



Legislation Details (With Board Report)

File #:	RES 21-083	Name:	Pajaro Levy JPA Board Member Appointment
Type:	BoS Resolution	Status:	Appointment
File created:	5/4/2021	In control:	Board of Supervisors
On agenda:	5/11/2021	Final action:	5/11/2021

Title: Consider the adoption of a Resolution to:
a. Appoint one (1) member of the Board of Supervisors of the County of Monterey to serve as an Alternate on the Board of Directors of the PRFMA in the absence of or recusal of the Supervisor for Supervisorial District 2.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - PRFMA Joint Exercise of Powers Agreement, 3. Attachment B - Draft Resolution, 4. Attachment B - Draft Resolution (WORD), 5. Completed Board Order and Resolution Item No. 6

Date	Ver.	Action By	Action	Result
5/11/2021	1	Board of Supervisors	approved	

Consider the adoption of a Resolution to:
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RECOMMENDATION:

It is recommended that the Board of Supervisors:
a. Appoint one (1) member of the Board of Supervisors of the County of Monterey to serve as an Alternate on the Board of Directors of the PRFMA in the absence of or recusal of the Supervisor for Supervisorial District 2.

SUMMARY/DISCUSSION:

The Pajaro River Federal Flood Control Project (“1949 Project”) was originally built in 1949 by the United States Army Corps of Engineers (“USACE”) and is maintained jointly by the Santa Cruz County Flood Control and Water Conservation District - Zone 7 (“Zone 7”) and the Monterey County Water Resources Agency (“MCWRA”). Generally, the 1949 Project consisted of levee system construction along the Pajaro River (11.5 miles) and Salsipuedes Creek (3 miles). Since the construction of the levee system in 1949, there have been four major floods on the Pajaro River and its tributaries in 1955, 1958, 1995, and 1998 that have resulted in significant inundation and damage caused by overtopping or breaching of the levees. Congress authorized reconstruction of the Pajaro River levee system in 1966, and re-authorization was granted by the Water Resources Development Act 1990. To address the flooding issue, a new study was prepared for the current Project, which includes improvement and reconstruction of existing levees, among other improvements. The USACE has recently completed the necessary steps for the current Project to enter into the Design Phase with USACE. The USACE Director’s Report signed and released on December 12, 2019, by the USACE Headquarters, confirms the federal authorization to rebuild and enhance the existing flood risk reduction facilities on the Pajaro River and Salsipuedes Creek.

To implement the current Project, the Pajaro Regional Flood Management Agency (“PRFMA” or “Agency”) was recently approved as a Joint Powers Authority (“JPA”) made up of five (5) member agencies: the City of Watsonville, the County of Monterey, the County of Santa Cruz, the Monterey Water Resources Agency, and Zone 7 of the Santa Cruz County Flood Control and Water Conservation District (collectively referred to as “Member Agencies”). The PRFMA Joint Exercise of Powers Agreement (“Agreement”) was approved by the Board on February 24, 2021 (Attachment 1). The purpose of the PRFMA is to exercise the common powers of the Member Agencies to reduce flood risk to lives and property. Each Member Agency has common authority to study, plan for, develop, finance, acquire, design, construct, maintain, repair, replace, rehabilitate, manage, operate and control infrastructure to protect lives and property independently or in cooperation with the United States, the State of California, or other entities. The PRFMA may exercise any of those powers independently or in cooperation with the United States, the State of California, or any other entity. The PRFMA may serve as the non-federal sponsor and make Project Commitments with respect to infrastructure.

In support of flood risk reduction project implementation and to ensure consistent long-term operation, maintenance, repair, replacement, and rehabilitation of the Lower Pajaro River system, the Member Agencies are preparing to exercise the powers of the PRFMA pursuant to Joint Powers Authority (JPA) Law and one of the first steps is to establish a Board of Directors to act as the governing Board of the PRFMA.

Article IV. of the Agreement sets forth the organization and governance of the PRFMA.

Article IV. ORGANIZATION AND GOVERNANCE

Section 4.01 Governing Body of the Agency

- a. The Agency shall be governed by a Board of Directors comprising five persons selected by the Member Agencies as set forth in this section below. All voting power of the Agency shall reside in the Board.
- b. The Board shall comprise (of) the following:
 - i. One Boardmember selected by the Santa Cruz County Board of Supervisors from among its members, who shall be representative(s) for (from) Supervisorial District Two or Four;
 - ii. One Boardmember selected by the Santa Cruz Flood Control and Water Conservation District - Zone No. 7 Board of Directors from among its members, who shall be the representatives for either Supervisorial District Two or Four.
 - iii. One Boardmember selected by the Watsonville City Council.
 - iv. One Boardmmember who shall be the Monterey County Supervisor of Supervisorial District Two.

Per Section 4.01.b.iv. of the approved Agreement, one Boardmember “...shall be the Monterey County Supervisor of Supervisorial District 2,” therefore it is not necessary for the Board to make that appointment; however, an Alternate should be appointed per Section 4.01.d. of the Agreement.

Section 4.01.d. of the Agreement provides:

Each appointing authority shall also appoint an Alternate from among the appointing authorities members. The Alternates shall serve in the absence of (or) recusal of the Member for whom they are the Alternate but shall not otherwise sit with or deliberate with the Board.

Section 4.01.e. of the Agreement provides:

Except for the Supervisors appointed by virtue of service as Monterey County Supervisor representing District Two, Boardmembers and Alternates serve at the pleasure of their appointing authorities and shall hold office until a successor takes the oath of office as an officer of the Agency.”

Therefore, the District 2 Supervisor is appointed as a member of the Board of Directors of the PRFMA by virtue of service as the Supervisor representing Supervisorial District 2 of the County of Monterey. Further, an Alternate should also be appointed to represent the County of Monterey to serve in the absence of (or) recusal of the District 2 Supervisor, for whom they are the Alternate.

The PRFMA Board will designate the principal office location, and the time and place of its regular meetings. All meetings will comply with the Ralph M. Brown Act, Government Code section 54950 *et seq.* Three-fifths of Boardmembers then in office shall constitute a quorum for the transaction of business. Boardmembers may not cast proxy or absentee votes. Each Boardmember shall have an equal vote.

OTHER AGENCY INVOLVEMENT:

PRFMA Member Agencies include; the City of Watsonville, the County of Monterey, the County of Santa Cruz, the Monterey Water Resources Agency, and Zone 7 of the Santa Cruz County Flood Control and Water Conservation District.

FINANCING:

No financial impact is immediately expected due to the initial formation of the JPA. Member agencies will continue to direct staff to support the agency's formation and startup on an interim basis until the JPA Board decides when and how to permanently staff and fund the agency.

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Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

Attachments:

A - PRFMA Joint Exercise of Powers Agreement

B - Draft Resolution