

Monterey County

*Monterey County Government Center
Board Chamber
168 W. Alisal St. 1st Floor
Salinas, CA 93901*



Action Minutes - Final

Tuesday, December 4, 2012

9:00 AM

**See separate agendas for Monterey County Board of Supervisors &
Successor Agency to the Monterey County Redevelopment Agency**

**Board of Supervisors of the Monterey County Water
Resources Agency**

Call to Order

The meeting was called to order by Chair Potter.

Roll Call

Present 5 - Supervisor Dave Potter, Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Jane Parker, and Supervisor Simón Salinas

Additions & Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code, the Board is asked to make the following correction to Water Resources Agency Agenda:

Remove

2. Approve a request from the Monterey County Water Resources Agency for dry period loan of \$949,025 to provide interim financing for the Pajaro River Bench Excavation Project Phase 1 for the Fiscal Year ending June 30, 2013. A motion was made by Supervisor Simon Salinas, seconded by Supervisor Fernando Armenta to approve correction to remove item 2 from the agenda.
ALL AYES

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
 - (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
 - (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)
 - (3) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
 - (4) California-American Water Company v. Marina Coast Water District, et al. (Monterey County Superior Court case no. M120053)
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.9

(a), the Board will confer with legal counsel regarding existing litigation:

(1) In the Matter of the Application of California-American Water Company
(Application 04-09-019)

CLOSED SESSION REPORT: CLOSED SESSION REPORT: The Board conferred with counsel and entered into a settlement agreement with California American Water Company on behalf of the County and the Water Resources Agency that involves items 1.a.(1), (3) & (4), including various matters of litigation and the application for the Monterey Peninsula Water Supply Project and the regional desalination project that is before the Public Utilities Commission. More information can be obtained regarding the settlement agreement through the office of County Counsel.

(2) Ag Land Trust v. Monterey County Water Resources Agency, et al.
(Monterey County Superior Court case no. M110691)

CLOSED SESSION REPORT: The Board took no reportable actions on this matter.

(3) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019

(4) California-American Water Company v. Marina Coast Water District, et al.
(Monterey County Superior Court case no. M120053)

CLOSED SESSION REPORT: The Board conferred with counsel and entered into a settlement agreement with California American Water company on behalf of the County and the Water Resources Agency that involves listed in items 1.a.(1), (3) & (4), including various matters of litigation and the application for the Monterey Peninsula Water Supply Project and the regional desalination project that is before the Public Utilities Commission. More information can be obtained regarding the settlement agreement through the office of County Counsel.

b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable action on this matter.

c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

CLOSED SESSION REPORT: The Board took no reportable action on this matter.

10:30 A.M. Reconvene

Roll Call

Present: Charlie Steves, Interpreter

Present 5 - Supervisor Dave Potter, Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Jane Parker, and Supervisor Simón Salinas

Public Comment

There were no public comments.

Consent Calendar

2. Approve a request from the Monterey County Water Resources Agency for dry period loan of \$949,025 to provide interim financing for the Pajaro River Bench Excavation Project Phase 1 for the Fiscal Year ending June 30, 2013. (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to remove this item from the agenda. ALL AYES

Adjournment

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**