

# County of Monterey

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



## Meeting Minutes

**Monday, April 26, 2021**

**11:00 AM**

**IMPORTANT COVID-19 NOTICE ON PAGE 2-4  
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4**

**SPECIAL MEETING**

## **Water Resources Agency Board of Directors**

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

### **Important Notice Regarding COVID-19**

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:

1. 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](mailto: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.
2. If you are watching the live stream of the Board meeting and 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 Secretary of the Board at [WRAPubliccomment@co.monterey.ca.us](mailto: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). 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.
3. For ZOOM participation please join by computer audio at:  
<https://montereycty.zoom.us/j/98035253884>  
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: 980 3525 3884 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.

#### **Aviso Importante Sobre COVID-19**

Esta reunión cumple con la Orden Ejecutiva N-29-20 del Gobernador Newsom que permite que los cuerpos legislativos locales tengan reuniones públicas electrónicas solamente, sin un lugar físico para la participación pública, accesibles solo por teléfono o electrónicamente (videoconferencia) para todos los miembros del público que busquen observar y dirigirse al cuerpo legislativo local, a fin de evitar reuniones públicas, y hasta nuevo aviso.

Basado en la guía del Departamento de Salud del Estado de California (California Department of Public Health) y de la Oficina del Gobernador, para minimizar la propagación del virus COVID 19, por favor haga lo siguiente:

1. 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 reunión. Envíe su comentario al Secretario de la junta al correo electrónico [WRAPubliccomment@co.monterey.ca.us](mailto: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 línea de asunto del correo electrónico el cuerpo de la reunión (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 reunión de esta Junta.
2. Si usted está observando la transmisión de la reunión de la Junta en vivo y desea hacer un comentario público general para artículos que no son parte de la agenda del día o para comentar en un artículo específico de la agenda mientras se está escuchando, envíe su comentario, con un límite de 250 palabras o menos, al Secretario de la Junta al correo electrónico [WRAPubliccomment@co.monterey.ca.us](mailto:WRAPubliccomment@co.monterey.ca.us) <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a identificar el artículo de la agenda del día relacionado con su comentario, por favor indique en la línea de asunto del correo electrónico el cuerpo de la reunión (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, al Artículo No. 10). Se hará todo lo posible para leer su comentario y hacerlo parte del registro de la Junta, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Cualquier comentario recibido después del artículo de la agenda se hará parte del registro de la reunión si es recibido antes de que termine la reunión.
3. Para participar for ZOOM, por favor únase for audio de computadora por:

<https://montereycty.zoom.us/j/98035253884>

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: 980 3525 3884. Por favor tenga en cuenta que no hay código de participante, simplemente presione # nuevamente después de que la grabación se lo indique.

4. 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.

#### Call to Order at 11:00 A.M.

Present: Directors John Baillie, Mike LeBarre, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, Jason Smith, Matthew Simis and Marvin Borzini

Absent : None

#### Public Comments on Closed Session Items

None

#### Recess to Closed Session

1. Closed Session under Government Code section 54950, relating to the following item:
  1. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager.
  2. Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of potential exposure to litigation.
  3. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
    - a. *Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County Water Resources, et al.* (San Luis Obispo County Superior Court case no. 19CVP-0010)

*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.*

**Reconvene Meeting at 1:00 P.M.**

**Present:** Directors John Baillie, Mike LeBarre, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, Jason Smith, Matthew Simis and Marvin Borzini  
**Absent :** None

**Pledge of Allegiance**

**Public Comment**

Eileen Edens

**Presentation**

**Consent Calendar**

Upon Motion by Director Ekelund and Second by Director Gonzalez the Board approved the Consent Calendar.

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini  
**Noes:** None  
**Absent:** None

2. "Update on Legislative Efforts to Include Dam Funding in Climate Resiliency Bonds"  
Presented by Ashley S. Walker, Senior Policy Advisor, Nossaman LLP

3. Approve the Action Minutes of March 15, 2021 and March 24, 2021

**Attachments:** Draft Action Minutes March 15, 2021  
Draft Action Minutes - Special Meeting March 24, 2021

4. Approve Amendment No. 1 to the Professional Services Agreement with ICF Jones & Stokes, Inc. for a term extension from July 1, 2021 to June 30, 2023; and authorize the General Manager to execute the Amendment.

**Attachments:** [Board Report](#)  
[Amendment No. 1](#)  
[Executed ICF Jones & Stokes Agreement](#)  
[Board Order](#)

5. Ratify the Annual Report to the U. S. Army Corps of Engineers for the Salinas River Stream Maintenance Program 2020 Work Season; and ratify the General Manager's execution of the

Certification of Compliance verifying compliance with the Terms and Conditions of the Regional General Permit.

**Attachments:**     [Board Report](#)  
                              [SMP Annual Report 2020 USACE - Final](#)  
                              [Signed USACE Certification of Compliance 2020](#)  
                              [Board Order](#)

**Scheduled Items**

6. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP);
  - b. Approve and adopt a FY 2021-22 COLA increase of 1.6% for the CSIP water delivery charge and water service charge;
  - c. Set and hold a public hearing on June 2, 2021 at 1:30 p.m. to consider approving and adopting assessment rate charges; and
  - d. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Attachments:**     [Board Report](#)  
                              [FY22 Public Hearing Notice Zones 2BYZ](#)  
                              [FY22 Resolution 2BYZ](#)  
                              [Board Order](#)

Upon Motion by Director Ekelund and Second by Director Sullivan the Board recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP);
- b. Approve and adopt a FY 2021-22 COLA increase of 1.6% for the CSIP water delivery charge and water service charge;
- c. Set and hold a public hearing on June 2, 2021 at 1:30 p.m. to consider approving and adopting assessment rate charges; and
- d. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini

**Noes:** None

**Absent:** None

**Public Comment:** George Fontes

7. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Zone 2C Operations and Maintenance of Nacimiento and San Antonio Dams, and Administration;

- b. Set and hold a public hearing on June 2, 2021 at 1:30 PM to consider approving and adopting assessment rate charges; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Attachments:**     [Board Report](#)  
                              [Public Hearing Notice Zone 2C](#)  
                              [Resolution Zone 2C](#)  
                              [Board Order](#)

Upon Motion by Director Gonzalez and Second by Director Smith the Board recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Zone 2C Operations and Maintenance of Nacimiento and San Antonio Dams, and Administration;
- b. Set and hold a public hearing on June 2, 2021 at 1:30 PM to consider approving and adopting assessment rate charges; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini

**Noes:** None

**Absent:** None

- 8. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
  - a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Flood Zones 1, 1A, 8, 9, 12, and 17; and
  - b. Set and hold a public hearing on June 2, 2021 at 1:30 PM to consider approving and adopting assessment rate charges; and
  - c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Attachments:**     [Board Report](#)  
                              [FY22 Public Hearing Notice Flood Zones 1](#)  
                              [FY22 Public Hearing Notice Flood Zones 1A](#)  
                              [Public Hearing Notice Flood Zone 8](#)  
                              [Public Hearing Notice Flood Zone 9](#)  
                              [Public Hearing Notice Flood Zone 12](#)  
                              [Public Hearing Notice Flood Zone 17](#)  
                              [Resolution Flood Zones 1&1A](#)  
                              [Resolution Flood Zones 8, 9, 12](#)  
                              [Resolution Flood Zones 17](#)  
                              [Board Order](#)

Upon Motion by Director LeBarre and Second by Director Smith the Board recommended that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve and adopt a FY 2021-22 cost of living adjustment (COLA) increase of 1.6% for Flood Zones 1, 1A, 8, 9, 12, and 17; and

- b. Set and hold a public hearing on June 2, 2021 at 1:30 PM to consider approving and adopting assessment rate charges; and
- c. Direct the Clerk of the Board of Supervisors to publish a hearing notice once a week for two consecutive weeks prior to the date set for the hearing.

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini  
**Noes:** None  
**Absent:** None

9. Consider approving and recommending that the Water Resources Agency Board of Supervisors approve the Monterey County Water Resources Agency Fiscal Year 2021-22 Requested Budget.

**Attachments:**     [Board Report](#)  
                              [FY22 Budget Book](#)  
                              [WRABOS Draft Resolution](#)  
                              [Board Order](#)

Upon Motion by Director Ekelund and Second by Director Sullivan the Board approved and recommended that the Water Resources Agency Board of Supervisors approve the Monterey County Water Resources Agency Fiscal Year 2021-22 Requested Budget.

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini  
**Noes:** None  
**Absent:** None

10. Consider adopting a Release Schedule for the Nacimiento and San Antonio Reservoirs for 2021.

**Attachments:**     [Board Report](#)  
                              [Draft Release Schedule 2021](#)  
                              [Board Order](#)

Upon Motion by Director LeBarre and Second by Director Sullivan the Board adopted a Release Schedule for the Nacimiento and San Antonio Reservoirs for 2021

**Ayes:** Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini  
**Noes:** None  
**Absent:** None

11. Consider adopting a resolution authorizing the General Manager to sign the “Opt Out Agreement” for individual wells under the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project; and authorize the General Manager to adjust language of the “Opt Out Agreement” template as may be necessary, upon the approval of County Counsel.

**Attachments:**     [Board Report](#)  
                              [Prop. 1 Opt Out Agreement Template](#)  
                              [Resolution](#)  
                              [Board Order](#)

This item was pulled from the Agenda by Brent Buche, General Manager.



12. Consider receiving a report on the methodology for prioritizing wells for destruction under the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project.

**Attachments:**     [Board Report](#)  
                              [1994 SGD Report](#)  
                              [Criteria and Weighting Approach](#)  
                              [Table 5 from 2017 Recommendations Report](#)  
                              [Right-of-Entry Agreement Template](#)  
                              [Board Order](#)

Upon Motion by Director LeBarre and Second by Director Scattini the Board received a report on the methodology for prioritizing wells for destruction under the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project.

Ayes: Directors Baillie LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis and Borzini

Noes: None

Absent: None

#### **Key Information and Calendar of Events**

13. April, May and June 2021 Calendars

**Attachments:**     April 2021  
                              May 2021  
                              June 2021

#### **General Manager's Report**

14.
  - COVID-19 Update
  - Personnel Update
  - Prop 218 Engineer's Report Update
  - Shandon - San Juan Water District Update
  - Other

#### **Committee Reports**

#### **Information Items**

15. Information Items:
1. Quarterly Conditions Report
  2. Reservoir Release Update
  3. Well Permit Application Activities Update

**Attachments:**      Quarterly Conditions Report  
                             Reservoir Release Update  
                             Well Permit Application Activities Update

**Board of Directors Comments**

**Adjournment**

The meeting adjourned at 3:16 p.m.