

**MINUTES OF REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
SOUTH DELTA WATER AGENCY
HELD ON JULY 3, 2024**

A regular meeting of the Board of Directors of the SOUTH DELTA WATER AGENCY was held at the (old) West Side Irrigation District Office located at 1320 N. Tracy Blvd., Tracy, CA 95376 on July 3, 2024 at 9:00 a.m.

There were present at the meeting the following named Directors:

Jerry Robinson	Division No. 1
Natalino Bacchetti	Division No. 2
Paul Marchini	Division No. 3
Jack Alvarez	Division No. 4
Mary Hildebrand	Division No. 5

Also in attendance were William McLaughlin of DWR and John Herrick, Esq., counsel and manager for the Agency. The meeting was called to order by President Robinson who acted as Chair. He declared a quorum present and Attorney Herrick acted as secretary.

**I.
APPROVAL OF MINUTES
RESOLUTION NO. 2024-16
RESOLUTION APPROVING MINUTES**

Attorney Herrick presented the Board with the minutes for the June 5, 2024 regular and June 25 special meetings. After review and motion made and duly seconded, it was

RESOLVED AND ORDERED by the Board of Directors of the SOUTH DELTA WATER AGENCY as follows:

The Minutes of the Regular Meeting of the Board of Directors held on March 6, 2024 were adopted with corrections.

**II.
REPORTS**

1. Current Conditions. Attorney Herrick gave a report on current conditions in the southern Delta, including water quality, water levels, exports, reservoir storage, snow pack and river flows. Director Alvarez noted that CVP allocations recent were increased. The Chair stated that the GLC barrier is being installed now and that he has

seen a new sandbar in Old River. Director Hildebrand noted that Vernalis flows are dropping, and so Attorney Herrick stated he would try to warn local diverters of potential problems on the horizon.

Mr. McLaughlin stated that SWP exports will be rising and gave a report on the Temporary Barrier Project status, including when the GLC is expected to be fully installed and operating. Director Bacchetti noted that the hyacinth problem is out of control in Tom Paine Slough. Attorney Herrick stated he would check on the status of the contract with Dept. Boating and Waterways for RD 2058 to apply herbicide..

2. Permanent Barriers. Mr. McLaughlin gave an update on the permanent barrier program. The next step is a meeting with the landowners who need to give DWR permission for access and testing on the soils where the barriers will be installed. He also reviewed the potential types of barriers to be used.

3. Lawsuits. Attorney Herrick gave a brief update on ongoing litigation

4. Silt Removal. Attorney Herrick reviewed the current situation and efforts to date, including discussions with Congressmen Duarte and Harder's offices.

5. COP and MSS. Attorney Herrick gave a brief update on DWR and USBR's efforts at developing the COP and MSS. He noted that he has been assured that SDWA's concerns re the MSS will be satisfied and it will include modeling of 2021 when releases from New Melones resulted in full compliance with the standards. Mr. McLaughlin stated a draft MSS should be ready by September and the final by the end of the year. He encourage SDWA to make efforts to get the uninvolved USBR involved.

6. Drought Program. Attorney Herrick stated he attended an update/summary of last year's drought program conducted by DWR and the Delta Conservancy. As occurred in the prior year, the data mostly confirms that altering irrigation practices and crops in the lower Delta result in very little savings of water. The update indicated a need for a set program which will allow farmers to "sign on" far enough in advance to maximize participation.

7. Irrigated Lands program. Attorney Herrick gave an update on the Irrigated Lands Program

8. Paradise Cut/South Delta Restoration Project. Attorney Herrick gave an update on the project.

9. Public Comments. The Chair took Public Comments out of order to allow Mr. McLaughlin to speak before the directors began the Budget discussion. Mr. McLaughlin reported that DWR is going to replace the Tom Paine Slough siphons, the timing dependent on RD 2058. Director Bacchetti asked if the new siphons could be configured such that a pump could be added in the future. Mr. McLaughlin also stated the John Leahigh of DWR was/had Tracy Hinojosa and Tracy Pettit.

III. **BUDGET**

1. Attorney Herrick presented the Board with; a summary sheet of all 2023-2024 expenses, a copy of the 2023-2024 Budget, a comparison of 2023-2024 expenses compared to budgeted amounts and a draft budget for consideration. He stated the Budget Committee met and reviewed this same data, noting how some budget amounts were under and some over expected.

The Directors asked numerous questions about what was expended and what was not, discussing how each budget item might change in the ensuing fiscal year. The Directors expressed their concerns. Of note were concerns that the Agency needed to retain a lobbyist to seek funding for the dredging/Paradise Cut project and how additional bathymetry was needed to track the build up of silt in the area.

With regard to income, Attorney Herrick clarified what was expected to be raised through the County tax bill, and through KSN separately billing government entities. AS the final budget was being developed, it was noted that the expected surplus of the Agency could be used to fund any shortfall between the budget an expected income.

After extensive discussions and proposals, and a motion made and duly seconded, It was RESOLVED:

RESOLUTION NO. 2024-17a **RESOLUTION OF BOARD OF DIRECTORS** **OF SOUTH DELTA WATER AGENCY** **2024-2025 ASSESSMENT**

WHEREAS, the Board of Directors of the South Delta Water Agency has pursuant to Section 5.8 et. seq. of the South Delta Water Agency Act, elected for the fiscal year 2024-2025 to fix the special assessment, fees or charges and provide for the collection thereof for the purpose of raising funds for the payment of expenses and obligations of this Agency, including a provision for a reasonable reserve for contingencies; and

WHEREAS, said assessments, fees or charges shall be collected by way of the San Joaquin County tax bills at the same time and in the same manner as San Joaquin County Ad Valorem property taxes are collected for the fiscal year 2024-2025, shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes, and are levied without regard to property valuation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the South Delta Water Agency as follows:

/ / /

Resolved, that the following amounts are hereby assessed and levied for fiscal year 2024-2025. Said amounts are to be collected with property taxes by way of a line item on the San Joaquin County tax bill:

See Exhibit “C”

AYES:	5
NOES:	0
ABSTENTIONS:	0

**RESOLUTION NO. 2024-17b
RESOLUTION APPROVING 2024-2025 BUDGET
AND SETTING MAXIMUM PER ACRE ASSESSMENT CHARGE**

1. The board of Directors adopts the attached 2024-2025 Budget attached hereto as Exhibit “B.”;

2. The Board assesses a maximum amount of \$8.00 per acre pursuant to the assessment allocations approved in the prior Proposition 218 election.

AYES:	5
NOES:	0
ABSTENTIONS:	0

**IV.
FINANCES**

1. Attorney Herrick presented the Board with current bills and reviewed the most up-to-date County accounting of the SDWA financials. After explaining the current invoices, and upon motion made and duly seconded,

It was RESOLVED

**RESOLUTION NO. 2024-19
RESOLUTION AUTHORIZING PAYMENT
OF OBLIGATIONS AND AUTHORIZING
DRAWING AND PAYMENT OF WARRANTS**

BE IT RESOLVED AND ORDERED by the Board of Directors of the SOUTH DELTA WATER AGENCY as follows:

1. That the obligations of this Agency hereinafter set forth in Section 2 of this Resolution are hereby approved for payment; and

2. For the account of the SOUTH DELTA WATER AGENCY, request is hereby made that the Auditor of the County of San Joaquin draw, and the Treasurer of the County of San Joaquin pay, warrants as follows:

SEE ATTACHMENTS “A” hereto.

There being no further business, the meeting was adjourned.

Dated: July 3, 2024

JOHN HERRICK, Acting Secretary

EXHIBIT “A”

PAYEE	PURPOSE	AMOUNT
JOHN HERRICK, ESQ.	Invoice No. 11056 (June 2024) Fees \$442,125.00 Costs \$1,150.54	\$43,275.54
MOHAN, HARRIS &, RUIZ, LLP	Invoice No. 12467 Fees \$24,077.50 Costs \$40.46	\$24,117.96
THE FREEMAN FIRM	Inv. No. Inv. No. 167 (Access Litigation) Fees \$296.25; Inv. No. 123 (WaterFix EIR) Fees \$81.25	\$377.50
HSI HYDROLOGIC SYSTEMS	Inv. No. 1040 (Engineering, modeling and measurements) Fees \$8,400.00; Measuring Gauge(Cinquini & Passarino) Fees \$8,945.00	\$17,345.00
RIVER DELTA CONSULTING	Inv. No. 1900-07-24 (Paradise Cut/ Dredging) Fees \$312.50; Inv. No. 1901-07-24 (DSC Delta Adapts) Fees \$500.00	\$812.50
M3 MONAGAN MILLER McCREARY INS.	Inv. No. 5249 Insurance premium	\$6,031.00
KATIE WILEY	Inv. No. 59 Webpage management Fees \$100.00	\$100.00
PESCADERO RD No. 2058	Use of Facility	\$200.00
JERRY ROBINSON	Director Fees 6-5-24	\$25.00
NATALINO BACCHETTI	Director Fee 6-5-24 & 6-25-24	\$50.00
PAUL MARCHINI	Director Fees 6-5-24 & 6-25-24	\$50.00
JACK ALVAREZ	Director Fee 6-5-24 & 6-25-24	\$50.00
MARY HILDEBRAND	Director Fee 6-5-24	\$25.00
TOTAL:		\$92,459.50

EXHIBIT “B”

EXHIBIT "C"

Parcels (Group I) with the following Use Codes and below the 100 year flood plan as designated in the Engineer's Report dated February 2009 shall be charged \$8.00/acre with a minimum per parcel charge of \$2.00:

000, 001, 002, 003, 004, 005, 006, 007, 010, 011, 013, 014, 016, 021, 022, 032, 035, 042, 055, 060, 061, 080, 081, 082, 090, 093, 096, 100, 101, 102, 107, 110, 114, 121, 130, 141, 142, 143, 144, 150, 151, 152, 153, 154, 170, 171, 172, 173, 180, 181, 182, 183, 184, 189, 190, 193, 200, 201, 202, 210, 211, 240, 252, 253, 254, 255, 256, 260, 262, 263, 270, 280, 283, 285, 300, 301, 302, 307, 310, 311, 312, 313, 314, 320, 323, 324, 341, 350, 352, 363, 370, 381, 382, 391, 392, 400, 401, 410, 420, 421, 450, 451, 460, 461, 462, 463, 470, 471, 481, 490, 501, 510, 511, 520, 521, 611, 612, 615, 660, 664, 690, 710, 810, 812, 814, 815, 850, 851, 861, 862, 890, 903, 910, 916, 920, 925, 930, 933, 934, 937, 940, 941, 942, 943, 944, 950, 951

Parcels (Group II) with the following Use Code and above the 100 year flood plan as designated in the Engineer's Report dated February 2009 shall be charged 95% of \$8.00/acre or \$7.60/acre with a minimum per parcel charge of \$2.00:

000, 001, 002, 003, 004, 005, 006, 007, 010, 011, 013, 014, 016, 021, 022, 032, 035, 042, 055, 060, 061, 080, 081, 082, 090, 093, 096, 100, 101, 102, 107, 110, 114, 121, 130, 141, 142, 143, 144, 150, 151, 152, 153, 154, 170, 171, 172, 173, 180, 181, 182, 183, 184, 189, 190, 193, 200, 201, 202, 210, 211, 240, 252, 253, 254, 255, 256, 260, 262, 263, 270, 280, 283, 285, 300, 301, 302, 307, 310, 311, 312, 313, 314, 320, 323, 324, 341, 350, 352, 363, 370, 381, 382, 391, 392, 400, 401, 410, 420, 421, 450, 451, 460, 461, 462, 463, 470, 471, 481, 490, 501, 510, 511, 520, 521, 611, 612, 615, 660, 664, 690, 710, 810, 812, 814, 815, 850, 851, 861, 862, 890, 903, 910, 916, 920, 925, 930, 933, 934, 937, 940, 941, 942, 943, 944, 950, 951

Parcels (Group III) with the following Use Code and above the 100 year flood plan as designated in the Engineer's Report dated February 2009 shall be charged 75% of \$8.00/acre or \$6.00/acre with a minimum per parcel charge of \$2.00:

050, 051, 052, 053, 054, 056

Parcels (Group IV) with the following Use Code and above the 100 year flood plan as designated in the Engineer's Report dated February 2009 shall be charged 70% of

\$8.00/acre or \$5.60/acre with a minimum per parcel charge of \$2.00:

050, 051, 052, 053, 054, 056

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Parcels (Group V) with the following Use Code and above the 100 year flood plan as designated in the Engineer's Report dated February 2009 shall be charged 70% of \$8.00/acre or \$5.60/acre with a minimum per parcel charge of \$2.00:

590, 591, 860, 870

