



# Monterey County

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## Board Report

Legistar File Number: A 16-019

January 26, 2016

**Introduced:** 1/19/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Agreement

- a. Approve the Memorandum of Understanding (MOU) between the County of Monterey and the Monterey County Water Resources Agency regarding the Moro Cojo Slough/Moss Landing Road Tide Gate Repair; and authorize the County Administrative Officer to execute the MOU.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve the Memorandum of Understanding (MOU) between the County of Monterey and the Monterey County Water Resources Agency regarding the Moro Cojo Slough/Moss Landing Road Tide Gate Repair; and
- b. Authorize the County Administrative Officer to execute the MOU.

### SUMMARY:

Monterey County Water Resources Agency (MCWRA) and the County of Monterey Resource Management Agency (RMA) have met and developed a Memorandum of Understanding (MOU) to work collaboratively to identify the needs for the Moss Landing Road Tide Gates and ensure that the appropriate repairs are made (**Attachment A**). This MOU identifies responsibilities to each entity for the design, permitting, construction, maintenance and costs of the Moss Landing Tide Gate Facility.

### DISCUSSION:

Moss Landing Road was designed with four culverts that connect the Moro Cojo Slough with the Moss Landing Marina. MCWRA attached a headwall and flap gates on the marina side in order to regulate flow of seawater up the slough. A management plan was created to establish thresholds for maintaining this area.

In 1989, MCWRA obtained permits from the California Coastal Commission and contracted with the County of Monterey Department of Public Works (DPW) to reconstruct the Moss Landing Road Tide Gates. DPW worked with Agency staff to attach the tide gates. This assembly included three corrugated metal pipes (CMP) embedded into a concrete headwall with tide gates bolted to the downstream side. The facility was placed at the edge of the roadway with the CMP penetrating reinforced concrete pipe (RCP) under the roadway.

In 2005, DPW became part of the Resource Management Agency (RMA), a County department. MCWRA is a separate entity from the County.

In fall 2014, former Supervisor Lou Calcagno identified an issue with the tide gates where seawater was flowing even when the tide gates were closed. RMA was directed to address the issue. RMA obtained emergency permits to remove, repair and replace two flap gates. RMA

worked with multiple agencies and informed the MCWRA, Harbor District and other responsible/interested parties.

Heavy rains in December 2014 raised water levels to a flood stage so RMA installed sand bags along the west side of the slough where existing homes and businesses were in jeopardy of flooding. In 2015, further investigation discovered a leak in the CMP portion of one culvert, and a Proclamation of Emergency was adopted in early November. MCWRA assumed lead for an emergency repair of the third flap gate and CMP using the County's emergency permit.

County and MCWRA staff met to discuss responsibilities and long-term fix to the facility. County has responsibility for the road and infrastructure under the road, including the RCP. MCWRA manages water flows and has responsibility for the portion connecting to the County's RCP, including the head wall and flap gates. Ultimately, the agencies agreed to prepare a MOU that includes sharing costs for fixing this facility.

Over the past year, sand bags used to stop sea water flow became ineffective. MCWRA took lead to obtain new emergency permits for temporary action to stop the unregulated flow. Regulatory agencies have identified the need to develop plans for a long-term fix that we hope to accomplish over this next year.

OTHER AGENCY INVOLVEMENT:

Monterey County Water Resources Agency (**Attachment B**)  
Resource Management Agency (RMA)  
County Administrative Office  
County Counsel (County and MCWRA)

FINANCING:

Work has been performed under an emergency declaration by the Board of Supervisors, so funding is currently not allocated for this activity. In accordance with MOU identified as Attachment A to this report, under the emergency repair each party (County and MCWRA) would be responsible for the cost and expense of its own staff and other internal costs. The parties mutually agree to bear equal share of external costs related to design, construction, and monitoring. Ongoing operation and maintenance of the three culvert pipes would fall solely under the County's responsibility and the MCWRA would be solely responsible for the ongoing operation and maintenance of the three existing tide gates.

To date, RMA has incurred under the Road Fund, Fund 002, \$289,947.13 of which \$181,417.83 is comprised of external costs associated with the emergency repair that will be shared equally with MCWRA. To date, internal costs that will be born solely by the County total \$108,529.30 (FY 2014-15 @ \$106,186.93 and FY 2015-16 @ \$2,432.37. MCWRA estimates their total expenditures incurred (internal and external) towards this emergency repair to be between \$50,000 and \$60,000.

Costs for the long-term repairs are unknown at this time. MCWRA is developing plans that will require review by the regulatory agencies. The agencies may require conditions and/or mitigation measures that add to the construction cost. Under this MOU, internal costs would be borne by each party and external costs would be shared equally between the County and

MCWRA.

Staff will process reports summarizing costs and funding source(s) to the Capital Improvement Committee and Budget Committee to make a recommendation to the full Board.

Report by: Carl P. Holm, AICP, RMA Director

Attachments:

A - MOU - with MCWRA for Tide Gate Repair

B - MCWRA Board Order and Minutes Dated 10/26/15

cc: BOS, CAO (Lew Bauman, Dewayne Woods), Monterey County Counsel (Jesse Avila, Les Girard), MCWRA (Brent Buche, **Mark Foxworthy**), RMA-PW (Bennie Young, Enrique Saavedra)