

Monterey County

*Monterey County Government Center
Board Chamber
168 W. Alisal St.
Salinas, CA 93901*



Action Minutes - Final

Monday, March 19, 2018

12:00 PM

Water Resources Agency Board of Directors

*Chair, Mark Gonzalez
Vice-Chair, Deidre Sullivan
Glen Dupree
Ken Ekelund
Claude Hoover
Richard Ortiz
Mike Scattini
Mike LeBarre
Vacancy*

Call to Order at 12:00 P.M.

- Present** 7 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,
Director Claude Hoover, Director Mike Scattini, Director Deidre Sullivan, and
Director Glen Dupree
- Absent** 1 - Director Mike LeBarre

Public Comments on Closed Session Items

None

1. Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code Section 54956.9 the Board will confer with Legal Counsel regarding three matters of anticipated litigation:
1. Claim of Dobler & Sons, LLC
 2. Claim of JAL Berry Farms, LLC
 3. Claim of Willoughby Farms, Inc.
- b. Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of significant exposure to litigation.

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

The meeting reconvened at 1:04 p.m. County Counsel noted there was no reportable action taken in Closed Session.

Pledge of Allegiance

Public Comment

None

Consent Calendar

Upon Motion by Director Ekelund and Second by Director Ortiz the Board of Directors approved the Consent Calendar.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini

Noes: None

Absent: Director LeBarre

2. Receive the Annual Report to the U. S. Army Corps of Engineers for the Salinas River Stream Maintenance Program 2017 Work Season; and authorize the General Manager to execute the Certification of Compliance verifying compliance with the Terms and Conditions of the Regional General Permit.

Attachments: [Board Report](#)
 [Annual Report](#)
 [USACE Certification of Compliance 2017](#)
 [Board Order](#)

3. Approve a Professional Services Agreement with The Don Chapin Co., Inc., in the amount of \$41,700 to repair the ZO pipeline of the Castroville Seawater Intrusion Project; and authorize the General Manager to execute the Agreement.

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

Appointments

4. Appointment of an ad-hoc committee to review the Water Resources Agency By Laws.

Chair Gonzalez appointed Director Ekelund, Director Ortiz and Director Dupree to the ad hoc committee.

5. Appointment of an ad-hoc committee to review the Agency Parks Leases.

Chair Gonzalez appointed Director Ekelund, Director Ortiz and Public Member John Baillie to the ad hoc committee.

Scheduled Matters

6. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
- a. Enter into an agreement to allow conveyance of a Non-Exclusive Permanent Easement and a Non-Exclusive Temporary Construction Easement to Monterey One Water to construct the Reclamation Ditch Diversion Pump Station for the Pure Water Monterey (PWM) Project;
 - b. Quitclaim the Non-Exclusive Permanent Easement granted previously for the

same purpose;

- c. Approve the new permanent and temporary construction easement deeds; and
- d. Authorize the General Manager to execute the quitclaim deed, extension of temporary construction easement term, agreements, and easements.

Attachments: [Board Report](#)
 [Easement Deed](#)
 [Temporary Construction Easement Deed](#)
 [Agreement for Grant and Purchase of Easements](#)
 [Quitclaim Deed](#)
 [Reclamation Ditch Appraisal Report](#)
 [Board Order](#)

Upon Motion by Director Dupree and Second by Director Hoover, the Board of Directors recommended the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve an agreement for grant and purchase of easement and escrow instructions; b. Quitclaim the non exclusive permanent easement granted previously for the Reclamation Ditch pump station; c. Approve the new permanent easement deed and temporary construction easement deed for the Pure Water Monterey Reclamation Ditch pump station; and d. Authorize the General Manager to execute the quitclaim deed, extension of temporary construction easement term, agreements, and easements.**

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini
Noes: None
Absent: Director LeBarre

7.

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:

- a. Approve the Professional Services Agreement with ICF Jones and Stokes, Inc. in the amount of \$3,128,976 to develop a long-term Salinas River Management Plan (Phase 1), develop a Habitat Conservation Plan for Monterey County Water Resources Agency operations (Phase 2) and conduct the necessary CEQA/NEPA analyses (Phase 3); and
- b. Authorize the General Manager to execute the Professional Services Agreement upon approval as to form by County Counsel

Attachments: [Board Report](#)
 [Professional Services Agreement with Exhibits](#)
 [Board Order](#)

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

- a. Approve the Professional Services Agreement with ICF Jones and Stokes, Inc. in the amount of \$3,128,976 to develop a long-term Salinas River Management Plan (Phase 1), develop a Habitat Conservation Plan (HCP) for**

Monterey County Water Resources Agency operations (Phase 2) and conduct the necessary CEQA/NEPA analyses (Phase 3); and
b. Authorize the General Manager to execute the Professional Services Agreement, upon approval as to form by County Counsel.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini
Noes: None
Absent: Director LeBarre

Public Comment: Abby Taylor-Silva, Richard Boyer, Bill Stevens NMFS

8.

Consider recommending that the Monterey County Board of Supervisors:
a. Amend and approve Personnel Policies and Practices Resolution (PPPR) No. 98-395-394 Appendix A to adjust the salary ranges for the Classifications of: Senior Water Resources Engineer, Senior Water Resources Hydrologist, Associate Water Resources Engineer, Associate Water Resources Hydrologist, Water Resources Engineer, Water Resources Hydrologist as indicated in the attached resolution, effective retroactive to the pay period beginning July 22, 2017; and,
b. Direct the Auditor Controller to appropriate approximately \$125,000 into the FY2017-18 budget; and,
c. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

Attachments: [Board Report](#)
 [BOS Board Report July 2017](#)
 [BOS Board Report Oct 2008](#)
 [Board Order](#)
 [Resolution](#)

Upon Motion by Director Ortiz and Seconde by Director Ekelund the Board of Directors recommended that the Monterey County Board of Supervisors:
a. Amend and approve Personnel Policies and Practices Resolution (PPPR) No. 98-395 394 Appendix A to adjust the salary ranges for the Classifications of: Senior Water Resources Engineer, Senior Water Resources Hydrologist, Associate Water Resources Engineer, Associate Water Resources Hydrologist, Water Resources Engineer, Water Resources Hydrologist as indicated in the attached resolution, effective retroactive to the pay period beginning July 22, 2017; and, b. Direct the Auditor Controller to appropriate approximately \$125,000 into the FY2017-18 budget; and, c. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini
Noes: None
Absent: Director LeBarre

9.

Consider receiving the Monterey County Water Resources Agency Development Services Update

Attachments: [Board Report](#)
[Article XI MCWRA Fees for Land Use Permitting Activities](#)
[Table 1 - Legislation and Policies Related to the Control of Flood and Storm Waters in Monterey County](#)
[Board Order](#)

Upon Motion by Director Dupree and Second by Director Ortiz the Board of Directors received the Monterey County Water Resources Agency Development Services Update.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini
Noes: None
Absent: Director LeBarre

10.

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors consider options on whether, and how, to proceed with granting permission to allow reconstruction in the Agency's Floodage Easement at Nacimiento Reservoir.

Attachments: [Board Report](#)
[Map - Location of 8 Structures](#)
[Summary of the Floodage Easement and Recorded Documents](#)
[Board Order](#)

Upom Motion by Director Ekelund and Second by Director Ortiz the Board of Directors recommended that the Monterey County Water Resources Agency Board of Supervisors:

a. Consider options on whether, and how, to proceed with granting permission to allow reconstruction in the Agency's Floodage Easement at Nacimiento Reservoir.

Ayes: Directors Gonzalez, Sullivan, Dupree, Ekelund, Hoover, Ortiz, Scattini
Noes: None
Absent: Director LeBarre

Public Comment: Steve Demsher, Vernon Hilton, Ronelle Wilson, Gary Nicholson, Kim Armstrong, Gail McAbee, Richard Boyer

Key Information and Calendar of Events

General Manager's Report

The General Manager reported on the following topics: Reservoir Releases, Interlake Tunnel Portal Site Walks, Spillway Repair Projects, MRWMD Material Recovery Facility, Special Board of Supervisors Meeting, Interlake tunnel and Fish Screen Web Meetings

Committee Reports

There were no reports from the Committees.

Information Items

11. Information Items:

1. Well Permit Application Activities
2. Reservoir Release Update
3. Development Services Update

Attachments: [Well Permits Applications Update](#)
[Reservoir Release Update](#)
[Development Services Report](#)

Correspondence

12. Correspondence:

1. Letter dated February 20, 2018 from Sharon K. Tapia, Chief, Division of Safety of Dams to David Chardavoyne, General Manager
Re: San Antonio Dam, NO. 1008-2

2. Letter dated March 5, 2018 from Pamela H. Silkwood, Horan/Lloyd to Monterey County Water Resources Agency, Board of Supervisors and Board of Directors, Clerk to the Monterey County Water Resources Agency
Re: Agency's Pattern of Poor Management Practices Results in Violations of SWRCB Amended Permit 21089

3. Letter dated March 6, 2018 from Christy A. Jones, P.E., Deputy Director, Security and Emergency Management Program, Dept. of Water Resources to MCWRA
Re: Unauthorized Release of Information

Attachments: [Correspondence](#)

Board of Directors Comments

Adjournment

The meeting adjourned at 2:57 p.m.

AMENDMENT:

Monterey County Water Resources Agency Board of Directors Agenda Item No.

8 under Scheduled Matters has been amended to reflect a correction in the information as follows:

Consider recommending that the Monterey County Board of Supervisors:

- a. Amend and approve Personnel Policies and Practices Resolution (PPPR) No. 98-~~395~~394 Appendix A to adjust the salary ranges for the Classifications of: Senior Water Resources Engineer, Senior Water Resources Hydrologist, Associate Water Resources Engineer, Associate Water Resources Hydrologist, Water Resources Engineer, Water Resources Hydrologist as indicated in the attached resolution, effective retroactive to the pay period beginning July 22, 2017; and,
- b. Direct the Auditor Controller to appropriate approximately \$125,000 into the FY2017-18 budget; and,
- c. Direct the Human Resources Department to implement the changes in the Advantage HRM System.