



Monterey County

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Board Report

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Introduced: 3/14/2016

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Current Status: Consent Agenda

Matter Type: General Agenda Item

- a. Find that the proposed actions are not projects per CEQA Guideline Sections 15060 (c)(3) and 15378(b)(4);
- b. Ratify the Intergovernmental Cooperation Act Agreement 15WSZG000154386, OPA Number ICA # 15-4386 wherein the United States Geological Survey (USGS) have and shall continue to participate on a Technical Advisory Committee (TAC) for the Salinas River Groundwater Basin (SRGB) Investigation;
- c. Approve a cooperative water resources program between the County of Monterey (County) and the USGS as described in the attached workplan entitled: "Salinas River Groundwater Basin Investigation, Salinas Valley, California";
- d. Approve Joint Funding Agreement (JFA) 16WSCA600466210 between the County and the USGS in the amount of \$757,330 for work performed during the period of January 1, 2016 to October 31, 2019;
- e. Authorize the Resource Management Agency Director to execute JFA 16WSCA600466210;
- f. Approve Professional Services Agreement with Martin B. Feeney to provide facilitation of the TAC and management of the Stakeholders Facilitation/Outreach efforts associated with the SRGB Zone 2C Study required by Policy PS-3.1 of the 2010 Monterey County General Plan in an amount not to exceed \$139,420, from date last signed to June 30, 2017; and
- g. Authorize the Resource Management Agency Director to execute Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

RECOMMENDATION:

- a. Find that the proposed actions are not projects per CEQA Guideline Sections 15060 (c)(3) and 15378(b)(4); and
- b. Ratify the Intergovernmental Cooperation Act Agreement 15WXZG000154386, OPA Number ICA #15-4386 wherein the United States Geological Survey (USGS) have and shall continue to participate on a Technical Advisory Committee (TAC) for the Salinas River Groundwater Basin (SRGB) Investigation; and
- c. Approve a cooperative water resources program between the County of Monterey (County) and the USGS as described in the attached workplan entitled: "*Salinas River Groundwater Basin Investigation, Salinas Valley, California*"; and
- d. Approve Joint Funding Agreement (JFA) 16WSCA600466210 between the County and the USGS in the amount of \$757,330.00 for work performed during the period of January 1, 2016 to October 31, 2019; and
- e. Authorize the Resource Management Agency Director to execute JFA 16WSCA600466210; and
- f. Approve Professional Services Agreement with Martin B. Feeney to provide facilitation of the TAC and management of the Stakeholders Facilitation/Outreach efforts associated with

- the SRGB Zone 2C Study required by Policy PS-3.1 of the 2010 Monterey County General Plan, in an amount not to exceed \$139,420, from date last signed to June 30, 2017; and
- g. Authorize the Resource Management Agency Director to execute Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

SUMMARY/DISCUSSION:

On July 1, 2014, the Board of Supervisors (BOS) approved PSA No. A-12740 with Brown and Caldwell to perform the 2010 General Plan Zone 2C Study (hereinafter, "SRGB Investigation") in an amount not to exceed \$773,873 for a term from July 3, 2014 through the completion of the study.

On May 8, 2015, the Resource Management Agency (RMA) entered into an Intergovernmental Cooperation Act Agreement with the USGS for their participation in the SRGB Investigation. It was originally thought that the USGS would be a subcontractor to Brown and Caldwell and participate under Task 10, Technical Advisory Committee Agenda and Management, of the original Professional Services Agreement (PSA). However, the USGS informed the County they could not act as a subcontractor with a private firm or a non-governmental agency. Due to the nature of the SRGB Investigation the RMA did not believe it could procure these services being requested reasonably and expeditiously through ordinary business channels. The Agreement in the amount of \$21,786 will expire on April 1, 2019. Funding for these services is over and above the original PSA with Brown and Caldwell. USGS, in good faith, has performed work under Task 10 in the amount \$10,016 and staff is recommending ratifying and approving the Intergovernmental Cooperation Act Agreement 15WSZG000154386 which will enable the County to proceed with paying the USGS invoices totaling \$10,016. This will leave an available balance of \$11,770.

On July 14, 2015, the BOS approved Amendment No. 1 to PSA No. A-12740 to allow for additional task associated with the 2010 General Plan SRGB Zone 2C Study for and additional amount of \$462,284 and a total not to exceed \$1,236,157.

On February 1, 2016 Brown and Caldwell and the County mutually decided to terminate PSA No. A-12740 due to the resignation of key project personnel from Brown and Caldwell and the opportunity to leverage federal support from the USGS for the Study.

Brown and Caldwell has completed all tasks for Project 1, Near Term Assessment of the Groundwater Basin's Health and Status, and a significant amount of work on Project 2, Five Year Basin Study. Total billing submitted from Brown and Caldwell on Project 1 and Project 2 of the Study has been approximately \$567,233. Brown and Caldwell has facilitated the transfer of all project files and materials from the Study to the County. In order to complete the Study, the County proposes to change its approach on completing this project by entering into a JFA with the USGS. USGS is world renowned for its modeling capabilities and they possess the necessary expertise and background regarding the SRGB. USGS has agreed to the timeline and final deliverables of the original Brown and Caldwell PSA, as described in the proposed 2010 General Plan settlement agreements at a cost of \$757,300.

As described in the attached workplan, the USGS will:

1. Refine the geohydrologic framework of the Salinas Valley.
2. Develop integrated hydrologic modeling tools to help evaluate and manage water resources.
3. Quantify the historical hydrologic budget of the valley and evaluate total water demand for existing and future uses.
4. Incorporate climate model results into the integrated model and evaluate the potential effects of climate.

Staff is also recommending entering into a PSA with Martin B. Feeney. Brown and Caldwell had retained Martin B. Feeney as a subcontractor to provide management of the TAC.

In order to complete the TAC and Stakeholder outreach and facilitation for the Study, the County proposes to contract with Martin B. Feeney, who has the necessary expertise and background to continue providing these services.

As described in the attached scope of work, Martin B. Feeney will:

1. Provide management and facilitation services for TAC meetings.
2. Document TAC meetings and serve as coordinator for TAC communications.
3. Provide outreach to stakeholders in the form of written communications.
4. Gather data from and identify questions and issues from stakeholders.
5. Coordinate and facilitate small and large-group meetings of stakeholders.

The change in approach by having the USGS take on performing the work and continuing the services for Martin B. Feeney will increase the total costs for the study by \$227,797. The revised project budget will increase from \$1,236,157 to \$1,463,954. This revised project takes into consideration the current amount paid to Brown and Caldwell of \$567,234, the estimated costs for USGS of \$757,300 and the Martin B. Feeney PSA of \$139,420.

The execution of the agreements to complete the development of the SRGB Investigation report will support County Counsel and RMA 2011- 2015 Strategic Initiatives (SI) No. 16. The two SI's state:

SI 16. Complete the 5-Year Report related to the General Plan Policy PS-3.1.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed actions are not projects under CEQA per CEQA Guideline Sections 15060 (c) (3) and 15378(b) (4). The actions create funding mechanisms and will not result in a potentially significant physical impact on the environment.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel, Auditor-Controller Office and Risk Management have reviewed and approved JFA 16WSCA600466210 and the PSA with Martin B. Feeney as to form and legality, and fiscal and liability provisions, respectively. Monterey County Water Resources Agency is providing, under a Memorandum of Understanding with the County, technical and managerial support to the SRGB Investigation.

FINANCING:

There may be an additional impact to the General Fund as a result of the above actions. As part of the RMA-Planning Fiscal Year (FY) 2015-16 Budget adoption, the BOS approved an increase in the appropriations of \$1,000,000 towards the General Plan Implementation (GPI). This increase in appropriations is anticipated to continue as part of an augmentation in RMA-Planning for FY 2016-17 which will include the increase projects costs for SRGB less any potential grant reimbursements noted below. The remaining balance of the General Liability Internal Services Fund (ISF) of \$430,351 will continue to be required to offset the project costs for the same amount that was approved under Amendment No. 1 to Brown and Caldwell's PSA in the amount of \$462,284.

The balance remaining on Brown and Caldwell's PSA is \$668,923, made up of \$238,572 (GPI) and \$430,351 (ISF) with a final close-out invoice pending. The USGS proposal has come in at \$757,300, an increase of \$88,377 as a result of changing contractors plus the additional \$21,786 under agreement 15WSZG000154386. In addition, staff is processing a contract with Martin B. Feeney, a private consultant, who is a licensed Professional Geologist, Engineering Geologist and Certified Hydrogeologist for project facilitation of the TAC, management and public outreach in the amount of \$139,420. The increase in project cost from the change in consultants as well as facilitation cost total \$249,583. This increase will be funded out of the RMA-Planning General Fund GPI in FY 2015 -16. The RMA has included similar funding for consideration as part of an FY 2016-17 augmentation request.

The California Department of Water Resources (CDWR) has received a grant application and recommended funding for the County's SRGB Investigation through the "Sustainable Groundwater Planning Grant Program for Counties with Stressed Basins" in the amount of \$250,000 which is anticipated to be awarded in FY 2016-17 and if received these grant funds would be used to offset expenditures incurred against the General Fund GPI funds.

Potential additional federal matching funds from the USGS of approximately \$68,300 may also become available during the Federal FY 2017 in which also may be used to offset expenditures incurred towards the SRGB.

At a "stakeholder's" meeting, there was a request that the County contract with "qualified" professionals to develop 2030 and 2042 land use projections for the modeling. This is not being considered at this time and would require separate action by the Board.

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Approved by: Carl P. Holm, AICP, RMA Director
Leslie J. Girard, Chief Assistant County Counsel

This report was prepared with the assistance of Shawne Ellerbee, Finance Manager III, and Lori

Woodle, Finance Manager I

Attachments: Attachment A - Salinas River Groundwater Basin Zone 2
Study Project Budget Summary

Attachments (on file with the Clerk of the Board):

1. Intergovernmental Cooperation Act Agreement 15WSZG000154386
2. Workplan for the “*Salinas River Groundwater Basin Investigation, Salinas Valley, California*”
3. Joint Funding Agreement 16WSCA600466210
4. Professional Service Agreement with Martin B. Feeney

cc: Mike Novo, Resource Management Agency Director of Planning
Dave Chardavoyne, Water Resources Agency General Manager
Robert Johnson, Water Resources Agency Assistant General Manager
Howard Franklin, Water Resources Agency Senior Hydrologist
Lucila Sanchez, CAO - Budget & Analysis Division Budget Analyst