

County of Monterey

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



Meeting Agenda - Final-Revised

Tuesday, January 17, 2023

10:30 AM

Special Meeting

<https://montereycty.zoom.us/j/224397747>

Board of Supervisors of the Monterey County Water Resources Agency

*Chair Supervisor Luis A. Alejo - District 1
Vice Chair Supervisor Glenn Church - District 2
Supervisor Chris Lopez - District 3
Supervisor Wendy Root Askew - District 4
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 <https://monterey.legistar.com/Calendar.aspx>, <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 two 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. 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. You are encouraged to participate via Zoom; however, additional seating with audio of the Board

meeting will be available in the Monterey Room on the 2nd floor of the County Government Center is needed for overflow.

Aviso importante sobre COVID 19

Según la orientación 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 permanezcan abiertas, se le recomienda encarecidamente que observe la transmisión en vivo de las reuniones de la Junta de Supervisores en <https://monterey.legistar.com/Calendar.aspx>, <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, se le pedirá que mantenga un distanciamiento social apropiado, es decir, mantenga 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 comentarios del público en general, o comentar sobre un tema específico de la agenda, puede hacerlo de dos maneras:

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, por favor indique en la Línea de Asunto, el cuerpo de la reunión (es decir, la Agenda de la Junta de Supervisores) y el número del ítem (es decir, el Ítem No. 10). Su comentario se colocará en el registro en la reunión de la Junta.

B. puede 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 los siguientes números:

+1669900 6833 EE. UU. (San José)

+ 1346248 7799 EE. UU. (Houston)

+1312626 6799 EE. UU. (Chicago)

+1929205 6099 EE. UU. (Nueva York)

+1 253215 8782 EE. UU.

+1 301 715 8592 EE. UU.

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

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

3. Se le anima a participar a través de Zoom; sin embargo, se necesitarán asientos adicionales con audio de la reunión de la Junta en el Salón Monterey en el segundo piso del Centro de Gobierno del Condado para el desbordamiento.

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 AB361 some or all Supervisors may participate in the meeting by telephone or video conference.

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

Roll Call

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.

Appointments

1. Reappoint Mike Scattini to the Water Resources Agency Board of Directors with a term ending on December 31, 2025. (Nominated By District 2)

Attachments: [Notification to Clerk of Appt - Mike Scattini](#)
[Completed Board Order Item No. 1 BOSWRA](#)

10:30 A.M. - Scheduled Matters

2. Appoint the Monterey County Farm Bureau representative to the Monterey County Water Resources Agency Board of Directors (Jason Smith or Kevin Piearcy - term ending December 31, 2026 (Full Board)).

Attachments: [Monterey County Farm Bureau Nomination Letter](#)
[Notification to Clerk and Application- Smith](#)
[Notification to Clerk and Application - Piearcy](#)

- 2.1
 - a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
 - b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
 - c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water

Resources Agency employee no sooner than January 18, 2023. (ADDED VIA
ADDENDA)

Attachments: [Board Report](#)
[Resolution](#)

ADDENDA

3.

Addenda

Added Under Scheduled Matters

2. 1

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
- c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023.

Adjournment



County of Monterey

Item No.1

Board Report

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

Legistar File Number: APP 23-022

January 17, 2023

Introduced: 1/12/2023

Current Status: Appointment

Version: 1

Matter Type: Appointment

Reappoint Mike Scattini to the Water Resources Agency Board of Directors with a term ending on December 31, 2025. (Nominated By District 2)

(FOR CLERK OF THE BOARD USE ONLY)

(FOR COUNTY CLERK USE ONLY)

OFFICIAL APPOINTMENT **FILE ID NO.**

[LEGISTAR ID NO.]

BOARD OF SUPERVISORS

STATE OF CALIFORNIA } ss.

I, VALERIE RALPH, Clerk of the Board of Supervisors of the County of Monterey, State of California,

do hereby certify that at a regular session of said Board held in and for said County of Monterey, on [DATE], [NAME] was duly appointed to the {NAME OF BOARD, COMMISSIONS OR COMMITTEE]

with a term ending on [TERM DATE ENDING] in and for Monterey County, State of California, as appears by the Official Records of said Board in my office.



Board of Supervisors of the Monterey County Water Resources Agency

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

www.co.monterey.ca.us

Board Order

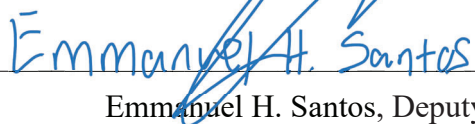
At the discretion of the Chair this item was move to Tuesday, January 17, 2023, to be heard:

Reappoint Mike Scattini to the Water Resources Agency Board of Directors with a term ending on December 31, 2025. (Nominated By District 2)

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 January 10, 2023.

Dated: January 12, 2023
File ID: APP 23-002
Agenda Item No.: 1

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


Emmanuel H. Santos, Deputy



County of Monterey

Item No.2

Board Report

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

Legistar File Number: WRAG 23-010

January 17, 2023

Introduced: 1/11/2023

Current Status: Scheduled AM

Version: 1

Matter Type: WR General Agenda

Appoint the Monterey County Farm Bureau representative to the Monterey County Water Resources Agency Board of Directors (Jason Smith or Kevin Piearcy - term ending December 31, 2026 (Full Board)).

RECOMMENDATION:

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

Appoint the Monterey County Farm Bureau representative to the Monterey County Water Resources Agency Board of Directors (Jason Smith or Kevin Piearcy - term ending December 31, 2026 (Full Board)).

SUMMARY/DISCUSSION:

Under the Monterey County Water Resources Agency Act ("Agency Act"), the Monterey County Farm Bureau nominates two persons from whom the Monterey County Water Resources Agency Board of Supervisors appoints one Director to the Monterey County Water Resources Agency Board of Directors. Director Jason Smith term expires December 31, 2022.

Sections 48 and 49 of the Agency Act provide:

- a. That the Agency shall be governed by a Board of Directors;
- b. The manner of appointment of those Directors;
- c. The number of Directors; and
- d. The qualifications (experience) of those directors.

In relation to the Director position in question, Section 49(b)(1) of the Agency Act states:

"(b) Four directors shall be appointed by a majority vote of the supervisors from nominees submitted by the following groups or organizations:

(1) One Director from a list of two nominees provided by the Monterey County Farm Bureau, who has a background in agricultural production.

(2) One Director from a list of two nominees provided by the Grower-Shipper Vegetable Association of Central California, who has a background in agricultural production.

(3) One Director from a list of two nominees provided by the mayor's select committee, who has a background in city government within the territory of the agency.

(4) One Director from a list of two nominees provided by the Monterey County Agricultural Advisory Committee. The Monterey Agricultural Advisory

Committee shall consider possible nominations from all areas of agriculture not represented by the organizations described in paragraphs (1) to (3), inclusive, such as flower growers' associations, cattlemen's associations, wine grape growers' associations, and independent growers.”

Sections 50 and 51 of the Agency Act provide that Directors shall serve a four-year term, and that Directors may be reappointed in the same manner as appointment of the previous holder of the office. The Monterey County Farm Bureau has submitted a letter nominating Jason Smith or Kevin Piearcy as its representative on the Board of Directors. (Attachment 1).

OTHER AGENCY INVOLVEMENT:

The Monterey County Farm Bureau.

FINANCING:

There is no cost associated with making this appointment other than meeting, mileage, and travel reimbursements currently included in the Monterey County Water Resources Agency FY 2022-2023 approved budget.

Prepared and Approved by: _____

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

Attachments:

1. Monterey County Farm Bureau's Nomination Letter
2. Notification to Clerk of Reappointment



1140 Abbott St., Ste. C, Salinas CA 93901
P.O. Box 1449, Salinas CA 93902-1449
831-751-3100 www.montereycfb.com

November 22, 2022

Mr. Brent Buche
General Manager,
Monterey County Water Resources Agency
1441 Schilling Place
Salinas, CA 93901

VIA: E-mail

RE: Appointment to MCWRA Board of Directors

Dear Mr. Buche:

On behalf of the Board of Directors of Monterey County Farm Bureau, we are pleased to place the following names into nomination as the representative from our organization to the Monterey County Water Resources Agency Board of Directors for the term running from 2023-2026:

Jason Smith
Kevin Piearcy

Our full Board of Directors, at their meeting on November 10, 2022, express their desire to continue Mr. Smith's representation on the MCWRA Board of Directors due to his extensive experience and commitment this past term.

Please contact me should you have any questions about our nomination; we look forward to the confirmation of our nominee at a future Monterey County Board of Supervisors meeting.

Sincerely,



Norman C. Groot
Executive Director

MONTEREY COUNTY

CLERK OF THE BOARD OF SUPERVISORS



To: Clerk of the Board's Office

From: Eva Gonzales

RE: Notification to Clerk of Appointment

Board of Supervisors' Meeting Date: January 10, 2023

Appointment to the (Name of the Board, Commission or Committee): Water Resources Agency Board of Directors

Nominated by (Supervisor/District and or Association): The Monterey County Farm Bureau

Representing (Primary, Alternate, At Large, Community Organization, etc.):

Nominated Appointee: Jason Smith

Name:

Address:

Telephone number(s):

Cell

Home

Business

Email: jason.smith@smithfamilywines.com

Contact preference: ☐ USPS Mail or via ☒ Email

Reason for Nomination:

☐ New Appointment

Replacing Member:

☒ Reappointment

☐ Filling an Unscheduled/Unexpired Term

Replacing Member:

Reason: ☐ Resignation ☐ Death ☐ Term not completed ☐ Other (explain)

Clerk noticed of Unscheduled/Unexpired Term on:

Earliest Board of Supervisors' meeting date appointment can be set is:

Term:

Start Date: 01/01/2023

Expiration Date: 12/31/2026



Submitted application for

MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS

Email *

jason.smith@smithfamilywines.com

This Form and its contents may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the act.

First Name *

Jason

MI

Last Name *

Smith

Address 1 *

Address 2 (optional)

City *

salinas

State *

CA

Postal Code *

93901

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

White

Gender

Male

What district do you live in? *

District 5

Primary Phone *

Alternate Phone *

Please identify how you prefer to be contacted.

Email

Are you currently serving on a County of Monterey Board, Commission, Committee or other Community Advisory Group? *

Yes

If yes, please list

MCWRA BOD SVGSA Advisory Board and Upper Valley Implementation Chair

Interests & Experiences

Please tell us about yourself and why you want serve

I have been involved in Ag Politics and advocacy on numerous boards since 1992. It is paramount that we stay involved in all aspects of our county to make sure we keep the county viable and fair.

Please state the reason you would like to be a member of this board committee/commission/district.

I have served my first term and have been asked again by MCFB to represent them at MCWRA. We have a lot of work and we have a good group on the BOD to work with staff to accomplish many projects.

Have you served on an advisory group before?

Yes

How did you hear about the position?

N/A

Monterey County Policy - states that Commissioners are required to attend meetings on a regular basis. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member *

Yes

Background Information

Upload a resume with the names, addresses, and dates of employers for the last five (5) years.

no resume uploaded

Employer

Valley Farm Management

Job Title

President/CEO

Occupation

Vineyard Management

Employer Address

Information Regarding Conflict of Interest and Filing of Statements of Economic Interests (Form 700)

State and local law requires that you abstain from participation in decisions that may affect your financial interest, including sources of income and interest in real property or investments. In addition, if appointed you may be required to fill out a disclosure statement that identifies certain of your financial interest beginning with the immediate 12 months period prior to your appointment.

In accordance with Government Code Sections 87313 and the County of Monterey's Conflict of Interest Code, this Board/commission/Committee/District, you may be required to file statements disclosing certain types of information so that the public can be made aware of potential conflicts of interest. The types of disclosures are:

- Investments
- Interests in Real Property Held by a Business Entity or Trust
- Investments Held by a Business Entity or Trust Income (other than loans and gifts)
- Income – Travel Payments, Advances, Reimbursements
- Income gifts
- Business Positions
- Commission Income Received by Brokers, Agents, and Salespersons
- Income and Loans to a Business Entity or Trust Income from Rental Property

If you have any questions regarding disclosure requirements, please contact the Clerk of the Board's office at 831-755-5066.

Please identify any specialized accommodations needed for equal participation:

N/A

I DECLARE, UNDER PENALTY OF DISQUALIFICATION AND TERMINATION, THAT ALL STATEMENTS IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Enter Your Initials *

JES

MONTEREY COUNTY

CLERK OF THE BOARD OF SUPERVISORS



To: Clerk of the Board's Office

From: Eva Gonzales

RE: Notification to Clerk of Appointment

Board of Supervisors' Meeting Date: January 10, 2023

Appointment to the (Name of the Board, Commission or Committee): Water Resources Agency Board of Directors

Nominated by (Supervisor/District and or Association): The Monterey County Farm Bureau

Representing (Primary, Alternate, At Large, Community Organization, etc.):

Nominated Appointee: Kevin Piearcy

Name:

Address:

Telephone number(s):

Cell

Home

Business

Email: pumph20101@hotmail.com

Contact preference: ☐ USPS Mail or via ☒ Email

Reason for Nomination:

☐ New Appointment

Replacing Member:

☒ Reappointment

☐ Filling an Unscheduled/Unexpired Term

Replacing Member:

Reason: ☐ Resignation ☐ Death ☐ Term not completed ☐ Other (explain)

Clerk noticed of Unscheduled/Unexpired Term on:

Earliest Board of Supervisors' meeting date appointment can be set is:

Term:

Start Date: 01/01/2023

Expiration Date: 12/31/2026



Submitted application for

MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS

Email *

pumph20101@hotmail.com

This Form and its contents may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the act.

First Name *

Kevin

MI

Last Name *

Pearcy

Address 1 *

City *

Chualar

State *

CA

Postal Code *

93925

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

White

Gender

Male

What district do you live in? *

District 3

Primary Phone *

Alternate Phone *

Please identify how you prefer to be contacted.

Phone

Are you currently serving on a County of Monterey Board, Commission, Committee or other Community Advisory Group? *

Yes

If yes, please list

MCWRA Basin Management Advisory Committee MCWRA Reservoir Operations Advisory Committee
Monterey County Agricultural Advisory Committee Salinas Valley Fair Board of Directors - Director

Interests & Experiences

Please tell us about yourself and why you want serve

I am a life long resident of Monterey County. I attended and graduated from Chualar Elementary School, Gonzales Union High School, Hartnell Community College and California State Polytechnic University - San Luis Obispo Monterey County Farm Bureau Board of Directors - Director and Past President Monterey County property owner Married to Renee' (Gutierrez) Piearcy - retired school teacher - Resource Specialist We have 2 children President and Manager of Industrial Pump Shop, Inc. Employed 1978-present President and Manager of Salinas Armature and Motor Works, Inc. President and Manager Le Belle Rose, LLC (Vineyard) National Groundwater Association - Member

Please state the reason you would like to be a member of this board committee/commission/district.

I would like to offer my 45 years of experience in ground water in Monterey County. I have and continue to attend courses regarding water thru the National Groundwater Assoc, Cal Poly Irrigation Training & Research Center, Fresno State Center for Irrigation Technology and American Groundwater Assoc. I have read most every ground water study regarding our groundwater basin.

Have you served on an advisory group before?

Yes

How did you hear about the position?

Monterey County Farm Bureau

Monterey County Policy - states that Commissioners are required to attend meetings on a regular basis. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member *

Yes

Background Information

Upload a resume with the names, addresses, and dates of employers for the last five (5) years.

no resume uploaded

Employer

Industrial Pump Shop, Inc.

Job Title

Manager

Occupation

Supervisor/Management

Employer Address

Information Regarding Conflict of Interest and Filing of Statements of Economic Interests (Form 700)

State and local law requires that you abstain from participation in decisions that may affect your financial interest, including sources of income and interest in real property or investments. In addition, if appointed you may be required to fill out a disclosure statement that identifies certain of your financial interest beginning with the immediate 12 months period prior to your appointment.

In accordance with Government Code Sections 87313 and the County of Monterey's Conflict of Interest Code, this Board/commission/Committee/District, you may be required to file statements disclosing certain types of information so that the public can be made aware of potential conflicts of interest. The types of disclosures are:

- Investments
- Interests in Real Property Held by a Business Entity or Trust
- Investments Held by a Business Entity or Trust Income (other than loans and gifts)
- Income – Travel Payments, Advances, Reimbursements
- Income gifts
- Business Positions
- Commission Income Received by Brokers, Agents, and Salespersons
- Income and Loans to a Business Entity or Trust Income from Rental Property

If you have any questions regarding disclosure requirements, please contact the Clerk of the Board's office at 831-755-5066.

Please identify any specialized accommodations needed for equal participation:

N/A

I DECLARE, UNDER PENALTY OF DISQUALIFICATION AND TERMINATION, THAT ALL STATEMENTS IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Enter Your Initials *

KP



County of Monterey

Item No.2.1

Board Report

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

Legistar File Number: WRAG 23-012

January 17, 2023

Introduced: 1/14/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
- c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023. (ADDED VIA ADDENDA)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
- c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023.

SUMMARY/DISCUSSION:

Government Code section 7522.56 limits the manner in which a California Public Employee Retirement System (PERS) retiree can return to public service, even on a temporary basis. Subsection (f) of Government Code section 7522.56 states a retired person is not eligible for a period of 180 days following the date of her or his retirement, unless: “The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.” At this time, the Water Resources Agency (“MCWRA”) seeks Board of Supervisors approval to meet an imminent and urgent need for the critical expertise of a water and flood control engineering specialist intimately familiar with critically needed emergency MCWRA work. This need is heightened given the fact that Monterey County is under a federal, state, and local emergency, and MCWRA staff are staffing EOC in addition to their normal workload.

Brent Buche has 30 years of experience working for MCWRA in many capacities and has his California Professional Civil Engineer’s license. During Mr. Buche’s lengthy career, he has worked in the operation, maintenance and improvement of every MCWRA owned facility, including numerous pump stations, drainage channels, and dam structures. Mr. Buche held a position on the emergency management team at Office of Emergency Services and responded to numerous County-wide

disasters, including bringing flood fighting materials locally from the state. Mr. Buche's recent retirement as General Manager has left a vacancy in MCWRA, and has resulted in a lessened capacity for MCWRA. With the ongoing January 2023 emergency storm events and resulting damage, MCWRA is in need of assistance with emergency flood control response and post-storm damage assessment. MCWRA is actively recruiting for various specialized expert positions, including Deputy General Manager, but those recruitments are ongoing. Mr. Buche's critical expertise, and a large number of vacancies in MCWRA, prompts the Interim General Manager to request that the Board waive the 180-day waiting period, find the appointment of Mr. Buche is necessary to fill a critically needed position, and authorize the hiring of Mr. Buche on a temporary basis from six months to one year.

Mr. Buche's temporary appointment is necessary to fill the critically needed position of Deputy General Manager at this time, and the Interim General Manager requests authorization to hire Mr. Buche on a temporary basis shortly after his separation from MCWRA service and retirement on December 31, 2022. Mr. Buche will be limited to a maximum of 960 hours of work per year.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

MCWRA's budget.

Prepared and Approved by: Lew Bauman, Interim General Manager (831)755-4860



County of Monterey

Item No.

Board Report

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

Legistar File Number: WRAG 23-012

January 17, 2023

Introduced: 1/14/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
- c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
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SUMMARY/DISCUSSION:

Government Code section 7522.56 limits the manner in which a California Public Employee Retirement System (PERS) retiree can return to public service, even on a temporary basis. Subsection (f) of Government Code section 7522.56 states a retired person is not eligible for a period of 180 days following the date of her or his retirement, unless: “The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.” At this time, the Water Resources Agency (“MCWRA”) seeks Board of Supervisors approval to meet an imminent and urgent need for the critical expertise of a water and flood control engineering specialist intimately familiar with critically needed emergency MCWRA work. This need is heightened given the fact that Monterey County is under a federal, state, and local emergency, and MCWRA staff are staffing EOC in addition to their normal workload.

Brent Buche has 30 years of experience working for MCWRA in many capacities and has his California Professional Civil Engineer’s license. During Mr. Buche’s lengthy career, he has worked in the operation, maintenance and improvement of every MCWRA owned facility, including numerous pump stations, drainage channels, and dam structures. Mr. Buche held a position on the emergency management team at Office of Emergency Services and responded to numerous County-wide

disasters, including bringing flood fighting materials locally from the state. Mr. Buche's recent retirement as General Manager has left a vacancy in MCWRA, and has resulted in a lessened capacity for MCWRA. With the ongoing January 2023 emergency storm events and resulting damage, MCWRA is in need of assistance with emergency flood control response and post-storm damage assessment. MCWRA is actively recruiting for various specialized expert positions, including Deputy General Manager, but those recruitments are ongoing. Mr. Buche's critical expertise, and a large number of vacancies in MCWRA, prompts the Interim General Manager to request that the Board waive the 180-day waiting period, find the appointment of Mr. Buche is necessary to fill a critically needed position, and authorize the hiring of Mr. Buche on a temporary basis from six months to one year.

Mr. Buche's temporary appointment is necessary to fill the critically needed position of Deputy General Manager at this time, and the Interim General Manager requests authorization to hire Mr. Buche on a temporary basis shortly after his separation from MCWRA service and retirement on December 31, 2022. Mr. Buche will be limited to a maximum of 960 hours of work per year.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

MCWRA's budget.

Prepared and Approved by: Lew Bauman, Interim General Manager (831)755-4860

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF SUPERVISORS**

Resolution No. _____

Adopt a resolution to waive the 180-day)
“waiting period” for PERS retiree to return)
to work for recently-retired water and flood)
control engineering specialist Brent Buche,)
former Monterey County Water Resources)
Agency General Manager; find that the)
appointment of Brent Buche is necessary to)
fill a critically needed position; and approve)
and authorize the hiring of retiree Brent)
Buche as a temporary Water Resources)
Agency employee no sooner than January)
18, 2023.

WHEREAS, in compliance with Government Code section 7522.56 of the Public Employees’ Retirement Law, the Board of Supervisors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date;

WHEREAS, Brent Buche retired from the Monterey County Water Resources Agency in the position of General Manager, effective December 31, 2022;

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 29, 2023 without this certification resolution;

WHEREAS, Government Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive;

WHEREAS, the Monterey County Water Resources Agency Board of Supervisors and Brent Buche certify that Brent Buche has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, the Board of Supervisors hereby appoints Brent Buche as an extra help retired annuitant to perform duties as a Deputy General Manager for the Water Resources Agency;

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar;

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers;

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties;

WHEREAS, the maximum base salary for this position is \$ 17,803 and the hourly equivalent is \$102.709, and the minimum base salary for this position is \$13,035 and the hourly equivalent is \$75.200;

WHEREAS, the hourly rate paid to Brent Buche will be \$102.709; and

WHEREAS, Brent Buche has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to her hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

1. The foregoing recitals are true and correct.
2. The 180-day "waiting period" is waived for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager.
3. The appointment of Brent Buche is necessary to fill a critically needed position.
4. The hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023 is authorized.
5. This Resolution shall take immediate effect upon its passage and adoption.

PASSED AND ADOPTED upon motion of Supervisor_____, seconded by Supervisor_____, and carried this _____ day of ___, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph Clerk of the Monterey County Water Resources Agency Board of Supervisors, 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___ for the meeting on _____.

Dated:

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

By _____
Deputy



County of Monterey

Item No.3

Board Report

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

Legistar File Number: 23-056

January 17, 2023

Introduced: 1/14/2023

Current Status: Draft

Version: 1

Matter Type: General Agenda Item

Addenda

Added Under Scheduled Matters

2.1

- a. Waive the 180-day “waiting period” for PERS retiree to return to work for recently-retired water and flood control engineering specialist Brent Buche, former Monterey County Water Resources Agency General Manager;
- b. Find that the appointment of Brent Buche is necessary to fill a critically needed position; and
- c. Approve and authorize the hiring of retiree Brent Buche as a temporary Water Resources Agency employee no sooner than January 18, 2023.