

Monterey County

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



Action Minutes - Final

Monday, November 19, 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
Jason Smith*

Call to Order at 12:00 P.M.

Present 8 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Mike LeBarre, Director Deidre Sullivan, Director Glen Dupree,
Director John Baillie, and Jason Smith

Absent 1 - Director Mike Scattini

Public Comments on Closed Session items

1. Closed Session under Government Code section 54950, relating to the following item:
 - a. 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.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of General Manager for the Water Resources Agency. (ADDED VIA ADDENDA)

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.

The meeting reconvened at 1:09. County Counsel stated there were no reportable actions taken in Closed Session.

Roll Call

Present 9 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Mike Scattini, Director Mike LeBarre, Director Deidre Sullivan,
Director Glen Dupree, Director John Baillie, and Director Jason Smith

Pledge of Allegiance

Public Comment

None

Consent Calendar

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

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

Noes: None

Absent: None

2. Approve the Action Minutes of October 15, 2018

Attachments: [Draft Action Minutes Oct 15, 2018](#)

3. Receive the Monterey County Water Resources Agency FY 2017-18 Fourth Quarter Financial Status Report through June 30, 2018.

Attachments: [Board Report](#)
[4th Quarter Financial Status Report](#)
[Board Order](#)

4. Receive the Monterey County Water Resources Agency FY 2018-19 First Quarter Financial Status Report through September 30, 2018.

Attachments: [Board Report](#)
[FY 2018-19 1st Quarter Financial Status Report](#)
[Board Order](#)

5. a. Approve Change Order No. 3 to the contract with Graniterock Company for Nacimiento Dam spillway repair work to: (1) increase the contract amount by \$123,000 (\$76,000 to come from original contract amount; \$65,000 from San Antonio spillway repair work and \$11,000 remaining contract balance) to a total of \$412,000, and (2) extend the contract term to September 30, 2019; and
b. Approve Change Order No. 3 to the contract with Graniterock Company for San Antonio Dam spillway repair work to: (1) decrease the contract amount by \$65,000 (moved to the Nacimiento Dam spillway repair work) to a total of \$135,000, and (2) extend the contract term to September 30, 2019; and
c. Authorize the General Manager to execute both Change Orders.

Attachments: [Board Report](#)
[Change Order No. 3 - Nacimiento](#)
[Change Order No. 3 -San Antonio](#)
[Change Order 1 and 2 -Nacimiento](#)
[Contract - Nacimiento](#)
[Change Order 1 and 2 - San Antonio](#)
[Contract -San Antonio](#)
[Board Order](#)

6. Approve and recommend that the Water Resources Agency Board of Supervisors authorize the Auditor-Controller to amend Water Resources Agency's FY 2018-19 Adopted Budget by increasing appropriations in various Agency funds financed by Unassigned Fund Balance BSA 3101 in the total amount of \$612,799.

Attachments: [Board Report](#)
[FY 2018-19 Budget Amendment # 1 Summary](#)
[Unassigned Fund Balance Analysis](#)
[Board Order](#)

7. Approve and recommend that the Water Resources Agency Board of Supervisors authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 112 Pajaro Levee (112-9300-8484-WRA002) by increasing appropriations in the amount of \$200,000 financed by unassigned fund balance 112-3101.

Attachments: [Board Report](#)
[FY 2018-19 Budget Amendment # 2 Summary](#)
[Board Order](#)

8. Approve and recommend that the Water Resources Agency Board of Supervisors authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 127 - Moro Cojo Slough (127-9300-8489-WRA017) by increasing appropriations in the amount of \$250,000 financed by unassigned fund balance 127-3101.

Attachments: [Board Report](#)
[FY 2018-19 Budget Amendment # 3 Summary](#)
[Board Order](#)

9. Approve and recommend that the Water Resources Agency Board of Supervisors:
- a. Authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 111 - WRA Administration Fund (111-9300-8267-WRA001) by

increasing appropriations in the amount of \$90,000 financed by Unassigned Fund Balance 111-3101; and

b. Authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 116 - Dam Operations (116-9300-8485-WRA006) by increasing appropriations in the amount of \$200,000 financed by Unassigned Fund Balance 116-3101; and

c. Authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 122 - Reclamation Ditch (122-9300-8487-WRA012) by increasing appropriations in the amount of \$70,000 financed by Unassigned Fund Balance 122-3101; and

d. Authorize the Auditor-Controller to amend the Agency's FY 2018-19 Adopted Budget for Fund 130 - Hydro-Electric Operations (130-9300-8490-WRA022) by increasing appropriations in the amount of \$80,000 financed by Unassigned Fund Balance 130-3101.

Attachments: [Board Report](#)
 [FY 2018-19 Budget Amendment # 4 Summary](#)
 [Board Order](#)

10. Adopt a resolution amending the Bylaws of the Monterey County Water Resources Agency Board of Directors.

Attachments: [Board Report](#)
 [Bylaws MCWRA \(redline\)](#)
 [Bylaws MCWRA \(clean\)](#)
 [ByLaws Resolution](#)

Presentation

11. **PRESENTATION:**

Bill Stevens, National Marine Fisheries re Steelhead Status and Endangered Species

Presentation given by Bill Stevens, National Marine Fisheries regarding Steelhead Status and Endangered Species.

Scheduled Items

12. Consider receiving an update on staff discussions with the National Marine Fisheries Service regarding re-initiation of the Biological Opinion for the Salinas Valley Water Project and provide direction to staff for future action.

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

Upon Motion by Director Smith and Second by Director Baillie 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 and directed staff to re-evaluate the Salinas Valley Water Project Flow Prescription for opportunities to provide additional passage days during normal year types including modifications to upstream flow and reservoir storage triggers and sandbar management at the Salinas River Lagoon; and include stakeholders in the process.

A letter from Farm Bureau Monterey and a letter from Grower-Shipper Association were both presented to the Board.

Public Comment: Bill Stevens, NMFS, Steve Shimek, Gary Petersen, Nancy Isakson, Norm Groot, Rio Farms, Jocelyn Britson, Mandy Ingham

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

Noes: None

Absent: None

13.

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

- a. Approve and recommend revised terms for a *Memorandum of Agreement* with the California Department of Fish and Wildlife; and
- b. Authorize the execution by the Chairperson of the Agency Board of Supervisors of a *Memorandum of Agreement* with the California Department of Fish and Wildlife containing the revised recommended terms and authorizing the execution of the *Memorandum of Agreement*, with such other terms and provisions as deemed necessary or appropriate by Agency negotiators (as approved by Water Resources General Manager, the Board Chairperson, and County Counsel), and other necessary documents and certificates and related actions; and
- c. Direct the Chairperson of the Agency Board of Supervisors, the County Counsel, each Officer and any other official of the Agency and their duly authorized designees, deputies and agents to amend and execute documents, determine appropriateness of their terms and conditions, and to carry out, give effect to, and comply with the *Memorandum of Agreement*.

Attachments: [Board Report](#)
 [Revised MOA](#)
 [Exhibit-A to MOA](#)
 [Original MOA](#)
 [MCWRA Executed Board Order to Original MOA](#)
 [Board Order](#)

Upon Motion by Director Baillie and Second by Director Ortiz the Board

approved and recommended that the Monterey County Water Resources Agency Board of Supervisors:

a. Approve and recommend terms for a revised Memorandum of Agreement with the California Department of Fish and Wildlife; and b. Authorize the execution by the Chairperson of the Agency Board of Supervisors of a revised Memorandum of Agreement with the California Department of Fish and Wildlife containing the revised recommended terms and authorizing the execution of the Memorandum of Agreement, with such other terms and provisions as deemed necessary or appropriate by Agency negotiators (as approved by Water Resources General Manager, the Board Chairperson, and County Counsel), and other necessary documents and certificates and related actions; and c. Direct the Chairperson of the Agency Board of Supervisors, the County Counsel, each Officer and any other official of the Agency and their duly authorized designees, deputies and agents to amend and execute documents, determine appropriateness of their terms and conditions, and to carry out, give effect to, and comply with the Memorandum of Agreement.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Ortiz, LeBarre, Baillie and Smith

Noes: None

Absent: Director Scattini

Public Comment: Ron Drake

14.

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

- a. Approve the termination of the Professional Services Agreement to provide program management services for the Interlake Tunnel between the Monterey County Water Resources Agency and EPC Consultants, Inc. effective close of business on January 4, 2019;
- b. Approve the award of a professional services agreement to provide program management services for the Interlake Tunnel between the Monterey County Water Resources Agency and COWI, N.A. effective January 1, 2019; and
- c. Authorize the General Manager to execute the Professional Services Agreement between the Monterey County Water Resources Agency and COWI, N.A.

Attachments:

[Board Report](#)

[COWI Professional Services Agreement](#)

[COWI NA TUNNELS Brochure](#)

[Amendment No. 1 to First Amended PSA](#)

[EPC First Amended PSAFinal](#)

[Board Order](#)

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

- a. Approve the termination of the Professional Services Agreement to provide program management services for the Interlake Tunnel between the Monterey County Water Resources Agency ("Agency") and EPC Consultants, Inc. effective close of business on January 4, 2019; b. Approve the award of a

professional services agreement to provide program management services for the Interlake Tunnel between the Agency and COWI, N.A. effective January 1, 2019; and c. Authorize the General Manager to execute the Professional Services Agreement between the Agency and COWI, N.A.

An Email from Steve Wang, EPC Consultants, Inc. was provided to the Board.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Ortiz, LeBarre, Baillie and Smith

Noes: None

Absent: Director Scattini

15.

Consider approving Amendment No. 2 to the Agreement for Professional Services with GEI Consultants, Inc., in the amount of \$49,526 for additional Nacimiento Dam FERC Part 12D Potential Failure Mode Analysis and reporting, bringing the total Agreement amount to \$172,556; and, authorizing the General Manager to execute the Amendment.

Attachments: [Board Report](#)
 [GEI - Amendment #2](#)
 [GEI - Amendment #1](#)
 [GEI Agreement](#)
 [Board Order](#)

Upon Motion by Director Dupree and SEcond by Director Smith the Board approved Amendment No. 2 to the Agreement for Professional Services with GEI Consultants, Inc., in the amount of \$49,526 for additional Nacimiento Dam FERC Part 12D Potential Failure Mode Analysis and reporting, bringing the total Agreement amount to \$172,556; and, authorizing the General Manager to execute the Amendment.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Ortiz, LeBarre, Baillie and Smith

Noes: None

Absent: Director Scattini

Key Information and Calendar of Events

General Manager's Report

The General Manager reported on the following items: GSA Support, Salinas River Long Term Management Plan, Tunnel Project and Fish Screen meeting with Sen. Monning, Proposed Line of Credit, Board of Directors Reimbursement, San Antonio Spillway Assessment, General Manager signing authority limit increase, change in Development Services, Pajaro RFQ Program Management and CSIP Prop. 1 Grant Proposal

Committee Reports

The Planning Committee reported on the Bylaws. there were no other committee reports.

Information Items

16. Information Items:

1. Reservoir Release Update
2. Well Permit Application Activities Update
3. SVWP Annual Flow Monitoring Report

Attachments: [Reservoir Release Update](#)
 [Well Permits Application Activities Update](#)
 [SVWP Annual Flow Monitoring Report](#)

Correspondence

17. Correspondence:

1. Letter dated October 25, 2018 from Water Quality and Operations Committee to Monterey County Board of Supervisors
Re: Letter is response to NRWMAC's petition regarding permitted water releases and flows from Nacimiento Reservoir
2. Letter dated October 25, 2018 from Jennifer Capitolo, Senior Policy Advisor, Nossaman LLP to Lew Bauman, Chief Administrative officer
Re: Funding for San Antonio Reservoir Spillway Repairs
3. Letter dated November 7, 2018 from Henry S. Gonzales, Agricultural Commissioner to Chair Luis Alejo, Monterey County Board of Supervisors
Re: Agricultural Advisory Committee Nominations, Monterey County Water Resources Agency Board of Directors
4. Letter dated November 13, 2018 from James W. Bogart, President and General Counsel, Grower-Shipper Association
Re: Appointment to GSA Seat on MCWRA Board of Directors

Attachments: [Correspondence](#)

Board of Directors Comments

Adjournment

The meeting adjourned at 4:26 p.m.

Monterey County Water Resources Agency Board of Directors Addenda:

18.

ADDENDA:

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

Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of General Manager for the Water Resources Agency.