

**Before the Monterey County Board of Supervisors
County of Monterey, State of California**

Resolution No. _____

A Resolution of the Monterey County Board of Supervisors delegating authority to the Director of the Monterey County Parks Department to apply for Mussel Fee Grant Funds from the State of California Department of Boating and Waterways (Department) and to negotiate and execute a grant agreement with the Department to receive and expend such funds to implement the Mussel Prevention Program at Lakes Nacimiento and San Antonio.

**Quagga/Zebra Mussel Infestation Prevention Fee Grant Program
Application and Funding Agreement Resolution**

WHEREAS, quagga and zebra mussels are invasive aquatic nuisance species that pose serious economic, environmental, recreation, and agricultural risks to the County's waterways; and

WHEREAS, quagga mussels were discovered in Southern California in January 2007, and zebra mussels were discovered in San Justo Reservoir in San Benito County in January 2008; and

WHEREAS, in 2009, the Monterey County Parks Department (Parks) and the Monterey County Water Resources Agency (Agency), with assistance from the Monterey County Agriculture Commissioner's office, and in coordination with San Luis Obispo County, began implementing a Vessel Inspection Program to prevent the introduction of invasive quagga and zebra mussels into Lakes Nacimiento and San Antonio; and

WHEREAS, in March 2010, Parks and the Agency signed a Memorandum of Understanding to participate in the Bay Area Regional Consortium to implement coordinated efforts to prevent introduction of invasive quagga and zebra mussels in the region; and

WHEREAS, on or about September 23, 2012, the Governor of the State of California signed into law key quagga and zebra mussel legislation amending both the Vehicle Code and the Harbors and Navigation Code (the "Amendments") as follows: (1) the Harbors and Navigation Code (Sections 675 - 677) now authorizes the Department of Boating and Waterways ("Department") to establish quagga and zebra mussel infestation prevention fees; and (2) the Vehicle Code (Sections 9853, 9860, and 9863) now authorizes the Department of Motor Vehicles ("DMV") to collect the quagga and zebra mussel infestation prevention fees upon vessel registration or upon issuance of a certificate of number in the amount established by the Department; and

WHEREAS, pursuant to these Amendments, all funds derived from the imposition of the quagga and zebra mussel prevention fee under Section 9853 or Section 9860 of the Vehicle Code, must

be distributed as specified in Section 676 of the Harbors and Navigation Code, which also allows for such funds to be made available for grants to entities subject to subdivision (a) of Section 2302 of the Fish and Game Code for the reasonable regulatory costs incident to the implementation of a dreissenid mussel infestation prevention plan implemented either before or after January 1, 2013, that is consistent with the requirements of Section 2302 of the Fish and Game Code (the "Mussel Fee Grant Funds"); and

WHEREAS, pursuant to Section 15307, 15309, and 15311 of the California Environmental Quality Act (CEQA) Guidelines, an application for expenditure of these Mussel Fee Grant Funds pursuant to a Grant Agreement with the Department are exempt from CEQA in that such funds (if awarded) will be used for natural resource protection and vessel inspections as a part of an existing mussel prevention program currently implemented and operated by Parks and the Agency; and

WHEREAS, prior to the State of California Parks and Recreation, Division of Boating and Waterways approving an Application and executing a Funding Agreement, the Monterey County Board of Supervisors is required to pass a resolution, authorizing a designated representative(s) to execute said Application, Funding Agreement, amendments, and certifications, designating a representative to approve claims for reimbursement, designating a representative to sign the Funding Request and Project Status, designating a representative to sign Project Completion Certification, and designating a representative to sign the Contractor's Release Form; and

WHEREAS, the Monterey County Board of Supervisors has the authority to make an application to the State of California Parks and Recreation, Division of Boating and Waterways for grant funding in the amount of \$200,000 under the Harbors and Watercraft Revolving Fund for the Quagga and Zebra Mussel Infestation Prevention Grant Program; and

WHEREAS, the Monterey County Board of Supervisors desires to implement a plan for the prevention of an infestation of the quagga and zebra mussel; and

WHEREAS, by the Monterey County Board of Supervisors accepted application the Monterey County Board of Supervisors will adopt a project budget totaling \$200,000; and

WHEREAS, the Monterey County Board of Supervisors, pursuant and subject to all of the terms and provisions of the Harbors and Watercraft Revolving Fund program, authorizes application be made to the State of California Parks and Recreation, Division of Boating and Waterways for funding; and

NOW THEREFORE BE IT RESOLVED that the Director of the Monterey County Parks Department is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the State of California Parks and Recreation, Division of Boating and Waterways; and

BE IT FURTHER RESOLVED, that the Director of the Monterey County Parks Department is hereby authorized to sign the State of California Parks and Recreation, Division of Boating and

Waterways, Harbors and Watercraft Revolving Fund program Funding Agreement and any amendments thereto; and

BE IT FURTHER RESOLVED, that the Director of the Monterey County Parks Department is hereby authorized to approve Claims for Reimbursement under the State of California Parks and Recreation, Division of Boating and Waterways, Harbors and Watercraft Revolving Fund program; and

BE IT FURTHER RESOLVED, that the Director of the Monterey County Parks Department is hereby authorized to execute the Budget and Expenditure Summary for the State of California Parks and Recreation, Division of Boating and Waterways, Harbors and Watercraft Revolving Fund program; and

BE IT FURTHER RESOLVED, that the Director of the Monterey County Parks Department is hereby authorized to sign the Contractor's Release Form for the State of California Parks and Recreation, Division of Boating and Waterways, Harbors and Watercraft Revolving Fund project; and

BE IT FURTHER RESOLVED, that the Director of the Monterey County Parks Department is hereby authorized to certify that the project is complete and ready for final inspection.

PASSED AND ADOPTED this _____ day _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy