



County of Monterey

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

Board Report

File #: 13-0159, **Version:** 1

1. Consider approving the Agreement to Form the Monterey Peninsula Water Supply Project Governance Committee and authorize the Chair to execute the agreement.
2. Appoint one Supervisor as a member and one Supervisor as an alternate to the Governance Committee.
3. Consider supporting, in concept, the principles of the Monterey Peninsula Regional Water Authority's Position Statement. (Added via Addendum)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Approve the Agreement to Form the Monterey Peninsula Water Supply Project Governance Committee and authorize the Chair to execute the agreement.
2. Appoint one Supervisor as a member and one Supervisor as an alternate to the Governance Committee.
3. Support, in concept, the principles of the Monterey Peninsula Regional Water Authority's Position Statement (labeled "Deliberative Document").

SUMMARY:

The Monterey Peninsula Water Supply Project Governance Committee is intended to provide public oversight of the proposed project. The Committee is to be composed of members from the Monterey Peninsula Regional Water Authority (MPRWA), the Monterey Peninsula Water Management District (MPWMD), California American Water Company (CAW) and the County of Monterey. The agreement has been or is expected to be approved by all parties within the next few weeks. In addition, the MPRWA has adopted a Position Statement (labeled "Deliberative Document") that they would like your Board to support.

DISCUSSION:

Your Board previously indicated its intent to join the MPRWA and the proposed Governance Committee in an effort to find solutions to the Peninsula's water supply problem. The Governance Committee formation puts in place a mostly advisory body with the following role:

The purpose and function of the Governance Committee shall be to: (i) consult with, advise, and in some circumstances, provide direction, to Cal-Am concerning the design, permitting, construction, operations, maintenance, repairs, and replacements of the components of the Desalination Project; and (ii) serve as the entity which Cal-Am regularly updates as to Desalination Project status and issues. The members of the Governance Committee shall diligently consider all matters and cause the Governance Committee to timely and promptly issue decisions or recommendations brought before it as provided pursuant to the terms of this Agreement.

Matters to be considered by the Committee for consultation, recommendations, and/or decision-making for every stage of the project will be handled under one of three categories. Under Category "A" the Committee

makes the decision or recommendation after a recommendation from CAW. Matters in Category “B” will be handled by recommendation of the Committee; however CAW may choose not to follow the recommendation. CAW’s decision must be in writing and can be raised by any Party to the California Public Utilities Commission (CPUC). In Category “C” CAW makes the decision after Committee recommendation. Failure to follow the recommendation may be raised to the CPUC by any Party.

The matters to be covered by the Committee are intended to address all stages of the project. As evident in the attachment, the agreement is quite extensive and comprehensive. The Committee is to remain effect during the life of the project. It is recommended that you approve the agreement and appointments thereto.

In addition to the Governance Agreement, the MPRWA approved a Position Statement designed to guide their upcoming testimony at the CPUC. The statement contains the principles upon which the MPRWA would condition their support for the Water Project. The principles include low cost, proper environmental review, contingency plans and intake well support. Because this statement has future steps and is designed to indicate the MPRWA’s contingent support for the project, it is not recommended that the Board approve or adopt the Statement. It is recommended that the Board review the attached Statement and support its general principles.

OTHER AGENCY INVOLVEMENT:

Counsel worked with the MPRWA, the MPWMD and CAW on the proposed agreement.

FINANCING:

Costs associated with this item include Supervisor time at meetings. In addition, County Counsel will advise the member, attend meetings as needed and prepare and review documents. These matters should be handled within budget.

Prepared by: Charles J. McKee, County Counsel
Approved by: Charles J. McKee, County Counsel

Attachments:

Agreement to Form the Monterey Peninsula Water Supply Project Governance Committee
Position Statement of the Monterey Peninsula Regional Water Authority