

DELTA STEWARDSHIP COUNCIL
April 22 - 23, 2010
MEETING SUMMARY

DAY 1: Thursday, April 22, 2010, (10:00 a.m. – 4:00 p.m.)

1. Welcome and Introductions

The meeting was called to order at 10:00 a.m., April 22, 2010, by Chair Phillip Isenberg. Before roll was called, Chair Isenberg performed the duty of swearing Richard Roos-Collins into office.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present for the meeting: Don Nottoli, Phillip Isenberg, Gloria Gray, Randy Fiorini, Richard Roos-Collins, Hank Nordhoff, and Patrick Johnston (arrived at 10:15 a.m.) Chair Isenberg did an overview of the two-day meeting, noting that he and Supervisor Nottoli were on call to attend budget hearings and would probably have to leave for a portion of the meeting.

3. Delta Briefing

This agenda item was an information item. Chair Isenberg gave an overview of the briefing, and Joe Grindstaff, Interim Executive Officer, introduced and moderated the staff presenting the PowerPoint presentation and interactive discussion between the Council and presenters.

Keith Coolidge, Acting Chief Deputy Executive Officer, opened the presentation with a discussion about supply and demand, water rights, how water is moved and where it goes, and the Delta as an ever-changing hub. Dr. Clifford Dahm, Interim Lead Scientist, took over the science and the Delta portion of the presentation which included resource management, ecosystem science, and decision making. Dr. Anke Muller-Solger, IEP Lead Scientist, spoke on the lessons learned from 40 years of interagency science in the Delta. Coolidge finished the presentation by addressing the issue of actions and consequences in the Delta and information on the 2009 Legislative package.

Chair Isenberg and Supervisor Nottoli were called to the budget hearing at 12:30 p.m. Members Fiorini and Gray chaired the meeting while they were absent. The meeting broke for lunch at 12:50 and resumed at 1:30. Chair Isenberg and Supervisor Nottoli returned to the meeting shortly before lunch concluded, at which time Chair Isenberg introduced the next agenda item.

4. Delta Plan Consultant Contracts (Action Item) (Water Code §85210(b))

Terry Macaulay presented this item. It was an action item that was brought back from the April 1, 2010, Council meeting, at which time the Council directed the staff to continue with the Delta Plan contractor selection process that was underway.

This action item requested the Council: 1. Concur with the recommendation of the selection panel and request DWR, in consultation with Council staff, to take the following actions as soon as possible: (a) Execute a contract with the selected contractor for a term of two years, in an amount not to exceed \$9.5 million; (b) Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications; and (c) Assign the contract and initial tasks order to the Council as soon as practicable; and 2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

The item was discussed and the Council requested the action be amended as follows:

1. Concur with the recommendation of the selection panel and request DWR, in ~~consultation~~ coordination with Council staff, to take the following actions as soon as possible:
 - (a) Execute a contract with the selected contractor for a term of two years, in an amount not to exceed \$9.5 million.
 - (b) Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications.
 - (c) Assign the contract and initial tasks order to the Council as soon as practicable.
2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

It was moved (Roos-Collins) and seconded (Johnston) to approve the amended action. A vote was taken (7/0 vote) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

5. Chair's Report

Chair Isenberg gave update on items a, b, and c. All items were informational.

a. Request for Federal Participation (Water Code §85082)

Chair Isenberg and Joe Grindstaff will take the lead on this item and report back to the Council at its next meeting regarding the status of their request for federal participation.

b. State Water Resources Control Board Consultation about Watermaster (Water Code §85230)

Chair Isenberg discussed the April 21, 2010, memo he sent to Charles Hoppin, Chair of the State Water Resources Control Board regarding the Appointment of a Delta Watermaster and the outcome of his meeting with Chair Hoppin.

c. State Agency Coordination (Water Code §85204)

Chair Isenberg discussed the April 21, 2010, memo he sent to Mark Cowin, Director of the Department of Water Resources, regarding working with DWR on the BDCP, the Delta Plan, other related efforts and a request to meet and discuss these issues.

6. Interim Executive Officer's Report

Joe Grindstaff presented this agenda item, which was informational. Grindstaff also noted the correspondence included in the members' binders. The Council would like a description of how the staff will handle correspondence addressed to them. Grindstaff said we plan on posting correspondence and responses on the Council's website.

a. Budget Detail

Grindstaff discussed the budget policy background.

b. List of Contracts since February 3, 2010

A list of agreements approved by Executive Officer from 2/3/10-4/15/10, which was a request of staff made by the Council at their April 1, 2010, meeting, was presented. The Council would like to be provided with a contract expenses report, quarterly.

c. Legislative and Legal Update

Curt Miller presented the Legislative Update that included a description of AB 2092 (Huffman) and a list of other legislation regarding Delta water policy. The Council would like a draft policy and procedure for how the Council will address legislation. Miller agreed to develop the policy for the Council's review at the next meeting.

d. Bagley-Keene and Ex Parte Discussion (Government Code §1120 et seq.)

Chris Stevens, Chief Counsel, introduced Daniel Siegel, Department of Justice, who presented information to the Council on Bagley-Keene and Ex Parte Discussions.

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7. Administrative Items

Chair Isenberg introduced agenda item 7. These items were action items.

a. Adoption of Proposed Meeting Procedures and Possible Election of Other Officers (Vice Chair) (Action Items) (Water Code §85210(i) and Water Code §85201(a))

Counsel Stevens presented the proposed meeting procedures which were introduced at the April 1, 2010, meeting, for Council members' review. The proposed procedures for the Delta Stewardship Council meetings are consistent with meeting procedures adopted by other state boards and commissions, and reflective of meeting procedures adopted by various county boards of supervisors. Staff recommended the Council adopt the following resolution, The Delta Stewardship Council hereby adopts as its meeting procedures, the attached "Procedures for Delta Stewardship Council Meetings."

The procedures included in the members' materials were updated from the 4/1/10 version, changing the location of the meetings in number 3, Time and Place of Regular Meetings: Unless otherwise specified, the Council will meet regularly, on the fourth Thursday and Friday of every month, at the Secretary of State's Office Auditorium, 1500 11th Street, Sacramento.

At the Council's request, the procedures are amended to read "At least two regular meetings per year will take place at an alternate location within the boundaries of the legal Delta or Suisun Marsh."

It was moved (Johnston) and seconded (Fiorini) to approve the amended Meeting Procedures. A vote was taken (7/0 vote) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed as amended.

The second agenda item brought up for discussion was the election of a Vice Chair. Chair Isenberg requested nominations. Patrick Johnston nominated Randy Fiorini for Vice Chair. The motion was seconded (Nordhoff). Fiorini accepted the nomination and a vote was taken (6/0) Ayes: Nottoli, Isenberg, Gray, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

b. Adoption of Meeting Calendar (Action Item) (Water Code §85200(f))

The meeting calendar was discussed by the Council and agreed on the May – October schedule. Council staff will poll members for availability for meetings in November and December. It is understood that once we sort out the list of potential sites, staff will produce a meeting schedule that includes all dates through December as well as the locations of each meeting.

It was moved (Fiorini) and seconded (Gray) to approve the meeting schedule through October. A vote was taken (7/0) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

8. Conflict of Interest Code Rulemaking (Action Item) (Government Code §87300 et seq.)

This action item if approved, requests the Council to direct staff to initiate the rulemaking process for the adoption of a conflict of interest code for the Council. Chair Isenberg and Counsel Stevens discussed the draft code and FPPC regulation as well as the Conflict of Interest Code Adoption Procedures. The draft code will come back to the Council in July and the entire process will be completed in August.

Since the code that will be adopted will be specific to the Council, the Council requests the action be amended to delete sections that do not apply to Council. The Council also requests that they be informed in writing, no later than 2 weeks, which sections were deleted.

It was moved (Fiorini) and seconded (Nordhoff) to approve the amended action. A Vote was taken (7/0), Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion as amended was unanimously passed.

9. Public Comment

Public comments were heard from the following:
Barry Nelson, Natural Resources Defense Council
Gilbert Cosio, MBK Engineers
Melinda Terry, North Delta Water Agency

The meeting concluded for the day at 3:56 p.m.

DAY 2: Friday, April 23, 2010 (9:00 a.m. – 4:00 p.m.)

10. Call to Order

The meeting resumed at 9:00 a.m. with Chair Isenberg presiding.

11. Roll Call – Establish Quorum (Water Code §85210.5)

Roll call was taken and a quorum was established. The following members were present for the meeting: Don Nottoli, Phillip Isenberg, Gloria Gray, Randy Fiorini, Richard Roos-Collins, Hank Nordhoff. Absent: Patrick Johnston.

12. Interim Lead Scientist's Report

a. Update on Recommendation Process for Appointment of the Delta Independent Science Board (Water Code §85080 and Water Code §85280(a))

Dr. Dahm presented this information item, which included an update on the Delta ISB Appointments.

13. Proposal Solicitation Process for Science Grants (Action Item) (Water Code §85210(g) and Water Code §85280(b)(4))

Dr. Dahm presented this action item that was brought to the Council at their meeting on April 1, 2010. The approval of this action by the Council will enable the Delta Science Program to set a deadline for proposal submittals and complete the solicitation process.

After discussion with the Council, it was moved (Collins) and seconded (Gray) to approve the action. A vote was taken (6/0) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff. Noes: None. The motion was unanimously passed.

14. Review of Proposal Solicitation Processes for Ecosystem Restoration Grants

This was an information item on restoration projects that included PowerPoint presentations by Dave Mraz, Department of Water Resources, and Carl Wilcox, Department of Fish and Game..

15. Draft Outline of Interim Plan (Information Item) (Water Code §85084)

Joe Grindstaff presented this informational item to the Council. At the direction of the Council from their meeting of April 1, 2010, staff prepared an Interim Plan draft outline. The outline will be changed significantly as real work on the Interim Plan begins. The draft Interim Plan will be based on the statutory requirements for the Delta Plan as they apply during the period before the Delta Plan is adopted.

16. Public Comment

Public comment was heard from the following:
A.G. Kawamura, California Department of Food and Agriculture
Mark Rentz, Association of California Water Agencies

17. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.

The next meeting is scheduled on May 27-28, 2010.

The meeting adjourned at 12:15 p.m.