



## Legislation Details (With Board Report)

<b>File #:</b>	18-1218	<b>Name:</b>	MOU between WRA and RMA
<b>Type:</b>	General Agenda Item	<b>Status:</b>	Passed - RMA Land Use and Community Development
<b>File created:</b>	12/20/2018	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	1/15/2019	<b>Final action:</b>	1/15/2019

**Title:** Adopt a resolution:  
a. Approving and authorizing the County Administrative Officer to execute a Master Memorandum of Understanding between the County of Monterey and the Monterey County Water Resources Agency regarding the provision of and compensation for services by and between the two public entities; and  
b. Approving and authorizing the Director of the Resource Management Agency to execute Appendix A to the Master Memorandum of Understanding regarding the division of responsibility for certain land use related services between the County of Monterey and the Monterey County Water Resources Agency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Master Resolution with Appendix A, 3. Item No. 33 Board Order & Resolution

Date	Ver.	Action By	Action	Result
1/15/2019	1	Board of Supervisors	adopted - rma land use and community development	Pass

Adopt a resolution:  
a. Approving and authorizing the County Administrative Officer to execute a Master Memorandum of Understanding between the County of Monterey and the Monterey County Water Resources Agency regarding the provision of and compensation for services by and between the two public entities; and  
b. Approving and authorizing the Director of the Resource Management Agency to execute Appendix A to the Master Memorandum of Understanding regarding the division of responsibility for certain land use related services between the County of Monterey and the Monterey County Water Resources Agency.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a resolution:  
a. Approving and authorizing the Chair of the Board of Supervisors to execute a Master Memorandum of Understanding between the County of Monterey and the Monterey County Water Resources Agency regarding the provision of and compensation for services by and between the two public entities; and  
b. Approving and authorizing the Director of the Resource Management Agency to execute Appendix A to the Master Memorandum of Understanding regarding the division of responsibility for certain land use related services between the County of Monterey and the Monterey County Water Resources Agency.

**SUMMARY/DISCUSSION:**

The County of Monterey (“County”) and the Monterey County Water Resources Agency (“Agency”) are separate public entities, each with their own duties and liabilities. The County and the Agency, however, have had for many years an informal arrangement whereby certain services were provided by each to the other, often without Board direction and without consideration of compensation for the rendering of services.

Staff is proposing in this matter the approval of two items: 1) a Master Memorandum of Understanding

(“Master MOU”) whereby each agency acknowledges that each provides services to the other and that such services will be provided on the terms, and with the compensation, set forth in appendices to be separately considered and approved by each; and 2) Appendix A to the Master MOU regarding the division of responsibility for certain land use related services between the Agency and the County, through the Resource Management Agency (“RMA”).

The draft Master MOU is enclosed as Attachment 1. It is brief, and is designed to be augmented by specifics set forth in approved appendices. The intent is that the agencies can/will address other services later. Other appendices, for example in the area of human resources, maintenance of facilities, and other services, will be negotiated and considered by the Board separately.

The purpose of Appendix A, enclosed as Attachment 2, is to clarify certain mutual services, primarily development review, the Agency and County (through the RMA) will undertake. Historically, these services have been undertaken without a formal written agreement regarding how and when the services would be provided, and without formally addressing the compensation for services. This has led to inefficient overlap of services between the two agencies, and in a few cases conflicting priorities or policy interpretation. As such, consolidation of stormwater and drainage management, as well as floodplain management services, within the RMA is expected to afford greater efficiency, meaning lower costs to applicants, decrease conflicts, and improve customer service by providing a single point of information and services for the public and the consolidation of records in one place, the RMA. RMA is also the lead agency for interpreting County land use policies and regulations.

Appendix A will transfer a series of water-related development review duties from the Agency to the RMA, which are listed in detail in Exhibit 1 to the Appendix. The duties to be transferred include: Grading, Erosion Control, Stormwater Management/Drainage Control, and the Floodplain Management/ National Floodplain Insurance Program Community Rating System. In addition, General Plan implementation responsibilities for preparation of a Drainage Design Manual and approving mitigation measures for new insurable buildings located in the floodplain, as well as, providing an analysis of Long Term Sustainable Water Supply (LTSWS) for discretionary projects, would be transferred to the RMA. RMA currently has the capacity to undertake the additional duties without increasing staffing levels, as RMA includes staff that are licensed/certified in engineering, hydrology, plan review, and inspection (building, grading), as well as a team of development permit specialists serving the public counter. RMA staff currently undertakes many of these duties for the more urban portion of the County located within the National Pollution Discharge Elimination (NPDES) boundary. In addition, a couple RMA staff transferred from the Agency where they provided these services. As needed, RMA staff will be trained to undertake any new responsibilities.

The Agency will retain the duties of providing technical assistance programs concerning erosion and sediment control, efficient water use, water conservation, and groundwater management. However, this may be more of a professional service agreement type of relationship. The Agency will remain the flood control authority for the County; however, County (RMA) has taken on flood control projects at the mouth of Carmel Valley and Carmel Lagoon. The Agency will continue to participate in the development of the specific criteria for Long Term Sustainable Water Supply once there is a defined project. The Agency will also continue to be afforded the opportunity to review and comment on water-related issues in Environmental Impact Reports being processed by RMA. Rather than receiving a set fee for each permit, the Agency will develop an hourly rate for performing these tasks and bill applicants (similar to Fire Districts). In addition, the Agency will analyze the regional Reclamation Ditch system and develop impact fees based on a project’s impact on the system. This impact fee would be collected as part of the development review.

OTHER AGENCY INVOLVEMENT:

The Master MOU and Appendix A have been negotiated by Agency and County staff, including staff from the Administrative Office, RMA and County Counsel. Staff from the Agency and RMA presented the MOU to the WRA Personnel/ Administration Committee on December 7, 2018. On December 17, 2018, the Board of Directors of the Agency has recommended (8-1 vote) that the Agency Board of Supervisors approve the Master MOU and Appendix A as presented.

FINANCING:

Funding for staff time associated with the services to be provided by the Agency to the County will come from fees collected by the RMA so there will be no impact to the current fiscal year budget. Budgets and fees for FY 2019/20 and beyond will account for any fiscal changes.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

*These actions will provide for the more efficient provision of development related services to the residents of the County, thus contributing to economic development, and helping to ensure proper health and safety, and infrastructure for such development.*

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Leslie J. Girard, Chief Assistant County Counsel  
John M. Dugan, FAICP, Deputy Director, RMA  
Approved by: Carl Holm, RMA Director

The following attachments are on file with the Clerk of the Board:  
Attachment A - Master Resolution, with Appendix A