

# Monterey County

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



## Action Minutes - Draft

**Tuesday, January 17, 2017**

**12:00 PM**

### **Water Resources Agency Board of Directors**

*Chair David Hart  
Vice Chair Richard Ortiz  
Ken Ekelund  
Mark Gonzalez  
Claude Hoover  
John Huerta  
Mike Scattini  
Deidre Sullivan  
Glen Dupree  
Glen Dupree*

### **Public Comments on closed Session Items**

**There were no comments on closed session items**

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54956.9(d)(1), 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) In the Matter of the Application of California-American Water Company (Application 12-04-019)
    - (3) In the Matter of the Application of California-American Water Company (Application (13-05-017)
    - (4) California-American Water Company v. Marina Coast Water District, et al, San Francisco Superior Court, case no. CGC-13-528312
    - (5) California-American Water Company v. Marina Coast Water District, et al. (Court of Appeal, First Appellate District, case no. A145604; San Francisco Superior Court case no. CGC1358312)
    - (6) California-American Water Company & Monterey County Water Resources Agency v. Marina Coast Water District & RMC Water & Environment, et al, San Francisco Superior Court, CGC-15-546632
    - (7) Marina Coast Water District v. California Coastal Commission and Cal-Am, et al. (Supreme Court of the State of California, case no. S238759)

### **Adjourn to Closed Session**

### **Reconvene Meeting/Re-Establish Quorum**

**There were no reportable actions on closed session items.**

- Present** 6 - Chair David Hart, Vice Chair Richard Ortiz, Director Ken Ekelund, Director Claude Hoover, Director John Huerta, and Director Glen Dupree
- Absent** 3 - Director Mark Gonzalez, Director Mike Scattini, and Director Deidre Sullivan

### **Pledge of Allegiance**

## **Public Comments**

**Nancy Isakson**

2. Raftelis Financial Consultants, Inc. will provide an analysis of the current Zones 2B, 2Y and 2Z finances and discuss proposed financial plan.

**Public Comment: Nancy Isakson**

## **Action Items**

3. Consider recommending that the Water Resources Agency Board of Supervisors adopt a resolution authorizing the Chair of the Agency Board of Supervisors to execute a Joint Powers Authority agreement establishing the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA").

**Attachments:**    [Board Report](#)  
                              [Proposed JPA Agreement](#)  
                              [Board Order](#)

**A motion was made by Claude Hoover, and seconded by Ken Ekelund that the MCWRA Board of Directors recommend that the MCWRA Board of Supervisors authorize the Chair of the Agency Board of Supervisors to execute a Joint Powers authority agreement establishing the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA").**

**Ayes: Director Hart, Director Ortiz, Director Ekelund, Director Hoover, Director Huerta and Director Dupree**

**Noes: None**

**Absent: Director Gonzalez, Director Scattini and Director Sullivan**

**Public Comment: Nancy Isakson, Bill Carruthers, Bill Lipe, Abby Taylor Silva**

4. Consider options for the 2017 nomination and election of officers of the Board of Directors:
- (a) Adopt a Resolution suspending By-Law 3.2 for the 2017 nomination and election of officers; and either
  - (b) Receive nominations from the floor and elect officers; or
  - (c) Appoint a committee to nominate candidates for officers and conduct elections at the January 30, 2017 Board of Directors meeting.

**Attachments:**    [Board Report](#)  
                              [Resolution](#)

**A motion was made by Ken Ekelund and Seconded by John Huerta that the Board of Directors adopt a Resolution to suspend By-Law 3.2 for the 2017 nomination and election of office and appoint a committee to nominate candidates for officers and conduct elections at the January 30, 2017 Board of Directors meeting.**

**Ayes:** Director Hart, Director Ortiz, Director Ekelund, Director Hoover, Director Huerta, Director Dupree

**Noes:** None

**Absent:** Director Gonzalez, Director Scattini and Director Sullivan

5. Consider recommending the Monterey County Water Resources Agency Board of Supervisors approve an Agreement for And Consent to Co-Location and Compatible Use Pipeline Easement; and authorize the General Manager to Execute the Agreement.

**Attachments:**     [Board Report](#)  
                              [Draft Easement Agreement](#)  
                              [Board Order](#)

A motion was made by Richard Ortiz and seconded by John Huerta that the MCWRA Board of Directors recommend that the MCWRA Board of Supervisors approve an Agreement for and Consent to Co-Location and Compatible Use Pipeline Easement with two conditions. The first condition is that the easement provide that the MRWPCA will share the costs of maintenance of the main access road to the SRDF with the Agency. The second condition is that the easement be clear that MCWRA retains the right to repair and replace the CSIP Pipeline and other appurtenances. and authorize the General Manager to execute the Agreement.

**Ayes:** Director Hart, Director Ortiz, Director Ekelund, Director Hoover, Director Huerta and Director Dupree

**Noes:** None

**Absent:** Director Gonzalez, Director Scattini and Directors Sullivan

6. Consider approving and recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a. Approve Amendment No. 5 to the Professional Services Agreement with FISHBIO Corporation, in the amount of \$350,000 for fish monitoring activities for the Salinas Valley Water Project; and
  - b. Authorize the Auditor-Controller to increase appropriations in the amount of \$350,000 in the WRA FY 2016-17 Adopted Budget for the SRDF Fund 134-9300-8267-WRA028 financed by unassigned fund balance in the SRDF Fund 134-9300-8267-WRA028; and
  - c. Authorize the General Manager to execute the Amendment.

**Attachments:**     [Board Report](#)  
                              [FishBio Amendment No. 5](#)  
                              [FishBio Amendments 1 - 4](#)  
                              [Fishbio Original Executed Contract](#)  
                              [Board Order](#)

Upon Motion by Director Ortiz and Seconded by Director Ekelund that the MCWRA Board of Directors approve and recommend that the Monterey County Water Resources Agency Board of Supervisors: a) approve Amendment No. 5 to the Professional Services Agreement with FISHBIO Corporation, in the

amount of \$350,000 for fish monitoring activities for the Salinas Valley Water Project; and b) Authorize the Auditor-Controller to increase appropriations in the amount of \$350,000 in the WRA FY 2016-17 Adopted Budget for the SRDF Fund 134-9300-8267-WRA028 financed by unassigned fund balance in the SRDF Fund 134-9300-8267-WRA028; and c) Authorize the General Manager to execute the Amendment.

**Ayes:** Director Hart, Director Ortiz, Director Ekelund, Director Hoover, Director Huerta and Director Dupree

**Noes:** None

**Abset:** Director Gonzalez, Director Scattini and Director Sullivan

7.

Consider authorizing the General Manager of the Monterey County Water Resources Agency, in consultation, and with the approval of, National Marine Fisheries Service (NMFS) to release up to 460 cfs from Nacimiento Reservoir for an agreed upon period of time prior to February 1, 2017, in order to enhance adult steelhead upstream migration.

**Attachments:**     [BOD Report](#)  
                              [Letter from NMFS](#)  
                              [Board Order](#)

Upon Motion by Director Hoover and Seconded by Director Ekelund the MCWRA Board of Directors authorized the General Manager of the Monterey County Water Resources Agency, in consultation, and with the approval of, National Marine Fisheries Service (NMFS) to release up to 460 cfs from Nacimiento Reservoir for an agreed upon period of time prior to March 31, 2017, in order to enhance adult steelhead upstream migration.

**Public Comment:** Bill Stevens, Steve Shimmick, Nancy Isakson, Bill Lipe, Representative from Rio Farms

**Ayes:** Director Hart, Director Ortiz, Director Ekelund, Director Hoover, and Director Dupree

**Noes:** None

**Absent:** Director Gonzalez, Director Scattini, Director Sullivan, and Director Huerta who left the meeting at 3:18 p.m.

### **General Manager's Report**

### **Committee Reports**

The Committees had nothing to report

### **Information Items**

8.

Receive an update on the Salinas River Lagoon Sandbar Management activities.

**Attachments:**     [Board Report](#)  
                              [Emergency Proclamation](#)

### **Correspondence**

9. Letter dated January 5, 2017 from Alecia Van Atta, Assistant Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) to David Hart, Chair of the Monterey County Water Resources Agency Board of Directors  
Re: Response to MCWRA's December 12, 2016, *Winter 2016-2017 Reservoir Release Analysis* memorandum

**Attachments:** [NOAA Letter dated 1/5/17](#)

### **Board of Directors' Comments**

### **Board of Directors Addenda**

#### **Monterey County Water Resources Agency Board of Directors Addenda for Tuesday, January 17, 2017**

**Addenda: See Item No. 7**