

Monterey County

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



Action Minutes - Draft

Monday, October 15, 2018

12:00 PM

Water Resources Agency Board of Directors

*Chair Mark Gonzalez
Vice-Chair Deidre Sullivan
Glen Dupree
Ken Ekelund
Richard Ortiz
Mike Scattini
Mike LeBarre
John Baillie
Vacant*

Call to Order at 12:00 P.M.

- Present** 7 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Mike Scattini, Director Mike LeBarre, Director Deidre Sullivan, and
Director John Baillie
- Absent** 1 - Director Glen Dupree

Public Comments on Closed Session Items

No public comments on Closed Session Items.

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

Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

Salinas Valley Water Coalition v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County, et al. (Monterey County Superior Court case no. 17CV000157)

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

County Counsel reported there was no reportable action taken in closed session.

Reconvene Meeting at 1:00 P.M.

- Present** 6 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Mike Scattini, Director Mike LeBarre, and Director Deidre Sullivan
- Absent** 2 - Director Glen Dupree, and Director John Baillie

Pledge of Allegiance

Public Comment

No Public Comment

Ceremonial Resolution

Adopt a Resolution of Commendation for Claude Hoover for completion of 7 years of dedicated service to the Monterey County Water Resources Agency

Attachments: [Resolution](#)

Upon Motion by Director Ortiz and Second by Director Sullivan the Board adopted a Resolution of Commendation for Claude Hoover for completion of 7 years of dedicated service to the Monterey County Water Resources Agency.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Public Comment: Norm Groot, Colby Pereira

Consent Calendar

Upon Motion by Director Sullivan and Second by Director LeBarre, The Board approved the Consent Calendar.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Approve the Action Minutes of September 17, 2018

Attachments: [Draft Action Minutes September 17, 2018](#)

Approve Amendment No. 2 to the Professional Services Agreement with OneRain, Inc. to extend the terms of the Agreement through June 30, 2020; and authorize the General Manager to execute the Amendment.

Attachments: [Board Report](#)

[One Rain - Amendment No. 2](#)

[One Rain - Amendment No. 1](#)

[Professional Services Agreement](#)

[Board Order](#)

Scheduled Matters

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve Amendment No. 1 to the First Amended Professional Services Agreement with EPC Consultants, Inc. to extend the term of the agreement from October 31, 2018 to October 31, 2019 and eliminate the requirement to go before the Capital Improvement Committee for Amendments; and
- b. Authorize the General Manager to execute the Amendment.

Attachments: [Board Report](#)
[Amendment No. 1 to First Amended PSA](#)
[Executed - First Amended PSA](#)
[Executed - Original PSA](#)
[Board Order](#)

Upon Motion by Director Scattini and Second by Director LeBarre the Board recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve Amendment No. 1 to the First Amended Professional Services Agreement with EPC Consultants, Inc. to extend the term of the agreement from October 31, 2018 to October 31, 2019 and eliminate the requirement to go before the Capital Improvement Committee for Amendments; and
- b. Authorize the General Manager to execute the Amendment.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Consider authorizing the General Manager to amend up to two separate consultant contracts, each of which the contract amount is over \$100,000, for a total amended amount not to exceed \$200,000 for work related to Department of Water Resources Division of Safety of Dams and the Federal Energy Regulatory Commission Division of Dam Safety requirements for Nacimiento and San Antonio Dams and Reservoirs for this winter; and authorize the General Manager to execute those contract amendments.

Attachments: [Board Report](#)
[Board Order](#)

Upon Motion by Director LeBarre and Second by Director Scattini the Board authorized the General Manager to amend up to two separate consultant contracts, each of which the contract amount is over \$100,000, for a total amended amount not to exceed \$200,000 for work related to Department of Water Resources Division of Safety of Dams and the Federal Energy Regulatory Commission Division of Dam Safety requirements for Nacimiento and San Antonio Dams and Reservoirs for this winter; and authorized the General Manager to execute those contract amendments.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Consider approving the Annual Joint Funding Agreement with the United States Geological Survey for streamgaging work in Monterey County in the amount of \$169,525, subject to review and approval by County Counsel; and authorize the General Manager to execute the Agreement.

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

Upon Motion by Director Ekelund and Second by Director Sullivan the Board approved the Annual Joint Funding Agreement with the United States Geological Survey for streamgaging work in Monterey County in the amount of \$169,525, subject to review and approval by County Counsel; and authorized the General Manager to execute the Agreement.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre
Noes: None
Absent: Directors Dupree and Baillie

Public Comment: Norm Groot

Consider receiving an update on staff discussions with the National Marine Fisheries Service (NMFS) regarding re-initiation of the Biological Opinion for the Salinas Valley Water Project

Attachments: [Board Report](#)
 [Board Order](#)

Upon Motion by Director LeBarre and Second by Director Ortiz the Board received an update on staff discussions with the National Marine Fisheries Service regarding re-initiation of the Biological Opinion for the Salinas Valley Water Project.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre
Noes: None
Absent: Directors Dupree and Baillie

Public Comment: Dale Huss, Nancy Isakson, Bill Lipe and Bill Stephens

Consider and provide direction concerning amendments to the Bylaws of the Monterey County Water Resources Agency Board of Directors.

Attachments: [Board Report](#)
 [MCWRA Bylaws](#)
 [Ordinance 3609](#)
 [Board Order](#)

Upon motion of Director Ortiz, seconded by Director LeBarre, the Board of Directors amends Section III. Officers. 3.02 Qualification, Selection, and Term. Of the Bylaws of the Monterey County Water Resources Agency Board of Directors as follows:

“The Chair shall serve for a period of two years starting at the January 2020 meeting or until a successor has been elected, and the Vice-Chair shall serve for a period of two years or until a successor has been duly elected.”

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, and LeBarre

Noes: Director Scattini
Absent: Directors Dupree and Baillie

Public Comment: Bill Lipe

Upon motion of Director Ekelund, seconded by Director Ortiz, the Board of Directors recommends that the Board of Supervisors revise Ordinance No. 3609 "An Ordinance of the Monterey County Water Resources Agency providing for Compensation of Members of Board of Directors and Reimbursement for Expenses": so that the compensation is increased from \$50.00 to \$100.00 for each meeting attended.

Ayes: Directors Gonzalez, Sullivan Ekelund and Ortiz
Noes: Scattini and LeBarre
Absent: Directors Dupree and Baillie

Upon motion of Director Ortiz, seconded by Director Ekelund, the Board of Directors amends Section IV Committees. 4.03 (b) Basin Management Advisory Committee as follows:

"The Chair shall appoint non-Director members to the Basin Management Advisory Committee as follows: one representative each of the Pressure, East Side, Forebay, and upper Valley groundwater subareas; and three members of the public at large."

Ayes: Directors Gonzalez, Sullivan, Ekelund, Ortiz, Scattini and LeBarre
Noes: None
Absent: Directors Dupree and Baillie

Public Comment: Bill Lipe

Upon motion of Director Ekelund, seconded by Director LeBarre, the Board of Directors:

Amends Section IV Committees. 4.02 Standing Committees to read as follows:

"The Directors shall maintain the following standing committees: Finance Committee, Personnel/Administration Committee, and Planning Committee. Standing committees shall be comprised of Board members. Each standing committee shall have a Vice Chairperson."

Amends Section V Meetings 5.01 Conduct of Meetings to read as follows:

"All meetings of the Board shall be subject to the provisions of the Ralph M. Brown Act (Government Code sections 54950, et seq.) ("Brown Act"), the Agency Act, and these bylaws. If any inconsistency exists between the provisions of the Brown Act and these bylaws, the provisions of the Brown Act shall control."

Amends Section V Meetings 5.02 Regular Meetings. Time and Place to read as follows:

"Notice and posting of agendas for regular meetings shall be pursuant to the provisions of the Brown Act."

Amends Section V Meetings 5.03. Special Meetings to read as follows:

"Notice and posting of agendas for special meetings shall be pursuant to the provisions of the Brown Act."

Amends Section V Meetings 5.05 Majority Vote to read as follows:

“If a Director is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700, et seq.) or Government Code section 1090, et seq., the Director shall leave the dais and the Board chambers, and his or her presence shall not be counted towards a quorum. The presence of any Director who otherwise abstains from voting shall be counted for purposes of determining a quorum, but the vote of such abstaining members shall not be counted either for or against a measure in determining whether a majority vote has been obtained.”

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Consider receiving the New Source Water Report for the Castroville Seawater Intrusion Project.

Attachments: [Board Report](#)
 [MCWRA New Source Water - Final Report](#)
 [Board Order](#)

Upon Motion by Director Ekelund and Second by Director Sullivan the Board received the New Sources Water Report for the Castroville Seawater Intrusion Project.

Ayes: Directors Gonzalez, Sullivan Ekelund, Ortiz, Scattini and LeBarre

Noes: None

Absent: Directors Dupree and Baillie

Public Comment: Dale Huss, Nancy Isakson, Bill Lipe

Key Information and Calendar of Events

General Manager's Report

The General Manager reported on the following subjects: General Manager contract, Interlake Tunnel Project, New Source Water Phase II Contract and Grand Funding Line of Credit

Committee Reports

Director Mark Gonzalez reported for the Finance Committee regarding Spillway Work Funding and appointed Directors Scattini and Ekelund along with Deputy General Manager Buche to the Spillway Work Funding Ad Hoc Committee. There were no other committee reports.

Information Items

Information Items:

1. Reservoir Release Update
2. Fourth Quarter Report Salinas Valley Water Conditions of Water Year 2017-2018
3. Well Permit Application Activities Update

Attachments: [Reservoir Release Update](#)
 [Fourth Quarter Report SV Water Conditions](#)
 [Well Permit Application Activities Update](#)

Correspondence

Correspondence:

Letter dated October 5, 2018 from Colby Pereira, President, Farm Bureau
Monterey to David Chardavoyne
Re: Appointment to MCWRA Board of Directors

Attachments: [Correspondence](#)

Board of Directors Comments

Adjournment

The meeting adjourned at 4:04 p.m.