

Monterey County

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



Action Minutes - Final

Monday, March 20, 2017

12:00 PM

Water Resources Agency Board of Directors

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

Call to Order @ 12:00 p.m.

Present 6 - Chair David Hart, Vice Chair Richard Ortiz, Director Claude Hoover, Director John Huerta, Director Deidre Sullivan, and Director Glen Dupree

Absent 3 - Director Ken Ekelund, Director Mark Gonzalez, and Director Mike Scattini

1. 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.

Public Comments on Closed Session Items

There were no public comments on closed session items.

Recess to Closed Session

Reconvene Meeting @ 1:00 p.m.

Director Hoover recused himself from the close session. Therefore there was no quorum and the closed session item was neither discussed nor any action taken.

Present 6 - Chair David Hart, Vice Chair Richard Ortiz, Director Claude Hoover, Director John Huerta, Director Deidre Sullivan, and Director Glen Dupree

Absent 3 - Director Ken Ekelund, Director Mark Gonzalez, and Director Mike Scattini

Pledge of Allegiance

Public Comment

There was no public comment.

Presentations

2. Raftelis Financial Consultants, Inc. will present a proposed financial plan.

Brent Buche, Deputy General Manager, will provide an update on Nacimiento and San Antonio Dams and Hydroplant operations.

Habib Isaac, Raftelis Financial Consultants, Inc., presented a proposed financial plan.

Brent Buche, Deputy General Manager, provided an update on Nacimiento and San Antonio Dams and Hydroplant operations.

Consent Calendar

Upon Motion by Director Ortiz and Seconded by Director Hoover the Directors approved Items 3, 4 and 8 of the Consent Calendar. Items 5, 6 and 7 were pulled for further discussion.

Public Comment: Rich Boyer, Norm Groot, Nancy Isakson, Tom Virsik and Bill Lipe

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan

Noes: None

Absent: Directors Gonzalez, Ekelund and Scattini

3. Approve the Action Minutes of February 28, 2017

Attachments: [Action Minutes February 28, 2017](#)

4. Purchase Orders/Contracts and Credit Card Purchases in Excess of \$500 for November and December 2016

Attachments: [Purchase Orders and Credit Card Purchases Nov, 16](#)
 [Purchase Orders and Credit Card Purchases Dec. 16](#)

5. Approve and recommend that the Monterey County Water Resources Agency Board of Supervisors:
- a. Approve a Budget Amendment for the Monterey County Water Resources Agency's Fiscal Year 2016-17 Adopted Budget for the Bryant Canyon Channel Improvement Project; and,
 - b. Authorize the Auditor Controller's Office to increase appropriations in the Monterey County Water Resources FY 2016-17 Adopted Budget for the Bryant Canyon Fund 121-9300-8267-WRA011 in the amount of \$75,000 financed by the unassigned fund balance in Fund 121-9300-8267-WRA011 (4/5th vote required).
 - c. Authorize the Auditor Controller's Office to incorporate the approved appropriation and estimated revenue modifications to the Monterey County Water Resources Agency's FY 2016-17 Budget, and the County Administrative Office to

reflect these approved changes in the FY 2017-18 Adopted Budget.

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

Upon Motion by Director Ortiz and Seconded by Director Dupree, the Directors approved and recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve a Budget Amendment for the Monterey County Water Resources Agency's Fiscal Year 2016-17 Adopted Budget for the Bryant Canyon Channel Improvement Project; and,
- b. Authorize the Auditor Controller's Office to increase appropriations in the Monterey County Water Resources FY 2016-17 Adopted Budget for the Bryant Canyon Fund 121-9300-8267-WRA011 in the amount of \$75,000 financed by the unassigned fund balance in Fund 121-9300-8267-WRA011 (4/5th vote required).
- c. Authorize the Auditor Controller's Office to incorporate the approved appropriation and estimated revenue modifications to the Monterey County Water Resources Agency's FY 2016-17 Budget, and the County Administrative Office to reflect these approved changes in the FY 2017-18 Adopted Budget.

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan

Noes: None

Absent: Directors Gonzalez, Ekelund and Scattini

6. Approve and recommend that the Monterey County Water Resources Agency Board of Supervisors approve:

- a) the First Amended Professional Services Agreement (FAPSA) with EPC Consultants, Inc. for the continuation of Program Management Services; and,
- b) authorize the General Manager to execute the FAPSA.

Attachments: [Board Order](#)
 [1st Amended PSA](#)
 [Amendments 1 - 3](#)
 [EPC Consultants Agreement](#)
 [Board Report](#)

Upon Motion by Director Dupree and Seconded by Director Sullivan the Directors approved and recommended that the Monterey County Water Resources Agency Board of Supervisors approve:

- a) the First Amended Professional Services Agreement (FAPSA) with EPC Consultants, Inc. for the continuation of Program Management Services with the existing rate structure, pursuant to the Agreement; and,
- b) authorize the General Manager to execute the FAPSA.

Ayes: Directors Hart, Dupree, Ortiz and Sullivan

Noes: None

Abstain: Director Hoover

Absent: Directors Gonzalez, Ekelund and Scattini

Public Comment: Nancy Isakson and Tom Virsik

7. Recommend that the Monterey County Water Resources Agency Board of Supervisors:
- a) Approve the Agreement for Specialized Litigation Attorney Services, relating to the Inter-Lake Tunnel and San Antonio Spillway Modification Project in the amount of \$250,000;
 - b) Authorize expenditures of up to the initial budget of the Agreement in the amount of 250,000, to be reimbursed by the Department of Water Resources Project Grant; and
 - b) Authorize the County Counsel to execute the Agreement.

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

Upon Motion by Director Dupree and Seconded by Director Ortiz, the Directors recommend that the Monterey County Water Resources Agency Board of Supervisors:
Approve the Agreement for Specialized Non-Litigation and Litigation Attorney Services, relating to the Inter-Lake Tunnel and San Antonio Spillway Modification Project in the amount of \$250,000; authorize expenditures of up to the initial budget of the Agreement in the amount of 250,000, to be reimbursed by the Department of Water Resources Project Grant; and authorize the County Counsel to execute the Agreement.

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan
Noes: None
Absent: Directors Gonzalez, Ekelund and Scattini

Public Comment: Norm Groot, Nancy Isakson

8. Accept the Monterey County Water Resources Agency (MCWRA) Second Quarter Financial Status Report through December 30, 2016.

Attachments: [Board Report](#)
 [Fund 111 Summary](#)
 [Financial Status Report FY 2016-17](#)
 [Board Order](#)

Action Items

9. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a) Approve Amendment No. 1 to the Professional Services Agreement with Horizon Water and Environment, LLC to extend the Agreement, modify the scope of work, and increase the budget relating to CEQA and permitting services for the Interlake Tunnel and Spillway Modification Project; and,
 - b) Authorize the General Manager to execute Amendment No. 1 to the Agreement.

Attachments: [Board Report](#)
 [Amendment No. 1 w/Attachments](#)
 [Horizon PSA](#)
 [Board Order](#)

Upon Motion by Director Ortiz and Seconded by Directors Dupree the Directors recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a) Approve Amendment No. 1 to the Professional Services Agreement with Horizon Water and Environment, LLC to extend the Agreement, modify the scope of work, and increase the budget relating to CEQA and permitting services for the Interlake Tunnel and Spillway Modification Project; and,
- b) Authorize the General Manager to execute Amendment No. 1 to the Agreement.

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan

Noes: None

Absent: Directors Gonzalez, Ekelund and Scattini

10.

Consider approving and recommending that the Monterey County Water Resources Agency Board of Supervisors approve a Subdivision Improvement Agreement related to the Bryant Canyon Channel Improvement Project; by and among, the Monterey County Water Resources Agency (MCWRA) and Union Community Partners (UCP); and, authorize the Chair of the Monterey County Water Resources Agency Board of Supervisors to execute the Agreement subject to approval by County Counsel.

Attachments: [Board Report](#)
 [Bryant Canyon SIA](#)
 [Board Order](#)

Upon Motion by Director Dupree and Seconded by Director Ortiz the Directors approved and recommended that the Monterey County Water Resources Agency Board of Supervisors approve a Subdivision Improvement Agreement related to the Bryant Canyon Channel Improvement Project; by and among, the Monterey County Water Resources Agency (MCWRA) and Union Community Partners (UCP); and, authorize the Chair of the Monterey County Water Resources Agency Board of Supervisors to execute the Agreement subject to approval by County Counsel.

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan

Noes: None

Absent: Directors Gonzalez, Ekelund and Scattini

Public Comment: Rich Boyer

11.

Consider receiving the Annual Report to the U. S. Army Corps of Engineers for the Salinas River Stream Maintenance Program 2016 Work Season; and, authorizing the General Manager to execute the Certification of Compliance verifying

compliance with the Terms and Conditions of the Regional General Permit.

Attachments: [Board Report](#)
 [SMP Annual Report 201 - USACE](#)
 [2016 USACE Work Plan Certification](#)
 [Board Order](#)

Upon Motion by Director Ortiz and Seconded by Director Sullivan the Directors received the Annual Report to the U. S. Army Corps of Engineers for the Salinas River Stream Maintenance Program 2016 Work Season; and, authorizing the General Manager to execute the Certification of Compliance verifying compliance with the Terms and Conditions of the Regional General Permit.

Ayes: Director Hart, Dupree, Hoover, Ortiz and Sullivan
Noes: None
Absent: Directors Gonzalez, Ekelund and Scattini

12. Consider recommending the Monterey County Water Resources Agency Board of Supervisors approve a Policy Relating to the Reconstruction of Structures Damaged by the 2016 Chimney Fires in and around Nacimiento Reservoir; and authorize the General Manager to exercise the provisions within the Policy and/or provide direction to staff to proceed forward on this issue.

Attachments: [Board Report](#)
 [Draft Reconstruction Policy](#)
 [Board Order](#)

Upon Motion by Director Hoover and Seconded by Director Dupree the Directors recommended that the Policy Relating to the Reconstruction of Structures Damaged by the 2016 Chimney Fires in and around Nacimiento Reservoir be returned to Staff for further negotiation.

Ayes: Directors Hart, Dupree, Hoover, Ortiz and Sullivan
Noes: None
Absent: Directors Gonzalez, Ekelund and Scattini

Public Comment: Steve Demsher, Ronell Wilson, Gary Nicholson, Kim Truer and Melissa Goff

13. Consider approving and recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a) Approve a Memorandum of Agreement (Agreement) with the U.S. Department of the Interior, Bureau of Reclamation to participate in the “Salinas and Carmel Rivers Basin Study”, subject to review and approval by the County Counsel; and
 - b) Authorize the General Manager to execute the Agreement.

Attachments: [Board Report](#)
[Salinas and Carmel Rivers Basin Study MOA \(DRAFT\)](#)
[Plan of Study](#)
[Plan of Study Appendix A](#)
[Board Order](#)

Upon Motion by Director Hoover and Seconded by Director Ortiz the Directors approved and recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a) Approve a Memorandum of Agreement (Agreement) with the U.S. Department of the Interior, Bureau of Reclamation to participate in the "Salinas and Carmel Rivers Basin Study", subject to review and approval by the County Counsel; and
- b) Authorize the General Manager to execute the Agreement.

Ayes: Director Hart, Dupree, Hoover, Ortiz and Sullivan

Noes: None

Absent: Directors Gonzalez, Ekelund and Scattini

Public Comment: Tom Virsik and Bill Lipe

Key Information and Calendar of Events

14. Calendars

April - May 2017 Calendars

Attachments: [April - May 2017 Calendars](#)

General Manager's Report

The General Managers Report included an update on:
Hydroplant, spillway and dam issues; Blanco Drain and Reclamation Ditch
Water Rights; White Bass; and the McMillan Jacobs Agreement.

Committee Reports

The Committees had nothing to report.

Information Items

15. Information Items:

- 1. Development Review Report
- 2. Water Recycling Projects and Salinas River Diversion Facility Operations Update
- 3. Reservoir Release Update

Attachments: [Information Items](#)

Correspondence

16.

Correspondence:

1. Letter dated February 16, 2017 to David Chardavoyne, General Manager, from Sharon K. Tapia, Chief, Division of Safety of Dams
Re: Nacimiento Dam, No. 1008, San Luis Obispo County of Monterey
2. Letter dated February 23, 2017 to David Chardavoyne, General Manager, from Juli Hofmann
Re: Submission of disk containing 791 scanned letters signed by individual Monterey Bay citizens expressing concerns regarding the Cal-Am Slant Well project (MPWSP)
3. Letter dated March 3, 2017 to Mary Adams, Chair Board of Supervisors from Thomas S. Virsik
Re: March 7, 2017, Item 3 (consent) File WRAG 17-060 Interlake Tunnel Project Update and WRAA 17-012 McMillan Jacobs PSA
4. Letter dated March 7, 2017 to Monterey County Board of Supervisors, Legislative Committee
Re: White Bass component of the Interlake Tunnel and Spillway Modification Project
5. Letter dated March 8, 2017 to Chair David Hart and David Chardavoyne, General Manager from Clerk of the Board of Supervisors
Re: Monterey County City Selection Committee nominations for appointment to the MCWRA Board of Directors

Attachments: [Correspondence](#)

Board of Directors Comments

Adjournment

Adjournment at 4:40 p.m.