



Mendocino County

Legislation Details (With Text)

File #: 20-1045 **Version:** 1 **Name:**
Type: Approval **Status:** Consent Agenda
File created: 10/26/2020 **In control:** Water Agency
On agenda: 11/3/2020 **Final action:**
Title: Approval of the Second Amended Planning Agreement for the Potter Valley Project Planning
Sponsors:
Indexes:
Code sections:
Attachments: 1. Second Amended Planning Agreement (Signature Copy)(10-21-2020)

Date	Ver.	Action By	Action	Result
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To: Board of Supervisors

From: Supervisor Brown Supervisor McCowen

Meeting Date: November 3, 2020

Department Contact: Supervisor Carre Brown **Phone:** 463-4221

Department Contact: Supervisor John McCowen **Phone:** 463-4221

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of the Second Amended Planning Agreement for the Potter Valley Project Planning

Recommended Action/Motion:

Approve the Second Amended Planning Agreement for the Potter Valley Project Planning Group.

Previous Board/Board Committee Actions:

On August 7, 2018, the Mendocino County Water Agency Board of Directors affirmed their support for the purchase of the Potter Valley Project and appointed Water Agency Directors McCowen and Brown to an Ad Hoc Committee to work with PG&E and other government entities and stakeholders regarding the Potter Valley Project sale. On October 16, 2018, the Board of Supervisors approved the allocation of \$25,000 to IWPC for the investigation and negotiation of potential acquisition of the Potter Valley Project. On May 14, 2019, the Board approved the allocation of \$50,000 to IWPC for a feasibility study of a potential licensing proposal for the Potter Valley Project. On March 25, 2020, the approved allocation of \$25,000 to IWPC to continue the feasibility study of a Potential Licensing Proposal for the Potter Valley Project and other related costs.

Summary of Request:

This Second Amended Planning Agreement (attachment) is among California Trout, Inc., Mendocino County Inland Water and Power Commission, Sonoma County Water Agency, the County of Humboldt, and the Round Valley Indian Tribes (collectively, Parties and singularly, Party). The Parties enter into this Second Amended

Planning Agreement to continue their collaborative efforts toward obtaining a new license for the Project that advances the Two-Basin Solution, and to establish operating protocols for those efforts.

As for the 2nd Amended Planning Agreement, the main changes with this document are:

- (1) The Planning Agreement as it stood was focused on conducting the Feasibility Study. Since the Planning Group has passed that stage, it seemed important to update the Planning Agreement to reflect where the process is now;
- (2) the 2nd Amended Planning Agreement also incorporates the list of items needed to be worked out in the Cooperative Agreement; and
- (3) the portions of the MOU for how the Planning Group would implement the Feasibility Study, including the decision rule were incorporated into this new 2nd Amended Planning Agreement.

Essentially, it updates the Planning Agreement to reflect where the Planning Group is now, and incorporates those other two documents to one document for approval, rather than three separate ones, therefore, everything are in the same agreement, except the Cost Sharing MOU.

All participating agencies of the Mendocino County Inland Water and Power Commission (MCIWPC), including the Mendocino County Water Agency, must review and approve the Second Amended Planning Agreement before the document can be signed and executed by the chair of the MCIWPC.

Alternative Action/Motion:

Do not approve.

Supervisory District: District 1, 2 and 5

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: No

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Sarah Dukett, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Final Status: Approved

Date: NOVEMBER 4, 2020

