



Monterey County

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

Action Minutes - Draft

Board of Supervisors of the Monterey County Water Resources Agency

Chair Jane Parker - District 4
Vice Chair Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor Simón Salinas - District 3
Supervisor John M. Phillips - District 2

Tuesday, March 22, 2016

9:00 AM

See separate agendas for Monterey County Board of Supervisors and Boronda County Sanitation District.

9:00 A.M. - Call to Order

The meeting was called to order by Chair Parker.

Roll Call

Present 5 - Supervisor Fernando Armenta, Supervisor John M. Phillips, Supervisor Dave Potter, Chair Jane Parker, and Supervisor Simón Salinas

Public Comment

There were no public comments.

Additions and Corrections

There were no additions or corrections to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. ~~Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:~~
 - (1) ~~Property: Tri Counties Club, Inc. ("Cullen Site" vicinity of lease 3B) at Lake Nacimiento, San Luis Obispo County~~
 - ~~Agency Negotiators: David E. Chardavoyne, General Manager, MCWRA; Brent Buche, Deputy General Manager, MCWRA; Jesse Avila, Deputy County Counsel~~
 - ~~Negotiating Parties: Randall Tognazzini, Tri Counties Club, Inc.~~
 - ~~Under negotiation: Price and Terms~~
 - (2) ~~Property: : Grazing Lease 3B at Lake Nacimiento, San Luis Obispo County~~

~~Agency Negotiators: David E. Chardavoyne, General Manager, MCWRA;
Brent Buche, Deputy General Manager, MCWRA; Jesse Avila, Deputy
County Counsel~~

~~Negotiating Parties: Darren Shetler, Four Seasons Livestock, LLC~~

~~Under negotiation: Price and Terms (REMOVED VIA SUPPLEMENTAL)~~

~~b. Pursuant to Government Code section 54956.9(d)(4), the Board will confer
with legal counsel regarding two matters of potential initiation of litigation.
(REMOVED VIA SUPPLEMENTAL)~~

c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer
with legal counsel regarding existing litigation:

(1) Marina Coast Water District v. California Coastal Commission, et al.
(Court of Appeal, Sixth District case no. CV180839) (ADDED VIA
ADDENDUM)

CLOSED SESSION

**Closed Session under Government Code section 54950, relating to the
following items:**

**1.c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer
with legal counsel regarding existing litigation:**

**(1) Marina Coast Water District v. California Coastal Commission, et al. (Court
of Appeal, Sixth District case no. CV180839) (ADDED VIA ADDENDUM)**

**CLOSED SESSION REPORT: The Board Supervisors of the Monterey County
Water Resources Agency met in Closed Session and authorized counsel to file
an amicus curae brief in the case of Marina Coast Water District v. California
Coastal Commission, et al. (Court of Appeal, Sixth District case no. CV180839).**

1:30 P.M. - Reconvene

Roll Call

Present: Charlie Steves, Interpreter

Present 5 - Supervisor Fernando Armenta, Supervisor John M. Phillips, Supervisor
Dave Potter, Chair Jane Parker, and Supervisor Simón Salinas

Public Comment

There were no public comments.

Consent Calendar

2. Approve Amendment No.1 to the Specialized Advisory and Transactional
Attorney Services Agreement with Burke, Williams & Sorensen, LLP, in the
amount of \$134,400, effective July 1, 2015 through completion of project, to
perform tasks and assignments relating to the Interlake Tunnel and Spillway
Modification Projects, and Tunnel-related matters; and, authorize the General

Manager to execute the Amendment to the Agreement.

Public comment: Hans Jongens.

A motion was made by Chair Jane Parker, seconded by Supervisor Fernando Armenta to approve Amendment No.1 to the Specialized Advisory and Transactional Attorney Services Agreement with Burke, Williams & Sorensen, LLP, in the amount of \$134,400, effective July 1, 2015 through completion of project, to perform tasks and assignments relating to the Interlake Tunnel and Spillway Modification Projects, and Tunnel-related matters; and, authorize the General Manager to execute the Amendment to the Agreement. ALL AYES

3. ~~a. Approve a Professional Services Agreement with Raftelis Financial Consultants, Inc., commencing with the signing of the Agreement through and including June 30, 2017, with the option to extend the Agreement for one additional year, in the amount of \$110,360, to conduct a cost of service analysis and prepare a five-year financial plan in conjunction with a review of the Agency's current assessments and water rate structure, subject to County Counsel approval of the Agreement;~~
~~b. Authorize the General Manager to execute the Agreement, substantially in the form of Agreement attached and subject to approval by County Counsel; and~~
~~c. Authorize the Auditor Controller to amend the Monterey County Resource Agency's FY 2015-16 Adopted Budget by increasing appropriations by \$13,795 financed by unassigned fund balance in the following Funds:- 112 Pajaro Appropriations Unit WRA002; 116-2CAAdmin Appropriations Unit WRA 006; 121 Soledad Storm Drain Appropriations Unit WRA011; 122 Reclamation Ditch Appropriations Unit WRA 012; 124 San Lorenzo Creek Appropriations Unit WRA014; 127 Moro Cojo Slough Appropriations Unit WRA 017; 131 CSIP Appropriations Unit WRA 020; and, 132 SVRP Appropriations Unit WRA021 (4/5th vote required). (REMOVED VIA SUPPLEMENTAL)~~

Item removed via Supplemental.

1:30 P.M. - Scheduled Matters

4. Consider receiving:
a. An update on negotiations for a Project Labor Agreement related to the Interlake Tunnel and Spillway Modification Projects; and,
b. A Delivery Approach Decision Matrix
- Public comment: Kevin Dayton; Hans Jongens; Nicole Gehring; Ron Chesshire; Bill Lipe.**
By consensus, the Board received: a. An update on negotiations for a Project Labor Agreement related to the Interlake Tunnel and Spillway Modification Projects; and b. A Delivery Approach Decision Matrix.
5. Consider adopting a Resolution initiating a jurisdictional basin boundary modification request for the Paso Robles Area Subbasin of the Salinas Valley

Groundwater Basin.

Public comment: Tom Vrsick.

A motion was made by Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution 16-076 initiating a jurisdictional basin boundary modification request for the Paso Robles Area Subbasin of the Salinas Valley Groundwater Basin. ALL AYES

6. Approve Amendment No. 1 to the Third Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency, in the amount of \$630,585, for further services on the Interlake Tunnel and Spillway Modification Projects, substantially in the form attached and subject to approval by County Counsel; and, authorizing the General Manager to execute the Amendment.

Public comment: Hans Jongens; Bill Carrothers; Ron Chesshire; Bill Lipe.

A motion was made by Simón Salinas, seconded by Supervisor Fernando Armenta to: a. Approve Amendment No. 1 to the Third Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency, in the amount of \$630,585, to prepare to issue a design-build-finance contract; perform Phase I Environmental Consulting Services, negotiate a Project Labor Agreement, other legal services, and Program Management Services, up to and including preparation for the process for creating an assessment district or other financing mechanism relating to the Interlake Tunnel and Spillway Modification Projects, substantially in the form of attached Amendment and subject to approval by County Counsel; and

b. Authorize the General Manager to execute the Amendment.

c. Direct staff of Water Resources Agency to work with County staff to identify General Funds, Water Resources Agency funds to continue moving this project forward until grant or State funds come forward. Return in April, in the interim, work with the Agency to find Gap funding and adjust their cash flow expenditures accordingly. ALL AYES

Adjournment

APPROVED:

**JANE PARKER, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD
APPROVED ON _____**