to proceed with progress.

Vice Chair Kunde noted the Operations & Engineering subgroup discussed this item the week prior and approved it.

Mr. Robinette reviewed how bringing a constructor on now will elevate work and allow for progress; he noted there is a Phase II budget set-aside to get the constructor entity started, and further stated the contract strategy/policy has received feedback which has been integrated.

Mr. Robinette explained the benefits of engaging a Reservoir Construction Manager At Risk (CMAR), including early cost certainty, coordination of design and project, and increased flexibility. He said CMAR is a component of market competition, considers community alignment, and allows coordination with regulators and permitting. Engaging CMAR now secures talent and fills critical gaps, allowing the project to move quickly after investor commitment.

Mr. Robinette reviewed the processes to date and the flow of activities leading to the current status. He said the CMAR checklist is complete and reviewed next steps which

include establishing a Reservoir CMAR evaluation committee and issuing the Request for Qualifications (RFQ), and the related steps related to initiating procurement.

ED Brown noted the importance of recognizing the self-performance piece, explaining that when the project procures a CMAR for a reservoir, the project is in essence choosing the contractor who will build the dams. He reminded the Committee and Board that this process does not go through a "low bid" process only, but rather the contractor will be selected and then the agency will negotiate a price. This is a competitive way of accomplishing the work.

Vice Chair Sutton stated he supports this approach, and asked if the process doesn't go well during the pricing phase, if there is a way to exit the negotiation, and ED Brown said yes.

Director Parker noted a benefit of utilizing CMAR is it will help ensure the constructor utilizes building information modeling.

Mr. Cheng agreed there are many merits for using CMAR and asked about insurances and guaranteed maximum pricing which include insurance. ED Brown noted the procurement process has multiple steps, including RFP, where more clarity will be provided with more specific information related to insurances.

ACTION RC: It was moved by Vice Chair Kunde, seconded by Mr. Pryor to recommend approval of agenda item 2.1 to the Authority Board. **Motion carried unanimously.**

<u>ACTION AB</u>: It was moved by Director Kaplan, seconded by Vice Chair Sutton to approve agenda item 2.1. Motion carried: All Directors present voted yes.

2.2 Reservoir Committee and Authority Board consider approval of an updated Procurement and Contract Policy. (Attachment A)

Mr. Trapasso introduced this item, noting staff has reviewed the latest federal procurement requirements and revised current approved procurement and contract requirements. He stated that new requirements at the federal level are extensive and challenging.

Mr. Trapasso explained staff will provide the Committee and Board with a detailed administrative payment and procedure document at a later date.

ACTION RC: It was moved by Mr. Dennis, seconded by Mr. Navarrot, to recommend approval of agenda item 2.2 to the Authority Board. Motion carried unanimously.

<u>ACTION AB</u>: It was moved by Director Vanderwaal, seconded by Director Allen to approve agenda item 2.2. Motion carried: All Directors present voted yes.

2.3 Reservoir Committee and Authority Board consider approval to adjust total consultant contract authority for specified consultant contracts to cover revised Fiscal Year 2025 scope items.

ED Brown explained some of the consultant contracts are coming back to the Committee and Board for adjustments. Mr. Maltby reviewed the annual process for contracting work and the steps involved. He said the matter before the Committee and Board is the adjustment to the contracts, noting there are not changes to the budget, but rather, application of the budget to the consultants. He reviewed the table in the attachment and noted that it applies to those consultants requesting increases.

ACTION RC: It was moved by Ms. Traynham, seconded by Ms. Pryor, to recommend approval of agenda item 2.3 to the Authority Board. Motion carried unanimously.

ACTION AB: It was moved by Vice Chair Sutton, seconded by Director Vanderwaal to approve agenda item 2.3. **Motion carried**: **All Directors present voted yes.**

2.4. Reservoir Committee and Authority Board consider authorization of a monthly compensation adjustment and extending the term of the contracts to June 30, 2026, for the consulting contracts with the Executive Director and certain Authority Agents.

ED Brown introduced this item and explained the contracts referred to in this item are for contractors, not employees. He said approval of this item would make adjustments to the monthly invoicing amounts and would extend contracts.

<u>ACTION RC</u>: It was moved by Vice Chair Kunde, seconded by Ms. Traynham, to recommend approval of agenda item 2.4 to the Authority Board. **Motion carried unanimously.**

ACTION AB: It was moved by Vice Chair Sutton, seconded by Director Kaplan to approve agenda item 2.4. Motion carried: All Directors present voted yes.

3. **DISCUSSION AND INFORMATION ITEMS**:

3.1 Receive an overview of the Project's Incidental Take Permits for construction and operations from the California Department of Fish and Wildlife.

Ms. Forsythe opened the item, and explained the Authority received two Incidental Take Permits (ITPs), which is a substantial accomplishment. She went over the activities involved in securing the two ITPs in October, noting they are needed to construct and operate Project facilities.

Ms. Forsythe reviewed the species that are covered, and the term, mitigation measures, and conditions of approval. She discussed next steps, which include review and preparation to implement terms and conditions, and she reviewed future considerations in the construction ITP, such as species considerations and design modifications.

Ms. Forsythe reviewed the operations ITP species and term, and the considerations related to avoidance, minimization, and mitigation related to bypass flows, flow dependent diversions, plans and technical studies, and compensatory mitigation.

Vice Chair Kunde made comments about Sites' diversions and asked about adaptive management; Ms. Forsythe said there are studies where Sites will partner with others in the Sacramento River System and possibly seek grant funding. She noted the project has an obligation to undertake the studies, but there isn't a limitation on partnering with others.

Ms. Forsythe noted timelines for technical study plans and kickoff early in 2025.

ED Brown suggested home board chairs write to California Department of Fish and Wildlife (CDFW) expressing appreciation for those who did a lot of work culminating in this huge accomplishment.

Hearing no further comments or questions, the Board and Committee moved on to Item

3.2 Receive an annual overview of various laws concerning conflicts of interest applicable to public officials.

ED Brown opened this item, noting that Committee and Board members should be aware of the laws related to conflicts of interest within their roles, and said members should seek the advice of their home board attorneys.

Ms. Kaplan noted there is an increase to the amount of raised money limits.

Hearing no questions, the meeting moved to Item 4, Reports.

<u>4.</u> <u>REPORTS</u>:

4.1 Chairpersons' Reports:

Chair Azevedo noted Colusa County met with a broadcasting firm and he met with them to discuss his observations about building a reservoir.

Chair Durst reminded everyone that due to the election, there will be new leaders in the area and asked everyone to educate communities on the project where possible. He also said he is working on organizing a tour with a commercial fisherman to help provide education.

Vice-Chair Sutton had no report.

4.2 Committee & Workgroup Chairs' Reports:

Operations & Engineering: Vice-Chair Kunde noted the O&E committee met last week and he thanked the contracts sub-workgroup and others for assisting with the development of a guiding document for CMAR and RFP for release in November. He said there was discussion of contract strategy recommendations for the RFP. He also reported the O&E workgroup has a meeting to discuss downstream capacity matters.

Environmental Permitting & Planning: No report.

Land Management: No report.

CMAR Ad Hoc Contract Committee: Vice-Chair Kunde reported the group recently met.

Budget and Finance: Ms. Traynham reported she was also interviewed by the South Korean visiting group who were interviewing Colusa County. She stated she also met with banking representatives about potential tools and resources for the future.

Outreach: Director Evans reported that there will be a meeting related to the leadership changes caused by the election.

4.3 Authority Board & Reservoir Committee Participant Reports:

None.

4.4 **Executive Director's Reports**:

Executive Director Brown spoke to the following:

- There was an executed purchase agreement for the Jensen Ranch / Golden Gate Dam site.
- Los Vaqueros Reservoir JPA dissolved, and Prop 1 funds will come back into the pool, with Federal appropriations potentially coming back for reallocation.
- There will be an informational local community meeting next month and all Board and Committee members are invited.

5. <u>CLOSED SESSION</u>: (10:47am)

- 5.1 Negotiations concerning water right permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).
- 5.2. Conference with Real Property Negotiators (Gov. Code § 54956.8).

Property: [Colusa County] APNs 011-173-004, 011-160-008, 011-160-009, 011-173-001, 011-173-003, 011-176-001

Agency negotiators: Jerry Brown, Kevin Spesert

Negotiating parties: Danise Seaters

Under negotiation: Price and terms of payment

6. <u>REPORT FROM CLOSED SESSION</u>: 11:54pm

There was no action taken in Closed Session.

- 7. <u>RECAP</u>: None.
- 7.1 Suggested Future Agenda Items. None

7.2 **Upcoming Meetings:**

Reservoir Committee & Authority Board Day of Friday, December 20, 2024 (9:00 a.m. - 12:00 p.m.), Maxwell Project Office & Virtual

Chair Durst adjourned the Joint Reservoir Committee and Authority Board Meeting at the hour of 11:55 p.m.

Fritz Durst, Authority Board Chair Mike Azevedo, Reservoir Committee Chair

_____ MJ Brown, Board Clerk

Agenda Item 1.1, Attachment A

9:00 AM – Noon

Current Votin	g Committee	Participants	(22):
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	%	Participant		%	Participant
\square	3.47	American Canyon, City		2.57	LaGrande WD
	2.42	Antelope Valley-East Kern WA		17.29	Metropolitan WD
	5.28	Coachella Valley WD	\boxtimes	3.47	Reclamation District 108
\square	5.28	Colusa County		2.42	Rosedale-Rio Bravo WSD
\square	5.05	Colusa County WD	\boxtimes	8.70	San Bernardino Valley MWD
\square	2.41	Cortina WD (1)	\boxtimes	6.48	San Gorgonio Pass WA
	2.87	Davis WD		2.42	Santa Clara Valley WD
	4.22	Desert WA		3.77	Santa Clarita Valley WA
	3.17	Dunnigan WD		3.89	Westside WD
	3.77	Glenn-Colusa ID		3.19	Wheeler Ridge-Maricopa WSD
	2.57	Irvine Ranch WD		5.28	Zone 7 WA
			•	100.00	Total

16 Voting members represented at the start of the meeting- 88.69% Represented participation percentage.

Representation has been delegated as follows:

- (1) Proxy to Jamie Traynham, Davis WD
- (‡) Not present after _____

Meeting Attendance

November 15, 2024

Agenda Item 1.1, Attachment B

9:00 AM- NOON

Current Voting Authority Board (9)		Primary		Alternate
Colusa County	\square	Gary Evans		Mike Azevedo
Colusa County Water District		Joe Marsh	\square	Hal Charter Shelly Murphy
Glenn County		Thomas Arnold		Jim Yoder
Glenn-Colusa Irrigation District	\square	Jeff Sutton	\square	Logan Dennis
Reclamation District 108	\boxtimes	Fritz Durst		Sean Doherty Hilary Reinhard
Placer County Water Agency	\square	Gray Allen		Scott Alvord
Tehama-Colusa Canal Authority	\square	Bill Vanderwaal		Jim Jones Zack Dennis
City of Sacramento	\boxtimes	Lisa Kaplan		Anne Sangar Brett Ewart
Westside Water District	\square	Doug Parker		Zach Dennis

Associate Members (non-voting)	Primary		Alternate
Western Canal Water District	Greg Johnson	\square	Ted Trimble
Zone 3	Mike Urkov		Wendy Tyler

Non-Voting Committee Participants (2)		Primary		Alternate/Other
Department of Water Resources	\square	Rob Cooke		
Bureau of Reclamation		Adam Nickels Allison Jacobson	\mathbb{X}	Natalie Taylor Jesse Sikora

Current Voting Reservoir Committee (22)		Primary		Alternate
American Canyon, City	\square	Jason Holley		
Antelope Valley-East Kern WA		Matt Knudson		
Coachella Valley Water District	\square	Robert Cheng	\square	Petya Vasileva
Colusa County	\square	Mike Azevedo		Gary Evans
Colusa County Water District		Halbert Charter	\square	Shelly Murphy
Cortina Water District		Jim Peterson	$\square \boxtimes$	Chuck Grimmer Jamie Traynham

Meeting Attendance

Agenda Item 1.1, Attachment B

November 15, 2024

9:00 AM- NOON

Davis Water District	\square	Jamie Traynham		Tom Charter
Desert Water Agency		Steve Johnson	\square	David Tate Esther Saenz
Dunnigan Water District	\boxtimes	Jordon Navarrot		
RD 108	\square	Jordon Navarrot		Lewis Bair
Glenn-Colusa Irrigation District	\square	Logan Dennis		Louis Jarvis
Irvine Ranch Water District		Paul Weghorst	\square	Robert Huang
LaGrande Water District		Zach Dennis		
Metropolitan Water District		Randall Neudeck		Nina Hawk Sam Smalls
Rosedale-Rio Bravo Water District		Trent Taylor		Dan Bartel
San Bernardino Valley Water District	\square	Michael Plinski		Heather Dyer
San Gorgonio Pass Water Agency		Lance Eckhart		Thomas Todd Emmett Campbell
Santa Clara Valley Water District		Cindy Kao	\square	Katherine Maher
Santa Clarita Valley Water Agency	\boxtimes	Steve Cole		Ali Elhassan
Westside Water District		Allen Myers		
Wheeler Ridge-Maricopa Water Storage District		Rob Kunde		Sheridan Nicholas
Zone 7 Water Agency		Valerie Pryor	\square	Lillian Xie

Authority, Non-Signatory (6)	Primary	Alternate
PCWA	Ed Horton	Ben Barker
Roseville	George Hanson Joshua Alpine	Sean Bigley Darin Reintjes
Sacramento County	Kerry Schmitz	

Sites Project Authority:

🛛 Jerry Brown	🛛 🛛 Ali Forsythe	🛛 Kevin Spesert	JP Robinette	🛛 Joe Trapasso	🛛 Marcia Kivett	🛛 Alan Doud
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Members of the Public

Name	Representing	Name	Representing
Nancy Moricz	Kleinfelder	Ken Bohannan	Kleinfelder

Members of the Public

Name	Representing	Name	Representing
Richard Welsh	Welsh Consulting, LLC	Christy Scofield	Local Resident
Onalee Elsberry-Crabtree	Vanir	Jocelyn Zetterbaum	Vanir
Kyle Hughes	Public	Mathew Beeston	Nor Cal Carpenters

Virtual Attendance

ATTENDEES:	86 Augusta Augusta Ingel	
Marcia Kivett	Ayoub Antabeel	Smalls,Samuel L (External)
JP Robinette	Jason Holley (External)	Mark McLoughlin (Unverified)
15304546811 (Unverified)	Louis Jarvis (External)	Schmitz. Kerry
Conference	Mark M. Gilbert (External)	Desi Dikova (External)
m azevedo (Unverified)	Rubina Chaudhary (External)	Michelle Henry (External)
Magda McConihe (External)	Alexander Williams	Laurie Warner Herson (External
SC Irvine Lake Conference Room (External)	Quentin Williams	Scott Brown (External)
jerry brown (External)	Robert Cheng	Jim Bowley
Joe A. Iniguez (External)	Craig Wright (External)	Jason Brown (External)
Kevin Schneider	Sikora, Jessica L (External)	Vincent McCarron (External)
David Hubbard (External)	Jacobson, Allison M (External)	+14084728099 (External)
Pamela Katleba-Jenkins Westside Water	David Tate (External)	Wendy Ambriz
Cordi, Juleah	Nelson, Jeff [NN-US]	Rude, Pete
Petya Vasileva	Rubina Chaudhary (External)	Nelson, Peter
Cooke, Robert@DWR (External)	Hanson, George	
Alan Doud (External)	Rochelle Patterson (External)	
Luu, Henry (External)	Gardels, Derek (External)	
Michael Plinski (External)	Joel Kantola	
Hentz, Chris (External)	14065861995 (Unverified)	
Marika Bernardi (External)	Foss, Elizabeth (External)	
Emmett Campbell (External)	Amanda Dwyer (External)	
Fritz Durst	Sara M. Katz (External)	
Steve Cole (External)	Angela Bezzone (External)	
Pat Tangora (External)	Shelly Murphy (Unverified)	
Taylor, Natalie L (External)	Alan Boyce (External)	
Brian Thomas	Young, Amy@DWR (she/her) (E	xternal)
Conner McDonald (External)	Marcus Maltby (External)	
read.ai meeting notes (Unverified)	Alexander, Jeriann (External)	
Charlene Sun (External)	Arnold, Christopher	
Xie, Lillian (External)	Douglas Montague (External)	
MJ Brown	Pryor, Valerie (External)	
Briard, Monique (External)	Eric Twining (External)	
Eric.Patterson1	Arsenijevic, Jelica (External)	
Spranza, John (External)	Brasa Fuentes, Llanos	
Gutierrez, John (External)	Katherine Maher (External)	
Neudeck,Randall D (External)	Cheyanne Harris (External)	