

MARC DEL PIERO, ESQ.

Attorney/Trustee

yes

23 July 2021

TO: Monterey County Supervisor Chris Lopez (District 3)

FROM: Marc Del Piero

RE: Re-appointment to the Monterey County Assessment Appeals Board (Alt. 2 position)

Dear Supervisor Lopez;

As I believe you know, I have served as an alternate member of the Monterey County Assessment Appeals Board (AAB) since being appointed by your predecessor Simon Salinas.

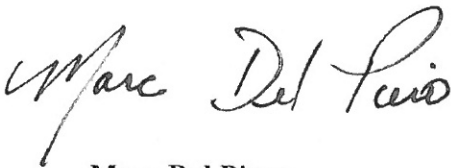
Currently, there is a vacancy in the "Alternate 2" position on the AAB that is subject to your appointment.

By this letter, I wish to offer my candidacy to you should you choose to fill that vacancy.

My resume is herewith attached. I meet all of the statutory requirements for membership on the AAB.

Should you or your staff have any questions regarding this matter, please contact me on my cell phone number at 831-261-0718.

Most Respectfully,



Marc Del Piero

RECEIVED

JUL 28 2021

THIRD DISTRICT SUPERVISOR

**Resume and Biography of
MARC JEFFREY DEL PIERO**

Marc Jeffrey Del Piero
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TRUSTEE/ATTORNEY/CONSULTANT

Marc Del Piero, the son of a farming family and a lifetime resident of Monterey County, has been licensed to practice law in California (State Bar No. 91644) since 1980. His law practice includes advising local governments, public water service agencies, environmental organizations, non-profit organizations, private entities with significant water rights and water quality issues, and agri-business enterprises. He currently serves as an expert witness and consultant on the law of California water rights for his clients before the California State Water Resources Control Board. From 2008 through the end of 2017, he has served a Chapter 7 Bankruptcy Trustee for the U.S. Department of Justice in the Northern District of California. He has personally heard and administered thousands (4854 cases) of bankruptcy cases, and currently manages funds in excess of \$6,000,000.00 as part of his duties. He has broad and extensive quasi-judicial experience as a bankruptcy trustee, as a Board member and hearing officer for the State Water Resources Control Board, and has served as a judge pro tem for the Monterey County Superior Court. Additionally, he has extensive senior managerial experience with a number of public agencies. His legal practice has consisted of providing extensive services and advice to: local governmental/water agencies; farming enterprises and retail commercial businesses; and non-profit/environmental organizations. He is an acknowledged expert witness on California water rights law, recognized by the State Water Resources Control Board as an expert in the areas of Sacramento-San Joaquin Delta water rights disputes, California groundwater rights law, and the "public trust doctrine". He has frequently provided educational classes on California surface and groundwater rights law and has taught continuing education classes on water rights issues for members of the California Bar Association, including classes on the "public trust doctrine" sponsored by the State Water Resources Control Board. Additionally, he advises upon and mediates business disputes, as well as real estate and land use development disputes, related to development impacts, CEQA issues, coastal zone land use and natural resources disputes, environmental

resources protection, and agricultural land use issues. Mr. Del Piero has broad experience in real estate development issues and in agricultural commodities issues. He currently is a member of the California Stewardship Council for the American Farmland Trust, the largest agricultural land trust in the nation. Moreover, Mr. Del Piero serves as an expert witness on water rights before the CA. State Water Resources Control Board on behalf of a variety of governmental entities, senior water rights holders, environmental and fisheries groups, and farming interests in the Sacramento-San Joaquin Delta.

EXPERIENCE

From 1999 to 2013, Mr. Del Piero was chief counsel for the Mendocino County Russian River Flood Control and Water Conservation District. He was responsible for over sixty water supply management contracts (8000 acre/feet annually) with the majority of all vintners and agri-business companies in the Ukiah Valley, the center of pear, grape, and wine production in Mendocino County. He actively worked to preserve the District's water rights for its urban, residential, and agricultural constituencies. Additionally, he was actively involved in protecting the anadromous fisheries and water quality of the Russian River. Marc Del Piero has also developed several major public utility and water development projects for his other public agency clients. He was the Counsel for Pajaro-Sunny Mesa Community Services District (PSMCSD) from 1999 to 2010 and provided services to that agency to complete a \$4.7 million dollar pipeline construction project and the annexation of 15 separate private water systems into the PSMCSD boundaries. He also drafted grant applications for over \$30 million dollars in grant funding from the State of California for new utilities development projects for PSMCSD. These projects were to address and remedy on-going public health and arsenic contamination issues within the smaller private systems. Further, he coordinated planning for the district's desalination plant. He founded the PSMCSD while serving on the Monterey County Board of Supervisors.

Mr. Del Piero was certified as a Temporary Judge by the judges of the Monterey County Superior Court in January, 2007 for a three year term. Further, in October, 2008, he was appointed by the United States Trustee (U.S. Department of Justice) for the U.S. Bankruptcy Court (Northern California) as a Chapter 7 Bankruptcy Trustee. He administers millions of dollars of estate funds and assets annually.

From 1992 to 2011, Mr. Del Piero was an adjunct professor at his alma mater, Santa Clara University School of Law, and taught California water rights law with David Sandino, former Chief Counsel for the California Department of Water Resources. He has lectured widely on the public trust doctrine, California groundwater rights law, and legal ethics for water law practitioners. He also acts as an expert witness on water quality and water rights issues.

In 1984, Mr. Del Piero founded, served as the first Chairman (six years), and continues to serve on the Board of Directors of the Monterey County Agricultural Land Conservancy (the Ag Land Trust), a large farmland preservation trust. The conservancy has permanently protected and preserved (with conservation easements) over 31,000 acres of Monterey County farmland and open space from the threat of urban sprawl and development. The Conservancy continues to work cooperatively with virtually all of the largest landowners and farming companies in both the Salinas and Pajaro Valleys to economically enhance and preserve the viability of agriculture while reducing carbon emissions and preserving our state's open space areas.

Throughout 2003, Mr. Del Piero was engaged by Interstate Technology and Resources Council (ITRC), a nationwide environmental affairs agency representing 47 state governments, to oversee the preparation of uniform protocols addressing the rehabilitation and redevelopment of previously contaminated "brownfields" sites. Additionally, he is recognized for his expertise in the "public trust doctrine", water rights and water quality laws, and farmland conservation. He has significant experience in the mediation of land use and natural resources disputes.

January 1992 – April 1999

MEMBER, CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

Marc Del Piero served for over seven years as the "attorney member" of the California State Water Resources Control Board. The Board is the five member, full-time statutory agency charged with protecting all of California's water supplies, the quality of its waters, and its' environmental resources including the Sacramento-San Joaquin Delta. The Board, which implements and enforces both the federal Clean Water Act and California's Porter-Cologne Act, also allocates surface water supplies for fishery, agricultural, urban consumption, and environmental purposes throughout the state.

Twice appointed by Governor Pete Wilson and confirmed unanimously by the California State Senate, Mr. Del Piero individually conducted extensive and numerous water rights and water quality hearings affecting the federally owned Central Valley Project (CVP) and the State Water Project, federal and state endangered species and fisheries issues, urban water quality and supply demands, agricultural irrigation water demands, Delta water quality requirements, and "public trust" issues. He is considered an expert in California groundwater rights law. He is perhaps best known for the widely heralded Decision 1631, the "Mono Lake Decision", and his lesser known WR 95-4 (the "Big Bear" decision). Both addressed significant "public trust" issues that were resolved by the SWRCB. The Mono Lake hearing lasted for 44 days, involved 14 parties and 19 attorneys, and ended twenty years of litigation and controversy between the Los Angeles Department of Water and Power and the Committee to Save Mono Lake/National Audubon Society. Mr. Del Piero was the sole hearing officer for this matter and

was acknowledged by his colleagues in the Board's Order for his significant commitment to the sustained completion of that hearing. This decision, which required the City of Los Angeles to increase lake levels and restore much of the lake's tributary ecosystems, set the precedent for the protection and restoration of public trust resources in California streams. It also guaranteed a sustainable, long term water supply for the City of Los Angeles. None of the litigants appealed the decision. Mr. Del Piero was asked to author the introduction to the Mono Lake Committee's 2004 calendar, a remarkable recognition of the Committee's respect for his fairness, knowledge, and commitment to balancing the needs of both the environment and urban water use. His work, and his commitment to international environmental resources protection, was also honored and recognized by the award that was presented to him by the "Living Lakes" network of the Global Nature Fund, which is headquartered in Germany.

Mr. Del Piero was appointed by Secretary James Strock as the California Environmental Protection Agency's Dredging Coordinator for all dredging and related water quality and port issues in the State. A significant portion of this additional assignment included particular emphasis on the protection of the San Francisco Bay and the Delta of the Sacramento-San Joaquin Rivers. He served on the 20-member group with the U.S. Army Corps of Engineers that prepared the Long Term Dredging Disposal Plan for all harbors in San Francisco Bay. Further, Mr. Del Piero led three separate training task forces to Chile between 1995 and 1998 at the invitation of US EPA and the Chilean National Commission on the Environment. He conducted numerous classes on the development of water supply and water quality regulations, seawater desalination, and regulatory enforcement strategies. These regulatory and environmental protection programs were precedent to the Free Trade Agreement between the United States and Chile executed by President George Bush in September, 2003.

Additionally, Mr. Del Piero represented the California Environmental Protection Agency for seven years on the National Oceanic and Atmospheric Administration's (NOAA) Monterey Bay National Marine Sanctuary Advisory Council. This Council provided guidance to the U.S. Department of Commerce on the operation of our nation's largest marine sanctuaries.

Del Piero represented the State Water Board on Governor's Interagency Task Force on Wetlands that developed mitigation and restoration policies for wetlands lost due to development. For six years, he chaired the statewide task force that established state guidelines and standards for the development, use, and reuse of both desalinated seawater and reclaimed wastewater in new developments. Mr. Del Piero regularly dealt with both urban runoff regulations and toxic cleanup standards. Additionally, the State Water Resources Control Board operates California's underground storage tank cleanup program, and he represented the Board on the state task force on clean-up strategies for the gasoline additive MTBE in 1999 due to his extensive experience in both water quality and air pollution issues.

January 1981 – January 1992

COUNTY SUPERVISOR, MONTEREY COUNTY BOARD OF SUPERVISORS

Marc Del Piero served for three consecutive terms on the five-member Monterey County Board of Supervisors, and served as Chair in both 1982 and 1988. Elected in 1981 at the age of 27 to represent Northern Monterey County, the City of Marina, and the City of Salinas, he is recognized as a specialist in coastal resources management and planning. He had a large agricultural constituency. Supervisor Del Piero was responsible for the development of five public sanitary sewer systems, four public water systems, three congregate nutrition and service centers for senior citizens, two flood control districts, and a daycare facility for the children of migrant workers. His district encompassed large agricultural areas and significant wetlands and environmental resources. He co-authored the first local ordinance regulating the development of seawater desalination plants in 1989.

With then Monterey County Supervisor Sam Karas and then Carmel Mayor Clint Eastwood, Supervisor Del Piero raised significant funds to develop a replacement housing program for homeless migrant farm workers after the Loma Prieta earthquake. He has also participated in writing numerous general plans and local coastal plans for Monterey County, and was the founder and Monterey County representative on the Central Coast Regional Studies Program, a four-year, three-million dollar effort by six coastal counties to develop environmental and economic studies to control the potential impacts of the Interior Department's then proposed off-shore oil lease plans. Del Piero was appointed by then Congressman Leon Panetta and served on the founding committee that developed the plan for the Monterey Bay National Marine Sanctuary, then the largest marine sanctuary in the United States. President George Bush created this sanctuary in 1992.

Additionally, Mr. Del Piero served on the Monterey Bay Unified Air Pollution Control District, a multi-county air pollution control agency, for eleven years. During his tenure as chair, the District adopted the first local air toxics rule in California and adopted the first air pollution regulation requiring coordination of urban growth with air emission goals.

Mr. Del Piero also served for six years on the Board of Directors of the San Felipe Division of the Central Valley Project. This water system is operated by the U.S. Bureau of Reclamation and serves four counties and the Silicon Valley area.

January 1978 – 1981

MONTEREY COUNTY PLANNING COMMISSION

Appointed at the age of 24, Marc Del Piero served for three years on the Monterey County Planning Commission. He also served as vice-chair of the Planning Commission between 1978 and 1980. During that time, and during his subsequent three terms of service on the Board of Supervisors, he drafted major portions and gained state certification for the North Monterey County Local Coastal Plan (LCP). Since its' adoption/certification by the California Coastal Commission in 1984, the state-certified LCP now memorialized Monterey County's community goals and community values related to the development and prioritization of the use of Monterey County's natural resources and infrastructure capacities, guaranteed the long-term preservation and protection of the county's Salinas Valley and coastal groundwater resources and prime farmland, developed regulations to preserve and protect the Elkhorn Slough National Estuarine Reserve, and included the Big Sur Local Coastal Plan that guaranteed the preservation of over 70 miles of one of the most ecologically significant coastal areas on the Pacific Rim. The state-certified North Monterey County LCP drafted and adopted by Mr. Del Piero remains in full force and effect in Monterey County in 2017. It has not been changed, and the identified, mandated local community goals and values, that bind the County and the State of California as a state certified LCP, remain in full effect. He was the founder and first chairman of the Board of Directors of the Monterey County Agricultural and Historical Land Conservancy, a nonprofit land trust that has guaranteed the preservation of over 23,000 of acres agricultural land in the Salinas Valley of Monterey County.

Education

- 1978 Santa Clara University School of Law-Doctor of Jurisprudence (JD)
- 1975 Santa Clara University-Bachelor of Arts in History (BA)
Commissioned as 2nd Lieutenant, Army ROTC
- 1979 U.S. Army Armor School-Certificate of Completion, Armor Officer Basic Course, Fort Knox, Kentucky

Background

A native of Monterey County, Marc Del Piero is an attorney who resides on the Monterey Peninsula. The son of a farming family that for four generations has been actively involved in California agriculture, Mr. Del Piero served for over ten years and attained the rank of Captain in the California Army National Guard. He

originally received his commission from the Santa Clara University Army ROTC program.

Marc Del Piero is married to Tina Tomlinson Del Piero, and has two sons, Paul, an attorney who also owns the Monterey Gold Honey Company and John, who is a vice-president of a technology company (DISCOVIA) in San Francisco.

Professional Organizations and Memberships

California Bar Association, 1980-present
Monterey History and Art Association (Vice-Chair), 2015-present
Monterey County Agricultural and Historical Land Conservancy, 1984-present
Salinas-Kushikino (Japan) Sister City Assn. Bd. of Dir. 1999- present
The King Foundation for Constitutional Studies (2015-2017)
Monterey County Chapter Board of Directors, American Red Cross, 1999- 2006
Vice Chair, 2000-2006
Monterey Bay National Marine Sanctuary Advisory Council, 1992-1999
California State Water Archives Board, 1998-2001
Monterey Bay Unified Air Pollution Control District, 1981-1992
Monterey County Transportation Commission, 1979-1992
Central Valley Project (USBR), San Felipe Division, 1981-1986
Monterey County Water Resources Agency Board of Directors, 1981-1992
County Supervisors Association of California, 1981-1992

References:

Russell Jeffries,
Chairman, Moss Landing Harbor District
Vice-Chairman (retired), California Central Coast Regional Water Quality
Control Board (24 years)
204 East Curtis Street, Salinas, CA 93906
Phone 831-449-3436

Richard Scagliotti, Chairman (ret.)
San Benito County Board of Supervisors
8041 Fairview Road, Hollister, CA 95023
Phone 831-636-8313

Lee Howard
Past Chairman and Board Member (retired), Mendocino Co. Russian River
Flood Control & WCID
(Ukiah, CA.)
Phone 707-462-6944

**David Sandino, Esq.,
Former Chief Counsel, Calif. Dept. of Water Resources (Sacramento)
Phone 530-758-9774**

**Mr. Gary Varga, Esq.
Chief Counsel for Alisal Water Corp. (Monterey, CA.)
831-373-5291**