

From: Pearson, Jessica@DeltaCouncil
To: [Deirdre Des Jardins](mailto:Deirdre.DesJardins)
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Subject: RE: Questions regarding contracts for scientific review by Delta Independent Science Board members
Date: Monday, April 5, 2021 4:31:00 PM

Dear Ms. Des Jardins,

This letter is in response to the letter we received, dated March 19, 2021, signed by you, AquaAlliance, and others, regarding questions about the status of Delta Independent Science Board (Delta ISB) members. The letter sought information concerning the administrative conversion of Delta ISB members from contractors to state employees. In addition to our telephone conversation on 3/19, I would like to provide you with some resources that might be helpful in answering your questions.

As you know, the Delta ISB was created by the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act). The Delta Reform Act created the Delta ISB as a board "in state government," as a replacement for the CALFED Independent Science Board (Cal. Water Code section 85280, subsections (a) and (d)). The California Constitution exempts board members from civil service (Article VII, Section 4). The California Department of Human Resources (CalHR) classifies per diem board members as exempt "statutory officers" who are employees of the state. More information on classification of exempt employees (including statutory officers) can be found on the CalHR website at <https://www.calhr.ca.gov/state-hr-professionals/Pages/exempt-employee-salaries.aspx> as well as CalHR publications such as the July 2019 CalHR Exempt Employee Salary Schedule found at <https://www.calhr.ca.gov/Documents/exempt-salary-schedule.pdf>. Government Code section 11564.5 states that the rate for board members "shall be established at one hundred dollars (\$100) per day unless a higher rate is provided by statute...." Because the Delta Reform Act does not provide a specific compensation amount for the Delta ISB, the Delta ISB is compensated at \$100 per diem.

Although the Delta ISB are now administratively classified as employees, they continue to function independently in the discharge of their duties under the Delta Reform Act, including the "oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews." In addition, the Council is working on providing support to the Delta ISB in the exercise of their statutory functions in a way that would maintain the independence of the Delta ISB and at the same time continue to support independent Delta science.

Thank you for your interest in, and support of, the Delta ISB and independent Delta science. I hope you find this information helpful.

Jessica

Jessica R. Pearson
Executive Officer

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From: Deirdre Des Jardins <ddj@cah2oresearch.com>

Sent: Friday, March 19, 2021 4:54 PM

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Subject: Questions regarding contracts for scientific review by Delta Independent Science Board members

Good afternoon

Please see the attached letter requesting information on the reasons for non-renewal of the consulting contracts for scientific review by Delta Independent Science Board members.

Thank you,

Deirdre Des Jardins
California Water Research


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