

**March 22, 2021**

**Notes from call by DSC Executive Director re: Delta Independent Science Board contracts**

1. Discontinuation of the contracts with the Delta Independent Science Board members was the decision of the Executive Director of the Delta Stewardship Council.
2. The decision was the result of a review of the Delta ISB contracts by DSC counsel, initiated after the passage of AB 5 in 2019.
3. After review, DSC counsel's opinion was that the California Constitution suggested that the members of the Delta Independent Science Board should be state employees.
4. The ED did not know of any other contracts with the DSC that were not renewed or extended due to the review.
5. I asked the ED about Article VII, section 4(d) of the California Constitution, which only states: "[t]he following are exempt from civil service: [...] (d) Members of boards and commissions." The ED stated that the DSC's counsel, Vera Bezdicek could explain the legal basis for the decision.
6. The Department of General Services attorney reportedly reviewed the opinion by DSC counsel and concurred, as did other state agency attorneys. One of the considerations was that no members of any other California state board or commission are paid through contracts.
7. It was the DSC Executive Director's understanding that the DSC counsel's legal opinion would prevent the DSC from amending the DSC's April 2020 interagency agreement with the San Francisco Estuary Institute, UC Davis, and the US Geological Survey for editing San Francisco Estuary News and the 2021 State of Bay Delta Science report or the contract with UC San Diego for the Delta Science Fellows to pay the Delta Independent Science Board members as subcontractors.