

**AGENDA**  
**Regular Meeting**

**Date: January 13, 2022 Thursday**

**Time: 6:00 pm – Open Session...Zoom link**

Join Zoom Meeting at-

<https://us02web.zoom.us/j/83904299202>

Meeting ID: 839 0429 9202

Dial in by phone only: 669 900-6833

**6:05 – Closed Session**

The meeting will be open to Commissioners only, during this time

**6:30 pm – Rejoin Open Session (time approximate)**

Same information as above for 6:00 pm

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 agenda items, please email [mciwpc@mendoiwpc.com](mailto:mciwpc@mendoiwpc.com) by 5:00 pm Thursday, Jan. 13, 2022.

6:00 pm Open Session

6:05 pm CLOSED SESSION: Conference with Real Property Negotiators  
(Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli & Scott Shapiro

Negotiating Parties: IWPC and FERC

Under Negotiation: Price and Terms

6:30 pm Open Session—approximate time

1. Roll Call
2. Public Expression - See information above for information on public expression
3. Minutes
  - a. Approval/Correction of minutes of the meeting of December 9, 2021
4. Consent Calendar
  - a. Approve expenses on billing statements for December 2021
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-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*
5. Commissioner Reports — Reports by Commissioners on meetings attended or actions taken by their agencies as well as informational items, including:
  - a. Report from the Upper Russian River Stewardship Alliance regarding frost water use
  - b. North Coast Quagga/Zebra Mussel Prevention Consortium update
  - c. Update regarding actions and discussion of the state water bond issues
  - d. Report on Upper Russian River Water Agency JPA
  - e. Report on the Upper Russian River Water Manager's meeting and Russian River Drought Working Group (RRDWG)

- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)
- g. Update on the City of Ukiah recycled water purple pipe project
- h. CalCannabis regulation update and related issues
- i. Discussion of individual water agency plans for water conservation efforts
- 6. Potter Valley Project
  - a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project
    - 1. Continued discussion of PVP Ballot Measure
    - 2. Funding requirements for 2022
  - b. Update on current Lake Pillsbury releases to the Eel & Russian Rivers and related issues
  - c. Update on the Sandoval Study: Hydrologic Characterization and Modeling for Evaluating Human and Environmental Water Supply Tradeoffs on the Upper Eel and Upper Russian River - Potter Valley Project proposal
- 7. Update on the IWPC Communication Program and Website
- 8. U.S. Army Corps of Engineers Feasibility Study on Coyote Dam – Update on Corps’ activities and input from Participating Members
  - a. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam
  - b. Update on new General Investigation Study & possible funding
  - c. Progress on Congressman Huffman’s ‘Forecast Informed Reservoir Operation’s bill
- 9. NMFS Listing of the Coho Salmon and Steelhead as Threatened
  - a. Executive Committee and/or Public Policy Facilitating Committee Reports
  - b. Biological Opinion Implementation Update
- 10. Discussions and reports of additional water supply sources and storage sites
- 11. State Water Resources Control Board - Updates on various activities from the SWRCB
  - a. AB2121
  - b. D1610
- 12. New Business
  - a. Election of Officers
- 13. 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

**Inland Water & Power Commission**

P.O. Box 1247 • Ukiah, CA 95482

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

draft

**MINUTES**

Regular Meeting

December 9, 2021

**Open Session**

The meeting was called to order at 6:01 p.m. via video conference by Chair Janet Pauli.

**Closed Session**

Commissioners: Pauli, Reardan, Schoeneman, Orozco, Mulheren, McGourty, McFadden, Froneberger, Klotter and attorney Shapiro entered Closed Session at 6:02 p.m.

CLOSED SESSION: Conference with Real Property Negotiators (Gov't Code §54956.8)

Property: PG&E Potter Valley Project

Agency Negotiators: Janet Pauli & Scott Shapiro

Negotiating Parties: IWPC and FERC

Under Negotiation: Price and Terms

The Commissioners came out of Closed Session at 6:50 p.m. No reportable action under the Brown Act was taken.

**Open Session** was reconvened at 6:51 pm

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)

John Reardan—Vice-Chair (Russian River Flood Control District)

Glenn McGourty—Commissioner (County of Mendocino Water Agency)

Juan Orozco—Commissioner (City of Ukiah)

Tom Schoeneman—Commissioner (Redwood Valley County Water District)

The following individuals were participants:

Joseph Kowalski

Bree Klotter—Alternate RVCWD

Matt Froneberger—Alternate RRFCD

Devon Jones-- MCFB Manager

Sean White—City of Ukiah water staff

Elizabeth Salomone-- RRFCD General Manager

Fred Nickel

Charlie Schneider

**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 Vice-Chair Reardan, seconded by Schoeneman the minutes of the meeting of November 9, 2021 were unanimously approved.**

### **Consent Calendar**

**On a motion by Vice-Chair Reardan, seconded by Orozco, the consent calendar items for November 2021 were unanimously approved, including Adoption of Resolution NO. 2021-C 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**

### **Commissioner Reports**

- a. Report from the Upper Russian River Stewardship Alliance regarding frost water use—No report.
- b. North Coast Quagga/Zebra Mussel Prevention Consortium update—No report.
- c. Update regarding actions and discussion of the state water bond issues—No report.
- d. Report on the Upper Russian River Water Agency JPA—No report.
- e. Report on Upper Russian River Water Manager’s meetings and RR Drought Working Group (RRDWG)—No report.
- f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—Commissioner McGourty reported that there will be a public hearing on Friday to finalize any comments on the Plan. There will be a meeting of the GSA to go over the final draft of the Plan next Wednesday where the public will have an opportunity to speak to the issues.
- g. City of Ukiah purple pipe recycled water program—White reported that plans for Phase 4 of the purple pipe program are about 90% complete. 300 million gallons of recycled water have been produced this year.
- h. CalCannabis regulation and related issues—No report.
- i. Discussion of individual water agency plans for water conservation efforts—Commissioner Reardan reported that the RRFCD Board initiated efforts to study groundwater recharge possibilities. Chair Pauli and Reardan met with Tom Parker of the Parker Groundwater company. He is a geologist that works with a team who survey ground water basins by using both ground and aerial electromagnetic survey equipment. They can preliminarily map ground water basins giving indications of potential areas that then can be targeted for further detailed exploration by drilling. They will be getting back to us with what level of funding would be needed to perform additional helicopter electromagnetic surveys of other areas in our region.

### **Potter Valley Project**

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—The Two Basin Partnership group are considering sending a letter to PG&E to allow the release of more water through the project. They have not heard back from FERC since the September letter to FERC describing where they are in the process.

Discussion of the PVP ballot measure—The consultants are still working on what type of ballot measure would be the best fit for this area. They are in the process of finalizing wording for a survey/questionnaire to determine the communities’ feelings on funding water projects.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—The PVP is still only sending 45 cfs through the pipeline due to the turbines being down. PG&E can release more through the bypass but are hesitant to increase the flow, so there will be pressure put on politicians and the public to assist in getting the water diversion increased. These flows will ultimately end up in Lake Mendocino. Lake Pillsbury is expected to spill over if there is another good amount of rainfall.

c. Update on the Sandoval Study and possible approval of the Discussion of Hydrologic Characterization and Modeling for Evaluating Human and Environmental Water Supply Tradeoffs on the Upper Eel and Upper Russian River - Potter Valley Project proposal—No report.

### **Update on the IWPC Communication Program**

a. Website—No report.

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

a. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam—There is hope that the upcoming rains will increase the water levels significantly.

b. Discussion of Feasibility Study (FS)—\$1.5 million is needed as our local match for the study.

c. Discussion of grant funding for the FS—No report.

d. Progress on Huffman's Forecast Informed Reservoir Operations bill—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—No report.

### **Discussions and Reports of Additional Water Supply Sources and Storage Sites**

The RRFCD are meeting with State resource agencies to move forward in the process on studying the potential for a storage reservoir by the college.

### **State Water Resources Control Board Items**

AB2121—No report.

D1610—No report.

Adjourned at 7:30 p.m.

Candace Horsley, IWPC staff

**IWPC Financial Accounts**  
January 2022

Savings Bank: IWPC account	\$1,569	As of 1/6/2022
Mendocino County Auditor's Office	\$156,035	As of November 1, 2021

After December bills are paid, we will have \$35,585 in the PVP account.

**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

December 2021

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
12/9	Meeting	1.75	\$18.00	\$ 31.50
12/10	Accting & meeting follow-up	5.00	\$18.00	\$ 90.00
1/04	Minutes	1.00	\$18.00	\$ 18.00
Dec.	Website maint.	4.00	\$18.00	\$ 72.00
Dec.	Godbe/PG&E/misc	10.00	\$18.00	\$180.00
1/9	Agenda packet	2.00	\$18.00	<u>\$ 36.00</u>
	Subtotal			\$427.50

***2. Miscellaneous:***

Godbe	\$41,025.00
Downey Brand billing for Nov. 2021	\$ 7,323.75
Tom Johnson billing for Dec. 2021	\$ 2,730.00
Jendi Coursey, analytics Dec. 2021	<u>\$ 112.50</u>
Subtotal	\$51,191.25

**TOTAL**

**\$51,618.75**

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

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

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 the earlier of (i) January 13, 2022 or 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 13th day of January, 2022, by the following vote:

AYES: Pauli, Reardan, McGourty, Orozco, Schoeneman

NOES: None

ABSENT: None

ABSTAIN: None