



**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

BOARD MEMBERS:

David Hart, Chair
Richard Ortiz, Vice Chair
Ken Ekelund
Mark Gonzalez
John Huerta
Claude Hoover
Mike Scattini
Deidre Sullivan
Abby Taylor-Silva

STAFF:

David Chardavoyne, General Manager
Robert Johnson, Deputy General Manager
Brent Buche, Deputy General Manager
Cathy Paladini, Finance Manager
Wini Chambliss, Clerk to the Board
Jesse Avila, Deputy County Counsel

Monday, June 27, 2016

REGULAR BOARD OF DIRECTORS MEETING

MINUTES

1. CALL TO ORDER/ESTABLISH QUORUM

Chair Hart called the meeting to order @ 11:09 AM and a quorum was established.

Directors Present: Hart, Ortiz, Ekelund, Hoover, Huerta (@ 1:28 PM), Sullivan (@ 11:38 AM) and Taylor-Silva

Directors Absent: Gonzalez and Scattini

The Clerk to the Board read the following corrected Closed Session Agenda into the record:

Closed Session under Government Code section 54950, relating to the following items:

Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

- a) Protests of National Marine Fisheries and California Department of Fish and Wildlife to Monterey County Water Resources Agency Water Rights Applications with California State Water Resources Control Board for Blanco Drain (#32263A; Reclamation Ditch (#32263B); and, Tembladero Slough (#32263C).
- b) Monterey Coastkeeper v. Monterey County Water Resources Agency (Monterey County Superior Court case no. M108858).

Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators: (1) Designated representative: Brette Neal; Employee Organizations: Units F and J.

2. **PUBLIC COMMENTS ON CLOSED SESSION ITEMS** – None.

3. **ADJOURN TO CLOSED SESSION @ 11:12 AM**

4. **RECONVENE MEETING/RE-ESTABLISH QUORUM @ 1:10 PM**

Deputy County Counsel Jesse Avila reported the Board took no reportable actions in Closed Session.

5. **PLEDGE OF ALLEGIANCE**

6. **PUBLIC COMMENTS** – None.

7. **PRESENTATIONS**

A. Compensation Agreement: Mr. Mark Hartunian, City of Soledad

B. Interlake Tunnel Update: Mr. David E. Chardavoyne, MCWRA General Manager, reviewed a PowerPoint presentation given to the Water Resources Agency Board of Supervisors June 21, 2016.

Public Comments: None.

8. **CONSENT CALENDAR**

A. Approve the Action Minutes of the Regular Board of Directors meeting held on May 23, 2016.

B. Recommend that the Monterey County Water Resources Agency Board of Supervisors: (i) Accept the Certificate of Completion for the Moss Landing Tide Gate “Emergency” Repairs; and, (ii) Authorize the General Manager of the Monterey County Water Resources Agency to execute and record, within 15 days with the County Recorder, a Notice of Completion for said public work, pursuant to the provisions of California Civil Code Section 9204.

C. Approve Amendment No. 4 to the Professional Services Agreement with FISHBIO for fish monitoring work in support of the Salinas Valley Water Project for a one-year extension of time; and, authorize the General Manager to execute the Amendment.

D. Approve Amendment No. 2 to a Professional Services Agreement with Lux Environmental LLC to assist in environmental permit acquisition, for an extension of time until June 30, 2017; and, authorize the General Manager to execute the Amendment.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, approved Items A-D on the Consent Calendar.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez, Scattini

ACTION: On motion and second by Directors Ekelund and Huerta respectively, approved Item D on the Consent Calendar.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan
Noes: None
Absent: Gonzalez, Scattini,
Recuse: Taylor-Silva

9. ACTION ITEMS

- A. Consider approving Amendment No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc., in the amount of \$50,164 to provide safety surveillance and performance evaluation of San Antonio Dam; and, authorizing the General Manager to execute the Amendment.

Manuel Saavedra, Water Resources Engineer, presented this item for consideration by the Board of Directors.

Public Comments: None.

ACTION: On motion and second by Directors Huerta and Ortiz respectively, approved Amendment No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc., in the amount of \$50,164 to provide safety surveillance and performance evaluation of San Antonio Dam; and, authorized the General Manager to execute the Amendment.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

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- B. Consider approving the Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications, substantially in the form attached; and recommending approval by the Monterey County Water Resources Agency Board of Supervisors.

Shaunna Juarez, Associate Water Resources Hydrologist, presented this item for consideration by the Board of Directors.

Public Comments: Nancy Isakson, Salinas Valley Water Coalition; Norm Groot, Monterey County Farm Bureau.

ACTION: On motion and second by Directors Ekelund and Sullivan respectively, approved the Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications, substantially in the form attached; and, recommended approval by the Monterey County Water Resources Agency Board of Supervisors

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

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- C. Consider receiving an update on the Nacimiento Water Company; and, providing direction to Staff.

John Roitz, Water Resources Technician, presented this item for consideration by the Board of Directors.

Public Comments: Richard Boyer, Prunedale.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, received an update on the Nacimiento Water Company.

VOTE: Ayes: Hart, Ortiz, Ekelund, Gonzalez, Hoover, Huerta, Scattini, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

Director Ekelund left the dais at 2:30 PM and returned at 2: 33 PM.

- D. Consider receiving a report regarding the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process; and, providing direction to Staff.

Rob Johnson, Deputy General Manager, presented this item for consideration by the Board of Directors.

Public Comments: Nancy Isakson; Norm Groot; Richard Boyer.

Director Hoover left the meeting @ 3:10 PM.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, received a report regarding the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process; and, directed Staff to begin conversations with County Staff regarding the establishment of a MOU.

VOTE: Ayes: Hart, Ortiz, Ekelund, Huerta, Sullivan and Taylor-Silva
Noes: None.
Absent: Gonzalez, Hoover and Scattini
Abstention: Taylor-Silva

- E. Consider adopting a resolution identifying preliminary mitigation measures for possible impacts to private wells caused by construction of the Interlake Tunnel and Spillway Modification Project.

Director Taylor-Silva left the dais at 3:18 PM and returned at 3:20 PM.

Director Huerta left the dais at 3:33 PM and returned at 3:37 PM.

Rob Johnson, Deputy General Manager, presented this item for consideration by the Board of Directors.

Public Comments: None.

ACTION: On motion and second by Directors Ortiz and Sullivan respectively, adopted a resolution identifying preliminary mitigation measures for possible impacts to private wells caused by construction of the Interlake Tunnel and Spillway Modification Project .

VOTE: Ayes: Hart, Ortiz, Ekelund, Huerta, Sullivan and Taylor-Silva
Noes: None.
Absent: Gonzalez, Hoover and Scattini.

10. KEY INFORMATION AND CALENDAR OF EVENTS –

The Board of Directors are scheduled to begin conducting Regular Board meetings at the Government Center (Board of Supervisors Chambers) in August 2016 (August 15, 2016)

11. GENERAL MANAGER'S REPORT

General Manager David Chardavoyne reported his normal "GM" report was incorporated into the day's Agenda. He did, however, report on the following:

- 1) The importance of the Groundwater Sustainability Agency (GSA) being an independent entity. He also informed Directors of the need to revise/amend the Agency Act should the Water Resources Agency become the GSA.
- 2) The Agency's Budget was approved on June 21, and included a \$929,000 augmentation. As such, the Approved Budget differs somewhat from that approved by the Board of Directors.
- 3) The Agency will deploy zero-based budgeting beginning in July 2016.
- 4) The next FERC inspection of Nacimiento Reservoir is scheduled July 19, 2016. All requirements will be up to date by that time.
- 5) The Agency has received a grant award in the amount of \$200,000 to update the ALERT system to new technology.
- 6) Return Water Settlement Agreement has been approved by the Agency's Board of Supervisors, executed and submitted to the PUC.
- 7) Return Water Purchase Agreement has not yet been signed. It must first be approved by the PUC.
- 8) The County of Santa Cruz and City of Watsonville seek an MOU to proceed with the Pajaro Levee project. The Agency's share of the Cost Sharing Agreement is \$500,000. However, we signed based on the condition of receiving grant funding. The Agency would be making a long-term commitment without any certainty of receiving grant funding. In that light, it may be premature to sign onto the project.

Public Comments: None.

12. COMMITTEE REPORTS - Directors had nothing new to report.

13. INFORMATION ITEMS – Directors had no questions or comments on Information Items.

14. CORRESPONDENCE – Directors had no questions or comments on items of Correspondence.

15. BOARD OF DIRECTORS' COMMENTS – Director Taylor-Silva announced her resignation as the Grower-Shippers representative on the Agency's Board of Directors effective July 1, 2016. Directors thanked Ms. Taylor-Silva for her contributions to the Board of Directors. Director Huerta thanked Staff for their efforts in preparing reports...especially under impending time constraints.

16. ADJOURNMENT @ 4:03 PM.

SUBMITTED BY: Wini Chambliss

APPROVED ON: July 25, 2016

Wini Chambliss, Clerk to the Board