

County of Monterey

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



Meeting Agenda - Final-Revised

Tuesday, January 24, 2023

9:00 AM

<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.

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.

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.

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session by County Counsel

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 confer regarding recruitment/appointment to the position of Water Resources Agency General Manager.
 - b. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

Public Comments for Closed Session

The Board Recesses for Closed Session Agenda Items

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

Roll Call

Additions and Corrections by Clerk

General Public Comments

Consent Calendar

- 1.1** Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required). (ADDED VIA ADDENDA)

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

Read Out from Closed Session

Adjournment

Addenda

Addenda

Added under Consent

- 1.1** Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).



County of Monterey

Item No.1

Board Report

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

Legistar File Number: CS 23-004

January 24, 2023

Introduced: 1/11/2023

Current Status: Agenda Ready

Version: 1

Matter Type: Closed Session

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

- a. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment/appointment to the position of Water Resources Agency General Manager.
- b. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.
- c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.



County of Monterey

Item No.1.1

Board Report

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

Legistar File Number: WRAG 23-013

January 31, 2023

Introduced: 1/19/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required). (ADDED VIA ADDENDA)

RECOMMENDATION:

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

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).

SUMMARY/DISCUSSION:

On January 10, 2023, the Board of Supervisors of the County of Monterey ratified a Proclamation of Local Emergency due to an atmospheric river event commencing December 26, 2022, and continuing into January of 2023 throughout Monterey County. The proclamation gives the County certain emergency contracting authority pursuant to the Public Contract Code. Public Contract Code section 22050 also provides that the Monterey County Water Resources Agency ("MCWRA") has similar emergency contracting authority in a proclaimed emergency to "repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." That section also allows the MCWRA Board of Supervisors to delegate to the General Manager the emergency contracting authority. Here, the time required to obtain to competitive bids will unduly delay MCWRA's ability to make emergency repairs to essential facilities and equipment. The public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to Nacimiento and San Antonio reservoir facilities, levees, slide gates, roadways, culverts, pump stations, and flood and debris flow damage to other MCWRA infrastructure. Pursuant to Public Contract Code section 22050(c), the General Manager shall report to the Board of Supervisors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action.

OTHER AGENCY INVOLVEMENT:

Numerous County departments and other agencies have participated in the response to the emergency including the Department of Emergency Management, Sheriff's Office, Information Technology Department, Department of Social Services, Health Department, County

Administrative Office, Public Works, Facilities, and Parks Department, County Counsel's Office, the US Army Corps of Engineers, NOAA-National Marine Fisheries Service, US Fish and Wildlife Services, CA Dept of Fish and Wildlife, and the CA Coastal Commission.

FINANCING:

Preliminary damage estimates submitted to FEMA for repair costs to MCWRA facilities caused by January 2023 storm events are estimated at approximately \$16 million. These early and preliminary damage estimates will be further refined over coming weeks, in consultation with FEMA, and State OES teams. Potential sources of financing for identified repairs projects include MCWRA unrestricted fund balances, American Rescue Plan Act funds, and or intergovernmental general fund loans subject to reimbursement by FEMA revenues. As project estimates and costs are refined staff will return to your Board with requested financing sources.

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

Attachments:

1. Resolution



County of Monterey

Item No.

Board Report

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

Legistar File Number: WRAG 23-013

January 24, 2023

Introduced: 1/19/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).

RECOMMENDATION:

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

Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).

SUMMARY/DISCUSSION:

On January 10, 2023, the Board of Supervisors of the County of Monterey ratified a Proclamation of Local Emergency due to an atmospheric river event commencing December 26, 2022, and continuing into January of 2023 throughout Monterey County. The proclamation gives the County certain emergency contracting authority pursuant to the Public Contract Code. Public Contract Code section 22050 also provides that the Monterey County Water Resources Agency ("MCWRA") has similar emergency contracting authority in a proclaimed emergency to "repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." That section also allows the MCWRA Board of Supervisors to delegate to the General Manager the emergency contracting authority. Here, the time required to obtain to competitive bids will unduly delay MCWRA's ability to make emergency repairs to essential facilities and equipment. The public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to Nacimiento and San Antonio reservoir facilities, levees, slide gates, roadways, culverts, pump stations, and flood and debris flow damage to other MCWRA infrastructure. Pursuant to Public Contract Code section 22050(c), the General Manager shall report to the Board of Supervisors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action.

OTHER AGENCY INVOLVEMENT:

Numerous County departments and other agencies have participated in the response to the emergency including the Department of Emergency Management, Sheriff's Office, Information Technology Department, Department of Social Services, Health Department, County Administrative Office, Public

Legistar File Number: WRAG 23-013

Works, Facilities, and Parks Department, County Counsel's Office, the US Army Corps of Engineers, NOAA-National Marine Fisheries Service, US Fish and Wildlife Services, CA Dept of Fish and Wildlife, and the CA Coastal Commission.

FINANCING:

Preliminary damage estimates submitted to FEMA for repair costs to MCWRA facilities caused by January 2023 storm events are estimated at approximately \$16 million. These early and preliminary damage estimates will be further refined over coming weeks, in consultation with FEMA, and State OES teams. Potential sources of financing for identified repairs projects include MCWRA unrestricted fund balances, American Rescue Plan Act funds, and or intergovernmental general fund loans subject to reimbursement by FEMA revenues. As project estimates and costs are refined staff will return to your Board with requested financing sources.

Prepared and Approved by:

DocuSigned by:

631A724C33274DD...
Lew Bauman, Interim General Manager (831)755-4860

Attachments:

1. Resolution

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

Resolution No. 23-_____

Resolution of the Board of Supervisors of the Monterey County Water Resources Agency to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).

WHEREAS, on January 10, 2023, the Board of Supervisors of the County of Monterey ratified a Proclamation of Local Emergency due to an atmospheric river event commencing December 26, 2022, and continuing into January of 2023 throughout Monterey County; and

WHEREAS, the proclamation gives the County certain emergency contracting authority pursuant to the Public Contract Code; and

WHEREAS, Public Contract Code section 22050(a) also provides that the Monterey County Water Resources Agency (“MCWRA”) has similar emergency contracting authority in a proclaimed emergency to “repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts”; and

WHEREAS, Public Contract Code section 22050(b) authorizes the Board of Supervisors of MCWRA to delegate to MCWRA’s General Manager the authority to order any action to replace or repair a public facility as authorized by Public Contract Code 22050(a); and

WHEREAS, serving the public interest demands immediate action to prevent and mitigate loss of essential MCWRA infrastructure, including repairing damage to Nacimiento Reservoir and San Antonio Reservoir infrastructure, levees, slide gates, roadways, pump stations culverts, and other equipment and facilities; and

WHEREAS, the time required to obtain competitive bids will unduly delay MCWRA’s ability to make emergency repairs to these essential facilities and equipment.

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

1. Find the foregoing recitals are true and correct.
2. MCWRA’s emergency actions are necessary to prevent or mitigate loss or damage to life, health, property or essential public services, including but not limited to the following: Nacimiento Reservoir and San Antonio Reservoir infrastructure, levees, slide gates, roadways, pump stations, culverts, and other equipment and facilities.
3. Pursuant to Public Contract Code section 22050(a), substantial evidence supports the conclusions that the need for emergency actions cannot be delayed, that MCWRA has and must continue to act as expeditiously as possible to repair necessary facilities and equipment.

4. Pursuant to Public Contract Code section 22050(b), the MCWRA General Manager is authorized to take any directly related and immediate action required to procure the necessary equipment, services, and supplies to respond to the emergency, without giving notice for bids to let contracts.
5. Pursuant to Public Contract Code section 22050(c), the General Manager shall report to the Board of Supervisors at each subsequent regular meeting so that the Board can review the emergency action to determine, by a 4/5ths vote, that there is a need to continue the emergency action.

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 Board of Supervisors of the Monterey County Water Resources Agency, 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 of the
Monterey County Water Resources Agency

By _____,
Deputy



County of Monterey

Item No.

Board Report

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

Legistar File Number: 23-066

January 24, 2023

Introduced: 1/20/2023

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Addenda

Added under Consent

1.1 Adopt a resolution to delegate emergency contracting authority to the Monterey County Water Resources Agency General Manager pursuant to the Proclamation of a Local Emergency by the Monterey County Board of Supervisors and pursuant to Public Contract Code section 22050 (4/5 vote required).