



Monterey County

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Board Report

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Consider recommending that the Monterey County Water Resources Agency Board of Supervisors approve, subject to Monterey County Water Resources Agency County Counsel approval, a revised Memorandum of Understanding between the Monterey County Water Resources Agency and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA); to provide technical and professional support to the SVBGSA and its consultants in the development of a Groundwater Sustainability Plan.

...Report

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

Recommend that the Monterey County Water Resources Agency Board of Supervisors approve, subject to Monterey County Water Agency County Counsel approval, a revised Memorandum of Understanding (MOU) between the Monterey County Water Resources Agency (Agency) and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA); to provide technical and professional support to the SVBGSA and its consultants in the development of a Groundwater Sustainability Plan.

SUMMARY/DISCUSSION:

The SVBGSA is tasked with developing a Groundwater Sustainability Plan (GSP) for basins designated as high- or medium-priority and subject to conditions of "critical overdraft" by January 31, 2020. Both the Paso Robles Area and 180/400-Foot subbasins of the Salinas Valley Groundwater Basin meet these criteria. The SVBGSA will contract with consultants to perform the tasks necessary to achieve this mandate.

Under this revised MOU the Agency will provide significant technical and professional support to the SVBGSA and its consultants; as much of the data collected, processed and analyzed by the Agency is essential to the completion of the GSP.

As the consultants undertake development of the plan, it is possible that they might reach a point where they determine that data, information or additional services are required from the Agency to proceed with the on time completion of the GSP. If and when that occurs, Agency and SVBGSA may determine that amendment of the agreement is required. The MOU contains provisions allowing for such an amendment.

Principally different from the original MOU/A is the exclusion of Task A, a cost share between the Agency and the SVBGSA to expedite completion of the 2016 Groundwater Extraction Management Systems (GEMS) data processing and reporting. Task B from the original MOU/A, non-specific

technical and professional assistance provided by the Agency to the SVBGSA, remains unchanged in the revised MOU.

Additionally, Agency County Counsel recommends revisions to the MOU approved by the SVBGSA. Those revisions relate principally to specifying a definite termination date and providing greater definiteness to the clause giving the Agency power to terminate.

OTHER AGENCY INVOLVEMENT:

The concept of developing a Memorandum of Understanding (MOU) with the SVBGSA was discussed by the Agency's Finance Committee at its February 2, 2018 meeting.

The Agency's Basin Management Advisory Committee (BMAC), on February 7, 2018, provided guidance and direction to staff to develop an MOU for technical and professional support to the SVBGSA to recover costs associated with that support.

At its February 20, 2018 meeting the Agency's Board of Directors authorized the Agency to negotiate MOU's to provide technical and professional support to the SVBGSA and its consultants.

At its April 16, 2018 meeting the Agency's Board of Directors received an MOU/A developed collaboratively by staff of both the Agency and the SVBGSA. Action taken by the Agency Board of Directors was to recommend that the Monterey County Water Resources Agency Board of Supervisors, per Board Order No. 18-023: "*...approve, a Memorandum of Understanding/Agreement (MOU/A) between the Monterey County Water Resources Agency (Agency) and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA); to provide technical and professional support SVBGSA and its consultants in the development of a Groundwater Sustainability Plan.*"

At its May 14, 2018 meeting the SVBGSA Board of Directors declined to vote on approving the MOU with the Agency because of included provisions for payment to the Agency to complete processing of groundwater extraction data (Task A of the original MOU). The SVBGSA directed its staff to request the County of Monterey fund the completion of this task.

At its June 14, 2017 meeting the SVBGSA Board of Directors were informed by their staff that groundwater extraction data that had yet to be processed was not necessary, as originally thought. SVBGSA staff recommended the SVBGSA Board of Directors approve an MOU with the Agency which did not include funding to process groundwater extraction data. That revised MOU was approved by the SVBGSA Board of Directors.

FINANCING:

There is no financial impact in receiving this report.

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Approved by: _____
David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:

1. Original Memorandum of Understanding/Agreement - Approved by Agency Board of Directors on April 16, 2018
2. Revised Memorandum of Understanding - Approved by SVBGSA on June 14, 2018
3. SVBGSA Resolution Approving Memorandum of Understanding
4. Board Order