

County of Monterey

1441 Schilling Place
Saffron Room
Salinas, CA 93901



Meeting Agenda

Friday, February 3, 2023

10:00 AM

IMPORTANT COVID-19 NOTICE ON PAGE 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4

Water Resources Agency Finance Committee

John Baillie, Chair
Mark Gonzalez
Mike LeBarre
Matthew Simis

IMPORTANT NOTICE REGARDING COVID 19 AND PARTICIPATION IN THE FINANCE COMMITTEE MEETING

In order to minimize the spread of the COVID 19 virus, please do the following:

To participate in this Finance Committee meeting, the public is invited to observe and address the Committee telephonically or electronically. Instructions for public participation are below:

1. For ZOOM participation please join by computer audio at:

<https://montereycty.zoom.us/j/92403510520>

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: 924 0351 0520 PASSWORD: 404237 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.

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WRAPubliccomment@co.monterey.ca.us by 5:00 p.m. on the Thursday prior to the Committee meeting. To assist Agency staff in identifying the agenda item to which the comment relates please indicate the Finance Committee meeting date and agenda number in the subject line.

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agenda item relating to your public comment please indicate in the subject line, the meeting body (i.e. Finance Committee) and item number (i.e. Item No. 10). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

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8. The Chair and/or Secretary may set reasonable rules as needed to conduct the meeting in an orderly manner.

AVISO IMPORTANTE SOBRE COVID 19 Y PARTICIPACIÓN EN LA REUNIÓN DEL COMITE DE FINANZAS

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2. Los miembros del público que desean comentar en un artículo específico de la agenda, mientras que el artículo se este presentando durante la reunión, pueden participar por cualquiera de los siguientes medios:

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3. Si un miembro del público desea comentar sobre un artículo de la agenda en particular, se le es sumamente recomendable que envíe sus comentarios por escrito por correo electrónico a la Agencia de Administración de Recursos del Agua (Agencia) a WRAPubliccomment@co.monterey.ca.us antes de las 5:00 P. M. el Jueves antes de la reunión del Comité. Para ayudar al personal de la Agencia a identificar el número del artículo de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha de la reunión del Comité y el número del artículo de la agenda en la línea de asunto. Comentarios recibidos en la fecha límite del Jueves a las 5 P.M, serán distribuidos al Comité y serán colocados en el registro.

4. Los miembros del público que deseen hacer un comentario público general para temas que no están en la agenda del día o que deseen comentar en un artículo específico mientras se escucha la presentación, lo pueden hacer enviando un comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, a WRAPubliccomment@co.monterey.ca.us. Para ayudar al personal de la Agencia a identificar el artículo de la agenda con el cual se relaciona el comentario, se solicita al público que indique el nombre del Comité (por ejemplo: Comité de Finanzas) y el número del artículo de la agenda (por ejemplo: Artículo # 10). Se hará todo lo posible para leer el comentario en el registro, pero algunos comentarios pueden no leerse en voz alta debido a limitaciones de tiempo. Los comentarios recibidos después del cierre del período de comentarios públicos sobre un artículo de la agenda serán parte del registro si se reciben antes que termine la reunión del Comité.

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8. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

Roll Call

Public Comment

Committee Member Comments

Consent Calendar

1. Approve the Minutes of the Finance Committee meeting on December 2, 2022.

Attachments: [Draft Finance Minutes December 2, 2022](#)

Scheduled Items

2. Consider receiving a FY 2022-23 Financial Status Report of the Monterey County Water Resources Agency for Accounting Period 6 ending December 31, 2022.

Attachments: [Board Report](#)
[FY23 Financial Summary of July thru Dec 2022](#)

3. Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. _____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

Attachments: [Board Report](#)
[Ordinance No. 3790 Proposed Amendments \(redline\)](#)

Status Reports

- 4.
- Proposition 218 Update
 - 3-5 Year Financial Plan Update
 - Funding Opportunities Update
 - Grants Update
 - Homeless Encampment Cleanup Costs

Attachments: [Grants Update](#)

Calendar

5. Set next meeting date and discuss future agenda items.

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: WRAFIN 23-003

February 03, 2023

Introduced: 1/25/2023

Current Status: Draft

Version: 1

Matter Type: WRA Finance Item

Approve the Minutes of the Finance Committee meeting on December 2, 2022.

County of Monterey

*1441 Schilling Place
Saffron Room
Salinas, CA 93901*



Meeting Minutes

Friday, December 2, 2022

8:30 AM

**IMPORTANT COVID-19 NOTICE ON PAGE 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4**

Water Resources Agency Finance Committee

*John Baillie, Chair
Mark Gonzalez
Mike LeBarre
Matthew Simis*

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8. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

The meeting was called to order at 8:32 a.m.

Roll Call

Present: John Baillie, Mark Gonzalez, Mike LeBarre, Matthew Simis
Absent: None

Public Comment

None

Committee Member Comments

None

Consent Calendar

Upon Motion by Matthew Simis and Second by Mark Gonzalez the Committee approved the Consent Calendar.

Ayes: John Baillie, Mark Gonzalez, Mike LeBarre, Matthew Simis

Noes: None

Absent: None

1. Approve the Minutes of the Finance Committee meeting on October 7, 2022.

Attachments: [Draft Finance Minutes October 7, 2022](#)

Presentations

Upon Motion by Matthew Simis, Second by Mark Gonzalez the Committee received the presentation of 5 year Financial Planning: Fund 111.

Ayes: John Baillie, Mark Gonzalez, Mike LeBarre, Matthew Simis

Noes: None

Absent: None

2. Receive a presentation of 5 Year Financial Planning: Fund 111

Attachments: [Financial Planning Fund 111](#)

Scheduled Items

3. Consider receiving the Monterey County Water Resources Agency FY 2022-23 First Quarter Financial Status Report through September 30, 2022.

Attachments: [Board Report](#)

[FY23 1st Qtr Financial Status Report](#)

Upon Motion by Mark Gonzalez, Second by Matthew Simis the Committee received the Monterey County Water Resources Agency FY 22-23 First Quarter Financial Status Report through September 30, 2022.

Ayes: John Baillie, Mark Gonzales, Mike LeBarre, Matthew Simis

Noes: None

Absent: None

4. Consider receiving the October 2022 Financials for all Agency Funds.

Attachments: [Financial Status OCTOBER 2022](#)

Upon Motion by Matthew Simis, Second by Mark Gonzalez the Committee received the October 2022 Financials for all Agency Funds.

Ayes: John Baillie, Mark Gonzalez, Mike LeBarre, Matthew Simis

Noes: None

Absent: None

5. Consider recommending that the Monterey County Water Resources Agency Board of Directors approve an Agreement with Maggiora Bros. Drilling, Inc. in the amount of \$215,720 to construct two new dedicated monitoring wells in the 180-Foot and 400-Foot Aquifers; and authorize the General Manager to execute the Agreement.

Attachments: [Board Report](#)

[Draft Agreement for the 180-Foot and 400-Foot Aquifers](#)

[Exhibit A- Notice to Bidders](#)

[Exhibit B- Technical Specifications and Attachments](#)

Upon Motion by Matthew Simis, Second by Mark Gonzalez the Committee recommended that the Monterey County Water Resources Agency Board of Directors approve an Agreement with Maggiora Bros. Drilling Inc. in the amount of \$215,720 to construct two new dedicated monitoring wells in the 180-Foot and 400-Foot Aquifers; and authorize the General Manager to execute the Agreement.

Ayes: John Baillie, Mark Gonzalez, Mike LeBarre, Matthew Simis

Noes: None

Absent: None

Status Reports

- 6.
- Proposition 218 Update
 - 3-5 Year Financial Plan Update
 - Funding Opportunities Update
 - Grants Update
 - Homeless Encampment Cleanup Costs

Attachments: [Grants Update](#)

Information Items

7. Information Items:

1. MCWRA Financial Workshop on December 9th - Draft Schedule
2. County 2023-24 Budget Development Schedules

Attachments: [MCWRA Financial Workshop Dec. 9th - Draft Schedule](#)

[FY 2023-24 Budget Development Schedules](#)

Calendar

8. Set next meeting date and discuss future agenda items

Adjournment

The meeting adjourned at 9:55 a.m.



County of Monterey

Item No.2

Board Report

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

Legistar File Number: WRAFIN 23-005

February 03, 2023

Introduced: 1/26/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WRA Finance Item

Consider receiving a FY 2022-23 Financial Status Report of the Monterey County Water Resources Agency for Accounting Period 6 ending December 31, 2022.

RECOMMENDATION:

It is recommended that the Finance Committee:

Consider receiving a FY 2022-23 Financial Status Report of the Monterey County Water Resources Agency for Accounting Period 6 ending December 31, 2022.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (Agency) FY 2022-2023 (FY23) Adopted Budget totals \$41.2 million in expenditures and \$36.4 million in revenue.

Total revenue received through FY23 Accounting Period 6, ending December 31, 2022 was \$14.8 million. The combined total of Ad Valorem Taxes and Special Benefit Assessments was \$11.8 million, 70% of the total revenue received. Additional revenue received includes \$779,825 of grant payments (5%), \$762,507 of Water Delivery and Service fee payments (5%) and \$950,000 of a fund transfer (6%), which was the Cannabis Assignment loans forgiven for Muscle Wall in Pajaro Levee. The total revenue received was 41% of FY23's budgeted revenue and a decrease of \$229,028 compared to \$15.1 million total revenue during the same period of FY22.

Total expenditure of the Agency for the reporting period was \$16.4 million, comprised of \$4.0 million encumbrance and \$12.5 million cash expenditures. Of the total expenditure, \$3.1M (19%) was salaries and benefits, \$8.4 million (51%) was professional services and \$2.0 million (12%) was for other services and supplies. The total expenditure was an increase of \$1.3 million, compared to \$15.1 million in expenditures of the same period in FY22.

Summary of Agency's consolidated fund balances for FY2022-23 is as follows:

	Adopted Budget	Actual Amount
FY23 Est. Beg. Fund Balance	\$23,188,904	\$22,530,404
FY23 Revenues	36,435,652	14,838,198
FY23 Expenditures	(41,222,295)	(16,440,719)
FY23 Est. Fund Balance	\$18,402,261	\$20,927,883

The total expenditure through December 31, 2022 was 40% of the FY23 Adopted Budget but multiple budget units of the Agency will require appropriation increases due to flood control

expenses incurred during the winter storm events in January 2023.

FINANCING:

There is no financial impact for receiving this report.

Prepared by: Nan Kyung Kim, Finance Manager III, (831) 755-4860

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

Attachments:

1. FY23 Financial Summary of July thru December 2022



County of Monterey

Item No.2

Board Report

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

Legistar File Number: WRAFIN 23-005

February 03, 2023

Introduced: 1/26/2023

Current Status: Agenda Ready

Version: 1

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multiple budget units of the Agency will require appropriation increases due to flood control expenses incurred during the winter storm events in January 2023.

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Prepared by: Nan Kyung Kim, Finance Manager III, (831) 755-4860

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

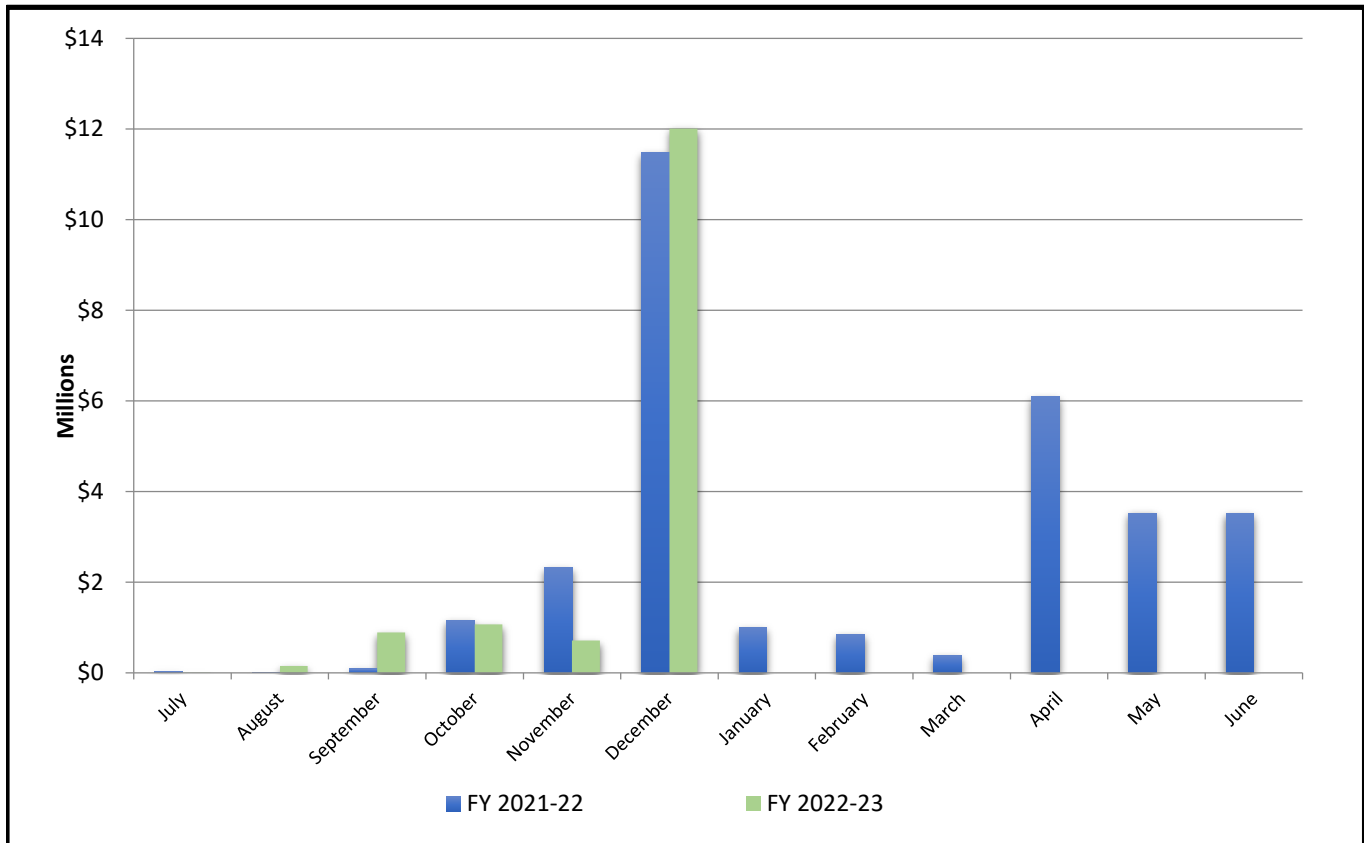
Attachments:

1. FY23 Financial Summary of July thru December 2022

Monterey County
Water Resources Agency
FY 2022-2023 FINANCIAL STATUS REPORT

YTD Actual Revenues

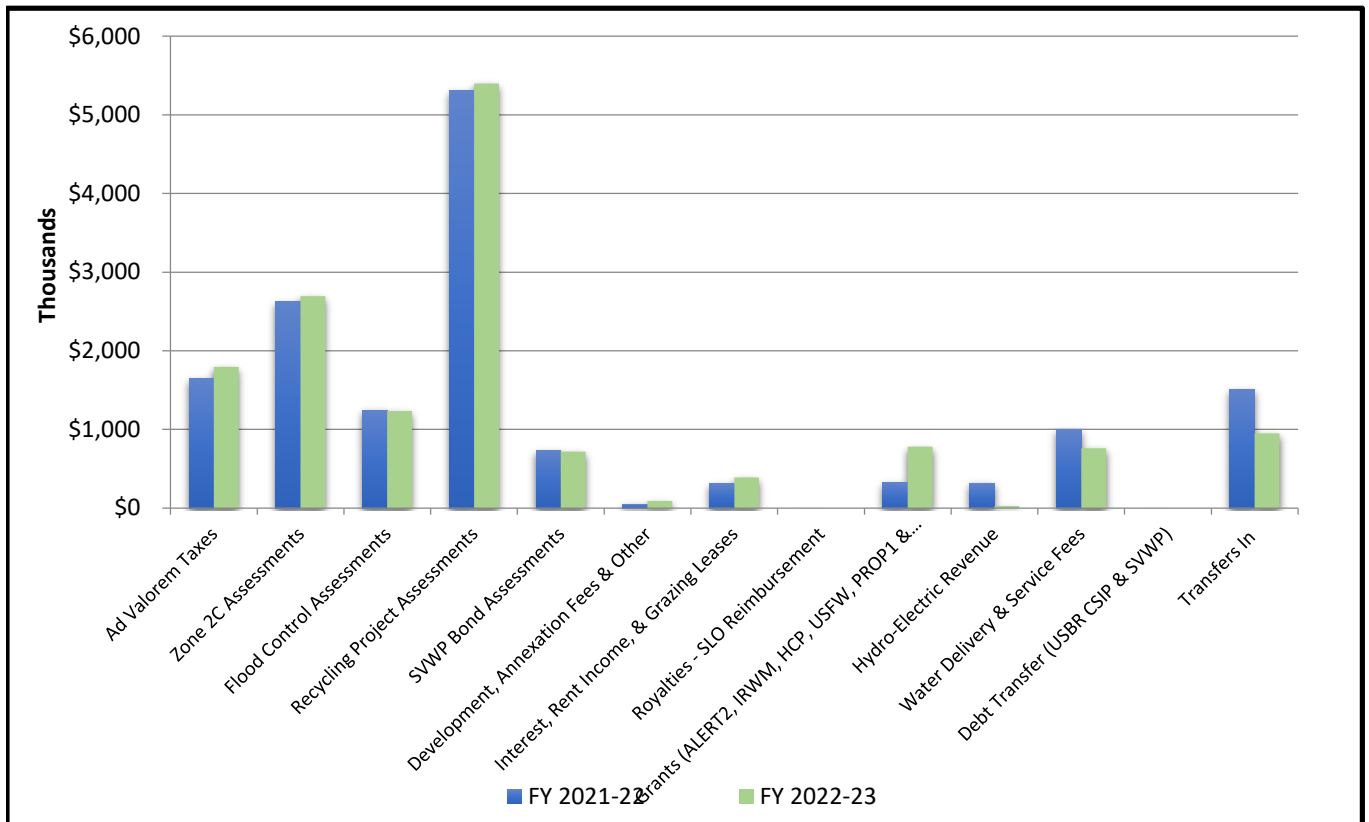
Month By Month Revenues				
	FY 2021-22	% Received	FY 2022-23	% Received
July	26,587	0.1%	6,068	0.0%
August	2,129	0.1%	149,696	0.4%
September	85,375	0.3%	891,039	2.9%
October	1,149,913	3.8%	1,070,005	5.8%
November	2,320,056	10.8%	716,645	7.8%
December	11,483,167	45.6%	12,004,745	40.7%
January	992,438	48.6%		
February	837,753	51.1%		
March	375,957	52.3%		
April	6,093,778	70.7%		
May	3,526,471	81.4%		
June	3,521,083	92.0%		
YEAR TO DATE ACTUAL:	30,414,706	92.0%	14,838,198	40.7%
ADOPTED BUDGET:	33,056,693		36,435,652	



Monterey County
Water Resources Agency
FY 2022-2023 FINANCIAL STATUS REPORT

YTD Revenues by Source

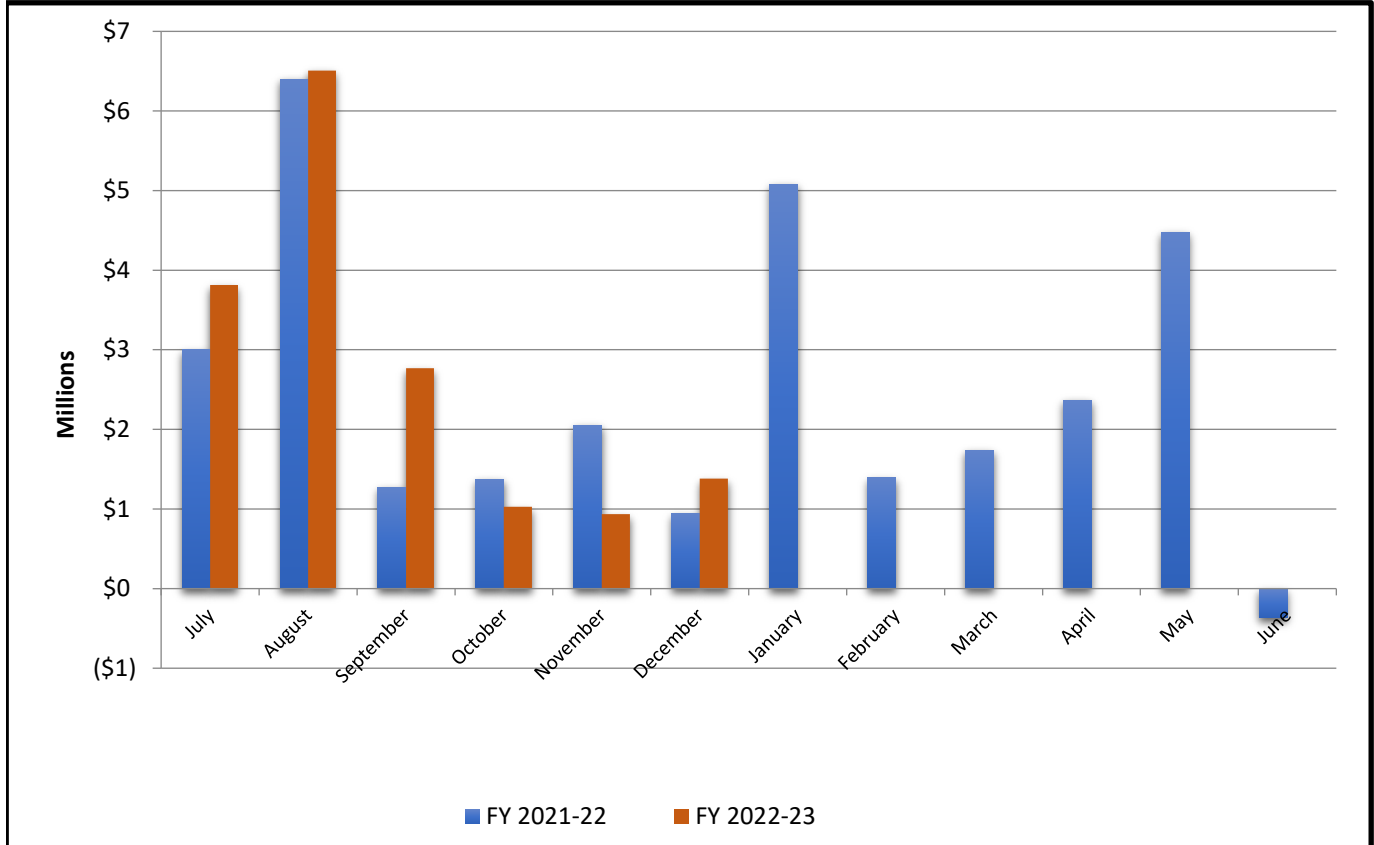
Through Accounting Period 6 - December 31		
	FY 2021-22	FY 2022-23
Ad Valorem Taxes	1,643,561	1,793,139
Zone 2C Assessments	2,626,749	2,693,856
Flood Control Assessments	1,247,190	1,236,504
Recycling Project Assessments	5,306,788	5,397,510
SVWP Bond Assessments	733,806	718,224
Development, Annexation Fees & Other	51,878	90,942
Interest, Rent Income, & Grazing Leases	313,809	388,477
Royalties - SLO Reimbursement	0	0
Grants (ALERT2, IRWM, HCP, USFW, PRO	321,631	779,825
Hydro-Electric Revenue	317,411	27,213
Water Delivery & Service Fees	995,201	762,507
Debt Transfer (USBR CSIP & SVWP)	0	0
Transfers In	1,509,201	950,000
YEAR TO DATE TOTAL:	15,067,226	14,838,198



Monterey County
Water Resources Agency
FY 2022-2023 FINANCIAL STATUS REPORT

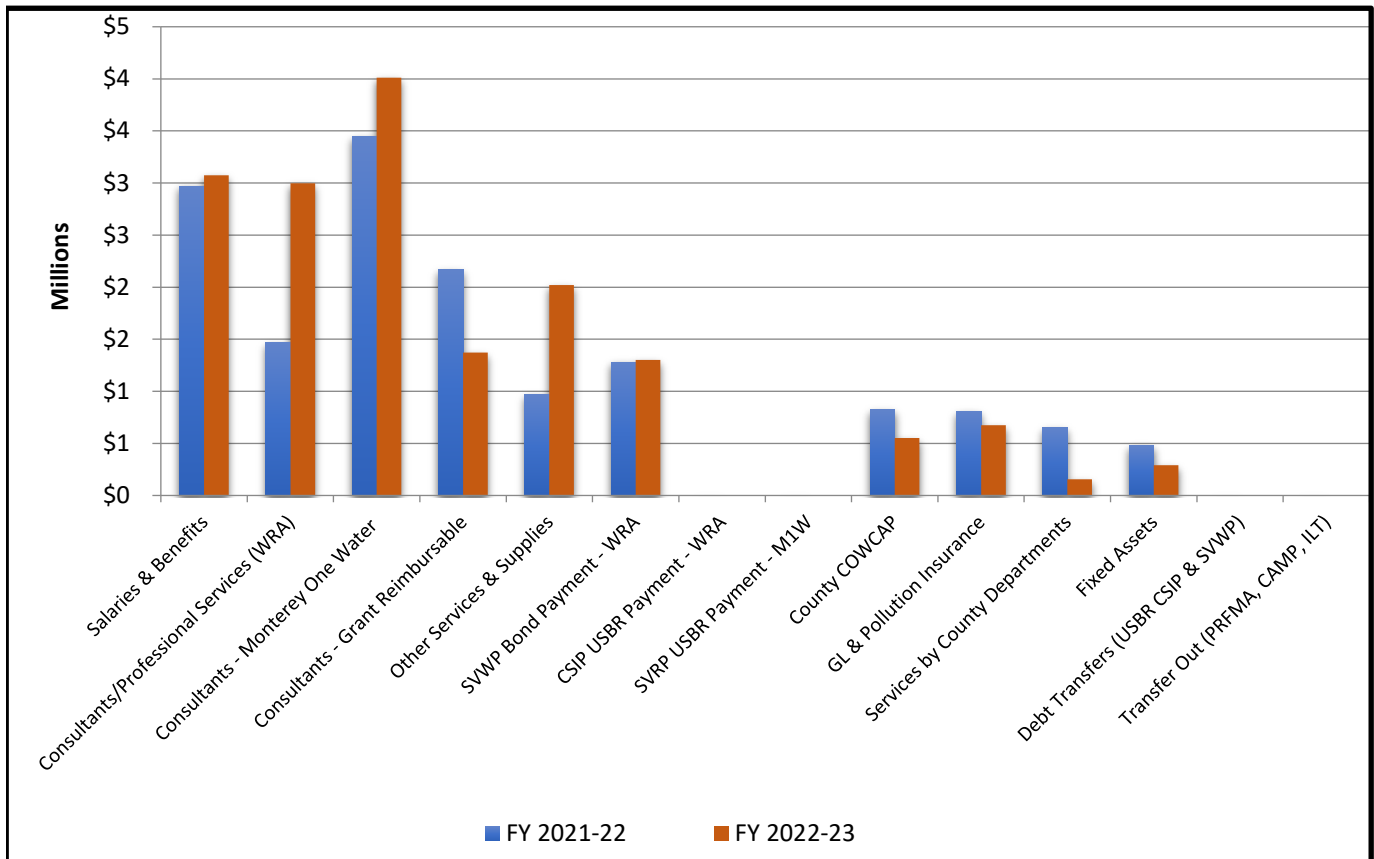
YTD Actual Expenditures

Month By Month Expenditures				
	FY 2021-22	% Expended	FY 2022-23	% Expended
July	3,002,190	7.7%	3,815,260	9.3%
August	6,400,821	24.0%	6,506,256	25.0%
September	1,274,437	27.3%	2,770,110	31.8%
October	1,373,895	30.8%	1,029,596	34.3%
November	2,054,928	36.1%	935,997	36.5%
December	942,308	38.5%	1,383,500	39.9%
January	5,076,570	51.4%		
February	1,396,116	55.0%		
March	1,736,157	59.4%		
April	2,365,663	65.5%		
May	4,473,938	76.9%		
June	(366,463)	76.0%		
YEAR TO DATE ACTUAL:	29,730,559	76.0%	16,440,719	39.9%
ADOPTED BUDGET:	39,123,515		41,222,295	



Monterey County
Water Resources Agency
FY 2022-2023 FINANCIAL STATUS REPORT
YTD Expenditures by Type

Through Accounting Period 6 - December 31		
	FY 2021-22	FY 2022-23
Salaries & Benefits	2,968,018	3,073,271
Consultants/Professional Services (WRA)	1,468,363	2,997,298
Consultants - Monterey One Water	3,444,500	4,009,798
Consultants - Grant Reimbursable	2,168,577	1,372,403
Other Services & Supplies	965,516	2,020,030
SVWP Bond Payment - WRA	1,280,719	1,299,919
CSIP USBR Payment - WRA	-	0
SVRP USBR Payment - M1W	-	0
County COWCAP	823,854	551,357
GL & Pollution Insurance	805,547	673,141
Services by County Departments	648,386	153,947
Fixed Assets	480,099	289,555
Debt Transfers (USBR CSIP & SVWP)	-	0
Transfer Out (PRFMA, CAMP, ILT)	-	0
YEAR TO DATE TOTAL:	15,053,579	16,440,719



**MONTEREY COUNTY
WATER RESOURCES AGENCY
FY 2022-2023 FINANCIAL STATUS REPORT**

For Month Ending: December 31, 2022

% Monthly Time Elapsed: 16.67%

Updated: 1.13.2023			APPROVED BUDGET				YEAR-TO-DATE					
Fund	Unit	Fund Name	Estimated Beginning Fund Balance	Approved Budget Expenditures	Approved Budget Revenue	Estimated Ending Fund Balance	YTD Actual Expenditures	Percent Budget Expended	YTD Actual Revenue	Percent Budget Received	Estimated Current Fund Balance	Fund
111	8267	WRA Administration Fund	2,545,878	4,429,019	4,044,703	2,161,562	1,394,839	31.5%	2,612,414	64.6%	3,763,453	111
112	8484	Pajaro Levee*	546,800	1,715,794	1,439,970	270,976	525,307	30.6%	1,263,887	87.8%	626,879	112
116	8485	Dam Operations**	2,698,538	9,093,596	8,036,460	1,641,402	4,325,954	47.6%	3,137,910	39.0%	1,510,494	116
121	8486	Soledad Storm Drain	237,642	108,318	102,447	231,771	30,992	28.6%	49,287	48.1%	255,937	121
122	8487	Reclamation Ditch	1,710,302	2,456,126	1,644,187	898,363	1,418,083	57.7%	796,417	48.4%	1,088,635	122
124	8488	San Lorenzo Creek	33,340	61,961	45,314	16,693	23,981	38.7%	26,232	57.9%	35,591	124
127	8489	Moro Cojo Slough	572,372	139,690	102,209	534,891	64,134	45.9%	58,582	57.3%	566,820	127
130	8490	Hydro-Electric Operations	1,462,439	860,240	53,239	655,438	318,636	37.0%	30,745	57.7%	1,174,548	130
131	8491	CSIP Operations	3,945,232	5,540,313	4,600,522	3,005,441	2,417,860	43.6%	2,594,887	56.4%	4,122,259	131
132	8492	SVRP Operations	2,343,677	4,466,232	4,804,855	2,682,300	1,683,000	37.7%	2,884,446	60.0%	3,545,124	132
134	8493	SRDF Operations	4,519,943	6,415,177	6,112,780	4,217,546	2,369,414	36.9%	1,020,047	16.7%	3,170,575	134
303	8267	CSIP Debt Service Fund	770,672	1,668,000	1,668,000	770,672	0	0.0%	0	0.0%	770,672	303
313	8494	Debt Services	1,034,991	1,758,338	1,758,338	1,034,991	1,299,919	73.9%	397	0.0%	(264,531)	313
426	8495	Interlake Tunnel Project	767,077	2,509,491	2,022,628	280,214	568,600	22.7%	362,947	17.9%	561,424	426
TOTAL:			23,188,904	41,222,295	36,435,652	18,402,261	16,440,719	39.9%	14,838,198	40.7%	20,927,883	

Fiscal Year 2022 Year End Balance estimates \$690,148 increase to Fund Balance

* Fund 112 - Loan of \$658,500 from GF was forgiven in FY22 and the actual tranfer was made in FY23

** Fund 119 - after \$105K Capital Project Assignment in FY23



County of Monterey

Item No.3

Board Report

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

Legistar File Number: WRAFIN 23-002

February 03, 2023

Introduced: 1/25/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WRA Finance Item

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. _____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

RECOMMENDATION:

It is recommended that the Water Resources Agency Finance Committee:

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. _____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency ("MCWRA") Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. Ordinance No. 03790 prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers, and other wells.

Ordinance No. 03790 establishes a procedure for the destruction of wells and, with regard to destruction of certain wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B. Per Ordinance No. 03790, the schedule for destruction of wells may be extended by the MCWRA General Manager based on availability of funds in MCWRA's budget.

In October 2017, MCWRA issued the report "Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin" ("Recommendations Report") which, among other things, suggested initiating and diligently proceeding with destruction of wells in Zone 2B to eliminate anthropogenic conduits facilitating the movement of impaired groundwater between aquifers. MCWRA did not have available funding to begin well destruction work at the time the Recommendations Report was released.

In June 2020, MCWRA entered into grant agreement D1912532 ("Grant") with the State Water Resources Control Board to partially fund the Protection of Domestic Drinking Water Supplies

for the Lower Salinas Valley project (“Project”), the purpose of which is to destroy a minimum of 100 wells to prevent conduits that allow vertical migration of seawater- and nitrate-contaminated groundwater into aquifers of the Salinas Valley Groundwater Basin.

The Grant provides 54% of the funding for well destructions in the Project area, which includes the entirety of Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of certain wells required pursuant to Ordinance No. 03790 during the Grant term. The remaining 46% of the Project costs totaling \$4,197,795 will be satisfied through MCWRA in-kind services and contributions from the Cannabis Assignment Fund, Castroville Community Services District, and Monterey One Water. All work under the Grant must be completed by February 28, 2023.

After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive during MCWRA’s fifteen (15) months of outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or the well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

MCWRA does not have a budgeted funding source for destruction of wells once the Project concludes and, pursuant to a 2003 Settlement Agreement between MCWRA and a group of Salinas Valley landowners, MCWRA is unable to increase assessments in Zones 2Y and 2Z to finance implementation of Ordinance No. 03790, which includes well destruction efforts.

This amendment divests MCWRA of the responsibility for implementing and bearing the costs of destruction of wells in Zone 2B following the Work Completion Date of the Grant (Attachment 1). Property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their well destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells including bearing the cost of destruction.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s office has reviewed the proposed ordinance.

FINANCING:

Once the term of the Grant is over, MCWRA does not have funding budgeted for well destruction. Based on the status of wells in the Project area and an estimate using current Project costs, MCWRA could incur a minimum of \$5,600,000 in future well destruction costs if Ordinance No. 03790 is not amended.

Prepared by: Amy Woodrow, Senior Water Resources Hydrologist, (831) 755-4860
Approved by: Lew Bauman, Interim General Manager, (831) 755-4860

Attachments:

1. Proposed Ordinance No. _____ (tracked changes)



County of Monterey

Item No.3

Board Report

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

Legistar File Number: WRAFIN 23-002

February 03, 2023

Introduced: 1/25/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WRA Finance Item

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. ____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

RECOMMENDATION:

It is recommended that the Water Resources Agency Finance Committee:

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. ____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency ("MCWRA") Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. Ordinance No. 03790 prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers, and other wells.

Ordinance No. 03790 establishes a procedure for the destruction of wells and, with regard to destruction of certain wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B. Per Ordinance No. 03790, the schedule for destruction of wells may be extended by the MCWRA General Manager based on availability of funds in MCWRA's budget.

In October 2017, MCWRA issued the report "Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin" ("Recommendations Report") which, among other things, suggested initiating and diligently proceeding with destruction of wells in Zone 2B to eliminate anthropogenic conduits facilitating the movement of impaired groundwater between aquifers. MCWRA did not have available funding to begin well destruction work at the time the Recommendations Report was released.

In June 2020, MCWRA entered into grant agreement D1912532 (“Grant”) with the State Water Resources Control Board to partially fund the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project (“Project”), the purpose of which is to destroy a minimum of 100 wells to prevent conduits that allow vertical migration of seawater- and nitrate-contaminated groundwater into aquifers of the Salinas Valley Groundwater Basin.

The Grant provides 54% of the funding for well destructions in the Project area, which includes the entirety of Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of certain wells required pursuant to Ordinance No. 03790 during the Grant term. The remaining 46% of the Project costs totaling \$4,197,795 will be satisfied through MCWRA in-kind services and contributions from the Cannabis Assignment Fund, Castroville Community Services District, and Monterey One Water. All work under the Grant must be completed by February 28, 2023.

After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive during MCWRA’s fifteen (15) months of outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or the well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

MCWRA does not have a budgeted funding source for destruction of wells once the Project concludes and, pursuant to a 2003 Settlement Agreement between MCWRA and a group of Salinas Valley landowners, MCWRA is unable to increase assessments in Zones 2Y and 2Z to finance implementation of Ordinance No. 03790, which includes well destruction efforts.

This amendment divests MCWRA of the responsibility for implementing and bearing the costs of destruction of wells in Zone 2B following the Work Completion Date of the Grant (Attachment 1). Property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their well destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells including bearing the cost of destruction.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s office has reviewed the proposed ordinance.

FINANCING:

Once the term of the Grant is over, MCWRA does not have funding budgeted for well destruction. Based on the status of wells in the Project area and an estimate using current Project costs, MCWRA could incur a minimum of \$5,600,000 in future well destruction costs if Ordinance No. 03790 is not amended.

Prepared by: Amy Woodrow, Senior Water Resources Hydrologist, (831) 755-4860
Approved by: Lew Bauman, Interim General Manager, (831) 755-4860

Attachments:

1. Proposed Ordinance No. _____ (tracked changes)

ORDINANCE NO. _____

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
AMENDING ORDINANCE NO. 03790 CONCERNING THE DESTRUCTION OF
GROUNDWATER WELLS IN MCWRA'S ZONE 2B**

County Counsel Summary

MCWRA's Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. This ordinance amends Ordinance No. 03790 to divest the Monterey County Water Resources Agency of the responsibility for implementing and bearing the cost of destruction of wells in Zone 2B following completion of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley Project and instead require that destruction of wells be the responsibility of the property owner or well owner.

The Board of Supervisors of the Monterey County Water Resources Agency hereby ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. The Legislature created the Monterey County Water Resources Agency ("MCWRA") through the Monterey County Water Resources Agency Act ("Agency Act") to address the problem of seawater intrusion, provide flood protection, protect and augment ground and surface water supplies and water quality within the Salinas Valley.

B. MCWRA's Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. The Ordinance prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of the various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers in intruded areas, and other wells.

C. Ordinance No. 03790 establishes a procedure for the destruction of wells, a variance procedure, an appeals procedure, and penalties for violations of the Ordinance. With regard to destruction of wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B.

D. In October 2017, MCWRA issued a report with recommendations to slow or halt further seawater intrusion in the Salinas Valley Groundwater Basin (MCWRA, *Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley*

Groundwater Basin, Special Reports Series 17-01, October 2017; hereafter “Recommendations Report”). The Recommendations Report suggested initiating and diligently proceeding with destruction of wells in Zone 2B.

E. On May 19, 2020, the MCWRA Board of Supervisors approved entering into a funding agreement with the State Water Resources Control Board (“SWRCB”) to receive and implement a Proposition 1 grant for the destruction of wells in the Salinas Valley Groundwater Basin.

F. In June 2020, MCWRA entered into grant agreement D1912532 with the SWRCB to partially fund the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project (“Project”), the purpose of which was to destroy abandoned wells to prevent conduits that allow vertical migration of seawater and nitrate contaminated groundwater into the aquifers of the Salinas Valley Groundwater Basin.

G. Grant agreement D1912532 with the SWRCB provides 54% of the funding for well destructions completed in the Project area, which includes the entirety of MCWRA Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of wells required pursuant to Sections 1.03.04 and 1.03.05 of Ordinance No. 03790.

H. MCWRA has conducted fifteen months of outreach during the Project, including verbal presentations to stakeholder groups and written notifications, pursuant to Section 1.03.06 of Ordinance No. 03790, to well owners and well operators for specific wells that were identified for destruction.

I. After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive to MCWRA’s outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

J. MCWRA does not have a funding source for destruction of wells once the Project concludes. Therefore, property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their wells destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells, including bearing the cost of destruction.

SECTION 2. Section 1.03.04 of Ordinance No. 03790 is hereby amended to read as follows:

Each well meeting any of the criteria set forth below, other than wells which are required to be destroyed pursuant to Section 1.03.03, shall be destroyed by ~~MCWRA~~the property owner or well owner within two years after ~~start-up of the Castroville Seawater Intrusion Project~~the Work Completion Date of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley Project on February 28, 2023 or as otherwise amended. ~~All costs for destruction~~

~~of such wells shall be borne by the MCWRA. The General Manager may extend the time for destruction of such wells when funds are not available or budgeted for such purpose. The criteria for such wells are as follows:~~

A. Any well that is found by the General Manager to be perforated in both the 180-foot aquifer and any underlying aquifer; ~~or -~~

B. Any well that is found by the General Manager to have perforations in two aquifers, improper seals, or other improper construction or condition of the well, such that the well provides an actual or potential conduit for water in a seawater intruded area of an aquifer to enter a non-intruded area of a separate aquifer.

SECTION 3. Section 1.03.05 of Ordinance No. 03790 is hereby amended to read as follows:

Each well that is not exempt from destruction, and that is not required to be destroyed pursuant to section 1.03.03 or 1.03.04, shall be destroyed ~~pursuant to this section in conformity with a schedule adopted by the MCWRA Board of Directors. Said schedule shall provide that the destruction of such wells shall not begin (a) until the Castroville Seawater Intrusion Project has established a satisfactory record of water deliveries, as determined by the Board of Directors, or (b) until at least one years after the start up of the Castroville Seawater Intrusion Project, whichever occurs later within two years following after the Work Completion Date completion of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project on February 28, 2023 or as otherwise amended.~~

~~Said schedule may provide for destruction to be completed within three years after project start-up. The Board of Directors may delegate authority to the General Manager to amend the schedule from time to time. Said wells shall be destroyed by the MCWRA property owner or well owner in accordance with the methods prescribed or referenced in Monterey County Code Chapter 15.08. The MCWRA shall bear the cost of such destruction.~~

SECTION 4. Section 1.03.06 of Ordinance No. 03790 is hereby repealed in its entirety.
~~Procedure for Destruction of Wells~~

~~At least 90 days before the MCWRA destroys any particular well, the General Manager shall give written notice to the owner of the well that the well will be destroyed. Notice shall be deemed sufficient if sent by registered or certified U.S. mail, return receipt requested, to the name and address shown as that of the owner of the real property on which the well is located, in the latest available official records of the Monterey County Assessor. The notice shall identify the well in question and the property on which it is located and shall advise the owner of the proposed action to be taken, the proposed timing of the action, and his or her right of appeal as provided herein. The notice shall further state that if the property on which the well is located is leased, the owner must provide a copy of the notice to the tenant, and tenant on the property will also have a right of appeal.~~

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Chair Supervisor Mary L. Adams
Monterey County Board of Supervisors

A T T E S T:
Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

Kelly L. Donlon
Assistant County Counsel



County of Monterey

Item No.4

Board Report

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

Legistar File Number: WRAFIN 23-006

February 03, 2023

Introduced: 1/26/2023

Current Status: Draft

Version: 1

Matter Type: WRA Finance Item

- Proposition 218 Update
- 3-5 Year Financial Plan Update
- Funding Opportunities Update
- Grants Update
- Homeless Encampment Cleanup Costs

MCWRA Grant Tracking Fiscal Year 2022-23

Funding Agency	Title	Type	Contract Status	Progress	End Date	MCWRA Reimbursement Amount	MCWRA Match Amount	Project Partners
FUNDING AWARDS								
DWR	Alert to Alert 2	Grant	Contract in Place	completed	11/15/2022	162,782	0	SC Co., MCOES
FEMA/OES	Multi-Jurisdictional Hazard Mitigation Plan	Grant	Awarded	completed		20,000	0	MCOES
DWR	Interlake Tunnel	Grant	Contract in Place (Amd #3)	in progress	7/31/2023	10,000,000	0	
CDFW	Interlake Tunnel - Fish Exclusion	Grant	Contract in Place	postponed	6/30/2023	17,000,000	0	
DWR -IRMWP Prop 1E	Pajaro River Flood Risk Project	Grant	Contract in Place (Amd #4)	in progress	12/31/2022	500,000	Staff time	Zone 7 (Grant Administrator)
SWRCB-Prop 1 Groundwater Quality	Protection of Domestic Drinking Water Supplies	Grant	Contract in Place (Amd requested)	in progress	3/31/2023	4,927,729	4,197,795	
DWR-IRWMP	Greater MC IRWM Implementation (Reservoir Reoperation and Grant Admin)	Grant	Contract in Place	in progress	4/30/2025	1,096,284	910,000	Salinas; MCRCD
USFW/CDFW	FY19 Salinas River HCP	Grant	Contract in Place	in progress	3/31/2023	1,000,000	375,860	
USFW/CDFW	FY21 Salinas River HCP	Grant	Contract in Place	in progress	11/30/2024	1,000,000	459,096	
National Fish and Wildlife Foundation	Salinas River Lagoon Resiliency	Grant	Contract in Place	in progress	6/20/2024	100,000	100,329.66	
FEMA/CALOES	San Antonio Spillway Rehabilitation of High Hazard Dams	Grant	Awarded 130K from Requested >\$2M	TBD	TBD	130,000	75,000	
CA Homeless Coordinating and Financing Council	Encampment Resolution	Grant	Awarded Feb 25, 2022; negotiation	not started		127,000	186,500	City of Salinas
SVBGSA	CSIP Optimization	Grant	BOD Approved	in progress	6/30/2025	3,690,000	0	SVBGSA
CA Budget	Nacimiento Reservoir	Earmark	Contract being drafted	TBD	TBD	6,163,000	0	0
DWR (Subventions) - Zone 7	Pajaro River Flood Risk Project, PED Phase (DA FFY2021 payment)	Grant	Agreement being drafted	TBD	TBD	192,500	0	Zone 7 (Grant Administrator); PRFMA

MCWRA Grant Tracking Fiscal Year 2022-23

Funding Agency	Title	Type	Contract Status	Progress	End Date	MCWRA Reimbursement Amount	MCWRA Match Amount	Project Partners
DWR - Zone 7	Coastal Watershed Flood Risk Reduction Program	Grant	Contract in Place	in progress	6/30/2024	950,000	0	Zone 7 (Grant Administrator); PRFMA
Federal Government (FY2023 Consolidated Appropriations Act)	CSIP Supplemental Well*	Earmark	TBD - signed on 12/29/22)	TBD		900,000	90,000	
TOTAL						47,959,295	6,294,251	
GRANT APPLICATIONS SUBMITTED								
FEMA/CALOES Haz Mitigation	Nacimiento Plunge Pool 65% Design Level	Grant	Submitted application 7/18/2021			407,471	135,833	
Federal Government	CSIP Wells*	Earmark	Submitted Mar 2022			350,000		
DWR -2022 Urban Community Drought Relief funding	New CSIP Supplemental Wells	Grant	Application due 1/31/2023			Min \$3M		
DWR - 2022 Urban Community Drought Relief funding	Cloud seeding	Grant	Application due 1/31/2023			Mim \$3M,		
TOTAL						6,757,471	135,833	
*may be consolidated								



County of Monterey

Item No.5

Board Report

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

Legistar File Number: WRAFIN 23-004

February 03, 2023

Introduced: 1/25/2023

Current Status: Draft

Version: 1

Matter Type: WRA Finance Item

Set next meeting date and discuss future agenda items.