

DELTA STEWARDSHIP COUNCIL MEETING
April 1, 2010
MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 10:07 a.m., April 1, 2010, by Don Nottoli, Chair of the Delta Protection Commission, the first member appointed to the Council.

2. Oath of Office

Don Nottoli introduced Associate Justice Ron Robie, California Court of Appeal, Third Appellate District, who administered the Oath of Office to the Council members.

3. Roll Call – Establish a Quorum

Roll call was taken and a quorum was established. The following members were present for the meeting: Randy Fiorini, Gloria Gray (Ms. Gray left meeting at noon), Phillip Isenberg, Patrick Johnston, Hank Nordhoff, and Don Nottoli. The following member was absent: Richard Roos-Collins.

4. Election of Council Chair (Action Item) (Water Code §85200(e))

Counsel Chris Stevens explained that SBX7 1 requires the Council to elect a full-time chair and cautioned that the members nominated should abstain from voting. Gloria Gray nominated Phillip Isenberg, Hank Nordhoff and Patrick Johnston, both seconded the motion. A vote was taken, and Phillip Isenberg was elected on a 5-0 vote. Ayes: Nordhoff, Johnston, Fiorini, Nottoli, Gray; Noes: None; Isenberg abstained from vote.

Justice Robie, swore-in Isenberg as Chair (a full-time position) and Chair Isenberg assumed control of the meeting, thanking member Nottoli for chairing the meeting and thanked Justice Robie honoring the members by coming to swear the council in to office.

Chair Isenberg introduced Lester Snow, Secretary for Natural Resources and David Nawi, Special Advisory to the Secretary of the Interior. Both delivered opening remarks.

5. Designation of Interim Executive Officer (Action Item) (Water Code §85201(d))

Statute calls for Council to appoint an Executive Officer, however a suggestion was made to appoint an Interim Executive Officer and then Council will revisit item in the next 30, 60, or 90 days.

It was moved (Johnston) and seconded (Fiorini) to designate Grindstaff as the Interim Executive Officer. A vote was taken (6/0 vote) Ayes: Nottoli, Gray, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The Council unanimously passed the motion to appoint Grindstaff as the Interim Executive Officer.

7b. Proposed Delegation of Authority to the Executive Officer (Action Item) (Water Code §85210(d))

Agenda Item 7b was taken out of order to be addressed by the Council. Counsel Stevens presented this item. It was an action item that would delegate authority to the Executive Officer to administer the day-to-day affairs of the Council. The proposed delegation is consistent with other delegations adopted by state boards and commissions, and will allow the Council to more properly focus its attention on significant Delta-related policy matters. Member Nottoli expressed concern and his thoughts concerning the importance of showing prudence relative to the fiscal side of the delegation. Stevens pointed out that the last paragraph of the delegation require the Executive Officer to bring to the Council's attention any matter that is unique or unusual; depart from the policies of the Council, and controversial matters, etc.

It was moved (Nottoli) and seconded (Gray) to approve with the Delegation of Authority to the Executive Director with a **modification of the action to provide the Council with a list of contracts entered into and a list of examples for categories**. A vote was taken, (6/0 vote) Ayes: Nottoli, Gray, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed as modified.

7a. Proposed Procedures for Delta Stewardship Council (Information Item) (Water Code §85210(i))

Counsel Stevens presented this information item that would adopt meeting procedures for the Council and recommend that the Council adopt the procedures at their next meeting in order to provide for the orderly and effective conduct of meetings. The procedures are consistent with other state boards and commissions, and are reflective of meeting procedures adopted by various county boards of supervisors. Chair Isenberg requested Council members to review the procedures and offer suggestions. Isenberg proposed this item come back to the Council at the next meeting as an action item for deliberations.

6. Interim Executive Officer's Report

Chair Isenberg introduced Joe Grindstaff to present these items.

6a. Staff Report Describing the Statutory Mission and Potential Organization of the Delta Stewardship Council.

Grindstaff gave background on the water bond and drew attention to Agenda Item 9, Attachment 1, Informational Timelines as being broad responsibilities. Grindstaff turned to Counsel Stevens who walked the Council through the legislation, **Attachment 1, Text of SBX7 1**.

Grindstaff introduced the executive management personnel noting their bios were included in the Council members' meeting materials, as **Attachment 2**.

Grindstaff pointed out **Attachment 3, Interim Organization Chart**, noting the next step is for the Organization Chart to go to Department of Personnel Administration for approval and to set salaries.

Grindstaff moved to **Attachment 5, FY 09-10 Budget**, explaining it in detail. Chair Isenberg requested a more detailed budget briefing at the next meeting to help the Council members better understand it.

6b. Legislative and Legal Briefing

This will be a standing item on the Council's agenda. Chair Isenberg requested Legislative Director, Curt Miller, give a background summary and verbal report for pertinent legislative issues at every meeting.

Regarding the Legal Briefing, Chris Stevens, Chief Counsel, said there are 20-30 lawsuits driving operations. DWR has offered to have their attorneys brief the Council on litigation at a future meeting.

7c. Legal/Administrative Report

Stevens went over the Conflict of Interest Code Adoption Procedures, which was an informational item. The Council must institute a formal rulemaking to adopt a conflict of interest code. Once an organization chart listing staff positions is ratified by the Council, staff will prepare a draft code and rulemaking package for action at the Council's next meeting.

There was a brief discussion on ex-parte communications and rule-making. Stevens gave the Council an explanation and interim advice until the next meeting, when this will be on the agenda for discussion.

The meeting recessed for lunch at 12:15 and resumed at 1:00 p.m.

9. Delta Plan

Terry Macaulay summarized the requested actions regarding the Delta Plan. There was discussion among the members as to how to resolve conflicts. Chair Isenberg and Chris Stevens discussed the statute and mandate from the legislation as it related to the Delta Plan. Stevens acknowledged the Council has a clear planning duty, enforceable, an appellant duty regarding consistency with the Plan, etc.

9a. Option to Retain Consultant Assistance for the Delta Plan (Action Item) (Water Code §85210(b))

Chair Isenberg and Joe Grindstaff talked about the RFQ process, which was an action item and encouraged Council members to become involved and if schedules allow to sit through the interviews, if desired. **Isenberg restated the action that will direct the staff to proceed under the proxy DWR format with the understanding that no earlier than our next meeting but no later than very early May we will make a final determination and that final determination will be prefaced by a written report or analysis that will go out to the Council a minimum a week in advance. The Council accepted the staff recommendation with the condition. Isenberg also requested that a copy of the blank RFQ be posted on the website.**

It was moved (Johnston) and Seconded (Fiorini) to approve the restated action. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9b Development of the Delta Plan Consistent with the Coastal Zone Management Act (Information Item) (Water Code §85300(d))

This agenda item was held over for a future meeting.

9c. Establishment of a Delta Plan Agency Coordination Group (Action Item) (Water Code §85204)

Joe Grindstaff discussed this agenda item and the request for the Council to direct staff to present a plan for a committee of agencies responsible for implementing the Delta Plan at the next Council meeting.

The Council provided direction and called for a vote. It was moved (Johnston) and Seconded (Fiorini). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9d. Request for Federal Participation in Delta Plan Development (Action Item) (Water Code §85082)

Joe Grindstaff presented this action item, requesting federal participation in the Delta Plan development. Staff are requesting the Council (Chair Isenberg) send a letter to the Secretary of the Interior requesting appointment of federal agency representatives to participate in the development of a Delta Plan that will be consistent with the CZMA of 1972, and the Clean Water Act, and the Reclamation Act of 1902.

The Council discussed this issue and called for a vote. It was moved (Johnston) and seconded (Nordhoff). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9e. Direction for Development of Interim Plan (Action Item) Water Code §85084)

Terry Macaulay presented this action item that requested the Council direct the staff to develop the Interim Plan to guide project, plan, and program development until the Delta Plan is adopted. Chair Isenberg said the request appeared to be pretty straight forward. Grindstaff agreed.

Supervisor Nottoli, said the DPC Resource Management Plan has recently been completed and suggested there are elements of the plan that should be considered in the interim plan.

It was moved (Johnston) and seconded (Nottoli) to approve the action, with direction from the Council to the staff to consider the DPC's Resource Management plan when developing the Interim Plan. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed, with the discussed direction.

10. Direction to Chair to consult with SWRCB on Selection of Delta Watermaster (Action Item) (Water Code §85230)

Chair Isenberg cleared this item. Statute requires the Council to consult with the State Water Resources Control Board on Delta Watermaster they will appoint.

This action authorized Chair Isenberg to consult with them on this matter. It was discussed by the Council called for a vote. It was moved (Johnston) and seconded (Nottoli). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

8a. Introduction to Delta Science Program and Council Authority under Enabling Statutes (Water Code §85280)

Dr. Clifford Dahm, Acting Lead Scientist, presented this agenda item to Council. There was discussion regarding the Council's participation in the BDCP process and finding a way for the Council to comment but remain independent.

8b. Designation of the Interim Lead Scientist (Action Item) (Water Code §85280 (b))

Joe Grindstaff presented this action item, recommending Dr. Dahm, as the Interim Lead Scientist. It was moved (Johnston) and seconded (Nordhoff). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion to appoint Dr. Clifford Dahm as the Interim Lead Scientist was unanimously passed.

8c. Procedures for Selection of the Delta Independent Science Board (Action Item) (Water Code §85280(a))

This item called upon the Interim Delta Lead Scientist to work with the previous CALFED Independent Science Board Chair and the Delta Stewardship Council Chair to develop a list of Delta Independent Science Board nominees for the consideration of the Council. After discussion the Council **requested one change to the action, an email solicitation for applicants should be conducted as part of the process to develop the list of nominees for the ISB.**

It was moved (Fiorini) and seconded (Nordhoff) to approve the action with the requested change. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

8d. Delta Science Program Proposal Solicitation Package for Research Grants (Information Item) Water Code §85210(g) and Water Code §85280 (b) (4))

This information item was presented by Dr. Dahm. The presentation covered the purpose of funding research, focused research topic areas, and a proposed timeline to move forward with PSP and come back to Council with final PSP at their next meeting.

11. Public Comments

Public comments were heard from the following:
Randy Kanouse, East Bay Municipal Utilities District
Scott Gravitt, Rosetta Resources
Jonas Minton, Planning and Conservation League
Bryon Buck, State and Federal Water Contractors
Steve Ottemoeller, Friant Water Authority
Dr. Mark Rockwell, Penn Valley Citizen
Charles Bucaria, Sacramento Citizen
Spreck Rosekrans, Environmental Defense Fund
David Pegos, California Department of Food and Agriculture
John Kirlin, Delta Vision Foundation
Gary Bobker, The Bay Institute
Leo Winternitz, The Nature Conservancy

Meeting was adjourned at 4:27p.m.