

BOARD OF DIRECTORS MEETING

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# MINUTES

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REGULAR MEETING

Thursday, September 19, 2019

2:00 PM

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER**

The regular meeting of the Delta Conveyance Design and Construction Authority (DCA) Board of Directors was called to order in the Sacramento Public Library, Tsakopoulos Library Galleria, 828 I Street, Sacramento, CA 95814, at 2:00 p.m.

**2. ROLL CALL**

Board members in attendance were Tony Estremera, Richard Atwater, Steve Blois, and Sarah Palmer constituting a quorum of the Board.

DWR and DCA staff members in attendance were Kathryn Mallon, Joshua Nelson, Janet Barbieri, Carrie Buckman, Katano Kasaine, Joe Cazares, and Andrew Finney.

**3. PLEDGE OF ALLEGIANCE**

President Estremera convened the open session at approximately 2:01 p.m. and led all present in reciting the Pledge of Allegiance.

**4. PUBLIC COMMENT**

President Estremera opened Public Comment, limiting speaking time to three minutes each.

President Estremera closed Public Comment.

**5. APPROVAL OF MINUTES: August 15, 2019 Regular Board Meeting**

Recommendation: Approve the August 15, 2019 Regular Board Meeting Minutes

Move to Approve Minutes from August 15, 2019: Atwater

Second: Palmer

Yeas: Atwater, Blois, Estremera, Palmer

Nays: None

Abstains: None

Recusals: None

Absent: None

Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as MO 19-09-01).

## 6. CONSENT CALENDAR

There were no items on this month's consent calendar.

## 7. DISCUSSION ITEMS:

### a. Review Engineering Workplan

Kathryn Mallon introduced the DCA engineering manager, Joe Cazares, who has been with the team since May of this year. Ms. Mallon provided a brief background of Mr. Cazares, mentioning his engineering degree from UC Berkeley and an MBA from the University of Texas. Mr. Cazares is a registered engineer in the state of California with 38 years of engineering experience. During this time, he spent 8 years working as the program manager on the Panama Canal expansion program as well as contributed to other very large infrastructure projects.

Mr. Joe Cazares presented the ways in which the DCA will provide services to DWR's environmental planning team such as supplying them with information to study all of the potential impacts. In addition, the DCA prepares conceptual engineering reports for all alternatives identified in the environmental process. Mr. Cazares briefly talked about the organization chart for DCA staff, identifying approximately 35 staff in office and 260 remote staff members that support this program. Mr. Cazares summarized the 9 categories of work products that have variable deliverables. These are produced as technical memorandums which provide results of engineering analysis and alternative evaluations supporting all recommendations. The engineering work is then translated into concept engineering reports to support the California Environmental Quality Act (CEQA) process. Mr. Cazares discussed the DCA's 7 working groups that are working collaboratively with DWR on the engineering, environmental and engagement processes. There are also independent technical review panels assisting on the project. These panels are independent from both the DCA and DWR for the purpose of ensuring that everything is fully looked at throughout various stages of the project by world experts. At the end of the designing process, with input from these panels, a report will be presented to the Board. Lastly, Mr. Cazares introduced Tony Meyers to the Board who is the new executive director of the DCO office.

### b. Review Field Workplan

Kathryn Mallon introduced the DCA field work lead, Andrew Finney. Mr. Finney is a registered engineer with 25 years of experience working primarily in geotechnical aspects of water projects including the Freeport intake. Mr. Finney has a BS in civil engineering from Bucknell University and a MS in Civil Engineering from the University of Washington.

Mr. Finney delivered a presentation on the field work execution plan which identified the key team responsibilities including a subsurface exploration program and then using that to build a 3-dimensional geological model to supplement and support project development. Mr. Finney gave a brief description of the DCA field work organization chart which included survey, right of way, and geotechnical leads. Mr. Finney presented the field work road map diagram, showing 3 years of exploration that maps out a multi-phase investigation approach. This will help fill data gaps as well as determine engineering, outreach, and support needs and ultimately mitigate the risk on the project. Mr. Finney stated that the DCA is on track to start field work exploration in early 2020 and immediately after that will be planning for the fiscal year 2021 exploration program. Mr. Finney

referenced a map that indicates all of the existing data, showing 21,000 exploration locations. Out of the 21,000 exploration points, 6,000 of them have been reviewed by the DCA to determine what data is useful. The remaining exploration points will continue to be reviewed which will help supplement the DCA's current borings. By using this data, the DCA can make smart decisions about alignments, both vertically and horizontally, and can provide the engineering and planning teams with relevant data to perform the analysis they need to create footprints. Sarah Palmer asked what kind of geophysical tests that the DCA is doing that are not as invasive. Mr. Finney responded with information regarding downhole geophysics and surface geophysics where you send pulses into the ground to determine the velocity of a wave going down. The DCA is testing out a variety of these techniques in Bouldin.

Mr. William Burke, County of Sacramento, asked what permits that the DCA are going to apply for. Carrie Buckman responded that some permits being worked on are for CEQA analysis in order to analyze the environmental effects. The permit applications depend on which investigation being talked about which goes into a lot of depth. Ms. Buckman declined to provide additional information in light of on-going litigation between Sacramento County and DWR. Mr. Burke provided his opinion that the DCA and/or DWR would be required to obtain a County of Sacramento permit to conduct geotechnical borings.

**c. Consider Passing Resolution to Establish the DCA Delta Stakeholder Engagement Committee and Forming an Ad Hoc Committee of the Board to Assist in Reviewing Applications to the DCA Delta Stakeholder Engagement Committee**

Recommendation: Adopt Resolution to Establish the DCA Stakeholder Engagement Committee and Form an Ad Hoc Committee of the Board to assist in Reviewing Applications to the DCA Delta Stakeholder Engagement Committee

Ms. Kathryn Mallon described the proposed stakeholder committee which will allow the DCA and DWR to work directly with Delta interest groups. The Delta has requested the DCA to be more transparent and Ms. Mallon feels this committee will help achieve that goal. Ms. Mallon expressed her empathy regarding the potential impacts this project will have on the Delta residences and felt a constructive dialogue in the format of a stakeholder committee will help avoid risking any repeated perceived short comings that the community has asked the DCA to address in the past.

Mr. Tony Estremera discussed the decision to bring to the Board the formation of the required committee to review environmental and mitigation. Further, he discussed the rotation of appointments for the DCA Board as well as the environmental committee. He mentioned that there was past discussion that the committee should be chaired as set forth in the JPA for the environmental committee.

Mr. Joshua Nelson, Legal Counsel, provided a background of why staff is recommending a stakeholder committee, beginning with the recognized need for a forum to receive input from Delta stakeholders on DCA activities. This committee will be an advisory committee to the DCA that will include a DCA director and an alternate director (both appointed by the Board at a future Board meeting), along with 16 Delta stakeholder members. Mr. Nelson emphasized the scope of work of this committee in order to provide a clear understanding of what it truly is. In addition, a clarification was made that this committee is not a place to debate whether or not to have a conveyance project. This decision is

for DWR to make through their environmental process. It was noted that the committee is also not a part of DWR's public engagement process under CEQA. Mr. Nelson recognized that there are going to be state and local agencies wanting to participate in the process, therefore the DCA is proposing to have 5 ex-officio members that will not be direct members of the committee but will be able to provide input in the meetings. Meetings will occur once or twice a month in the Delta with an initial schedule of approximately 6 months. Committee findings will be reported back to the Board as a work plan is developed and accomplished. Mr. Nelson noted that this is not a voting committee and meant for Delta residence to have a place to have discussions. The 16 committee members will be appointed by a public application process and will serve at the pleasure of the Board as well as receive stipends for each meeting that they attend. Lastly, Mr. Nelson identified this committee as an official advisory of the DCA Board, therefore the Brown Act and Public Records Act applies. There will be a training of these Acts for all committee members. Following Board approval of the stakeholder committee, the public will be notified and applications will be made available on the DCA website having a due date of October 4<sup>th</sup> via email or regular mail. The DCA proposed to have these applications reviewed by an Ad Hoc committee under approval of the Board. The appointing of the committee members is proposed for mid-October, with the first committee meeting following in late October.

Ms. Janet Barbieri, DCO Communication Manager, presented the DCA's guiding principles which is "respecting the Delta as a place and the people who live there, keeping the Delta community in broader state interests and well informed, keeping our word, always looking for opportunities for win wins, walking the walk on climate, deploying world class problem solving, and hitting budget and schedule targets." Ms. Barbieri provided her contact info for anyone that would like to reach out to her. Her intent is to have all those working on the project to be held accountable on these principles. It is important to present clear information to the public as well as improve mutual understanding of the project and facilitate constructive dialogue. Ms. Barbieri touched on the three parts of the program: the DWR and CEQA process, the stakeholder engagement committee, and lastly Secretary's Crowfoot Delta Valley round table. Ms. Barbieri has heard some concern regarding the committee in respects to the nature of it which she would like to clarify. The objective of the committee is to have an open and transparent forum for exchange of ideas and have openness and consensus on the best ways to avoid and minimize impacts. This committee is not to be the primary place for stakeholder input on the project, meaning the committee is not to replace the formal public engagement process required under CEQA. Ms. Barbieri explained how the round table will provide opportunity to discuss the bigger issues facing the Delta. Some discussion topics that should be considered are a background of the Delta, public benefit, reducing impacts, etc. Prior to each meeting, information will be distributed to the public and then following each meeting there will be a written report prepared to be presented at the monthly Board meeting. Mr. Estremera mentioned that he sees no problem with forming the committee but requests that we still follow the JPA.

Osha Meserve, Local Agencies of the North Delta, referenced her initial response to the stakeholder committee in the form of a letter that was submitted the day before the Board meeting. She felt that it was premature and confusing to form this committee due to the restrictions of what can be talked about. Ms. Meserve wished that this could be a more open committee that is connected with the current processes going on like the portfolio process. She felt that confining the committee this way, with such short notice, is sending a mixed message and worries this will make the project more complicated and expensive. Ms. Meserve expressed concerns about Delta stakeholders coming last. Lastly, Ms. Meserve stated that this process needs to be thought out better and she does not support the Delta stakeholder committee in the way that it has been proposed.

Mark Wilson, Wilson Farms and Vineyards - Clarksburg, CA, had a concern about this committee being a Brown Act process, in which it would keep participants from speaking to each other in group settings outside of meetings. This limits the discussion of things that might be valuable to the process. Mr. Wilson requested that the work plan of the project come out immediately so individuals can get an idea of what the plan is prior to joining the committee. He felt this can help determine the best person in a specific interest group to fill a committee position.

Ms. Melinda Terry, Manager of the North Delta Water Agency, requested more notice of preparation for the committee so that they could have a better idea of the newest version of the project. She also stated that it would be helpful to know what is going to be required of members. Ms. Terry is also the Executive Director of the Central Valley Flood Control Association and recommended that a flood control representative be on the committee. Ms. Terry referenced the USACE levee that the project is expected to be built on which has a rigorous permitting process.

Ms. Sarah Palmer stated that the purpose of this committee is to get as much information as possible from people. She wants to hear people's concerns, as well as ideas of alternatives and why those are being proposed as the ideal solution. Ms. Palmer stated that she understands the apprehension of the Brown Act requirement, however clarified that the Brown Act limitation is to not have more than the majority of the people getting together to discuss the process. Mr. Nelson mentioned that the Brown Act training is intended to go over all of the details of the requirements.

Mr. Steve Blois was supportive of Ms. Mallon's reasons for having the committee. He sees this as an opportunity to engage in a transparent way with the stakeholders in the local areas. He expressed similar concern of not knowing how the project will turn out, however doesn't feel that this should stop the DCA from moving forward with the stakeholder committee approach. Mr. Blois referred to the Brown Act concerns and sees good reasons for having it in place.

Mr. Richard Atwater complimented staff with working with DWR and Secretary Crowfoot on this process and agreed it is something that we need to do. Mr. Atwater mentioned that we can extend the deadline of the applications if needed.

Mr. Tony Estremera discussed growing up in a minority community where projects would be built right through their backyards and noted the government neglect that he experienced. Mr. Estremera wants to have the community that is going to deal with the construction impacts be involved with how the project is planned and implemented. His support for the committee is due to not wanting the past repeated and encourages stakeholder participation prior to construction. Mr. Estremera felt the Brown Act is necessary in order to have all communication in the meetings available to the public and not secret. Mr. Estremera's only concern was that we stay consistent with the JPA agreement of having a chair and vice chair in rotation.

Ms. Sarah Palmer discussed the proposed Ad Hoc committee and stated that she would like to see a representation of all areas of the Delta. Both Ms. Palmer and Mr. Estremera stated that as long as staff does most of the application review, they support the Ad Hoc committee.

Move to Approve Resolution to Establish the DCA Stakeholder Engagement Committee with an amendment to clarify that the Committee would include a Chair designated by Director Palmer and

Vice-Chair designated by President Estremera consistent with the rotation for the environmental committee in the JPA and Form an Ad Hoc Committee of President Estremera and Director Palmer,

as noted: Atwater  
Second: Palmer  
Yeas: Estremera, Atwater, Blois, and Palmer  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 19-12).

**d. Consider Passing Resolution Authorizing Award of Contract to an Audiovisual (AV) Systems Integrator to Provide Equipment and Installation Services**

Recommendation: Adopt Resolution Authorizing Award of Contract to an Audiovisual (AV) Systems Integrator to Provide Equipment and Installation Services

Ms. Kathryn Mallon explained how the DCA did a competitive bid for the AV equipment for the new building. This equipment is allowing the DCA to work collaboratively through video/audio with individuals all over the world and will be in all of the conference rooms.

Move to Approve Resolution to Authorize Award of Contract to an Audiovisual (AV) Systems Integrator

as noted: Atwater  
Second: Palmer  
Yeas: Estremera, Atwater, Blois, and Palmer  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 19-13).

**e. Consider Passing Resolution Authorizing Award of Contract to an IT Managed Services Provider (MSP) to Provide IT Equipment and Support Services**

Recommendation: Adopt Resolution Authorizing Award of Contract to an IT Managed Services Provider (MSP) to Provide IT Equipment and Support Services

Ms. Kathryn Mallon briefly mentioned the reason for the IT needs in the new building. Mr. Estremera asked if January is still the expected move in date. Ms. Mallon stated that we will be moving in the first week of January for the desking area, with a one-month delay for the first floor Board room.

Move to Approve Resolution to Authorize Award of Contract to an IT Managed Services Provider (MSP),

as noted: Palmer  
Second: Blois  
Yeas: Estremera, Atwater, Blois, and Palmer  
Nays: None

Abstains: None  
Recusals: None  
Absent: None  
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 19-14).

**f. Consider Passing Resolution Authorizing Award of Contract to Miles Treaster and Associates for Office Furniture**

Recommendation: Adopt Resolution Authorizing Award of Contract to Miles Treaster and Associates for Office Furniture

Ms. Kathryn Mallon explained how the DCA did a competitive bid for the office furniture at the new office. A 7-member committee did site visits and reviewed proposals leading Miles Treaster and Associates to be identified as the highest qualified.

Move to Approve Resolution to Authorize Award of Contract to Miles Treaster and Associates, as noted: Atwater  
Second: Palmer  
Yeas: Estremera, Atwater, Blois, and Palmer  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 19-15).

**g. Consider Passing Resolution Authorizing Award of Contract to Primary and Back-Up Internet Service Providers for the New DCA Office Space**

Recommendation: Adopt Resolution Authorizing Award of Contract to Primary and Back-Up Internet Service Providers for the New DCA Office Space

Ms. Kathryn Mallon mentioned the need for a primary and back-up internet service provider in case one of them goes down.

Move to Approve Resolution to Authorize Award of Contract to Primary and Back-Up Internet Service Providers, as noted: Palmer  
Second: Blois  
Yeas: Estremera, Atwater, Blois, and Palmer  
Nays: None  
Abstains: None  
Recusals: None  
Absent: None  
Summary: 4 Yeas; 0 Nays; 0 Abstains; 0 Absent. (Motion passed as Resolution 19-16).

**h. September DCA Monthly Report**

Ms. Kathryn Mallon briefly discuss the Board report which is still under development.

**8. STAFF REPORTS AND ANNOUNCEMENTS:**

**a. Executive Director's Report**

A written report was provided in the Board package. Ms. Kathryn Mallon mentioned the move-in delay for the Board room at the new space. The DCA is still on target for the rest of the building for January 1st. Policies and procedures are nearly complete as well as roll out.

**b. DWR Environmental Manager's Report**

A written report was provided in the Board package. Ms. Carrie Buckman mentioned the public participation program discussed earlier in the meeting. In addition, processes and procedures are underway for the environmental work that is upcoming. A NOP is expected to be issued at the end of the year. Ms. Buckman referenced a change in our internal team. Mr. Tony Meyers is the new deputy director of DWR. He also is now the executive director of the DCO state water project.

**c. General Counsel's Report**

A written report was provided in the Board package. Mr. Nelson highlighted the stakeholder engagement committee and how the DCA will be moving forward with getting the application posted. Mr. Nelson mentioned the Brown Act and Public Records Act training held recently for DCA members. Lastly, in regards to the comms procurement, this has been distributed again to get more proposals resulting in 5 applicants. These applications are currently under review with the hope to bring a contract award to the October Board meeting.

**d. Treasurer's Report**

A written report was provided in the Board package. Ms. Katano Kasaine referenced the report in regards to the \$2M that the DCA had at the end of August. Since then there have been two large payments made towards the lease at 980 9<sup>th</sup> Street. An additional transfer was made for tenant improvements leaving a balance of approximately \$798K.

**e. Verbal Reports**

Ms. Sarah Palmer discussed a recent tour she went on with Region 4 in the Delta. She expressed the value of the trip in regards to us forming a stakeholder group after listening to some very passionate residents of the Delta.

**9. FUTURE AGENDA ITEMS:**

No requested future agenda items.

**10. ADJOURNMENT:**

President Estremera adjourned the meeting at 3:20 p.m., in the Sacramento Public Library, Tsakopoulos Library Galleria, 828 I Street, Sacramento.