

County of Monterey

*Board of Supervisors Chambers
168 W. Alisal St 1st Flr,
Salinas, CA 93901*



Meeting Minutes

Monday, April 15, 2024

12:00 PM

Water Resources Agency Board of Directors

*Mike LeBarre, Chair
Matt Simis, Vice Chair
Mark Gonzalez
Deidre Sullivan
Ken Ekelund
Mike Scattini
Jason Smith
John Baillie
Marvin Borzini*

Participation in meetings:

You may attend the Board of Directors meeting through the following methods:

1. You may attend in person
2. Attend via Zoom (info below) or observe the live stream of the Board of Directors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19 or <http://www.mgtvonline.com/>
3. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/99769079850>

OR to participate by phone call any of these numbers below:

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Enter this Meeting ID number: 997 6907 9850 when prompted. Please note there is no Participant Code, you will just press # again after the recording prompts you.

You will be placed in the meeting as an attendee; when you are ready to make a public comment if joined by computer audio please Raise your Hand; and by phone please push *9 on your keypad.

PLEASE NOTE: IF ALL BOARD MEMBERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE BOARD OF DIRECTORS MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.

4. If you choose not to attend the Board of Directors meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Friday before the meeting.. Please submit your comment to the Secretary of the Board at WRAPubliccomment@co.monterey.ca.us In an effort to assist the Secretary in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Directors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

Participacion en Reuniones:

Puede asistir a la reunion de la Junta Directiva a traves de los siguientes metodos:

- 1. Podar asistir personalmente a la reunion; o,**
- 2. Asistir por Zoom (informacion a continuacion), que observe la transmisión de la reunión de la Junta Directiva en vivo por http://monterey.granicus.com/ViewPublisher.php?view_id=19 o <http://www.mgtvonline.com/>**
- 3. Para participar for ZOOM, por favor únase for audio de computadora por:
[https://montereycty.zoom.us/j/997 6907 9850](https://montereycty.zoom.us/j/99769079850)**

O para participar for teléfono, llame a culquiera de los números a continuación:

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- +1 312 626 6799 US (Chicago)**
- +1 929 205 6099 US (New York)**
- +1 253 215 8782 US**
- +1 301 715 8592 US**

Cuando se le solicite, ingrese este número de reunión: 997 6907 9850. Por favor tenga en cuenta que no hay código de participante, simplemente presione # nuevamente después de que la grabación se lo indique.

Se le colocará en la reunion como asistente; cuando desee hacer un comentario público si esta unido por la computadora utilice la opción de levantar la mano en el chat de la pantalla; o por teléfono presione *9 en su teclado.

TENGA EN CUENTA: SI TODOS LOS MIEMBROS DE LA JUNTA ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES REQUERIDA POR LA LEY. SI EL FEED DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN DE LA JUNTA DIRECTIVA PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE.

- 4. Si prefiere no asistir a la reunión de la Junta Directiva pero desea hacer un comentario sobre algún tema específico de la agenda, por favor envíe su comentario por correo electrónico antes de las 5:00 p.m. el Viernes antes de la reunion.. Envíe su comentario al Secretario de la junta al correo electronico WRAPubliccomment@co.monterey.ca.us <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a idenficar el**

artículo de la agenda relacionado con su comentario, por favor indique en la línea de asunto del correo electrónico el cuerpo de la reunión (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, el Artículo No. 10). Su comentario se colocará en el registro de la reunión de esta Junta.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

THE BOARD RECESSES FOR CLOSED SESSION AGENDA ITEMS: Closed Session may be held at the conclusion of the Board's Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Call to Order at 12:00 P.M.

The meeting was called to order at 12:09 p.m.

Roll Call

Present: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie (left at 3:32p.m.) Marvin Borzini
Absent: Jason Smith

Public Comments on Closed Session Items

None

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager.
 - c. Pursuant to Government Code Section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

1. Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency, et al. (San Luis Obispo Superior Case No. 19CVP-0010)

2. *California-American Water Company, et al. v. Marina Coast Water District, et al.*, San Francisco County Superior Court Case No. CGC-15-546632

d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

Property: Recycled Industrial Wastewater
Agency Negotiator(s): Ara Azhderian, General Manager
Negotiating Parties: City of Salinas and Monterey One Water
Under Negotiation: Price and terms.

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

The meeting reconvened at 1:05 p.m.

Pledge of Allegiance

ADDITIONS AND CORRECTIONS BY CLERK: The Clerk of the Board will announce agenda corrections and proposed additions, which may acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Public Comment

None

Presentations

2. Presentation on the Vegetation Management Plan (VMP) on agency lands around the Nacimiento Reservoir.

(Presenter: Cal-Fire Fuels Battalion Chief Luke Bourgault)

Attachments: [Nacimiento and Heritage VMP PPT 2024](#)

Directors Comments: Marvin Borzini, Ken Ekelund, Mike LeBarre

Public Comments: None

Public Hearing

Upon Motion by Director Mark Gonzalez and Second by Mike Scattini the Board recommended the Monterey County Water Resources Agency Board of Supervisors:

To Approve and Adopt the Fiscal Year (FY)2024-25 Zone 2B water delivery fee Option X - \$45.24 per acre-foot of water delivered (AF) for Zone 2B for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Plant (SVRP); and

- b. Notice and hold a public hearing on May 29, 2024, at 10:30 a.m. to consider approving and adopting the fee change; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the public hearing by Board of Supervisors

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie, Marvin Borzini

Noes: None

Absent: Jason Smith

Abstained: None

Recused: None

Directors Comments: Mike LeBarre, Ken Ekelund, Mark Gonzalez, John Baillie, Matt Simis

Public Comments: Ryan Kelley, Bill Lipe, Steve Rodoni, Gary Beck

3. Public hearing to consider recommending the Monterey County Water Resources Agency Board of Supervisors:
 - a. Approve and adopt the Fiscal Year (FY) 2024-25 Zone 2B water delivery charge of up to \$89.60 per acre-foot (AF) of water delivered for Zone 2B for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP); and
 - b. Notice and hold a public hearing on May 29, 2024, at 10:30 a.m. to consider approving and adopting the rate change; and
 - c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the public hearing by Board of Supervisors.(Staff Presenting: Ara Azhderian)

Attachments: [Board Report](#)
[M1W Five Year Expense Trend](#)
[M1W SVRP and CSIP utility and chemical expense in FY2023-24](#)
[Notice of Public Hearing Board of Directors](#)
[Board Order](#)
[Executed Board Order#24-009 FY25 Zone 2B WDF](#)

Presentations

4. Update on Analysis of the 2023 Seawater Intrusion Data.
(Presenter: Tamara Voss)

Attachments: [2023 Update on SWI Process PPT](#)

Directors Comments: None

Public Comments: None

Consent Calendar

Upon Motion by Director Mark Gonzalez and Second by Mike Scattini the Board approved the Consent Calendar.

Ayes: Mike Lebarre, Matt Simis, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baille, Mark Gonzalez, Marvin Borzini

Noes: None

Absent: Jason Smith

Abstained: None

Recused: None

5. Approve the Action Minutes of March 18, 2024.

Attachments: [Draft BOD Minutes March 18, 2024](#)

6. Approve Amendment No. 1 to the agreement with ICF Jones & Stokes, Inc. for the Salinas River Lagoon Community Engagement and Planning Project.
(Staff: Jason Demers & Peter Kwiek)

Attachments: [Board Report](#)
[Amendment No. 1 ICF Jones & Stoke Inc](#)
[Board Order](#)
[Executed Board Order#24-010 Amendment 1 ICF Jones & Stokes - Salinas Lagoon](#)

7. Approve Amendment No. 3 to the Agreement for Services with Quinn Company to extend the contract term to June 30, 2028, and increase the dollar amount by \$150,000 for a total contract amount not to exceed \$400,000 for short term equipment rental and preventative maintenance and repair of Agency owned heavy equipment; and authorize the General Manager to execute the amendment.(Staff: Jason Demers)

Attachments: [Board Report](#)
[Original Agreement for Services](#)
[Amendment No. 1](#)
[Amendment No. 2](#)
[Amendment No. 3](#)
[Board Order](#)
[Executed Board Order#24-011 Quinn Amendment No.3](#)

8. Approve Amendment No. 2 to the Agreement for Services with Don Chapin Company to increase the dollar amount by \$70,000 for a total contract amount not to exceed \$1,070,000 for work related to Pajaro Levee 2023 storm damage; and authorize the General Manager to execute the amendment.
(Staff: Shaunna Murray)

Attachments: [Board Report](#)
[Original Agreement for Services](#)
[Amendment No. 1](#)
[Amendment No. 2](#)
[Board Order](#)
[Executed Board Order#24-012 Chapin Amendment no 2 for Pajaro 70k](#)

9. Approve a Notice of Completion for the 180-Foot and 400-Foot Aquifers Dedicated Monitoring Well Installation Project, RFB No. 2022-0022; and authorize the General Manager to execute and record the Notice at the Monterey County Recorder's Office. (Staff: Amy Woodrow)

Attachments: [Board Report](#)
[Board Order](#)
[Notice of Completion](#)
[Executed Board Order#24-013 Notice of Completion for Monitoring Well Project](#)

10. Approve Amendment No. 1 to the Funding Agreement with the City of Salinas to increase the dollar amount by \$80,000 for a total contract amount not to exceed \$202,833.75 for waterway cleanup, mitigation, and restoration with Encampment Resolution Funding offered through the California Interagency Council on Homelessness; and authorize the General Manager to execute the Agreement. (Staff: Jennifer Bodensteiner)

Attachments: [Board Report](#)
[Original Funding Agreement with City](#)
[Amendment No.1 to 22ERF06 Funding Amendment - MCWRA](#)
[Copy of Casentini Work Site Map](#)
[Cassentini Project photos](#)
[Board Order](#)
[Executed Board Order#24-014 City of Salinas ERF Agreement Amendment no 1 80k](#)

11. Approve Amendment No. 3 to the Agreement for Services with Don Chapin Company, Inc. to increase the dollar amount by \$80,000 for a total contract amount not to exceed \$465,000 for maintenance and repairs to Agency owned facilities related to storm events and restoration; and authorize the General Manager to execute the agreement. (Staff: Jennifer Bodensteiner)

Attachments: [Board Report](#)
[Amendment No. 3](#)
[Original Agreement for Services](#)
[Funding Agreement No. 22ERF06 Amendment No. 1 City of Salinas](#)
[Board Order](#)
[Executed Board Order#24-015 Don Chapin Contract Repairs Amend#3](#)

12. Adopt a Resolution to:
- a. Authorize the Monterey County Water Resources Agency (MCWRA) to submit an application to the California Department of Water Resources (DWR) Statewide Flood Emergency Response Grant Program (Flood ER Grant) to obtain financial assistance for a web-based tool for flood forecast mapping of the Salinas River for enhanced planning, coordination, preparedness, and response related to flood emergencies, pursuant and subject to all of the terms and provisions of California Proposition 84, The Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 (Section 75032 of Chapter 3 of Division 43 of the Public Resources Code); and,
 - b. Designate, authorize, and direct the General Manager of the MCWRA, Operations Manager, and Finance Manager III to execute and manage applications, grant documents, and any amendments thereto with DWR, and take such other actions as necessary or appropriate to comply with grant funding requirements. (Staff: Jennifer Bodensteiner)

Attachments: [Board Report](#)
[California DWR Statewide Flooding Emergency Response Grant Program](#)
[Resolution](#)
[Executed RESO#24-002 DWR Grant App Request SRFFT](#)

13. Adopt a release schedule for Nacimiento and San Antonio reservoirs for 2024.
(Staff: Peter Kwiek & Joseph Klein)

Attachments: [Board Report](#)
[Reservoir Release Schedule for 2024](#)
[Board Order](#)
[Executed Board Order#24-016 2024 Release Schedule](#)

Action Items

14. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a. Approve and adopt the Fiscal Year (FY) 2024-25 assessment charges with cost-of-living adjustment (COLA) increase of 2.4% for Flood Zones 1, 1A, 8, 9, 12, and 17; and
 - b. Set and hold a public hearing on May 29, 2024, at 10:30 a.m. to consider approving and adopting assessment rate charges; and
 - c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.
(Staff Presenting: Nan Kyung Kim)

Attachments: [Board Report](#)
[Summary FY2024-25 Assessment Charges Flood Zones](#)
[FY25 Public Hearing Notice Flood Zones 1](#)
[FY25 Public Hearing Notice Flood Zones 1A](#)
[FY25 Public Hearing Notice Flood Zones 8](#)
[FY25 Public Hearing Notice Flood Zones 9](#)
[FY25 Public Hearing Notice Flood Zones 12](#)
[FY25 Public Hearing Notice Flood Zones 17](#)
[Board Order](#)
[Executed Board Order#24-017 FY25 Flood Zones Rate](#)

Upon Motion by Director Mark Gonzalez and Second by Deidre Sullivan the Board recommended the Monterey County Water Resources Agency Board of Supervisors to:

- a. Approve and adopt the Fiscal Year (FY) 2024-25 assessment charges with cost-of-living adjustment (COLA) increase of 2.4% for Flood Zones 1, 1A, 8, 9, 12, and 17; and
- b. Set and hold a public hearing on May 29, 2024, at 10:30 p.m. to consider approving and adopting assessment rate charges; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Mike Scattini, John Baillie, Marvin Borzini

Noes: None

Absent: Jason Smith, Ken Ekelund

Abstained: None

Recused: None

- 15.** Consider recommending that the Monterey County Water Resources Agency Board of Supervisors to:
- a. Approve and adopt a Fiscal Year (FY) 2024-25 cost of living adjustment (COLA) increase of 2.4% to assessments of Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP); and
 - b. Approve and adopt a FY 2024-25 COLA increase of 2.4% to the Zone 2B water service charge for the Salinas River Diversion Facility Project (SRDF); and
 - c. Notice and hold a public hearing at 10:30 a.m. on May 29, 2024, to consider approving and adopting assessment rate charges; and
 - d. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

(Staff Presenting: Nan Kyung Kim)

Attachments: [Board Report](#)
[Summary of Rates and Charges of Zone 2B,2Y and 2Z](#)
[Notice of Public Hearing](#)
[Board Order](#)
[Executed Board Order#24-018 FY25 Zone 2BYZ](#)

Upon Motion by Director John Baillie and Second by Matt Simis the Board recommended the Monterey County Water Resources Agency Board of Supervisors to:

- a. Approve and adopt a Fiscal Year (FY) 2024-25 cost of living adjustment (COLA) increase of 2.4% to assessments of Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP); and
- b. Approve and adopt a FY 2024-25 COLA increase of 2.4% to the Zone 2B water service charge for the Salinas River Diversion Facility Project (SRDF); and
- c. Notice and hold a public hearing at 10:30 a.m. on May 29, 2024, to consider approving and adopting assessment rate charges; and
- d. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie, Marvin Borzini

Noes: None

Absent: Jason Smith

Abstained: none

Recused: None

- 16.** Consider recommending that the Monterey County Water Resources Agency Board of Supervisors to:
- a. Approve and adopt a Fiscal Year (FY) 2024-25 assessment charges with cost-of-living adjustment (COLA) increase of 2.4% for Zone 2C Administration and Operations & Maintenance of Nacimiento and San Antonio Dams; and
 - b. Set and hold a public hearing at 10:30 AM on May 29, 2024, to consider approving and adopting assessment rate charges; and
 - c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.
- (Staff Presenting: Nan Kyung Kim)

Attachments: [Board Report](#)
[Summary FY2024-25 Assessment charges Zone 2C](#)
[Notice of Public Hearing Zone 2C](#)
[Resolution](#)
[Board Order](#)
[Executed Board Order#24-019 FY25 Zone 2C Rates](#)

Upon Motion by Director Mark Gonzalez and Second by Matt Simis the Board recommended the Monterey County Water Resources Agency Board of Supervisors to:

- a. Approve and adopt a Fiscal Year (FY) 2024-25 assessment charges with cost-of-living adjustment (COLA) increase of 2.4% for Zone 2C Administration and Operations & Maintenance of Nacimiento and San Antonio Dams; and
- b. Set and hold a public hearing at 10:30 AM on May 29, 2024, to consider approving and adopting assessment rate charges; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie, Marvin Borzini

Noes: None
Absent: Jason Smith
Abstained: None
Recused: None

17. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors approve the Monterey County Water Resources Agency Fiscal Year 2024-25 Recommended Budget. (Staff Presenting: Nan Kyung Kim)

Attachments: [Board Report](#)
 [MCWRA FY2024-25 Recommended Budget Book](#)
 [FY25 Budget PPT](#)
 [Resolution](#)
 [Board Order](#)
 [Executed Board Order#24-020 FY25 Budget](#)

Upon Motion by Director John Baillie and Second by Ken Ekelund the Board recommended the Monterey County Water Resources Agency Board of Supervisors to:

Approve the Monterey County Water Resources Agency Fiscal Year (FY) 2024-25 Recommended Budget.

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie, Marvin Borzini
Noes: None
Absent: Jason Smith
Restained: None
Recused: None

18. Consider authorizing the General Manager to engage with a collation of Western irrigated agriculture interests, including other water agencies, on the United States Army Corps of Engineers Proposed Rule for Agency Specific Procedures for implementation of its Principles, Requirements, and Guidelines for water resources investments.(Staff Presenting: Ara Azhderian)

Attachments: [Board Report](#)
 [Draft Comment Letter](#)
 [Board Order](#)
 [Executed Board Order#24-021 USACE](#)

Upon Motion by Director Ken Ekelund and Second by Matt Simis the Board authorizes the General Manager to engage with a collation of Western irrigated agriculture interests, including other water agencies, on the United States Army Corps of Engineers Proposed Rule for Agency Specific Procedures for implementation of its Principles, Requirements, and Guidelines for water resources investments.

Ayes: Mike LeBarre, Matt Simis, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, John Baillie, Marvin Borzini
Noes: None
Absent: Jason Smith
Abstained: None

Recused: None

Key Information and Calendar of Events

19. April, May, and June 2024 Calendars.

Attachments: [April 2024](#)
 [May 2024](#)
 [June 2024](#)

General Manager's Report

Director's Comments: Mike LeBarre, Mark Gonzalez
Public Comments: None

- 20.
- GEMS Expansion
 - Personnel Update
 - Monterey One Reconciliation
 - Dam Safety Project Funding
 - Association of California Water Agencies Update
 - Other

Committee Reports

21. Committee Agenda's and Cancellation Notices for March and April 2024:
- Water Resources Agency Reservoir Operations Advisory Committee Cancellation
 - Water Resources Agency Basin Management Advisory Agenda
 - Water Resources Agency Planning Committee Agenda
 - Special Water Resources Agency Reservoir Operations Advisory Committee Agenda
 - Water Resources Personnel and Administration Committee Agenda
 - Water Resources Agency Finance Committee Agenda

Attachments: [ResOps Cancellation Notice March 2024](#)
 [Final BMAC Agenda April 3, 2024](#)
 [Final Planning Agenda April 3, 2024](#)
 [Final SPECIAL ResOps Agenda April 4, 2024](#)
 [Final P&A Agenda April 5, 2024](#)
 [Final Finance Agenda April 5, 2024](#)

Information Items

22. Reservoir Storage and Release Update. (Staff: Peter Kwiek)

Attachments: [Reservoir Storage Release Update](#)

Board of Directors Comments

Mike Scattini, Ken Ekelund, Deidre Sullivan, Matt Simis, Mark Gonzalez, Mike LeBarre

Adjournment

The meeting adjourned at 3:56 p.m.