

Monterey County

*Board Chambers
168 W. Alisal Street
Salinas, CA 93901*



Meeting Agenda

Monday, October 18, 2021

12:00 PM

**IMPORTANT COVID-19 NOTICE ON PAGE 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4
Water Resources Agency Board of Directors**

*John Baillie, Chair
Mike LeBarre, Vice Chair
Mark Gonzalez
Deidre Sullivan
Ken Ekelund
Mike Scattini
Jason Smith
Matt Simis
Marvin Borzini*

Important Notice Regarding COVID-19

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 Directors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19 or <http://www.mgtvonline.com/>

If you attend the Board of Directors 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 Directors meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Friday before the meeting.. Please submit your comment to the Secretary of the Board at WRAPubliccomment@co.monterey.ca.us In an effort to assist the Secretary in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Directors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

**3. For ZOOM participation please join by computer audio at:
<https://montereycty.zoom.us/j/99769079850>**

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: 997 6907 9850 when prompted. Please note there is no Participant Code, you will just press # 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.

Aviso Importante Sobre COVID-19

Para minimizar la propagación del virus COVID 19, haga lo siguiente:

1. Mientras las cámaras de la Junta permanezcan abiertas, se le recomienda firmemente que observe la transmisión de la reunión de la Junta Directiva en vivo por

http://monterey.granicus.com/ViewPublisher.php?view_id=19 o <http://www.mgtvonline.com/>

Si asiste a la reunión de la Junta de la Directiva 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 prefiere no asistir a la reunión de la Junta Directiva pero desea hacer un comentario sobre algún tema específico de la agenda, por favor envíe su comentario por correo electrónico antes de las 5:00 p.m. el Viernes antes de la reunion.. Envíe su comentario al Secretario de la junta al correo electronico WRAPubliccomment@co.monterey.ca.us <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a identificar el artículo de la agenda relacionado con su comentario, por favor indique en la linea de asunto del correo electronico el cuerpo de la reunion (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, el Artículo No. 10). Su comentario se colocará en el registro de la reunion de esta Junta.

3. Para participar for ZOOM, por favor únase for audio de computadora por:
[https://montereycty.zoom.us/j/997 6907 9850](https://montereycty.zoom.us/j/99769079850)

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Call to Order at 12:00 P.M.

Roll Call

Public Comments on Closed Session Items

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

1. Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of potential exposure to litigation.
2. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager.

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

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

Pledge of Allegiance

Public Comment

Consent Calendar

1. Approve the Action Minutes of September 20, 2021

Attachments: [Draft Action Minutes September 20, 2021](#)
2. Receive the Monterey County Water Resources Agency (MCWRA) FY 2020-21 Fourth Quarter (Year End) Financial Status Report through June 30, 2021.

Attachments: [Board Report](#)
[FY 2020-21 Year End Financial Summary](#)
[Board Order](#)

Scheduled Items

3. Consider receiving a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

Attachments: [Board Report](#)
[AB 361](#)
[Monterey County Health Officer Recommendation](#)
[Board Order](#)
4. Consider receiving a presentation from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel modeling

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

Key Information and Calendar of Events

5. October, November and December 2021 Calendars

Attachments: [October 2021](#)
 [November 2021](#)
 [December 2021](#)

General Manager's Report

6.
 - COVID-19 Update
 - Personnel Update
 - Prop. 1 Grant Update
 - Other

Committee Reports

Information Items

7. Information Items:
 1. Reservoir Release Update
 2. Well Permit Application Activities Update

Attachments: [Reservoir Release Update](#)
 [Well Permit Application Activities Update](#)

Board of Directors Comments

Adjournment



Monterey County

Board Report

Legistar File Number: WRAG 21-170

Item No.

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

October 18, 2021

Introduced: 10/8/2021

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

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Monterey County

Item No.1

Board Report

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

Legistar File Number: WRAG 21-163

October 18, 2021

Introduced: 10/7/2021

Current Status: Draft

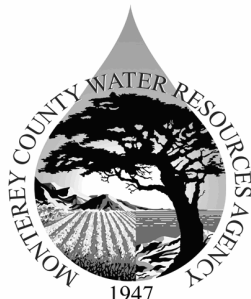
Version: 1

Matter Type: WR General Agenda

Approve the Action Minutes of September 20, 2021

Monterey County

*Board Chambers
168 W. Alisal Street
Salinas, CA 93901*



Meeting Minutes

Monday, September 20, 2021

12:00 PM

REVISED AGENDA

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AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4**

Water Resources Agency Board of Directors

*John Baillie, Chair
Mike LeBarre, Vice Chair
Mark Gonzalez
Deidre Sullivan
Ken Ekelund
Mike Scattini
Jason Smith
Matt Simis
Marvin Borzini*

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Basado en la guía del Departamento de Salud del Estado de California (California Department of Public Health) y de la Oficina del Gobernador, para minimizar la propagación del virus COVID 19, por favor haga lo siguiente:

1. Mientras las cámaras de la Junta permanezcan abiertas, se le recomienda firmemente que observe la transmisión de la reunión de la Junta Directiva en vivo por http://monterey.granicus.com/ViewPublisher.php?view_id=19 o <http://www.mgtvonline.com/>

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Call to Order at 12:00 P.M.

The meeting was called to order at 12:09 p.m.

Roll Call

Present: Mike LeBarre, Mark Gonzalez, Deidre Sullivan, Ken Ekelund, Mike Scattini, Jason Smith, Matt Simis, Marvin Borzini

Absent: John Baillie

Public Comments on Closed Session Items

None

1. Closed Session under Government Code section 54950, relating to the following item:

1. Pursuant to Government Code section 54956.9(d)(4), the Board of Directors will confer with legal counsel regarding the potential initiation of litigation.

2. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the General Manager.

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

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

The meeting reconvened at 1:00 p.m. There were no reportable actions taken in Closed Session.

Pledge of Allegiance

Public Comment

None

Consent Calendar

Upon Motion by Director Simis and Second by Director Smith the Board approved the Consent Calendar.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini

Noes: None

Absent: Baillie

2. Approve the Action Minutes of August 16, 2021

Attachments: [Draft BOD Minutes August 16, 2021](#)

3. Approve Change Order No. 8 to the contract with Graniterock Company for Nacimiento Dam spillway repair work to increase the contract amount by \$20,000 and extending the Time to Substantial Completion to December 31, 2022; and authorizing the General Manager to execute the Change Order.

Attachments: [Board Report](#)
 [Change Order No. 8 = Nacimiento](#)
 [Change Orders Nos. 1,2,3,4,5,6,7](#)
 [2017 Agreement - Nacimiento](#)
 [Board Order](#)

4. Approve and authorize the Chair of the Monterey County Water Resources Agency Board of Directors to execute the Agreement Regarding Interim Administrative and Legal Services for the Pajaro Regional Flood Management Agency Between the County of Santa Cruz, the City of Watsonville, the Monterey County Water Resources Agency, the Santa Cruz County Flood Control and Water Conservation District, and the Pajaro Regional Flood Management Agency.

Attachments: [Board Report](#)
 [PRFMA Agreement for Interim Services](#)
 [Board Order](#)

5. Approve the annual Joint Funding Agreement with the United States Geological Survey for streamgaging and reservoir elevation gaging work in Monterey County in the amount of \$204,660; and authorize the General Manager to execute the Agreement.

Attachments: [Board Report](#)
 [Executed Joint Funding Agreement and Scope](#)
 [Board Order](#)

6. Recommend that the Monterey County Water Resources Agency Board of Supervisors approve a resolution authorizing and directing the General Manager to apply for grant funding from the United States Bureau of Reclamation for a WaterSMART Drought Response Program pursuant to the Secure Water Act, of the Omnibus Public Land Management Act of 2009, and the Fish and Wildlife Coordination Act, and to enter into an agreement to receive a grant titled “WaterSMART Drought Response” for CSIP Optimization Projects.

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

Scheduled Items

7. Consider approving a General Services Agreement with Community Tree Services Inc. in the amount of \$203,000 to provide vegetative maintenance and removal services within the Pajaro River Levee channel; and authorize the General Manager to execute the Agreement.

Attachments: [Board Report](#)
 [Standard Service Agreement](#)
 [Request for Proposals 2021](#)
 [Project Location Vegetation Maintenance Maps](#)
 [CTS Estimate \(Mo Co left bank\)](#)
 [Board Order](#)

Upon Motion by Director Ekelund and Second by Director Simis the Board approved the General Services Agreement with Community Tree Services Inc. in the amount of \$203,000 to provide vegetative maintenance and removal services within the Pajaro River Levee channel and authorized the General Manager to execute the agreement.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini

Noes: None

Absent: Baillie

8. Consider approving entering into a multi-year Joint Funding Agreement with the U.S. Geological Survey and the Salinas Valley Basin Groundwater Sustainability Agency to support the continued development of the Salinas Valley Integrated Hydrologic Model, subject to review and approval by County Counsel; and authorizing the General Manager to execute the Agreement.

Attachments: [Board Report](#)
 [Salinas Valley Cooperative Scope](#)
 [Board Order](#)

Upon Motion by Director Smith and Second by Director Simis the Board approved entering into a multi-year Joint Funding Agreement with the U.S. Geological Survey and the Salinas Valley Basin Groundwater Sustainability Agency to support the continued development of the Salinas Valley Integrated Hydrologic Model, subject to review and approval by County Counsel; and authorized the General Manager to execute the Agreement.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini

Noes: None

Absent: Baillie

9. Consider receiving an update on the status of the Salinas River Habitat Conservation Plan.

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

Upon Motion by Director Gonzalez and Second by Director Sullivan the Board received an update on the status of the Salinas River Habitat Conservation Plan.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini

Noes: None

Absent: Baillie

10. Consider receiving a report on the Groundwater Extraction Management System (GEMS) 2020 Groundwater Extraction Summary Report.

Attachments: [Board Report](#)
 [Ground Water Extraction Summary Report 2020](#)
 [Board Order](#)

Upon Motion by Director Gonzalez and Second by Directors Sullivan the Board received a report on the Groundwater Extraction Management System (GEMS) 2020 Groundwater Extraction Summary Report and requested that staff include information on the Board of Prisons' water use in their next reporting.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini
Noes: None
Absent: Baillie

11. Consider receiving a report on the 2021 Salinas River Discharge Measurement Series.

Attachments: [Board Report](#)
 [2021 Salinas River Series Memo](#)
 [Board Order](#)

Upon Motion by Director Simis and Second by Director Sullivan, the Board received a report on the 2021 Salinas River Discharge Measurement Series.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini
Noes: None
Absent: Baillie

12. Consider receiving a report on the general condition of Nacimiento Dam and San Antonio Dam and major maintenance activities occurring at the dams.

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

Upon Motion by Director Gonzalez and Second by Director Sullivan the Board received a report on the general condition of Nacimiento Dam and San Antonio Dam and major maintenance activities occurring at the dams.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini
Noes: None
Absent: Baillie

13. Consider receiving an update on a new lease with the County of Monterey for Monterey County Water Resources Agency Land at San Antonio Reservoir; authorize the General Manager to continue negotiations with the County of Monterey; and recommend that the Monterey County Water Resources Agency Board of Supervisors approve the lease.

Attachments: [Board Report](#)
 [San Antonio DRAFT Lease](#)
 [Overview Map](#)
 [NorthShore Map](#)
 [SouthShore Map](#)
 [Resolution No. 69-160](#)
 [Resolution No. 82-80](#)
 [Board Order](#)

Upon Motion by Director Borzini and Second by Director Gonzalez the Board received an update on a new lease with the County of Monterey for Monterey County Water Resources Agency Land at San Antonio Reservoir; and authorized the General Manager to continue negotiations with the County of Monterey; and recommended that the Monterey County Water Resources Agency Board of Supervisors approve the lease.

Ayes: LeBarre, Gonzalez, Sullivan, Scattini, Smith, Simis, Borzini
Noes: Ekelund
Absent: Baillie

14. Consider receiving an update on the Salinas River Stream Maintenance Program and the 5-year long-term effectiveness review.

Attachments: [Board Report](#)
 [SMP Effectiveness Report 2021](#)
 [SRSMP Treated MAs](#)
 [Resource Conservation District Agreement](#)
 [Board Order](#)

Upon Motion by Director Smith and Second by Director Sullivan the Board received an update on the Salinas River Stream Maintenance Program and the 5-year long-term effectiveness review.

Ayes: LeBarre, Gonzalez, Sullivan, Ekelund, Scattini, Smith, Simis, Borzini
Noes: None
Absent: Baillie

Key Information and Calendar of Events

15. September, October and November 2021 Calendars

Attachments: [September 2021](#)
 [October 2021](#)
 [November 2021](#)

General Manager's Report

- 16.
- COVID-19 Update
 - Personnel Update
 - Prop. 1 Grant Update
 - Other

Committee Reports

Information Items

17. Information Items:
1. Reservoir Release Update
 2. Well Permit Application Activities Update

Attachments: [Reservoir Release Update Report](#)
[Well Permit Application Activities Update](#)

Board of Directors Comments

Adjournment

The meeting adjourned at 3:15 p.m.

Addenda/Supplemental

Addenda:

Monterey County Water Resources Agency Board of Directors Addenda for Monday, June 15, 2020

Addition to Attachments to Scheduled Item No. 13:

Consider receiving an update on a new lease with the County of Monterey for Monterey County Water Resources Agency Land at San Antonio Reservoir; authorize the General Manager to continue negotiations with the County of Monterey; and recommend that the Monterey County Water Resources Agency Board of Supervisors approve the lease.

Attachments: [San Antonio DRAFT Lease](#)
[Overview Map](#)
[North Shore Map](#)
[South Shore Map](#)



Monterey County

Item No.2

Board Report

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

Legistar File Number: WRAG 21-167

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Receive the Monterey County Water Resources Agency (MCWRA) FY 2020-21 Fourth Quarter (Year End) Financial Status Report through June 30, 2021.

RECOMMENDATION:

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

Receive the Monterey County Water Resources Agency (MCWRA) FY 2020-21 Fourth Quarter (Year End) Financial Status Report through June 30, 2021.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency's FY 2020-21 adopted revenue was estimated at \$30.9 million. As of the end of the FY, actual revenue received totaled \$27.2 million, which came in \$3.7 million under the budgeted revenue amount. The cause of the shortage in revenue is due to an approved budget amendment for Prop 1 grant well destruction at \$2.6 million dollars that had a hold back on the project and received lower than anticipated grant revenue including Interlake Tunnel project; however, by receiving higher than anticipated ad-valorem taxes, permits and fees, and royalty revenue from SLO County helped optimizing the entire revenue shortage. On a consolidated basis, the Agency had received 87.8% of budgeted revenue.

On the expenditure side, the Agency's FY 2020-21 adopted appropriations were estimated at \$37.1 million. As of the end of the FY, actual expenditures totaled \$28.4 million, which is \$8.6 million under the approved appropriations. The underspending was a result of certain repairs not performed within the FY, Prop 1 grant project holdback, and Interlake Tunnel underspending due to delays in the hydrologic model, as well as some savings from salaries and benefits. On a consolidated basis, the Agency is at 76.6% of budgeted appropriations.

The Agency's FY 2020-21 adopted budget, estimated utilizing \$6.1 million from fund balance to fulfil the deficit with expectation to end the fiscal year at \$16.4 million in total fund balance; however, based on the actual revenues and expenditures posted till year end, the actual ending fund balance will be \$21.3 million after utilizing \$1.2 million from fund balance to fund the Agency's operations.

On a consolidated basis, the Agency financial performance up to June 30, 2021 was as follows:

	Adopted Budget	Year-to-Date
FY 2020-21 Est. Beg. Fund Balance	\$22,553,024	\$22,553,024
FY 2020-21 Revenues (add)	30,973,327	27,196,965

FY 2020-21 Expenditures (subtract)	(37,084,083)	(28,398,264)
FY 2020-21 Est. End. Fund Balance	\$16,442,268	\$21,351,725

OTHER AGENCY/COMMITTEE INVOLVEMENT:

None

FINANCING:

There is no financial impact for receiving this report.

Prepared by: Erica Leal, Accountant III, (831) 755-5325

Approved by: Brent Buche, General Manager, (831) 755-4860

Attachments:

1. FY 2020-21 Year End Financial Summary



Monterey County

Item No.

Board Report

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

Legistar File Number: WRAG 21-167

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

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OTHER AGENCY/COMMITTEE INVOLVEMENT:

None

FINANCING:

There is no financial impact for receiving this report.

Prepared by: Erica Leal, Accountant III, (831) 755-5325

Approved by: Brent Buche, General Manager, (831) 755-4860

Attachments:

1. FY 2020-21 Year End Financial Summary

MONTEREY COUNTY
WATER RESOURCES AGENCY
FY 2020-2021 FINANCIAL STATUS REPORT - Up to Period 14

For Month Ending: June 30, 2021
% Monthly Time Elapsed: 100.00%

Updated: 9.15.2021			ADOPTED BUDGET					YEAR-TO-DATE					
Fund	Unit	Fund Name	Estimated Beginning Fund Balance	Adopted Budget Expenditures	Adopted Budget Revenue	Estimated Ending Fund Balance	Estimated Ending Fund Balance	YTD Actual Expenditures	Percent Budget Expended	YTD Actual Revenue	Percent Budget Received	Estimated Ending Fund Balance	Fund
111	8267	WRA Administration Fund	2,975,866	4,852,186	3,304,397	1,428,077	1,428,077	4,422,428	91.1%	4,063,389	123.0%	2,616,827	111
112	8484	Pajaro Levee	719,895	845,048	519,167	394,014	394,014	615,251	72.8%	535,679	103.2%	640,323	112
116	8485	Dam Operations	2,362,586	6,652,827	5,109,466	819,225	819,225	5,311,399	79.8%	5,082,805	99.5%	2,133,991	116
121	8486	Soledad Storm Drain	219,258	127,157	92,544	184,645	184,645	93,475	73.5%	92,315	99.8%	218,099	121
122	8487	Reclamation Ditch	1,638,434	2,016,843	1,544,456	1,166,047	1,166,047	1,449,490	71.9%	1,597,862	103.5%	1,786,806	122
124	8488	San Lorenzo Creek	86,574	84,247	44,666	46,993	46,993	72,383	85.9%	43,929	98.3%	58,120	124
127	8489	Moro Cojo Slough	515,138	156,473	94,912	453,577	453,577	79,124	50.6%	98,976	104.3%	534,991	127
130	8490	Hydro-Electric Operations	2,016,545	1,051,136	710,000	1,675,409	1,675,409	805,971	76.7%	992,457	139.8%	2,203,031	130
131	8491	CSIP Operations	2,799,783	8,114,010	6,903,007	1,588,780	1,588,780	4,921,589	60.7%	5,015,606	72.7%	2,893,800	131
132	8492	SVRP Operations	1,802,549	4,431,291	4,246,671	1,617,929	1,617,929	4,287,196	96.7%	4,301,398	101.3%	1,816,751	132
134	8493	SRDF Operations	4,560,507	2,183,064	1,730,000	4,107,443	4,107,443	1,877,372	86.0%	1,768,236	102.2%	4,451,370	134
303	8267	CSIP Debt Service Fund	770,672	1,767,403	1,767,403	770,672	770,672	1,655,999	93.7%	1,655,999	93.7%	770,672	303
313	8494	Debt Services	1,034,986	1,756,638	1,756,638	1,034,986	1,034,986	1,756,638	100.0%	1,756,640	100.0%	1,034,988	313
426	8495	Interlake Tunnel Project	1,050,232	3,045,760	3,150,000	1,154,472	1,154,472	1,049,950	34.5%	1,240,545	39.4%	1,240,828	426
TOTAL:			22,553,024	37,084,083	30,973,327	16,442,268	16,442,268	28,398,264	76.6%	28,245,835	91.2%	22,400,595	



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. _____

**RECEIVE THE MONTEREY COUNTY WATER RESOURCES AGENCY)
(MCWRA) FY 2020-21 FOURTH QUARTER (YEAR END) FINANCIAL)
STATUS REPORT THROUGH JUNE 30, 2021)**

Upon motion of Director _____, seconded by Director _____, and carried by those members present, the Board of Directors hereby:

Receives the Monterey County Water Resources Agency (MCWRA) FY
2020-21 Fourth Quarter (Year End) Financial Status Report through June 30,
2021.

PASSED AND ADOPTED on this **18th** day of **October 2021**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: John Baillie, Chair
 Board of Directors

ATTEST: Brent Buche
 General Manager



Monterey County

Item No.3

Board Report

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

Legistar File Number: WRAG 21-168

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

RECOMMENDATION:

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

Receive a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

SUMMARY:

On September 16, 2021, Governor Newsom signed AB 361 (copy enclosed as Attachment A). This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. The Monterey County Health Officer has issued a recommendation for social distancing in legislative body meetings (enclosed as Attachment B), so the first meeting after September 30, 2021, may be held without making findings. If the Monterey County Water Resources Agency Board of Directors (MCWRA BOD) desires to continue to meet remotely via teleconference after its first meeting on October 18, 2021, the MCWRA BOD is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter. All MCWRA BOD subcommittees must also take these actions to continue to meet remotely.

DISCUSSION:

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect. As a result of the state of emergency, the Governor issued executive orders that waived the normally strict provisions of the Brown Act relating to holding and participating in meetings via teleconferencing. Executive Order N-29-20 allowed bodies subject to the Brown Act to meet without a physical meeting location, so long as various requirements were met, including providing the public the opportunity to observe and participate in the meeting telephonically or electronically. Executive Order No. N-08-21 extended the suspension of the Brown Act's normal teleconferencing rules through September 30, 2021.

On September 16, 2021, the Governor signed AB 361, urgency legislation which took effect immediately. AB 361 amended Government Code section 54953 to address holding meetings subject to the Brown Act via teleconference during a declared state of emergency. The amended Section

54953 takes the place of the provisions of the prior executive orders related to teleconferencing, except that Governor Newsom has subsequently clarified that requirements related to public meetings of local legislative bodies set forth in Executive Order N-08-21 would continue to govern through September 30, 2021, so long as notice of the public meeting is provided, and the public has the opportunity to observe and participate in the meeting as required by AB 361. AB 361 allows a board, commission or committee subject to the Brown Act, called “legislative bodies” under the Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

- A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing. [or]
 - (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. [or]
 - (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (Gov. Code § 54953(e)(1) [AB 361, p. 9].)

If the meeting is held via teleconference under these provisions, the legislative body must meet certain requirements under AB 361, including providing public access to the meeting and opportunity for the public to address the members of the legislative body.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency is still active, or if “state or local officials have imposed or recommended measures to promote social distancing,” then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body “has reconsidered the circumstances of the state of emergency” and further find that “[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.” (Gov. Code § 54953(e)(3) [AB 361, p. 11].)

The Monterey County Health Officer has issued a recommendation for social distancing during legislative body meetings. Therefore, so long as that recommendation is in place, MCWRA BOD’s October 18, 2021 meeting may occur without the need to make any findings. However, every 30 days after this meeting the MCWRA BOD will be required to make the requisite findings if it wants to continue to meet remotely. If the findings are not timely made, the MCWRA BOD will be required to meet in person to make findings to return to remote meetings.

All of above holds true for MCWRA BOD subcommittee meetings that are subject to the Brown Act. If after the first meeting after September 30, 2021, the subcommittee wants to meet remotely the body will have to adopt the requisite findings. If the findings are not timely made, the MCWRA BOD subcommittee will be required to meet in person to make findings to return to remote meetings.

Finally, the teleconference rules of AB 361 are operative only so long as the Governor’s proclamation

of statewide emergency is in place; once that proclamation is terminated, the MCWRA BOD must either meet in person or utilize the normal Brown Act rules for teleconferencing (teleconference location open to the public and agenda posted).

Approved by: Brent Buche, General Manager (831) 755-4860

Attachments:

1. AB 361
2. Monterey County Health Officer Recommendation
3. Board Order



Monterey County

Item No.

Board Report

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

Legistar File Number: WRAG 21-168

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

RECOMMENDATION:

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

Receive a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

SUMMARY:

On September 16, 2021, Governor Newsom signed AB 361 (copy enclosed as Attachment A). This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. The Monterey County Health Officer has issued a recommendation for social distancing in legislative body meetings (enclosed as Attachment B), so the first meeting after September 30, 2021, may be held without making findings. If the Monterey County Water Resources Agency Board of Directors (MCWRA BOD) desires to continue to meet remotely via teleconference after its first meeting on October 18, 2021, the MCWRA BOD is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter. All MCWRA BOD subcommittees must also take these actions to continue to meet remotely.

DISCUSSION:

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect. As a result of the state of emergency, the Governor issued executive orders that waived the normally strict provisions of the Brown Act relating to holding and participating in meetings via teleconferencing. Executive Order N-29-20 allowed bodies subject to the Brown Act to meet without a physical meeting location, so long as various requirements were met, including providing the public the opportunity to observe and participate in the meeting telephonically or electronically. Executive Order No. N-08-21 extended the suspension of the Brown Act's normal teleconferencing rules through September 30, 2021.

On September 16, 2021, the Governor signed AB 361, urgency legislation which took effect immediately. AB 361 amended Government Code section 54953 to address holding meetings subject to the Brown Act via teleconference during a declared state of emergency. The amended Section

54953 takes the place of the provisions of the prior executive orders related to teleconferencing, except that Governor Newsom has subsequently clarified that requirements related to public meetings of local legislative bodies set forth in Executive Order N-08-21 would continue to govern through September 30, 2021, so long as notice of the public meeting is provided, and the public has the opportunity to observe and participate in the meeting as required by AB 361. AB 361 allows a board, commission or committee subject to the Brown Act, called “legislative bodies” under the Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

- A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing. [or]
 - (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. [or]
 - (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (Gov. Code § 54953(e)(1) [AB 361, p. 9].)

If the meeting is held via teleconference under these provisions, the legislative body must meet certain requirements under AB 361, including providing public access to the meeting and opportunity for the public to address the members of the legislative body.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency is still active, or if “state or local officials have imposed or recommended measures to promote social distancing,” then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body “has reconsidered the circumstances of the state of emergency” and further find that “[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing.” (Gov. Code § 54953(e)(3) [AB 361, p. 11].)

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All of above holds true for MCWRA BOD subcommittee meetings that are subject to the Brown Act. If after the first meeting after September 30, 2021, the subcommittee wants to meet remotely the body will have to adopt the requisite findings. If the findings are not timely made, the MCWRA BOD subcommittee will be required to meet in person to make findings to return to remote meetings.

Finally, the teleconference rules of AB 361 are operative only so long as the Governor’s proclamation

of statewide emergency is in place; once that proclamation is terminated, the MCWRA BOD must either meet in person or utilize the normal Brown Act rules for teleconferencing (teleconference location open to the public and agenda posted).

Approved by: Brent Buche, General Manager (831) 755-4860

Attachments:

1. AB 361
2. Monterey County Health Officer Recommendation
3. Board Order



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AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials

have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in

connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all

otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Mendoza Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies

Issued: September 22, 2021

The Monterey County Health Department continues to recommend that physical and social distancing strategies be practiced in Monterey County, which includes remote meetings of legislative bodies of local agencies, to the extent possible.

Monterey County continues to experience transmission of COVID-19 locally. Physical and social distancing is still an effective measure to reduce the spread of COVID-19, especially when combined with use of face coverings, frequent hand washing, staying home when ill, testing, and vaccination with U.S. Food and Drug Administration approved or authorized COVID-19 vaccines.

Remote meetings of legislative bodies allow for the virtual participation of agency staff, presenters, and community members in safer environments, with less risk of exposure to SARS-CoV-2, the virus that causes COVID-19.

The Monterey County Health Officer will continue to monitor local metrics and the necessity of this recommendation.



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. _____

**CONSIDER RECEIVING A REPORT ON THE STATUS OF
AB 361 AND THE REQUIREMENTS FOR CONTINUED
REMOTE MEETINGS AFTER OCTOBER 1, 2021**

Upon motion of Director _____, seconded by Director _____, and carried by those members present, the Board of Directors hereby:

Receives a report on the status of AB 361 and the requirements for continued remote meetings after October 1, 2021.

PASSED AND ADOPTED on this **18th day of October 2021**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: John Baillie, Chair
Board of Directors

ATTEST: Brent Buche
General Manager



Monterey County

Item No.4

Board Report

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

Legistar File Number: WRAG 21-169

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a presentation from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel modeling

RECOMMENDATION:

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

Receive a presentation from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel modeling

SUMMARY/DISCUSSION

The Interlake Tunnel (ILT) is a project to transfer water from Nacimiento Reservoir to San Antonio Reservoir that would have otherwise been spilled at Nacimiento Dam. The Nacimiento River basin produces nearly three times the average annual flow of the San Antonio River basin, therefore, capturing high Nacimiento River flows and diverting those flows to San Antonio Reservoir increases the overall storage capacity of the system.

The Agency has worked with consultants at Wood Environment & Infrastructure, Inc. (Wood) to conduct modeling in order to quantify the water supply benefit of the ILT. Preliminary modeling results were presented in May 2020. Significant refinements and updates to the modeling tools that are used to quantify the water supply benefits have been completed since May 2020, including implementation of water rights in the model code; refinement of reservoir operations to more closely reflect Agency practices; and recalibration of the models to address issues with streamflow losses and simulated agricultural pumping.

Beginning in September 2021, Wood used an updated version of the Salinas Valley Operational Model to analyze one baseline and two project alternative scenarios. Additional modeling work is ongoing in support of work on the Environmental Impact Report for the ILT.

OTHER AGENCY INVOLVEMENT

No other agency was involved in the development of this report.

FINANCING

There is no impact to the existing budget associated with this project update.

Prepared by: Amy Woodrow, Hydrologist, (831) 755-4860

Approved by: Brent Buche, General Manager (831) 755-4860



Monterey County

Item No.4

Board Report

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

Legistar File Number: WRAG 21-169

October 18, 2021

Introduced: 10/7/2021

Current Status: Agenda Ready

Version: 1

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Consider receiving a presentation from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel modeling

RECOMMENDATION:

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

Receive a presentation from the Monterey County Water Resources Agency regarding the status of the Interlake Tunnel modeling

SUMMARY/DISCUSSION

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OTHER AGENCY INVOLVEMENT

No other agency was involved in the development of this report.

FINANCING

There is no impact to the existing budget associated with this project update.

Prepared by: Amy Woodrow, Hydrologist, (831) 755-4860

Approved by: Brent Buche, General Manager (831) 755-4860



***Before the Board of Directors of the Monterey County Water Resources Agency
County of Monterey, State of California***

BOARD ORDER No. _____

RECEIVE A PRESENTATION FROM THE MONTEREY COUNTY)
WATER RESOURCES AGENCY REGARDING THE STATUS OF)
THE INTERLAKE TUNNEL MODELING)

Upon motion of Director _____, seconded by Director _____, and carried
by those members present, the Board of Directors hereby:

Receives a presentation from the Monterey County Water Resources Agency regarding the
status of the Interlake Tunnel modeling.

PASSED AND ADOPTED on this **18th** day of **October 2021**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: John Baillie, Chair
Board of Directors

ATTEST: Brent Buche
General Manager



Monterey County

Item No.5

Board Report

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

Legistar File Number: WRAG 21-164

October 18, 2021

Introduced: 10/7/2021

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

October, November and December 2021 Calendars

October 2021

October 2021						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 26	27	28	29	30	Oct 1 8:30am Personnel & Admin. Committee 10:00am Finance Committee (1441 Schilling)	2
3	4	5	6 8:30am BMAC Committee 10:00am Planning Committee	7	8	9
10	11	12	13	14	15	16
17	18 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	19	20	21	22	23
24	25	26	27	28 1:30pm Reservoir Operations Advisory Committee (Saffron Room) - 930-Board of	29	30
31	Nov 1	2	3	4	5	6

November 2021

November 2021						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 31	Nov 1	2	3 8:30am BMAC Committee 10:00am Planning Committee	4	5 8:30am Personnel & Admin. Committee 10:00am Finance Committee (1441 Schilling Pl., Salinas)	6
7	8	9	10	11	12	13
14	15 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	16	17	18 10:30am Joint WRA/BOS Leadership Committee meeting	19	20
21	22	23	24	25 1:30pm Reservoir Operations Advisory Committee (Saffron Room) - 930-Board of Directors	26	27
28	29	30	Dec 1	2	3	4

December 2021

December 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2022						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 28	29	30	Dec 1 8:30am BMAC Committee 10:00am Planning Committee	2	3 8:30am Personnel & Admin. Committee 10:00am Finance Committee (1441 Schilling Pl., Salinas)	4
5	6 9:00am Strategic Planning Workshop (Hospitality Pavilion - Laguna Seca Raceway) - 930-Board of	7	8	9	10	11
12	13	14	15	16	17	18
19	20 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	21	22	23	24	25
26	27	28	29	30 1:30pm Reservoir Operations Advisory Committee (Saffron Room) - 930-Board of Directors	31	Jan 1, 22



Monterey County

Item No.6

Board Report

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

Legistar File Number: WRAG 21-165

October 18, 2021

Introduced: 10/7/2021

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

- COVID-19 Update
- Personnel Update
- Prop. 1 Grant Update
- Other



Monterey County

Item No.7

Board Report

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

Legistar File Number: WRAG 21-166

October 18, 2021

Introduced: 10/7/2021

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

Information Items:

1. Reservoir Release Update
2. Well Permit Application Activities Update

Reservoir Release Update

SUMMARY/DISCUSSION:

The Board of Directors receives monthly updates on the status of Agency reservoirs.

RESERVOIR ELEVATION / STORAGE: As of October 6, 2021, San Antonio Reservoir has a water surface elevation of approximately 665.15 feet (NGVD 29), with 22,470 acre-feet of storage. Nacimiento Reservoir has a water surface elevation of approximately 705.2 feet, with 42,650 acre-feet of storage. San Antonio Reservoir is currently at 7% of storage capacity and Nacimiento Reservoir is at 11% of capacity.

RESERVOIR RELEASES: From April 5 until July 27, the Agency made conservation releases from both reservoirs to recharge the Salinas Valley Groundwater Basin and provide flow to the Salinas River Diversion Facility. Due to limited volume in the reservoirs, conservation releases were halted on July 28. The Agency has since made releases of approximately 60 cfs from Nacimiento Reservoir and 10 cfs from San Antonio Reservoir to support fish habitat below the dams.

The Salinas River Lagoon has been closed to the ocean since March 3, 2021.

Minor deviations in release rates are not presented in this report but are documented in the Salinas Valley Water Project Annual Flow Reports.

Releases as of October 6, 2021:

- Nacimiento Reservoir: 65 cfs
- San Antonio Reservoir: 10 cfs

Total releases from both reservoirs to the Salinas River are approximately 75 cfs. The following “provisional” flows have been recorded by the USGS:

- Salinas River near Bradley: 56 cfs
- Salinas River at Soledad: 0 cfs
- Salinas River near Chualar: 0 cfs
- Salinas River near Spreckels: 0 cfs

Prepared by: Peter Kwiek, Associate Hydrologist, (831) 755-4860

Well Permit Application Activities Update

SUMMARY/DISCUSSION:

In support of Monterey County's Well Permit Application Program the Agency acts as technical advisor to the program's lead agency, the Environmental Health Bureau (EHB). In accordance with a 1991 interdepartmental Memorandum of Agreement between the Agency and EHB, the Agency performs a comprehensive review process on well permit applications for new wells pumping five acre-feet of water or more per year, as well as for proposed well destructions and repairs.

The Agency provides review and/or advisement to EHB within five (5) business days of receiving new well permit applications. The Agency also reviews final well designs and annular seal depth proposals on an on-going basis and is committed to providing a response to EHB within twenty-four (24) hours of receiving design proposals.

The Agency receives funds that cover staff time for well application review, well completion report processing, and database maintenance from fees collected by EHB. The Agency's fees are defined in Article XI of the Monterey County Fee Resolution.

Table 1 (attached) provides a summation of well permit applications received in the last month for evaluation by Agency staff, categorized by permit type, Agency management area, and aquifer unit. Also included is a tabulation of new well applications reviewed for the fiscal year. This table is provided to the Board of Directors and Basin Management Advisory Committee on a monthly basis.

Publication of the Agency's Report, "Recommendations To Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin (October, 2017) and subsequent adoption of Interim Urgency Ordinance 5302 and Ordinance 5303 by the Monterey County Board of Supervisors (May 22, 2018 and June 26, 2018, respectively) have led to increased interest in data related to wells in and extractions from the Deep Aquifers (Figure 1).

Figure 2 depicts the history of well installation in the Deep Aquifers by water use category. As illustrated in the chart, a total of fifty-seven (57) wells have been installed in the Deep Aquifers since 1974, with twenty-five (25) of those wells being constructed in the last ten years, including fourteen (14) within the last three years. Figure 2 includes a tabular historical summary of reported annual Deep Aquifer well extractions by water use category.

Three (3) additional permit applications have been submitted for new Deep Aquifers wells but construction has not been completed as of the date of this report. The proposed wells were applied for as replacement wells after the expiration of Ordinance No. 5302, which expired on May 21, 2020.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

None

Prepared by: Nicole Koerth, Hydrologist, (831) 755-4860
Amy Woodrow, Hydrologist, (831) 755-4860
Tamara Voss, Associate Hydrologist (831) 755-4860
Shaunna Murray, Senior Water Resources Engineer, (831) 755-4860

Attachments:

Table 1 - Summary of Well Permits Received

Figure 1- Map showing Deep Aquifer Wells

Figure 2 - Timeline of Well Installation in the Deep Aquifers with Summary of Deep Aquifer Groundwater Extractions

Well Permits for September 2021

Permit Type

- Construction-Agricultural
- △ Construction-Domestic
- ⊕ Construction-Other
- Destruction
- ◇ Other
- ⬠ Repair

Subarea

- 180-Ft Aquifer
- 400-Ft Aquifer
- Deep Aquifers
- East Side
- Upper Valley
- Forebay
- Outside Zone 2C or defined GW Basin

- Permit Applications in Fiscal Year 21/22

- Zone 2C

- CA 118 Grounwater basins in Monterey County

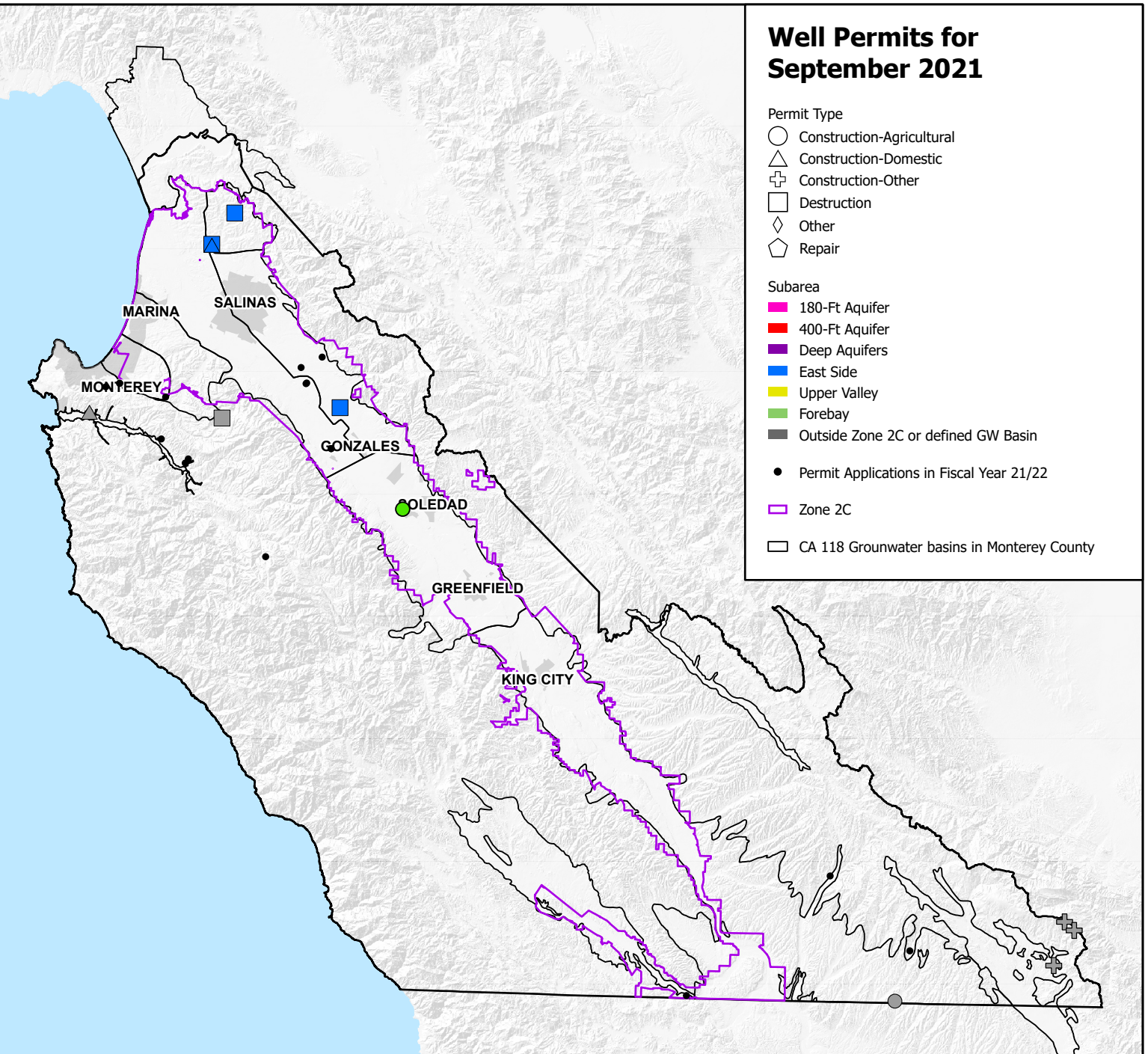
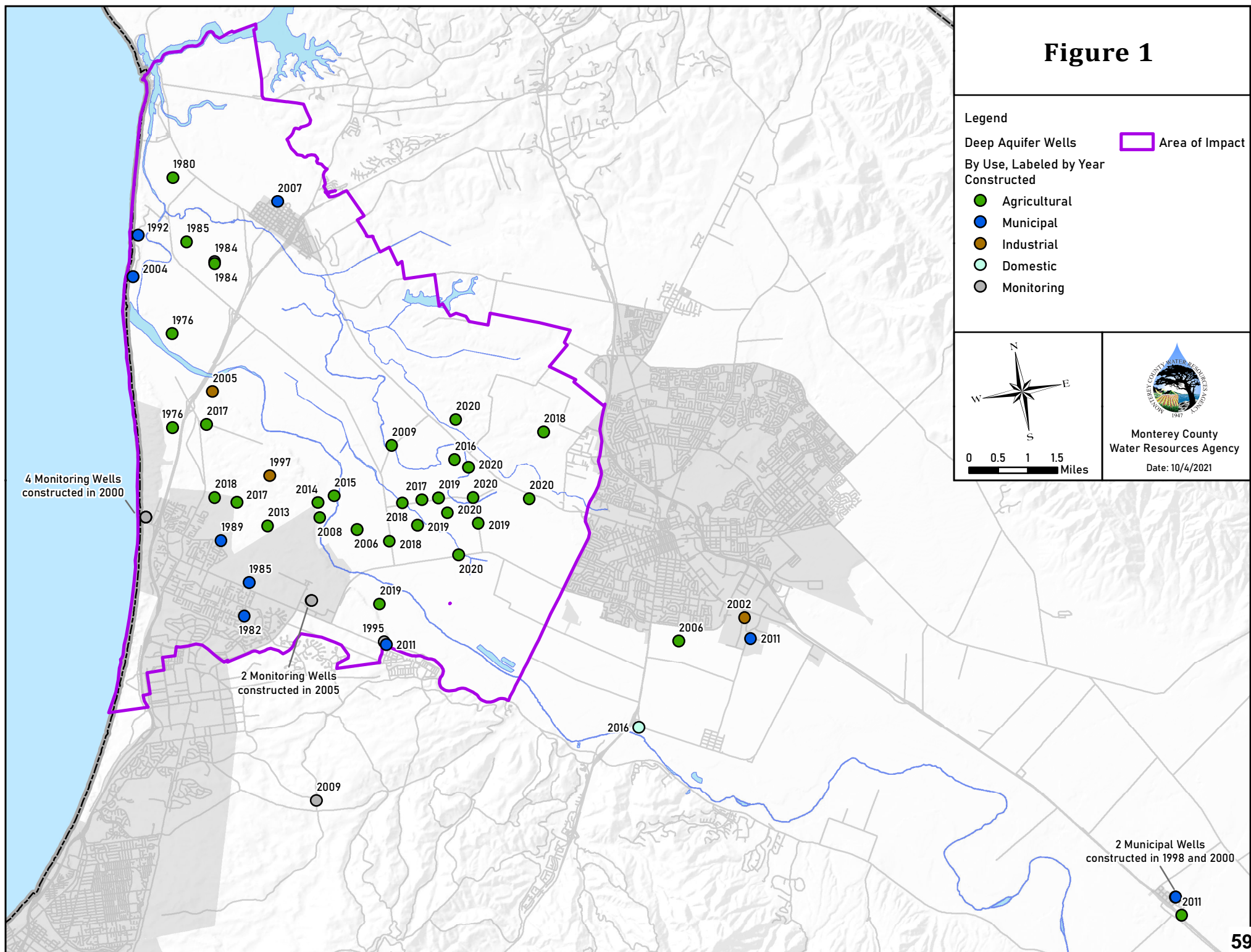


Table 1. Well Permit Applications Received by Category - September, 2021

Subarea/ Aquifer	Construction	Destruction	Repair	Other	Total	FY (21/22) Total
180-Ft Aquifer						1
400-Ft Aquifer						1
Deep Aquifers						0
East Side	1	3			4	8
Forebay	1				1	2
Upper Valley						0
Outside Zone 2C, Undefined GW Basin	5	1			6	18
Total	7	4			11	30

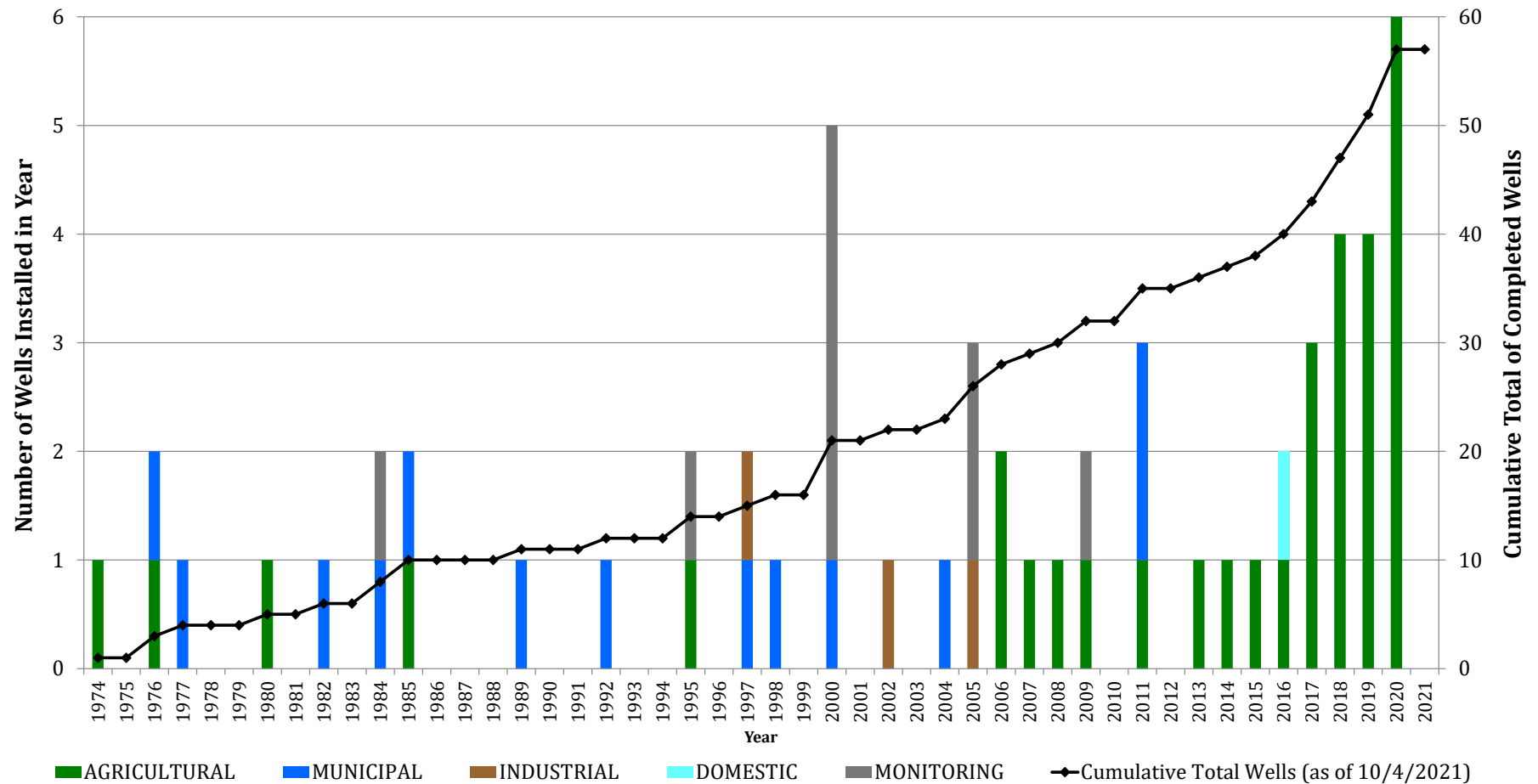




Source: MCWRA
Date: 10/4/2021

Figure 2

Timeline of Well Installation in Deep Aquifers of the 180/400 Foot Aquifer Subbasin



Deep Aquifers Groundwater Extraction History Since 1993*

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2,054	1,992	2,036	2,137	2,170	1,906	2,056	2,302	2,355	2,399	2,366	2,442	2,358	2,005	1,738	2,004	2,102	1,903	1,803	2,044	1,989	3,784	3,746	3,788	4,116	4,605	4,820	4,263
1,507	2,620	2,302	1,990	2,556	1,648	96	1	0	0	0	0	0	0	58	384	696	982	927	1,397	1,097	2,031	2,010	4,194	4,834	4,749	5,331	6,996
0	0	0	0	0	0	0	3	13	17	379	305	343	336	393	371	348	333	370	380	523	620	617	569	567	291	196	84
3,561	4,612	4,338	4,127	4,725	3,554	2,151	2,307	2,368	2,416	2,745	2,747	2,701	2,341	2,189	2,759	3,146	3,218	3,100	3,821	3,608	6,436	6,373	8,551	9,516	9,645	10,347	11,344

* Notes: Table includes all reported extraction data for the thirty-four (34) Deep Aquifer production wells that have reported extractions since inception of the Agency's GEMS program in 1993. Data are reported in acre-feet. Colors denote water use category (Municipal, Agricultural, Industrial). An additional nine (9) recently constructed Deep Aquifers Agricultural production wells have yet to report extractions as of Reporting Year 2020.