

**Inland Water & Power Commission**

P.O. Box 1247 • Ukiah, CA 95482

Phone (707) 391-7574 • Email: [mciwpc@mendoiwpc.com](mailto:mciwpc@mendoiwpc.com)

**A G E N D A**  
**Regular Meeting**

**Place:** Zoom virtual attendance  
**Date:** December 8, 2022 Thursday  
**Time:** 6:00 pm—Open Session...Zoom Link  
Join Zoom Meeting at-  
<https://us02web.zoom.us/j/83469016142>  
Meeting ID: 834 6901 6142  
Dial in by phone: 669 900-6833

The Commission meeting will be held via video/teleconference. The public may observe and comment by phone or by Zoom webinar. If the public wishes to provide comment before the meeting on any of the agendized items, please email [mciwpc@mendoiwpc.com](mailto:mciwpc@mendoiwpc.com) by 5:00 pm Thursday, November 10, 2022.

**6:00 pm Open Session**

1. Roll Call
2. Public Expression - See end of agenda for information on public expression
3. Minutes
  - a. Approval/Correction of minutes of the meeting of November 10, 2022
4. Consent Calendar
  - a. Approve expenses on billing statements for November 2022
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-K *Proclaiming a Local Emergency Persists, Re-ratifying the Covid-19 State of Emergency, and Re-authorizing Remote Teleconference Meetings of MCIWPC Pursuant to the Brown Act*
5. Commissioner Reports — Reports by Commissioners/Staff on meetings attended or actions taken by their agencies as well as informational items. Each Commissioner will be given an opportunity to speak on any activities of interest regarding drought response, groundwater updates, committee meetings etc. that are relevant to the IWPC members
6. Report from the Ad Hoc Committee
7. Potter Valley Project
  - a. Status report and discussion on the Potter Valley Project
  - b. Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E

8. U.S. Army Corps of Engineers Feasibility Study for Raising Coyote Dam
  
9. NMFS Listing of the Coho Salmon and Steelhead as Threatened
  - a. Public Policy Facilitating Committee Reports
  - b. Biological Opinion Implementation Update
  
10. Adjournment

PUBLIC EXPRESSION

The Commission welcomes participation in their meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Commission which are not on the posted agenda and items which have not already been considered by the Commission. The Commission limits testimony on matters not on the agenda to three (3) minutes per person. No action will be taken. Individuals wishing to address the Commission under Public Expression are welcome to do so throughout the meeting day. To best facilitate these items, please notify either the Chairman of the Commission or the Secretary of the Commission.

CLOSED SESSION

If agendized, the Commission may adjourn to a closed session to consider litigation, personnel matters, or real estate negotiations. Discussion of real estate negotiations may be held in closed session - Authority: Government Code Section 54956.8. Discussion of litigation or pending litigation may be held in closed session -- Authority: Government Code Section 54956.9. Discussion of personnel matters may be held in closed session -- Authority: Government Code Section 54957.

ADDITION TO THE AGENDA

(If any) in accordance with Section 54954.2 (b)(2) of the Government Code (Brown Act) Two-thirds Vote Required for Action Items. (Upon determination by a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, unanimous vote of those members present, that the need to take action arose after the Agenda was posted.)

Mendocino County

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draft  
**MINUTES**  
Regular Meeting  
November 10, 2022

**Open Session**

The meeting was called to order at 6:02 p.m. via Zoom video conference by Chair Janet Pauli.

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)  
John Reardan—Commissioner (Russian River Flood Control District)  
Tom Schoeneman—Commissioner (Redwood Valley County Water District)  
Juan Orozco—Commissioner (City of Ukiah)

The following Commissioners were absent:

Glenn McGourty— Commissioner (County of Mendocino Water Agency)

The following individuals were participants:

Chris Watt—Alternate RRFC  
Carre Brown—Public member

**Public Expression**

Chair Pauli explained that anything not currently on the agenda may be discussed at this time, however no action could be taken. She further advised that comments would be welcome throughout the meeting.

**Minutes**

**On a motion by Schoeneman, seconded by Reardan the minutes of the meeting of October 13, 2022 were unanimously approved.**

**Consent Calendar**

**On a motion by Reardan, seconded by Schoeneman, the consent calendar items for October 2022 and Adoption of Resolution No. 2022-J Proclaiming a Local Emergency Persists, Re-ratifying the Covid-19 State of Emergency, and Re-authorizing Remote Teleconference Meetings of MCIWPC Pursuant to the Ralph M. Brown Act were unanimously approved.**

**Commissioner Reports**

- Schoeneman relayed that the meetings on consolidation between the City of Ukiah and water districts are going well.
- Reardan reported that the RRFC discussed what surplus water really was and ways to use the water more efficiently. They also went over ways to provide Redwood Valley with additional water. It is all very complex because of how the contracts are written.

**Approve and select members for an IWPC Ad Hoc Committee to review possible tasks for the IWPC regarding the PVP**

**Motion by Schoeneman, seconded by Orozco to approve the Ad Hoc was unanimously approved.** Reardan stated that the RRFC board had some questions regarding how the Ad Hoc would function. Pauli responded that the legal decision was that forming this Ad Hoc Committee as part of IWPC is fully compliant with what IWPC is allowed to do. Chris Watt asked how the Ad Hoc would communicate with the IWPC commissioners. Horsley responded that they would come back with recommendations for the commissioners to approve for moving forward.

Group composition: **Motion by Reardan, seconded by Orozco to approve the members of the Ad Hoc as Jim Mayfield, Mark DeMeulenaere, Ernie Wipf, Mo Mulheren, John Reardan, Beth Salomone, Devon Boer, Carre Brown and Sean White, was unanimously approved.**

**Potter Valley Project**

a. Status report and discussion of the Potter Valley Project and Funding efforts—Pauli reported that they had another meeting of the drought working group to discuss the variance for diversions to the project. The variance will disappear when Lake Pillsbury gets to 36,000 AF. At the end of the meeting Salomone asked that the flows be increased to 25 cfs which is allowed under the variance. Several of the agencies agreed to discuss it and come back with a decision. Right away, CalTrout and Friends of the Eel River expressed their opposition to that request and a decision has to be unanimously. Pauli and Salomone signed a letter to PG&E stating that increased flows would help with storage in Lake Mendocino to have enough water for fish flows and health and human safety. Both Round Valley Tribe and NMFS had stated they were not in favor of the change but were going to consider and get back with a decision by November 17. PG&E appeared to be in favor of increasing the flows.

DWR tasks are in various stages of progress. The majority of the interviews by the Russian River Water Forum have been done. The Facilities assessment is close to signing a contract with a consultant however PG&E is not allowing access, which is needed to do an assessment. The Water Storage task for groundwater and surface water in Potter Valley will have their contract signed within a week. All of the interviews are confidential, but the results will be combined for future discussions.

The Russian River Water Association went on a tour of the Van Arsdale dam and met in Potter Valley to discuss the FERC licensing. They then went out to Lake Mendocino to discuss water rights and other water storage issues.

b. Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E— No report until PG&E starts working with their surrender and decommissioning consultant.

**U.S. Army Corps of Engineers Feasibility Study on Coyote Dam**

No report.

**NMFS Listing of the Coho Salmon and Steelhead as Threatened**

- a. Executive Committee and/or Public Policy Facilitating Committee Reports—No report.
- b. Biological Opinion Implementation Update—Pauli has left this item on the agenda because it is linked with the Feasibility Study on Lake Mendocino.

**State Water Resources Control Board Items**

No report.

Adjourned at 6:35 p.m.

Candace Horsley  
IWPC Staff

**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

November 2022

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
11/10	Meeting	.75	\$18.00	\$ 13.50
11/11	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
11/31	Minutes	1.00	\$18.00	\$ 18.00
Nov.	Website maint.	5.00	\$18.00	\$ 90.00
Nov.	Meetings, misc.	4.00	\$18.00	\$ 72.00
12/4	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$319.50

***2. Miscellaneous:***

CA Special Districts Assoc. Annual dues	\$ 500.00
Downey Brand for Oct. 2022	\$ 2,205.00
Tom Johnson, Oct. & Nov. 2022	<u>\$ 3,194.25</u>
Subtotal	\$ 5,899.25

**TOTAL**

**\$6,218.75**

**IWPC Financial Accounts**  
December 2022

Savings Bank: IWPC account	\$1,195	As of 12/4/2022
Mendocino County Auditor's Office	\$202,437	As of June end 2022, draft

After November bills are paid, we will have \$115,418 in the PVP account.

# **MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

## **RESOLUTION NO. 2022-K**

### **PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE COVID-19 STATE OF EMERGENCY, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF MCIWPC PURSUANT TO THE RALPH M. BROWN ACT.**

WHEREAS, the MCIWPC is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the MCIWPC are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the MCIWPC’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the MCIWPC’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Commissioners previously adopted a Resolution, number 2021-A on October 14, 2021 finding that the requisite conditions exist for MCIWPC to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Commissioners must reconsider the circumstances of the state of emergency that exists in MCIWPC, and the Board of Commissioners has done so; and

WHEREAS, such conditions persist in MCIWPC, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the threat of COVID-19; and

WHEREAS, the Mendocino County Public Health Officer issued an order on September 29, 2021 regarding the highly transmissible Delta Variant of COVID-19, recommending vaccinated and unvaccinated persons to mask and maintain social distance until amended or rescinded by further orders by the Health Officer; and

WHEREAS, the Board of Commissioners does hereby find that the ongoing risk posed by the highly transmissible COVID-19 virus has caused, and will continue to cause, conditions of peril to the safety of persons within MCIWPC that are likely to be beyond the control of services, personnel, equipment, and facilities of the MCIWPC; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Commissioners does hereby find that the MCIWPC shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of

section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the MCIWPC and offer public comment by telephone or internet-based service options including video conference will continue to be posted on the MCIWPC website and physically outside of the MCIWPC office.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MCIWPC DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The Board has reconsidered the conditions of the state of emergency and proclaims that a local emergency persists throughout the MCIWPC because the high risk of transmissibility of COVID-19 continues to pose an imminent risk to the safety of persons in the MCIWPC.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. MCIWPC staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until such time the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the MCIWPC may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Commissioners of MCIWPC this 8th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: