

Mendocino County

Inland Water & Power Commission

P.O. Box 1247 • Ukiah, CA 95482

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

A G E N D A
Regular Meeting

Place: Zoom virtual attendance
Date: February 9, 2023 Thursday
Time: 6:00 pm—Open Session...Zoom Link
Join Zoom Meeting at-
<https://us02web.zoom.us/j/89260558562>
Meeting ID: 8926558562
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 by 5:00 pm Thursday, February 9, 2023.

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 January 12, 2023
- 4. Consent Calendar**
 - a. Approve expenses on billing statement for January 2023
 - b. Update on financial accounts
 - c. Adoption of Resolution No. 2023-B *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**
 - a. Update on Federal funding for the Feasibility Study
- 9. NMFS Listing of the Coho Salmon and Steelhead as Threatened**
 - a. Public Policy Facilitating Committee Reports
 - b. Biological Opinion Implementation Update
- 10. New Business**
 - a. Discussion of IWPC in-person meetings starting March 2023
- 11. 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 agendaized, 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.)

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draft
MINUTES
Regular Meeting
January 12, 2023

Open Session

The meeting was called to order at 6:11 p.m. via Zoom video conference by Chair Janet Pauli.

The following Commissioners were present:

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

The following individuals were participants:

Chris Watt—Alternate Commissioner RRFCD
Bree Klotter—Public member
Elizabeth Salomone—RRFCD Manager
Jason Lee—Public member
Sean White-- City of Ukiah Director of Water & Sewer

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.

Orozco relayed that Mari Rodin will be the new Commissioner to IWPC for the City of Ukiah, and he will be the Alternate.

Minutes

On a motion by Vice-Chair Reardan, seconded by McGourty, the minutes of the meeting of December 8, 2022 were unanimously approved.

Consent Calendar

On a motion by Vice-Chair Reardan, seconded by McGourty, the consent calendar items for December 2022 and Adoption of Resolution No. 2023-A 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

- Beth Salomone gave a PowerPoint presentation on the Groundwater Sustainability Agency, a winter update. The slides were included in the agenda packet.

Pauli asked about the study and the interaction between groundwater and surface water. Salomone responded that she expects that study to be a year or two away depending on funding. She also talked about the possible intervention from the State if there are inadequacies found in the Plan and in its implementation. If inadequacies are found, there are 180 days given to revise the Plan. But if the State steps in they will decide how the rates will be structured, these are the projects you have to implement, these are the management steps you have to take, and this is how you do it without giving any money to the GSA to implement the projects. There will be several stakeholder workshops to engage with various community groups.

- McGourty reported that the recent weather patterns have been extremely variable, and it is going to make these studies very interesting in seeing the huge hydrological changes. The County has completed their search for a water resource consultant, which is EKI, and they have appointed an Advisory Technical Committee to work with EKI. One of the immediate tasks will be to look for grants to fund water projects and infrastructure for places such as Gualala, Redwood Valley, and Mendocino. There is only \$250,000 in the budget for this endeavor for this year. In the consultant's spare time, they can help with the PVP.
- Reardan discussed the importance of the PVP and the current low flows through the project may lead to curtailments this summer even with all the rainfall this winter. Pauli stated that 125 cfs could go through the project even if the equipment wasn't repaired, but we will need to make a strong case for it.
- Orozco relayed that Phase 4 of the purple pipe is moving closer to being implemented. It will go west to the hills and provide water for the parks, high school and golf course. White reported that they signed the grant state board funding agreement this week and since the project is at 100% design, they plan on starting construction in the Fall. It will add another 500 AF to the recycled water delivery.
- Schoeneman said that the water districts are meeting with their attorneys to hammer out the legal details for the water districts consolidation and it is moving forward. He is very excited about how far it has gone.

Report from the Ad Hoc Committee

Staff have been working with a grant consultant on possible funding measures and the communication and informational pieces are almost completed.

Potter Valley Project

a. Status report and discussion of the Potter Valley Project and Funding efforts— inflows to Pillsbury have been extraordinary. Lake Pillsbury was filled to the brim and starting to spill. When flows in the Eel go over 7,000 cfs, the project is shut down due to high flows as the fish screen can't handle the load. This has happened several times in the last two weeks. During that whole time, only 2 cfs have been diverted into the Potter Valley side.

FERC held a technical meeting regarding NMFS request for interim protective measures at the project. NMFS wanted to open the license requirements for the PVP. IWPC and several other Mendocino agencies commented. FERC has not responded to any of the comments at this time.

FERC held the technical meeting to try and understand why NMFS was asking for these additional safety measures. NMFS was asked to justify why they were asking for these measures.

The Russian River Water Forum has completed the interviews and they have finished a report on the results in summary format which will be released to the interviewees and then to the public. It forms the basis to move forward with the formation of the regional entity structure and what it will be doing. Pauli, Salomone and Mike Thompson of SW have been meeting with the Tribes to convey the information to them. Salomone expressed concern regarding finding additional funding for the Water Forum's consultant so the projects can be completed.

The other DWR grant projects through the Water Forum are in progress. They have not had a chance to have a site visit to review possible additional storage areas for water.

b. Continued discussion of funding ongoing PVP negotiations between MCIWPC, FERC and PG&E—No report.

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

Approval of 2023 Notice of Intent for Coyote Dam General Investigation renewal letter—Pauli relayed that the Corps has asked if we are still intending to be the local sponsor if and when the Feasibility Study is re-initiated. She has contacted the field representative for Congressman Huffman to find out if funds were added to this year's Federal budget. **Motion by Vice-Chair Reardan, seconded by McGourty to approve the Letter of Intent to the Corps.**

NMFS Listing of the Coho Salmon and Steelhead as Threatened

a. Executive Committee and/or Public Policy Facilitating Committee Reports—McGourty and Pauli were selected to be the representatives to the PPFC several years ago.

McGourty reported that some people living near the dam complained in the Fall about the hydrogen sulfide smell, but the lake turning over with the associated smell happens every year.

b. Biological Opinion Implementation Update—No report.

New Business

a. Election of Officers—**Motion by Vice-Chair Reardan, seconded by McGourty to elect Janet Pauli as Chair. Motion by Orozco, seconded by Schoeneman to elect John Reardan as Vice-Chair. Both motions passed unanimously.**

b. Discussion of meeting venue starting in March 2023—Horsley had looked at three venues and discussed them with the Commissioners. McGourty offered the County Ag and UC Cooperative Extension building meeting room. Horsley will contact them to see if the availability corresponds with our meeting schedule.

Adjourned at 7:40 p.m.

Candace Horsley
IWPC Staff

IWPC Financial Accounts
February 2023

Savings Bank: IWPC account \$ 932 As of 2/3/2023

Mendocino County Auditor's Office \$202,437 As of June end 2022

After January 2023 bills are paid, we will have \$100,367 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

January 2023

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
1/12	Meeting	1.80	\$18.00	\$ 32.40
1/13	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
1/16	Minutes	1.00	\$18.00	\$ 18.00
Jan.	Website maint.	7.00	\$18.00	\$126.00
Jan.	PVP docs, LOI, meetings, misc.	15.00	\$18.00	\$270.00
1/8	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$572.40

2. Miscellaneous:

1099 fees	\$ 27.45
Downey Brand for Dec. 2022	\$ 6,044.15
Tom Johnson, Jan. 2023	<u>\$ 3,055.00</u>
Subtotal	\$ 9,126.60

TOTAL **\$9,699.00**

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

RESOLUTION NO. 2023-B

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 9th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: