

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: November 10, 2022 Thursday
Time: 6:00 pm—Open Session...Zoom Link
Join Zoom Meeting at-
<https://us02web.zoom.us/j/83063667606>
Meeting ID: 830 6366 7606
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, 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 October 13, 2022
4. Consent Calendar
 - a. Approve expenses on billing statements for October 2022
 - b. Update on financial accounts
 - c. 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 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. Approve and select members for an IWPC Ad Hoc Committee to review possible tasks for the IWPC regarding the PVP. (See attached staff report.)
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

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draft
MINUTES
Regular Meeting
October 13, 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)
Glenn McGourty—Commissioner (County of Mendocino Water Agency)
Juan Orozco—Commissioner (City of Ukiah)

The following individuals were participants:

Chris Watt—Alternate RRFC
Sean White—City of Ukiah Director of Water & Sewer
Nancy Todd—Public member
Carre Brown—Public member
Devon Boer—MCFB Director
Beth Salomone---RRFC Manager

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 McGourty, seconded by Schoeneman the minutes of the meeting of September 8, 2022 were approved with Reardan and Orozco abstaining.

Consent Calendar

On a motion by Schoeneman, seconded by Orozco, the consent calendar items for September 2022 and 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 Ralph M. Brown Act were unanimously approved.

Commissioner Reports

- McGourty reported that BOS are attempting to get a water program together and the next meeting will be the first BOS meeting in November. There are five priorities drafted by McGourty that he will be presenting at the Supervisors meeting. The assessment of ground water in Round Valley area is being funded with a \$500,000 grant. The RFP for a water specialist is due tomorrow which will be vetted by a committee. The GSA is applying for grant funding through DWR to improve their model and test it over the next five years. They

- are also looking at do an infiltration project at Gobbi Park with the City of Ukiah. White stated that they are considering having water infiltration features at the park. McGourty mentioned that there may be two infiltration projects in Redwood Valley as well.
- White reported that they are close to the 1,000 AF mark on the recycled water program which is a real milestone for the program. They are finalizing the design for Phase 4 which would extend the recycled water pipe up to the golf course and high school. This will be the most expensive phase because it is located within the city.
- Schoeneman discussed the consolidation of the water districts, with the lead negotiators being Jared Walker and Sean White. Two members of each water district attend the meetings as well. If the consolidation is accomplished, it should be very good for Redwood Valley as far as sustainable water for their customers.
- Pauli reported PVID is working with the Jacobs consulting company to do the assessment of groundwater and surface water storage in Potter Valley. They will have a Special Board meeting with the consultants on December 2.
- Reardan asked about the electromagnetic surveys that were done at the beginning of the year, but as of yet there have been no reports back on the results. Most of the surveys in Potter Valley will need to be done on the ground versus by helicopter due to vineyard trellises and livestock.

Discussion of IWPC's role and activities in the next 12 months

Pauli went over where IWPC is at in this point in time and the need to support and expand the role of IWPC in light of current concerns including the PG&E license surrender and the decommissioning of the Potter Valley Project. There is a need to put together a task force to brainstorm how to address issues in the future. Horsley gave an overview of what this group could accomplish with a few priorities: 1. Producing a list of all the efforts and agencies involved regarding the PVP, 2. Developing a comprehensive educational/communication program for the citizens who use the Russian River/PVP water source, 3. Research and apply for grant funding of these efforts. To have the group be as broad based as possible, it will include local citizens, business leaders, several elected representatives, and agency staff.

The Commissioners expressed support for this idea. Reardan felt that this group could carry forward Mendocino County efforts to educate our citizens. Horsley will report back on the first meeting of the group. Pauli gave details on the Russian River (RR) Water Forum group and that they are moving forward with the interviews of RR water users to find out what they know about the PVP and their watershed. When the interviews are completed, there will be a report on the results to determine how much education is needed. It will also be used to develop the regional entity to acquire the diversion works, water rights and monetization of the water used.

McGourty suggested also reaching out to environmental groups and RR cleanup groups that really care about the RR. He was informed that these groups are included in the list of interviewees. There was continued general discussion by the Commissioners on the proposed group. The item will be place on the November IWPC agenda for further clarification and discussion.

Potter Valley Project

a. Status report and discussion of the Potter Valley Project and Funding efforts—Pauli reported that there are no changes to the variance on the PVP. We are still limited to critical water year releases into the East Branch of the Russian River from the Eel River and Lake Pillsbury. East Branch minimum flows are at 5 cfs at the current time. PVID can still request their contracted water. 35 cfs is currently coming through the PVP. It is hoped that normal flows will be going through the PVP during the winter, but it depends on the ability of PG&E to put water around the bypass and winter flows on the Eel River.

PG&E has released their RFP for a consultant to handle the technical issues of surrender and decommissioning of the PVP. There are several consultant companies that have worked with PG&E on other relicensing and surrendering projects in the state.

The three tasks of the DWR grant continue to move forward. The interviews of RR water users to find out what they know about the PVP and their watershed was discussed above. The Facilities Assessment project will start up with studies looking at what would happen if Scott Dam was removed including the impact of sediment releases, whether the PVP could operate on a run of the river scenario, and cost of replacing the fish ladder at Cape Horn dam. The 3rd part of the grant will be for the consultants to look for surface and groundwater storage upstream of Lake Mendocino.

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 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 7:15 p.m.

Candace Horsley
IWPC Staff

IWPC Financial Accounts

November 2022

Savings Bank: IWPC account	\$ 1,222	As of 11/3/2022
Mendocino County Auditor's Office	\$202,437	As of June end 2022, draft

After October bills are paid, we will have \$120,817 in the PVP account.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

Billing Statement

October 2022

1. Staff Charges:

<u>Date</u>	<u>Description</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>
10/13	Meeting	1.25	\$18.00	\$ 22.50
10/14	Accounting & meeting follow-up	3.00	\$18.00	\$ 54.00
10/31	Minutes	1.00	\$18.00	\$ 18.00
Oct.	Website maint.	5.00	\$18.00	\$ 90.00
Oct.	Meetings, misc.	4.00	\$18.00	\$ 72.00
Oct.	Core group/materials	18.00	\$18.00	\$324.00
11/6	Agenda packet	4.00	\$18.00	<u>\$ 72.00</u>
	Subtotal			\$652.50

2. Miscellaneous:

Purchase of IWPC laptop	\$ 920.00*
Downey Brand for Sept. 2022	\$ 4,851.00
Jendi Coursey, website analytics	<u>\$ 75.00</u>
Subtotal	\$ 5,846.00

TOTAL **\$6,498.50**

*The previous laptop was ten years old (average lifespan 5 years) and it had a fatal error and died in the middle of a hosted Zoom meeting. Respectech had worked on it several times in the last year to try and extend its life.

MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION

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.

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 10th day of November 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Agenda Item 6.

The Core Group that was discussed at the last IWPC meeting, met on October 25. The group consists of Jim Mayfield, Mark DeMeulenaere, Ernie Wipf, Mo Mulheren, John Reardan, Beth Salomone, Devon Boer, Carre Brown and Sean White. There was a lively discussion between the members. The following is a summary of the meeting and what the immediate follow up would be:

1. General agreement to having a comprehensive summary of what is being done regarding the PVP put together and periodically updated. Added—provide a description on each agency that is involved.

Follow up—I will be calling Devon, Beth, Janet and Sean to interview on what they are doing for the PVP.

2. Unanimous agreement that an informational/education effort needs to be put in place.

Follow up-- Continue speaking with social media experts on what they are willing to do and at what cost. Develop a plan for information dissemination.

3. Need to form a new group that is autonomous from any other agencies, that can take donations, and can be political when needed, such as Friends of the Russian River.

Follow up—I will speak with our attorney on how forming a group like this can be accomplished. Devon was going to contact Friends of Lake Pillsbury.

4. Grants—continue discussion with grant expert on how to obtain funds for the informational/education program. State Senator Mike McGuire and State Assembly member Jim Woods to be contacted.

After reviewing the comments at the Core Group meeting, we have been looking at a strategy that will give us time to establish allies, define priorities, get the educational program started and determine how to develop the non-profit Friends of the Russian River group. After speaking with our attorney, it is suggested that we start out with the core group being a temporary Ad Hoc of IWPC to give us legitimacy and fulfill the desire to address PVP issues that require some strategic planning. Once we have developed a base for these objectives, then some will stay with the IWPC Commission and others will go to other groups, such as an independent Friends of the Russian River. But at the beginning, as we develop our tasks and talk with community members for their input and assistance having the IWPC long-term standing will help us have a strong base.

An Ad Hoc Committee is defined as a committee gathered to address a particular issue. It can be best considered as a task force, which is supposed to deal with a particular topic at hand. It is only created when there is a need. Once the issue is resolved, the committee is then dissolved. Ad Hoc's are not required to be run as public meetings under the Brown Act.

Recommended action: Approve an IWPC Ad Hoc to develop a strategy around supporting the PVP. Appoint the members listed above which includes elected officials, business leaders, public citizens and agency staff.