

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

**Place:** Zoom virtual attendance  
**Date:** July 14, 2022 Thursday  
**Time:** 6:00 pm—Open Session...Zoom Link

Join Zoom Meeting at-

<https://us02web.zoom.us/j/83255337763>

Meeting ID: 832 5533 7763

Dial in by phone only: 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 agenda items, please email [mciwpc@mendoiwpc.com](mailto:mciwpc@mendoiwpc.com) by 5:00 pm Thursday, July 14, 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 June 9, 2022
4. Consent Calendar
  - a. Approve expenses on billing statements for June 2022
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-F *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 on the Potter Valley Project
    1. Continued discussion of PVP funding
  - 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. 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.)

Mendocino County

**Inland Water & Power Commission**

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draft  
**MINUTES**  
Regular Meeting  
June 9, 2022

**Open Session**

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

The following Commissioners were present:

Janet Pauli—Chair (Potter Valley Irrigation District)  
Matt Froneberger—Alternate (Russian River Flood Control District)  
Glenn McGourty—Commissioner (County of Mendocino Water Agency)  
Bree Klotter—Alternate Commissioner (Redwood Valley County Water District)  
Juan Orozco—Commissioner (City of Ukiah)

The following individuals were participants:

Beth Salomone---RRFCD Manager  
Carre Brown  
Sean White—City of Ukiah water staff  
Devon Boer—Director MCFB

**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 Froneberger, seconded by McGourty the minutes of the meeting of May 12, 2022 were unanimously approved.**

**Consent Calendar**

**On a motion by Klotter, seconded by Froneberger, the consent calendar items for May 2022 were unanimously approved, including Adoption of Resolution No. 2022-E 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—Not being able to launch a boat for three years has halted the Mussel infestation.
- 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)—Salomone reported that the State Water Board approved the Mendocino Voluntary Water Conservation program. Pauli mentioned that the drought and reductions in the flows from the Eel have increased the potential problems with water rights and possible curtailments by the State Water Board.

f. Discussion of ground water rights & Ukiah Valley Groundwater Sustainability Agency (GSA)—McGourty reported that they will need to approve any well drilling permits within the groundwater basin. They are still working out the details of how that process would be handled.

g. City of Ukiah purple pipe recycled water program—White reported that they are expecting to produce about 1,000 AF from the recycled water process. They are hoping to produce more this year due to the greater amount of rainfall.

h. CalCannabis regulation and related issues—Income from the program has reduced from \$5 million to about \$1.5 million. It appears that a lot of the growers have given up due to low crop income.

i. Discussion of individual water agency plans for water conservation efforts—No report.

### **Potter Valley Project**

a. Status report and discussion of the Two-Basin Partnership efforts to license the Potter Valley Project—

Discussion of the PVP ballot measure—Pauli introduced the topic of the Board of Supervisors meeting on June 8 regarding a potential fire and water general Sales Tax measure. Mulheren had put together a proposed plan for a 3/8 percent sales tax to replace the portion of Measure B that will sunset in 2023. The funds would be split 60% for fire and 40% for water. This would provide around \$2,800,000 for water per year. This would not increase the sales tax that is already being paid. Mulheren proposed a Technical Advisory group, made up of one representative from each city and two from the water districts, one on the coast and one inland. They will determine the priorities and how the funds for water would be divided out depending on need over the next 5 to 10 years.

Mulheren was asked to contact the cities and community members regarding this plan and has written a letter describing how her plan would work. McGourty will let us know when the special BOS meeting will be held to finalize this discussion.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that today there is 84 cfs coming into Lake Pillsbury with releases at 180 cfs. PVP flow is 90 cfs and the PVID is taking only 4 cfs due to the recent rain that came in last week. The minimum instream flows in the East Branch of the Russian River are at 75 cfs as required by the license conditions this season for a Normal water year classification, but the variance request by PG&E is to go from 75 to 5 cfs which would put us in a Critical year classification. FERC asked for comments and there were many comments, both in agreement and against. One suggestion was to go to a Dry year designation with 25 cfs flows and then adjust during the summer.

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—Updates to get rid of old information and make new updates easier to find and read are being made.

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

a. Report on Lake Mendocino water levels and conditions at Coyote Valley Dam—Carre Brown suggested that IWPC contact Corp Lieutenant Colonel Kevin Arnett to express our concerns about the Feasibility Study process and raising of Coyote Dam. Chair Pauli will send a letter.

b. Discussion of Feasibility Study (FS)—No report.

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**

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

AB2121—No report.

D1610—No report.

Adjourned at 7:35 p.m.

Candace Horsley, IWPC staff

## **IWPC Financial Accounts**

July 2022

Savings Bank: IWPC account	\$1,338	As of 7/10/2022
Mendocino County Auditor's Office	\$155,848	As of April end 2022

After June bills are paid, we will have \$141,104.63 in the PVP account.

**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

June 2022

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
6/9	Meeting	2.00	\$18.00	\$ 36.00
6/10	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
7/2	Minutes	1.00	\$18.00	\$ 18.00
June	Website maint.	11.00	\$18.00	\$198.00
June	FERC, insurance, misc	8.00	\$18.00	\$144.00
7/10	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$522.00

***2. Miscellaneous:***

SDRMA annual insurance premium	\$ 2,749.92
Downey Brand billing for May 2022	\$ 9,849.00
Tom Johnson billing for June 2022	\$ 5,331.60
Jendi Coursey, analytics (est)	<u>\$ 75.00</u>
Subtotal	\$18,005.52

**TOTAL**

**\$18,527.52**

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

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

### **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 14th day of July, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: