



## Board of Supervisors of the Monterey County Water Resource Agency

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

### Board Order

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution 19-319 to amend Article XI (Monterey County Water Resources Agency) of the Monterey County Master Fee Resolution, to update land use fee descriptions and levy new fees for reimbursement to the Monterey County Water Resources Agency.

PASSED AND ADOPTED on this 17<sup>th</sup> day of September 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Lopez, Phillips, Parker and Adams

NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 17, 2019.

Dated: September 23, 2019  
File ID: WRA RES 19-001  
Agenda Item No. 2.1

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Julian Lorenzana, Deputy

**Before the Board of Supervisors of the  
Monterey County Water Resources Agency**

**Resolution No. 19-319**

Resolution of the Board of Supervisors of the Monterey County Water )  
Resources Agency to adopt amendments to Article XI (Monterey County )  
Water Resources Agency) of the Monterey County Master Fee Resolution )  
to update land use fee descriptions and levy new fees for reimbursement to )  
the Monterey County Water Resources Agency..... )

This Resolution is made with reference to the following facts:

- 1.State law allows the Monterey County Water Resources Agency (“MCWRA”), after noticed public hearing, to adopt a resolution to adopt new fees or increase existing fees for processing permits and entitlements, provided the fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged.
- 2.Section 1.40.010 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind collected by Monterey County (“County”) may be specified in the Monterey County Fee Resolution. The County collects the fees for the MCWRA, and therefore Article XI for MCWRA fees is included within the Monterey County Fee Resolution pursuant to Section 1.40.010 of the Monterey County Code.
- 3.Federal, state, and local laws and regulations mandate that MCWRA provide certain services. Periodically, land use fees are amended to recover some of these costs to provide these services.
- 4.In March 2019, the County and MCWRA executed a Memorandum of Understanding (“MOU”) which resulted in the transfer of certain functions related to land use permit development review, drainage review, and floodplain management. The transfer made the Monterey County Resource Management Agency (“RMA”) responsible with respect to these duties once performed by MCWRA. Per the MOU, RMA may request MCWRA provide assistance to RMA with respect to development and drainage review, and floodplain management. Services for such assistance shall be compensated in accordance with the appropriate hourly rate for the applicable personnel. Therefore, it is necessary for MCWRA to update certain land use fee descriptions and to levy new fees for technical and subject matter services.
- 5.The land use fee updates made by this resolution amend Article XI Monterey County Water Resources Agency Fees and will be referenced in the proposed Monterey County Fee Resolution.

6. These fees are not a "tax" and are exempt from voter approval under Section 1 (e)(1)-(6) of Article XIII C of the California Constitution (Proposition 26, excepting from the definition of "tax" charges imposed for specific benefit conferred/privilege/service or product, and/or reasonable regulatory costs to local government for issuing permits and the administrative enforcement thereof, fines and penalties and charges for violation of law, and property development charges). These fees are imposed for a specific government service provided directly to the applicant that is not provided to those not charged, are imposed for the reasonable regulatory costs to MCWRA for issuing permits for property development and the administrative enforcement thereof, and do not exceed the reasonable costs to MCWRA of providing these services.

7. This action to modify land use fees is not a project under the California Environmental Quality Act because it is a governmental funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (CEQA Guidelines section 15378(b)(4)).

8. Said amendments to the land use fees shall take effect no sooner than 60 days following final action on the adoption of the amendments.

9. The Monterey County Water Resources Agency Board of Supervisors held a duly noticed public hearing on September 17, 2019 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspaper of local circulation in Monterey County and distribution of notice to interested persons, and all testimony from staff and the public has been heard and considered.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of the Monterey County Water Resources Agency hereby:

- a. Find the foregoing recitals are true and correct.
- b. Amend Article XI, Monterey County Water Resources Agency Fees of the Monterey County Fee Resolution, attached hereto and incorporated herein by reference.
- c. Find said amendment to Article XI shall take effect on November 16, 2019.

PASSED AND ADOPTED on this 17<sup>th</sup> day of September 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Lopez, Phillips, Parker and Adams

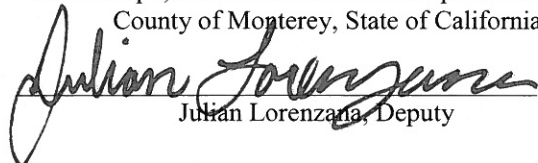
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting September 17, 2019.

Dated: September 20, 2019  
File ID: WRA RES 19-001  
Agenda Item No. 2.1

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Julian Lorenzana, Deputy

**ARTICLE XI**  
**MONTEREY COUNTY WATER RESOURCES AGENCY FEES**  
(Per Resolution No. 19-XXX, adopted June 25, 2019 by the Board of Supervisors of the  
Monterey County Water Resources Agency)

**SECTION I. LAND USE**

In March 2019, the Monterey County Resource Management Agency (RMA), at its cost and expense, assumed all responsibility with respect to stormwater and drainage management agreements, development and drainage review, floodplain management, and other services previously performed by the Monterey County Water Resources Agency (WRA) for the benefit of the RMA as a condition of various land use permits as established in Titles 20 and 21 of the Monterey County Code. Therefore, the WRA is no longer responsible for providing such land use permit review and implementation services, and such fees are removed from Article XI. The RMA in some cases may rely upon the WRA for technical and subject matter assistance and upon the request of the RMA, the WRA shall provide assistance to the RMA with respect to development and drainage review, floodplain management, and water supply. Services for such assistance shall be compensated in accordance with the appropriate hourly rate for the applicable personnel. Hourly rates listed below shall be adjusted annually by the WRA to reflect salary and benefit increases and/or Cost of Living Adjustment (COLA). WRA shall immediately notify the RMA of such adjustments.

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT/TIME</u>
General Manager	\$263.00	Per Hour
Deputy General Manager	\$233.00	Per Hour
Senior Engineer or Senior Hydrologist	\$170.00	Per Hour
Associate Engineer or Associate Hydrologist	\$146.00	Per Hour
Water Resources Hydrologist	\$113.00	Per Hour
Water Resources Technician	\$97.00	Per Hour

**SECTION 2. MISCELLANEOUS**

As described in Section 1, the RMA at its cost and expense, assumed the permit review and implementation services previously performed by the WRA as relating to stormwater and drainage management agreements, development and drainage review, and floodplain management. Therefore, the Section 2 miscellaneous fees pursuant to Government Code section 65104 for planning services provided by the WRA are mostly removed from Article XI. The WRA will continue its responsibility to provide services for water well permit review required per Monterey County Code Chapter 15.08, and Hydrogeologic Report administration and review required by Monterey County Code Title 19. The RMA will endeavor to create specific criteria for a determination of Long-Term Sustainable Water Supply (LTSWS) as required by General Plan Policies 3.1 and 3.2, and assumes the current responsibility of the WRA for providing an analysis of LTSWS for discretionary permits. Once there is a defined project to develop the specific criteria for LTSWS, the WRA will participate in the development of the specific criteria,

and the WRA will be reimbursed in accordance with the appropriate hourly rate for the applicable personnel as included in Section 1.

**A. Water well permits as required in Chapter 15.08, Monterey County Code**

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT/TIME</u>
1. Well Construction Fees for Wells Producing Over 5 acre-feet per year in Zone 2C and additional areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency	\$610.00	Each
2. Well Reconstruction/Destruction Fees for Wells in Zone 2C and additional areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency	\$365.00	Each
3. Well Construction/Destruction Database Maintenance Fees County Wide <sup>1</sup>	\$365.00	Each
4. Well Construction Fee for New Domestic Well, in the inland areas of Monterey County <sup>2</sup>	\$121.00	Each
5. Well Construction Fee for New High Capacity Well, in the inland areas of Monterey County <sup>3</sup>	\$243.00	Each

**B. Hydrogeologic Report Preparation as required by Title 19, Monterey County Code (Subdivisions)**

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>UNIT/TIME</u>
1. Contract Administration <sup>4</sup>	\$2,721.00	Deposit

**Notes:**

- 1) This fee is added to the \$610.08 in B-1, the \$365.83 in B-2, the \$121.58 in B-4, and the \$243.16 in B-5.
- 2) This fee is added to the \$610.08 in B-1 for new domestic wells with greater than fifteen (15) connections located in the inland areas of Monterey County within Zone 2C, and areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency.
- 3) This fee is added to the \$610.08 in B-1 for new wells proposing a flow over 1,000 gallons per minute that are located in the inland areas of Monterey County within Zone 2C and areas of Monterey County inclusive of the jurisdiction of the Pajaro Valley Water Management Agency.
- 4) When a hydrogeologic report is required to be prepared for a subdivision or other application subject to Title 19 of the Monterey County Code, the report shall be based on a comprehensive hydrological investigation prepared by a certified hydrogeologist, selected by the County and under contract with the County, at the applicant's expense. A deposit for staff costs associated with preparation and administration of the contract, and review of the hydrogeologic report shall be in addition to the deposit for the associated development application.