

# **Monterey County**

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



## **Action Minutes - Final**

**Monday, June 19, 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 at 12:00 p.m.**

- Present** 7 - Chair David Hart, Vice Chair Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez, Director Claude Hoover, Director John Huerta, and Director Glen Dupree
- Absent** 2 - Director Mike Scattini, and Director Deidre Sullivan

**Public Comments on Closed Session Items**

**None**

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

1. 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)
2. Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of significant exposure to litigation.
3. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager of the Agency.

*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**

**Reconvene Meeting at 1:00 p.m.**

County Counsel stated there were no reported actions taken in closed session. Item No. 3 was not heard.

**Pledge of Allegiance**

**Public Comment**

## **Consent Calendar**

Approve the Action Minutes of April 17, 2017 and May 18, 2017

**Attachments:**     [Action Minutes April 17 2017](#)  
                              [Action Minutes May 18 2017](#)

Upon Motion by Director Gonzalez and Second by Director Ortiz the Directors approved the Action Minutes of April 17, 2017.

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

Upon Motion by Director Ortiz and Second by Director Hoover, the Directors approved the Action Minutes of May 18, 2017.

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

Adopt a Resolution:

- a. Considering, recommending and authorizing the issuance of a lay-off notice to impacted employee no sooner than June 20, 2017 with an effective date on or about July 12, 2017;
- b. Considering, recommending and authorizing the Human Resources Department to collaborate with the Agency and departments to provide in-placement and out-placement services.

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

This item was pulled from the Consent Calendar for discussion by Director Ekelund.

Upon Motion by Director Gonzalez and Second by Director Dupree the Directors authorized the issuance of a lay-off notice to impacted employee no sooner than June 20, 2017 with an effective date on or about July 12, 2017; and authorized the Human Resources Department to collaborate with the Agency and departments to provide in-placement and out-placement services.

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

Recommend the Monterey County Water Resources Agency Board of Directors approve and recommend that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve amendment No. 6 to the Professional Services Agreement with FISHBIO Corporation, for an extension of time to June 30, 2018; and
- b. Authorize the General Manager to execute the Amendment.

**Attachments:**     [Board Report](#)  
                              [Fishbio original executed contract](#)  
                              [FishBio Amendment No 6](#)  
                              [FishBio Amendments 1 through 5](#)  
                              [Board Order](#)

**Upon Motion by Director Ekelund and Second by Director Ortiz the Directors recommended the that the Monterey County Water Resources Agency Board of Supervisors:**

- a. Approve amendment No. 6 to the Professional Services Agreement with FISHBIO Corporation, for an extension of time to June 30, 2018; and b. Authorize the General Manager to execute the Amendment.

**Ayes: Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz**

**Noes: None**

**Absent: Directors Scattini, Sullivan**

## **Action Items**

Consider receiving an update on the status of the Salinas Valley Water Project Biological Opinion and need for a Habitat Conservation Plan; and, direct staff to begin HCP development

**Attachments:**     [Board Report](#)  
                              [Draft Proposed Strategies for HCP Development](#)  
                              [Board Order](#)

**Upon Motion by Director Ekelund and Second by Director Dupree, the Directors received an update on the status of the Salinas Valley Water Project Biological Opinion and need for a Habitat Conservation Plan; and, directed staff to begin HCP development and form an advisory committee.**

**Ayes: Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz**

**Noes: None**

**Absent: Directors Scattini, Sullivan**

**Public Comment: Rich Boyer, Norm Groot, Abby Taylor-Silva, Steve Shimek**

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors approve the Water Resources Agency FY 2016-17 budget amendment to increase revenue and appropriations in the amount of \$80,000 for Fund 130-Nacimiento Hydro-Electric Operations and Maintenance and \$25,000 for Fund 122-Zone 9 Reclamation Ditch to pay invoices as a result of the unexpected flooding that occurred in the Winter of 2017; and

- a. Authorize the Auditor-Controller to amend the Monterey County Water

Resources Agency's FY 2016-17 Adopted Budget and increase revenue and appropriations by \$80,000 in Fund 930-8267-130-Naci Hydro-Electric Operations and Maintenance, WRA 022 financed by unassigned fund balance in Fund 930-8267-130-Naci Hydro-Electric Operations and Maintenance-WRA 022 (4/5th vote required);

- b. Authorize the Auditor-Controller to amend the Monterey County Water Resources Agency's FY 2016-17 Adopted Budget and increase revenue and appropriations by \$25,000 in Fund 930-8267-122-Zone 9 Reclamation Ditch, WRA 012 financed by unassigned fund balance in Fund 930-8267-122-Zone 9 Reclamation Ditch-WRA 012 (4/5th vote required);

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

**Upon Motion by Director Dupree and Second by Director Ekelund, the Directors recommended that the Monterey County Water Resources Agency Board of Supervisors approve the Water Resources Agency FY 2016-17 budget amendment to increase revenue and appropriations in the amount of \$80,000 for Fund 130-Nacimiento Hydro-Electric Operations and Maintenance and \$25,000 for Fund 122-Zone 9 Reclamation Ditch to pay invoices as a result of the unexpected flooding that occurred in the Winter of 2017; and**

- a. Authorized the Auditor-Controller to amend the Monterey County Water Resources Agency's FY 2016-17 Adopted Budget and increase revenue and appropriations by \$80,000 in Fund 930-8267-130-Nacimiento Hydro-Electric Operations and Maintenance, WRA 022 financed by unassigned fund balance in Fund 930-8267-130-Naci Hydro-Electric Operations and Maintenance-WRA 022;
- b. Authorized the Auditor-Controller to amend the Monterey County Water Resources Agency's FY 2016-17 Adopted Budget and increase revenue and appropriations by \$25,000 in Fund 930-8267-122-Zone 9 Reclamation Ditch, WRA 012 financed by unassigned fund balance in Fund 930-8267-122-Zone 9 Reclamation Ditch-WRA 012

**Ayes: Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz**

**Noes: None**

**Absent: Directors Scattini, Sullivan**

**PublicComment: Jeff Taylor, John Baillie**

Consider approving an Agreement for Professional Services with GEI Consultants, Inc. to perform spillway condition assessments for the Nacimiento and San Antonio Dam spillways for an amount not to exceed \$126,611, and authorizing the General Manager to execute the Agreement.

**Attachments:**     [Board Report](#)  
                              [DSOD Letter](#)  
                              [GEI Professional Services Agreement](#)  
                              [Board Order](#)

Upon Motion by Director Ortiz and Second by Director Gonzalez, the Directors approved an Agreement for Professional Services with GEI Consultants, Inc. to perform spillway condition assessments for the Nacimiento and San Antonio Dam spillways for an amount not to exceed \$126,611, and authorize the General Manager to execute the Agreement.

**Ayes:** Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz

**Noes:** None

**Absent:** Directors Scattini, Sullivan

Consider approving an agreement with Maggiora Bros. Drilling, Inc., in the amount of \$107,990 for the 2017 Castroville Seawater Intrusion Project (CSIP) Well Destruction Project; and, authorize the General Manager to approve change orders up to a cumulative amount of ten percent of the agreement amount; and, authorize the General Manager to execute the agreement.

**Attachments:**     [Board Report](#)  
                              [Agreement with Maggiora Bros. Drilling, Inc.](#)  
                              [Board Order](#)

Upon Motion by Director Ekelund and Second by Director Dupree the Directors approved an agreement with Maggiora Bros. Drilling, Inc., in the amount of \$107,990 for the 2017 Castroville Seawater Intrusion Project (CSIP) Well Destruction Project; and, authorize the General Manager to approve change orders up to a cumulative amount of ten percent of the agreement amount; and, authorize the General Manager to execute the agreement.

**Ayes:** Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz

**Noes:** None

**Absent:** Directors Scattini, Sullivan

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

- a. Approve the 4th Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency for preliminary engineering and design; spillway modification feasibility; technical support; environmental consulting; contract legal services; and program management, relating to the Interlake Tunnel Project; and
- b. Request the Auditor Controller to amend the FY 2017-18 Adopted Budget and increase appropriation to \$852,000 in 9300-8267-Fund 426 financed by an operating transfer in from the County of Monterey  
001-1050-8038-CAO017-7013. (4/5th vote required)

**Attachments:**     [Board Report](#)  
                              [Draft Fourth ILT Funding Agreement](#)  
                              [Board Order](#)

**This item was pulled from the Agenda and not heard at the request of the General Manager.**

Consider approving proposed grazing lease forms and a public bid notice for grazing lands located around San Antonio and Nacimiento Reservoirs; recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve grazing lease forms and a public bid notice; direct the Clerk of the Board of Supervisors to advertise for bids

**Attachments:**     [Board Report](#)  
[Lease template with Grazing Lease Provisions](#)  
[San Antonio & Nacimiento Lease Diagrams](#)  
[Board Order](#)

Upon Motion by Director Ortiz and Second by Director Gonzalez the Directors:  
a. approved the proposed grazing lease forms and a public bid notice for grazing lands located around San Antonio and Nacimiento Reservoirs; and b. recommended that the Board of Supervisors of the Monterey County Water Resources Agency approve grazing lease forms and a public bid notice; and c. Directed the Clerk of the Board of Supervisors to advertise for bids.

Ayes: Directors Hart, Gonzalez, Dupree, Ekelund, Hoover, Ortiz

Noes: None

Absent: Directors Scattini, Sullivan

Public Comment: Gary Hazard

## **Key Information and Calendar of Events**

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

The General Manager reported on the Army Corp. of Engineer letter regarding the Pajaro Levee Project and provided updates on the upcoming Joint Boards meeting; Interlake Tunnel and Spillway Modification Project; White Bass issue and Department of Safety of Dams.

### **Committee Reports**

There were no committee reports

### **Information Items**

Information Items:

1. Development Review Report
2. Well Permit Application Activities
3. Reservoir Release Update
4. CSIP Production

**Attachments:**     [Development Review Report](#)  
[Well Permit Application Activities](#)  
[Reservoir Release Update](#)  
[CSIP Production](#)

## **Correspondence**

Correspondence:

1. Letter dated May 12, 2017 to David Chardavoyne, General Manager from Sharon K. Tapia, Chief, Dept. of Water Resources  
Re: Nacimiento Dam, No. 1008 and San Antonio Dam No. 1008-2
2. Letter dated May 24, 2017 to Mr. Paul Sciuto, General Manager, Monterey Regional Water Pollution Control Agency from David E. Chardavoyne, General Manager  
Re: Indemnification of MRWPCA for work performed at MCWRA facilities
3. Letter dated June 9, 2017 to David Chardavoyne, General Manager from Arijs A. Rakstins, PMP, Dept. of the Army, US Army Corp. of Engineers  
Re: Request for the Agency's non-federal cost share in the amount of \$73,630 to be used to prepare Draft Feasibility Report/Environmental Impact Statement - Pajaro River
4. Letter dated June 7, 2017 to Chair David Hart and General Manager David Chardavoyne from Gail T. Borkowski, Clerk of the Board of Supervisors  
Re: Appointment of Mayor Mike LeBarre (King City) to the Monterey County Water Resources Agency Board of Directors

**Attachments:**     [Correspondence](#)

## **Board of Directors Comments**

## **Adjournment**

Adjournment at 3:52 p.m.