

Monterey County

Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Agenda - Final

Tuesday, August 18, 2020

10:30 AM

Special Meeting

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

Board of Supervisors of the Monterey County Water Resources Agency

Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5

Important Notice Regarding COVID 19

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. While the Board chambers remain open, you are strongly encouraged to observe the live stream of the Board of Supervisors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV or <https://www.facebook.com/MontereyCoInfo/>

If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals.

2. If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so in three ways:

a. submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at cob@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

b. if you are watching the live stream of the Board meeting, you may submit your comment, limited to 250 words or less, to the Clerk of the Board at publiccomment@co.monterey.ca.us. General public comment must be received during the General Public Comment item on the agenda, and comments on specific agenda items must be received as it is being heard. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors 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.

c. you may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/224397747>

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: 224397747 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.

3. Additional seating with audio of the Board meeting will be available in the Monterey Room on the 2nd floor of the County Government Center.

Aviso importante sobre COVID 19

Basado en la guía del Departamento de Salud Pública de California y la Oficina del Gobernador de California, para minimizar la propagación del virus COVID 19, haga lo siguiente:

1. Mientras las cámaras de la Junta permanecen abiertas, le recomendamos que observe la transmisión en vivo de las reuniones de la Junta de Supervisores en http://monterey.granicus.com/ViewPublisher.php?view_id=19, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV o <https://www.facebook.com/MontereyCoInfo/>

Si asiste a la reunión de la Junta de Supervisores en persona, deberá mantener un distanciamiento social apropiado, es decir, mantener una distancia de 6 pies entre usted y otras personas.

2. Si elige no asistir a la reunión de la Junta de Supervisores pero desea hacer un comentario público general o comentar un tema específico de la agenda, puede hacerlo de tres maneras:

a. envíe su comentario por correo electrónico antes de las 5:00 p.m. el lunes anterior a la reunión de la Junta. Envíe su comentario al Secretario de la Junta a cob@co.monterey.ca.us. En un esfuerzo por ayudar al Secretario a identificar el ítem de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Su comentario se colocará en el registro en la reunión de la Junta.

b. Si está viendo la transmisión en vivo de la reunión de la Junta, puede enviar su comentario, limitado a 250 palabras o menos, al Secretario de la Junta en publiccomment@co.monterey.ca.us. Los comentarios del público en general deben recibirse durante el elemento de Comentarios del público en general en la agenda, y los comentarios sobre los elementos específicos de la agenda deben recibirse mientras se escuchan. En un esfuerzo por ayudar al Secretario a identificar el ítem

de la agenda relacionado con su comentario público, indique en la línea de asunto, el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de ítem (es decir, el ítem No. 10). Se hará todo lo posible para leer su comentario en el registro, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Los comentarios recibidos después de un ítem de la agenda serán parte del registro si se reciben antes del final de la reunión.

c. Puedes participar a través de ZOOM. Para participar en ZOOM, únase por audio de computadora en: <https://montereycty.zoom.us/j/224397747>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

+1 669 900 6833 EE. UU. (San José)
+1346248 7799 EE. UU. (Houston)
+1312626 6799 EE. UU. (Chicago)
+1929205 6099 EE. UU. (Nueva York)
+1 253 215 8782 EE. UU.
+1301715 8592 EE. UU.

Ingrese este número de ID de reunión: 224397747 cuando se le solicite. Tenga en cuenta que no hay un Código de participante, simplemente presionará # nuevamente después de que la grabación lo solicite.

Se lo colocará en la reunión como asistente; cuando esté listo para hacer un comentario público si se une al audio de la computadora, levante la mano; y por teléfono presione * 9 en su teclado.

3. Los asientos adicionales con audio de la reunión de la Junta estarán disponibles en la Sala de Monterey en el segundo piso del Centro de Gobierno del Condado.

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

Please refer to the separate agenda for the Board of Supervisors

Pursuant to Governor Newsom's Executive Order No. N-29-20, some or all Supervisors may participate in the meeting by telephone or video conference.

10:30 A.M. - Call to Order

Roll Call

Pledge of Allegiance

Additions and Corrections by Clerk

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

General Public Comments

Consent Calendar

1. Authorize the General Manager of the Monterey County Water Resources Agency to sign the Habitat Conservation Plan Charter between the U.S Fish and Wildlife Service, National Marine Fisheries Service, and Monterey County Water Resources Agency.

Attachments: [Board Report](#)
[Draft Charter](#)
[Executed MCWRA Board Order](#)

2. Approve the Monterey County Board of Supervisors of the Monterey County Water Resources Agency Draft Action Meeting Minutes for the following meeting dates: Tuesday, March 17, 2020, Tuesday, March 24, 2020, Tuesday, May 5, 2020, Tuesday, May 12, 2020, Tuesday, May 19, 2020, Tuesday, June 2, 2020, Tuesday, June 9, 2020, Tuesday, June 16, 2020, Tuesday, June 23, 2020, Tuesday, June 30, 2020 and Tuesday, July 28, 2020.

- Attachments:** [DRAFT BoS of the MCWRA Minutes 3-17-2020](#)
[DRAFT BoS of the MCWRA Minutes 3-24-2020](#)
[DRAFT BoS of the MCWRA Minutes 5-5-2020](#)
[DRAFT BoS of the MCWRA Minutes 5-12-2020](#)
[DRAFT BoS of the MCWRA Minutes 5-19-2020](#)
[DRAFT BoS of the MCWRA Minutes 6-2-2020](#)
[DRAFT BoS of the MCWRA Minutes 6-9-2020](#)
[DRAFT BoS of the MCWRA Minutes 6-16-2020](#)
[DRAFT BoS of the MCWRA Minutes 6-23-2020](#)
[DRAFT Special BoS of the MCWRA Minutes 6-30-2020](#)
[DRAFT BoS of the MCWRA Minutes 7-28-2020](#)

Adjournment



Monterey County

Item No.1

Board Report

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

Legistar File Number: WRAG 20-344

August 18, 2020

Introduced: 8/5/2020

Current Status: Consent Agenda

Version: 1

Matter Type: WR General Agenda

Authorize the General Manager of the Monterey County Water Resources Agency to sign the Habitat Conservation Plan Charter between the U.S Fish and Wildlife Service, National Marine Fisheries Service, and Monterey County Water Resources Agency.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Supervisors:

Authorize the General Manager of the Monterey County Water Resources Agency to sign the Habitat Conservation Plan Charter between the U.S Fish and Wildlife Service, National Marine Fisheries Service, and Monterey County Water Resources Agency.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency is developing a habitat conservation plan (HCP) to support applications for incidental take permits (ITPs) for certain species listed under the United States Endangered Species Act (ESA). The ITPs will provide take coverage for various projects and activities performed by MCWRA. This Charter is intended to formalize the commitment of all three agencies to work together in good faith and cooperation to develop the HCP.

The Planning Committee recommended approval of the Charter at their July 1, 2020 meeting.

The Monterey County Water Resources Agency Board of Directors approved the Charter at the July 20, 2020 meeting.

OTHER AGENCY INVOLVEMENT:

U.S Fish and Wildlife Service, National Marine Fisheries Service

FINANCING:

For FY 2020-21 the Agency budgeted \$300,000 for HCP activities in Fund 116. Additionally, the Agency has been awarded a 3-year \$1M grant from the U.S. Fish and Wildlife Service to fund these efforts. Once a grant agreement is executed, staff will bring a budget amendment to include \$480,000 in grant funds in the current fiscal year.

Prepared by: Jason Demers, Associate Water Resources Engineer, (831) 755-4860

Approved by: _____
Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Draft Charter
2. Executed MCWRA Board Order



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Prepared by: Jason Demers, Associate Water Resources Engineer, (831) 755-4860

Approved by: _____

A blue ink signature of Jason Demers, Associate Water Resources Engineer.

Brent Buche, General Manager, (831) 755-4860

Attachments:

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**U.S. FISH AND WILDLIFE SERVICE,
NATIONAL MARINE FISHERIES SERVICE,
AND
MONTEREY COUNTY WATER RESOURCES AGENCY
SALINAS RIVER HABITAT CONSERVATION PLAN
CHARTER**

I. INTRODUCTION

Monterey County Water Resources Agency (MCWRA) proposes to develop a habitat conservation plan (HCP) and apply for incidental take permits (ITPs) for certain species listed under the Endangered Species Act (ESA) and for identified species that may become listed in the future. The HCP is intended to support the proposed issuance of ITPs for federally threatened and endangered species regulated by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS; collectively, *Services*). The ITPs would provide take coverage to MCWRA for the various projects and activities associated with the long-term management of the Salinas River and other waterways in Monterey County.

The purpose of the HCP is to describe the anticipated effects of the proposed covered activities on federally listed species and specify how the impacts can be minimized and mitigated to the maximum extent practicable. MCWRA intends to develop an HCP that would generate an overall net benefit to the affected species, if feasible. The HCP and associated ITPs offer regulatory certainty to project proponents and “No Surprises Assurances” that no additional requirements beyond those agreed to in the HCP and associated ITPs will be required if unforeseen circumstances arise.

The MCWRA and *Services* (collectively, *Parties*) will work together in good faith and cooperation to achieve the purposes and goals provided in the following provisions of this Charter.

II. PURPOSE

This document sets forth the goals and responsibilities of the Parties and procedures that will lead to collaboration on HCP development, independence on National Environmental Policy Act (NEPA) document development, and effective and efficient preparation of the HCP and NEPA document.

III. AUTHORITY

The *Services* have principal trust responsibility for the conservation and protection of threatened and endangered species under the ESA. Section 10 of the ESA, 16 U.S.C. § 1539, establishes a program whereby persons seeking to pursue activities that otherwise could create liability for unlawful take of federally protected species may receive an ITP, which

protects them from such liability. To obtain an ITP, the applicant must submit an HCP that meets all the permit issuance criteria (*id.* §§ 1539(a)(1)(B), 1539(a)(2)(A)). Once the Services have determined that the applicant has satisfied these and other statutory criteria, they shall each issue an ITP consistent with Services' respective regulations governing HCPs and ITPs (50 C.F.R. §§ 17.22(b)(1), 17.32(b)(1), 222.307).

IV. BACKGROUND

MCWRA is a flood control and water agency whose mission and approach to water management balances water supply, flood protection, and environmental conservation. MCWRA owns and operates a range of flood control, water supply, groundwater augmentation, and hydroelectric facilities in Monterey County and northern San Luis Obispo County. For example, MCWRA manages flood and stormwater through its operations at the Nacimiento and San Antonio Dams, conserves such waters through percolation and storage, monitors groundwater extraction, and supports groundwater recharge of the Salinas Valley.

One of MCWRA's highest priorities is water conservation operations, implemented primarily by maximizing the amount of groundwater recharge into the Salinas Valley aquifers. This is largely achieved through timely reservoir releases and a reduction in groundwater pumping through the operation of the Salinas River Diversion Facility (SRDF). Management of Nacimiento and San Antonio Dams is primarily focused on the regulated release of water from those reservoirs to maintain Salinas River streamflow to maximize groundwater recharge through the streambed, operate the SRDF, and provide flows for federally listed South-Central California Coast Steelhead (*Oncorhynchus mykiss*). MCWRA also operates both Nacimiento and San Antonio Dams to provide recreation opportunities in the reservoirs to the extent compatible with release requirements and constraints. When making reservoir releases, however, MCWRA must consider established agreements and permits with other agencies, while still meeting the primary goals of groundwater recharge, SRDF operation, and flows for steelhead.

HCPs and their incidental take permits are a durable mechanism to provide take coverage to non-federal entities for the incidental take of federally listed species. An HCP can be developed in a comprehensive and flexible manner to address long-term regulatory needs. HCPs may also streamline permitting for projects with a federal nexus that require a Section 7 consultation. The U.S. Army Corps of Engineers has determined that the Clean Water Act Section 404 permit issued for construction of Phase I of the Salinas Valley Water Project (SVWP) did not cover ongoing operations (i.e., releases of water) of MCWRA's two reservoirs. Therefore, MCWRA is preparing a comprehensive, long-term HCP to cover impacts to federally listed species associated with reservoir and SRDF operations. Other potential covered activities could include MCWRA-led projects including construction and operation of the proposed Interlake Tunnel project; dam and spillway retrofit (both San Antonio and Nacimiento) to comply with safety upgrade requirements; repair and/or replacement of existing flood management infrastructure (e.g., Old Salinas River slide gate, Potrero Road tide gates); on-going facility operation and maintenance; covered species monitoring;

habitat enhancement (including changes to the current flow prescription and improved water quality); and habitat restoration. The HCP may cover other activities over which MCWRA has discretionary authority that are conducted by private landowners or by organizations that partner with MCWRA to help achieve common goals.

The facilities that would be covered under the HCP lie primarily within Monterey County, with some located in northern San Luis Obispo County. Facilities are located along approximately 118 river miles of the Salinas River (67% of the total length of the Salinas River) and within the Gabilan/Tembladero Slough watershed, which drains to the Old Salinas River channel. When all watersheds draining to this portion of the Salinas River—including Nacimiento, San Antonio, and Arroyo Seco—and the Old Salinas River are considered, the geographic area is over 1,740,000 acres in size.

V. GOALS

A. The goals of the HCP include, but are not limited to, the following:

1. Identify long-term solutions for management of the Salinas River that include flood reduction, water resource management, stream maintenance, and habitat management for threatened and endangered species.
2. Provide an efficient, effective, and landscape-scale approach to permitting and conservation of listed species in the anticipated HCP plan area.
3. Implement the 2019 Salinas River Long-Term Management Plan where applicable and appropriate.
4. Provide a framework to support landowner regulatory compliance for projects along the Salinas River that improve water and aquatic resource management.
5. Balance species conservation with human water needs, while maintaining compliance with the Endangered Species Act.
6. Support and incorporate sound scientific research and analysis during HCP development and implementation.
7. Preserve and support the agricultural economy and economic growth in the Salinas Valley compatible with covered species conservation.
8. Integrate the conservation strategies of the HCP with public and private potential partners wherever possible.
9. Provide an open public process in developing and implementing the HCP.
10. Provide a basis for the MCWRA to obtain endangered species permits for public projects including those associated with uninterrupted water supply, flood protection, conservation, and recreation.

VI. SCHEDULE

The proposed approach for maintaining the schedule for HCP development is:

- A. Strive to complete the HCP and NEPA documents within 3 years of MCWRA securing funding, assuming no interruption in MCWRA's funding.
- B. Make timely progress on all aspects of the HCP and NEPA documents to maintain momentum, ensure uninterrupted funding, and demonstrate commitment to decision makers, stakeholders, and the public.
- C. Set realistic yet aggressive milestones and deadlines in order to maintain momentum.
- D. Adhere to reasonable review periods as long as each Party has agreed in advance to those timelines.
- E. Maintain and update a clear project schedule.

VII. ENVIRONMENTAL DOCUMENT

The proposed issuance of ITPs is a federal action that is subject to the requirements of the National Environmental Policy Act (NEPA) 42 U.S.C. §§ 4321 et seq. The Services must comply with NEPA and related rules and policies, including both the Council on Environmental Quality (CEQ), Department of the Interior (DOI; for USFWS), and U.S. Department of Commerce (for NMFS) regulations for implementing NEPA, 40 C.F.R. Parts 1500-1508, 43 C.F.R. Part 46, and NOAA Administrative Order (NAO) 216-6A, respectively. All of this information will serve to inform the decision-making officials and the public.

While NMFS and USFWS are each considering issuance of an ITP, only one agency will accept the role of lead agency for NEPA document development. The Services have agreed that NMFS will be the NEPA lead agency, consistent with CEQ regulations. USFWS will be a Cooperating Agency and may adopt the NEPA document for their decision making. The Services will work together to determine the appropriate level of NEPA documentation for the HCP and ITPs.

The NEPA document will be developed by a third-party contractor (Contractor) for the Services. MCWRA has agreed to pay for the preparation of the NEPA document by the Contractor. Although the Contractor will be funded by MCWRA, the NEPA document will be prepared under the direct supervision and control of the Services. The Services recognize that they will not be involved in any way in the financial decisions related to the contract with the Contractor. A separate Statement of Responsibilities will be developed, once the Contractor is confirmed by the Services, that will outline roles and responsibilities between the Services, MCWRA, and the Contractor.

VIII. RESPONSIBILITIES

- A. Services Responsibilities. Once MCWRA has secured funding for HCP development, the Services shall:

1. Designate a project manager from NMFS and USFWS who will each act as the point of contact for MCWRA and the Contractor.
2. Commit to support development of the HCP by providing technical assistance to MCWRA and providing timely reviews of all relevant material including draft HCP chapters and appendices, as resources allow.
3. Determine and allocate the appropriate personnel to both coordinate the development of the NEPA document and ensure NEPA adequacy and compliance.
4. Prepare a Statement of Responsibilities, which outlines roles and responsibilities, including appropriate lines of communication, between MCWRA, the Services, and the Contractor.
5. Provide the sole direction and oversight of the work of the Contractor in the preparation of the NEPA document to ensure compliance with the requirements of ESA, NEPA, and other applicable federal laws, regulations, and policies.
6. Be responsible for the preparation and issuance of all federal notices and publications as required.
7. Conduct public scoping meetings, with the assistance of MCWRA and the Contractor, as required, to solicit information, concerns, and issues to be considered for the proposed action, development of potential alternatives, and considerations in the NEPA document analyses.
8. Independently evaluate all information, environmental data, and analyses submitted by the Contractor, MCWRA, or others, and revise or request additional studies and analyses to be performed, as necessary and as consistent with the pre-approved NEPA budget, to comply with ESA and NEPA and applicable implementing regulations, and other applicable federal laws and regulations.
9. Conduct meetings, as necessary and resources allow, with the Contractor to review the progress of the NEPA document and provide updates to MCWRA.
10. At the Services' discretion, determine whether MCWRA should review or contribute to the content of the NEPA document. The Contractor shall neither include nor solicit MCWRA in the review, discussion, or development of the content absent an explicit request or approval by the Services, and the Contractor and MCWRA may not meet or discuss content of the NEPA document absent the Services' participation.
11. Make the final determination on the inclusion or exclusion of material in all instances involving questions as to the content or relevance of any material

(including all data, analyses, and conclusions) in the NEPA document, in accordance with federal laws and regulations.

12. Receive all comments during the Draft NEPA document review period and identify issues and comments submitted that will require the Services' independent response in the Final NEPA document. The Services shall direct those comments to the Contractor for the initial preparation of proposed responses and may furnish MCWRA with copies of all comments received. The Services may also request input from MCWRA on those public comments received that relate to its project description or application materials. The Services shall review and may modify the responses, as appropriate.
13. Maintain confidentiality of all information, documents, and materials used in the development of the ITP, HCP, and NEPA document to the extent permitted by the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Services' policies, legal decisions, related regulations, and any other applicable federal laws. The Services will protect from disclosure those portions of records reasonably claimed by MCWRA at the time of their submission to be "confidential business information" to the fullest extent permitted by FOIA and related DOC/DOI regulations, 15 C.F.R Part 4, Subpart A ; 43 C.F.R. Part 2. If the Services disagree with MCWRA whether information is confidential or proprietary under FOIA, the Services will provide MCWRA with written notice in advance of release of that information as required under the DOC/DOI FOIA regulations.

B. MCWRA Responsibilities. MCWRA shall:

1. Designate an MCWRA representative who will act as the point of contact for the Services and the contractor hired by MCWRA to lead the development of the HCP (the HCP Contractor).
2. Determine and allocate the appropriate personnel to coordinate the thorough development of the HCP, in accordance with all applicable federal, state, and local laws and regulations.
3. Develop first drafts of HCP chapters and supporting material and provide to the Services for review and discussion in a stepwise approach that fosters collaboration throughout HCP development.
4. Work with the Services to confirm that the existing Third-Party Consultant Agreement to prepare the draft and final NEPA document and Associated Habitat Conservation Plan for a NEPA Contractor is consistent with the terms of this Charter.
5. Provide to the Services a written and full description of MCWRA's proposed covered activities, an application for an ITP, and a complete habitat conservation plan to facilitate preparation of the description of the proposed

action for NEPA compliance and required minimization, mitigation, and monitoring measures to be included as part of the proposed action.

6. At the request of the Services, provide relevant technical or environmental information to the Services for its evaluation and use in the preparation of the NEPA document. Nothing in this Charter affects MCWRA's right to submit comments to the Services on the draft NEPA document or final NEPA document during their respective public comment periods.
7. If requested by the Services, review and provide comments on NEPA documents and provide other data, as necessary, in a timely fashion.
8. Provide advice, assistance, and support at public scoping meetings as requested by the Services.
9. Attend meetings for, and participate in the development of avoidance, minimization, and mitigation measures for the NEPA document, as requested by the Services.
10. Provide support in responding to public comments on the HCP, draft NEPA document, final NEPA document, and related documents as requested by the Services.
11. Respond to requests for information from the Services as soon as possible. The Services must request information directly from MCWRA, the Contractor cannot make these requests on behalf of the Services.
12. MCWRA will work to secure federal, state, and other available funding to assist with the development and implementation (16 U.S.C. § 1539 (a)(2)(B)(iii)) of the HCP.

IX. COMMUNICATION AND COOPERATION

- A. The Parties shall appoint and maintain designated representatives as the primary contact for actions relating to the preparation of the HCP and NEPA document. Notice to any such representative shall constitute notice to that Party. Representatives, at the time of Charter signature, are:
 1. National Marine Fisheries Service: William Stevens, Natural Resource Management Specialist
 2. U.S. Fish and Wildlife Service: Leilani Takano, Assistant Field Supervisor
 3. MCWRA: Elizabeth Krafft, Deputy General Manager
- B. The Parties shall provide maximum cooperation between and among the Services, MCWRA, and the Contractor in order to fulfill the requirements of the Charter in a timely manner.
- C. Meetings.

1. The Services will notify the Contractor in advance of meetings between the Services, MCWRA, other federal agencies, or other groups, which are intended to discuss significant aspects of the NEPA document. The Contractor will be permitted to attend and participate in any such meetings, but will not be obligated to do so, except to the extent the Services direct the Contractor's participation.
 2. MCWRA will be given notice of any significant meetings between the Services and the Contractor. At the request of the Services, MCWRA may be invited to attend meetings. If MCWRA is unable to attend or is not invited to participate, either the Services or the Contractor will provide MCWRA with a written summary of the meeting and its results. Such written summary will become part of the administrative record. MCWRA may also attend any public meeting regarding the NEPA document.
 3. Joint meetings between the Services, MCWRA, and the Contractor may be held to coordinate financial issues, progress reports, or to discuss information needs that arise during the preparation of the NEPA document.
 4. When significant meetings or conversations between the Services and the Contractor occur, the Services will direct the Contractor to provide the Services written documentation of such meetings or conversations. Such written documentation will become part of the administrative record.
- D. MCWRA and the Contractor may communicate directly without participation by the Services only regarding matters pertaining to the administration of MCWRA's contract with the Contractor for the preparation of the NEPA document, such as billing or payment issues; these meetings should not address the substance of the NEPA document.
- E. MCWRA will provide the Services any written communications that the Contractor may need pertinent to the NEPA document. The Services will then provide the Contractor with the information. MCWRA may not directly provide the Contractor with information pertinent to the NEPA document. The Services will, to the extent allowable, provide MCWRA with a copy of their written communications with the Contractor pertinent to the NEPA document and/or the HCP.

X. ADMINISTRATIVE PROVISIONS

A. Applicable Law.

The Parties agree to comply with all applicable laws governing activities under this Charter. The Parties acknowledge that any information furnished to the Services under this agreement is subject to the FOIA.

B. Commencement and Expiration.

This Charter shall take effect upon the signature of the Parties. Unless terminated in accordance with paragraph D of this Section, this Charter shall expire 60 days after the issuance of the last ITP by either USFWS or NMFS.

C. Modification and Amendment.

This Charter may be modified or amended in writing by the mutual agreement of the Parties.

D. Termination.

This Charter may be terminated by any party upon giving 30-day advance written notice to the other Parties of its intention. During that 30-day period, the Parties agree to actively attempt to resolve any outstanding issues or disagreements.

E. Establishment of Responsibility.

This Charter is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

Agency actions are subject to statutory authority and regulatory requirements. Nothing in this Charter is intended to expand or limit the legal authority or responsibilities of any signatory agency, entity or organization.

F. Non-Fund-Obligating Document.

Nothing in this Charter shall obligate the Services to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property will require execution of separate agreements and must be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This Charter does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

Nothing herein alters the existing authorities or responsibilities of any party nor shall be considered as obligating any party in the expenditure of funds or the future payment of money or providing services. The expressions of support by state and federal agencies under this Charter are subject to the requirements of the federal Anti-Deficiency Act and to the availability of appropriated funds. The parties acknowledge that this Charter does not require any agency to expend its appropriated funds unless and until an authorized officer of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

G. Limitations.

In executing this Charter and taking any other action contemplated hereby, MCWRA reserves the right to contest, in any administrative or judicial proceedings, any and all decisions concerning issues in the NEPA document or any other federal requirements related to the proposed project. MCWRA recognizes that nothing in this Charter commits the Services to permit the project or otherwise take action favorable to MCWRA upon all or any part of the proposal.

The CEQ is proposing to update its regulations for implementing the procedural provisions of NEPA (85 Fed. Reg. 7 [January 20, 2020]). If the CEQ regulations are revised, certain provisions of this Charter may be reviewed and revised.

This Charter is not intended to, and does not, create any other right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, any officers or employees thereof, or any other person.

H. Effective Date.

This Charter shall become effective when signed by all Parties.

The Parties will participate in good faith in a cooperative process consistent with this Charter.

NATIONAL MARINE FISHERIES SERVICE

By: _____
Name: _____
Title: _____
Date: _____

U.S. FISH AND WILDLIFE SERVICE

By: _____
Name: _____
Title: _____
Date: _____

MONTEREY COUNTY WATER RESOURCES AGENCY

By: _____
Name: _____
Title: _____
Date: _____



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. 20-04

APPROVE THE US FISH AND WILDLIFE SERVICE, NATIONAL)
MARINE FISHERIES SERVICE, AND MONTEREY COUNTY)
WATER RESOURCES AGENCY SALINAS RIVER HABITAT)
CONSERVATION PLAN CHARTER AND; AUTHORIZE THE)
GENERAL MANAGER TO SIGN THE CHARTER.)

Upon motion of Director Baillie, seconded by Director Smith, and carried by those members present, the Board of Directors hereby:

1. Approve the U.S Fish and Wildlife Service, National Marine Fisheries Service, and Monterey County Water Resources Agency Salinas River Habitat Conservation Plan Charter and,
2. Authorizes the General Manager to sign the Charter.

PASSED AND ADOPTED on this **20th** day of **July 2020**, by the following vote, to-wit:

AYES: Directors Ortiz, Baillie, Gonzalez, Sullivan, Ekelund, Scattini, LeBarre, Smith and Simis

NOES: None

ABSENT: None



BY: Richard Ortiz, Chair
Board of Directors



ATTEST: Brent Buche
General Manager



Monterey County

Item No.2

Board Report

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

Legistar File Number: MIN 20-048

August 18, 2020

Introduced: 8/13/2020

Current Status: Consent Agenda

Version: 1

Matter Type: Minutes

Approve the Monterey County Board of Supervisors of the Monterey County Water Resources Agency Draft Action Meeting Minutes for the following meeting dates: Tuesday, March 17, 2020, Tuesday, March 24, 2020, Tuesday, May 5, 2020, Tuesday, May 12, 2020, Tuesday, May 19, 2020, Tuesday, June 2, 2020, Tuesday, June 9, 2020, Tuesday, June 16, 2020, Tuesday, June 23, 2020, Tuesday, June 30, 2020 and Tuesday, July 28, 2020.

Prepared by: Valerie Ralph 831-755-5842

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, March 17, 2020

9:00 AM

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez, Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via telephone conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board in person.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections to Item No. 1.a.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager of the Monterey County Water Resources Agency.

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items

10:30 A.M. - Reconvened on Public Agenda Items

Roll Called

Present: 5 - Supervisor Chris Lopez, Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via telephone conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board in person.

Pledge of Allegiance

The Pledge of Allegiance was led by Charles McKee, County Administrative Officer.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Consent Calendar

Open for public comments; no public comments made.

2. Approve the Monterey County Board of Supervisors of the Monterey County Water Resources Agency Draft Action Meeting Minutes for the following meeting dates: Tuesday, December 10, 2019, Tuesday, January 7, 2020, Tuesday, January 14, 2020, Monday, January 24, 2020, Tuesday, January 28, 2020, Tuesday, February 11, 2020, February 25, 2020, and March 10, 2020.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to:

Approve the Monterey County Board of Supervisors of the Monterey County Water Resources Agency Draft Action Meeting Minutes for the following meeting dates: Tuesday, December 10, 2019, Tuesday, January 7, 2020, Tuesday, January 14, 2020, Monday, January 24, 2020, Tuesday, January 28, 2020, Tuesday, February 11, 2020, February 25, 2020, and March 10, 2020.

Roll call vote taken pursuant to Government Code 54953:

**Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: NAY
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, March 24, 2020

9:00 AM

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via telephone conference.

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for Item No. 1.a.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager of the Monterey County Water Resources Agency.

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items

10:30 A.M. - Reconvened on Public Agenda Items

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via telephone conference.

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person

Pledge of Allegiance

The Pledge of Allegiance was led by Les Girard, County Counsel.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

Consent Calendar

Open for public comments; no public comments made.

2. Recommend that the Monterey County Water Resources Board of Supervisors approve Amendment No. 2 to the Professional Services Agreement with COWI, North America increasing the current contract amount by \$250,000 for a total contract amount not to exceed \$500,000; and authorize the General Manager to execute Amendment No. 2.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo, to:
Recommend that the Monterey County Water Resources Board of Supervisors approve A-14656; Amendment No. 2 to the Professional Services Agreement with COWI, North America increasing the current contract amount by \$250,000 for a total contract amount not to exceed \$500,000; and authorize the General Manager to execute Amendment No. 2.

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, May 5, 2020

10:30 AM

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

10:30 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via video conference.

Staff Present

Charles McKee, County Administrative Officer appeared via video conference, Les Girard, County Counsel, Valerie Ralph, Clerk of the Board and Julian Lorenzana, Board Clerk appeared in person

Pledge of Allegiance

The Pledge of Allegiance was led by Julian Lorenzana, Board Clerk.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

Consent Calendar

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to approve Consent Calendar Item Numbers 1 through 3.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

1.
 - a. Set and hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting a FY 2020-21 cost of living adjustment (COLA) increase of 2.9% for Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP), and for the CSIP water delivery charge and water service charge; and
 - b. 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.

Approved

2.
 - a. Set and hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting a FY 2020-21 cost of living adjustment (COLA) increase of 2.9% for Zone 2C Operations, Maintenance, and Administration of Nacimiento and San Antonio Dams; and
 - b. 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.

Approved

3.
 - a. Set and hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting a FY 2020-21 cost of living adjustment (COLA) increase of 2.9% for Flood Zones 1, 1A, 8, 9, 12, and 17; and
 - b. 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.

Approved

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, May 12, 2020

10:30 AM

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

10:30 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via video conference.

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Pledge of Allegiance

The Pledge of Allegiance was led by Charles McKee, County Administrative Officer.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

Consent Calendar

Open for public comment; no public comments made.

1.

Approve a resolution authorizing the Monterey County Water Resources General Manager to:

- a. Apply for mussel fee grant funds from the California Department of Boating and Waterways (DBW); and
- b. Negotiate and execute a grant agreement with DBW to receive and expend said funds for improvements to an existing prevention plan for Nacimiento Reservoir that assesses and identifies risk of a quagga and zebra mussel infestation.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to:

Adopt Resolution No. 20-123 authorizing the Monterey County Water Resources General Manager to:

- a. Apply for mussel fee grant funds from the California Department of Boating and Waterways (DBW); and
- b. Negotiate and execute a grant agreement with DBW to receive and expend

said funds for improvements to an existing prevention plan for Nacimiento Reservoir that assesses and identifies risk of a quagga and zebra mussel infestation.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, May 19, 2020

9:00 AM

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via video conference.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections to Item 1.a.(1).

Closed Session

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) City of Marina v. RMC Lonestar, et al. (Monterey County Superior Court case no. 20CV001387)

Public Comment

Open for public comments; Jim Lipe, via Zoom, commented.

The Board Recessed for Closed Session Agenda Items

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person with Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams and Supervisor Luis A. Alejo who appeared via video conference.

1:30 P.M. - Scheduled Matters

2. Consider receiving a report on the California State Water Resources Control Board's Proposition 1 Grant for Well Destruction; and consider entering into a funding agreement with the State Water Resources Control Board to receive and

implement a Proposition 1 Grant for the destruction of approximately 105 wells.

Howard Franklin, Senior Water Resources Hydrologist from the Water Resources Agency, via Zoom, presented via PowerPoint presentation

Open for public comments; Norm Groot and Brent Buche, both via Zoom, commented.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to receive a report on the California State Water Resources Control Board's Proposition 1 Grant for Well Destruction; and consider entering into a funding agreement with the State Water Resources Control Board to receive and implement a Proposition 1 Grant for the destruction of approximately 105 wells.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

3.

Consider receiving a report "*Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin: 2020 Update*" and provide direction to staff with respect to presented recommendations, and/or other guidance in order to implement measures intended to slow or halt the further expansion of seawater intrusion.

Howard Franklin, Senior Water Resources Hydrologist from the Water Resources Agency, via Zoom, presented via PowerPoint presentation.

Open for public comments; Jeff Taylor, Mike Scattini, in person, Abby Taylor-Silva, Jim Lipe, Norm Groot, Heather Lukas, Nancy Isakson, Christopher Bunn, and Gary Peterson, all via Zoom, commented.

Upon consensus the Board:

Received a report "*Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin: 2020 Update*" and provide direction to staff with respect to presented recommendations, and/or other guidance in order to implement measures intended to slow or halt the further expansion of seawater intrusion.

Read Out from Closed Session

CLOSED SESSION REPORT:

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) City of Marina v. RMC Lonestar, et al. (Monterey County Superior Court case

no. 20CV001387)

CLOSED SESSION REPORT: The Board took no reportable actions on items
1.a. (1).

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Action Minutes - Draft

Tuesday, June 2, 2020

1:30 PM

FY 2020-21 Budget Public Hearings

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

Board of Supervisors of the Monterey County Water Resources Agency

Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5

1:30 P.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer appeared via video conference and Les Girard, County Counsel, Valerie Ralph, Clerk of the Board and Julian Lorenzana, Board Clerk appeared in person.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

General Public Comment

Open for general public comments; no public comments made.

Additions and Corrections by Clerk

Item not addressed; however, there were no additions and corrections to today's agenda.

1:30 P.M. - Scheduled Matters

1.
 - a. Hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP), and for the CSIP water delivery charge and water service charge; and
 - b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Zones 2B, 2Y and 2Z, and the CSIP Water Delivery and Water Service Charges.

Public hearing commenced.

Brent Buche, Deputy General Manager from the Water Resources Agency made opening remarks with Fabrico Chombo, Finance Manager II from the Water Resources Agency who presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor

Jane Parker to adopt Resolution No. 20- to:
a. Approve and adopt assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Zones 2B, 2Y and 2Z for the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project (SVRP), and for the CSIP water delivery charge and water service charge; and b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Zones 2B, 2Y and 2Z, and the CSIP Water Delivery and Water Service Charges.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

2. a. Hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Zone 2C Operations, Maintenance, and Administration of Nacimiento and San Antonio Dams; and
b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Zone 2C Operations, Maintenance, and Administration of Nacimiento and San Antonio Dams.

Public hearing commenced.

Brent Buche, Deputy General Manager from the Water Resources Agency made opening remarks with Fabricio Chombo, Finance Manager II from the Water Resources Agency who presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to adopt Resolution No. 20- to:

- a. Approve and adopt assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Zone 2C Operations, Maintenance, and Administration of Nacimiento and San Antonio Dams; and
- b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Zone 2C Operations, Maintenance, and Administration of Nacimiento and San Antonio Dams.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

3. a. Hold a public hearing on June 2, 2020 at 1:30 p.m. to consider approving and adopting assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Flood Zones 1, 1A, 8, 9, 12, and 17; and

b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Flood Zones 1, 1A, 8, 9, 12 and 17.

Public hearing commenced.

Brent Buche, Deputy General Manager from the Water Resources Agency made opening remarks with Fabrico Chombo, Finance Manager II from the Water Resources Agency who presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution No. 20- (1 and 1A) , Resolution No. 20- (8, 9 and 12) and Resolution No. 20- (17) to:

a. Approve and adopt assessment rate charges for FY 2020-21 with a cost of living adjustment (COLA) increase of 2.9% for Flood Zones 1, 1A, 8, 9, 12, and 17; and b. Approve and adopt a FY 2020-21 COLA increase of 2.9% for Flood Zones 1, 1A, 8, 9, 12 and 17.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

4.

Approve and adopt the Monterey County Water Resources Agency Fiscal Year's 2020-21 Requested Budget.

Brent Buche, Deputy General Manager from the Water Resources Agency made opening remarks with Fabrico Chombo, Finance Manager II from the Water Resources Agency who presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to adopt Resolution of Intent No. 20-187 to approve the recommended Fiscal Year 2020-21 Budget for the Monterey County Water Resources Agency and directed staff to return on June 23, 2020 for the final Budget Adoption for:

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, June 9, 2020

10:30 AM

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

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

10:30 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel, Valerie Ralph, Clerk of the Board and Julian Lorenzana, Board Clerk appeared in person.

Pledge of Allegiance

The Pledge of Allegiance was led by Les Girard, County Counsel.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

Consent Calendar

1.
 - a. Approve granting a quitclaim deed for a thirty-foot wide fee title and a forty-foot wide fee title near Markley Swamp to Café Tori Investment, LLC (4/5ths vote required);
 - b. Approve accepting a permanent easement deed for the Markley Swamp Lateral from Café Tori Investment, LLC;
 - c. Authorize the General Manager to execute the documents; and
 - d. Find that the transfer of the property to Café Tori Investment, LLC is exempt from environmental review under the California Environmental Quality Act (CEQA) Guideline section 15312.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo, to:

- a. Approve granting a quitclaim deed for a thirty-foot wide fee title and a forty-foot wide fee title near Markley Swamp to Café Tori Investment, LLC (4/5ths vote required);
- b. Approve accepting a permanent easement deed for the Markley Swamp Lateral from Café Tori Investment, LLC;

- c. Authorize the General Manager to execute the documents; and
- d. Find that the transfer of the property to Café Tori Investment, LLC is exempt from environmental review under the California Environmental Quality Act (CEQA) Guideline section 15312.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Call

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel, Valerie Ralph, Clerk of the Board and Julian Lorenzana, Board Clerk appeared in person.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

2. Consider receiving an oral report from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel project and schedule.

Brent Buche, General Manager for the Monterey County Water Resources Agency and Ron Drake, PE Vice President, PM/CM Practice Lead for COWI North America, Inc. presented via PowerPoint presentation.

Open for public comment; Tom Virsik commented.

Upon consensus, the Board:
Received an oral report from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel project and schedule.

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, June 16, 2020

1:30 PM

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

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

1:30 P.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board in person.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and correction to today's agenda.

General Public Comments

Open for general public comments for items not on today's agenda; no general public comments made.

1:30 P.M. - Scheduled Matters

1.
 - a. Approve Amendment No. 2 to the Amended and Restated Water Recycling Agreement with Monterey One Water for a time extension related to the Conditions Precedent for the New Source Water Facilities; and
 - b. Request the Chair of the Monterey County Water Resources Agency Board of Supervisors to execute the Amendment.

Shaunna Murray, Senior Water Resources Engineer, from the Water Resources Agency, via Zoom, presented via PowerPoint presentation.

Open for public comment; no public comments made.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to:

- a. Approve Agreement No. A-14740; Amendment No. 2 to the Amended and Restated Water Recycling Agreement with Monterey One Water for a time extension related to the Conditions Precedent for the New Source Water Facilities; and
- b. Request the Chair of the Monterey County Water Resources Agency Board of

Supervisors to execute the Amendment.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Parker: AYE

Supervisor Adams: AYE

Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, June 23, 2020

9:00 AM

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

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board in person.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections to Item 1.a.(1).

Closed Session

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) California-American Water Company, et al. v. Marina Coast Water District, et al. (San Francisco Superior Court case no. CGC-15-546632)

Public Comment

Open for public comments; no public comments made.

The Board Recessed for Closed Session Agenda Items

Read Out from Closed Session

CLOSED SESSION REPORT:

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) California-American Water Company, et al. v. Marina Coast Water District, et al. (San Francisco Superior Court case no. CGC-15-546632)

CLOSED SESSION REPORT: The Board took no reportable actions on items
1.a. (1).

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, June 30, 2020

10:30 AM

Special Meeting

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

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

10:30 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 4 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips and Supervisor Luis A. Alejo appeared via video and or telephone conference

Excused Absence: 1 - Supervisor Mary L. Adams

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel, and Valerie Ralph, Clerk of the Board appeared in person.

Pledge of Allegiance

The Pledge of Allegiance was led by Les Girard, County Counsel.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

General Public Comments

Open for general public comments for items not on today's agenda; no comments made.

10:30 A.M. - Scheduled Matters

1. Adopt a resolution approving the Monterey County Water Resources Agency Fiscal Year's 2020-21 Requested Budget.

Open for public comment; Jim Lipe, in person, commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to:

Adopt Resolution No. 20-235 approving the Monterey County Water Resources Agency Fiscal Year's 2020-21 Requested Budget.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE

Supervisor Parker: AYE
Supervisor Adams: EXCUSED ABSENCE
Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.

Monterey County

*Monterey County Government Center
Board of Supervisor Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Draft

Tuesday, July 28, 2020

10:30 AM

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

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Jane Parker - District 4
Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Mary L. Adams - District 5*

10:30 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

Present: 5 - Supervisor Chris Lopez appeared in person and Supervisor Jane Parker, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Luis A. Alejo appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board appeared in person.

Pledge of Allegiance

The Pledge of Allegiance was led by Charles McKee, County Administrative Officer.

Announcement of the Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

There were no additions and corrections to today's agenda.

General Public Comments

Open for general public comments for items not on today's agenda; no general public comments made.

Consent Calendar

Open for public comment; no public comments made.

1.
 - a. Approve and adopt a resolution authorizing and directing the General Manager to enter into an agreement with the California Department of Water Resources to obtain a Round 1 Integrated Regional Water Management Implementation Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code § 79700 *et seq.*), for a grant titled "Managing Water Resources for Multiple Benefits in the Greater Monterey County Region"; and
 - b. Find Monterey County Water Resources Agency's project in the grant categorically exempt from the California Environmental Water Quality Act (CEQA) under Title 14 California Code of Regulations section 15308 (protection of the

environment).

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-265:

- a. Approve and adopt a resolution authorizing and directing the General Manager to enter into an agreement with the California Department of Water Resources to obtain a Round 1 Integrated Regional Water Management Implementation Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code § 79700 et seq.), for a grant titled “Managing Water Resources for Multiple Benefits in the Greater Monterey County Region”; and**
- b. Find Monterey County Water Resources Agency’s project in the grant categorically exempt from the California Environmental Water Quality Act (CEQA) under Title 14 California Code of Regulations section 15308 (protection of the environment).**

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Adjourned

The meeting was adjourned by Chair Supervisor Chris Lopez.