



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

**BOARD OF DIRECTORS:**

Ken Ekelund, Chair  
Claude Hoover, Vice Chair  
Silvio Bernardi  
David Hart  
Fred Ledesma  
Richard Ortiz  
Mike Scattini  
Deidre Sullivan  
*Vacant*

**STAFF:**

David E. Chardavoyne, Interim General Manager  
Robert Johnson, Assistant General Manager  
Brent Buche, Assistant General Manager  
Cathy Paladini, Finance Manager  
Wini Chambliss, Clerk to the Board  
Patrick McGreal, Deputy County Counsel

**May 20, 2013**

**MINUTES**

**1. CALL TO ORDER/ESTABLISH QUORUM**

Director Ekelund convened the Special Board of Directors Meeting @ 12:00 PM.

Directors Present: Ken Ekelund, Claude Hoover, Silvio Bernardi, David Hart, Fred Ledesma,  
Richard Ortiz and Deidre Sullivan

Directors Absent: Director Mike Scattini

A quorum was established.

**2. ADJOURN TO CLOSED SESSION @ 12:01 PM**

**3. RECONVENE MEETING**

The meeting reconvened @ 1:00 PM

Deputy County Counsel Patrick McGreal indicated there were no reportable actions taken in Closed Session.

**4. PLEDGE OF ALLEGIANCE (led by Director Richard Ortiz).**

**5. PUBLIC COMMENTS**

Brian Lee, President of the Carmel River Steelhead Association, discussed the benefits to the Agency of forming a volunteer group to perform tasks on the Arroyo Seco. Mr. Lee provided information regarding projects the Carmel River Steelhead Association has already completed.

Directors and staff asked questions regarding the protocol used in tagging fish, the number of fish rescued and whether the Association possesses permits for their work. Mr. Lee responded that his volunteer group has performed no tagging and, protocol is established by the Monterey Peninsula Water Management District; approximately 10,000 fish are rescued annually from the tributaries; and, their permits are verbal. He stated that an application has been submitted.

## 6. CONSENT CALENDAR

- A. Approve the minutes for the Special Budget Workshop held on March 25, 2013 @ 9 AM and the Regular Board of Directors meeting held on April 22, 2013 @ 1:00 PM
- B. Approve purchase orders/contracts in excess of \$500 for April 2013 and credit card purchases over \$500 in March/April 2013

Public Comments: None

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### ACTION:

**Motion and Second by Directors Hoover and Ortiz to approve the Consent Calendar.**

**Motion carried unanimously.**

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## 7. ACTION ITEMS

- A. Consider adopting a Release Schedule for Nacimiento and San Antonio Reservoirs for 2013

Howard Franklin, Senior Hydrologist, reviewed this item and stated the Reservoir Operations Committee accepted the recommendation, but directed staff, to the extent possible, to maximize releases from Nacimiento Reservoir. Mr. Franklin explained reservoir operations: Nacimiento serves as the checking account; San Antonio serves as the savings account. Mr. Franklin as enumerated the considerations included in developing the release schedule, including the following:

- Salinas Valley Water Project (SVWP) Operational Considerations
  - Meeting diversion needs
  - Meeting SVWP-required flows for fish
- SVWP Operation/Nacimiento Construction
- 3:1 Reservoir Operations
- Bass Spawn
- Recreation (this will not be possible this year)

The release schedule is updated monthly based on actual releases, with releases/flows being monitored daily. Construction constraints associated with repairs at the Hydroelectric Facility have caused current changes in the release schedule. The Agency will be struggling to meet the 60 cfs required by the SVWP Biological Opinion.

Board Questions/Comments (*Staff responses are emboldened and italicized*):

1. If we are more aggressive at Nacimiento, how will that affect the Hydroelectric plant? ***We can generate power down to 680 feet.***
2. If Salinas River Channel was open, would we need to release as much water?

- Vegetation does have impacts on demands of flows.
3. We have not seen significant changes in groundwater levels. Lower groundwater levels do generate higher demands.
  4. During June, is it possible to release more water? *Yes. But the cost increases because of the necessary surveys we must perform. We will not get 60 cfs in June. We will discuss with them tomorrow exactly what we can do.*
  5. How much will the pumping cost? *The last time was \$40,000.*
  6. Who is responsible for developing the Drought Contingency Plan? *Staff.*

Public Comments:

Margie Kay, North County resident, expressed concern since we are currently in the midst of a two-year drought.

Nancy Isakson, Salinas Valley Water Coalition, reminded the Board that the Salinas Valley Water Project required the development of a Drought Contingency Plan, and this should be accomplished.

Darlene Din, Monterey County Land Use Consultant, added that while developing the Drought Contingency Plan, discussions should include drought-resistant planting. Ms. Din added arundo and invasive species are absorbing releases.

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**ACTION:**

**Motion and Second by Directors David Hart and Silvio Bernardi to adopt a Release Schedule for Nacimiento and San Antonio Reservoirs for 2013**

**Motion carried unanimously.**

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- B. Consider approving a legal services agreement with Braun, Blaising, McLaughlin & Smith, in substantially the form attached hereto, to provide legal services in an amount not to exceed \$50,000, regarding negotiating and contracting for the sale of electrical power generated by the Nacimiento Hydroelectric Project; and, authorize the General Manager to execute the Agreement

Patrick McGreal, Deputy County Counsel, indicated one sentence has been added to the document before the Board which allows the law firm to subcontract with a specialist consultant. This is an extraordinarily arcane field of law that requires specialized services, and this firm deals with electrical power generation contracts exclusively.

The Board approved a Memorandum of Understanding with Natividad Medical Center based upon a certain tariff. However, some obstacles have arisen that may preclude the Agency's use of the specific tariff, and accordingly, we are exploring other options as presented by this specialized firm.

Public Comments: None

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**ACTION:**

**Motion and Second by Directors Richard Ortiz and Fred Ledesma to approve a legal services agreement with Braun, Blasing, McLaughlin & Smith, in substantially the form attached hereto, to provide legal services in an amount not to exceed \$50,000, regarding negotiating and contracting for the sale of electrical power generated by the Nacimiento Hydroelectric Project; and, authorize the General Manager to execute the Agreement**

**Motion carried unanimously.**

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- C. Consider approving a professional services agreement with Schaaf and Wheeler, Consulting Engineers, in substantially the form attached hereto, to provide engineering litigation support services, as required by People v. McDonnell, et al., Monterey County Superior Court Case Number M98919, in an amount not to exceed \$20,000; and, authorize the General Manager to execute the Agreement.

Patrick McGreal, Deputy County Counsel, reviewed this item indicating the lawsuit is brought by Caltrans in regard to the Prunedale Improvement Project. To complete that project, Caltrans is acquiring real property on both sides of Highway 101. One of the parcels is encumbered with a drainage easement acquired by the Agency some years ago. Caltrans' work may significantly impact this drainage easement. At a settlement conference, a judge has required both parties to secure engineering information on ways to mitigate the effects of the Caltrans project. Schaaf and Wheeler is preparing the Agency's position on mitigating the effects of the project.

Public Comments: None

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**ACTION:**

**Motion and Second by Directors David Hart and Deidre Sullivan to approve a professional services agreement with Schaaf and Wheeler, Consulting Engineers, in substantially the form attached hereto, to provide engineering litigation support services, as required by People v. McDonnell, et al., Monterey County Superior Court Case Number M98919, in an amount not to exceed \$20,000; and, authorize the General Manager to execute the Agreement.**

**Motion carried unanimously.**

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**6. KEY INFORMATION AND CALENDAR OF EVENTS**

Since the Finance Manager will be on vacation, the Finance Committee meeting was rescheduled from June 14, 2013 @ 10 AM to June 21, 2013 @ 10 AM. All other meetings remain as scheduled.

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**7. GENERAL MANAGER'S REPORT –**

General Manager David Chardavoyne reported on the following:

- a) Human Resources: Hydroelectric Technician position has been filled with a start date of May 28, 2013; recruitment for a Water Resource Engineer has begun; and, all staff will complete the Mandatory Sexual Harassment training by May 31 as promised. Directors

- were reminded to complete the AB1234 Ethics Training.
- b) “Road Show” presentation on COLA increases to the Agency’s Assessments: Staff will make a presentation to the Grower-Shipper Association on May 21, 2013.
  - c) Audit of the Monterey Regional Water Pollution Control Agency: Hayashi & Wayland’s report is due at the end of May.
  - d) Recycled Water Ad Hoc Committee meeting: A meeting is scheduled for June 6. There will also be a workshop at the Public Utilities Commission on June 12.
  - e) Cal Am application – we have participated in certain stakeholder meetings. Limited participation re: items related to Agency activities (i.e., groundwater modeling & GWP)
  - f) Meeting with Alec Arago, District Director for Representative Sam Farr re: 11043 and Salinas River Stream Maintenance Program
  - g) Water Permit #11043: A conference call with Assembly member Luis Alejo is scheduled for May 21, 2013.
  - h) June 2013 Board of Directors Meeting: The Board will be asked to consider approving a Budget Adjustment to receive \$644,000 from California American Water Company to replenish Agency funds. Staff will meet with the Auditor-Controller prior to that transaction.
  - i) The Agency will be displaying artwork at the Salinas facility from the Monterey County Arts Council to display art – reception during the month of June.

Directors questioned how Alec Arago responded to the Salinas River Stream Maintenance Program discussion and whether he remembered the devastation in Monterey County resulting from previous years’ flooding. Mr. Arago did recall that damage and stated such information would be useful in Washington, DC discussions. He also recommended the Agency corroborate with The Nature Conservancy.

Directors also pointed out the Recycled Water Committee and the Regional Ad Hoc Committee meeting are scheduled on the same date.

Public Comments: None

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8. **COMMITTEE REPORTS** – Directors made no comments regarding Committee meetings.

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  9. **INFORMATION ITEMS** – Directors had no questions/comments regarding the items submitted.

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  10. **CORRESPONDENCE** – Pointed out notice of rescheduling of SWRCB hearing.

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  11. **BOARD OF DIRECTORS’ COMMENTS:**
    - The Reservoir Release Schedule provides rationale for connecting the two reservoirs, especially when considering flood control. The Agency should work with the entire valley on such a project.
    - When the Regional Advisory Committee completes its task, they might consider developing a Drought Contingency Plan as discussed during the day’s meeting.
    - The upcoming Strategic Planning session should include a discussion of the Agency’s Committee structure.

Chair Ekelund thanked Brian Lee for attending the meeting.

Public Comments:

Margie Kay indicated a study was performed in the past with regard to connecting the reservoirs.

Nancy Isakson reported the State Water Resources Control Board will be conducting a workshop in Monterey on June 4, 2013, and the constituents will be looking to this Board to protect Salinas Valley Water.

Chair Ekelund reported Supervisor Fernando Armenta is ready to appoint a District 1 representative to the Board of Directors.

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**12. ADJOURNMENT**

The meeting was adjourned @ 2:00 PM.

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SUBMITTED BY: Wini Chambliss  
APPROVED ON: June 24, 2013

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Wini Chambliss, Clerk to the Board