

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

**Place:** Zoom virtual attendance  
**Date:** October 13, 2022 Thursday  
**Time:** 6:00 pm—Open Session...Zoom Link  
Join Zoom Meeting at-  
<https://us02web.zoom.us/j/89327310042>  
Meeting ID: 893 2731 0042

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, October 13, 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 September 8, 2022
4. Consent Calendar
  - a. Approve expenses on billing statements for September 2022
  - b. Update on financial accounts
  - c. Adoption of Resolution No. 2022-I *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. Discussion of IWPC's role and activities in the next 12 months
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 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**

P.O. Box 1247 • Ukiah, CA 95482

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draft  
**MINUTES**  
Regular Meeting  
September 8, 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)  
Chris Watt—Alternate Commissioner (Russian River Flood Control District)  
Tom Schoeneman—Commissioner (Redwood Valley County Water District)  
Mo Mulheren—Alternate Commissioner (County of Mendocino Water Agency)

The following Commissioners were absent:

Juan Orozco—Commissioner (City of Ukiah)

The following individuals were participants:

Beth Salomone---RRFCD Manager  
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.

**Minutes**

**On a motion by Schoeneman, seconded by Watt the minutes of the meeting of August 11, 2022 were unanimously approved.**

**Consent Calendar**

**On a motion by Schoeneman, seconded by Mulheren, the consent calendar items for August 2022 and Adoption of Resolution No. 2022-H 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**

- 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)—White reported that there was a meeting today where they discussed the local well ordinance and a possible rate study.

g. City of Ukiah purple pipe recycled water program—White reported that the reservoirs have not been able to keep up with the huge demand due to the extreme heat this last week. They are asking for recycled water users to give them their watering schedules so they can try to provide water to them when needed.

h. CalCannabis regulation and related issues—No report.

i. Discussion of individual water agency plans for water conservation efforts—There have been water rights curtailment regulations put out by the state.

### **Potter Valley Project**

Status report and discussion of the Potter Valley Project and Funding efforts—No report.

b. Update on current Lake Pillsbury releases to the Eel & Russian rivers—Pauli reported that the Drought Working Group met with a request from PVID and RRFCDD to increase East Branch Russian River flows as Lake Pillsbury water levels are looking very good, with the 30,000 AF minimum pool that NMFS would like to see by mid-October easily met. The PG&E nightly report is currently showing a negative number on net inflow to the lake, as the inflow is not keeping up with evaporation, which is not unusual at this time of year. Storage is about 14,000 AF higher than this time last year.

Lake Mendocino is about 24,000 AF higher than where it was last year.

The DWR \$2 million grant has been divided into three tasks with the scope of work is basically done for two of the tasks. For the Facility Assessment portion, the contract should be signed by next week. Work on impacts of sediment releases to diversion works and modifications of the fish screen/ladder at Cape Horn dam will begin mid-summer of next year. The Russian River Water Users Forum section has hired a consultant team that is in the process of developing a list of questions to ask 35-40 water interest groups, such as canoe company operators, supervisors etc., in Sonoma and Mendocino counties. These interviews will give us a clearer picture of the water users understanding of the water supply, how concerned they are and how involved they will be in management and funding of the diversion.

One task that is a little behind is the one regarding improving storage sites and ways to store water on the Russian River side.

There has been additional contact with FERC from Eel River concerns regarding giving PG&E 30 months to develop its plan for license surrender.

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—No report.

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**

No report.

**State Water Resources Control Board Items**

AB2121—No report.

D1610—No report.

Adjourned at 6:35 p.m.

Candace Horsley, IWPC staff

**IWPC Financial Accounts**  
October 2022

Savings Bank: IWPC account	\$ 1,249	As of 10/4/2022
Mendocino County Auditor's Office	\$218,657	As of May end 2022

After September bills are paid, we will have \$122,434 in the PVP account.

**MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION**

**Billing Statement**

September 2022

***1. Staff Charges:***

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
9/8	Meeting	0.75	\$18.00	\$ 13.50
9/9	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
9/30	Minutes	1.00	\$18.00	\$ 18.00
Sept.	Website maint.	7.00	\$18.00	\$126.00
Sept.	Meetings, misc.	8.00	\$18.00	\$144.00
Sept.	Grant application	7.00	\$18.00	\$126.00
10/8	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$553.50

***2. Miscellaneous:***

Downey Brand for August 2022	\$ 4,851.00
Tom Johnson August/Sept. 2022	\$ 4,231.50
Jendi Coursey, website analytics	<u>\$ 93.75</u>
Subtotal	\$ 9,176.25

**TOTAL**

**\$9,729.75**

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

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

### **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 13th day of October 2022 by the following vote:

AYES:

NOES:           None

ABSENT:       None

ABSTAIN:      None