

County of Monterey

*Board Chambers
168 W. Alisal St., 1st Floor
Salinas, Ca 93901*



Meeting Agenda

Monday, November 20, 2023

12:00 PM

Water Resources Agency Board of Directors

*John Baillie, Chair
Mike LeBarre, Vice Chair
Mark Gonzalez
Deidre Sullivan
Ken Ekelund
Mike Scattini
Jason Smith
Matt Simis
Marvin Borzini*

Participation in meetings:

You may attend the Board of Directors meeting through the following methods:

1. You may attend in person

2. Attend via Zoom (info below) or observe the live stream of the Board of Directors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19 or <http://www.mgtvonline.com/>

**3. For ZOOM participation please join by computer audio at:
<https://montereycty.zoom.us/j/99769079850>**

OR to participate by phone call any of these numbers below:

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US

+1 301 715 8592 US

Enter this Meeting ID number: 997 6907 9850 when prompted. Please note there is no Participant Code, you will just press # 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.

PLEASE NOTE: IF ALL BOARD MEMBERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE BOARD OF DIRECTORS MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.

4. If you choose not to attend the Board of Directors meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Friday before the meeting.. Please submit your comment to the Secretary of the Board at WRAPubliccomment@co.monterey.ca.us In an effort to assist the Secretary in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Directors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

Participacion en Reuniones:

Puede asistir a la reunion de la Junta Directiva a traves de los siguientes metodos:

- 1. Podar asistir personalmente a la reunion; o,**
- 2. Asistir por Zoom (informacion a continuacion), que observe la transmisión de la reunión de la Junta Directiva en vivo por http://monterey.granicus.com/ViewPublisher.php?view_id=19 o <http://www.mgtvonline.com/>**
- 3. Para participar for ZOOM, por favor únase for audio de computadora por:**
[https://montereycty.zoom.us/j/997 6907 9850](https://montereycty.zoom.us/j/997%206907%209850)

O para participar for teléfono, llame a cualquiera de los números a continuación:

+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US
+1 301 715 8592 US

Cuando se le solicite, ingrese este número de reunión: 997 6907 9850. Por favor tenga en cuenta que no hay código de participante, simplemente presione # nuevamente después de que la grabación se lo indique.

Se le colocará en la reunion como asistente; cuando desee hacer un comentario público si esta unido por la computadora utilice la opción de levantar la mano en el chat de la pantalla; o por teléfono presione *9 en su teclado.

TENGA EN CUENTA: SI TODOS LOS MIEMBROS DE LA JUNTA ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES REQUERIDA POR LA LEY. SI EL FEED DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN DE LA JUNTA DIRECTIVA PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE.

- 4. Si prefiere no asistir a la reunión de la Junta Directiva pero desea hacer un comentario sobre algún tema específico de la agenda, por favor envíe su comentario por correo electrónico antes de las 5:00 p.m. el Viernes antes de la reunion.. Envíe su comentario al Secretario de la junta al correo electronico WRAPubliccomment@co.monterey.ca.us <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a identificar el artículo de la agenda relacionado con su comentario, por favor indique en la linea de asunto del correo**

electronico el cuerpo de la reunion (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, el Artículo No. 10). Su comentario se colocará en el registro de la reunion de esta Junta.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

Call to Order at 12:00 P.M.

Roll Call

Public Comments on Closed Session Items

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 1. *Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency, et al.* (San Luis Obispo Superior Court Case No. 19CVP-0010)
 2. *City of Marina vs. RMC Lonestar, et al.* (Monterey County Superior Case No. 20CV001387)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
Property: Recycled industrial wastewater
Agency Negotiator(s): Ara Azhderian, General Manager
Negotiating Parties: City of Salinas and Monterey One Water
Under negotiation: Price and terms.
- Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.*

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

Pledge of Allegiance

Public Comment

Consent Calendar

2. Approve the Action Minutes of October 16, 2023.

Attachments: [Draft BOD Minutes October 16, 2023](#)

3. Approve Amendment No. 2 to the Agreement for Services between Monterey County Water Resources Agency and Don Chapin Company, Inc. to increase the dollar amount by \$200,000 for a new contract total not to exceed \$385,000 for maintenance and repairs to Monterey County Water Resources Agency facilities related to storm events and restoration; and authorize the General Manager to execute the agreement. (Staff: Jennifer Bodensteiner)

Attachments: [Board Report](#)
[Amendment 2](#)
[Original Agreement for Services](#)
[Fund Agreement Number 22ERF06](#)
[Board Order](#)

4. Authorize the General Manager to provide a letter of support to the Water Research Foundation as part of its application to the U.S. Environmental Protection Agency for Funding Opportunity Number EPA-G2023-STAR-J1 “Research for Understanding PFAS Uptake and Bioaccumulation in Plants and Animals in Agricultural, Rural, and Tribal Communities.” (Staff: Amy Woodrow)

Attachments: [Board Report](#)
[Board Order](#)

Action Items

5. Consider approving Amendment No. 5 to the Agreement for Professional Services with AECOM Technical Services, Inc to increase the dollar amount by \$230,000 for a new contract total not to exceed \$1,225,588 to complete the seismic stability analysis work underway at Nacimiento Dam; and authorizing the General Manager to execute the amendment. (Staff Presenter: Mark Foxworthy)

Attachments: [Board Report](#)
 [Amendment No. 5](#)
 [Agreement for Professional Services](#)
 [Amendment No. 1, 2, 3, and 4](#)
 [Board Order](#)

6. Consider approving Amendment No. 6 to the Agreement for Professional Services with AECOM Technical Services, Inc to increase the dollar amount by \$420,673 for a new contract total not to exceed \$1,645,689 to complete the Plunge Pool Rock Outcrop Removal design at the Nacimiento Dam Spillway; and authorizing the General Manager to execute the amendment. (Staff Presenter: Mark Foxworthy)

Attachments: [Board Report](#)
 [Amendment No. 6](#)
 [Agreement for Professional Services](#)
 [Amendment No. 1, 2, 3, and 4](#)
 [Board Order](#)

7. Consider approving an Agreement for Services with Michael Frederick Paving Corporation for an amount not-to-exceed \$500,000 for general maintenance services including paving, grading, and general engineering contractor services at Agency facilities; and authorizing the General Manager to execute the contract. (Staff Presenter: Mark Foxworthy)

Attachments: [Board Report](#)
 [Agreement for Services](#)
 [Board Order](#)

8. Consider approving Amendment No. 1 to the Services Agreement with the Pajaro Regional Flood Management Agency for Maintenance and Repair Activities of the Pajaro River Federal Flood Control Project (“Project”) to extend the term for one year to December 1, 2024 and include additional emergency response activities; and authorize the General Manager to execute the amendment. (Staff Presenting: Shaunna Murray)

Attachments: [Board Report](#)
 [Service Agreement](#)
 [Amendment No.1](#)
 [Board Order](#)

Key Information and Calendar of Events

9. November, December 2023 and January 2024 Calendars.

Attachments: [November 2023](#)
 [December 2023](#)
 [January 2024](#)

General Manager's Report

10.
 - Personnel Update
 - Monterey One Water Reconciliation Update
 - SGMA Implementation Update
 - Dam Safety funding
 - Grant Application Update
 - Other

Committee Reports

Information Items

11. Update on Salinas Valley Water Conditions for the 4th Quarter of Water year 2022-2023. (Staff: Guillermo Diaz-Moreno)

Attachments: [Quarterly Report 4thQtr WY23](#)

12. Reservoir Storage Release Update. (Staff: Peter Kwiek)

Attachments: [Reservoir Storage Release Update Report](#)

Correspondence

13. 1. Letter dated November 15, 2023 to LTC Timothy W. Shebesta, District Commander and Engineer, from Mark Strudley, PRFMA Executive Director and Ara Azhderian, General Manager Monterey County Water Resources Agency RE: Pajaro River Federal Levee Project Left Bank Breach Repair Status
2. Letter dated November 8, 2023 to Ara Azhderian, General Manager, Monterey County Water Resources Agency from Eric N. Robinson, Kronick Moskowitz Tiedemann & Girard RE: Comments on Scope of Task 2 Work Plan for Salinas River Historical Benefits Analysis
3. Letter dated October 18, 2023 Planning Committee, Monterey County Water Resources Agency, from Christopher R. Guillen, Brownstein Hyatt Farber Schreck, LLP RE: WRA Planning Committee October 18, 2023 Meeting- Agenda Item No. 3, Progress Report on the 2023 Historical Benefits Analysis

Attachments: [PRFMA MCWRA LTR to USACE RE Repairs at Pajaro Levee](#)
[LTR SVW Coalition to WRA RE 2023 HBA Update](#)
[LTR BROWNSTEIN to MCWRA re 2023 HBAU](#)

Board of Directors Comments

Adjournment