

County of Monterey

*Cayenne Room
1441 Schilling Place
Salinas, CA 93901*



Meeting Agenda

Friday, May 3, 2024

8:30 AM

Water Resources Agency Personnel and Administration Committee

*Mark Gonzalez, Chair
Mike LeBarre
John Baillie
Matthew Simis*

To participate in this Personnel And Administration Committee meeting through the following methods:

1. You may attend in person,
2. For ZOOM participation please join by computer audio at:
<https://montereycty.zoom.us/j/91370408511>
OR to participate by phone call any of these numbers below:
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Enter this Meeting ID number: 913 7040 8511 PASSWORD: 420486 when prompted. Please note there is no Participant Code, you will just hit # 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.

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5. If you wish to make either a general public comment for items not on the day's agenda or to comment on a specific agenda item as it is being heard, please submit your comment, limited to 250 words or less, to the Monterey County Water Resources Agency at

WRAPubliccomment@co.monterey.ca.us. In an effort to assist Agency staff in identifying the agenda item relating to your public comment please indicate in the subject line, the meeting body (i.e. Finance Committee) and item number (i.e. Item No. 10). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

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9. The Chair and/or Secretary may set reasonable rules as needed to conduct the meeting in an orderly manner.

Participar en esta reunión del Comité de Personal y Administración a través de los siguientes métodos:

1. Podar asistir personalmente a la reunion; o,

2. El público puede observar la reunión ZOOM a través de computadora haciendo clic en el siguiente enlace: <https://montereycty.zoom.us/j/91370408511>

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5. Los miembros del público que deseen hacer un comentario público general para temas que no están en la agenda del día o que deseen comentar en un artículo específico mientras se escucha la presentación, lo pueden hacer enviando un comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, a WRAPubliccomment@co.monterey.ca.us. Para ayudar al personal de la Agencia a identificar el artículo de la agenda con el cual se relaciona el comentario, se solicita al público que indique el nombre del Comité (por ejemplo: Comité de Personal y Administración) y el número del artículo de la agenda (por ejemplo: Artículo # 10). Se hará todo lo posible para leer el comentario en el registro, pero algunos comentarios pueden no leerse en voz alta debido a limitaciones de tiempo. Los comentarios recibidos después del cierre del período de comentarios públicos sobre un artículo de la agenda serán parte del registro si se reciben antes que termine la reunión del Comité.

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9. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

Roll Call

Public Comment

Committee Member Comments

Consent Calendar

1. Approve the Minutes of the Personnel and Administration Committee meeting held on April 5, 2024.

Attachments: [Draft P&A Minutes April 5, 2024](#)

Scheduled Items

2. Support recommending that the Board of Directors of the Monterey County Water Resources Agency hold an appeal hearing to consider:
 - a. Denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a

hazard and in violation of Ordinance 4065;

- b. Authorizing the General Manager to revoke dock license #26433; and
- c. Authorizing the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved by the owner from floating on the surface of the Reservoir or if left aground within the highwater mark of the Reservoir.

Attachments: [Board Report](#)
[Attachment 1 - Ordinance No. 4065 \(2000\)](#)
[Attachment 2 - Brow Revocation Letter](#)
[Attachment 3 - Brow Appeal letter received 3.1.24](#)
[Attachment 4 - Docks and boatslips standards](#)
[Attachment 5 - Photos of Brow Boat Dock](#)
[Brow Boat Dock Revocation Board Presentation PPT](#)

- 3. The Committee to consider a recommendation to the Board of Directors to authorize the General Manager to join an Association of California Water Agencies lead coalition in support of a climate resilience and water infrastructure bond measures being placed on the November 2024 ballot, and to coordinate with County Legislative Affairs. (Staff Presenting; Ara Azherdian)

Staff Reports

- 4. Personnel Update (Staff Presenting; Jessell Fenley)

- 5. The Committee to receive an update on the draft Groundwater Extraction Monitoring System (GEMS) Expansion Ordinance and provide staff direction as appropriate (Staff Presenting; Ara Azhderian)

Attachments: [GEMS Expansion Ordinance Memo & Attachments](#)

Calendar

- 6. Set next meeting date and discuss future agenda items.

Adjournment



County of Monterey

Item No.1

Board Report

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

Legistar File Number: WRAPA 24-006

May 03, 2024

Introduced: 4/17/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

Approve the Minutes of the Personnel and Administration Committee meeting held on April 5, 2024.

County of Monterey

*Cayenne Room
1441 Schilling Place
Salinas, CA 93901*



Meeting Minutes

Friday, April 5, 2024

8:30 AM

Water Resources Agency Personnel and Administration Committee

*Mark Gonzalez, Chair
Mike LeBarre
John Baillie
Matthew Simis*

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mediodía del Jueves antes de a la reunión del Comité para dar tiempo a la Agencia para que atienda la solicitud .

9. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

This meeting was called to order 8:32 a.m.

Roll Call

Present: Mark Gonzalez, Mike LeBarre, John Baillie, Matthew Simis
Absent: None

Public Comment

None

Committee Member Comments

None

Consent Calendar

Upon Motion by Matthew Simis, Second by John Baillie the Committee approved the Consent Calendar for the Personnel and Administration Committee.

Ayes: Mark Gonzalez, Mike LeBarre, John Baillie, Matthew Simis

Noes: None

Absent: None

1. Approve the Minutes of the Personnel and Administration Committee meeting held on November 3, 2023.

Attachments: [Draft P&A Minutes November 3, 2023](#)

Scheduled Items

2. Review of U.S Army Corps of Engineers Water & Related Resources Implementation Studies Rule Making and Recommendation to Board of Directors (Staff Presenting; Ara Azhderian)

Committee Member Comments: John Baillie, Matthew Simis, Mike LeBarre, Mark Gonzalez
Public Comments: None

Staff Reports

3. Personnel Update (Staff Presenting; Jessell Fenley)

Committee Member Comments: John Baillie, Mark Gonzalez
Public Comments: None

4. Update of Agency efforts requesting Congressionally Directed Spending Support for Castroville Seawater Intrusion Project (Staff Presenting; Ara Azhderian)

Committee Member Comments: John Baillie, Mark Gonzalez
Public Comments: None

Calendar

5. Set next meeting date and discuss future agenda items.

Adjournment

The meeting was adjourned at 9:05 a.m.



County of Monterey

Item No.2

Board Report

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

Legistar File Number: WRAPA 24-008

May 03, 2024

Introduced: 4/26/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

Support recommending that the Board of Directors of the Monterey County Water Resources Agency hold an appeal hearing to consider:

- a. Denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a hazard and in violation of Ordinance 4065;
- b. Authorizing the General Manager to revoke dock license #26433; and
- c. Authorizing the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved by the owner from floating on the surface of the Reservoir or if left aground within the highwater mark of the Reservoir.

RECOMMENDATION:

It is recommended that the Personnel and Administration Committee support recommending that the Board of Directors of the Monterey County Water Resources Agency adopt a resolution:

- a. Denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a hazard and in violation of Ordinance 4065;
- b. Authorizing the General Manager to revoke dock license #26433; and
- c. Authorizing the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved from floating on the surface of the Reservoir or if left aground within the highwater mark of the Reservoir.

The Board hearing on the appeal is de novo. A draft resolution with findings supporting this recommendation is attached for consideration.

SUMMARY/DISCUSSION:

On February 9th, 2024, Boat Dock #26433, owned by Paul Brow, was located on Nacimiento Reservoir (Reservoir) by Monterey County Water Resources Agency (MCWRA) inspector staff with both floatation and structural failures. The finding was that the deterioration, damage, and inadequate maintenance of the boat dock renders it a hazard. According to Ordinance 4065 (Attachment 1) Section 15: Nuisance Docks, docks that are not properly maintained in accordance with the ordinance are subject to summary abatement.

On February 9th, 2024, Mr. Brow was advised to retrieve and remove the dock from the reservoir while performing repairs. He was asked to identify the planned retrieval date to avoid receiving a notice of abatement. The owner replied and stated there were weather constraints that limited the ability to access the boat dock to conduct repairs or remove the dock. Mr. Brow claimed to have the

boat dock floatation repaired by the end of March of 2024. Agency staff responded to this statement, alerting Mr. Brow that the dock was not being properly maintained and was in violation of the ordinance, and because reservoir safety is a top concern, the license was set to be revoked and the dock subject to summary abatement.

On February 21st, 2024, the dock owner was sent a Revocation Notice (Attachment 2) via Certified USPS mail, highlighting the violation of Ordinance 4056, and the consequence of license revocation. The revocation notice outlines the steps the dock owner can take to appeal the revocation. If a licensee, should fail to comply with the standards and requirements of the boat dock ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate. A licensee cannot get a revoked dock license reinstated or restored by the MCWRA. Licensees can seek to avoid revocation by appealing their case to the General Manager via written letter. A licensee does this by requesting an Administrative Hearing. That request must be made within 10 days of the date of receiving the revocation letter.

On February 28th, 2024, the USPS Certified mail signed returned receipt for revocation was accepted by the MCWRA staff.

On March 1st, 2024, Paul Brow submitted an Appeal (Attachment 3), with a check for \$25.00. Agency staff contacted the owner stating the amount due for the standard appeal fee is \$150.00. After no response, the check was mailed back to the owner, as it was only a partial payment of the standard fee.

Paul Brow was given instructions from staff as to how to properly submit an appeal. The dock owner was also given further detail as to why this dock is out of compliance. Mr. Brow was made aware that the floatation on his dock, consisting of plastic barrels and miscellaneous plastic floats is non-compliant, and the dock's overall aging construction poses an issue. Mr. Brow was given staff recommendation regarding the replacement of the current dock with one that is constructed of proper materials and floatation, designed for high exposure to moisture. Examples of this are given, thoroughly demonstrating what is designed in accordance with compliance standards. Agency staff also provided him with a document listing acceptable standards for boat docks and slips (Attachment 4).

On April 15th, 2024, a check from Paul Brow was received by Agency staff in the amount of \$150.00, initiating the appeal process.

The existing dock has non-compliant floatation with improper floats, and is constructed of deteriorating wood, which has weakened the structural integrity of the damaged dock. It is unstable and could collapse making it potentially dangerous to the life, health, and safety of the reservoir and its users. Use of the entire structure should be discontinued. The dock operator is aware the dock is at the end of its useful life expectancy, as wood docks are expected to last approximately 5 to 15 years before nails, bolts, and screws are worn, and materials become partially decayed. It is currently in a state of deterioration due to inadequate construction and maintenance. The owner is unable to load it off the reservoir and the Agency's ordinance guidelines are unmet, making it unusable and in an unsafe condition.

Revocation of the license and summary abatement of the boat dock would eliminate risk to both reservoir resources and reservoir users. All boat dock operators are subject to Ordinance 4065. The Agency is actively enforcing compliance with Ordinance 4065, and no exceptions are made when unusable and unsafe are found. The Agency's staff recommendation is that the dock license be revoked, the owner pays all penalty fees owed to the Agency, and that the boat dock be removed from the reservoir. Once this action is performed, Mr. Brow can apply to operate a dock in substantial compliance with ordinance standards by applying for an initial dock license for a new dock, which is subject to the approval of the General Manager.

OTHER AGENCY INVOLVEMENT:

County Council's Office

FINANCING:

Summary abatement of non-compliant boat docks comes at the expense of the property owner, as is outlined in Ordinance 4056 Section 16, which states that if a licensee fails to comply with standards and requirements set forth in the ordinance, the property owner assumes full responsibility for all fees owed to the Agency, including any and all disposal fees and removal fees as appropriate.

Prepared by: Mallory Roberts, Hydrologist (831) 755-4766

Attachments:

1. Ordinance No. 4065
2. Brow Revocation Letter
3. Brow Appeal Letter
4. Docks and Boat Slip Standards
5. Photos of Brow Boat Dock
6. Brow Boat Dock Revocation Board Presentation



County of Monterey

Item No.2

Board Report

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

Legistar File Number: WRAPA 24-008

May 03, 2024

Introduced: 4/26/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

Support recommending that the Board of Directors of the Monterey County Water Resources Agency hold an appeal hearing to consider:

- a. Denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a hazard and in violation of Ordinance 4065;
- b. Authorizing the General Manager to revoke dock license #26433; and
- c. Authorizing the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved by the owner from floating on the surface of the Reservoir or if left aground within the highwater mark of the Reservoir.

RECOMMENDATION:

It is recommended that the Personnel and Administration Committee support recommending that the Board of Directors of the Monterey County Water Resources Agency adopt a resolution:

- a. Denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a hazard and in violation of Ordinance 4065;
- b. Authorizing the General Manager to revoke dock license #26433; and
- c. Authorizing the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved from floating on the surface of the Reservoir or if left aground within the highwater mark of the Reservoir.

The Board hearing on the appeal is de novo. A draft resolution with findings supporting this recommendation is attached for consideration.

SUMMARY/DISCUSSION:

On February 9th, 2024, Boat Dock #26433, owned by Paul Brow, was located on Nacimiento Reservoir (Reservoir) by Monterey County Water Resources Agency (MCWRA) inspector staff with both floatation and structural failures. The finding was that the deterioration, damage, and inadequate maintenance of the boat dock renders it a hazard. According to Ordinance 4065 (Attachment 1) Section 15: Nuisance Docks, docks that are not properly maintained in accordance with the ordinance are subject to summary abatement.

On February 9th, 2024, Mr. Brow was advised to retrieve and remove the dock from the reservoir while performing repairs. He was asked to identify the planned retrieval date to avoid

receiving a notice of abatement. The owner replied and stated there were weather constraints that limited the ability to access the boat dock to conduct repairs or remove the dock. Mr. Brow claimed to have the boat dock floatation repaired by the end of March of 2024. Agency staff responded to this statement, alerting Mr. Brow that the dock was not being properly maintained and was in violation of the ordinance, and because reservoir safety is a top concern, the license was set to be revoked and the dock subject to summary abatement.

On February 21st, 2024, the dock owner was sent a Revocation Notice (Attachment 2) via Certified USPS mail, highlighting the violation of Ordinance 4056, and the consequence of license revocation. The revocation notice outlines the steps the dock owner can take to appeal the revocation. If a licensee, should fail to comply with the standards and requirements of the boat dock ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate. A licensee cannot get a revoked dock license reinstated or restored by the MCWRA. Licensees can seek to avoid revocation by appealing their case to the General Manager via written letter. A licensee does this by requesting an Administrative Hearing. That request must be made within 10 days of the date of receiving the revocation letter.

On February 28th, 2024, the USPS Certified mail signed returned receipt for revocation was accepted by the MCWRA staff.

On March 1st, 2024, Paul Brow submitted an Appeal (Attachment 3), with a check for \$25.00. Agency staff contacted the owner stating the amount due for the standard appeal fee is \$150.00. After no response, the check was mailed back to the owner, as it was only a partial payment of the standard fee.

Paul Brow was given instructions from staff as to how to properly submit an appeal. The dock owner was also given further detail as to why this dock is out of compliance. Mr. Brow was made aware that the floatation on his dock, consisting of plastic barrels and miscellaneous plastic floats is non-compliant, and the dock's overall aging construction poses an issue. Mr. Brow was given staff recommendation regarding the replacement of the current dock with one that is constructed of proper materials and floatation, designed for high exposure to moisture. Examples of this are given, thoroughly demonstrating what is designed in accordance with compliance standards. Agency staff also provided him with a document listing acceptable standards for boat docks and slips (Attachment 4).

On April 15th, 2024, a check from Paul Brow was received by Agency staff in the amount of \$150.00, initiating the appeal process.

The existing dock has non-compliant flotation with improper floats, and is constructed of deteriorating wood, which has weakened the structural integrity of the damaged dock. It is unstable and could collapse making it potentially dangerous to the life, health, and safety of the reservoir and its users. Use of the entire structure should be discontinued. The dock operator is aware the dock is at the end of its useful life expectancy, as wood docks are expected to last approximately 5 to 15 years before nails, bolts, and screws are worn, and materials become partially decayed. It is currently in a state of deterioration due to inadequate construction and maintenance. The owner is unable to load it off the reservoir and the Agency's ordinance

guidelines are unmet, making it unusable and in an unsafe condition.

Revocation of the license and summary abatement of the boat dock would eliminate risk to both reservoir resources and reservoir users. All boat dock operators are subject to Ordinance 4065. The Agency is actively enforcing compliance with Ordinance 4065, and no exceptions are made when unusable and unsafe are found. The Agency's staff recommendation is that the dock license be revoked, the owner pays all penalty fees owed to the Agency, and that the boat dock be removed from the reservoir. Once this action is performed, Mr. Brow can apply to operate a dock in substantial compliance with ordinance standards by applying for an initial dock license for a new dock, which is subject to the approval of the General Manager.

OTHER AGENCY INVOLVEMENT:

County Council's Office

FINANCING:

Summary abatement of non-compliant boat docks comes at the expense of the property owner, as is outlined in Ordinance 4056 Section 16, which states that if a licensee fails to comply with standards and requirements set forth in the ordinance, the property owner assumes full responsibility for all fees owed to the Agency, including any and all disposal fees and removal fees as appropriate.

Prepared by: Mallory Roberts, Hydrologist (831) 755-4766

Attachments:

1. Ordinance No. 4065
2. Brow Revocation Letter
3. Brow Appeal Letter
4. Docks and Boat Slip Standards
5. Photos of Brow Boat Dock
6. Brow Boat Dock Revocation Board Presentation

ORDINANCE NO. 4065

AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
REPEALING ORDINANCE NO. 3672 AND ENACTING IN ITS PLACE, THIS ORDINANCE
REGULATING THE LICENSING OF DOCKS AT NACIMIENTO LAKE AND
ESTABLISHING DOCK LICENSING FEES

PASSED: MAY 30, 2000

ORDINANCE NO. 04065

AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
REPEALING ORDINANCE NO. 3672 AND ENACTING IN ITS PLACE, THIS ORDINANCE
REGULATING THE LICENSING OF DOCKS AT NACIMIENTO LAKE AND
ESTABLISHING DOCK LICENSING FEES

County Counsel Summary

This ordinance repeals Ordinance No. 3672 and enacts in its place, this ordinance, pertaining to licensing of docks at Lake Nacimiento, to provide (1) for an increase in dock fees from \$40 to \$60, (2) for an increase in additional slip fee from \$15 to \$20, (3) that a dock use commercially acceptable flotation material and specified dock anchorage, (4) that applicant show proof of property ownership, such as a copy of tax bill or deed, where the dock is to be moored, or, in the alternative, provide a letter from a property owner granting permission for mooring, (5) that a dock constructed prior to the effective date of this ordinance be accepted for licensure if it meets the provisions of this ordinance, (6) that a disposal fee shall be charged to the property owner and/or licensee for any dock determined to be a nuisance, with such a fee being \$300 for single slip docks and \$125 for each additional slip, and (7) that the Agency has the right to remove moored docks not in compliance with this ordinance.

The Board of Supervisors of the Monterey County Water Resources Agency repeals Ordinance No. 3672 and enacts, in its stead, this ordinance, to read as follows:

SECTION 1. REPEAL OF PRIOR ORDINANCE

Ordinance No. 3672 is hereby repealed.

SECTION 2. DEFINITIONS

The following definitions apply in this ordinance:

- (a) "Agency" is the Monterey County Water Resources Agency.
- (b) "Lake Nacimiento" or "lake" is the reservoir impounded by Nacimiento Dam in the County of San Luis Obispo.
- (c) "General Manager" is the General Manager of the Agency, or an employee of the Agency authorized to act on behalf of the General Manager.
- (d) "Dock" is any structure, raft, or vessel designed to float on water and not designed primarily for transport.
- (e) "Supervisors" is the Board of Supervisors of the Agency.

(f) "Licensing year" is the period from April 1 of any year to March 31 of the succeeding year.

(g) "Highwater mark" means the elevation or contour line that would be reached by the water in Lake Nacimiento when the lake is at the top of the dam spillway, elevation 800 feet. The lake is considered full when it is at the highwater mark.

(h) "Licensee" is the person who applies for a dock license and the person to whom the license is issued.

SECTION 3. DOCK LICENSE REQUIRED

It shall be unlawful for any person to construct, moor, maintain, own, operate or use any dock on or in the waters of Lake Nacimiento unless said dock is first licensed by the Agency in conformity with this ordinance.

SECTION 4. INITIAL AND RENEWAL LICENSES

(a) A dock license must be obtained from the Agency for each dock initially proposed to be constructed or placed within the highwater mark at Lake Nacimiento, in anticipation of floating such dock in the waters of Lake Nacimiento, before such dock is so constructed or placed. Such license shall be required, even though, at the time the dock is placed or constructed within the highwater mark, the lake bed is dry or partially dry. The license so issued shall expire on March 31 of the calendar year following the year in which the license is issued.

(b) Following the initial year of issuance, each dock license must be renewed on or before April 1 each licensing year during which the dock is left, reinstalled, or refloated on or in the waters of Lake Nacimiento. The renewal license shall expire on March 31 of the succeeding year. If a previously registered dock has been removed from the water or left high and dry and is not refloated until after April 1, the renewal of the license may be deferred, provided that the dock shall not be refloated until after issuance of the renewal license. Renewal is not required during any year in which the dock remains out of the water for the entire licensing year.

SECTION 5. ANNUAL LICENSING FEE

Prior to issuance of an initial or renewal license, the licensee shall pay to the Agency an annual fee of \$60.00 per dock for all single-slip docks, or \$60.00 for the first slip plus \$20.00 for each additional slip for all multiple-slip docks. The General Manager shall determine the number of slips for which any particular dock is designed.

SECTION 6. INDEMNITY AND INSURANCE

Before any initial license and any renewal license is issued by the General Manager, the licensee must file with the General Manager (a) a certificate of insurance issued by a company

authorized to do insurance business in the state of California, providing that the insurer will give to the Agency thirty days' notice of cancellation, and (b) an agreement executed by the applicant holding the Agency and Monterey County and their officers, agents, and employees harmless for any damage or injury resulting from the installation or use of the dock. The insurance shall have a combined single limit of not less than \$500,000 for public liability and property damage. The Supervisors may amend the required amount of insurance by resolution, and such amendment shall be effective for all initial and renewal licenses issued after the effective date of the resolution.

SECTION 7. LICENSING CONDITIONS

(a) Each dock must be designed, constructed and maintained so that the dock or any of its parts will not capsize, break up, or slip its moorings and float at large on the surface of the lake.

(b) Styrofoam, poly-foam, or some other waterproof plastic foam material, or a commercially-constructed float manufactured specifically for dock flotation acceptable to the General Manager, shall be used for dock flotation. All foam material shall be encapsulated or enclosed by an outer layer sufficiently durable to withstand abrasion by normal contact with water and water-borne debris without damage to outer layer. Steel barrels may not be used for dock flotation. Plastic barrels, or barrel-like floats designed and manufactured specifically for flotation may be used but must meet all of the following conditions: (i) they must be completely filled with a waterproof plastic foam material, (ii) contain no toxic material, (iii) structurally designed to be attached securely to the dock in such a manner that they cannot become detached even if the dock is completely upset, and (iv) be approved by the Agency prior to being placed within the highwater mark of the Lake.

(c) Main dock anchorage shall consist of at least ½ inch diameter galvanized steel cable attached to anchorage with a combined weight of 2,500 pounds minimum. The anchorage shall be in two locations, one at or above the highwater mark elevation (800 feet above sea level) and one at the lowest Lake elevation that the dock is expected to float. The steel cable shall be strung between the two anchorage weights and the dock attached to the cable with a steel cable sling at each end of the dock. A light anchor or shore stake shall hold the dock near shore. The cable size and anchorage listed above are suitable for a dock with a dimension of 6 by 10 feet. Larger cable and heavier anchorage shall be used for larger docks (e.g., a 15 by 20 foot dock would require a 7/8 inch diameter main cable and an anchorage weight of at least 9,000 pounds).

(d) An applicant shall submit proof of property ownership for the land on which his or her dock is to be moored. Proof must be in the form of a copy of a deed or a recent San Luis Obispo County Tax Assessor's bill showing the parcel number of the property on which the dock is to be moored. If permission is granted by a property owner, other than the applicant, allowing the applicant to moor the dock, a letter shall be submitted by the property owner stating that permission is so granted, listing the name, address and telephone number of the applicant.

(e) Any dock(s) constructed prior to the effective date of this ordinance shall be accepted for licensure provided it is in compliance with the provisions of this ordinance.

(f) The General Manager shall not issue a license if in the opinion of the General Manager the dock does not comply with paragraphs (b) through (e), or there is a substantial danger that the dock will not comply with paragraph (a).

SECTION 8. DOCK LICENSE NUMBER

Each license issued pursuant to this ordinance shall be given an identifying number. The licensee shall forthwith paint or affix in a permanent manner said number in three-inch high numerals on said dock such that the number is readily visible at a distance from a boat on the lake.

SECTION 9. DOCKS FLOATING AT LARGE.

No licensee shall cause, suffer or permit any dock licensed to such licensee, or any part of such dock, to float at large upon the lake, without being tethered securely to a fixed location.

SECTION 10. REVOCATION OF LICENSES

A license may be revoked for any of the following reasons:

- (a) the dock is used or maintained in violation of any of the requirements of this ordinance;
- (b) deterioration, damage, or inadequate maintenance renders the dock a hazard;
- (c) at any time during the licensing year the dock fails to meet any of the conditions required to be met at the time of licensure;
- (d) the insurance required to be maintained expires or is terminated without renewal during the licensing year;
- (e) the licensee transfers ownership or responsibility for the dock, without issuance of a new license for the new owner or responsible party; or
- (f) the dock, or any part of the dock, is found floating at large on the lake causing a hazard to other users of the lake, to the reservoir's outlet works, to any other Agency property, or to Agency personnel.

SECTION 11. DISPOSAL FEE

Upon notice being provided to the property owner and/or licensee pursuant to Section 13, a disposal fee shall be charged to the property owner and/or licensee for any dock determined to

be a nuisance pursuant to Section 15. The disposal fee for a single-slip dock is \$300 and \$125 for each additional slip for all multiple-slip docks.

SECTION 12. NON-TRANSFERABILITY OF LICENSES

Licenses issued under this ordinance are not transferable. If a dock is sold or if responsibility for the dock changes hands, a new license shall be applied for and issued for the dock. When such a transfer occurs before expiration of the license, there will be no new license fee for the licensing year in which the transfer occurs.

SECTION 13. APPEALS

(a) Any decision by the General Manager concerning the granting or revocation of a license under this ordinance may be appealed. Such appeal shall be in writing and shall be filed with the General Manager within ten days after the date on which the General Manager gives notice of the decision to the owner.

(b) At the time of the filing of the appeal, the appellant shall pay to the Agency a filing fee of twenty-five dollars.

(c) An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the General Manager.

(d) The appeal shall be heard by the Appeals Board established by Ordinance No. 3539, or by any successor body established by the Agency by ordinance or resolution for the purpose of hearing administrative appeals. Upon receipt of the notice of appeal, the Appeals Board shall set a date for public hearing thereon, giving notice thereof to the appellant. The Appeals Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such order, requirement, decision or determination as should be made in light of the existing requirements set forth in this ordinance or any resolutions enacted pursuant to this ordinance. The decision of the Appeals Board shall be final.

(e) If no decision is made by the Appeals Board within sixty days after the date the appeal was filed with the General Manager, the appeal shall be deemed granted, except that this sixty-day period shall be extended by the length of all time extensions granted at the appellant's request in the appeal process.

SECTION 14. NOTICES

(a) Any notice required under this ordinance shall be in writing and shall be given as provided in this section.

(b) Except as otherwise provided in (c), below, notice shall be given by depositing the notice in the U.S. Mail, first class postage or better prepaid, addressed to the party to

be noticed at his or her address last known to the General Manager. In such event, the notice shall be deemed given three days after the date on which the notice is so deposited in the mail.

(c) If no address for the party to be noticed is known to the General Manager, then notice shall be given by affixing to the dock in question a copy of the notice and, if the dock in question is moored, then either before such posting or promptly thereafter, by depositing a copy of the notice in the U.S. Mail, first class postage or better prepaid, addressed to the owner of record of the land to which the dock is moored, at said owner's address shown on the tax assessor's records or other public documents. In such event, the notice shall be deemed given on the date the notice is posted on the dock.

SECTION 15. NUISANCES

(a) Any licensed or unlicensed dock or any part thereof is a public nuisance and may be summarily abated by the General Manager if such dock or part thereof is not properly maintained in accordance with the standards in this ordinance, tethered securely to a fixed location, and is (i) floating on the surface of the lake or (ii) aground within the highwater mark of the Lake and is subject to flotation on a rise of the Lake level.

(b) Summary abatement may include destruction of the dock. However, if the dock has been licensed, the dock shall not be destroyed until after (i) the General Manager gives notice to the licensee that the dock may be retrieved if the mooring facilities are brought into compliance with Agency regulations, and (ii) the licensee fails to bring the mooring into compliance within thirty days of said notice or within such further time as the General Manager may grant.

SECTION 16. PENALTIES

(a) Any person violating any of the provisions of this ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$100.00 for each violation.

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks not complying with the licensing conditions set forth herein.

SECTION 17. SEVERABILITY

If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SECTION 18. EFFECTIVE DATE

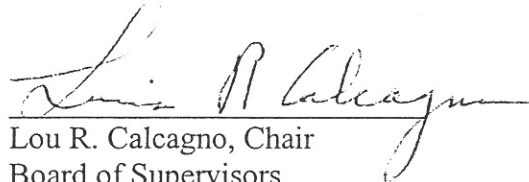
This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED AND ADOPTED this 30 day of May, 2000, by the following vote:

AYES: Supervisors Salinas, Pennycook, Calcagno, Johnsen and Potter.

NOES: None.

ABSENT: None.



Lou R. Calcagno, Chair
Board of Supervisors

Monterey County Water Resources Agency

ATTEST:

SALLY REED
Clerk of the Board

By 
Deputy

MONTEREY COUNTY

WATER RESOURCES AGENCY

PO BOX 930
SALINAS, CA 93902
P: (831) 755-4860
F: (831) 424-7935

ARA AZHDERIAN
GENERAL MANAGER



STREET ADDRESS
1441 SCHILLING PLACE, NORTH BUILDING
SALINAS, CA 93901

NOTICE OF REVOCATION FAILURE TO MEET CONDITIONS OF DOCK LICENSURE

Paul & Cheryl Brow
5605 N. Willard Ave.
San Gabriel, CA 91776

Boat Dock License #26433

MONTEREY COUNTY WATER
RESOURCES AGENCY
ORDINANCE #4065

REVOCATION

Your privilege to maintain, own, operate, or use a dock on or in the waters of Nacimiento Reservoir is revoked effective February 16, 2024 because:

- A. The dock is used or maintained in violation of any of the requirements of this ordinance
- B. Deterioration, damage, or inadequate maintenance renders the dock a hazard
- C. At any time during the licensing year the dock fails to meet any of the conditions required to be met at the time of licensure
- D. The insurance required to be maintained expires or is terminated without renewal during the licensing year
- E. The licensee transfers ownership or responsibility for the dock, without issuance of a new license for the new owner or responsible party, or

A licensee cannot get a revoked dock license reinstated or restored by the MCWRA. Licensees can seek to avoid revocation by appealing their case to the General Manager via written letter. A licensee does this by requesting an Administrative Hearing. That request must be made within 10 days of the date of this letter. As a licensee, should you fail to comply with the standards and requirements of the boat dock ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

Appeal for revocation on Dock # 26433

To: General manager Ara Azhderian

My Dock has been on the lake for at least 18 years – I have always paid my slip fees and have not had any parts fall off my dock. The main part of the dock was constructed using a medal pontoon boat that was all welded together and galvanized – I am sure it is more structurally sound than most of the docks on the lake -

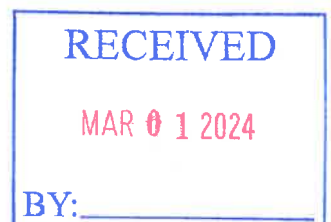
I used my dock all summer- I will send a picture of my dock in late July- Please send your e-mail and I will load up more recent photos -

After a recent storm one of my aluminum floats came out on the east side of my dock- (the float is pictured from your photos on the dock) at this time the east side started sinking -and is being supported by three other plastic dock flotation -

On January 25-29th, 2024 I started the necessary repairs ordered material and removed the east floor. I can provide all receipts. In your picture of the dock,(taken 2-9-2024) you can see that I have some of the new materials for the floor.

I will have the dock floating in March 2024 with most of the repairs complete-

I have been maintaining my dock every year and have several witnesses – One you may know Steve Blois – He is on the NARMAC board- I will send pictures of the most recent repairs-

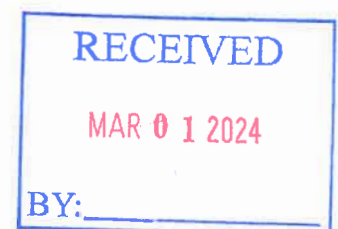


I know you are trying to keep the water free of debris – none of which ever came from my dock-

I have removed tons of debris from the lake over several years. Most of it was drift wood.

Please reconsider this revocation notice and give me a chance to restore my dock's floatation

Paul Brow – cell is 626-840-7678 -



Proof that I
maintain the Dock.



August 2023 installing new
Floor Joist

Dock is floating perfectly -

RECEIVED
MAR 01 2024
BY: _____

Dock

Paul Brow <hulasarah@icloud.com>

Sun 2/25/2024 7:08 PM

To:allcars@hotmail.com <allcars@hotmail.com>



Taken July 14 2023

RECEIVED
MAR 01 2024
BY: _____



After new floor was installed -
August 2023

RECEIVED
MAR 01 2024
BY:

5605 N Willard Ave
SAN GABRIEL, CA, 91776

Retail



93902

U.S. POSTAGE PAID
FCM LG ENV
SAN GABRIEL, CA 91778
FEB 26, 2024

\$6.03

R2307N153076-10

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL

RDC 99



9589 0710 5270 1129 3176 32

Monterey County Water Resources
P.O. Box 930
Salinas, CA. 93902

6/2/29
C/N/H

RECEIVED
MAR 01 2024
BY: Janette

930



Floating Dock Structures on the waters of Nacimiento Reservoir

For those who live along Nacimiento Reservoir, the idea of having a private boat dock can be attractive. However, specific laws, rules and procedures go into installing and operating a boat dock, and it's important to be aware of the process.

Applicants are responsible for submitting plans for proposed privately owned docks that conform to the size and engineering standards specified in this section. Applicants are required to submit accurate drawings with dimensions of all proposed facilities. A site plan prepared from information that is taken from a boundary survey is also required. This shall include a combination of a boundary survey and a topographic survey and will be used to depict the proposed private dock improvements to the parcel of land.

- a) Private Docks shall be single slip or with additional slips and for residential application, and provide a solution for operations with fluctuating water level. The dock flotation, frame and decking shall create a stable floating dock system that requires minimal maintenance.
 - a. The dock floats shall consist of a one-piece rotational molded seamless construction, which eliminates seams that could result in separation and leakage.
 - b. The frame shall be constructed of an aluminum frame system. The system shall be made with marine grade corrosion resistant aluminum frame and an all-welded design. Marine contractors have concluded that an aluminum frame provides the best solution when building a dock system. Aluminum is a strong material that is well suited for outdoor exposure in fresh water environments. Aluminum docks are resistant to aquatic conditions, free from rust or splintering and maintains its aesthetic and functional integrity.
 - c. No frames consisting of wood or pressure treated wood are allowed. Wood tends to rot, warp, splinter, crack, and suffer harm from insects. It is a relatively soft material that can easily be damaged by boat impacts and extreme weather conditions. Wood docks require frequent repair and must be treated with wood preservatives or paint to prevent deterioration.
 - d. The dock decking shall be constructed low-maintenance vinyl, composite or aluminum materials.
- b) Roofs over docks are allowed on the Reservoir.
- c) Second stories on covered docks may be constructed as open decks with railings but shall not be covered by a roof or enclosed with siding or screening.
- d) Covered docks may not include open or enclosed siding.
- e) Access walkways constructed over water shall not exceed six feet in width.
- f) Docks shall not have more than 1 storage box up to 96 cubic ft.
- g) Docks shall not contain items that denote habitation such as grills, refrigerators, sinks, cabinets, stoves, and home furnishings. Carpet may not be placed on deck surfaces at any time. No canopies or roofs, except those permanently installed may be placed on docks.











TODAY'S ACTION

Consider denying an appeal filed by Paul Brow challenging the Monterey County Water Resources Agency's decision to revoke dock license #26433 due to deterioration, damage, and inadequate maintenance which renders the dock a hazard and in violation of Ordinance 4065; and authorize the General Manager to revoke dock license #26433; and authorize the General Manager to proceed immediately with summary abatement which may include destruction of the dock if not retrieved by the owner from floating on the surface of the Reservoir or left aground within the highwater mark of the Reservoir.



Committee Action

- Personnel and Administration Committee-
05/03/24



Financial Impact

- According to Ordinance 04065:
“Any person violating any of the provisions of this ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$100.00 for each violation...If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.”
- In this case, Mr. Brow would be responsible for fees owed to the Agency for violating the Ordinance, as well as removal and disposal fees incurred.



Purpose

- Dock #26433 owned by Paul Brow found structurally compromised with both floatation and structural failures.
 - Boat Dock floats are compromised of failing plastic barrels, as well as miscellaneous plastic floats
- Brow failed to address maintenance issues despite warnings.
- Revocation notice sent, appeal process initiated.
- Dock's condition poses a safety risk, requiring revocation and abatement.
- Property owner bears costs of abatement as per ordinance.



Timeline

- 2/9/24 - Dock #26433, owned by Paul Brow, was found to have structural failures and inadequate maintenance, posing a hazard as per Ordinance 4065. Mr. Brow was contacted immediately alerting him of the lack of compliance with the ordinance and need for repair/removal.
- Despite warnings and opportunities for repair, Brow failed to address the issues satisfactorily.
- 2/21/24 - Revocation notice was sent, outlining the violation and appeal process.
- 3/1/24-4/15/24 - Brow's appeal was initially incomplete but later fulfilled the requirements, initiating the appeal process.

Photos



Photos (cont.)



Photos (cont.)





TODAY'S ACTION

Staff Recommendation:

- The dock license be revoked, the owner pays all penalty fees owed to the Agency, and that the boat dock be removed from the reservoir.
- Once this action is performed, Mr. Brow can apply to operate a dock compliance with ordinance standards by applying for an initial dock license, which is subject to the approval of the General Manager.





County of Monterey

Item No.3

Board Report

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

Legistar File Number: WRAPA 24-011

May 03, 2024

Introduced: 4/29/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

The Committee to consider a recommendation to the Board of Directors to authorize the General Manager to join an Association of California Water Agencies lead coalition in support of a climate resilience and water infrastructure bond measures being placed on the November 2024 ballot, and to coordinate with County Legislative Affairs. (Staff Presenting; Ara Azherdian)



County of Monterey

Item No.4

Board Report

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

Legistar File Number: WRAPA 24-009

May 03, 2024

Introduced: 4/29/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

Personnel Update (Staff Presenting; Jessell Fenley)



County of Monterey

Item No.5

Board Report

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

Legistar File Number: WRAPA 24-010

May 03, 2024

Introduced: 4/29/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

The Committee to receive an update on the draft Groundwater Extraction Monitoring System (GEMS) Expansion Ordinance and provide staff direction as appropriate (Staff Presenting; Ara Azhderian)



WATER RESOURCES AGENCY

MEMORANDUM

Monterey County

DATE: April 26, 2024

TO: Joint Boards Leadership Committee

FROM: Ara Azhderian – General Manager

SUBJECT: GEMS Expansion

Since the summer of 2023, the Agency and the Salinas Valley Basin Groundwater Sustainability Agency (SVB) have been meeting extensively to formulate a plan to provide for the necessary expansion of the Agency’s Groundwater Extraction Monitoring System (GEMS) to support the SVB’s work to comply with the Sustainable Groundwater Management Act. In addition, together, the Agency and SVB have met with numerous organized and individual stakeholders to hear perspectives about how to move forward and have presented options and recommendations jointly to the Boards of Directors of both the Agency and SVB, as well as the Agency’s Board of Supervisors. Through the course of these discussions, the Agency and SVB have been able to formulate a proposed path forward that aims to leverage the Agency’s institutional knowledge and experience in monitoring the Salinas Valley’s groundwater basin by expanding the GEMS historical scope to align with the SVB’s current jurisdictional boundaries, as defined by the California Department of Water Resources. For many in the existing GEMS program, expansion of the registration and reporting requirements will be status quo; however, for some, the expansion will bring new registration and reporting requirements. For all within the Salinas Groundwater Basin, a new fee will need to be developed to recover the necessary cost to implement this regulatory program.

The existing GEMS program was implemented by three separate ordinances adopted by the Agency in the early 1990s. Going forward, we propose to repeal these three ordinances and adopt one, new ordinance to affirm the Agency’s authority and jurisdiction under its enabling legislation to perform groundwater monitoring and reporting duties, to enact well registration and groundwater extraction reporting requirements, and to establish a fee to recover the cost of this regulatory program. The Agency may develop well registration and extraction reporting requirements for its own purposes as well as provide service to other entities engaged in the management of groundwater resources within Monterey County. Currently, the SVB has requested such service from the Agency rather than establishing its own, parallel program.

The proposed ordinance is intended to provide broad and general authority to the Agency to perform groundwater monitoring and reporting work. We envision two other tiers of

documents being developed to fully implement the GEMS expansion. The second tier of documentation would be the specific deliverables being requested by the Agency, for its own purposes, or by another entity for its own regulatory compliance needs. As an example, included with this memorandum is a draft list developed by the SVB illustrating the work they would like the Agency to perform. Under this approach, this list would evolve into specific criteria and deliverables that would be periodically reviewed and revised as necessary and attached as an exhibit to a master service agreement, which would be the third tier of documentation. The aim is to minimize the administrative burden of implementing the GEMS expansion while providing opportunity and flexibility for other entities, besides the SVB, to request service from the Agency.

Looking forward, the Agency will be presenting the draft ordinance to its committees, Directors, and Supervisors for direction. Meanwhile, the SVB will be working with its committees and Directors to vet its draft list of requested deliverables. Together, the Agency and SVB will continue outreach to stakeholders to solicit feedback on these draft documents and proposed approach. We aim to have the ordinance and associated supporting documents finalized by late summer for implementation this coming November 1, 2024.

Attachments:

- A Draft Agency Ordinance
- The SVB Draft List of Requested Deliverables
- A Draft GEMS Expansion Implementation Timeline

ORDINANCE NO. _____

AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY TO REPEAL ORDINANCE NUMBERS 3660, 3717, AND 3718, AND ADOPT WELL REGISTRATION AND EXTRACTION REPORTING REQUIREMENTS

County Counsel Summary

This Ordinance repeals Ordinance Numbers 3660, 3717, and 3718, which established Monterey County Water Resources Agency's ("Agency") well registration and extraction reporting regulations for certain areas of the Salinas Valley. This Ordinance adopts new Agency regulations to establish the authority to require well owners and operators within Monterey County to register wells with the Agency, and periodically report well extraction data if further action is taken by the Agency Board of Supervisors by resolution. This Ordinance also allows the Agency to enter into groundwater management support service agreements to provide groundwater monitoring and data reporting with requesting entities. The Ordinance also provides for Agency collection of a regulatory fee to be set by resolution of the Agency Board of Supervisors. Lastly, the Ordinance provides for a variance process, and establishes penalties for violations.

The Board of Supervisors of the Monterey County Water Resources Agency ordains as follows:

SECTION 1. Findings and purpose.

A. Pursuant to authority granted to it by the Monterey County Water Resources Agency Act, California Water Code, Appendix Chapter 52, on January 26, 1993, the Board of Supervisors ("Board") of the Monterey County Water Resources Agency ("Agency") adopted Ordinance Number 3660, which enacted new registration provisions for groundwater extraction facilities with a discharge pipe having an inside diameter of at least three inches in Agency Zones 2, 2A, and 2B.

B. On February 2, 1993, the Agency Board adopted Ordinance Number 3663, which enacted groundwater extraction reporting requirements in Agency Zones 2, 2A and 2B in the Salinas Valley Groundwater Basin, commonly known as the Groundwater Extraction Reporting System ("GEMS").

C. On July 27, 1993, the Agency Board adopted Ordinance Number 3696, which amended portions of Ordinance Number 3663 to advance the time by which flow meters must be installed in certain areas.

D. On October 5, 1993, the Agency Board adopted Ordinance Numbers 3717 and 3718, repealing Ordinance Numbers 3663 and 3696, but reestablishing GEMS requirements in Agency Zones 2, 2A, 2B which encompass a portion of the Salinas Valley Groundwater Basin.

E. Since 1993, the Agency has been collecting GEMS data subject to the provisions of Ordinance Numbers 3717 and 3718, and has consistently produced annual reports thereafter, including ordinance mandated agricultural and urban water conservation plan reports.

F. In the fall of 2014, the California State Legislature adopted, and the Governor signed into law, three bills commonly known as the Sustainable Groundwater Management Act (“SGMA”) generally set forth in Water Code section 10720 *et seq.*

G. SGMA was signed into law mandating the sustainability of groundwater basins throughout the state by at least 2040 for “high priority basins in a critical state of overdraft”, and 2042 for “high priority” and “medium priority” basins, as determined by the Department of Water Resources (“DWR”).

H. SGMA assigns responsibility to the DWR for regulatory oversight through the evaluation and assessment of groundwater sustainability plans (“GSPs”), and the provision of ongoing assistance to local agencies through the development of best management practices, guidance, planning assistance, technical assistance, and financial assistance.

I. SGMA provides for the formation of local groundwater sustainability agencies (“GSAs”) to formulate and implement GSPs throughout the state, in lieu of county or state control.

J. DWR has identified five groundwater basins, and six subbasins, in Monterey County. There are six GSAs in Monterey County, all dependent upon groundwater data to inform, develop, implement, update, and demonstrate to the DWR progress of their GSPs towards sustainability, that may want to engage and leverage the existing institutional knowledge, data collection and reporting practices of the Agency.

K. The Agency Board hereby adopts this Ordinance to affirm the Agency’s roles and responsibilities with regard to the monitoring and reporting of groundwater status in Monterey County; to authorize well registration and extraction quantity reporting for its own purposes, and at the request of other entities with groundwater management responsibilities; to establish a regulatory fee to support implementation of this Ordinance; and to promote improved service to stakeholders dependent upon Monterey County’s groundwater resources.

L. This Ordinance is entitled to a categorical exemption of the California Environmental Quality Act (“CEQA”) pursuant to 14 California Code of Regulations section 15306, which exempts: “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.” This Ordinance will allow for continued and new groundwater extraction data reporting to aid the Agency and other entities engaged in the management and scientific investigation of groundwater resources within Monterey County. Specifically, the groundwater extraction data will provide information concerning groundwater level, usage, and quality. If any projects stem of the use of this data, such project will appropriately be evaluated under CEQA.

SECTION 2. Authority.

A. The Agency’s enabling legislation is located at California Water Code, Appendix Chapter 52, and the Agency’s authority and jurisdiction derive from this legislation.

B. The Agency has jurisdiction over matters pertaining to water within the entire area of Monterey County, including both incorporated and unincorporated areas. The Agency has authority to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply. For those purposes, the Agency has the right of access through its authorized representatives to all properties within the Agency and may enter upon those lands and make examinations, surveys, and maps thereof.

C. The Agency Board of Supervisors may adopt, by ordinance, reasonable procedures, rules, and regulations to implement the Agency Act, and may specify that a violation of an ordinance is an infraction. The Agency Board further has power to perform all other acts necessary or proper, including, as allowed by law, establishing fees, taxes, or assessments to be levied and collected, to accomplish the purposes of the Agency Act and this Ordinance.

SECTION 3. Repeal.

The Board of Supervisors of the Monterey County Water Resources Agency hereby repeals Ordinance Numbers 3660, 3717, and 3718, which enacted similar but not identical provisions, and adopts this Ordinance as fully described herein.

SECTION 4. Definitions.

- A. “Agency” means the Monterey County Water Resources Agency.
- B. “Agency Act” means the Monterey County Water Resources Agency Act, California Water Code, Appendix Chapter 52 (Stats. 1990, Chap. 1159).
- C. “Board” means the Board of Supervisors of the Monterey County Water Resources Agency.
- D. “County” means the County of Monterey.
- E. “Monterey County” means the geographical area of Monterey County.
- F. “Requesting Entity” means an entity engaged in the management of groundwater resources within Monterey County, either through the monitoring and reporting of groundwater level, usage, and/or quality data; scientific investigations; or in the administration and compliance of a regulatory program(s).
- G. “Water Year” means the 12-month period between October 1, of any given year, through September 30, of the following year, as defined by the United States Geological Survey.
- H. “Well” means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. “Well” includes abandoned wells, inactive wells, monitoring wells, and observation wells. For the purposes of this ordinance,

“well” does not include: (1) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; (2) wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments; (3) cathodic protection wells; or (4) test wells or dry wells.

I. “Well Operator” means a person or entity to whom the rights to occupy and control a property and the use of its resources, including groundwater, have been transferred by the Well Owner.

J. “Well Owner” means a landowner or landowners that have the legal right to possess, occupy, and control property and the use of its resources, including groundwater, and bear the ultimate responsibility for any Well subject to this Ordinance.

SECTION 5. Provision of Services.

Upon mutual agreement between the Agency and any Requesting Entity, the Agency may provide groundwater monitoring, data reporting, and groundwater management support services. Such action shall be taken by Board approval.

SECTION 6. Well Registration.

A. All permits, which are required to construct, repair, alter, or destroy a Well in Monterey County, are issued by the County pursuant to Monterey County Code Chapter 15.08. The Agency collaborates with the County during the application review process for many, but not all, Wells, and will rely upon information provided to the County to fulfill this Ordinance’s registration requirements, to the extent practicable, as determined solely by the Agency.

B. The Agency may, for its own purposes, require registration of Wells within Monterey County for the purposes of implementing this Ordinance or for any other authority under the Agency Act. Such action shall be taken through a Board resolution.

C. The Agency may require registration of Wells within Monterey County on behalf, and for the purpose of implementing a policy or program, of a Requesting Entity, pursuant to an executed agreement between the Agency and Requesting Entity. Such action shall be taken through a Board resolution.

D. No Well Owner or Well Operator may operate or maintain a Well that is subject to this Ordinance, unless the Well is first registered with the Agency.

E. A Well Owner or Well Operator must properly register within 30 days of a request by the Agency to do so, in a manner prescribed by the Agency, with such request being acceptably transmitted through direct written correspondence with the Well Owner or Well Operator.

F. The Agency may periodically require Well Owners or Well Operators to update registration information. No Well Owner or Well Operator may operate or maintain a Well that is subject to this Ordinance if the requested information has not been properly and timely provided to the Agency. Notwithstanding, Well Owners or Well Operators shall provide updated Well

registration information to the Agency within 30 days of a change to the Well Owner's name or contact information, the Well Operator's name or contact information, or upon completion of a change to the physical structure of the Well.

G. Upon proper completion of registration, the Agency will issue a certificate of registration to the Well Owner and the Well Operator, if applicable.

H. If a Well subject to this Ordinance is abandoned, the Well Owner or Well Operator shall report such abandonment to the Agency within 30 days of abandonment. The report shall indicate the steps taken to comply with all legal requirements regarding such abandonment.

SECTION 7. Extraction Reporting.

A. The Agency may, for its own purposes, require reporting of groundwater extraction quantities from Wells within Monterey County for the purposes of implementing this Ordinance or for any other authority under the Agency Act.

B. The Agency may require reporting of groundwater extraction quantities within Monterey County on behalf, and for the purpose of implementing a policy or program, of a Requesting Entity, pursuant to a written, executed agreement between the Agency and Requesting Entity. Such action shall be taken by Board approval.

C. The Agency, for its own purposes or on behalf of a Requesting Entity, may adopt and periodically revise, a Board resolution establishing acceptable standards and methods for measuring the extraction of groundwater. Every Well Owner or Well Operator required to report groundwater extractions shall meet the requirements of such resolution and request approval from the Agency of their measurement method, on a per Well basis.

D. Every Well Owner or Well Operator subject to reporting is required to keep records tallying the total monthly extraction of groundwater, per Well, and to report those extractions in a manner prescribed by the Agency. The annual reporting period shall be the Water Year.

E. Every Well Owner or Well Operator required to report groundwater extractions must do so no later than November 1, following each Water Year, in a manner prescribed by the Agency. Any Well Owner or Well Operator may report more frequently for convenience or if required by Agency Board resolution. In addition, the report shall include any information necessary to keep Well registration information current.

F. Every Well Owner or Well Operator required to report groundwater extractions must exercise due diligence to maintain and promptly repair all approved measuring equipment. In the event of a measuring method failure, the Well Owner or Well Operator shall immediately notify the Agency in writing to report the data gap and to determine if utilization of one of the alternate methods of measurement authorized by Agency policy is practicable, if restoration of the primary measuring method cannot be achieved within one week of failure. The Agency may impose an alternative measurement method if the Well Owner or Well Operator fails to address a measuring failure within two weeks. The Agency may calculate an unmeasured extraction value

by averaging usage from the month before and after to fill a data gap, or by averaging historical usage over the same period, if available. The Well Owner is ultimately responsible for the maintenance and prompt repair of all approved measuring equipment and any costs incurred by the Agency to impose an alternative measurement method will be billed to the Well Owner.

G. The Agency may, from time to time, test the accuracy of extraction measuring methods approved for Wells subject to this Ordinance, to ensure that measuring methods and equipment remain operational and in conformity with acceptable standards, as defined by the Agency. The Agency may, for its own purposes or on behalf of a Requesting Entity, develop policies and procedures through Board resolution, which may include random sampling, to ensure consistent and equitable measurement of extractions. If a measuring method is determined to be inaccurate, the Agency shall immediately notify the Well Owner or Well Operator in writing to determine if utilization of one of the alternate methods of measurement authorized by the Agency is practicable, if proper calibration of the primary measuring method cannot be achieved within one week. The cost to correct the calibration a measuring method shall be borne by the Well Owner or Well Operator. The Agency may impose an alternative measurement method if the Well Owner or Well Operator fails to address a measuring inaccuracy within two weeks. The Agency may recalculate an extraction value based upon the measured discrepancy and revise Well extraction data up to the beginning of the then current Water Year. The Well Owner is ultimately responsible for the maintenance and prompt repair of all approved measuring equipment and any costs incurred by the Agency to correct an inaccuracy or impose an alternative measurement method will be billed to the Well Owner.

H. The Agency may, from time to time, for its own purposes or on behalf of a Requesting Entity, require additional data pertaining to a particular well, extraction measuring method, or groundwater extraction. Any Well Owner or Well Operator receiving a written request by the Agency shall, within 30 days of receipt of the request, provide the information requested.

I. Extraction data obtained through this Ordinance shall be used only for purposes consistent and compatible with the authorities of the Agency. Access and distribution of personally identifiable information will be restricted to the fullest extent allowed by law.

SECTION 8. Variance.

A. Any Well Owner or Well Operator may, at any time, apply in writing for a variance from the strict application of this Ordinance. The application for the variance shall be filed with the Agency, on a form prescribed by the Agency. The Agency General Manager may dispense with the requirement of a written application upon finding that an emergency condition requires immediate action on the variance request.

B. The Well Owner or Well Operator shall submit an action plan within 30 days after the variance request is filed, describing how and when the Well Owner or Well Operator will comply with this Ordinance without the need for a variance. Compliance with this plan, as presented by the Well Owner or Well Operator, or as modified by the General Manager, shall be a condition of granting the variance.

C. The Agency General Manager may grant a variance to the terms of this Ordinance upon making both of the following written findings:

1. The strict application of this Ordinance would create an undue hardship, or an emergency condition requires that the variance be granted; and
2. Granting the variance will not cause a significant adverse effect on the water supply or on service to other water consumers and will not cause a significant loss in the accuracy or completeness of groundwater extraction provided to the Agency.

D. In granting a variance, the Agency General Manager may impose time limits and any other conditions in order to ensure that the variance is consistent with this Ordinance. The variance, and all time limits and other conditions attached to the variance, shall be set forth in writing, and a copy of the written variance shall be provided to the Well Owner or Well Operator. The decision of the Agency General Manager shall be final.

E. No Well Owner or Well Operator shall operate or maintain a Well for which a variance has been granted hereunder, or use water therefrom, in violation of any of the terms or conditions of the variance.

SECTION 9. Recovery of Regulatory Program Costs.

The Agency may, for its own purposes, allocate and recover costs associated with the development, implementation, update, enforcement, and perpetuation of regulatory groundwater management activities on a per-Well basis within Monterey County for the purposes of implementing this Ordinance. Such regulatory fees shall be as established by a resolution of the Board.

SECTION 10. Enforcement and Penalties.

A. No Well Owner or Well Operator shall operate or maintain a Well, or use water therefrom, in violation of this Ordinance.

B. Any Well Owner or Well Operator who violates any provision of this Ordinance is guilty of an infraction.

C. Any violation of this Ordinance is hereby declared to be a public nuisance. The Agency may commence civil proceedings to abate such nuisance and seek civil penalties which may be imposed by a court against persons found by the court to have committed the nuisance.

D. Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

E. Any Well Owner or Well Operator who violates any provision of this Ordinance is guilty of an infraction and shall be assessed: (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of

this Ordinance within one year of the first violation; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this Ordinance within one year of the first violation.

F. Any Well Owner or Well Operator who violates this Ordinance shall be liable for the cost of enforcement, which shall include, but need not be limited to, the cost of investigation, court costs, attorney’s fees, and the cost of monitoring future compliance.

SECTION 11. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Agency Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 12. Effective Date.

This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of ____ 2024, by the following vote:

AYES:
NOES:
ABSENT:

Glenn Church
Chair, Monterey County Water Resources Agency
Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

<p>APPROVED AS TO FORM</p> <p>Kelly L. Donlon Assistant County Counsel</p>

Draft list of SVBGSA requests for MCWRA GEMS and Well Registration

- Initial agreement between SVBGSA and MCWRA with annual opportunities to update
- Scope of work will develop over the next 2 years

Desired Deliverables:

- Comprehensive database of wells (location, type, depth, status) for SVBGSA's jurisdiction
- Accurate and reliable groundwater extraction data for SVBGSA's jurisdiction (non-de minimis users¹ for now)
- Data by well and reports by subbasin and basin
- Agricultural Wells: Summary of irrigated acres and subbasin
- Domestic Wells: Water system name, number of connections to water system and subbasin
- Data also reported to eWRIMS (to eliminate double counting)

Groundwater Extraction Data

Timing (Changes to existing GEMS program will be phased in)

- Reporting period:
 - Water Year - October thru the following September of any given year.
- Reporting increment:
 - Monthly
- Data reporting timeframe:
 - Water Year data available by March the following year

Data Collection

- Extraction by all non-de minimis users within SVBGSA's jurisdiction
 - agricultural users (WY25)
 - domestic users (15+ connections) (WY25)
 - domestic users (5-14 connections) (WY26)
- Method:
 - Well owners can report extractions based on flowmeters, electrical meters, or hour meters.
 - Develop outline of the process for SVBGSA to ask MCWRA for a different or specific data collection method
 - Calibration- To be developed further
 - Field calibration of flowmeters
 - Assessment of correct flowmeter placement and installation

¹ "De minimis extractor" is defined in Water Code Section 10721 (e) to be "a person who extracts, for domestic purposes, two acre-feet or less per year."

- Use appropriate calibration equipment to compare flow measurements (example: Panametrics PT900)
- Develop meter standards
- Pump tests for calibration of electrical meter reporting

Well Registration

Develop a shareable (inter-Agency) well database that contains the following fields:

- Well identification (Facility Code, State Well ID, and Owner Well ID)
- Well owner name and address
- Well operator name and address
- Well status (i.e. active, inactive, abandoned, standby, destroyed)
- APN
- Well location (Lat, Long)
- Groundwater basin
- Construction/Physical characteristics (driller, construction date, drilling method, depth, reference point elevation, depth of screens and seals)
- Primary water use (domestic, irrigation, municipal, commercial, other)
- Associated appurtenances (meter type and serial number, pumps, boosters)
- Geologic log (geologic descriptors based on well completion report and well completion report number) Link to Well Completion Report (if applicable)
- Program types (GEMS, groundwater level, groundwater quality)

Database already exists but additional data to be added to reflect all wells.

Associated Workstreams:

- Outreach
- WRA Funding/Well Fees
- Database or data collection tool interface
- Data management (long-term)
- Investigating data gaps / field verification of wells
- Inter-agency coordination (EHB, Pres Inc)

Well Registration and GEMS Activities		FY 2024	FY 2024	FY 2024	FY 2024	FY 2025	FY 2025	FY 2025	FY 2025	FY 2026	FY 2026	FY 2026	FY 2026	FY 2027	FY 2027	FY 2027	FY 2027	
		Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep
		Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025	Q1 2026	Q2 2026	Q3 2026	Q4 2026	Q1 2027	Q2 2027	
GEMS Expansion Extraction Data Collection	Development of new ordinance, agreements and policies																	
	Stakeholder outreach (general information about ordinance and includes well registration general information)-MCWRA's ordinance																	
	Adoption of new ordinance																	
	Development of agreements, policies																	
	Stakeholder outreach (agreement, what SVBGSA is asking for from MCWRA)-																	
	Joint agency outreach																	
	Adoption of new agreement (between WRA and GSA)																	
	Adoption of a new policy (WRA) (same time as agreement)																	
	GEMS Data Collection in Expansion Areas																	
	Contact Ag well owners (see steps in well reg)																	
	Contact water system managers (see steps in well reg)																	
	Collection of data for WY 2025 (1st GEMS collection year for expansion area)																	
GEMS Expansion and Enhancement Feasibility Report											SGM R2 D							
Submission of data for WY 2025 (1st GEMS collection year)																		
Collection of data for WY 2027 (1st GEMS collection year all areas)																		
Well Registration Require registration of all production wells (including de minimis) with MCWRA	Desktop Data Collection																	
	Develop list of parcel APNs by searching all existing databases																	
	Data Assessment																	
	SVBGSA sets goals on data acquisition targets without initial data (goes into agreement)																	
	Analyze data and data gaps: agricultural wells, wells with partial data, etc., WCR, small water systems, etc.																	
	Well Registration Program Report (includes SVBGSA's reassessment of goals on data acquisition targets - what is feasible-how much will it cost)																	
	Data management scoping (portal, well registration, 3rd party option)																	
	Data Management Tool Development																	
	- mapping / data collection tool																	
	- stakeholder input (outreach or potential web-based tools)																	
	Outreach Activities and Data Solicitation																	
	Develop outreach strategy for various audiences																	
	- Ag well owners																	
	- Water systems with 5-15 connections																	
	- De Minimis users less than 2 AF (single well owners and 2-4 connections)																	
	Domestic (larger than 15), New Ag Wells																	
	Outreach to add extractors to current GEMS portal																	
	- Send letters (describe new ordinance, new requirements)																	
	- Field visits by staff (collect GPS Coordinates for well)																	
	- Create new record for each well, add to portal																	
	- Offer GEMS portal training																	
	De Minimis Users (single well owners - 2-4 connections)																	
Workshop about Well Reg																		
Outreach to confirm domestic well reg data with new or updated data management tool																		
Small System Domestic Wells (less than 15 connections)																		
Workshops about Well Reg and GEMS																		
Outreach to confirm domestic well reg data with new or updated data management tool																		
Outreach on extraction reporting 6-15 connections																		

L: Langley Aquifer Subbasin
M: Monterey Subbasin
E: Eastside Aquifer Subbasin
UV: Upper Valley Aquifer Subbasin
F: Forebay Aquifer Subbasin
180/400: 180/400-Foot Aquifer Subbasin

Work related to outreach
Work related to WRA Ordinance, Agreements and Policies
Work related to data collection & analysis

SGM R1: Sustainable Groundwater Management Round 1 Implementation Grant (End date for activities March 2025)
SGM R2: Sustainable Groundwater Management Round 1 Implementation Grant (End date for activities March 2026)
"D": Grant Deliverable

DRAFT



County of Monterey

Item No.6

Board Report

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

Legistar File Number: WRAPA 24-007

May 03, 2024

Introduced: 4/17/2024

Current Status: Agenda Ready

Version: 1

Matter Type: WRA P&A Item

Set next meeting date and discuss future agenda items.