

BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING

Thursday, October 17, 2024

1:30 p.m.

(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 person, by teleconference, and remotely - Conference Access Information: Phone Number: (669) 444-9171, Code: 82512742661#, <https://dcdca-org.zoom.us/j/82512742661?from=addon> at 1:30 pm.

2. ROLL CALL

Board members in attendance from the DCA Boardroom were Martin Milobar, John Weed, Gary Martin, Robert Cheng and Adnan Anabtawi. Alternate Director Barbara Keegan participated for Tony Estremera from Valley Water Headquarters Boardroom and Director Miguel Luna participated from the Metropolitan Water District Conference Room.

Alternate Director in attendance from the DCA Boardroom was Michael Plinski. Alternate Directors Sarah Palmer, Dan Flory and Dennis LaMoreaux participated remotely.

DCA staff members in attendance were Graham Bradner and Josh Nelson.

Department of Water Resources (DWR) members in attendance were Janet Barbieri and Darryl Hayes.

3. CLOSED SESSION

No public comment was received for the closed session item.

a) CONFERENCE WITH LEGAL COUNSEL

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

- i. *Tulare Lake Basin Water Storage District v. DWR*, Sacramento Superior Court, Case No. 24WM000006 (and related cases Nos. 24WM000008, 09, 10, 11, 12, 14, 17, 62, 76)

4. OPEN REGULAR MEETING & PLEDGE OF ALLEGIANCE- At Approximately 2:12 p.m.

President Milobar announced that there was no reportable action from the closed session.

5. PUBLIC COMMENT

There were no public comments request received.

6. APPROVAL OF MINUTES: August 15, 2024, Regular Board Meeting.

Recommendation: Approve the August 15, 2024, Regular Board Meeting Minutes

Motion to Approve Minutes from August 15, 2024, as

Noted: Weed
Second: Anabtawi
Yeas: Milobar, Martin, Luna, Keegan, Cheng, Anabtawi, Weed
Nays: None
Abstains: Weed
Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as MO 24-10-01).

7. DISCUSSION ITEMS:

a) August DCA Monthly Report

Information Item

DCA Executive Director, Graham Bradner, presented to the Board the Monthly Report for September 2024. Mr. Bradner started with Section 1, highlighting that the standard operating procedures and management plans are looking towards the future and making sure that there is a system in place to transition the project once the major permitting activities are completed. The administrative team is working on improving the audio in the boardroom. The microphones throughout the space and the dais will be upgraded. He went on to update the Board on the engineering team, which is currently working on an engineer's report for the DCA. In addition, the team has gone through and cleaned up all the engineering documentation that used to be in multiple volumes and various agendas to align with the environmental documents and instead have condensed them down to one cohesive engineering document for the selected project. The engineer's report is in the process of getting edited and formatted for ADA compliance and plan to have it posted on the website by the end of the month. Mr. Bradner stated that there would be an update on the value of the document possibly during the December Board meeting. DCA continues

to communicate to the public and various agencies the program estimate cost so that there is an understanding of the work associated with the estimate including the benefit cost analysis.

Mr. Bradner proceeded with the fieldwork team activities, which is not currently out in the field. The team is currently processing data and cleaning up all available information that has been provided and ensuring that all information is in the database that will be shared with the engineering team. The team is also working on other studies including the excavated tunnel material, which was a study that was done back in 2013. The team is reanalyzing the geotechnical environmental properties of that soil. This will continue to add to the overall data set.

Director Martin inquired if in the future DCA could create an informative schedule of completion for the activities that are taking place.

Mr. Bradner stated that DCA could add anticipated completion dates. Moving forward activities that are ongoing will clearly be stated while those that have an anticipated completed date could be added.

Mr. Bradner continued on to section 3, there is an approved budget of \$43M. Currently, DCA has committed through the task orders and contracts a little over \$34M. The task order has not been issued to fund the fieldwork with the current injunction. There will continue to be an underrun on the program until the funds are issued. Other than the field work, the budget is on track and still early in the fiscal year (FY). DCA will continue to track the budget details and likely do a midyear reconciliation process. This will allow DCA to evaluate the performance and see if there can be any financial changes made to better focus on the project activities.

Mr. Bradner stated that DCA will continue to report on FY 23/24 due to not fully closing the year out. There was a budget of \$40.4M with a current estimate at completion (EAC) of \$31.3M. There is an underrun of a little over \$9M and will likely not change much prior to closing out the report.

Mr. Bradner concluded the report update with the current FY 24/25 program schedule and mentioned that many of the activities are ongoing. The program geotechnical activities underlying by summer and fall are behind Schedule. The spring 2025 program is still identified in the FY scope of work. Other activities for the FY are on track.

No further comments or questions were received from the Board, nor were any public comment requests received.

b) Adopt Resolution Approving the Amended Travel Policy

Approve Resolution

DCA General Counsel, Josh Nelson explained that the DCA Board had previously adopted a travel policy. The current policy includes several template forms attached to the policy which are incorporated by reference. Any changes to the forms require an amendment to the policy. DCA is proposing to allow staff flexibility to update those template forms outside of a formal amendment to the policy. The templates would remain consistent with the substance of the policy.

Recommendation: Adopt by motion to Approve the Amended Travel Policy

Motion to Approve the Amended Travel Policy

Noted: Martin
Second: Anabtawi
Yeas: Milobar, Martin, Luna, Estremera, Cheng, Anabtawi, Weed
Nays: None
Abstains: None
Recusals: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as Resolution 24-11).

No comments or questions were received from the Board, nor were any public comment requests received.

c) Findings of the Independent Technical Review (ITR) Committee Report

Information Only

Mr. Bradner presented to the Board Engineering Manager, Daryl Hayes from the Delta Conveyance Office of DWR. Mr. Bradner stated that Independent Technical Reviews (ITR) are a key part of the overall program quality control plan. This ITR was conducted through contracts with DWR thereby creating the Independence that DCA is looking for. None of the folks involved in this review are under contract to the DCA and are not aligned with any of the contractors that DCA has working on the program. Mr. Hayes has been with DWR for 20 plus years with 4 years working on this program. There was a group of 7 professionals that did the review with several years of experience in tunnel engineering and construction, slurry walls, Geotech and seismic engineering, deep excavations and tunnel boring machine manufacture and operation. Dan Adams was the moderator of the panel. The goal of the innovation ITR was to come to a consensus on whether the DCA's proposed innovation concepts should be advanced to concept design level. The objectives

were to review each innovative concept to gain an understanding of technical issues, discuss and debate the merits of each in terms of influence on the projects' schedule, cost or potential environmental impact and to develop suggestions to improve each innovation and capture other ideas which may further reduce project costs or risks. The panel members also had DCA members answer questions while they reviewed.

Mr. Adams went on to explain the ITR process, including the three-day workshop followed by ITR presentation and the report which showed the tunnel innovations including optimized tunnel linings, optimized tunnel alignment, utilized semi-continuous mining and provided dual access at launch shafts. Regarding the Bethany Reservoir pumping plant and surge basin innovations this included utilizing interlocking dry pits, tunneled wet wells vs. open excavations and surge basin excavation and support. Mr. Adams stated that they looked at the conceptual design of the Bethany Reservoir Pumping Plant and Surge Basin, this station is very large due to the idea of moving 6,000 cubic feet per second of water. The innovation is a concept called the interlocking overlapping circular shaft dry pit. This concept will be easy to build, it simplifies the construction, shortens the durations and allows for clean and easy vertical access to the pumping equipment without any floors between the two. There would be cylinders interlocking shafts that are interconnected with the T. The water would come in the middle and the connection between the water coming in the inlet channel are connections laterally to each of the pump basins. Mr. Adams stated to the Board that the panel members recommend advancing the interlocking dry pit shafts to reduce the overall construction schedule, eliminate permanent tiebacks and facilitate the use of a tunneled wet well. The panel group unanimously endorsed this concept and recommended moving forward with it. The observations were that the 240-ft to 250-ft diaphragm walls may challenge the industry's tolerance capabilities, the overburden geotechnical information should be verified, and elimination of the wet well isolation bulkheads may require increasing the 100-ft diameter shafts to accommodate additional isolation valves.

Mr. Adams continued on to the second innovation concept of the mined tunnel wet well inlet. This innovation idea is to replace open pumping plant wet well by mining tunnel from the surge basin and connecting it to each pump by jacking piped from this new tunnel, it is compatible with the interlocking dry pit concept, simplifies construction and shortens durations, capitalizes on tunnel contractor/ underground work and reduces environmental footprint. The panel group recommends the mined tunnel wet well inlet concept be advanced with the interlocking dry pit concept. The observations are feasibility of approach depends on depressurization of ground and consider moving reception shaft and pump station box closer together to reduce overall length of tunnel (along with Surge Basin Innovation Concepts).

Mr. Adams went on to mention that the panel group reviewed a total of 8-12 innovations for the project. In a workshop environment, the panel group discussed, debated and

ultimately came to an agreement on the following conclusions and recommendations. Developing dual access at the two (2) major tunnel driving is encouraged, the tunnel alignment may be raised by 20-ft on reaches one (1), two (2)2 and three (3) which is upstream of East Bay Municipal Utility District Row. This is also 100% behind optimizing the tunnel lining to reflect external confinement is prudent and should be advanced. Mr. Adams stated that the recommendations are semi-continuous mining could potentially be utilized on reach four (4). Nothing needs to be changed to allow this to happen, for the surge basin alternatives, the panel group considers the roller compacted concrete (RCC) option the preferred approach of those presented and suggests an internally braced alternative where rakers or buttresses are installed and the interlocking dry wells are a very good idea and appear to greatly simplify construction. However, carrying the rectangular box dry well concept a bit further is prudent. The continued recommendations are the mined tunnel wet well inlet innovation concept should be advanced. Design efforts should focus on the final lining requirements and leave the tunneling method to the contractor's means and methods, Design-Bid-Build delivery provides the best cost control for the project: however, if schedule governs over cost, the construction manager at risk (CMAR) is the preferred alternative project delivery approach and there is adequate geotechnical information for the level of design completed. Additional explorations will reduce the complexity of the project.

Director Cheng stated that he appreciates the detailed report and the rigor the group went through was very impressive and would like a summary of the recommendations that should be moved forward.

Mr. Adams stated that the tunnel lining innovations, move forward with the optimized vertical alignment, the semicontinuous mining will not dramatically change the price, schedule or the environmental impact, the fourth (4th) tunnel option is the two (2) dual access at the two (2) primary shafts and recommend early work contract set up for two (2) access points at each of the two (2) working shafts. Regarding the Bethany pump station, they recommend moving forward with the interlocking shafts, recommend the mined wet well, recommend the roller compacted alternative be advanced in the surge basin and recommended another alternative called the internal buttress alternative. The team got into contracting and how to deliver it most efficiently. They came up with the bid-build for the items that are not schedule critical for the items that the agency is interested in having done sooner. The geotechnical exploration program is adequate for the decisions being made.

Director Martin stated that the number of experts that gathered to review the project is very valuable and appreciated the efforts that went into it. He asked if there was anything in the recommendations that did not have a technical precedent. It seems to him that this is an accumulation of well-known structural technologies and hydraulic technologies that are assembled to produce better ideas.

Mr. Adams stated that when people want a rectangular pump station, agencies pencil out what the costs are to build traditionally versus how the industry is now building them. The new trend is called figure eights (8) and is being pushed to a level that has not been done before. These have been done in industry in DC, Seattle industry and in the Los Angeles area. This is a more sophisticated and intelligent manner that gives the operation people seven (7) independent drywalls, and it benefits the project. With circles the load is distributed evenly everywhere without digging a large hole. The technology has been done before, however not in this application.

Director Anabtawi stated that he appreciates the whole team for their capabilities and ingenuity. Director Anabtawi asked several questions including if construction safety and operational weigh in in on how it benefits the operation from a cost or complexity standpoint, do the pumps get starved when they are turned on and how it affects the design and during the progressive design build if there is a delay in any part, does it make sense to move forward due to cost savings or is it a traditional design bid build.

Mr. Adams stated that safety was part of their overlay and is lower risk, there is a report of the innovation on optimizing the vertical alignment and optimizing the size of shafts. The safety of the shaft size has been thought out efficiently for the final design and they are large enough to accommodate any type of construction operation in the tunnel without impacting or having anything negative on the risk of safety issues. Most tunnel incidents occur in the shafts while entering and exiting the tunnel. There was a conversation regarding the operations and all questions were answered and the suggestion was the pump station design. The operators are consent content with the plan as this is a 40-foot diameter wet well tunnel. The panel group did not bring in a hydraulics expert for this review, however DCA did complete the hydraulic work prior to the ITR review. Regarding starving the pumps, they are always submerged. Mr. Adams stated that the proposed concept will be 600 feet long with a 40-foot diameter tunnel (four-story building). For the procurement, the work that is being done, it is not worth paying extra for the schedule. A bid build will be the most effective and there will be control of the work with great evidence. Several panel members stated that a progressive design build is not beneficial for any project that is more than half a billion dollars. For example, the BART to San Joe, CA is not saving money, if you look at the California High Speed Rail is it not saving money. This is due to the contracting entity driven by interests that are different than the owner.

Mr. Adams stated that the CMAR is working, for example, the train project in Atlanta, GA. The design progresses under the direction of the owner and the engineering are controlled by that owner group. The builder is brought on prior to the design being finished and this helps with overlapping with procurement periods. The decision on what is in and what is out, where the price is going, and the allocation of risk, which are made with owner,

engineers/experts and contractors by meeting in the middle. What we are seeing with progressive is the owner alone and the engineers/experts and contractors in working in silos.

Mr. Bradner stated that the panel group went through a lot of information on the project, the project has many specific requirements which create flexible space for design innovations. DCA is analyzing the report and seeing the potential benefits but is not at the point of making decisions. Mr. Bradner appreciates the work that the panel group completed.

Director Anabtawi inquired about the DCA being open to explore if we could use CMAR or are their steps needed to enable as an option.

Mr. Bradner stated that DCA will evaluate the benefits to the current program prior to pushing other steps.

Director Weed thanked the panel group for their work and stated that cost confidence and predictability terms were not used during the presentation, which are important elements. Director Weed stated that DCA in good faith should continue making presentations to the legislature and the public that the project will be accomplished within the cost frame. The schedule does not seem critical. Mr. Weed suggests that we provide more flexibility to the contractor to use methodologies that they are comfortable with as each comes with their own set of skills and experience.

President Milobar stated that he appreciates the panel group and will read the report.

Mr. Bradner stated that he appreciated the time the panel group took to read all the information and digest it.

No further comments or questions were received from the Board and no public comment requests received.

d) **Sr. Leadership Spotlight- Rebekah Green, DCA Property Acquisition Manager**

Information Only

Mr. Bradner presented to the board, DCA Property Acquisition Manager, Rebekah Green. Mr. Bradner stated that Ms. Green works for Bender Rosenthal, Inc, a right-of-way company that DCA has worked with for several years. DCA Field Coordinator, Rob Oller is also employed by Bender Rosenthal, Inc. Ms. Green was born and raised in Sacramento and is married to a US Army Sergeant that has served in the military for the last 17 years. Ms. Green enjoys cooking, baking and working out. Ms. Green has completed a century,

marathons and many half marathons. Ms. Green has 16 nieces and nephews and will soon be a great aunt. She graduated from California State University, Sacramento with a bachelor's in social work. Ms. Green is a project manager and an escrow expert with clients ranging from Bakersfield, CA to the Oregon border. Her prior experience includes working for a real estate service company that was a tax real estate intermediary for a nationwide company and during her free time she was a part-time social worker. Bender Rosenthal, Inc has worked with DWR for the last 25 years and Ms. Green has worked with them for the last 14 years. She works with Al Davis, DWR's Supervising Right of Way Agent, and other staff in addition to DCA, and works on other water projects throughout the state of California. Bender Rosenthal, Inc has completed over 135 task orders and worked on 6 major flood control projects with DWR.

Ms. Green stated to the Board that she helped implement DWR's policy for real estate including final counting packages and overseeing with the Army Corps of Engineers. Other projects that she has been on are the Three Rivers Levee Improvement Authority in the upper Yuba Levee Improvement Project, The Sutter Butte Flood Control Agency in the Feather River West Levee Project and the West Sacramento Area Flood Control Agency in the Southport Sacramento River Early Implementation Project. She is also currently assisting in the San Joaquin area flood control agency in the Delta improving all their levees.

Ms. Green's current role with DCA is to help implement the real estate and right of way needs for the project, coordinate with all the team leads and also works with partners, DWR and the executive director.

President Milobar is glad to have Ms. Green on board and knows she can handle the job well.

Director Cheng asked Ms. Green which is harder a century or a marathon.

Ms. Green stated that a marathon is a harder task.

Mr. Bradner stated that Ms. Green will be helping DCA plan and prepare for the future and start thinking as to how to be in compliance with state requirements and the DWR requirements.

Director Anabtawi stated that he is excited for Ms. Green to be busy and make major strides for this project.

No further comments or questions were received from the Board, nor were any public comment requests received.

8. STAFF REPORTS AND ANNOUNCEMENTS:

President Milobar stated that members of the public may address the Authority on matters pertaining to the Reports at this time.

No public comment requests were received for any of the staff reports.

a. General Counsel’s Report

DCA General Counsel, Josh Nelson, informed the Board that he continues to provide legal assistance as requested. This includes assisting with the travel policy update on the agenda. As a follow up to the August report, the legislative cycle has finished and DCA is in the process of reviewing the new laws to ensure compliance going forward.

No comments or questions were received from the Board.

b. Treasurer’s Report

DCA Treasurer, Katano Kasaine informed the Board that the beginning cash balance for the Delta Conveyance as of July 1, 2024, was \$752,864. Receipts for July through September 2024 totaled \$9,034,148 representing contributions from DWR and DCO for payment of the Authority’s obligations and total distributions for the same period were \$8,979,158 resulting in an ending cash balance of \$807,854 as of September 30, 2024.

Ms. Kasaine stated that as of September 30, 2024, the Authority’s outstanding receivables amounted to \$3,857,046 consisting of 11 invoices issued to the DCO. Deposits comprising of office lease, security deposit, court ordered entry permit reserves and prepaid expenses were \$1,023,073 and \$93,156 respectively as of September 30, 2024. For the same period, balances for accounts payable and advances were \$3,870,304 and \$800.00. The net position as of September 30, 2024, was \$1,110,825.

No comments or questions were received from the Board.

c. DCP Communications Report

DWR Communications Manager, Janet Barbieri presented on behalf of DCA Communications Manager, Valerie Martinez. Ms. Barbieri informed the Board that there is a new fact sheet on engineering innovations that is also translated in Spanish and Chinese.

Social media traffic has excellent numbers, and the communications team continues to put information on social media.

Ms. Barbieri also informed the Board that the team is continuously looking for conferences to exhibit at and that currently the team was exhibiting at the California League of Cities, which is a great way to interact with a different audience.

Ms. Barbieri stated to the Board that DWR had recently put out the community benefits program and following that would be the draft implementation plan and guidelines. This will be available now through about March 1, 2025, this allows for the public to thoroughly review the materials. There is also a google form that guides people through the document and asks questions, DWR is looking forward to having some engagement on the documents. DWR has weekly refresher blogs with great information regarding the project with written materials and videos available. Ms. Barbieri also stated that DWR continues to provide briefings that allow the team to be available for organizations that would like updates on the project.

President Milobar stated for the team to continue the great work.

No further comments or questions were received from the Board, nor were any public comment requests received.

d. Verbal Reports

Mr. Bradner stated that Alternate Director Barbara Keegan is not pursuing another term on the board at Valley Water and will be stepping down from this Board as an alternate. Mr. Bradner would like to acknowledge all that has been gained by Ms. Keegan's involvement and leadership. Mr. Bradner stated that Ms. Keegan gave great input through the Stakeholder Engagement Committee (SEC) process and was co-chair of that

committee. Mr. Bradner would like to have an official acknowledgment of Alternate Director Keegan in the December 2024 Board meeting.

President Milobar agreed to that request and stated that there was an acknowledgment from the board of Ms. Keegan's work.

Alternate Director Palmer requested to provide a public comment and stated that she commends Ms. Keegan and the work that she did during the SEC, and it has been a fabulous experience to work with Ms. Keegan.

Alternate Director Keegan stated that it has been a wonderful opportunity to participate in this process, working on the stakeholder engagement and that it has been a once in a lifetime experience to work with such a great team on such a large project.

President Milobar thanked Ms. Keegan for her work.

Director Cheng acknowledged Mr. Bradner and his team for helping the Coachella Valley Water District get to a successful resolution on the next funding. Director Cheng thanks Carrie Buckman and Mr. Bradner for taking the time to go out to Coachella Valley and have a great dialogue between Ms. Buckman, Mr. Bradner, Himself and the board.

9. FUTURE AGENDA ITEMS:

No future agenda items requested.

10. ADJOURNMENT:

President Milobar adjourned the meeting at 3:28 p.m., remotely-Conference Access Information: Phone Number: (669) 444-9171, Code: 82512742661#, <https://dcdca-org.zoom.us/j/82512742661?from=addon>