



MONTEREY COUNTY WATER RESOURCES AGENCY

893 BLANCO CIRCLE
SALINAS, CA 93901
(831) 755.4860
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BOARD OF DIRECTORS

BOARD OF DIRECTORS

David Hart, Chair
Richard Ortiz, Vice Chair
Ken Ekelund
Mark Gonzalez
Claude Hoover
John Huerta
Mike Scattini
Deidre Sullivan
Vacant

STAFF

David E. Chardavoyne; General Manager
Robert Johnson, Deputy General Manager
Brent Buche, Deputy General Manager
Cathy Paladini, Finance Manager
Wini Chambliss, Clerk to the Board
Jesse Avila, Deputy County Counsel

REGULAR BOARD OF DIRECTORS MEETING

Monday, July 25, 2016

A G E N D A

CLOSED SESSION @ 12:00 P.M.

Staff reports relative to the agenda items listed below will be available for public review on the Agency's website by 7:00 PM by Thursday, July 21, 2016 and at the Monterey County Water Resources Agency (Agency), 893 Blanco Circle, Salinas. If additional documents are produced by the Agency and provided to a majority of the Board regarding any item on the agenda after staff reports have been distributed, they will be available at the Agency during normal business hours and posted on the Agency website at http://www.mcwra.co.monterey.ca.us/BOD/BOD/AgendaCurrent_n.htm. For additional information, please contact Wini Chambliss, at (831) 755-4896.

If requested, the agenda and associated documents shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to Wini Chambliss, at (831) 755-4896. Please notify the Agency at least 72 hours in advance to ensure availability of appropriate equipment.

1. CALL TO ORDER/ESTABLISH QUORUM FOR CLOSED SESSION @ 12:00 PM

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

- a. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code section 54956.9(d)(1), the Board of Directors will confer with legal counsel regarding existing litigation: Water Ratepayers Association of the Monterey Peninsula v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. 16CV001983).
- b. Conference with Legal Counsel – Significant Exposure to Litigation
Pursuant to Government Code section 54956.9(d)(2), the Board of Directors will confer with legal counsel regarding one matter of significant exposure to litigation.
- c. Conference with Legal Counsel – Public Employee Performance Evaluation
Pursuant to Government Code section 54957(b)(1), the Board of Directors will confer with legal counsel regarding a Mid-year Performance Evaluation of the Water Resources Agency General Manager.

3. ADJOURN TO CLOSED SESSION

4. RECONVENE MEETING/RE-ESTABLISH QUORUM (no earlier than 1:00 P.M.)

5. PLEDGE OF ALLEGIANCE

6. PUBLIC COMMENTS

*(Limited to three minutes per speaker on matters within Monterey County Water Resources Agency jurisdiction and **not listed** on the agenda. Members of the Public will have the opportunity to ask questions or make statements on agenda items as they are considered by the Board.)*

7. PRESENTATIONS: Page 1

- A. Castroville Seawater Intrusion Project Summer 2016 Water Supply – Mark Foxworthy
- B. Status Update on the Interlake Tunnel and Spillway Modification Project – David Chardavoine

8. CONSENT CALENDAR

- A. Approve the Action Minutes of the Special Board of Directors meeting held on May 11, 2016 and the Regular Board of Directors meeting held on June 27, 2016..... **Page 5-12**
- B. Approve Purchase Orders/Contracts and credit card purchases in excess of \$500 for May 2016. **Page 13**
- C. Approve FY 2015-2016 Consultants Expenditures for May 2016..... **Pages 15-17**
- D. Receive a report on Salinas Valley Water Conditions for the Third Quarter of Water Year 2015-2016..... **Pages 19-41**
- E. Receive Third and Fourth Quarter FY 2015-16 Report to the Monterey County Water Resources Agency Board of Supervisors..... **Pages 43-52**
- F. Approve, in accordance with the Monterey County Water Resources Agency Technology Plan Appendix 2017, a three-year lease Agreement with Monterey Bay Systems for two multifunction copiers at a cost not-to-exceed \$72,000; and, authorize the General Manager to execute the Agreement.....**Pages 53-71**

9. ACTION ITEMS

- A. Consider adopting a resolution amending the Bylaws of the Monterey County Water Resources Agency Board of Directors..... **Pages 75-86**
- B. Consider adopting the schedule of Regular Board of Directors meetings to be held in the Monterey County Government Center Board of Supervisors' Chambers, 168 West Alisal Street, Salinas; and, recessing the August 2016 Regular Board of Directors meeting, resuming regular meetings in September 2016..... **Pages 87-90**
- C. Consider approving a request that the public and interested parties provide the Agency with any information regarding the current 2B, 2Y and 2Z assessments, water delivery/service charges and corresponding improvements that should be addressed as part of any revised methodology, thereby enabling Raffelis Financial Consultants, Inc. to explore potential alternatives in the assessment methodologies to be prepared for future stakeholders' meetings.....**Pages 91-96**
- D. Consider reviewing the Regional Water Quality Control Board's Draft 401 Water Quality Certification for the Salinas River Stream maintenance Program; providing direction to Staff; and, authorizing the General Manager to prepare and submit Public Review Comments.
..... **Pages 97-122**

10. KEY INFORMATION AND CALENDAR OF EVENTS..... Pages 125-127

11. GENERAL MANAGER'S REPORT

12. COMMITTEE REPORTS

- A. Basin Management Plan Committee: Richard Ortiz, Chair
- B. Finance Committee: Claude Hoover, Chair
- C. Personnel/Administration Committee: Mark Gonzalez, Chair
- D. Planning Committee: Deidre Sullivan, Chair
- E. Reservoir Operations Committee: David Hart, Chair

13. INFORMATION ITEMS

- A. Development Review..... **Pages 131-133**
- B. Monterey County Water Recycling Projects & Salinas Valley Water Project/Salinas River Surface Diversion Update.....**Page 135**
- C. Reservoir Release Update.....**Page 137**
- D. Well Permit Application Activities Update.....**Pages 138-139**
- E. Update on 2016 Strategic Planning Process..... **Pages 141-144**
- F. Update on the Paso Robles Area Basin Boundary Modification Request..... **Page 145**
- G. Update on Cloud Seeding Efforts..... **Page 147**

14. CORRESPONDENCE

- A. Letter dated July 1, 2016 from Chris Moss, P.E. – MCWRA to Frank Blackett, Regional Engineer – Division of Safety and Dam Inspections
Re: Nacimiento Dam Project No. 6378, Proposed Plan & Schedule for Sixth Part 12D Report Recommendations..... **Pages 151-155**
- B. Letter dated June 28, 2016 from Jerry J. Rava II, President and CEO – Rava Ranches Inc.
Re: Nomination to the MCWRA Reservoir Operations Committee as Representative for the Upper Valley Aquifer..... **Page 157**
- C. Letter dated June 27, 2016 from Abby Taylor-Silva
Re: Resignation from Monterey County Water Resources Agency as Grower-Shipper Association Appointee..... **Page 159**
- D. Letter dated June 27, 2016 from Julie A. Vance, Regional Manager – Department of Fish and Wildlife
Re: Acceptance of Proposed Protest Dismissal Terms for Water Right Applications (WRAs) 32263A&B, and Suspension of Processing for WRA 32263C..... **Pages 161-163**
- E. Letter dated June 23, 2016 from Charles J. McKee, County Counsel – Monterey County
Re: The Otter Project – 60-Day Notice of Intent to Sue for Endangered Species Act & Clean Water Act Violations in Relation to the Salinas Valley Water Project, File No. A16-02094..... **Pages 165-169**
- F. Letter dated June 22, 2016 from Charles J. McKee, County Counsel – Monterey County
Re: Water Ratepayer Association of the Monterey Peninsula..... **Pages 171-174**
- G. Letter dated June 13, 2016 from Eric Morgan, Vice President – Braga Ranch and ASA Farms
Re: Nomination to the MCWRA Reservoir Operations Committee as Representative for the Forebay..... **Page 175**

15. BOARD OF DIRECTORS' COMMENTS

16. ADJOURNMENT

PRESENTATIONS:

A. Castroville Seawater Intrusion
Project Summer 2016 Water
Supply

Mr. Mark Foxworthy

B. Status Update on the Interlake
Tunnel and Spillway
Modification Project

Mr. David E. Chardavoyne

CONSENT CALENDAR



**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

BOARD MEMBERS:

David Hart, Chair
Richard Ortiz, Vice Chair
Ken Ekelund
Mark Gonzalez
John Huerta
Claude Hoover
Mike Scattini
Deidre Sullivan
Abby Taylor-Silva

STAFF:

David Chardavoyne, General Manager
Robert Johnson, Deputy General Manager
Brent Buche, Deputy General Manager
Cathy Paladini, Finance Manager
Wini Chambliss, Clerk to the Board
Jesse Avila, Deputy County Counsel

Monday May 11, 2016

SPECIAL BOARD OF DIRECTORS MEETING

MINUTES

1. CALL TO ORDER/ESTABLISH QUORUM

Chair Hart called the meeting to order @ 9:35 A.M. and a quorum was established.

Directors Present: Hart, Ortiz, Ekelund, Hoover, Gonzalez, Huerta, Sullivan and Taylor-Silva

Directors Absent: Scattini

2. PUBLIC COMMENTS – None

3. ACTION ITEM

- A. Consider approving and recommending that the Monterey County Water Resources Agency Board of Supervisors approve Amendment No. 1 to the Project Labor Agreement among the Monterey County Water Resources Agency and the Monterey/Santa Cruz Counties Building and Construction Trades Council and the Tri-Counties Building and Construction Trades Council, relating to the Interlake Tunnel and Spillway Modification Projects; and, authorizing the Chair of the Board to execute Amendment No. 1 to the Project Labor Agreement.**

ACTION: On motion and second by Directors Gonzalez and Huerta approved and recommended that the Monterey County Water Resources Agency Board of Supervisors approve Amendment No. 1 to the Project Labor Agreement among the Monterey County Water Resources Agency and the Monterey/Santa Cruz Counties Building and Construction Trades Council and the Tri-Counties Building and Construction Trades Council, relating to the

Interlake Tunnel and Spillway Modification Projects; and, authorizing the Chair of the Board to execute Amendment No. 1 to the Project Labor Agreement.

VOTE:

Ayes: Hart, Ortiz, Ekelund, Gonzalez, Hoover, Sullivan, and Taylor-Silva

Noes: None

Absent: Scattini

12. ADJOURNMENT @ 10:00 A.M.

SUBMITTED BY: Alice Henault

APPROVED ON:



Wini Chambliss, Clerk to the Board



**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

BOARD MEMBERS:

David Hart, Chair
Richard Ortiz, Vice Chair
Ken Ekelund
Mark Gonzalez
John Huerta
Claude Hoover
Mike Scattini
Deidre Sullivan
Abby Taylor-Silva

STAFF:

David Chardavoyne, General Manager
Robert Johnson, Deputy General Manager
Brent Buche, Deputy General Manager
Cathy Paladini, Finance Manager
Wini Chambliss, Clerk to the Board
Jesse Avila, Deputy County Counsel

Monday, June 27, 2016

REGULAR BOARD OF DIRECTORS MEETING

MINUTES

1. CALL TO ORDER/ESTABLISH QUORUM

Chair Hart called the meeting to order @ 11:09 AM and a quorum was established.

Directors Present: Hart, Ortiz, Ekelund, Hoover, Huerta (@1:28 PM), Sullivan (@ 11:38 AM) and Taylor-Silva

Directors Absent: Gonzalez and Scattini

The Clerk to the Board read the following corrected Closed Session Agenda into the record:

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

Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

- a) Protests of National Marine Fisheries and California Department of Fish and Wildlife to Monterey County Water Resources Agency Water Rights Applications with California State Water Resources Control Board for Blanco Drain (#32263A; Reclamation Ditch (#32263B); and, Tembladero Slough (#32263C).
- b) Monterey Coastkeeper v. Monterey County Water Resources Agency (Monterey County Superior Court case no. M108858).

Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators: (1) Designated representative: Brette Neal; Employee Organizations: Units F and J.

2. **PUBLIC COMMENTS ON CLOSED SESSION ITEMS** -- None.

3. **ADJOURN TO CLOSED SESSION @ 11:12 AM**

4. **RECONVENE MEETING/RE-ESTABLISH QUORUM @ 1:10 PM**

Deputy County Counsel Jesse Avila reported the Board took no reportable actions in Closed Session.

5. **PLEDGE OF ALLEGIANCE**

6. **PUBLIC COMMENTS** – None.

7. **PRESENTATIONS**

A. Compensation Agreement: Mr. Mark Hartunian, City of Soledad

B. Interlake Tunnel Update: Mr. David E. Chardavoyne, MCWRA General Manager, reviewed a PowerPoint presentation given to the Water Resources Agency Board of Supervisors June 21, 2016.

Public Comments: None.

8. **CONSENT CALENDAR**

A. Approve the Action Minutes of the Regular Board of Directors meeting held on May 23, 2016.

B. Recommend that the Monterey County Water Resources Agency Board of Supervisors: (i) Accept the Certificate of Completion for the Moss Landing Tide Gate “Emergency” Repairs; and, (ii) Authorize the General Manager of the Monterey County Water Resources Agency to execute and record, within 15 days with the County Recorder, a Notice of Completion for said public work, pursuant to the provisions of California Civil Code Section 9204.

C. Approve Amendment No. 4 to the Professional Services Agreement with FISHBIO for fish monitoring work in support of the Salinas Valley Water Project for a one-year extension of time; and, authorize the General Manager to execute the Amendment.

D. Approve Amendment No. 2 to a Professional Services Agreement with Lux Environmental LLC to assist in environmental permit acquisition, for an extension of time until June 30, 2017; and, authorize the General Manager to execute the Amendment.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, approved Items A-D on the Consent Calendar.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez, Scattini

ACTION: On motion and second by Directors Ekelund and Huerta respectively, approved Item D on the Consent Calendar.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan
Noes: None
Absent: Gonzalez, Scattini,
Recuse: Taylor-Silva

9. ACTION ITEMS

- A. Consider approving Amendment No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc., in the amount of \$50,164 to provide safety surveillance and performance evaluation of San Antonio Dam; and, authorizing the General Manager to execute the Amendment.

Manuel Saavedra, Water Resources Engineer, presented this item for consideration by the Board of Directors.

Public Comments: None.

ACTION: On motion and second by Directors Huerta and Ortiz respectively, approved Amendment No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc., in the amount of \$50,164 to provide safety surveillance and performance evaluation of San Antonio Dam; and, authorized the General Manager to execute the Amendment.

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

-
- B. Consider approving the Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications, substantially in the form attached; and recommending approval by the Monterey County Water Resources Agency Board of Supervisors.

Shaunna Juarez, Associate Water Resources Hydrologist, presented this item for consideration by the Board of Directors.

Public Comments: Nancy Isakson, Salinas Valley Water Coalition; Norm Groot, Monterey County Farm Bureau.

ACTION: On motion and second by Directors Ekelund and Sullivan respectively, approved the Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications, substantially in the form attached; and, recommended approval by the Monterey County Water Resources Agency Board of Supervisors

VOTE: Ayes: Hart, Ortiz, Ekelund, Hoover, Huerta, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

-
- C. Consider receiving an update on the Nacimiento Water Company; and, providing direction to Staff.

John Roitz, Water Resources Technician, presented this item for consideration by the Board of Directors.

Public Comments: Richard Boyer, Prunedale.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, received an update on the Nacimiento Water Company.

VOTE: Ayes: Hart, Ortiz, Ekelund, Gonzalez, Hoover, Huerta, Scattini, Sullivan and Taylor-Silva
Noes: None
Absent: Gonzalez and Scattini

Director Ekelund left the dais at 2:30 PM and returned at 2: 33 PM.

- D. Consider receiving a report regarding the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process; and, providing direction to Staff.

Rob Johnson, Deputy General Manager, presented this item for consideration by the Board of Directors.

Public Comments: Nancy Isakson; Norm Groot; Richard Boyer.

Director Hoover left the meeting @ 3:10 PM.

ACTION: On motion and second by Directors Ekelund and Huerta respectively, received a report regarding the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process; and, directed Staff to begin conversations with County Staff regarding the establishment of a MOU.

VOTE: Ayes: Hart, Ortiz, Ekelund, Huerta, Sullivan and Taylor-Silva
Noes: None.
Absent: Gonzalez, Hoover and Scattini
Abstention: Taylor-Silva

- E. Consider adopting a resolution identifying preliminary mitigation measures for possible impacts to private wells caused by construction of the Interlake Tunnel and Spillway Modification Project.

Director Taylor-Silva left the dais at 3:18 PM and returned at 3:20 PM.

Director Huerta left the dais at 3:33 PM and returned at 3:37 PM.

Rob Johnson, Deputy General Manager, presented this item for consideration by the Board of Directors.

Public Comments: None.

ACTION: On motion and second by Directors Ortiz and Sullivan respectively, adopted a resolution identifying preliminary mitigation measures for possible impacts to private wells caused by construction of the Interlake Tunnel and Spillway Modification Project .

VOTE: Ayes: Hart, Ortiz, Ekelund, Huerta, Sullivan and Taylor-Silva
Noes: None.
Absent: Gonzalez, Hoover and Scattini.

10. KEY INFORMATION AND CALENDAR OF EVENTS –

The Board of Directors are scheduled to begin conducting Regular Board meetings at the Government Center (Board of Supervisors Chambers) in August 2016 (August 15, 2016)

11. GENERAL MANAGER'S REPORT

General Manager David Chardavoyne reported his normal "GM" report was incorporated into the day's Agenda. He did, however, report on the following:

- 1) The importance of the Groundwater Sustainability Agency (GSA) being an independent entity. He also informed Directors of the need to revise/amend the Agency Act should the Water Resources Agency become the GSA.
- 2) The Agency's Budget was approved on June 21, and included a \$929,000 augmentation. As such, the Approved Budget differs somewhat from that approved by the Board of Directors.
- 3) The Agency will deploy zero-based budgeting beginning in July 2016.
- 4) The next FERC inspection of Nacimiento Reservoir is scheduled July 19, 2016. All requirements will be up to date by that time.
- 5) The Agency has received a grant award in the amount of \$200,000 to update the ALERT system to new technology.
- 6) Return Water Settlement Agreement has been approved by the Agency's Board of Supervisors, executed and submitted to the PUC.
- 7) Return Water Purchase Agreement has not yet been signed. It must first be approved by the PUC.
- 8) The County of Santa Cruz and City of Watsonville seek an MOU to proceed with the Pajaro Levee project. The Agency's share of the Cost Sharing Agreement is \$500,000. However, we signed based on the condition of receiving grant funding. The Agency would be making a long-term commitment without any certainty of receiving grant funding. In that light, it may be premature to sign onto the project.

Public Comments: None.

12. COMMITTEE REPORTS - Directors had nothing new to report.

13. INFORMATION ITEMS - Directors had no questions or comments on Information Items.

14. CORRESPONDENCE - Directors had no questions or comments on items of Correspondence.

15. BOARD OF DIRECTORS' COMMENTS - Director Taylor-Silva announced her resignation as the Grower-Shippers representative on the Agency's Board of Directors effective July 1, 2016. Directors thanked Ms. Taylor-Silva for her contributions to the Board of Directors. Director Huerta thanked Staff for their efforts in preparing reports...especially under impending time constraints.

16. ADJOURNMENT @ 4:03 PM.

SUBMITTED BY: Wini Chambliss

APPROVED ON:



Wini Chambliss, Clerk to the Board

**Purchase Orders/Contracts in Excess of \$500.00
opened for the month of May 2016
and credit card purchases over \$500.00 in May 2016**

CONSENT

Vendor Description	PO/Contract	Zone	Amount
Credit Card Purchases May 2016			
United Rentals Rental of a boxscrapper to resurface roadways at Lake Naclimiento		2C	850.00
United Rentals Rental of a boxscrapper to resurface roadways at Lake San Antonio		2C	850.00
My Chevrolet Vehicle Maintenance & Repairs		ADM	1,754.40
ASAP Signs Property Management Signs		Various	775.00
Total			4,229.40

**Monterey County Water Resources Agency
FY 15-16 Consultants
May-16**

	Fund	Zone	FY 14-15 Expenditures	FY 15-16 Budget	FY 15-16 YTD Expenditures/Obligations	Document Number
RJA	111	Administration	7,000.00	7,650.00	7,000.00	SC*4635
Legal	111	Administration	59,579.36	255,000.00	200,000.00	DO*9716
Viasyn	111	Administration	8,397.89			
Management Partners	111	Administration	7,500.00		9,900.00	SC*4856
JAMS Arbitration	111	Administration	1,660.24			
KCs reporting	111	Administration	5,096.25			
Armstrong Productions	111	Administration		7,650.00	5,500.00	DO *10785
Fund 111 Total			89,233.74	270,300.00	222,400.00	-
Bill Phillips	112	Zone 1 & 1A	6,260.48			
Fund 112 Total			6,260.48	-	-	-
One Rain	113	Countywide	6,480.00	10,200.00	6,480.00	DO*10156
Specialized Helicopters	113	Countywide	1,410.00		4,000.00	DO*10385
Fund 113 Total			7,890.00	10,200.00	10,480.00	-
FishBio	115	Zone 2A	-	20,400.00	70,378.14	DO*10468
Fund 115 Total			-	20,400.00	70,378.14	-
USGS	116-O&M	Zone 2C O&M	173,525.00	118,500.00		
A&G Pumping	116-O&M	Zone 2C O&M			6,000.00	DO*9657
AECOM	116-O&M	Zone 2C O&M	31,059.72	38,000.00	49,450.00	
Hagar	116-O&M	Zone 2C O&M	16,974.64	19,000.00		
Yoshimaru	116-O&M	Zone 2C O&M		10,000.00		
Greenline	116-O&M	Zone 2C O&M		2,000.00	15,940.00	DO*9730
Dam Safety Report	116-O&M	Zone 2C O&M	8,814.28	20,000.00		
Low Level Outlet	116-O&M	Zone 2C O&M		100,000.00		
URS	116-O&M	Zone 2C O&M	29,799.42			
EPC	116-O&M	Zone 2C O&M	579,620.56		468,917.37	DO*10031,*10158, 10359, 10484
LUX Environmental	116-O&M	Zone 2C O&M			31,810.00	SC*4585
Obermeyer Hydro	116-O&M	Zone 2C O&M			27,716.00	DO*10047
Techno Coatings, Inc	116-O&M	Zone 2C O&M			544,458.30	EPO*765
Industrial Machine Shop	116-O&M	Zone 2C O&M			20,126.64	DO*9660
Safety Center, Inc.	116-O&M	Zone 2C O&M			9,990.00	SC*4853
Burke, Williams & Sorensen LLP	116-O&M	Zone 2C O&M			105,713.75	DO*10534
Horizon Water & Environment	116-O&M	Zone 2C O&M			62,362.04	DO*10872, DO *10971, DO*11020
Schenberger, Taylor,McCormick & Jecker	116-O&M	Zone 2C O&M			22,000.00	SC*4917
Fund 116 O&M Total			839,793.62	307,500.00	1,280,122.06	-

**Monterey County Water Resources Agency
FY 15-16 Consultants
May-16**

	Fund	Zone	FY 14-15 Expenditures	FY 15-16 Budget	FY 15-16 YTD Expenditures/Obligations	Document Number
Assessments Consultant	116-ADMIN	Zone 2C Admin		75,000.00		
Legal	116-ADMIN	Zone 2C Admin	12,540.89	150,000.00	67,540.89	DO*9716
Fund 116 Admin Total			12,540.89	225,000.00	67,540.89	-
Legal	122	Zone 9		8,000.00		
Carr Lake	122	Zone 9	50,235.94	10,000.00		
USGS	122	Zone 9				
Industrial Machine Shop	122	Zone 9			22,601.18	DO*9660
Fund 122 Total			50,235.94	18,000.00	22,601.18	-
USGS	123	Zone 11				
Fund 123 Total			-	-	-	-
USGS	124	Zone 12				
Fund 124 Total			-	-	-	-
USGS	125	Zone 14				
Fund 125 Total			-	-	-	-
Don Chapin Company	127	Zone 17			99,000.00	SC*4925
Industrial Machine Shop	127	Zone 17			600.00	DO*9660
Fund 127 Total			99,600.00	-	99,600.00	-
Viasyn	130	Naci Hydro Plant	8,296.55	21,000.00	24,253.01	DO*9507
BBMS	130	Naci Hydro Plant	3,002.75			
PowerPros	130	Naci Hydro Plant	567.00			
Fund 130 Total			111,466.30	21,000.00	124,453.01	-
Industrial Machine Shop	131	Zone 2Y			32,664.00	DO*9660
MRWPCA	131	Zone 2Y	1,311,674.00	1,661,203.00	910,601.50	
Salinas Pump	131	Zone 2Y	177,887.76	150,000.00	195,752.65	DO*10302 ,DO*10918
Rain for Rent	131	Zone 2Y			86,000.00	LPO*1553 ,DO*10854
JDH Corrosion Consultants	131	Zone 2Y			36,235.00	DO* 10761
Fund 131 Total			1,489,561.76	1,811,203.00	1,261,253.15	-
MRWPCA	132	Zone 2Z	1,902,779.00	2,466,133.00	1,233,066.50	
Fund 132 Total			1,902,779.00	2,466,133.00	1,233,066.50	-
MRWPCA	134	SRDF	599,338.00	75,808.00	37,904.00	
Willoughby - Legal	134	SRDF	399,640.00	20,400.00	120,000.00	SC*4730
Coastal Conservation Res.	134	SRDF	4,300.00	1,700.00	1,700.00	DO*10836

**Monterey County Water Resources Agency
 FY 15-16 Consultants
 May-16**

	Fund	Zone	FY 14-15 Expenditures	FY 15-16 Budget	FY 15-16 YTD Expenditures/Obligations	Document Number
Obermeyer Hydro	134	SRDF			7,500.00	DO*10047
Fund 134 Total			1,003,278.00	97,908.00	167,104.00	
Agency Total			\$ 5,513,039.73	\$ 5,247,644.00	\$ 4,558,398.93	

Document Legend:

SC (Service Contract) = award document within the system that procures professional services through an agreement that can extend more than one fiscal year.

DO (Delivery Order) = award document within the system for procuring professional services against a Master Agreement.

LPO (Lease Purchase Order) = award document within the system that encumbers funds for Capital Leases (both operating and capital)

EPO (Emergency Purchase Order) = award document within the system that encumbers funds for good associated with an identified emergency.

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Receive a report on Salinas River Groundwater Basin water conditions for the third quarter of Water Year 2015-2016.		
Consent (X)		Action ()	
Information ()			
SUBMITTED BY:	Howard Franklin	PREPARED BY:	Peter Kwiek, Sean Noble
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:			

RECOMMENDED BOARD ACTION:

Receive report on Salinas River Groundwater Basin water conditions for the third quarter of Water Year 2015-2016.

PRIOR RELEVANT BOARD ACTION:

A report was last presented to the Board on April 25, 2016, covering the second quarter of Water Year 2015-2016.

DISCUSSION/ANALYSIS:

This report covers the third quarter of Water Year 2015-2016 (WY16), April through June 2016. It provides a brief overview of water conditions in the Salinas River Groundwater Basin (SRGWB) with discussion of precipitation, reservoir storage, and groundwater level trends. Data for each of these components are included as graphs and tables in Attachments A through I.

Precipitation – The third quarter of WY16 brought less than normal rainfall to Salinas and King City. Cumulative totals for the quarter were 0.63 inches (46% of normal rainfall for the quarter) at the Salinas Airport and 0.61 inches (54% of normal rainfall for the quarter) in King City.

April was drier than normal in Salinas and King City. In Salinas, 0.50 inches of rain were recorded, compared to a 30-year monthly average of 0.93 inches. In King City, 0.35 inches of rain fell, compared to a 30-year monthly average of 0.78 inches.

May was also drier than normal. Salinas had 0.10 inches of rain recorded, compared to the 30-year May average of 0.35 inches. In King City, 0.26 inches of rain were recorded, compared to 30-year May average of 0.31 inches.

June is typically a dry month, and this year was no exception. In Salinas, 0.03 inches of rain fell, compared to the 30-year monthly average of 0.09 inches. King City saw 0.00 inches, while the 30-year monthly average for June is 0.05 inches.

Attachment A contains graphs for both stations showing monthly and cumulative precipitation data for the current and a normal water year. Tables with precipitation values shown on the

graphs and percent of normal precipitation are also presented in Attachment A.

Rainfall data for Salinas and King City should be considered preliminary until verified by the National Weather Service at a later date.

Reservoirs - The following table compares third quarter storage at Nacimiento and San Antonio reservoirs for the past two years. Storage in Nacimiento Reservoir is 22,180 acre-feet higher than in June 2015, while storage in San Antonio Reservoir is 8,500 acre-feet higher.

Reservoir	June 30, 2016 (WY15) Storage in acre-feet	June 30, 2015 (WY14) Storage in acre-feet	Difference in acre-feet
Nacimiento	117,090	94,910	22,180
San Antonio	23,790	15,290	8,500

Graphs for both reservoirs showing daily storage for the last five water years and average daily storage are included as Attachments B and C.

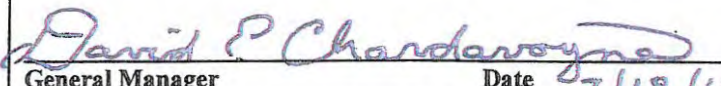
Groundwater Levels – More than 80 wells are measured monthly throughout the Salinas Valley to monitor seasonal groundwater level fluctuations. Data from approximately 50 of these wells is used in the preparation of this report. The measurements are categorized by hydrologic subarea, averaged, and graphed to compare current water levels with selected past conditions. Graphs for individual subareas, showing the current year's water level conditions, last year's conditions (WY15), dry conditions (WY91), and near-normal conditions (WY85), are found in Attachments D through H. Attachment I contains a summary of water level changes for all subareas.

Groundwater level measurements indicate that water levels in all hydrologic subareas were declining at the end of the third quarter of WY16. Over the past month, average groundwater levels fell three feet in the Pressure 180-Foot Aquifer, four feet in the Pressure 400-Foot Aquifer, seven feet in the East Side Subarea, three feet in the Forebay Subarea, and two feet in the Upper Valley Subarea.

Compared to June 2015, average groundwater levels were lower by three feet in the Pressure 180-Foot Aquifer, two feet Forebay Subarea, and four feet Upper Valley Subarea. Pressure 400-Foot Aquifer groundwater levels were unchanged, while East Side Subarea groundwater levels were four feet higher than levels measured in June 2015.

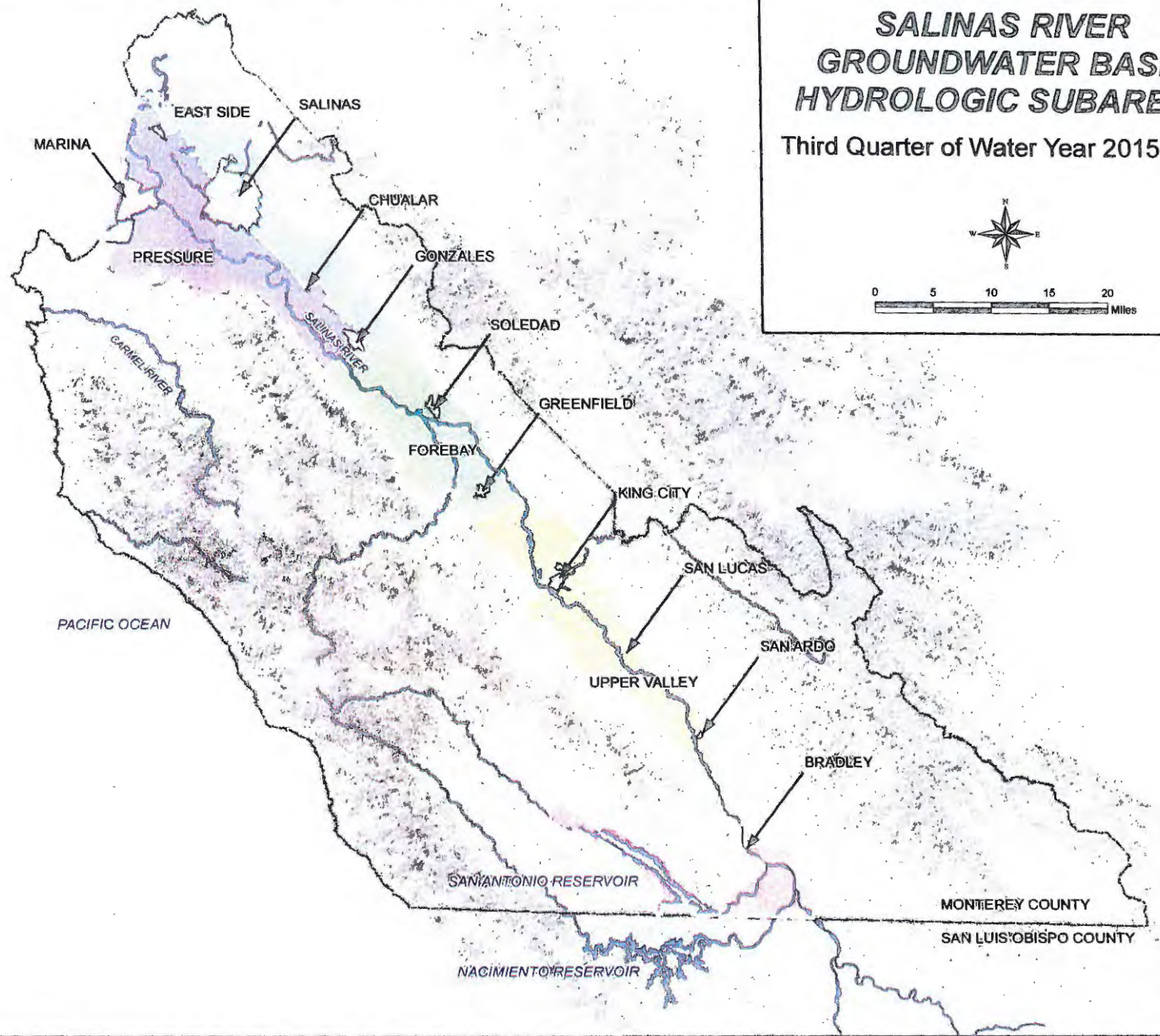
When compared to WY85, which is considered to be a year of near normal groundwater conditions, current water levels are 14 feet lower in the Pressure 180-Foot Aquifer, seven feet lower in the Pressure 400-Foot Aquifer, and 29 feet lower in the East Side Subarea. In the Forebay and Upper Valley Subareas, groundwater levels are 14 feet and 15 feet lower, respectively, than in WY85.

With the exception of the Pressure 400-Foot Aquifer, average groundwater levels have fallen below WY91 levels in all subareas.

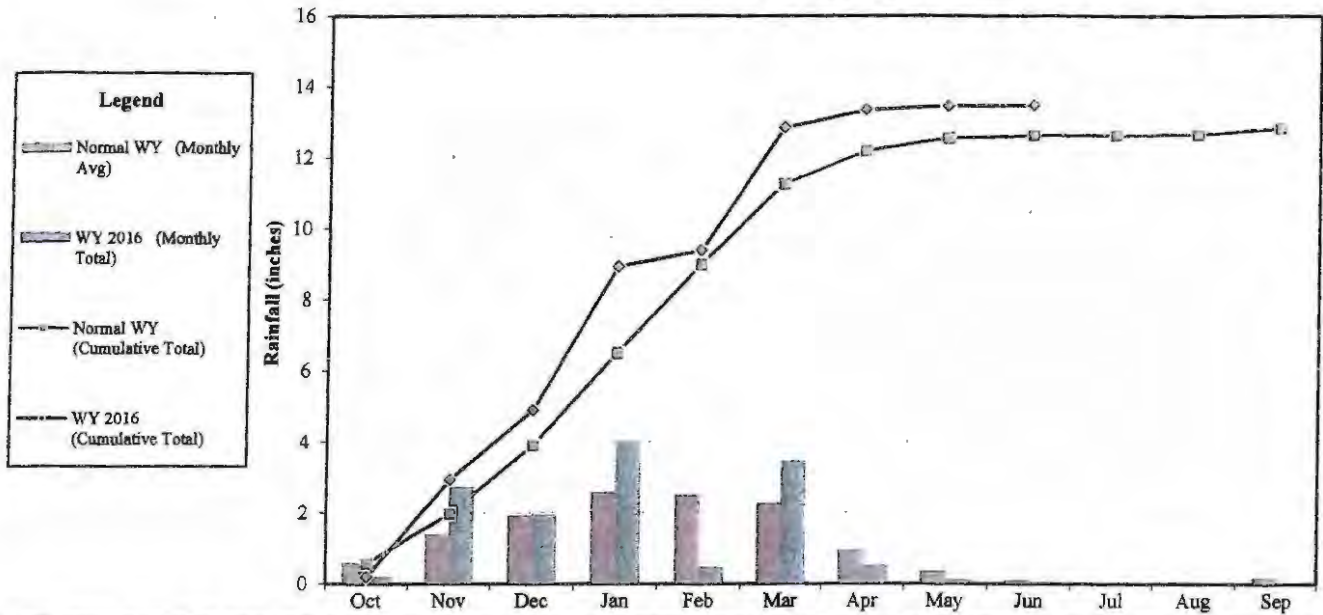
FINANCIAL IMPACT:	YES ()	NO (X)
FUNDING SOURCE:		
COMMITTEE REVIEW AND RECOMMENDATION:	None	
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Salinas Valley Hydrologic Subareas Map 2. Salinas and King City Precipitation Graphs, Attachment A 3. Nacimiento and San Antonio Reservoir Graphs, Attachments B and C 4. Salinas Valley Monthly Water Level Graphs for Each Subarea, Attachments D through H 5. Generalized Groundwater Trends, Attachment I. 	
APPROVED:	 General Manager Date 7/19/16	

SALINAS RIVER GROUNDWATER BASIN HYDROLOGIC SUBAREAS

Third Quarter of Water Year 2015-2016

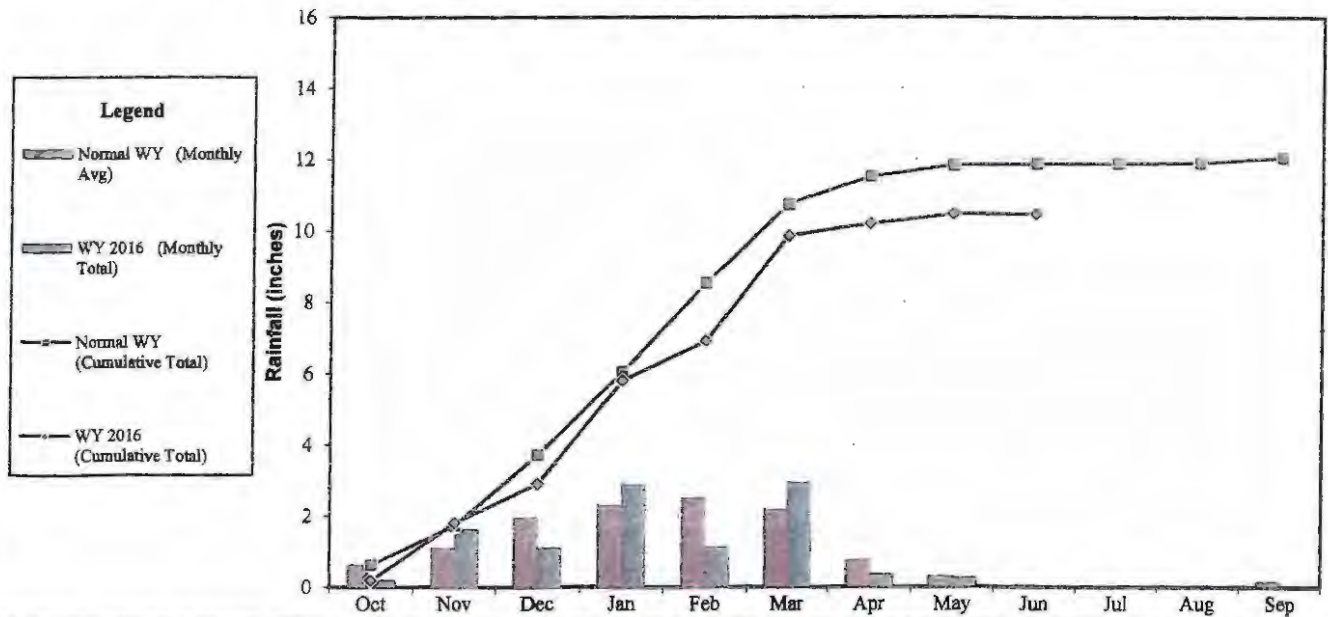


SALINAS AIRPORT RAINFALL WATER YEAR 2016



Monthly Rainfall (WY 2016)	0.20	2.74	1.96	4.04	0.45	3.45	0.50	0.10	0.03			
Monthly Rainfall (Normal WY*)	0.58	1.40	1.93	2.60	2.49	2.26	0.93	0.35	0.09	0.00	0.03	0.17
Percent of Normal for Month	34%	196%	102%	155%	18%	153%	54%	29%	33%			
Cumulative Rainfall (WY 2016)	0.20	2.94	4.90	8.94	9.39	12.84	13.34	13.44	13.47			
Cumulative Rainfall (Normal WY*)	0.58	1.98	3.91	6.51	9.00	11.26	12.19	12.54	12.63	12.63	12.66	12.83
Percent of Cumulative Normal	34%	148%	125%	137%	104%	114%	109%	107%	107%			

KING CITY RAINFALL WATER YEAR 2016



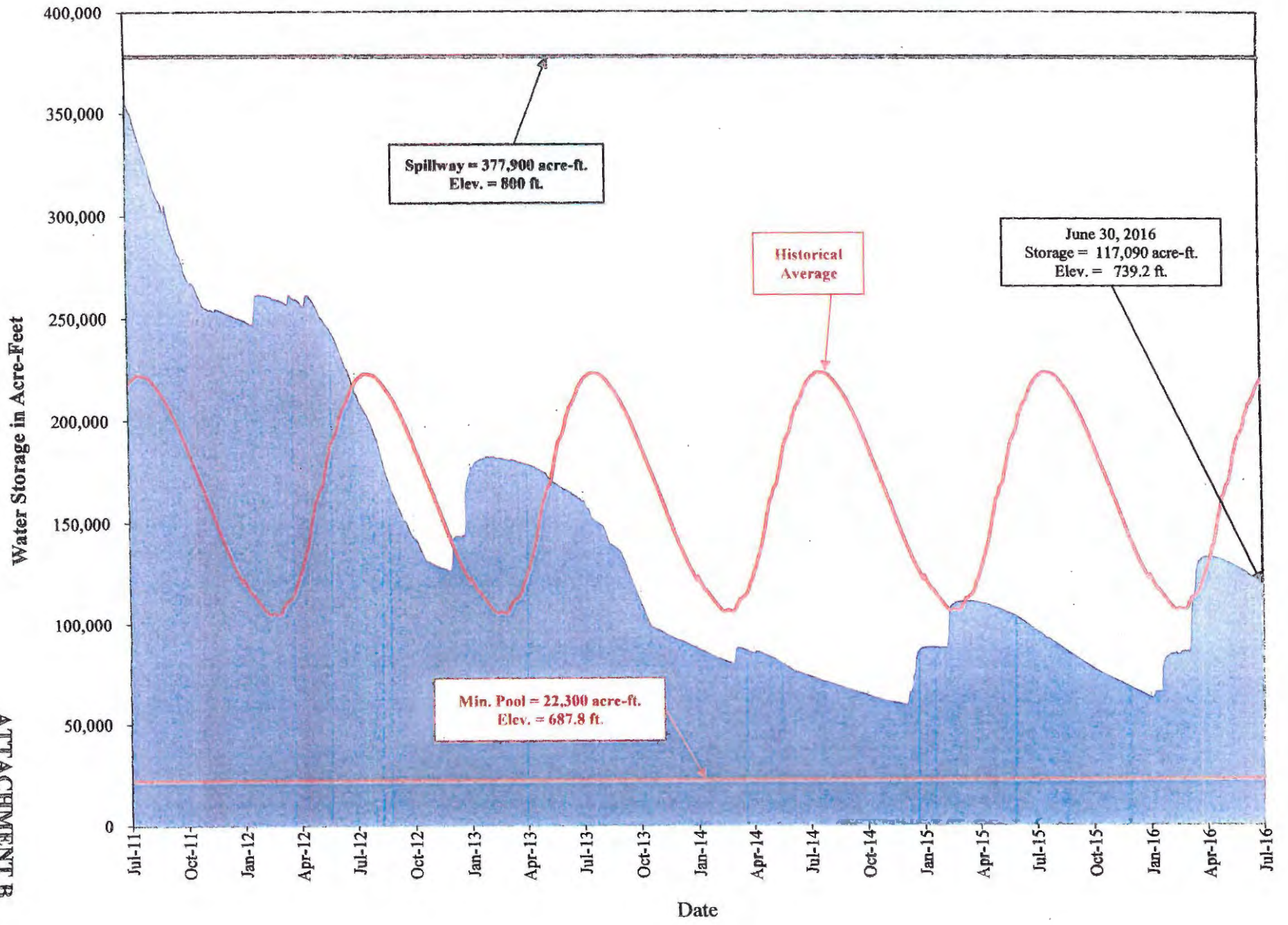
Monthly Rainfall (WY 2016)	0.19	1.62	1.10	2.89	1.12	2.94 †	0.35	0.26	0.00			
Monthly Rainfall (Normal WY*)	0.63	1.11	1.98	2.32	2.51	2.20	0.78	0.31	0.05	0.01	0.01	0.15
Percent of Normal for Month	30%	146%	56%	125%	45%	134%	45%	84%	0%			
Cumulative Rainfall (WY 2016)	0.19	1.81	2.91	5.80	6.92	9.86	10.21	10.47	10.47			
Cumulative Rainfall (Normal WY*)	0.63	1.74	3.72	6.04	8.55	10.75	11.53	11.84	11.89	11.90	11.91	12.06
Percent of Cumulative Normal	30%	104%	78%	96%	81%	92%	89%	88%	88%			

*Average precipitation over the most recent 30-year period ending in a decade (1981-2010)

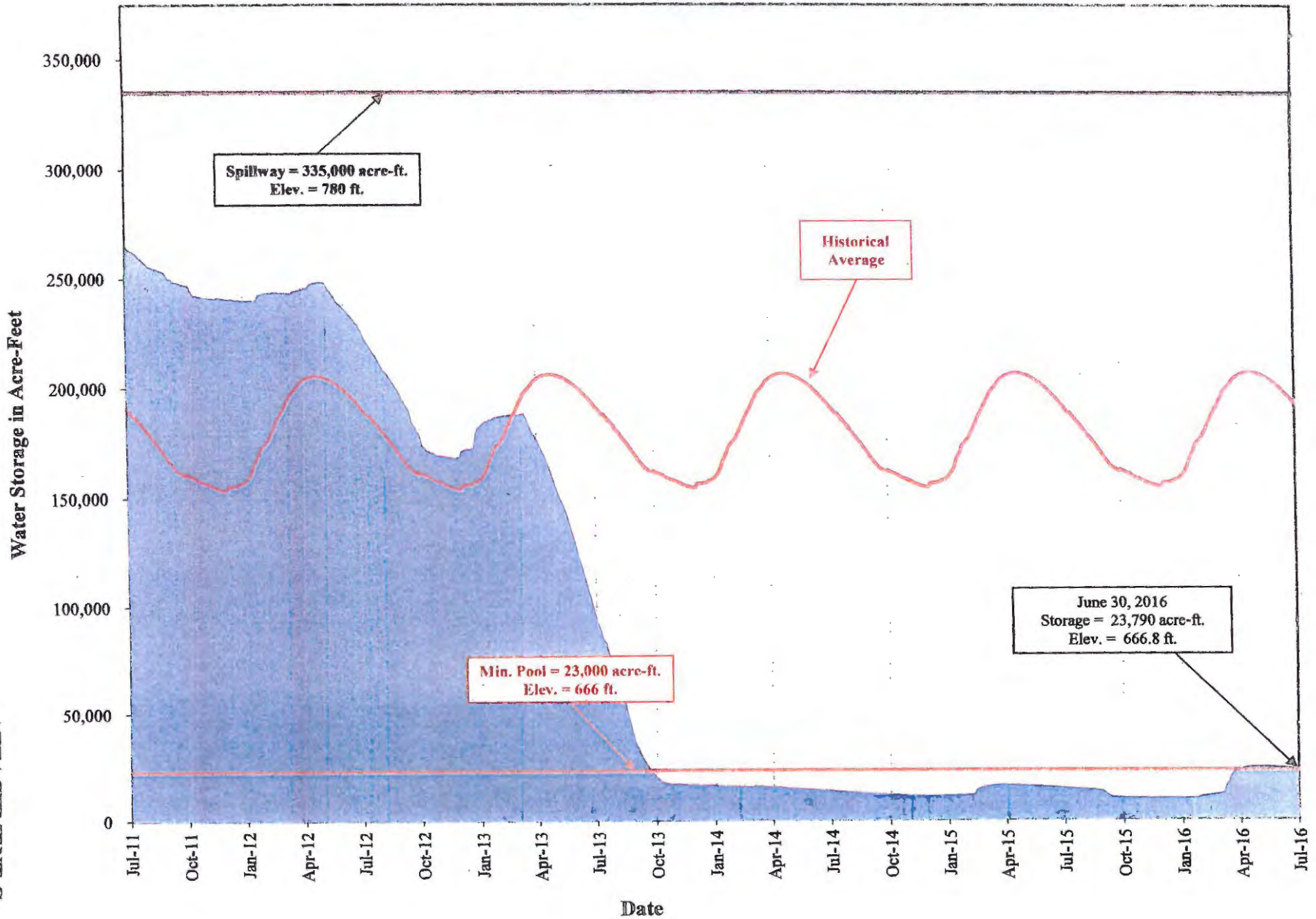
† Value updated from previous report (2.07 in) with data from the National Weather Service

ATTACHMENT A

NACIMIENTO RESERVOIR DAILY STORAGE



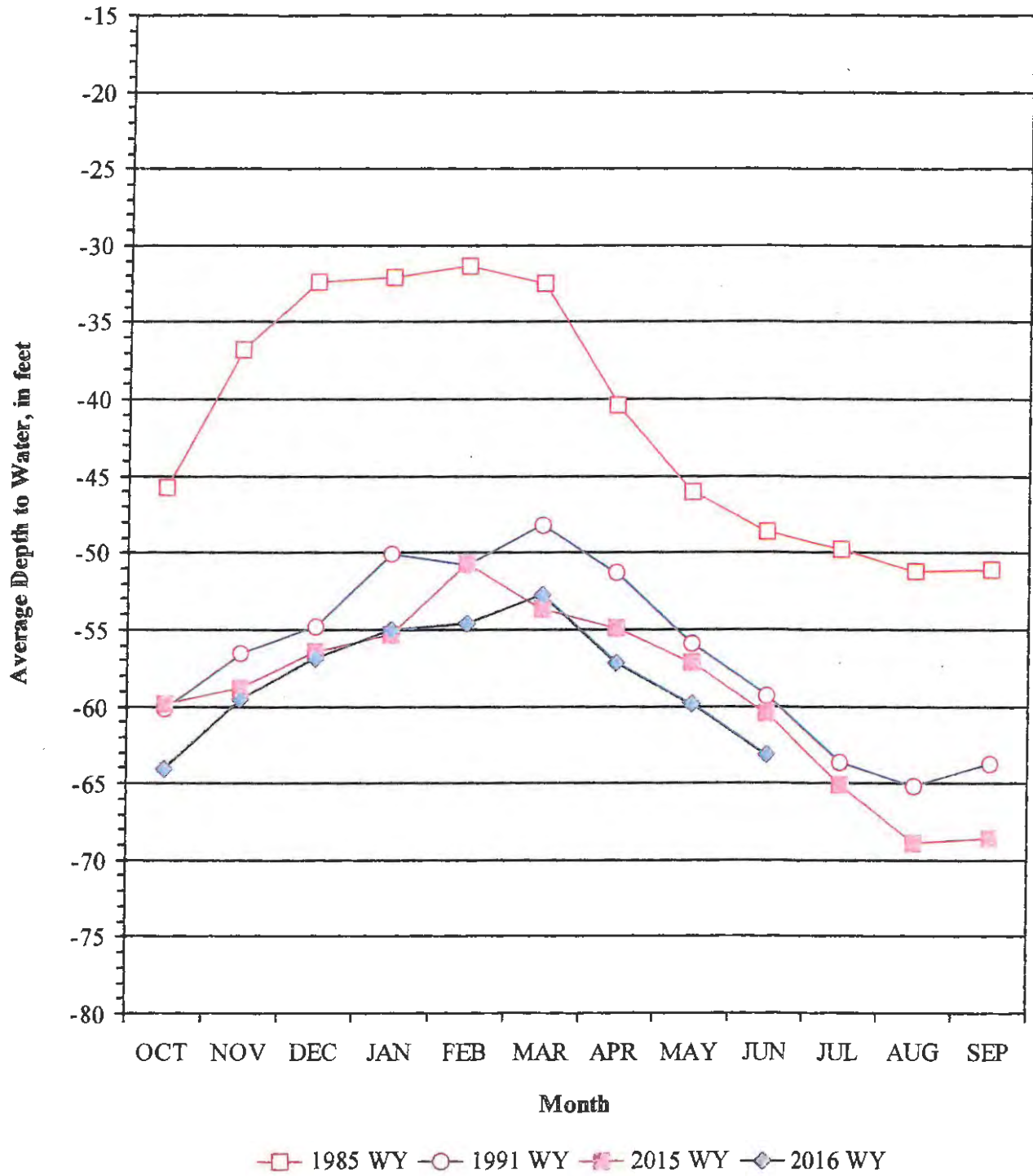
SAN ANTONIO RESERVOIR DAILY STORAGE



HISTORIC GROUNDWATER TRENDS

PRESSURE 180-FOOT AQUIFER

5 Wells

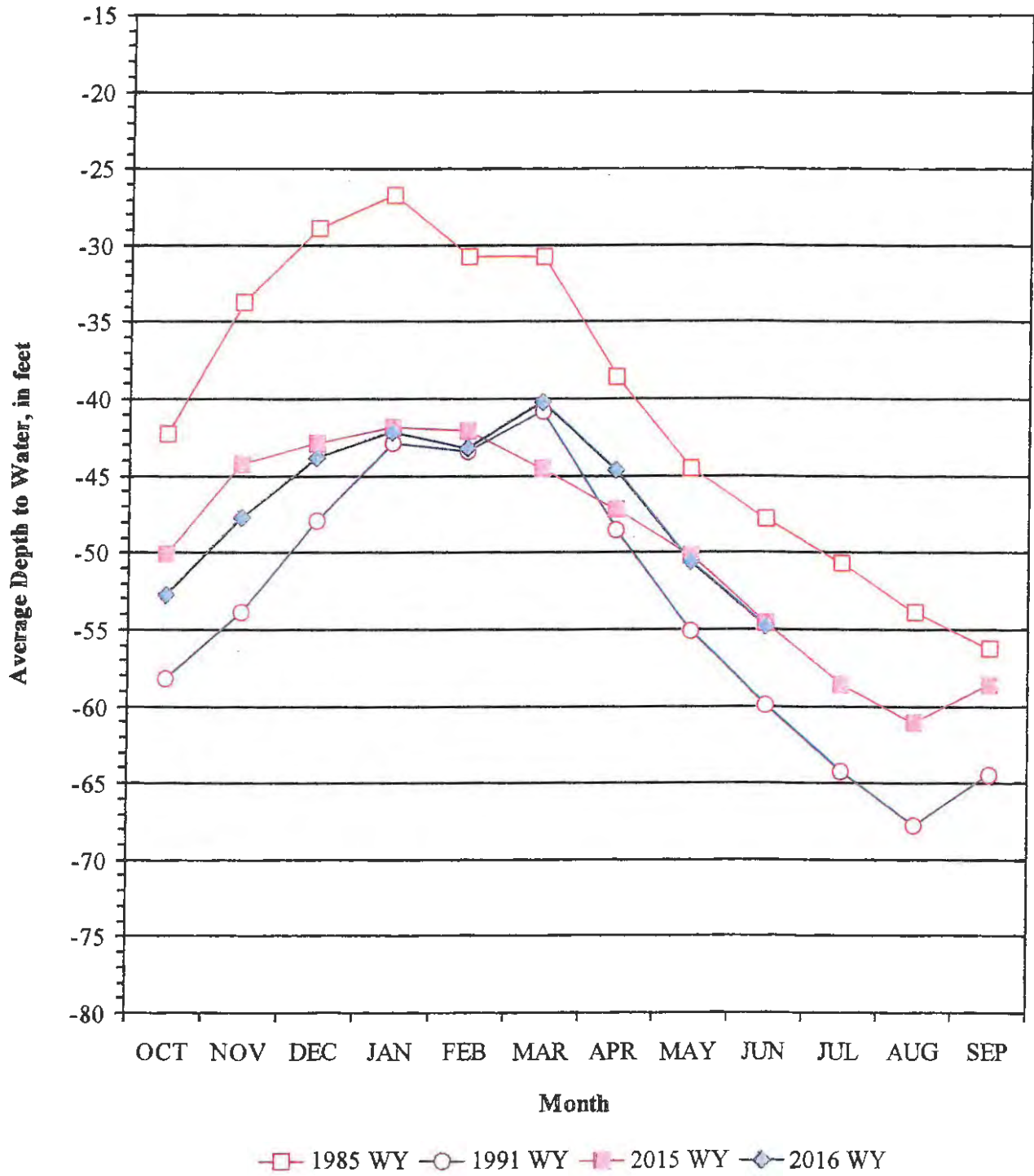


ATTACHMENT D

HISTORIC GROUNDWATER TRENDS

PRESSURE 400-FOOT AQUIFER

11 Wells

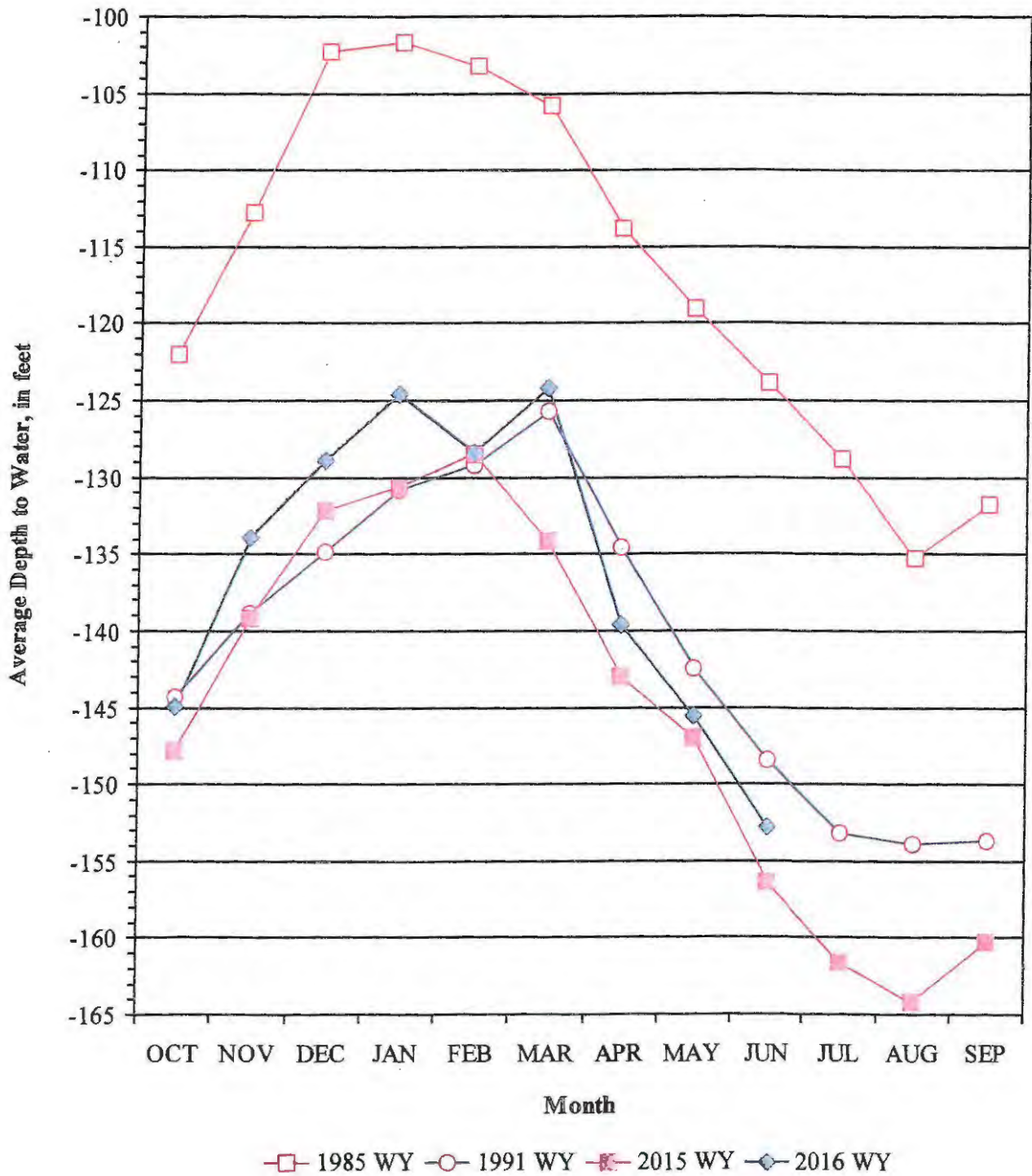


ATTACHMENT E

HISTORIC GROUNDWATER TRENDS

EAST SIDE SUBAREA

11 Wells

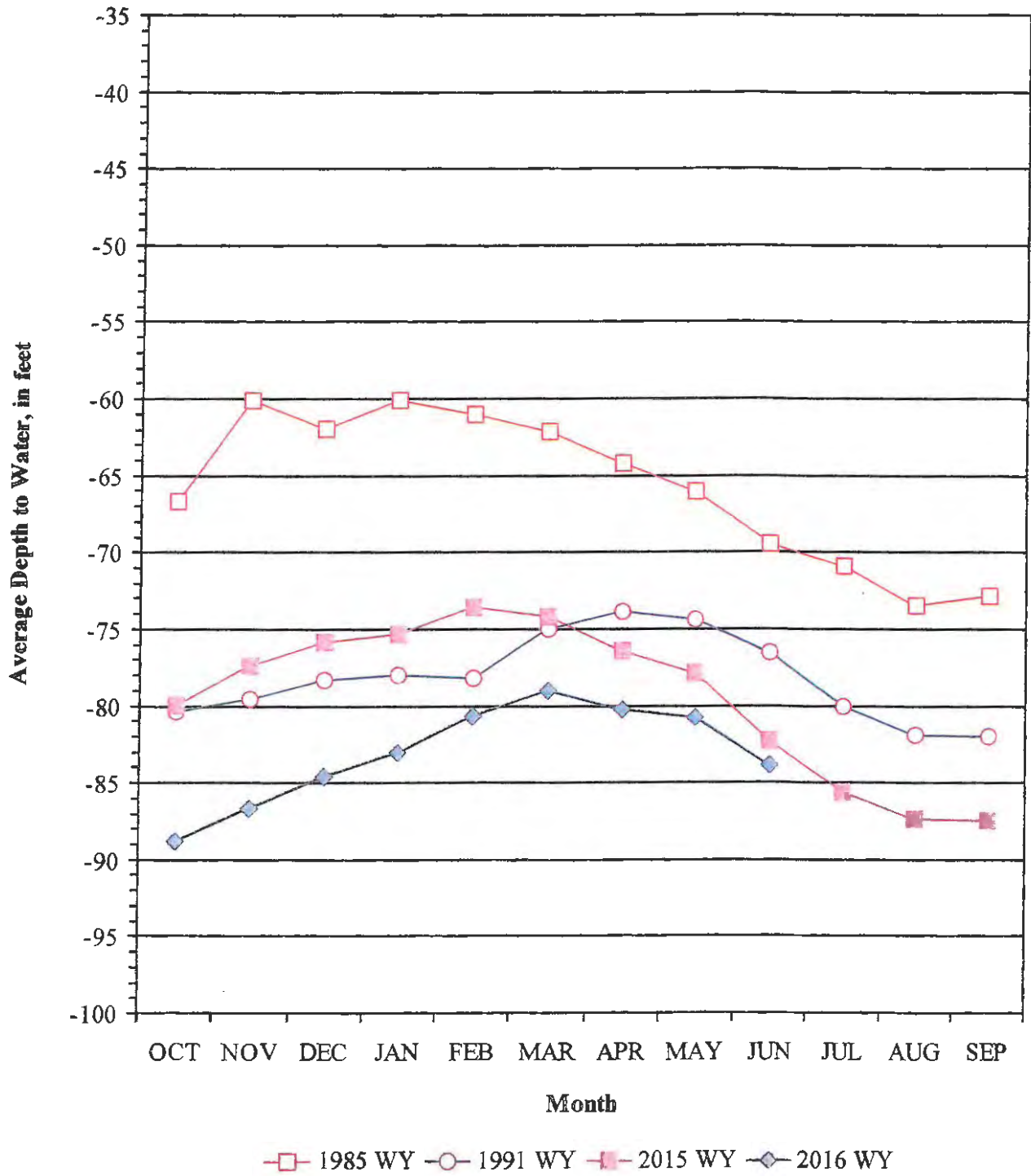


ATTACHMENT F

HISTORIC GROUNDWATER TRENDS

FOREBAY SUBAREA

10 Wells

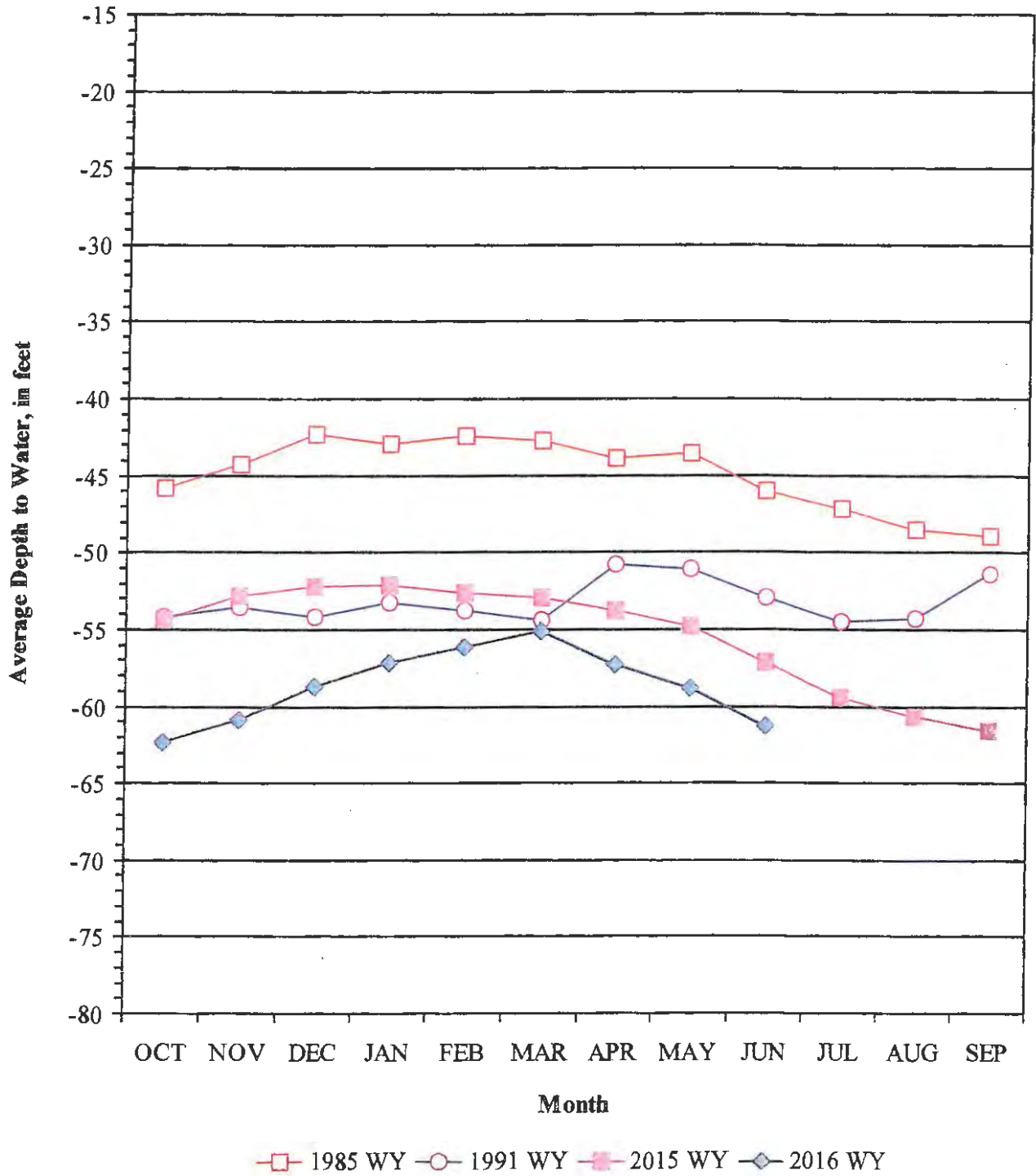


ATTACHMENT G

HISTORIC GROUNDWATER TRENDS

UPPER VALLEY SUBAREA

9 Wells



ATTACHMENT H

Generalized Groundwater Trends

June 2016

Area	June 2016 Depth to Water	1 Year Change	Change From WY 1985	1 Month Change
Pressure 180-Foot Aquifer	63'	down 3'	down 14'	down 3'
Pressure 400-Foot Aquifer	55'	no change	down 7'	down 4'
East Side Subarea	153'	up 4'	down 29'	down 7'
Forebay Subarea	84'	down 2'	down 14'	down 3'
Upper Valley Subarea	61'	down 4'	down 15'	down 2'

June water levels, compared to last year, range from 4' lower to 4' higher.

June water levels, compared to WY 1985, range from 29' lower to 7' lower.

June changes in water levels over the last month range from 7' lower to 2' lower.

ATTACHMENT I

BOARD OF DIRECTORS

CLAUDE HOOVER, CHAIR

MIKE SCATTINI, VICE CHAIR
KEN EKELUND
MARK GONZALEZ
DAVID HART

JOHN HUERTA
RICHARD ORTIZ
DEIDRE SULLIVAN
VACANT

STAFF

DAVID E. CHARDAVOYNE, GENERAL MANAGER
BRENT BUCHE, DEPUTY GENERAL MANAGER
ROBERT JOHNSON, DEPUTY GENERAL MANAGER
CATHY PALADINI, FINANCE MANAGER
WINI CHAMBLISS, CLERK TO THE BOARD OF DIRECTORS
JESSE J. AVILA, DEPUTY COUNTY COUNSEL

MONTEREY COUNTY WATER RESOURCES AGENCY THIRD AND FOURTH QUARTER REPORTS FY 2015-2016



SUBMITTED TO

MONTEREY COUNTY WATER RESOURCES AGENCY

BOARD OF SUPERVISORS

AND

BOARD OF DIRECTORS

July 18, 2016



**MUWRA Briefing Report:
SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

July 18, 2016

Subject: Sustainable Groundwater Management Act (SGMA)

Current Status:

Agency staff began presenting Sustainable Groundwater Management Act (SGMA) information at three workshops in January (Public workshop on January 21, Growers-Shippers Association on January 27, and the Greater Monterey County Integrated Regional Water Management Regional Water Management Group on January 27). Other speaking opportunities were being developed in a strategic manner for efficiency and effectiveness.

As the process developed, a facilitated process was preferred and initiated. The process began with a series of interviews and online survey to provide background information to help begin the process.

There have been two large-scale meetings of all stakeholders, with another coming up in early September. In addition to the large scale meetings, a smaller "Collaborative Work Group" (CWG) has been meeting roughly once or twice a month to work through tougher issues that then are brought to the larger scale meetings.

History:

The SGMA was established to provide local (newly-formed) Groundwater Sustainability Agencies (GSAs) the tools and powers needed to develop, implement and monitor groundwater in a sustainable manner. The SGMA defines sustainability as a 50-year horizon, and through the use of Groundwater Sustainability Plans (GSPs), the GSA has the ability to manage and regulate the use of groundwater within the groundwater basin it is responsible for.

Next Steps:

- Agency staff continue to participate in the CWG, working through numerous issues
- Agency staff to attend webinars and other training opportunities to gain access to up-to-date information regarding GSA development and other SGMA issues yet to be resolved.

Completion will require:

- The establishment of a GSA
- The preparation of one (or multiple) GSPs for the Basin (or basins) in Monterey County that currently do not have a GSA (the legislation identifies the Monterey Peninsula Water Management District as the GSA for the Carmel Basin and the Pajaro Valley Water Management Agency as the GSA for the Pajaro Basin).



MCWRA Briefing Report: MONTEREY COUNTY GRAND JURY REPORT RESPONSE

July 18, 2016

Subject: Monterey County Grand Jury Report Response

Current Status:

Agency staff received the 2016 Monterey County Civil Grand Jury (MCCGJ) Report in July. This year's topic is groundwater, with the title of the report being, "Striving for Sustainability". The Monterey County Water Resources Agency (Agency) is one of 10 required/requested responders to the Findings and Recommendations in the report.

For each finding, the Agency shall indicate one of the following: 1) agree with the finding, or 2) disagree wholly or partially with the finding, in which case the Agency must specify the portion of the finding that is disputed and shall include in the response an explanation of the reasons for the disagreement.

For each recommendation, the Agency must report one of the following actions: 1) recommendation has been implemented, with a summary of the implemented action; 2) recommendation has not yet been implemented, but will be in the future (and include a time frame for implementation); 3) recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, including a timeframe for the matter to be discussed by the Agency (time frame not to exceed six months from publication date of MCCGJ Report; and 4) recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

History:

The MCCGJ is an investigatory body created for the protection of society and enforcement of the law. In the United States, the Massachusetts Bay Colony impaneled the first Grand Jury in 1635 to consider cases of murder, robbery, and wife beating. The U.S. Constitution's Fifth Amendment and the California Constitution call for Grand Juries. Grand Juries were established throughout California during the early years of statehood and are now impaneled annually (edited from MCCGJ web site).

The functions of the MCCGJ include (edited from web site): Nineteen volunteer members from the community are impaneled to serve as the MCCGJ in July of each year. The MCCGJ is an investigatory "watchdog" body created to ensure that the best interests of all citizens of the county are being served by local government.

The responsibilities include (edited from web site): The primary responsibilities of the MCCGJ include examining all aspects of county government (including special districts) ensuring that all public monies are being handled judiciously, all accounts are properly audited—in general, guaranteeing honest, efficient government in the best interest of the people.

Next Steps / Completion will require:

- Agency staff will develop responses to the findings and recommendations



WRA Summary Report: PAJARO RIVER FLOOD RISK MANAGEMENT PROJECT

July 18, 2016

Subject: Pajaro River Flood Risk Management Project – Status and Next Steps

Current Status:

- In May 2015, Agency and Santa Cruz County Flood Control and Water Conservation District, Zone 7, entered into a 50-50 Federal Cost Share Agreement (FCSA) with the U.S. Army Corps of Engineers (Corps) to complete the General Reevaluation Report /Environmental Impact Statement (GRR) for the Pajaro River Flood Risk Management Project (PRFRRP). According to the Corps' new 3x3x3 SMART Planning guidelines, the GRR must be completed within 3 years; under \$3 million in study costs, and involve Corps vertical team concurrence (District, Division and Washington).
- Corps total project cost estimate to complete its GRR over the remaining study period is \$2.0 million. Agency and Zone 7 have forwarded their full share of GRR project cost (\$500,000 each) which is fully reimbursable through a State of California Department of Water Resources (DWR) Proposition 1E grant (remaining grant balance is \$2.9 million). With committed federal funds, the GRR is fully funded at both the Federal and local levels.
- Sponsors continue to be concerned about Corps delays developing hydrologic, hydraulic, and economic models necessary to arrive at a Tentatively Selected Plan (TSP). Santa Cruz County representatives expressed these concerns to Corp headquarters and other senior federal officials in a July trip to Washington DC. Both sponsors and the City of Watsonville have repeatedly expressed those concerns to Corps management in San Francisco.
- The City of Watsonville continues to administer a public outreach effort as part of a prior California Prop 50 grant, initially administered by the Pajaro Valley Water Management Agency, in coordination with the local sponsors. A Finance and Governance Committee of public and private stakeholders was convened in February to assist local sponsors in developing financing and governance strategies for a Corps of Engineers project. An initial survey of a sample of lower Pajaro River watershed voters and property owners has been conducted to gauge public support for financing a levee improvement project. More work is necessary to define a project with attendant costs, and viable financing and governance approaches, but this early survey encourages completion of that feasibility study work.
- Staffs of the local sponsors have initiated discussions of possible governance options, including memoranda of understanding or agreement, development of a joint powers authority, and creation of an independent special purpose organization.

Next Steps:

- Corps will complete detailed technical and economic analyses of a small array of alternatives using existing information, supplemented with additional analysis, to arrive at a National Economic Development (NED) Project by September 2016, with a Tentatively Selected Plan (TSP) in October 2016. Under the current Corps schedule, a Public Draft Report including NEPA/CEQA documentation could be released in March 2017.



**WRA Summary Report:
PAJARO RIVER FLOOD RISK MANAGEMENT PROJECT**

July 18, 2016

- Local Sponsors will continue to press the Corps for additional management oversight of Corps staff resources, including streamlining of existing project schedule and budget to permit submittal of a project for construction authorization to Congress for inclusion in (a 2018 Water Resources Development Act (WRDA).
- Participate with Santa Cruz County and the City of Watsonville on the Community Consensus Project; participate on Finance and Governance committee to assist in developing a financing strategy plan, and; outline the requirements for governance (i.e. Joint Powers Authority or other entity) with recommendations. The next meeting is scheduled for August 24, 2016...
- Meet on a quarterly basis with State Department of Water Resources Flood Subvention staff with project updates and compliance with AB 2348.

REVISED (July 14, 2016) Milestone Dates:

- | | |
|--|-----------------------------|
| ◦ Execute final FCSA | COMPLETED |
| ◦ Reach concurrence on a TSP | October 2016 |
| ◦ NEPA/CEQA document distributed for public review | March 2017 |
| ◦ Agency Decision Milestone | July 2017 |
| ◦ Technical work on Feasibility Study EIS/EIR | August 2017 – December 2017 |
| ◦ Federal Civil Works Review Board | May 2018 |
| ◦ Signed Chief of Engineers (Corps) Report | August 2018 |



July 18, 2016

Subject: New Source Water/Pure Water Monterey

Current Status:

- The Conditions Precedent included in the adopted Amended & Restated Water Recycling Agreement related to the new source waters, are being worked through cooperatively between the Monterey County Water Resources Agency (Agency) and the Monterey Regional Water Pollution Control Agency (MRWPCA).
- The Water Rights Applications 32263A (Blanco Drain) and 32263B (Reclamation Ditch) that support the Project were publically noticed and protests were received by NMFS and CDFW. Those protests are substantially resolved and the State Water Resources Control Board (SWRCB) is processing the applications.
- The Regional Water Quality Control Board has been consulted and is a proponent of the New Source Water/Pure Water Monterey Project.
- Permit applications for construction of related facilities were submitted by the MRWPCA and are under review by the regulatory agencies.

History:

- A five (5) Party MOU was developed by the Stakeholder Committee on October 8, 2014 and effective until September 30, 2015 or when a Definitive Agreement is reached. It was decided to separate the Definitive Agreement into five separate agreements including: Water Recycling Agreement, Water Purchase Agreement, and Water Rights – Ag. Wash Water, Operation of Industrial Wastewater Ponds, and Marina Coast Water District – RUWAP Pipeline. In addition, there is a proposed Umbrella Agreement.
- The Water Recycling Agreement and companion agreements, provide, *inter alia*, for new source water to support 5,300 acre-feet/year of water to CSIP and 4,300 acre-feet/year for the Pure Water Monterey Project.
 - Melds original agreement/three (3) amendments/SRDF and October 8, 2015 MOU
 - Covers New Source Waters (Blanco Drain, Rec Ditch, Salinas Wastewater)
 - New Source Facilities capital (44% Agency, 56% MRWPCA)
 - Growers have minimum of all waste water going to plant, (except MCWD flows of 650 acre-feet that go to MRWPCA)
 - MRWPCA has first 4,320 acre-feet/year of New Source Waters
 - Requires a revised accounting protocol at MRWPCA
 - 30-year term with automatic extensions
 - Provisions for Phase II – 3,754 acre-feet/year for CSIP

Completion will require:

- Satisfaction of Conditions Precedent for New Source Water Facilities including:
 - Water Rights for the Blanco Drain and Reclamation Ditch from SWRCB
 - CPUC approval of Water Purchase Agreement
 - Written finding by RWQCB that all Blanco Drain dry weather flow treatment requirements are met
 - Third party review of capital & operating costs approved by BOD and BOS
 - Successful Proposition 218 ballot / assessment process for rates and charges
 - Separate Agreement re: Salinas Pond Water Return Facilities



**MCWRA Briefing Report:
PREPARATION FOR RAFTELIS CONSULTANTS, INC**

July 18, 2016

Subject: Preparation for Raftelis Financial Consultants, Inc.

Current Status:

On June 7, 2016 the Water Resources Board of Supervisors approved the Raftelis Financial Consultants, Inc. agreement with the Water Resources Agency. In prior Board and Finance Committee meetings it was suggested that the Agency engage the public and interested parties in full collaboration and transparency regarding Raftelis Financial Consultants, Inc. (RFC) review of the Benefit Assessments in Zones including water delivery/service charges so as to provide the Agency with the following three methodologies:

1. Existing assessment methodology
2. Revised assessment methodology
3. Cost of service methodology

In order to gather all of the pertinent information from the public and interested parties, the Agency would like to put an invitation to the public on the Agency website requesting that such information be sent to a said mailbox by a certain date so as to have the information timely enough for RFC to review and ask more in depth questions, if needed, before they engage the interested parties in a public meeting format.

History:

In prior Agency Finance Committees and Board of Director meetings it was determined that the Agency needed to narrow the scope of work for RFC to get a more meaningful analysis of the issues surrounding the Assessment Benefit Zones for 2B, 2Y, 2Z and the water delivery/service charges for the SRDF which generates approximately \$9,359,296 of the \$13,632,594 in annual Agency assessment revenues.

Next Steps:

Upon approval from the Agency Board of Directors on July 26, 2016 the Agency will publish a list of documents related to the creation of these assessment benefit zones and water delivery/service charges on the Agency website. In addition, the Agency will request from the public and interested parties any other documents that should be considered by RFC in its analysis of the Assessment Benefit Zones 2B, 2Y, 2Z and water delivery/service charges.



**MCWRA Briefing Report:
SALINAS RIVER MANAGEMENT PROGRAM**

July 18, 2016

Subject: Salinas River Management Program (Long-Term Program)

Current Status:

- The Regional Water Quality Control Board (RWQCB) is proposing to condition the short-term Salinas River Stream Maintenance Program to require the development of a Long-Term River Management Strategy that will identify objectives and activities on a specified timeline.
- The Monterey County Water Resources Agency's (Agency) approved FY 16-17 Budget does not include sufficient staff time to develop a Long-Term River Management Program (Program).
- Agency is designated to receive \$1 million through Senate Bill 1264 (Cannella) to assist in developing a strategy and approach to long-term Salinas River management including necessary work in the Salinas River Lagoon.

History:

- The Agency has administered a channel maintenance program since 1997, after severe flooding occurred on the Salinas River in March 1995. This current program focuses primarily on vegetation and sediment removal within the river corridor. However, to ensure the long-term viability of the program and future regulatory approvals for stream maintenance efforts, an alternative approach is being developed. The new long-term program will expand upon the current stream maintenance efforts.
- Agency staff held a series of public meetings to gather stakeholder input on how a long-term river management program could be initiated and what it could look like. The information that came out of these meetings informed the Agency that there is little, if any, public support for a legislative solution; the situation is critical; private property rights need to be respected and a locally-driven solution needs be developed.
- Included in this effort will be the updating of the Salinas River Lagoon Management and Enhancement Plan (Lagoon Plan).

Next Steps:

- Develop a strategy and timeline to implement and finance the Program
- Develop roles and responsibilities for Agency and County staffs, as well as local, state and federal elected officials, and include responsible resource agencies
- Explore professional facilitation to develop the Program

Completion will require:

- Receipt of \$1 million appropriation as well as additional stable and sustainable funding
- Successful stakeholder process to develop a consensus-based solution
- High prioritization of this effort within the many other Agency priorities
- Focused efforts (possible reassignments) of Agency staff



**MCWRA Briefing Report:
CASTROVILLE SEAWATER INTRUSION PROJECT
SERVICE AREA WATER SUPPLY UPDATE**

July 18, 2016

Subject: Castroville Seawater Intrusion Project Service Area Water Supply Update

Current Status:

Typically, irrigation water delivery to the Castroville Seawater Intrusion Project service area (MCWRA Zone 2B) consists of recycled water from the Salinas Valley Reclamation Project (SVRP), disinfected river water from the Salinas River Diversion Facility (SRDF) and well water from the Castroville Seawater Intrusion Project (CSIP) distribution system. However, there is not sufficient water in Nacimiento and San Antonio reservoirs to supply river water to the SRDF for the 2016 season. The irrigation service area will be supplied water from the SVRP and CSIP supplemental ground water wells. Increased supplemental well use (increased power costs) will result this fiscal year. Due to dry weather conditions, overall irrigation water demand for the service area is expected to be high for this fiscal year. Eleven wells are presently operational, with a total flow capacity of approximately 22,500 gallons per minute (gpm). Repairs for two additional wells are currently underway and will be temporarily out of service. Connection of additional groundwater wells to the CSIP distribution system, for use on a contingency basis, is being pursued. Current daily capacity of the CSIP system to supply water for irrigation is ± 160 acre feet (52 million gallons per day (mgd)). SVRP daily capacity is ± 61 acre feet (20 mgd). CSIP supplemental well capacity is ± 99 acre feet (32 mgd). The daily SVRP capacity includes ± 11 acre feet per day (3.5 mgd) of Salinas produce wash water. An executed 3 party Agreement between MCWRA, MRWPCA, and the City of Salinas allows CSIP to use this water as a supplemental source from April through October. The CSIP system will be able to meet this year's anticipated irrigation demands. If the SVRP goes offline, or there is a loss of multiple wells, strict water scheduling or water rationing would need to be considered.

History:

The MCWRA Reservoir Operations Committee decided to continue Nacimiento and San Antonio Reservoir released flows to regulatory minimums. No additional releases will be made in conjunction with SRDF operations for 2016. Four wells are no longer used due to high chloride concentration, one well due to casing collapse.

Next Steps:

- Support Water Quality and Operations Committee efforts to encourage growers to better schedule irrigation demands.
- Continue monitoring and maintenance of existing CSIP supplemental wells.

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Approve, in accordance with the Monterey County Water Resources Agency Technology Plan Appendix 2017, a three-year lease Agreement with Monterey Bay Systems for two multifunction copiers at a cost not to exceed \$72,000,; and, authorize the General Manager to execute the Agreement.		
Consent (X) Action () Information ()			
SUBMITTED BY: PHONE:	Reico Cruz (831) 755-4820	PREPARED BY: PHONE:	Reico Cruz (831) 755-4820
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

Approve, in accordance with the Monterey County Water Resources Agency Technology Plan Appendix 2017, a three-year lease Agreement with Monterey Bay Systems for two multifunction copiers at a cost not to exceed \$72,000,; and, authorize the General Manager to execute the Agreement.

SUMMARY:

The Agency replaces its multifunction copiers every three-years. The devices requested for leasing are upgraded versions of the previous copiers.

DISCUSSION:


The multifunction copiers are a Konica Minolta Bizhub C454e and a Konica Minolta Bizhub C654e. The C654e is a larger machine that will provide the more sophisticated functions such as z-folding, saddle stitching, post insertion and large jobs. The smaller copier is for general use and serves as a backup when the larger copier is down. The three-year lease will cover the period from July 1, 2016 to June 30, 2019. Payments include the leasing of the copiers and the actual copies made. Payments are made quarterly.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

Appendix 2017 of the Agency Technology Plan identifies \$72,000 from Fund 111 for copier leases for FY 2016-17.

FINANCIAL IMPACT:	YES (X) \$72,000 NO ()
FUNDING SOURCE:	Fund 111
COMMITTEE REVIEW AND RECOMMENDATION:	None
ATTACHMENTS:	1. Board Order 2. Agreement for Services with Monterey Bay Systems
APPROVED:	 General Manager Date 7/19/16



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

BOARD ORDER No. _____

APPROVE, IN ACCORDANCE WITH THE MONTEREY COUNTY)
WATER RESOURCES AGENCY TECHNOLOGY PLAN APPENDIX)
2017, A THREE-YEAR LEASE AGREEMENT WITH MONTEREY BAY)
SYSTEMS FOR TWO MULTIFUNCTION COPIERS AT A COST -)
NOT-TO EXCEED \$72,000; AND, AUTHORIZE THE GENERAL)
MANAGER TO EXECUTE THE AGREEMENT)

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

1. Approves, in accordance with the Monterey County Water Resources Agency Technology Plan Appendix 2017, a three-year lease Agreement with Monterey Bay Systems for two multifunction copiers at a cost not-to-exceed \$72,000; and,
2. Authorizes the General Manager to execute the Agreement.

PASSED AND ADOPTED on this 25th day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: David Hart, Chair
Board of Directors

ATTEST: David E. Chardavoyne
General Manager

MONTEREY COUNTY WATER RESOURCES AGENCY
AND Monterey Bay Systems
AGREEMENT FOR SERVICES

This is a multi-year agreement between the Monterey County Water Resources Agency, hereinafter called "Agency," and Monterey Bay Systems, a California Company, hereinafter called "CONTRACTOR".

In consideration of the mutual covenants and conditions set forth in this Agreement, the parties agree as follows:

1. Employment of Contractor. Agency hereby engages CONTRACTOR, and CONTRACTOR hereby agrees to perform the services set forth in Exhibit A, in conformity with the terms of this Agreement. CONTRACTOR will complete all work in accordance with the **Scope of Work/Work Schedule set forth in Exhibit A:**

The scope of work is briefly described and outlined as follows:

Provision of one Konica Minolta Bizhub C454e multi-function copier and one Konica Minolta Bizhub C654e multi-function copier with options as noticed in the attached quote forms.

The CONTRACTOR shall perform its services under this agreement in accordance with usual and customary care and with generally accepted practices in effect at the time the services are rendered. The CONTRACTOR and its agents and employees performing work hereunder are specially trained, experienced, competent, and appropriately licensed to perform the work and deliver the services required by this Agreement.

- (b) CONTRACTOR, its agents and employees shall perform all work in a safe and skillful manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.
- (c) CONTRACTOR shall furnish, at its own expense, all materials and equipment necessary to carry out the terms of this Agreement, except as otherwise provided herein. CONTRACTOR shall not use Agency premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations hereunder.

2. Term of Agreement. The term of this Agreement shall begin upon execution of this Agreement by CONTRACTOR and Agency, and will terminate on June 30, 2019, unless earlier terminated as provided herein.

3. Payments to CONTRACTOR; maximum liability. Subject to the limitations set forth herein, Agency shall pay to CONTRACTOR the amounts provided in Exhibit B. The maximum amount payable to CONTRACTOR under this contract is Seventy-two thousand dollars (\$72,000).

4. Monthly Invoices by CONTRACTOR; Payment.

- (a) CONTRACTOR shall submit to Agency an invoice, in a format approved by Agency, setting forth the amounts claimed by CONTRACTOR, together with an itemized basis for such amounts, and setting forth such other pertinent information Agency may require. CONTRACTOR shall submit such invoice monthly or as agreed by Agency, but in no event shall such invoice be submitted later than 30 days after completion of CONTRACTOR's work hereunder. Agency shall certify the claim if it complies with this contract and shall promptly submit such claim to the Monterey County Auditor-Controller, who shall pay the certified amount within 30 days after receiving the invoice certified by Agency. It is understood and agreed that CONTRACTOR shall complete all work described in Exhibit A for an amount not exceeding that set forth above, notwithstanding CONTRACTOR's submission of periodic invoices.
- (b) CONTRACTOR agrees that Agency may withhold ten percent (10%) of the amount requested by CONTRACTOR from any progress payment, until such time as all goods and services are received in a manner and form acceptable to Agency.
- (c) If, as of the date of execution of this Agreement, CONTRACTOR has already received payment from Agency for work which is the subject of this Agreement, such amounts shall be deemed to have been paid under this Agreement and shall be counted toward Agency's maximum liability set forth above.
- (d) CONTRACTOR shall not be reimbursed for travel expenses unless expressly stated in this Agreement.

5. Indemnification CONTRACTOR shall indemnify, defend, and hold harmless the Agency and the County of Monterey, their officers, agents, and employees, from and against any and all claims, liabilities, and losses whatsoever (including damages to property and injuries to or death of persons, court costs, and reasonable attorneys' fees) occurring or resulting to any and all persons, firms or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims, liabilities, and losses occurring or resulting to any person, firm, or corporation for damage, injury, or death arising out of or

connected with the CONTRACTOR's performance of this Agreement, unless such claims, liabilities, or losses arise out of the sole negligence, active negligence, or willful misconduct of the Agency. CONTRACTOR's performance" includes CONTRACTOR's action or inaction and the action or inaction of CONTRACTOR's officers, employees, agents and subCONTRACTORS.

6. Insurance.

6.1 Evidence of Coverage:

Prior to commencement of this Agreement, the CONTRACTOR shall provide a "Certificate of Insurance" certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition the CONTRACTOR upon request shall provide a certified copy of the policy or policies.

This verification of coverage shall be sent to the Agency's Contact, unless otherwise directed. The CONTRACTOR shall not receive a "Notice to Proceed" with the work under this Agreement until it has obtained all insurance required and such, insurance has been approved by the Agency. This approval of insurance shall neither relieve nor decrease the liability of the CONTRACTOR.

6.2 Qualifying Insurers:

All coverage's, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A-VII, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Purchasing Manager.

6.3 Insurance Coverage Requirements:

Without limiting CONTRACTOR's duty to indemnify, CONTRACTOR shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

Commercial general liability insurance, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Broad form Property Damage, Independent CONTRACTORS, Products and Completed Operations, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

Exemption/Modification (Justification attached; subject to approval).

Business automobile liability insurance, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services under this Agreement, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

Exemption/Modification (Justification attached; subject to approval).

Workers' Compensation Insurance, if CONTRACTOR employs others in the performance of this Agreement, in accordance with California Labor Code section 3700 and with Employer's Liability limits not less than \$1,000,000 each person, \$1,000,000 each accident and \$1,000,000 each disease.

Exemption/Modification (Justification attached; subject to approval).

Professional liability insurance, if required for the professional services being provided, (e.g., those persons authorized by a license to engage in a business or profession regulated by the California Business and Professions Code), in the amount of not less than \$1,000,000 per claim and \$2,000,000 in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims-made" basis rather than an occurrence basis, the CONTRACTOR shall, upon the expiration or earlier termination of this Agreement, obtain extended reporting coverage ("tail coverage") with the same liability limits. Any such tail coverage shall continue for at least three years following the expiration or earlier termination of this Agreement.

Exemption/Modification (Justification attached; subject to approval).

6.4 Other Insurance Requirements.

All insurance required by this Agreement shall be with a company acceptable to the Agency and issued and executed by an admitted insurer authorized to transact Insurance business in the State of California. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date CONTRACTOR completes its performance of services under this Agreement.

Each liability policy shall provide that the Agency shall be given notice in writing at least thirty days in advance of any endorsed reduction in coverage or limit, cancellation, or intended non-renewal thereof. Each policy shall provide coverage for CONTRACTOR and additional insureds with respect to claims arising from each subCONTRACTOR, if any, performing work under this Agreement, or be accompanied by a certificate of insurance from each subCONTRACTOR showing each subCONTRACTOR has identical insurance coverage to the above requirements.

Commercial general liability and automobile liability policies shall provide an endorsement naming the Monterey County Water Resources Agency and the County of Monterey, their officers, agents, and employees as Additional Insureds with respect to liability arising out of the CONTRACTOR'S work, including ongoing and completed operations, and shall further provide that such insurance is primary insurance to any insurance or self-insurance maintained by the County

and that the insurance of the Additional Insureds shall not be called upon to contribute to a loss covered by the CONTRACTOR'S insurance. The required endorsement form for Commercial General Liability Additional Insured is ISO Form CG 20 10 11-85 or CG 20 10 10 01 in tandem with CG 20 37 10 01 (2000). The required endorsement form for Automobile Additional Insured endorsement is ISO Form CA 20 48 02 99.

Prior to the execution of this Agreement by the Agency, CONTRACTOR shall file certificates of insurance with the Agency's contract administrator, showing that the CONTRACTOR has in effect the insurance required by this Agreement. The CONTRACTOR shall file a new or amended certificate of insurance within five calendar days after any change is made in any insurance policy, which would alter the information on the certificate then on file. Acceptance or approval of insurance shall in no way modify or change the indemnification clause in this Agreement, which shall continue in full force and effect.

CONTRACTOR shall at all times during the term of this Agreement maintain in force the insurance coverage required under this Agreement and shall send, without demand by Agency, annual certificates to Agency's Contract Administrator. If the certificate is not received by the expiration date, Agency shall notify CONTRACTOR and CONTRACTOR shall have five calendar days to send in the certificate, evidencing no lapse in coverage during the interim. Failure by CONTRACTOR to maintain such insurance is a default of this Agreement, which entitles Agency, at its sole discretion, to terminate this Agreement immediately.

7. Maintenance of Records. CONTRACTOR shall prepare, maintain and preserve all reports and records that may be required by federal, State, and local rules and regulations relating to services performed under this Agreement. CONTRACTOR shall retain all such records for at least five years from the date of final payment, or until any litigation relating to this Agreement is concluded, whichever is later.

8. Right to Audit at Any Time. Agency officials shall have the right, at any time during regular working hours and on reasonable advance notice, to examine, monitor and audit all work performed and all records, documents, conditions, activities and procedures of CONTRACTOR or its subCONTRACTORS relating to this Agreement. Government Code Section 8546.7 provides that an audit by the State Auditor General may be performed up to three years after the final payment under any contract involving the expenditure of public funds in excess of \$10,000.

9. Confidentiality; Return of Records. CONTRACTOR and its officers, employees, agents, and subCONTRACTORS shall comply with all federal, State and local laws providing for the confidentiality of records and other information. To the extent permitted by applicable law and regulations, CONTRACTOR shall maintain confidentiality with respect to Agency's well database and other water use data.

CONTRACTOR shall not disclose any confidential information received from Agency or prepared in connection with the performance of this Agreement without the express permission of Agency. CONTRACTOR shall promptly transmit to Agency all requests for disclosure of any such confidential information. CONTRACTOR shall not use any confidential information gained through the performance of this Agreement except for the purpose of carrying out CONTRACTOR's obligations hereunder. When this Agreement expires or terminates, CONTRACTOR shall return to Agency all records, which CONTRACTOR utilized or received, from Agency to perform services under this Agreement.

10. Termination. Either party may terminate this Agreement by giving written notice of termination to the other party at least thirty (30) days prior to the effective date of termination, which date shall be specified in any such notice. In the event of such termination, the amount payable hereunder shall be reduced in proportion to the services provided prior to the effective date of termination. Agency may terminate this Agreement at any time for good cause effective immediately upon written notice to CONTRACTOR. "Good cause" includes, without limitation, the failure of CONTRACTOR to perform the required services at the time and in the manner provided herein. If Agency terminates this Agreement for good cause, Agency may be relieved of the payment of any consideration to CONTRACTOR, and Agency may proceed with the work in any manner, which it deems proper. Costs incurred by Agency thereby shall be deducted from any sum due CONTRACTOR.

11. Amendments and Modifications. No modification or amendment of this agreement shall be valid unless it is set forth in writing and executed by the parties.

12. Non-Discrimination. Throughout the performance of this Agreement, CONTRACTOR will not unlawfully discriminate against any person because of race, color, religion, gender, national origin, ancestry, physical disability, medical condition, marital status, age older than 40, or sexual preference, either in CONTRACTOR's employment practices or in the furnishing of services to recipients. CONTRACTOR shall ensure that the evaluation and treatment of its employees and applicants for employment and all persons receiving and requesting services are free of such discrimination. CONTRACTOR shall comply fully with all federal, State and local laws and regulations which prohibit discrimination. The provision of services primarily or exclusively to any target population designated herein shall not be deemed prohibited discrimination.

13. Independent Contractor. In its performance under this Agreement, CONTRACTOR is at all times acting and performing as an independent CONTRACTOR and not an employee of Agency. No offer or obligation of employment with Agency is intended in any manner, and CONTRACTOR shall not become entitled by virtue of this Agreement to receive from Agency any form of benefits accorded to employees including without limitation leave time, health insurance, workers compensation coverage, disability benefits, and retirement contributions. CONTRACTOR shall be solely liable for and

obligated to pay directly all applicable taxes, including without limitation federal and State income taxes and social security arising out of CONTRACTOR's performance of this Agreement. In connection therewith, CONTRACTOR shall defend, indemnify, and hold harmless Agency from any and all liability, which Agency may incur because of CONTRACTOR's failure to make such payments.

14. Delegation of Duties; Subcontracting. CONTRACTOR is engaged by Agency for its unique qualifications and abilities. CONTRACTOR may not, therefore, delegate any of its basic duties under this Agreement, except to the extent that delegation to CONTRACTOR's employees is contemplated herein. No work shall be subcontracted without the written consent of Agency, except as provided in this Agreement or its attachments. Notwithstanding any subcontract, CONTRACTOR shall continue to be liable to Agency for the performance of all work hereunder. CONTRACTOR shall not assign, sell, mortgage or otherwise transfer its interest or obligations in this Agreement without Agency's prior written consent.

15. Agency's Rights in Work Product. All original materials prepared by CONTRACTOR in connection with its work hereunder -- including but not limited to computer codes, customized computer routines developed using proprietary or commercial software packages, reports, documents, maps, graphs, charts, photographs and photographic negatives -- shall be the property of Agency and shall be delivered to Agency prior to final payment. CONTRACTOR may utilize any existing materials developed by CONTRACTOR prior to commencement of work under this Agreement, which materials shall remain the property of CONTRACTOR.

16. Compliance with Terms of Federal or State Grant. If any part of this Agreement has been or will be funded pursuant to a grant from the federal or State government in which Agency is the grantee, CONTRACTOR shall comply with all provisions of such grant applicable to CONTRACTOR's work hereunder, and said provisions shall be deemed a part of this Agreement as though fully set forth herein.

17. Conflict of Interest. CONTRACTOR warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

18. Governing Laws. This Agreement is entered into in the County of Monterey, State of California, and shall be construed and enforced in accordance with the laws of the State of California. The parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

19. Compliance with Applicable Law. The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.

20. Construction of Agreement. The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

21. Waiver. Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

22. Successors and Assigns. This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

23. Contractor. The term "CONTRACTOR" as used in this Agreement includes CONTRACTOR's officers, agents, and employees acting on Contractor's behalf in the performance of this Agreement.

24. Interpretation of Conflicting Provisions. In the event of any conflict or inconsistency between the provisions of this Agreement and the Provisions of any exhibit or other attachment to this Agreement, the provisions of this Agreement shall prevail and control.

25. Time is of the Essence. The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

26. Contract Administrators.

CONTRACTOR's designated principal responsible for administering
CONTRACTOR's work under this Agreement shall be
Nic Trudeau, MBS Contacts

Agency's designated administrator of this Agreement shall be
Reico Cruz, Departmental Information Systems Manager

27. Notices. Notices required under this Agreement shall be delivered personally or by electronic facsimile, or by first class or certified mail with postage prepaid. Notice shall be deemed effective upon personal delivery or facsimile transmission, or on the third day after deposit with the U.S. Postal Service. CONTRACTOR shall give Agency prompt notice of any change of address. Unless otherwise changed according to these notice provisions, notices shall be addressed as follows:

TO AGENCY
Name: Reico Cruz
Address: P.O. Box 930
Salinas, CA 93902

TO CONTRACTOR
Name: Nic Trudeau
Address: 325-A Victor Street
Salinas, CA 93907

Telephone: (831) 755-4860
Fax: (831) 424-7935
E-Mail: cruzr@co.monterey.ca.us

Telephone: (831) 758-1048
Fax: (831) 758-5984
E-Mail: nic@mbsworks.com

28. Electronic Deliverables. Where feasible, all reports, documents and other printed information provided to the Agency pursuant to this Agreement shall be submitted in both written and Electronic formats in accordance with the specifications listed in Exhibit C.

29. Non-exclusive Agreement. This Agreement is non-exclusive and both parties reserve the right to contract with other entities for the same or similar services.

30. Execution of Agreement. Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

31. Exhibits. The following Exhibits are attached hereto and incorporated by reference:
Exhibit A - Scope of Work/ Work Schedule

32. Entire Agreement --As of the effective date of this Agreement, this document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

MONTEREY COUNTY WATER RESOURCES AGENCY
AND
AGREEMENT FOR SERVICES

IN WITNESS WHEREOF, AGENCY and CONTRACTOR execute this agreement as follows:

**MONTEREY COUNTY WATER
RESOURCES AGENCY:**

CONTRACTOR:

BY:

BY:

David E. Chardavoyne
General Manager

Type Name: Kelly Murphy
Title: President

Date:

Date:

BY:

Type Name: Armando Gonzalez
Title: Vice-President

Date:

* INSTRUCTIONS: If CONTRACTOR is a corporation (including limited liability and nonprofit corporations), the full legal name of the corporation shall be set forth together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth together with the signature of a partner with authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of his or her business, if any, and shall personally sign the Agreement.

(_____)
Agreement/Amendment No # (_____)

Approved as to form ¹:

Approved as to fiscal provisions:

Deputy County Counsel

Administrative Analyst

Dated: _____

Dated: _____

Risk Management:

Auditor-Controller ²:

Dated: _____

Dated: _____

¹Approval by County Counsel is required, and/or when legal services are rendered

²Approval by Auditor-Controller is required

COUNTY OF MONTEREY, **Exhibit A**
INC005254a
 CONTRACTS/PURCHASING DIVISION



168 W. Alisal Street 3rd Floor, Salinas CA 93901
 Phone (831) 755-4990

PRINTER/COPIER/MULTIFUNCTION MACHINE QUOTE FORM

Date: 6/03/16	Sales Rep Name: Nic Trudeau
Company Name: MBS Business Systems	Sales Rep Phone: 831.206.5355
Company Address: 325 Victor Street Salinas, CA 93907	Sales Rep Signature: <i>Nic Trudeau</i>

*NETWORKED: Yes No

The following equipment shall be provided on a: 36 month term 24 month term 12 month term
 Term begins on: (enter date) 7/01/16

Copier Model:	Konica Minolta Bizhub C454e	\$ 275.11/month	<p>Note: Do not list standard features as Add-ons.</p> <p>Security Note: The County requires full hard disk encryption and data overwrite capabilities. If these are standard features do not list them as add-ons. However, if add-ons are required to meet these requirements, please list those.</p>
Finisher Model:	Finisher Stapler	\$ Inc. /month	
Add-on:	2/3 Hole Punch Kit	\$ Inc. /month	
Add-on:	External Keyboard	\$ Inc. /month	
Add-on:	Keyboard Holder	\$ Inc. /month	
Add-on:	Numeric Pad	\$ Inc. /month	
Add-on:	PC410 2,500 Sheet Paper Cassette	\$ Inc. /month	
Add-on:	Working Table	\$ Inc. /month	
Security Add-on:	Surge Protector	\$ Inc. /month	
Security Add-on:		\$ /month	
Other:		\$ /month	
Total Monthly Rental:		\$ 275.11/month	

Monthly Copies Included (if any): NONE /month
 Cost-Per-Copy: \$.0055 /copy Black and White
 \$.049/Color Copy

- All maintenance and repair costs shall be included in pricing above, including drums & rollers
 All delivery, installation, and machine pick-up shall be included in pricing above
 Toner included as needed (no limitations) Staples included as needed (no limitations)

Ship To: Water Resources Administration
883 Blanco Circle
Salinas, CA 93901

Bill To: County of Monterey Water Resources
P.O. Box 930
Salinas, CA 93902

Equip Contact (name & phone): Reico Cruz 755-4820 Billing Contact (name & phone): Reico Cruz 755-4820

*IF THIS DEVICE WILL BE CONNECTED TO THE COUNTY NETWORK AND USED AS A SHARED PRINTING DEVICE, ITD REVIEW AND APPROVAL IS REQUIRED. PLEASE ROUTE THIS FORM TO "IT SUPPORT SERVICES" TO FACILITATE IT APPROVAL AND ASSURE TIMELY ASSISTANCE FOR INSTALLATION.

ITD Technical and Security Review Approved by: Stephen Lucas Date: 6-22-2016
 (Security review summary shall be attached to this form if machine is networked)

ITD Management Approval: [Signature] Date: 6-22-16
 ITD Manager, County of Monterey Information Technology Department

Monterey County Information Security & Privacy Team
Security Analysis Document

Target: Konica Bizhub 454e multi-function copier (ref: INC0052542)
Date: June 22, 2016

The following steps should be executed on the Konica Bizhub 454e device in order to decrease its risk to the County's network environment:

- The default administrative password to the device should be changed to meet complexity standards and the password should be securely maintained at all times.
- Disable the SNMP service on the device.
- The USB interface on the device must be disabled (either physically, or via the software interface if that option is available)
- Unless required for a business need (and possibly subject to additional review), disable any unnecessary services such as FTP, SMTP, IPP, Novell PServer/RPrinter or any other services that are exposed to the network. Where required by business need, utilizing secured versions of these services (FTPS, SMTPS) should be used where possible.
- Configure the device to automatically receive Operating System and Application security updates from the appropriate source. This will require interfacing with the vendor for configuration instructions and methods.
- Appropriate DNS entries should be created in order to provide correct device identification in relation to its network traffic.
- The device listed in this request has the additional data security/encryption components included. The device should be configured with the Job Erase functionality enabled, at a minimum, to protect documents sent and queued on the device. Use of other data security functions available with this part is encouraged.
- A network scanning module is included with the standard configuration of the Bizhub 454e. Security measures including, but not limited to, limited user access, encryption of data, removal of stored scan data in a timely manner, role-based user authentication, and any other additional security measures should be reviewed and implemented should this functionality be used.
- Refer to the current County of Monterey Information Security Standards document (particularly, standard 1.6), for additional requirements for network-connected devices

Additional recommendations may be required once the device is attached to the County network infrastructure and a thorough vulnerability scan is performed on the device utilizing the County's designated technical vulnerability scanning tools. These scans are performed on a regular basis to ensure the integrity of all devices connected to the County network infrastructure.

Exhibit A
COUNTY OF MONTEREY, INC 0052542
CONTRACTS/PURCHASING DIVISION



168 W. Alisal Street 3rd Floor, Salinas CA 93901
 Phone (831) 755-4990

PRINTER/COPIER/MULTIFUNCTION MACHINE QUOTE FORM

Date: 5/24/16	Sales Rep Name: Nic Trudeau
Company Name: MBS Business Systems	Sales Rep Phone: 831.206.5355
Company Address: 325 Victor Street Salinas, CA 93907	Sales Rep Signature: <i>Nic Trudeau</i>

*NETWORKED: Yes No

The following equipment shall be provided on a; 36 month term 24 month term 12 month term
 Term begins on: (enter date) 7/01/16

Copier Model:	Konica Minolta Bizhub C654e	\$ 583.93/month	Note: Do not list standard features as Add-ons. Security Note: The County requires full hard disk encryption and data overwrite capabilities. If these are standard features do not list them as add-ons. However, if add-ons are required to meet these requirements, please list those.
Finisher Model:	Finisher -100 Sheet Staping FS535	\$ Inc. /month	
Add-on:	Z-Folding Unit	\$ Inc. /month	
Add-on:	External Keyboard	\$ Inc. /month	
Add-on:	2/3 Hole Punch Kit	\$ Inc. /month	
Add-on:	Large Capacity Tray	\$ Inc. /month	
Add-on:	Working Table	\$ Inc. /month	
Add-on:	Post inserter	\$ Inc. /month	
Security Add-on:	Keyboard Holder	\$ Inc. /month	
Security Add-on:	Saddle Sticher Kit	\$ Inc. /month	
Other:		\$ /month	
Total Monthly Rental:		\$ 583.93/month	

Monthly Copies Included (if any): NONE /month
 Cost-Per-Copy: \$.0055 /copy Black and White
 \$.049/Color Copy

- All maintenance and repair costs shall be included in pricing above, including drums & rollers
 All delivery, installation, and machine pick-up shall be included in pricing above
 Toner included as needed (no limitations) Staples included as needed (no limitations)

Ship To: Water Resources Administration
893 Blanco Circle
Salinas, CA 93901

Bill To: County of Monterey Water Resources
P.O. Box 830
Salinas, CA 93902

Equip Contact (name & phone): Reico Cruz 755-4820 Billing Contact (name & phone): SAME

***IF THIS DEVICE WILL BE CONNECTED TO THE COUNTY NETWORK AND USED AS A SHARED PRINTING DEVICE, ITD REVIEW AND APPROVAL IS REQUIRED. PLEASE ROUTE THIS FORM TO "IT SUPPORT SERVICES" TO FACILIATE IT APPROVAL AND ASSURE TIMELY ASSISTANCE FOR INSTALLATION.**

ITD Technical and Security Review Approved by: Stephen Lucas Date: 6-22-2016
 (Security review summary shall be attached to this form if machine is networked)

ITD Management Approval: [Signature] Date: 6-22-16
 ITD Manager, County of Monterey Information Technology Department

Exhibit A

Monterey County Information Security & Privacy Team Security Analysis Document

Target: Konica Bizhub 654e multi-function copier (ref: INC0052542)
Date: June 22, 2016

The following steps should be executed on the Konica Bizhub 654e device in order to decrease its risk to the County's network environment:

- The default administrative password to the device should be changed to meet complexity standards and the password should be securely maintained at all times.
- Disable the SNMP service on the device.
- The USB interface on the device must be disabled (either physically, or via the software interface if that option is available)
- Unless required for a business need (and possibly subject to additional review), disable any unnecessary services such as FTP, SMTP, IPP, Novell PServer/RPrinter or any other services that are exposed to the network. Where required by business need, utilizing secured versions of these services (FTPS, SMTPS) should be used where possible.
- Configure the device to automatically receive Operating System and Application security updates from the appropriate source. This will require interfacing with the vendor for configuration instructions and methods.
- Appropriate DNS entries should be created in order to provide correct device identification in relation to its network traffic.
- The device listed in this request has the additional data security/encryption components included. The device should be configured with the Job Erase functionality enabled, at a minimum, to protect documents sent and queued on the device. Use of other data security functions available with this part is encouraged.
- A network scanning module is included with the standard configuration of the Bizhub 654e. Security measures including, but not limited to, limited user access, encryption of data, removal of stored scan data in a timely manner, role-based user authentication, and any other additional security measures should be reviewed and implemented should this functionality be used.
- Refer to the current County of Monterey Information Security Standards document (particularly, standard 1.6), for additional requirements for network-connected devices

Additional recommendations may be required once the device is attached to the County network infrastructure and a thorough vulnerability scan is performed on the device utilizing the County's designated technical vulnerability scanning tools. These scans are performed on a regular basis to ensure the integrity of all devices connected to the County network infrastructure.

ACTION ITEMS

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Consider adopting a resolution amending the Bylaws of the Monterey County Water Resources Agency Board of Directors.		
Consent ()		Action (X)	
Information ()			
SUBMITTED BY:	Jesse J. Avila	PREPARED BY:	J. Avila (831) 755-5045
PHONE:	(831) 755-5045	PHONE:	R. Johnson (831) 755-4845
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

Adopt a resolution amending the Bylaws of the Monterey County Water Resources Agency Board of Directors.

SUMMARY/DISCUSSION:

On February 29, 2016, this Board discussed the matter of amending the bylaws to accurately reflect the requirements in the Monterey County Water Resources Agency Act that non-Director members of the Basin Management Plan (BMP) and Reservation Operations (ResOps) could officially serve and vote only if the BMP and ResOps committees were re-constituted as advisory committees. Chair David Hart appointed himself, Vice Chair Richard Ortiz and Director Ken Ekelund as an ad-hoc Bylaws committee to propose revisions to the Bylaws.

On April 25, 2016, the ad hoc Bylaws committee presented its report and recommendation to the Board of Directors. The Board adopted a resolution revising the Bylaws as follows: (i) the Res Ops and BMP standing committees were converted into advisory committees; (ii) the Reservoir Operations and Basin Management Plan committees now have representation from each of the basin subareas, a Salinas Valley city, and three public at large members who are non-directors; (iii) as Ex-officio member of committees, the Chair has an expressed right to vote at committee meetings; and, (iv) directors must be authorized if they are to speak for the Board of Directors or the Agency in any public forum.


After April 25, and upon further reflection, it was felt that the certain named members of the ResOps Committee should not only be encouraged to attend and participate in the Committee, but should be full voting members. The attached Draft Bylaws provides that one representative each from the San Luis Obispo County Public Works Department, Monterey County Parks Department, the Lakes resort concessionaire, the Nacimiento Regional Water Management Advisory Committee, and the Salinas River Channel Coalition are voting members of the ResOps Committee. The revisions were reviewed by members of the BOD that were members of the ad-hoc Bylaws Committee and Agency counsel.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

There is no anticipated fiscal impact to the adoption of the attached resolution or Bylaws amendment.

FINANCIAL IMPACT:	YES () \$ NO (X)
FUNDING SOURCE:	N/A
COMMITTEE REVIEW AND RECOMMENDATION:	Ad-Hoc Bylaws committee members
ATTACHMENTS:	<ol style="list-style-type: none">1. Resolution amending the Bylaws of the Monterey County Water Resources Agency Board of Directors2. Amended Bylaws of the Monterey County Water Resources Agency Board of Directors
APPROVED:	<p> General Manager Date 7/19/16</p>



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

RESOLUTION No. _____

Resolution Amending the Bylaws)
of the Monterey County Water Resources Agency)
Board of Directors)

WHEREAS, the Monterey County Water Resources Agency exists under the Monterey County Water Resources Agency Act (Water Code Appendix Chapter 52; Stat. 1990, c. 1159) (the "Agency Act"); and,

WHEREAS, Section 66 of the Agency Act provides that the Directors shall adopt Bylaws for the conduct of their business and shall establish standing committees comprised of Board members; and,

WHEREAS, Section 67 of the Agency Act provides that the Directors may establish and appoint advisory committees, prescribe the qualifications for advisory committee members, and that advisory committee members need not be Directors; and

WHEREAS, proposed revisions to the Bylaws were reviewed by members of an ad hoc Bylaws committee that reported and recommended revision of the bylaws that were adopted by the Board of Directors on April 25, 2016, and the Board, after considering the report and recommendation of the ad hoc committee, and after the receipt and consideration of public comments, desires to amend its bylaws.

NOW, THEREFORE, BE IT RESOLVED by the Monterey County Water Resources Agency Board of Directors:

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1. The Board of Directors receives the report by staff prepared in consultation with members of the ad hoc Bylaws committee.
2. The Board of Directors hereby amends its Bylaws as reflected in Attachment 1.

PASSED AND ADOPTED on this 25th day of July, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: David Hart, Chair
Board of Directors

ATTEST: David E. Chardavoyne
General Manager

**DRAFT
BYLAWS**

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS
(As amended 047/25/16)**

I. PURPOSE AND AUTHORITY.

1.01. Authority. These bylaws are adopted pursuant to the Monterey County Water Resources Agency Act, as amended by the statutes of 1991, Chapter 1130 (West's California Water Code, Appendix, Chapter 52), and pursuant to Monterey County Water Resources Agency Ordinance No. 3559.

1.02. Purpose. The purpose of these bylaws is to establish procedures for the conduct of meetings of the Monterey County Water Resources Agency Board of Directors and to provide guidelines for the other activities of the Board of Directors.

1.03. Relations between Board and Staff. The purpose of the Board of Directors is to set policy for implementation by the General Manager and Staff. The Board will adopt a hands-off policy regarding day-to-day management as that is the duty of the General Manager. Board members shall direct requests of Staff to the General Manager.

II. MEMBERS.

2.01. Number and Appointment. There are nine members on the Board of Directors. The members are appointed by the Monterey County Water Resources Agency Board of Supervisors.

2.02. Duties. The Board of Directors shall perform the duties delegated to them by the Monterey County Water Resources Agency Act and by Ordinance No. 3559.

2.03. Vacancies and Removal of Directors. A vacancy occurs on the Board of Directors when a Director resigns or dies or when the position is declared vacant by the Supervisors, on the recommendation of the Directors due to the incumbent Directors' incapacity or failure to attend meetings. A vacancy shall be filled by appointment in the same manner as the appointment of the original holder of the office. If a Board member is absent from three consecutive meetings of the Board or its committees, the Personnel/Administration Committee shall review the matter within 30 days and determine whether it should be heard by the full Board. The Board may, based on the recommendation of the Personnel/Administration Committee, by resolution, recommend to the Board of Supervisors that the Board of Supervisors declare a vacancy and appoint a replacement Director.

2.04. Compensation.

(a) Each member of the Board of Directors of the Monterey County Water Resources Agency appointed pursuant to the Monterey County Water Resources Agency Act shall receive compensation for his or her services at the rate of \$50.00 for each meeting attended by such Director.

A meeting shall be a regular or special meeting of the Board of Directors, a meeting of any of the standing committees or additional committees, or any meeting so designated as such by the Chair.

(b) In addition, the Directors shall be reimbursed for actual necessary expenses incurred in the performance of official business of the Agency pursuant to assignment of the Board of Directors consistent with the reimbursement schedules and policies of the County of Monterey.

2.05. Conflicts of Interest. No Board member shall participate in any matter which comes before the Board of Directors, or in any matter in which he or she is required to act in his or her capacity as a Board member, when the Board member has or may have a direct or indirect economic interest which may be affected as a result of such action, unless such participation is otherwise required or permitted by law. No Board member shall undertake any employment, activity, or economic enterprise for compensation which is inconsistent, incompatible, in conflict with or inimical to his or her duties as a Board member. Board members shall comply with the conflict of interest code to be adopted by the Board.

2.06. Notice to Directors. Whenever written notice is required by these bylaws to be given or delivered when the notice is left at the Directors' residence or usual place of business by personal messenger, when the notice is sent to the Director via fax transmittal to the fax number given to the Agency by the Director, or five days after the notice is deposited in the U.S. mail, first class postage prepaid, properly addressed to the Director.

2.07. Authority of Director to speak for the Board or Agency. No director will speak on behalf of the Board of Directors in any public forum unless expressly authorized to do so by the Board of Directors. No director will speak on behalf of the Agency in any public forum unless expressly authorized to do so by the Board of Supervisors.

III. OFFICERS.

3.01. List of Officers. The officers of the Board shall be the Chair, Vice-Chair, and Secretary.

3.02. Qualification, Selection, and Term. Each Chair and Vice-Chair shall be members of the Board of Directors. The General Manager of the Agency shall be the Secretary for the Board but shall not vote at Board meetings. The Chair and Vice-Chair shall be elected by the Board at the Board's first meeting of January of each year, and shall serve for a period of one year or until a successor has been duly elected. A Board member shall not simultaneously hold more than one office. At the last regular meeting of the year, the Chair shall appoint an ad hoc nominating

committee consisting of a chairperson and two directors. The Chair shall be an ex-officio member.

3.03. Duties of Chair. The Chair shall preside at all meetings of the Board; be an *ex officio* member of all committees; execute contracts, correspondence, conveyances, and other written instruments as authorized by the Board; and appoint chairpersons and members of Board committees.

3.04. Duties of Vice-Chair. The Vice-Chair shall, in the absence of the Chair, assume the duties of the Chair and perform such reasonable duties as may be required by the Board or the Chair of the Board.

3.05. Duties of Secretary. The Secretary shall be responsible for maintaining Board meeting minutes and other records that may from time to time be required by the Boards' activities, and shall perform such reasonable duties as may be required by the Board or Chair of the Board. The Secretary may delegate the actual performance of the tasks necessary to fulfill these duties.

3.06. Vacancies and Removal of Officers. A vacancy in any office shall be filled by nomination and election by the Board of Directors as soon as it is reasonably possible. Officers may be removed by a majority vote of the Board of Directors for failure to perform the duties of the office or for malfeasance in office.

IV. COMMITTEES.

4.01. Appointment and Terms of Committees. The Board Chair shall appoint members of the Board committees. Appointments are for one year. Members of the public may be appointed as members of advisory, ad hoc, or special committees by the Board of Directors, and if so appointed, shall have the right to vote only at committee meetings. Members of committees may be re-appointed for succeeding terms, without limitation. The Board Chair shall be an *ex officio* member of all committees with the right to vote.

4.02. Standing Committees. The Directors shall maintain the following standing committees: Finance Committee, Personnel/Administration Committee, and Planning Committee. Standing committees shall be comprised of Board members.

(a) Finance Committee. The Finance Committee consists of three Board members and the Board Chair. The Finance Committee assists in establishing and enhancing valid business and financial management systems. It annually reviews and recommends the budget, and each month it reviews the Agency's financial performance under the adopted budget. The committee acts as the audit committee for the Board of Directors and makes recommendations on capital expenditures. The committee reviews the financial aspects of projects proposed to be implemented by the Agency, reviews charges proposed to be levied by the Agency (including, but not limited to, standby charges, and assessments), and may recommend revisions to the Agency's accounting system.

(b). Planning Committee. The Planning Committee consists of three Board members and the Board Chair. The Planning Committee shall help to develop short- and long-range plans for the

Agency with respect to all activities in which the Agency is involved or might become involved. The Planning Committee helps to screen, evaluate, and prioritize projects and programs considered for implementation by the Agency, and reviews the Agency's ongoing projects and programs.

(c) Personnel/Administration Committee. The Personnel/Administration Committee consists of three Board members and the Board Chair. The Personnel/Administration Committee reviews Agency personnel matters, and governmental affairs.

4.03. Advisory and Ad-Hoc Committees. The Chair may appoint, with the approval of the Board of Directors, advisory or ad-hoc committees as the need arises, and define the mission and duties thereof. The following advisory committees are hereby confirmed and recognized:

(a) Reservoir Operations Advisory Committee. The Reservoir Operations Advisory Committee reviews all matters pertaining to Nacimiento and San Antonio Reservoirs. The Reservoir Operations Advisory Committee consists of three Board members, the Board Chair, and non-Director members. The Chair shall appoint non-Director members to the Reservoir Operations Advisory Committee as follows: one representative of a Salinas Valley City; one representative each of the Pressure, East Side, Forebay, Upper Valley and Arroyo Seco groundwater subareas; and three members of the public at large;. The Committee shall promote the attendance and participation and one representative each from of the San Luis Obispo County Public Works Department, Monterey County Parks Department, the Lakes resort concessionaire, Nacimiento Regional Water Management Advisory Committee, and the Salinas River Channel Coalition.

(b) Basin Management Advisory Committee. The Basin Management (BMP) Advisory Committee reviews all matter concerning basin management. The Basin Management Advisory Committee consists of three Board members and non-Director members. The Chair shall appoint non-Director members to the Basin Management Advisory Committee as follows: one representative of a Salinas Valley City; one representative each of the Pressure, East Side, Forebay, Upper Valley and Arroyo Seco groundwater subareas; and three members of the public at large.

4.04. Additional Committees. The Directors may by majority vote establish additional committees from time to time, including standing committees and special committees.

4.05. Staff Assistance to Committees. Water Resources Agency Staff shall provide assistance to all committees of the Directors, at the request of the committee or the Board.

4.06. Role of Committees. The role of each committee is limited to the matters expressly assigned to the committee by these bylaws or by resolution of the Board of Directors, together with all matters necessarily incidental thereto. Except as otherwise expressly provided in these bylaws or by resolution of the Board of Directors, the committee does not make binding decisions on those matters. Rather, the committee makes recommendations to the Board of Directors on those matters that are to be considered by the Board of Directors.

V. MEETINGS.

5.01. Regular Meetings. Time and Place. The Board of Directors will establish a regular meeting date and time, which shall be not less than once each month, and shall establish a regular place for holding such meetings. Committees of the board shall meet as frequently as is necessary to fulfill the committee's duties, but in any event, not less than quarterly.

5.02. Special Meetings. Special meetings may be called by the Board Chair at any time for a specific, announced purpose. At the request of any three Board members, the Board Chair shall call such a special meeting. Written notice of a special meeting shall be delivered to all Board members at least 48 hours in advance of any meeting. Attendance at a special meeting by any Director amounts to a waiver of any defect in the giving of notice to such Director, unless at the meeting the Director specifically objects to the holding of the meeting on the grounds of such defect.

5.03. Quorum. No action shall be taken by the Board or by a committee unless a quorum is present at the meeting, except as otherwise provided herein or as allowed under *Roberts Rules of Order*. For Board of Directors meetings, a quorum shall be five members. For committees, a quorum shall be 50% of the members of the committee, including at least one Board member.

5.04. Majority Vote. Actions of the Board shall be by a majority vote of Board members present and voting on the issue. A member who abstains from any vote shall be counted for the purpose of determining whether a quorum is present, but the vote of such abstaining members shall not be counted either for or against a measure in determining whether a majority vote has been obtained.

5.05. Minutes. A record of proceedings of all minutes of the Board of Directors and of committees of the Board shall be kept on file with the Agency.

5.06. Public Meetings. All meetings of the Board of Directors shall be open to the public, unless otherwise provided by law.

5.07. Ralph M. Brown Act.

(a) All meetings of the Directors shall be conducted in conformity with the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*

(b) When attendance by five or more Board members at a committee meeting will cause a violation of the Brown Act, Board members who are not members of the committee will leave the meeting, until no more than four Board members remain. Non-committee-member Board members who arrived last will leave first. When attendance by five or more Board members at any other meeting that has not been noticed as a Board meeting will cause a violation of the Brown Act, Board members who arrived last will leave first, until no more than four members remain.

5.08. Voting. Voting on all motions and resolutions of the Board of Directors shall be by voice vote, calling for ayes and noes, except that if any member of the Board or the Secretary requests a roll call vote, either before or after the voice vote is taken, then the vote shall be by roll call.

5.09. Agendas of Regular Meetings. At least 72 hours before regular meetings, an agenda shall be posted at the Directors regular place of posting that contains a brief description of each item of business to be transacted or discussed at the meeting.

5.10. Time for Public Comment.

(a) The Chair shall provide an opportunity for members of the public to address the Directors on any agenda item of interest to the public, before or during the Directors consideration of the item. The Chair may limit the time allowed for each person to speak. Public participation need not be allowed on discussions of procedural issues, such as continuances, the order in which agenda items will be considered, and the like, and public participation need not be allowed on items which are presented by Staff to the Directors for information only.

(b) The agenda for each regular meeting will include a regular time near the beginning of the agenda to receive public comment on items that are within the jurisdiction of the Directors and are not otherwise discussed at the meeting. The Directors are not required to respond to any issues raised during the public comment period, and may not take any action on such issues other than to refer the item to Staff or schedule action for a future agenda.

5.11. Non-agenda Items. The Directors may take no action on any item not previously placed on the agenda except in the following situations:

(a) The Directors determine by a majority vote that an emergency situation exists. An emergency situation means work stoppage or other activity which severely impairs health, safety, or both, or a crippling disaster which severely impairs public health, safety, or both.

(b) The Directors determine by a vote of at least two-thirds of the authorized number of Directors, or if less than two-thirds of the authorized number of members are present, that the need to take action arose after the agenda was posted.

(c) The item was continued from a prior meeting held less than five days before the current meeting, and the item was properly placed on the agenda for the previous meeting.

5.12. Roberts Rules of Order. Except as otherwise provided in these bylaws or in rules and regulations adopted by the Directors, all meetings of the Directors shall be conducted pursuant to *Roberts Rules of Order*.

5.13. Hearing Procedure. All hearings shall be conducted by the Chair in the manner provided by law. All hearings of the Directors shall be open for public participation. When a proposal is being considered by the Directors, the public hearing will be opened when the Chair introduces the item for consideration by the Directors. The sequence of events relating to any proposal shall be as follows:

1. By reference to the agenda, the Chair announces the proposal to be heard or considered.
2. The General Manager or his or her designee presents the Staff report to the

Directors.

3. The General Manager or his or her designee presents or summarizes any additional messages or communications regarding that proposal.
4. The Chair inquires if Directors have any questions of Staff.
5. The Chair asks if there are any proponents in the audience who wish to be heard.
6. All persons who address the Board from the audience must give their name and business or residence address before speaking.
7. The proponents then address the Board.
8. Following the proponents remarks, the Chair asks for opponents to be heard.
9. The opponents then address the Board.
10. The Chair may ask for a brief period for rebuttal from proponents following opponents being heard.
11. After the public has been heard, the Chair will entertain a motion to close the public hearing.
12. Following successful passage of the motion to close the public hearing, the discussion will be limited to the Directors.
13. The hearing ends with an action to approve or deny the proposal by vote of the Board.
14. The Chair may alter the order specified above, if the Chair believes such change in the order would facilitate the hearing process.

5.14. Continuance and Adjournment. The Directors may continue any item to another meeting specified in the order of continuance, may adjourn any meeting without specifying a new meeting date, and may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so continue an item or adjourn a meeting. If all members are absent from any meeting, the Secretary may so adjourn the meeting, and shall provide notice of any new meeting date and time as required by law.

VI. ADOPTION AND AMENDMENT OF BYLAWS.

6.01 These bylaws shall be adopted by resolution, approved by a majority of the Directors. The bylaws may be amended at any properly noticed meeting, by resolution approved by a majority of the Directors.

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Upon motion by Director _____, seconded by Director _____, these bylaws were amended to read as above on **April July 25, 2016**, by the following votes:

Ayes:

Noes:

Abstain:

Absent:

Attest: I certify that the within instrument is a true and complete copy of the original Bylaws of the Board of Directors of the Monterey County Water Resources Agency on file within this office.

Dated:

David E. Chardavoyne
General Manager

History: Adopted 12/19/91; amended 1/13/92, 9/14/92, 10/12/92, 10/26/92, 3/29/93, 5/9/94, 10/28/96, 04/25/16, and 07/25/16

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Consider adopting the schedule of Regular Board of Directors meetings to be held in the Monterey County Government Center Board of Supervisors' Chambers, 168 West Alisal Street, Salinas; and, recessing the August 2016 Regular Board of Directors meeting, resuming regular meetings in September 2016.		
Consent () Action (X) Information ()			
SUBMITTED BY:	Winifred Chambliss	PREPARED BY:	Winifred Chambliss
PHONE:	(831) 755-4896	PHONE:	(831) 755-4896
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

Adopt the schedule of regular Board of Directors (BOD) meetings to be held in the Monterey County Government Center Board of Supervisors' Chambers, 168 West Alisal Street, Salinas; and, recess the August 2016 Regular BOD meeting, resuming regular meetings in September 2016.

SUMMARY/DISCUSSION:

On April 25, 2016, the BOD considered two options for holding monthly, regular meetings at the Monterey County Government Center, 168 W. Alisal Street, Salinas – in compliance with a directive to the General Manager by the Monterey County Water Resources Board of Supervisors to videotape and livestream BOD meetings. Directors unanimously approved Option B:

- **Third Mondays** (available August 2016 through December 2017)
 Closed Session @ Noon
 BOD Meeting @ 1 PM.

The schedule of Regular BOD meetings reflecting that decision is included as Attachment 2.

As reported previously, the change in regular BOD meeting dates necessitates a corresponding change in dates for monthly Committee meetings. Four Committee meetings (Basin Management Plan; Planning; Personnel and Administration; and, Finance) will now be held the first week of each month. The Reservoir Operations Committee meeting will be moved to the last Thursday of each month (see Attachment 2). As a reminder, Committee meetings will continue to be held at the Blanco Circle facility until the Schilling Place relocation. Once the relocation has been accomplished, Committee meetings will be held at the Schilling Place location – not at the Government Center.

Monthly Regular BOD meetings and Committee meetings will be held as follows:

Basin Management Plan	1 st Wednesday @ 8:30 AM
Planning	1 st Wednesday @ 10 AM
Personnel and Administration	1 st Friday @ 8:30 AM
Finance	1 st Friday @ 10 AM
Regular Board of Directors	3 rd Monday @ 1:00 PM (Closed Session @ Noon)
Reservoir Operations Committee	Last Thursday @ 1:30 PM

At the regular BOD meeting in April 2016, the Board also approved commencing regular meetings at the Government Center in August 2016. However, due to the change in the Committee meeting dates, there would be insufficient time to gather data, compile reports and develop an agenda for a meeting in August. For those reasons, Staff is recommending the August 2016 regular BOD meeting be recessed, with meetings resuming in September 2016.


OTHER AGENCY INVOLVEMENT:

Staff collaborated with the Monterey County Clerk to the Board's Office.

FINANCING:

Staff anticipates no additional costs associated with this action. As noted on April 25, 2016, videotaping and livestreaming services would be covered under the existing Monterey County Agreement for videotaping and livestreaming services. However, the Agreement covers 96 meetings; and, any meetings in excess of that cap would be billed at the following rate per the contract with Monterey County:

Additional meetings or meetings not covered under this agreement will be billed at \$500 for meetings occurring either between 8 am and noon or 1 pm and 5 pm. \$800 for full day meetings. Meetings that span the lunch hour will be charged the full day rate. Meetings that occur after 5 pm will have a 25% overtime fee added.

FINANCIAL IMPACT:	YES ()	NO (X)
FUNDING SOURCE:		
COMMITTEE REVIEW AND RECOMMENDATION:	On April 15, 2016, the Personnel and Administration Committee received a verbal report and recommended consideration by the full Board of Directors.	
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Board Order 2. Schedule of Regular BOD and Committee Meeting Dates 	
APPROVED:	 General Manager Date 7/19/16	



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

BOARD ORDER No. _____

ADOPT THE SCHEDULE OF REGULAR BOARD OF DIRECTORS)
MEETINGS TO BE HELD IN THE MONTEREY COUNTY GOVERNMENT)
CENTER BOARD OF SUPERVISORS' CHAMBERS, 168 WEST ALISAL)
STREET, SALINAS; AND RECESS THE AUGUST 2016 REGULAR BOARD)
OF DIRECTORS MEETING, RESUMING REGULAR MEETINGS IN)
SEPTEMBER 2016)

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

1. Adopts the schedule of Regular Board of Directors meetings to be held in the Monterey County Government Center Board of Supervisors' Chambers, 168 West Alisal Street, Salinas; and,
2. Recesses the August 2016 Regular Board of Directors meeting resuming regular meetings in September 2016.

PASSED AND ADOPTED on this 25th day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: _____
David Hart, Chair
Board of Directors

ATTEST: _____
David E. Chardavoyne
General Manager

**SCHEDULE OF REGULAR BOARD OF DIRECTORS AND
COMMITTEE MEETING DATES**

Regular Board of Directors Meetings – 3rd Monday @ 1:00 PM (Closed Session @ Noon)
 Basin Management Plan Committee – 1st Wednesday @ 8:30 AM
 Planning Committee – 1st Wednesday @ 10:00 AM
 Personnel & Administration Committee – 1st Friday @ 8:30 AM
 Finance Committee – 1st Friday @ 10:00 AM
 Reservoir Operations Committee – Last Thursday @ 1:30 PM
 (*Holidays/Exceptions to these dates/times will be posted in compliance with the Brown Act)

REGULAR BOARD OF DIRECTORS	BASIN MANAGEMENT PLAN COMMITTEE PLANNING COMMITTEE
September 19, 2016	September 7, 2016
October 17, 2016	October 5, 2016
November 21, 2016	November 2, 2016
December 19, 2016	December 7, 2016
January 16, 2017 (Martin Luther King Day)*	January 4, 2017
February 20, 2017 (President's Day)*	February 1, 2017
March 20, 2017	March 1, 2017
April 17, 2017	April 5, 2017
May 15, 2017	May 3, 2017
June 19, 2017	June 7, 2017
July 17, 2017	July 5, 2017
August 21, 2017	August 2, 2017
September 18, 2017	September 6, 2017
October 16, 2017	October 2, 2017
November 20, 2017	November 1, 2017
December 18, 2017	December 6, 2017
PERSONNEL & ADMINISTRATION COMMITTEE FINANCE COMMITTEE	RESERVOIR OPERATIONS COMMITTEE
September 2, 2016	September 29, 2016
October 7, 2016	October 27, 2016
November 4, 2016	November 24, 2016 (Thanksgiving)*
December 2, 2016	December 29, 2016
January 6, 2017	January 26, 2017
February 3, 2017	February 23, 2017
March 3, 2017	March 30, 2017
April 7, 2017	April 27, 2017
May 5, 2017	May 25, 2017
June 2, 2017	June 29, 2017
July 7, 2017	July 27, 2017
August 4, 2017	August 31, 2017
September 1, 2017	September 28, 2017
October 6, 2017	October 26, 2017
November 3, 2017	November 30, 2017
December 1, 2017	December 28, 2017

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Consider approving a request for public and interested party feedback to the Agency regarding the current 2B, 2Y, and 2Z assessments, water delivery/service charges and corresponding improvements, to enable Raftelis Financial Consultants, Inc. to explore potential alternatives in assessment methodologies to be prepared for future stakeholders' meetings.		
Consent () Action (X) Information ()			
SUBMITTED BY:	Cathy Paladini	PREPARED BY:	Cathy Paladini
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

Approve a request that the public and interested parties provide the Agency with any information regarding the current 2B, 2Y, and 2Z assessments, water delivery/service charges and corresponding improvements. thereby enabling Raftelis Financial Consultants, Inc. to explore potential alternatives in the assessment methodologies that will be prepared for future stakeholders' meetings.

SUMMARY/DISCUSSION:

On June 7, 2016 the Water Resources Board of Supervisors approved the Raftelis Financial Consultants, Inc. agreement with the Water Resources Agency. In prior Board and Finance Committee meetings it was suggested that the Agency engage the public and interested parties in full collaboration and transparency regarding Raftelis Financial Consultants, Inc. (RFC) review of the Benefit Assessments in Zones including water delivery/service charges so as to provide the Agency with the following three methodologies:

1. Existing assessment methodology
2. Revised assessment methodology
3. Cost of service methodology


In order to gather all of the pertinent information from the public and interested parties, the Agency would like to put an invitation to the public on the Agency website requesting that such information be sent to said mailbox by a certain date so as to have the information timely enough for RFC to review and ask more in depth questions, if needed, before they engage the interested parties in a public meeting format.

OTHER AGENCY INVOLVEMENT:

No other Agencies were involved in the preparation of this report.

FINANCING:

There is no financial impact in receiving this report.

FINANCIAL IMPACT:	YES ()	NO (X)
FUNDING SOURCE:	Funds 131, 132, 134, and 116	
COMMITTEE REVIEW AND RECOMMENDATION:		
ATTACHMENTS:	1. Board Order 2. Raftelis Financial Consultants, Inc., Exhibit A - SOW	
APPROVED:	 General Manager	
	Date	7/19/16



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

BOARD ORDER No. _____

**APPROVE A REQUEST THAT THE PUBLIC AND INTERESTED PARTIES)
PROVIDE THE AGENCY WITH ANY INFORMATION REGARDING THE CURRENT)
2B, 2Y, AND 2Z ASSESSMENTS, WATER DELIVERY/SERVICE CHARGES AND)
CORRESPONDING IMPROVEMENTS, THEREBY ENABLING RAFTELIS FINANCIAL)
CONSULTANTS, INC. TO EXPLORE POTENTIAL ALTERNATIVES IN THE)
ASSESSMENT METHODOLOGIES THAT WILL BE PREPARED FOR FUTURE)
STAKEHOLDERS' MEETINGS.)**

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

1. Approves a request that the public and interested parties provide the Agency with any information regarding the current 2B, 2Y, and 2Z assessments, water delivery/service charges and corresponding improvements, thereby enabling Raftelis Financial Consultants, Inc. to explore potential alternatives in the assessment methodologies that will be prepared for future stakeholders' meetings.

PASSED AND ADOPTED on this **25th** day of **July 2016**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: David Hart, Chair
Board of Directors

ATTEST: David E. Chardavoyne
General Manager

EXHIBIT A – Scope of Work

The primary objective of this study is to review the Agency Benefit Assessments in Zones 2B, 2Y, and 2Z including Water Delivery/Service charges and ongoing project management; provide an updated assessment methodology/analysis, and a cost of service approach. Upon completion of the cost of service analysis, a comparison of the three methodologies will be presented and appended to the updated model. The three methodologies include:

1. Existing assessment methodology
2. Revised assessment methodology developed in Task 2
3. Cost of Service methodology developed in Task 3.1

The model will be able to show the resulting assessments levied for each property under the different assessment methodologies. Agency staff and the Board will be able to clearly observe how each methodology affects the levied assessment for each property.

Raftelis Consultants, Inc. will approach the Scope of Work in a three step task approach: Task 1: Review of Agency Benefit Assessments and ongoing Project Management; Task 2: Updated Assessment Methodology/Analysis; Task 3: Cost of Service Approach.

TASK 1 – REVIEW OF AGENCY BENEFIT ASSESSMENTS AND ONGOING PROJECT MANAGEMENT

TASK 1.1 – PROJECT KICK-OFF MEETING, INITIATION AND DATA COLLECTION

A detailed data request list will be submitted to the Agency prior to the meeting so that all appropriate data in the required format can be forwarded to RFC. Upon receiving the items requested in the data request, the Project Team will conduct a thorough review of the information provided by the Agency. The in-person kick-off meeting provides a solid foundation for the project and ensures that project participants are in mutual agreement as to the project's approach, work plan, schedule, and the Agency's priorities. As part of the meeting, RFC will review and discuss the Agency's current assessments, discuss questions that RFC has regarding the data received, and work with staff to identify and prioritize the Agency's goals and objectives for the Study.

TASK 1.2 – DESCRIPTION OF EXISTING ASSESSMENTS

After RFC develops a strong understanding of the existing assessments and the methodology used to develop the assessments. RFC will reconstruct the history of the current assessments levied on properties within the Agency's service area. The results will be summarized in the technical memorandum outlined in Task 3. The summary will include a map of Agency assessments, what improvements were funded by each assessment, and which properties were included in each of the assessment zones.

As a subsequent meeting to the kick-off meeting, it will be equally important to obtain information and feedback regarding the current assessments and corresponding improvements from major stakeholders. Doing so will ensure that we understand all perspectives and how the overlapping assessments impact each major stakeholder's property. This meeting will include a review of the history of existing assessments, perceived inequities with the existing assessments, what issues ought to be addressed as part of any revised methodology, and explore potential alternative assessment methodologies.

TASK 1.3 – ONGOING PROJECT MANAGEMENT

The RFC Project Team is well-versed in the critical elements of this project, including utility rate development, benefit assessments, and industry best management practices with water related

operations. The RFC project management team will stress communication, teamwork, objectivity, and accountability for meeting project objectives and will include general administrative duties, including client correspondence, billing, project documentation, and administration of the study control plan. This task provides for consistent and competent project management to ensure that all deadlines and objectives are met in a timely and efficient manner as requested under Section IV within the RFP. This task also includes ongoing project management. Management responsibilities include general administrative duties such as client correspondence, billing, project documentation, and administration of the study control plan.

Meeting(s)/Conference(s): Two (2) meetings. One (1) kick-off meeting with Agency staff to discuss overall priorities, objectives, framework, and schedule, and one (1) meeting with major stakeholders / property owners.

Deliverable(s): Data Request List, presentation materials, meeting minutes, and history of existing assessments to be provided in Technical Memorandum.

TASK 2 – UPDATED ASSESSMENT METHODOLOGY/ANALYSIS

TASK 2.1 – DEVELOP NEW ASSESSMENT METHODOLOGY

RFC will develop a new assessment methodology to allocate the Agency's CSIP, SVRP, and water delivery service charges. The new methodology will take a fresh look at the improvements and services funded through the assessments and the benefits conferred on property from the improvements and services. Our analysis and assessment methodology will be based on industry standards and will comply with the special benefit provisions of Proposition 218, including:

- A description of the charge and the method by which it will be imposed.
- A compilation of the amount of the charge proposed for each parcel subject to the charge.
- A statement of the methodology and rationale followed in determining the degree of benefit conferred by the services/facilities for which the charge is made.
- A list of assessor parcels upon which the charge is to be imposed.
- The amount of the charge for each of the affected assessor parcels.

The results of the analysis will be presented to the Agency. The parcel database will be able to show the total assessment levy for each property under the existing methodology versus the proposed methodology.

Meeting(s)/Conference(s): One (1) meeting with Agency staff

Deliverable(s): Assessment Methodology Assessment Analysis and Parcel Database in Microsoft Office Excel® 2013

TASK 3 – COST OF SERVICE APPROACH

TASK 3.1 – COST OF SERVICE ANALYSIS

A cost of service rate approach for recovering costs to serve its users will be created by RFC to develop a rate-based approach. Doing so will provide another industry standard comparison for the Agency's revenue requirement recovery.

The cost of service study will be performed based on industry standards and methodologies approved by the American Water Works Association (AWWA) M1 Rate Manual. With a background in Applied Mathematics, Project Manager – Mr. Isaac, has developed numerous utility financial plan, utility rate models, impact fee studies, and has also worked with other public agencies with "Assessments." Mr. Pardiwala, Technical Reviewer, has conducted over a hundred water, wastewater, recycled water, and storm water rate studies. Mr. Isaac and Mr. Pardiwala will collectively ensure that the cost of service allocations focus on service functions, appropriately allocate the cost of service (revenue requirements)

to the service functions, determine how those services are used by each assessment zone, and develop the cost allocation components of the models. Cost allocations among assessment zones will be based on the AWWA-approved Base-Extra Capacity approach which focuses on the different usage patterns (or peaking factors) demonstrated by each assessment zone.

The cost of service will be allocated to the various cost components including, water supply costs, capacity-related costs, commodity costs, customer costs, specific capital costs, and other direct and indirect costs consistent with industry standards. The purpose of this task is to allocate the costs associated with the various costs components to the various assessment zones on the basis of the relative responsibility of each. Costs will be allocated based on the determination of units of service for each assessment zone and the application of unit costs of service to the respective units. The result is the total cost responsibility required of each assessment zone in order to maintain the financial stability of the Agency's water enterprise.

TASK 3.2 – COMPARISON OF METHODOLOGIES

Upon completion of the cost of service analysis, a comparison of the three methodologies will be presented and appended to the model created in Task 2. The three methodologies include:

1. Existing assessment methodology
2. Revised assessment methodology developed in Task 2
3. Cost of service methodology developed in Task 3.1

The model will be able to show the resulting assessments levied for each property under the different assessment methodologies. Agency staff and the Board will be able to clearly observe how each methodology affects the levied assessment for each property.

TASK 3.3 – PREPARATION OF TECHNICAL MEMORANDUM

RFC will present final results and the technical memorandum to the Board of Directors and Agency Board of Supervisors in Workshop format. The presentation materials used in the Workshop will be provided to Agency staff for review prior to the Workshop. The final presentation materials will be available to the General Manager for approval and be distributed to the Board of Directors prior to the Workshop. Comments from the Board of Directors will be incorporated into the Technical Memorandum. The Final Technical Memorandum along with an electronic version will be submitted to the Agency and will include appropriate supporting data from the Model.

Meeting(s)/Conference(s): Two (2) web-meetings with Agency Staff, and one (1) Board workshop

Deliverable(s): Assessment Methodology Model in Microsoft Office Excel® 2013 with Cost of service analysis, draft and final Technical Memoranda

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Consider reviewing the Regional Water Quality Control Board's Draft 401 Water Quality Certification for the Salinas River Stream Maintenance Program; providing direction to Staff; and, authorizing the General Manager to prepare and submit Public Review Comments.		
Consent ()		Action (X)	
Information ()			
SUBMITTED BY:	Robert Johnson	PREPARED BY:	Shaunna Juarez
PHONE:	(831) 755-4860	PHONE:	(831) 755-4865
DEADLINE FOR BOARD ACTION:		July 25, 2016	

RECOMMENDED BOARD ACTION:

Review the Regional Water Quality Control Board's Draft 401 Water Quality Certification for the Salinas River Stream Maintenance Program, Provide Direction to Staff, and authorize the General Manager to Prepare and Submit Public Review Comments.

SUMMARY/DISCUSSION:

The MCWRA has administered a maintenance program since 1997, after severe flooding occurred on the Salinas River in March 1995. The current short-term Salinas River Stream Maintenance Program (Program) is a collaborative effort amongst several project partners and the result of public participation which includes multiple objectives for resource protection and environmental sustainability as well as flood damage reduction. The US Army Corps of Engineers (USACE) is the Federal permitting authority for maintenance activities in the Salinas River through the Clean Water Action Section 404 Process. Additionally, the State Regional Water Quality Control Board (RWQCB) is responsible for ensuring compliance with the Clean Water Act by issuing a 401 Water Quality Certification. The California Department of Fish and Wildlife will be issuing a Streambed Alteration Agreement for the Project through the Resource Conservation District of Monterey County.

The Program was divided into two phases in order to develop the new approach more comprehensively and this was done by identifying River Management Units (RMUs). Phase 1 consists of the Salinas River Multi-Benefit Demonstration Project (Demonstration Project) which includes RMUs in Chualar and Gonzales. It was intended to serve as a model for future work under the Program and provides the framework and tools necessary to develop future RMUs within the overall Program Area. As a demonstration project, it moved forward on a separate path through the permit process and began in October of 2014. Phase 2 of the Program implementation includes the development of five additional RMUs for the remaining Program area, River Miles 2 to 94. These RMUs went through the same development and permitting process that was undertaken for the Demonstration Project and are scheduled to be fully permitted by September of 2016.


The RWQCB recently drafted a 401 Water Quality Certification (401 Cert.) for Phase 2 of the Program which would also incorporate the two RMUs from Phase 1. This would enable the MCWRA to administer one Program for stream maintenance activities along all 7 RMUs providing consistency and increased efficiencies. The 401 Cert. is open for public review until July 29, 2016 when the RWQCB will hold an informational item at their regular meeting to discuss the draft conditions and any comments received. The final 401 Cert. will be based on this interactive process and is anticipated to be issued prior to the September 1st start date for the Program. MCWRA staff has begun reviewing the draft 401 Cert. and some of the requirements within the Certification were not previously presented by the RWQCB staff through the Permitting Committee process. Therefore, staff recommends responding during this public review period in order for the RWQCB to reconsider some of the language proposed in a number of the conditions. A draft response letter will be provided to the Board of Directors on or before the July 25th Board of Directors meeting for discussion and consideration.

OTHER AGENCY INVOLVEMENT:

The Program's Permitting Committee consists of: USACE, NOAA Fisheries, US Fish and Wildlife Service, CA Department of Fish and Wildlife, State RWQCB, The Nature Conservancy, the Grower-Shipper Association, the Resource Conservation District of Monterey County, and local landowners or growers for each Rmu.

FINANCING:

The associated RWQCB 401 Cert. fee (\$90,000) was budgeted in the MCWRA's FY15-16 Budget. Related costs of complying with the draft conditions in the 401 Certification are unknown at this time.

FINANCIAL IMPACT:	YES (<input checked="" type="checkbox"/>) unknown at this time	NO (<input type="checkbox"/>)
FUNDING SOURCE:	Fund 116 - Zone 2C Operations	
COMMITTEE REVIEW AND RECOMMENDATION:	None	
ATTACHMENTS:	1. Board Order 2. RWQCB draft 401 Certification	
APPROVED:	 General Manager	
	Date 7/29/16	



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

BOARD ORDER No. _____

REVIEW THE REGIONAL WATER QUALITY CONTROL)
BOARD'S DRAFT 401 WATER QUALITY CERTIFICATION)
FOR THE SALINAS RIVER STREAM MAINTENANCE)
PROGRAM, PROVIDE DIRECTION TO STAFF, AND AUTHORIZE)
THE GENERAL MANAGER TO PREPARE AND SUBMIT PUBLIC)
REVIEW COMMENTS)

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

1. Reviewed the Regional Water Quality Control Board's Draft 401 Water Quality Certification for the Salinas River Stream Maintenance Program and provided direction to staff; and,
2. Authorizes the General Manager to prepare and submit public review comments.

PASSED AND ADOPTED on this 25th day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: _____
David Hart, Chair
Board of Directors

ATTEST: _____
David E. Chardavoine
General Manager



Central Coast Regional Water Quality Control Board

July 1, 2016

David E. Chardavoyne
Monterey County Water Resource Agency
P.O. Box 930
Salinas, CA 93901
Email: ChardavoyneDE@co.monterey.ca.us

VIA ELECTRONIC MAIL

Dear Mr. Chardavoyne:

DRAFT TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION NUMBER 32716WQ02 FOR 2016-2025 SALINAS RIVER STREAM MAINTENANCE PROGRAM, MONTEREY COUNTY

Thank you for the opportunity to review your December 25, 2016 application for water quality certification of the 2016-2025 Salinas River Maintenance Program (Project). The application was completed on February 3, 2016. The Project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Act Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of State waters. We are issuing the enclosed Certification. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Certification application and submitted documents indicate that Project activities have the potential to affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this Certification to protect water quality and associated beneficial uses from Project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per Section 13267 of the California Water Code.

Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this Certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

D. J. ... W. ... CHAIR ... EXECUTIVE OFFICER

895 Aero... Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast



Item No. 15 Attachment 1
July 28-29, 2016

Proposed CWA Section 401 Water Quality Certification No. 32716WQ02

If you have questions please contact **Jon Rohrbough** at (805) 549-3458 or via email at Jon.Rohrbough@waterboards.ca.gov, or **Phil Hammer** at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,

John M. Robertson
Executive Officer

Enclosures: Action on Request for CWA Section 401 Water Quality Certification

cc: With enclosures

Elizabeth Krafft
Monterey County Water Resources Agency
Email: krafftea@co.monterey.ca.us

Carrie Swanberg
California Department of Fish and Wildlife
Email: Carrie.Swanberg@wildlife.ca.gov

Katerina Galacatos
U.S. Army Corps of Engineers
Email: Katerina.galacatos@usace.army.mil

401 Program Manager
State Water Resources Control Board
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Greg Brown
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Jennifer Siu
U.S. Environmental Protection Agency
Region 9
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Bill Stevens
National Oceanic and Atmospheric Administration
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Joel Casagrande
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Jon Rohrbough
Central Coast Water Board
Email: Jon.Rohrbough@waterboards.ca.gov

Linda Connolly
California Department of Fish and Wildlife
Email: Linda.Connolly@wildlife.ca.gov

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Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: 2016-2025 Salinas River Stream Maintenance Program

APPLICANT: David E. Chardavoine
Monterey County Water Resources Agency
P.O. Box 930
Salinas, CA 93901

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

ATTACHMENTS

1. Project Information and Conditions
2. Findings

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADMINISTRATIVE CONDITIONS:

1. This Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
2. In the event of a violation or threatened violation of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with

the water quality standards and other pertinent requirements incorporated into this Certification.

3. In response to a suspected violation of any condition of this Certification, the Central Coast Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.
4. In response to any violation of the conditions of this Certification, the Central Coast Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the applicant, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
6. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
7. The Permittee shall grant Central Coast Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.
8. The Permittee must, at all times, fully comply with the application, plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and this Certification. The conditions within this Certification and attachment(s) supersede conflicting provisions within applicant submittals.
9. The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
10. This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.
11. The total fee for this project is \$90,000. The remaining fee payable to the Central Coast Water Board is \$89,400.

SPECIAL CONDITIONS

A. Permit Term

1. This Certification expires on August 31, 2025, except that compensatory mitigation implementation, monitoring, and reporting requirements and conditions of this Certification remain in effect until the Permittee complies with all such requirements and conditions. Central Coast Water Board staff will assess the implementation and effectiveness of the Project after five years, and consider modifications to this Certification for the second five years of the permit term.

B. Definitions

1. Low-flow channel. For the purposes of this Certification, "low-flow channel" means the lowest channel in the riverbed, in which the lowest flows are conveyed.
2. Main channel. For the purposes of this Certification, "main channel" means the river channel defined by the outermost banks or levees, including the low-flow channel and riparian vegetation.

C. Activities

1. Monterey County Water Resources Agency (MCWRA) shall implement the Salinas River Stream Maintenance Program as described in the *Salinas River Stream Maintenance Program Permit Application Supplemental Attachment*, dated January 2016 (Supplemental Attachment) and this Certification. Where conditions contained in this Certification disagree with statements in the Supplemental Attachment, this Certification shall govern.
2. MCWRA may only conduct maintenance activities in the 123 secondary channel areas, two selective treatment areas, and three tributary maintenance areas (San Lorenzo Creek, Bryant Canyon Channel, and Gonzales Slough) identified in the Supplemental Attachment. MCWRA shall not conduct maintenance activities outside of these identified areas, and access routes to maintenance areas identified in accordance with Special Condition C.4, unless prior written approval is received from Central Coast Water Board staff in accordance with Special Condition E.2.
 - a. MCWRA may conduct removal and/or herbicidal treatment of arundo and other invasive species anywhere within the main channel, subject to the methods described in the Supplemental Attachment and the conditions of this Certification, provided that invasive species removal and herbicidal treatment areas are identified in the Annual Work Plan and delineated in the pre-maintenance survey in accordance with Special Conditions E.3 and E.4, respectively.
 - b. MCWRA may conduct compensatory mitigation planting activities anywhere within the main channel, subject to Special Condition G and the recommendations of the biologist.
3. MCWRA shall not conduct vegetation or sediment management activities in secondary channels or selective treatment areas within 30 feet of developed areas, including agricultural fields and farm roads, except to construct temporary access routes to maintenance areas in accordance with Special Condition C.4. This condition does not prohibit MCWRA from conducting vegetation or sediment management activities in tributary

maintenance areas within 30 feet of developed areas, subject to Central Coast Water Board staff approval of the Annual Work Plan in accordance with Special Condition E.3.

4. MCWRA shall use existing roads, trails, and access ramps to access maintenance areas to the maximum extent practicable. Access routes shall minimize crossings of the low-flow channel to the maximum extent practicable. Where existing access routes are not sufficient, MCWRA shall construct access routes along sections of existing farm roads. New access routes shall be identified by the biologist during the pre-maintenance survey in accordance with Special Condition E.4 and shall be sited to minimize impacts to native habitat.
 - a. Access routes shall not cross the low-flow channel when water is present, either by bridge, culvert, or ford, unless prior written approval has been obtained from Central Coast Water Board staff.
5. MCWRA shall not conduct maintenance activities in standing or flowing water. MCWRA shall not operate equipment within the wetted stream, or use heavy equipment to cross the wetted stream. Vehicles and equipment shall not enter or cross the low-flow channel when standing or flowing water is present.
6. Herbicide use shall comply with Water Quality Order No. 2013-0002-DWQ Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications.
7. Sediment removed from maintenance areas shall be transported outside of the main channel. Removed sediment shall not be placed in waters of the State. If removed sediment is stockpiled outside of the main channel, it shall be stockpiled in locations where sediment cannot flow into waters of the State.

D. Impacts

1. Total project disturbance in waters of the State shall not exceed 863.7 acres, except as provided for in Special Condition E.2, including the following vegetation communities as defined in the Supplemental Attachment:
 - a. Approximately 13.1 acres of low-stature herbaceous wetland habitat;
 - b. Approximately 27.7 acres of early- and mid-successional cottonwood habitat;
 - c. Approximately 12.8 acres of mid-successional willow habitat;
 - d. Approximately 422.3 acres of early-successional perennial riparian habitat;
 - e. Approximately 161.9 acres of sparse herbaceous vegetation;
 - f. Approximately 66.0 acres of arundo-dominated vegetation; and
 - g. Approximately 159.7 acres of unvegetated or bare ground habitat.
2. MCWRA shall limit impacts to low-stature herbaceous wetland habitat, to the greatest extent practicable, to temporary vegetation damage resulting from driving essential equipment across these wetland areas. Vehicles shall not enter wetland areas when water is present or the ground is moist. Other impacts to low-stature herbaceous wetland habitat are not authorized by this Certification.
3. MCWRA shall field-verify the acreage of impacts to low-stature herbaceous wetland habitat, early- and mid-successional cottonwood habitat, mid-successional willow habitat, and early-successional perennial riparian habitat during the pre-maintenance survey. The field verification shall update the approximate impact acreages listed in the Supplemental Attachment for these habitat types, and shall account for any adjustments to the mapped maintenance areas.

E. Program Management

1. The Project includes maintenance activities previously permitted under Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project. MCWRA shall conduct ongoing maintenance activities in previously permitted areas, as well as compensatory mitigation implementation, monitoring, and reporting activities required and/or begun for impacts in previously permitted areas, as described in this Certification No. 32716WQ02. This Certification replaces Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project.
2. **Adaptive Management.** By May 15 of each year, beginning with the 2017 maintenance season, MCWRA shall identify significant geomorphological changes to the river resulting from fluvial processes, assess whether any mapped maintenance areas should be relocated or realigned in response to those changes, and submit to Central Coast Water Board staff a proposal to modify mapped maintenance area(s). The need for relocation or realignment could arise if mapped maintenance areas shift location or alignment, or if shifts in the location or alignment of the Salinas River low-flow channel indicate a need to modify a mapped secondary channel. MCWRA shall not implement the proposal unless written approval of the proposal has first been obtained from Central Coast Water Board staff.
 - a. The proposal shall be based on evaluation of field conditions and shall apply the design approach described in the Supplemental Attachment.
 - b. The proposal shall identify the significant fluvial geomorphological changes to the river, specific maintenance area(s) proposed to be modified, MCWRA's recommendation for the relocation and/or realignment of each specific maintenance area, MCWRA's rationale for the recommendation, and supporting photographs.
3. **Annual Work Plan.** By August 1 of each year, beginning with the 2017 maintenance season, MCWRA shall submit an Annual Work Plan to Central Coast Water Board staff. The Annual Work Plan shall identify the specific mapped maintenance areas where maintenance activities are proposed that year, describe the maintenance activities proposed in each maintenance area, and identify the route that will be used to access each maintenance area. MCWRA shall not begin maintenance activities unless written approval of the Annual Work Plan has first been obtained from Central Coast Water Board staff.
4. **Pre-Maintenance Survey.** No more than 60 days prior to commencement of maintenance activities, MCWRA shall conduct a pre-maintenance survey of all maintenance areas proposed for maintenance in that year. Pre-maintenance surveys shall be performed by a qualified and trained biologist, and shall:
 - a) Evaluate the proposed alignment of each maintenance area compared to field conditions, and adjust the alignment of the maintenance area where maintenance impacts could be reduced without reducing flood reduction benefits;
 - b) Clearly identify and delineate, by flagging or staking, the boundaries of each maintenance area and points of connection to the low-flow channel;
 - c) Clearly identify and delineate, by flagging or staking, the boundaries of arundo and other invasive species removal and/or herbicide treatment areas that are outside of designated maintenance areas;
 - d) Identify acceptable access routes and temporary low-flow channel crossing locations, where applicable;

Water Resources Agency

- e) Identify and protect sensitive resources to be avoided;
 - f) Field-verify actual Project impacts as described in Special Condition D.3; and
 - g) Determine anticipated mitigation obligations resulting from anticipated impacts.
5. **Training.** All personnel who engage in maintenance activities or their oversight at any maintenance area (MCWRA staff, biologists, landowners and/or their representatives who will perform the work, etc.) must attend training, prior to commencement of their activities, on the conditions of this Certification and how to perform their activities in compliance with those conditions. Trainings shall be conducted by a qualified individual with experience in Water Quality Certification conditions and compliance.
6. **Oversight.** MCWRA shall conduct daily monitoring of all active maintenance sites during maintenance activities during business days, and shall inspect on the following Monday any maintenance site where maintenance activities were conducted over the weekend, to ensure that activities are conducted in accordance with the Supplemental Attachment, the pre-maintenance survey, and this Certification. Any alteration to the maintenance locations and boundaries established during the pre-maintenance survey must be approved by a qualified biologist. MCWRA shall also (a) quantify actual impacts to low-stature herbaceous wetland habitat, early- and mid-successional cottonwood habitat, mid-successional willow habitat, and early-successional perennial riparian habitat in each maintenance area; b) quantify sediment removed; and c) determine actual mitigation obligations resulting from actual impacts.

F. Scheduling

1. **Work Window.** MCWRA shall conduct all vegetation and sediment removal activities in waters of the State from June 1 through November 15. No vegetation or sediment removal activities shall be conducted from November 16 through May 31 unless prior written approval has been obtained from Central Coast Water Board staff. Requests to conduct vegetation or sediment removal activities from November 16 through May 31 shall be submitted to Central Coast Water Board staff at least 21 days prior to the planned work date.
- a) Tree planting for compensatory mitigation purposes may occur all year, except that tree planting activities shall not occur during rain events, in standing or flowing water, or on a bank above standing or flowing water. In addition, tree planting activities performed from November 16 through May 31 shall be conducted using hand tools only.
2. **Rain Events.** MCWRA shall not conduct maintenance, mitigation, or restoration activities during rain events. MCWRA shall comply with the following conditions when scheduling and conducting maintenance, mitigation, or restoration activities:
- a) At 2:00 p.m. on the day before planned activities, if the National Weather Service forecast for the nearest municipality predicts a 25% or more chance of 0.25 inch of rain within 24 hours, MCWRA shall install effective erosion control, sediment control, and other protective measures and shall smooth active sediment removal and/or movement sites in anticipation of potential rain events. MCWRA may plan to conduct maintenance, mitigation, or restoration activities the following day subject to the other conditions of this Certification.
 - b) At 2:00 p.m. on the day before planned activities, MCWRA shall cancel the following day's work, and shall smooth active sediment removal and/or movement areas and

remove arundo debris piles outside the outer banks/levees, if flow conditions at any of the following locations indicates the possibility that standing or flowing water may occur in areas where maintenance is proposed the following day (for the purposes of this Certification, "arundo debris pile" means cut material that has been gathered into a pile rather than chipped in place):

- i. Salinas River at the USGS flow gauge near Bradley (gauge no. 11150500);
 - ii. Salinas River at the USGS flow gauge at the Highway 101 bridge near Soledad (gauge no. 11151700); or
 - iii. Arroyo Seco River at the USGS flow gauge at the Arroyo Seco Road bridge near Soledad (gauge no. 11152050).
- c) At 7:00 a.m. on the day of planned activities, MCRWA shall cancel that day's work at any maintenance site if any of the following applies at the site:
- i. Rainfall is occurring. For the purposes of this Certification, "rainfall" includes rain, showers, or drizzle, but not fog or mist; or
 - ii. Standing or flowing water is present in work areas.
- d) At 7:00 a.m. on the day of planned activities, if the National Weather Service forecast for the nearest municipality predicts a 25% or more chance of rain that day (regardless of amount) but rainfall is not presently occurring, MCWRA may conduct scheduled work activities subject to the following:
- i. MCWRA shall keep equipment, trash, and non-plant-matter debris within the levees to a minimum.
 - ii. MCWRA shall chip cut arundo debris in place.
 - iii. MCWRA shall not drive equipment across the low-flow river channel or work in any location that requires access across the low-flow river channel.
 - iv. MCWRA shall not conduct any sediment removal or movement activities. For the purposes of this Certification, "sediment removal or movement activities" means any shaping of the riverbed beyond what is incidental to vegetation removal activities.
- e) MCWRA shall cease work; install effective erosion control, sediment control, and other protective measures; and remove equipment, trash, and non-plant-matter debris outside the outer banks/levees at any time rainfall begins, as defined in this Certification. MCWRA may resume work when rainfall ceases, provided that rainfall appears to be over for the day and subject to Special Condition F.2.d.

G. Compensatory Mitigation

1. MCWRA shall implement compensatory mitigation installation, maintenance, and monitoring as described in the *Salinas River Stream Maintenance Program Revised Final Environmental Impact Report*, dated June 2014 (EIR); the Supplemental Attachment; and this Certification. Where statements in the Supplemental Attachment disagree with statements in the EIR, the Supplemental Attachment shall govern. Where conditions contained in this Certification disagree with statements in the EIR or the Supplemental Attachment, this Certification shall govern.
2. MCWRA shall provide the following compensatory mitigation for actual Project impacts:
 - a) MCWRA shall mitigate for removal of non-willow riparian trees (e.g., cottonwood, alder, box elder, sycamore) larger than two inches in diameter by planting cottonwood, sycamore, or alder trees at a 3:1 ratio (trees planted to trees removed).

- b) MCWRA shall mitigate for removal of willows equal to or greater than six inches in diameter at a 2:1 ratio (trees planted to trees removed).
 - c) MCWRA shall mitigate for impacts to mid-successional willow habitat through the removal of arundo at a 3:1 ratio (acres of arundo removed to acres of mid-successional willow habitat removed).
 - d) MCWRA shall mitigate for impacts to early-successional perennial riparian habitat through the removal of arundo at a 0.5:1 ratio (acres of arundo removed to acres of early-successional perennial riparian habitat removed).
3. Mid-successional willow and early-successional perennial riparian habitats growing as secondary vegetation within early- to mid-successional cottonwood forest shall be counted as mid-successional willow and early-successional perennial riparian habitat for the purpose of calculating mitigation obligations.
 4. Arundo removal as compensatory mitigation for impacts to mid-successional willow and early-successional perennial riparian habitats shall occur within the main channel, but only outside designated maintenance areas (including secondary channels, selective treatment areas, and tributary maintenance areas).
 5. MCWRA shall mitigate for impacts to low-stature herbaceous wetland habitat by restoring impacted wetland areas to pre-impact conditions.
 6. MCWRA shall be required to provide compensatory mitigation for impacts only once during the 10-year permit term. Repeat maintenance activities in a previously-maintained area shall not require additional compensatory mitigation.
 - a) Repeat maintenance activities in maintenance areas where initial maintenance was conducted under Certification No. 32714WQ03 prior to issuance of this Certification No. 32716WQ02, and for which compensatory mitigation has also been provided under Certification No. 32714WQ03, need not be mitigated again during the 10-year term of this Certification No. 32716WQ02.
 7. MCWRA shall re-treat arundo removal areas as described in the Supplemental Attachment and as necessary to achieve final performance criteria.
 8. Compensatory mitigation shall achieve the following final performance criteria:
 - a) Mitigation tree plantings shall achieve 85% survival five years after planting.
 - b) Arundo removal areas, including arundo removed within designated maintenance areas and not intended as mitigation for impacts, shall achieve 1% or less cover by arundo five years after initial removal.
 - c) Impacted wetland areas shall achieve pre-maintenance conditions two years after impact.
 - d) Mitigation plantings must be without supplemental irrigation for at least two years prior to assessment of final performance criteria.
 9. MCWRA shall complete implementation of mitigation plantings within 12 months of completion of maintenance activities for which the plantings are required as compensatory mitigation. MCWRA shall complete initial removal of arundo within 12 months of the completion of maintenance activities for which the arundo removal is required as compensatory mitigation.

10. MCWRA shall restore all other temporary impacts (e.g., access routes, temporary crossings, etc.) to pre-maintenance conditions. Temporary access routes shall be restored to pre-maintenance conditions at the end of the maintenance season. Access routes not removed at the end of the maintenance season in which they are constructed shall be considered "permanent" access routes, and MCWRA shall provide compensatory mitigation for impacts to native vegetation in accordance with Special Condition G. "Permanent" access routes shall be restored to pre-maintenance conditions at the end of the permit term.

H. Inspections and Monitoring

1. MCWRA shall visually inspect all maintenance sites and areas of waters of the State adjacent to maintenance sites following completion of maintenance activities and for one subsequent rainy season to ensure that maintenance activities are not causing excessive erosion or other water quality problems. If maintenance activities do cause water quality problems, MCWRA shall contact the Central Coast Water Board staff member overseeing the Project. MCWRA shall be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.
2. MCWRA shall monitor the low-flow channel and designated secondary channels for channel movement due to fluvial processes. MCWRA shall conduct this monitoring prior to development of the Annual Work Plan each year in (a) each secondary channel proposed for maintenance that year; (b) the reach of the low-flow channel for which each secondary channel proposed for maintenance that year is designed to reduce flow; and (c) upstream and downstream connection points between the low-flow channel and each secondary channel proposed for maintenance that year. If channel movement is observed, MCWRA shall evaluate field conditions and assess the need for adaptive management as described in Special Condition E.2.
3. MCWRA shall monitor compensatory mitigation planting sites each year for five years following completion of planting. Monitoring shall include assessment of growth, survival, percent cover, general health and stature, and progress toward achieving final performance criteria; and shall determine whether remedial actions are needed to achieve final performance criteria. Monitoring shall also include photographs taken from vantage locations identified prior to revegetation activities that enable Central Coast Water Board staff to identify changes in size and cover of plants. If final performance criteria are not achieved within five years, MCWRA shall continue biennial (every other year) monitoring and maintenance until final performance criteria are achieved.
4. MCWRA shall monitor all arundo removal areas each year for five years following completion of initial removal, including arundo removed within designated maintenance areas and not intended as mitigation for impacts. Monitoring shall include assessment of arundo regrowth and progress toward achieving success criteria, and shall determine whether remedial actions are needed to achieve final performance criteria. If final performance criteria are not achieved within five years, MCWRA shall continue biennial monitoring and maintenance until final performance criteria are achieved.
5. During monitoring of arundo removal areas outside of designated secondary channels, MCWRA shall also assess natural recruitment of native vegetation. Monitoring shall include visual assessment of the amount, extent, and distribution of plant recruitment; plant species recruited; extent of native versus non-native plants recruited; and overall health and stature of native plants recruited.

6. MCWRA shall monitor impacted low-stature herbaceous wetland areas for two years after the initial impact.
7. MCWRA shall monitor temporary impact areas for two years after completion of restoration activities to ensure that impact areas are restored to pre-maintenance conditions.

I. Long-Term Effectiveness Assessment Plan

1. MCWRA shall develop a Long-Term Effectiveness Assessment Plan to evaluate the Project's overall effectiveness at achieving projected flood reduction benefits while also protecting beneficial uses and habitat function. MCWRA shall submit the plan for review and approval by Central Coast Water Board staff with the 2017 Annual Report **by May 31, 2017**. The plan shall describe the information MCWRA will collect, the monitoring activities MCWRA will conduct to collect the information, and the analyses MCWRA will perform to evaluate the Project's overall effectiveness.
2. The Long-Term Effectiveness Assessment Plan shall include at least the following information and analyses:
 - a) Effectiveness monitoring: MCWRA shall conduct pre- and post-maintenance topographic surveys of 10% of all secondary channels in all river management units, and shall use the survey data to calibrate the hydraulic model, determine how the maintenance areas are functioning, and assess the sediment transport characteristics and impacts of the maintenance areas.
 - b) Design verification monitoring: MCWRA shall analyze flow events to determine whether secondary channels are activated under the flow conditions anticipated by the design, and are functioning designed.
 - c) Flood risk reduction monitoring: MCWRA shall analyze any flood events that occur to determine whether the Project achieves the anticipated flood reduction benefits.
 - d) Biological function monitoring: MCWRA shall collect and analyze information indicative of the Project's overall effect on beneficial uses and habitat function. Biological function monitoring shall include observation and analysis designed to assess the following elements, at a minimum:
 - Recruitment of native riparian vegetation in areas where arundo was removed for mitigation purposes;
 - Increasing channel complexity (primary and secondary channels, channel braiding);
 - Reduction in flow velocity in the low-flow channel;
 - Increasing diversity of riparian habitat conditions (earlier to later successional vegetation communities); and
 - Increasing wildlife movement and habitation within the main channel.
3. The plan shall be developed by qualified personnel with expertise in the biology of riparian ecosystems, fluvial geomorphology, and hydrologic and hydraulic modeling of braided riverine systems.
4. The plan shall include a timeline and interim objectives for submitting the following long-term effectiveness assessment reports to the Central Coast Water Board:
 - a) A first report, covering the first five years of Project implementation, with the 2021 Annual Report **by May 31, 2021**; and

- b) A final report, covering ten years of Project implementation, with the 2026 Annual Report by May 31, 2026.

J. Long-Term Salinas River Management Strategy

1. MCWRA shall develop a Long-Term Management Strategy for the Salinas River. The strategy shall address, at a minimum, (a) reasonable flood risk reduction objectives; (b) channel maintenance; (c) optimization of ecological function; (d) flow objectives supporting beneficial uses, including fish habitat and migration; (e) long-term arundo control; and (f) operation of the Salinas River lagoon.
2. MCWRA shall develop a timeline and interim objectives for developing the Long-Term Management Strategy.
 - a) MCWRA shall submit the timeline and interim objectives, together with a summary of the elements that will be addressed in the strategy, to Central Coast Water Board staff with the 2017 Annual Report by May 31, 2017.
 - b) MCWRA shall submit the draft long-term Salinas River management strategy to the Central Coast Water Board with the 2021 Annual Report by May 31, 2021, for Central Coast Water Board staff review and approval.
 - c) MCWRA shall submit the final long-term Salinas River management strategy to the Central Coast Water Board with the 2022 Annual Report by May 31, 2022.

K. Reporting

1. MCWRA shall submit all required reporting to the Central Coast Water Board staff member overseeing the Project and to RB3_401Reporting@waterboards.ca.gov.
2. Streambed Alteration Agreement. MCWRA shall submit a signed copy of the Department of Fish and Wildlife's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to commencement of maintenance activities.
3. Annual Work Plan. By August 1 of each year, MCWRA shall submit to the Central Coast Water Board the Annual Work Plan in accordance with Special Condition E.3.
4. Annual Report. By May 31 of each year, MCWRA shall submit to the Central Coast Water Board an annual report. MCWRA shall submit Annual Reports until MCWRA has conducted all required monitoring, mitigation has achieved all final performance criteria, and MCWRA has notified the Central Coast Water Board of mitigation completion. Each Annual Report shall include, at a minimum:
 - a) Identification of any adaptive management modifications made in accordance with Special Condition E.2;
 - b) A summary of training activities, including information demonstrating compliance with Special Condition E.5;
 - c) A summary of pre-maintenance survey activities, including a description of any adjustments made in the field to maintenance area alignments as described in Special Condition E.4;
 - d) A description of maintenance activities performed, including identification of all maintenance areas where maintenance occurred, and a summary of the work performed;

- e) The quantity of impacts to early- and mid-successional cottonwood, mid-successional willow, and early-successional perennial riparian habitats;
 - f) A description of impacts to low-stature herbaceous wetland habitat, including the quantity of impact and how impacts were restored;
 - g) The quantity of mitigation required to compensate for Project impacts occurring since the commencement of Project maintenance activities, the quantity of mitigation implemented since the commencement of Project maintenance activities, and the quantity of mitigation that remains to be implemented in order to satisfy mitigation requirements for all impacts to-date;
 - h) A description of the results of required visual inspections of the Project site and areas of waters of the State adjacent to Project impact areas, including:
 - i. Erosion conditions;
 - ii. Water quality and beneficial use conditions;
 - iii. Representative photographs of the Project site and areas of waters of the State adjacent to Project impact areas; and
 - iv. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the Project is no longer causing excessive erosion or other water quality problems.
 - i) Mitigation reporting, including the following information:
 - i. A description of mitigation activities completed, including type and quantity of mitigation, date mitigation activities began, and date mitigation activities were completed;
 - ii. Verification that mitigation activities were conducted according to the Supplemental Attachment and the conditions of this Certification;
 - iii. The results of mitigation monitoring conducted in accordance with the conditions of this Certification and as described in the Supplemental Attachment;
 - iv. Any remedial actions taken or needed;
 - v. Any additional information specified in the Supplemental Attachment; and
 - vi. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which Central Coast Water Board staff can identify changes in size and cover of plants. Compare photos of installed mitigation with photos of the mitigation areas prior to installation.
 - j) A description of mitigation completion status, that identifies the amount of mitigation monitoring and maintenance remaining, or certifies that mitigation is complete and all required mitigation monitoring and maintenance has been conducted and all final performance criteria achieved. If the monitoring period is over, but all final performance criteria have not been achieved, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.
 - k) An update on progress toward developing the Long-term Salinas River Management Strategy, as described in Special Condition J.
5. **Program Reassessment Reporting.** By May 31, 2021, MCWRA shall submit the information listed below to the Central Coast Water Board with the 2021 Annual Report. Central Coast Water Board staff will use the information to assess the implementation and effectiveness of the Project. Submitted information shall include:

- a) A summary of maintenance activities, impacts, and mitigation activities conducted in the first five years of Project implementation; and
 - b) A summary of all monitoring information collected, as well as a detailed description and results of all analysis required, in accordance with Special Condition H.
6. Long-Term Effectiveness Assessment Reporting. MCWRA shall submit to the Central Coast Water Board the following Long-Term Effectiveness Assessment Plan reporting developed in accordance with Special Condition I. Long-Term Effectiveness Assessment Plan reports shall be submitted with the Annual Report.
- a) **By May 31, 2017**, the Long-Term Effectiveness Assessment Plan;
 - b) **By May 31, 2021**, the first report; and
 - c) **By May 31, 2026**, the final report.
7. Long-Term Salinas River Management Strategy Reporting. MCWRA shall submit to the Central Coast Water Board the following Long-Term Management Strategy reporting developed in accordance with Special Condition J. Long-Term Effectiveness Assessment Plan reports shall be submitted with the Annual Report.
- a) **By May 31, 2017**, the timeline and interim objectives for developing the strategy, and a summary of elements to be addressed in the strategy;
 - b) **By May 31, 2021**, the draft Long-Term Salinas River Management Strategy; and

L. Records and Data Management

1. MCWRA shall develop and maintain a data management system to track maintenance and mitigation activities. The data management system shall be capable of tracking the following information:
 - a) The date of all required trainings;
 - b) The date of all required pre-maintenance surveys;
 - c) Adjustments made to maintenance area alignments resulting from adaptive management decisions or pre-maintenance surveys;
 - d) The date maintenance activities occurred in each maintenance area, including repeat maintenance efforts in the same maintenance area(s);
 - e) The quantity of impacts to habitat types requiring mitigation, and the date the impact occurred;
 - f) Identification of all mitigation areas, including the location and size of each mitigation area;
 - g) The date mitigation implementation was completed in each mitigation area;
 - h) The date of all visual inspections required by Special Conditions H.1 and H.2;
 - i) The date of all compensatory mitigation monitoring activities required by Special Conditions H.3 through H.7, and the date of any remedial actions taken;
 - j) A comparison of the total mitigation obligation accrued with the total quantity of compensatory mitigation implemented; and
 - k) The date of all Long-Term Effectiveness Assessment Monitoring activities conducted in accordance with Special Condition I.
2. MCWRA shall maintain records of all visual inspections and monitoring events conducted in accordance with Special Condition H, including personnel performing the inspections, inspection dates, locations, observations, and corrective actions taken.

3. MCWRA shall retain all required records for a period of at least 5 years.

M. General Project Requirements

1. All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
2. MCWRA shall implement effective erosion control, sediment control, and other protective measures prior to the start of any rain events.
3. MCWRA shall remove all equipment, trash, debris, and arundo debris piles outside the outer banks/levees at the end of each work day.
4. MCWRA shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.
5. All vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. All vehicle fueling and maintenance activity shall occur at least 100 feet away from the Salinas River main channel and other waters of the State, and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from Central Coast Water Board staff.
6. Dewatering and stream diversion measures are not authorized based on the application.
7. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the Project.
8. Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this Project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. MCWRA shall inform Central Coast Water Board staff of any modifications that interfere with compliance with this Certification.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Jon Rohrbough
(805) 549-3458
Jon.Rohrbough@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the 2016-2025 Salinas River Stream Maintenance Program shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent

Standards") of the Clean Water Act. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information and Conditions, and (b) compliance with all applicable requirements of the Central Coast Water Board's policies and Water Quality Control Plan (Basin Plan).

John M. Robertson
Executive Officer
Central Coast Water Board

Date

**Attachment 1
PROJECT INFORMATION AND CONDITIONS**

Application Date	Received: December 25, 2016 Completed: February 3, 2016
Applicant	David E. Chardavoyne Monterey County Water Resources Agency P.O. Box 930 Salinas, CA 93901 Email: ChardavoyneDE@co.monterey.ca.us 831-755-4860
Applicant Representatives	Elizabeth Krafft Monterey County Water Resources Agency P.O. Box 930 Salinas, CA 93901 Email: krafftea@co.monterey.ca.us 831-755-4860
Project Name	2016-2025 Salinas River Stream Maintenance Program
Application Number	32716WQ02
Type of Project	Bank and Channel Modification
Project Location	Monterey County <u>From:</u> Latitude: 35° 58' 16.55" N Longitude: -120° 53' 20.09" W <u>To:</u> Latitude: 36° 43' 54.76" N Longitude: -121° 46' 58.70" W
County	Monterey
Receiving Water(s)	Salinas River, San Lorenzo Creek, Bryant Canyon Channel, Gonzales Slough 309.10, 309.30, and 309.40 Salinas Hydrologic Unit
Water Body Type	Streambed, river
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Process Supply (PROC) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of this Project is to provide flood risk reduction that protects ecological conditions. The Project includes maintenance activities in seven river management

	<p>units (RMUs) along the Salinas River in Monterey County, including RMUs 4 and 5, which were previously permitted under Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project. This Certification replaces Water Quality Certification No. 32714WQ03.</p> <p>Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff understands that the Project includes the following activities:</p> <ol style="list-style-type: none"> 1. Removing vegetation from 123 secondary channels and two selective treatment areas within the main channel of the Salinas River between river miles 2 and 94; 2. Removing vegetation from portions of three tributaries (San Lorenzo Creek, Bryant Canyon Channel, and Gonzales Slough); 3. Removing sediment from designated maintenance areas; and 4. Constructing temporary access routes into the Salinas River main channel where needed to conduct vegetation and sediment management activities.
U.S. Army Corps of Engineers Permit No.	Regional General Permit No. _____
Federal Public Notice	NA
Dept. of Fish and Wildlife Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.
Status of CEQA Compliance	Environmental Impact Report Lead Agency: Monterey County Water Resources Agency (CEQA Findings of Fact are included in Attachment 2)
Total Certification Fee	\$90,000
Area of Disturbance	Approximately 863.7 acres total Streambed: 863.7 acres temporary
Dredge Volume	NA
Excavation Volume	Approximately 554,420 cubic yards total (maximum, per year) Streambed: 554,420 cubic yards temporary (maximum, per year)
Fill Volume	NA
Compensatory Mitigation	See Special Condition G
Monitoring Requirements	See Special Conditions H and I
Reporting Requirements	See Special Condition K

**Attachment 2
FINDINGS**

A. CEQA Findings of Facts

1. Environmental Review. On July 30, 2014, MCWRA, as lead agency, certified a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2011041066) for the Project and filed a Notice of Determination with the State Clearinghouse on July 31, 2014. The Central Coast Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069), and in making its determinations and findings must presume that MCWRA's certified Final EIR comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3). The Central Coast Water Board has reviewed and considered the Final EIR and finds that the Final EIR prepared by MCWRA addresses the Project's water resource impacts (Cal. Code Regs., tit. 14, § 15096, subd. (f)). The Final EIR includes the mitigation, monitoring, and reporting program developed by MCWRA for all mitigation measures that have been adopted for the Project to reduce potential significant impacts (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d)).
2. Incorporation by Reference.
 - a) Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Certification based on the Project Final EIR, the application for this Certification, and the *Salinas River Stream Maintenance Program Permit Application Supplemental Attachment*, dated January 2016 (Supplemental Attachment).
 - i. The Project Draft EIR, which includes analyses of broad impacts and serves as a first tier document for the Final EIR, is available at:
http://www.mcwra.co.monterey.ca.us/salinas_river_maintenance/eir.php.
 - ii. All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final EIR which is incorporated herein by reference. The Project Final EIR is available at:
http://www.mcwra.co.monterey.ca.us/salinas_river_maintenance/eir.php.
 - b) Requirements under the purview of the Central Coast Water Board in the mitigation, monitoring, and reporting program are incorporated herein by reference.
 - c) MCWRA's application for water quality certification of the Project, including the Supplemental Attachment and all other supplemental information provided, is incorporated herein by reference.
3. Findings. The Final EIR describes the potential significant environmental effects to water resources. Having considered the whole of the record (including comments received during the public review process for this Certification), the Central Coast Water Board makes the following findings:
 - a) Findings regarding impacts that will be mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

There are changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

i.A. Potential Significant Impact: Loss of Waters of the State

The Project could result in the loss and/or disturbance of waters of the State. The Project includes targeted removal of riparian vegetation from the Salinas River main channel. The Project's vegetation removal activities could result in temporary disturbance to and loss of riparian habitat, and could thereby increase habitat fragmentation and reduce riparian habitat quality.

i.B. Facts in Support of Finding:

All Project impacts are temporary. In addition, the Project provides mitigation for impacts to riparian habitat. The Project includes removal of arundo, which will directly improve ecological function of the riparian corridor and will allow recruitment of native habitat in arundo removal areas.

ii.A. Potential Significant Impact: Water Quality

The Project could result in degradation of water quality, with corollary degradation of beneficial uses. The Project includes operation of vehicles and equipment within the Salinas River main channel.

ii.B. Facts in Support of Finding:

All maintenance activities will be conducted between June 1 and November 15 each year, when water is unlikely to be present in the Salinas River outside the low-flow channel. No maintenance activities, including operation of vehicles and equipment, will be permitted in standing or flowing water. No vehicles or equipment will be permitted to enter or cross the low-flow channel when standing or flowing water is present. In addition, this Certification includes standard water quality protection provisions addressing staging, vehicle refueling and maintenance, and activities during rain events.

iii.A. Potential Significant Impact: Steelhead

The Project's vegetation removal and sediment management activities could affect steelhead migration habitat due to increased turbidity. Project activities could increase the amount of fine sediment available to be mobilized by the river and increase water column turbidity, particularly during high flows in the winter and spring.

iii.B. Facts in Support of Finding:

Sediment removed during maintenance activities will not be stockpiled within waters of the State, and will be disposed of outside of the main channel. MCWRA will implement erosion and sediment controls to prevent sediment from stockpile and disposal areas from re-entering the main channel. The Salinas River is already a very turbid waterbody: The FEIR estimates the average sediment load carried by the Salina River to be 1.57 million cubic yards.¹ In addition, Project activities will disturb only 863 acres out of approximately 12,400 acres of riparian habitat within the main channel estimated by the EIR.² Sediment mobilization related to

¹ *Salinas River Stream Maintenance Program Revised Final EIR*, volume 1. June, 2014. (p. 3-142).

² *ibid.*, p. 2-26.

vegetation and sediment management activities would make a negligible contribution to sediment load compared with sediment supplied by the riverbed itself and from upland sources conveyed to the river during storm events.³ The Project also includes erosion and sediment control measures to reduce sediment discharges related to Project activities.

iv.A. Potential Significant Impact: Sensitive Species

The Project could affect sensitive species through runoff of sediments or pollutants. The Project includes herbicide application for control of non-native and invasive species.

iv.B. Facts in Support of Finding:

The Project includes erosion and sediment control measures to reduce pollutant discharges related to Project activities. Herbicides will be limited to products approved by the U.S. Environmental Protection Agency for aquatic use, and herbicide application will comply with Water Quality Order No. 2013-0002-DWQ Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications.

4. Determination.

The Central Coast Water Board has determined that the Project, when implemented in accordance with the mitigation, monitoring, and reporting program and the conditions in this Certification, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The Central Coast Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Certification. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)

B. Public Review and Comment

1. Central Coast Water Board staff posted MCWRA's application for water quality certification for the Project on February 1, 2016, for a 21-day public review and comment period. Notice of the application was posted on the Central Coast Water Board website and distributed to interested parties.
2. Central Coast Water Board staff posted the draft Certification on July 6, 2016, for a 23-day public review and comment period. Notice of the draft Certification was posted on the Central Coast Water Board website and distributed to interested parties.
3. Central Coast Water Board staff reviewed and considered all public comments during preparation of this Certification. Central Coast Water Board staff prepared written responses to public comments, and posted the responses, along with the final Certification, on the Central Coast Water Board website, and distributed notice of Central Coast Water Board staff responses to comments and this Certification to the interested parties list.
4. The Central Coast Water Board Executive Officer has reviewed all public comments received on MCWRA's application for water quality certification and on this Certification, Central Coast Water Board staff's responses to comments, and this Certification.

³ *Salinas River Stream Maintenance Program Revised Final EIR*, volume 1. June, 2014. (pp. 3-141 to 3-142).

CALENDAR OF EVENTS
August and September 2016

August 2016

August 2016							September 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 31 - Aug 6	Jul 31	Aug 1	2	3 8:30am 9:30am BMP Committee (Board Room) 10:00am 11:30am Planning Committee (Board Room)	4	5 8:30am 9:30am Personnel/Admin. Cmt. (Board Room) 10:00am 11:00am Finance Committee (Board Room)	6
Aug 7 - 13	7	8	9	10	11	12	13
Aug 14 - 20	14	15 1:00pm 5:00pm Regular BOD Mtg. (BOS CHAMBERS)	16	17	18	19	20
Aug 21 - 27	21	22	23	24	25 1:30pm 3:00pm Reservoir Ops Cmt.	26	27
Aug 28 - Sep 3	28	29	30	31	Sep 1	2	3

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September 2016

September 2016							October 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30		29	30	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Aug 28	29	30	31	Sep 1	2	3
Aug 28 - Sep 3						8:30am 9:30am Personnel/Admin. Cmt. (Board Room) 10:00am 11:00am Finance Committee (Board Room)	
	4	5	6	7	8	9	10
Sep 4 - 10				8:30am 9:30am BMP Committee (Board Room) 10:00am 11:30am Planning Committee (Board Room)			
	11	12	13	14	15	16	17
Sep 11 - 17							
	18	19	20	21	22	23	24
Sep 18 - 24		1:00pm 5:00pm Regular BOD Mtg. (BOS CHAMBERS)					
	25	26	27	28	29	30	Oct 1
Sep 25 - Oct 1					1:30pm 3:00pm Reservoir Ops Cmt.		

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INFORMATION ITEMS

June 2016 Land Use Permit Report

MCWRA permitting areas of responsibility include: Drainage/Stormwater Control, Floodplain Management, and Water Supply.



DISCRETIONARY PERMITS REFERRED FROM THE RMA-PLANNING DEPARTMENT

DATE	PROJECT NAME	AREA	PROJECT DESCRIPTION	CONDITION TYPES
06/06/2016	SHORES	SOUTH COUNTY	CONSTRUCT AN SFD.	NONE
06/06/2016	KREBS	GREATER MONTEREY PENINSULA	CONSTRUCT A 3,213 SQ FT SFD W/ AN ATTACHED GARAGE, AND A 2040 SQ FT DETACHED GARAGE.	DRAINAGE CONTROL
06/06/2016	TWO GIRLS RANCH LAND LLC	CENTRAL SALINAS VALLEY	CONSTRUCT A 706 SQ. FT. YURT STRUCTURE ON A 1,600 SQ. FT. DECK ON PIER FOOTINGS TO BE USED AS A SECOND RESIDENCE.	NONE
06/13/2016	TAORMINA	CARMEL	CONSTRUCT A 2,140 SQ FT ADDITION TO AN HISTORICALLY SIGNIFICANT SFD; DEMO, REBUILD A GUESTHOUSE.	WATER SUPPLY
06/13/2016	MENDONSA ENT.	NORTH COUNTY	CONSTRUCT A 3,253 SQ FT SFD W/ A 744 SQ FT ATTACHED GARAGE.	NONE
06/20/2016	MILLER	DEL MONTE FOREST	DEMO AN SFD; CONSTRUCT A 6,566 SQ FT SFD W/ A DETACHED GARAGE.	DRAINAGE CONTROL, WATER SUPPLY
06/20/2016	HILL	DEL MONTE FOREST	ALLOW A TRANSIENT USE (SHORT-TERM RENTAL) OF AN SFD.	NONE
06/20/2016	KRECHUNIAK	DEL MONTE FOREST	CONSTRUCT A 2,781 SQ FT SFD W/ A 500 SQ FT ATTACHED GARAGE.	DRAINAGE CONTROL
06/20/2016	GRECO	TORO	PERMIT AMENDMENT AND EXTENSION OF A PREVIOUSLY APPROVED USE PERMIT CONSISTING OF A CONTRACTOR'S YARD, SHOP BLDG, AND SFD; AMENDMENT CONSISTS OF MAKING PART OF THE PROPERTY AVAILABLE FOR RENTAL FOR CONTRACTOR'S STORAGE AND OTHER BUSINESSES.	FLOODPLAIN
06/27/2016	GEREMIA	DEL MONTE FOREST	MINOR SUBDIVISION OF ONE LEGAL LOT OF RECORD INTO TWO LOTS; CONSTRUCT A 2,705 SQ FT SFD ON ONE OF THE LOTS.	DRAINAGE CONTROL, WATER SUPPLY
06/27/2016	BIG SUR LAND TRUST	CARMEL	ADDITION TO EXISTING TELECOMMUNICATIONS TOWER.	NONE

June 2016 Land Use Permit Report

MCWRA permitting areas of responsibility include: Drainage/Stormwater Control, Floodplain Management, and Water Supply.



06/27/2016	LINDLEY	GREATER SALINAS	CONSTRUCT A 630 SQ FT ACCESSORY DWELLING UNIT.	NONE
CONSTRUCTION PERMITS REFERRED FROM THE RMA-BUILDING SERVICES DEPARTMENT				
DATE	PROJECT NAME	AREA	PROJECT DESCRIPTION	CONDITION TYPES
06/02/2016	BETHE	CARMEL	CONVERT EXISTING 463 SQ FT GARAGE INTO HABITABLE SPACE.	FLOODPLAIN, WATER SUPPLY
06/02/2016	BETHE	CARMEL	CONVERT 463 SQ FT ATTACHED GARAGE TO HABITABLE SPACE.	FLOODPLAIN
06/06/2016	DUFLOCK FAMILY	SOUTH COUNTY	REMODEL SFD.	NONE
06/06/2016	MESSIAH	CARMEL	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/07/2016	GEORGE	GREATER SALINAS	GRADING FOR FIVE COMMERCIAL STORAGE BUILDINGS.	FLOODPLAIN
06/09/2016	HURD	CARMEL VALLEY	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/10/2016	ROSENBERGER	CARMEL	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/14/2016	JEFFERY	CARMEL VALLEY	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/15/2016	MAXON	CARMEL VALLEY	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/22/2016	LOWE	CARMEL VALLEY	REMODEL, ADDITION TO SFD.	WATER SUPPLY
06/24/2016	LO	DEL MONTE FOREST	REMODEL SFD.	WATER SUPPLY
06/24/2016	FERGUSON	CARMEL	REMODEL SFD.	FLOODPLAIN, WATER SUPPLY

June 2016 Land Use Permit Report

MCWRA permitting areas of responsibility include: Drainage/Stormwater Control, Floodplain Management, and Water Supply.



06/27/2016	PIERCE	SOUTH COUNTY	CONSTRUCT A 3,150 SQ FT BARREL STORAGE BLDG.	NONE
06/29/2016	MOISE	CARMEL VALLEY	CONSTRUCT A 5,846 SQ FT SFD.	DRAINAGE CONTROL, WATER SUPPLY
06/29/2016	WARD	CARMEL	ADDITION TO SFD.	WATER SUPPLY
06/30/2016	CARMEL VALLEY PARTNERS	CARMEL	TENANT IMPROVEMENT.	WATER SUPPLY

Monterey County Water Recycling Projects (MCWRP) & Salinas River Diversion Facility (SRDF) Water Production (Acre Feet)

Source	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16
	Jul-98	Jul-99	Jul-00	July-01	July-02	July-03	July-04	July-05	July-06	July-07	July-08	July-09	July-10	July-11	July-12	July-13	July-14	July-15
CSIP-Wells	772	1,318	1,234	1,535	1,363	1,821	1,565	1,507	1,424	1,517	1,590	1,699	267	316	214	98	1,303	1,351
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	1,035	1,145	992	1,260	0	0
SVRP-Recycled	1,114	1,870	1,886	1,879	1,900	1,898	1,957	1,906	1,931	1,957	1,943	1,837	1,889	1,869	1,834	1,786	2,073	1,842
	Aug-98	Aug-99	Aug-00	Aug-01	Aug-02	Aug-03	Aug-04	Aug-05	Aug-06	Aug-07	Aug-08	Aug-09	Aug-10	Aug-11	Aug-12	Aug-13	Aug-14	Aug-15
CSIP-Wells	748	899	774	1,105	1,073	1,283	1,145	770	1,103	1,115	969	1,107	272	568	311	263	1,025	1,105
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	968	709	799	1,220	0	0
SVRP-Recycled	1,118	1,772	1,843	1,944	1,877	1,889	1,954	1,838	1,925	1,927	1,906	1,839	1,902	1,873	1,847	1,803	2,033	1,785
	Sep-98	Sep-99	Sep-00	Sep-01	Sep-02	Sep-03	Sep-04	Sep-05	Sep-06	Sep-07	Sep-08	Sep-09	Sep-10	Sep-11	Sep-12	Sep-13	Sep-14	Sep-15
CSIP-Wells	226	368	517	417	793	561	727	337	342	380	545	509	191	419	135	248	435	482
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	478	0	314	537	0	0
SVRP-Recycled	989	1,398	1,460	1,505	1,435	1,750	1,821	1,689	1,782	1,616	1,683	1,594	1,821	1,617	1,734	1,725	1,837	1,687
	Oct-98	Oct-99	Oct-00	Oct-01	Oct-02	Oct-03	Oct-04	Oct-05	Oct-06	Oct-07	Oct-08	Oct-09	Oct-10	Oct-11	Oct-12	Oct-13	Oct-14	Oct-15
CSIP-Wells	309	370	450	164	162	174	183	115	172	125	140	119	20	54	16	165	102	38
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	80	0	65	133	0	0
SVRP-Recycled	432	1,017	475	1,276	1,316	1,371	862	1,241	1,509	1,129	1,378	465	1,006	733	1,168	1,548	1,407	1,217
	Nov-98	Nov-99	Nov-00	Nov-01	Nov-02	Nov-03	Nov-04	Nov-05	Nov-06	Nov-07	Nov-08	Nov-09	Nov-10	Nov-11	Nov-12	Nov-13	Nov-14	Nov-15
CSIP-Wells	77	82	230	11	183	134	171	330	90	692	35	575	246	238	72	35	303	213
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SVRP-Recycled	32	153	0	260	184	149	0	209	342	0	730	0	179	224	731	1,127	18	57
	Dec-98	Dec-99	Dec-00	Dec-01	Dec-02	Dec-03	Dec-04	Dec-05	Dec-06	Dec-07	Dec-08	Dec-09	Dec-10	Dec-11	Dec-12	Dec-13	Dec-14	Dec-15
CSIP-Wells	72	215	397	10	107	40	150	85	119	445	29	194	69	723	44	730	38	199
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SVRP-Recycled	0	0	0	0	0	0	0	0	0	0	289	0	0	0	0	88	0	0
	Jan-99	Jan-00	Jan-01	Jan-02	Jan-03	Jan-04	Jan-05	Jan-06	Jan-07	Jan-08	Jan-09	Jan-10	Jan-11	Jan-12	Jan-13	Jan-14	Jan-15	Jan-16
CSIP-Wells	169	202	189	151	130	179	83	109	687	91	485	100	333	1,067	253	490	516	96
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SVRP-Recycled	22	0	0	0	0	0	0	0	0	0	0	0	26	0	0	1,240	32	0
	Feb-99	Feb-00	Feb-01	Feb-02	Feb-03	Feb-04	Feb-05	Feb-06	Feb-07	Feb-08	Feb-09	Feb-10	Feb-11	Feb-12	Feb-13	Feb-14	Feb-15	Feb-16
CSIP-Wells	52	43	128	358	345	121	280	583	252	171	235	143	100	162	334	9	115	520
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SVRP-Recycled	58	0	0	385	32	1	0	0	154	173	112	0	580	1,031	692	351	1,013	56
	Mar-99	Mar-00	Mar-01	Mar-02	Mar-03	Mar-04	Mar-05	Mar-06	Mar-07	Mar-08	Mar-09	Mar-10	Mar-11	Mar-12	Mar-13	Mar-14	Mar-15	Mar-16
CSIP-Wells	138	651	529	233	473	455	241	124	459	520	408	529	154	211	218	214	411	395
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SVRP-Recycled	35	11	422	791	1,184	1,121	0	0	1,099	1,602	676	49	450	929	1,561	902	1,542	289
	Apr-99	Apr-00	Apr-01	Apr-02	Apr-03	Apr-04	Apr-05	Apr-06	Apr-07	Apr-08	Apr-09	Apr-10	Apr-11	Apr-12	Apr-13	Apr-14	Apr-15	Apr-16
CSIP-Wells	601	678	587	564	190	878	482	195	496	1,513	1,054	143	544	80	239	240	446	391
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	0	0	0	501	0	0	0
SVRP-Recycled	586	1,136	1,332	1,763	1,381	1,848	740	328	1,642	1,806	1,702	839	1,650	1,044	1,679	1,431	1,556	1,640
	May-99	May-00	May-01	May-02	May-03	May-04	May-05	May-06	May-07	May-08	May-09	May-10	May-11	May-12	May-13	May-14	May-15	May-16
CSIP-Wells	313	439	531	446	535	810	388	249	417	939	822	150	284	125	239	1,067	696	831
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	375	593	618	1,219	0	0	0
SVRP-Recycled	1,561	1,283	1,805	1,770	1,722	1,933	1,770	1,751	1,907	1,914	1,717	1,737	1,694	1,745	1,799	1,912	1,758	1,770
	Jun-99	Jun-00	Jun-01	Jun-02	Jun-03	Jun-04	Jun-05	Jun-06	Jun-07	Jun-08	Jun-09	Jun-10	Jun-11	Jun-12	Jun-13	Jun-14	Jun-15	Jun-16
CSIP-Wells	743	1,051	1,359	1,256	1,435	1,653	1,402	1,394	1,523	1,726	1,391	570	428	276	363	1,261	1,066	1,299
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	944	1,020	906	1,224	0	0	0
SVRP-Recycled	1,615	1,793	1,877	1,664	1,808	1,913	1,833	1,903	1,874	1,797	1,750	1,838	1,713	1,764	1,677	1,940	1,761	1,855
Totals	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16
CSIP-Wells	4,220	6,316	6,925	6,250	6,789	8,109	6,817	5,798	7,084	9,234	7,703	5,838	2,908	4,239	2,438	4,820	6,455	6,921
SRDF-River	0	0	0	0	0	0	0	0	0	0	0	1,319	4,174	3,378	5,114	3,150	0	0
SVRP-Recycled	7,562	10,433	11,100	13,237	12,839	13,873	10,937	10,865	14,165	13,921	13,886	10,198	12,910	12,829	14,723	15,853	15,030	12,198
Total acre-feet	11,782	16,749	18,025	19,487	19,628	21,982	17,754	16,663	21,249	23,155	21,589	17,355	19,992	20,446	22,275	23,822	21,485	19,120
% Wells	36%	38%	38%	32%	35%	37%	38%	35%	33%	40%	36%	34%	15%	21%	11%	20%	30%	36%
% River	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	8%	21%	17%	23%	13%	0%	0%
% Recycled	64%	62%	62%	68%	65%	63%	62%	65%	67%	60%	64%	59%	65%	63%	66%	67%	70%	64%

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Reservoir Release Update		
Consent ()		Action ()	
Information (X)			
SUBMITTED BY:	Germán Criollo	PREPARED BY:	Jason Demers
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

None – item presented for informational purposes.

SUMMARY:

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

DISCUSSION/ANALYSIS:

RESERVOIR ELEVATION / STORAGE: As of July 13, 2016, San Antonio Reservoir is at an elevation of approximately 666.4 feet mean sea level (msl), 23,470 acre-feet of storage. Nacimiento Reservoir is at elevation 738.2 feet msl, 114,180 acre-feet of storage. San Antonio Reservoir is currently at 7% of storage capacity and Nacimiento Reservoir is at 30% of capacity.

RESERVOIR RELEASES: Minimum fisheries releases continue from both reservoirs.

Releases as of July 13, 2016:

- Nacimiento Reservoir: 60 cfs
- San Antonio Reservoir: 3 cfs

Total releases from both reservoirs to the Salinas River are approximately 63 cfs. The following “provisional” flows have been recorded by the USGS:

- Salinas River near Spreckels: 0 cfs
- Salinas River near Chualar: 0 cfs
- Salinas River at Soledad: 0 cfs
- Salinas River near Bradley: 46 cfs (steady)

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Well Permit Application Activities Update		
	Consent ()	Action ()	Information (X)
SUBMITTED BY: PHONE:	Howard Franklin (831) 755-4860	PREPARED BY: PHONE:	Peter Kwiek (831) 755-4860
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

None – item presented for informational purposes.

SUMMARY:

Updated information on the Agency’s evaluation of well permit applications.

DISCUSSION/ANALYSIS:

The Well Permit Application Process is regulated by the EHB. The Agency provides technical support to the EHB as part of the process. The changes that came about since the adoption of the County General Plan have caused concerns and misinformation in the public. To provide correct and up to date information to the public, Agency Staff has developed the attached Well Impact Evaluation Summary Table (Table).

The Table provides a summation of well permit applications that are being evaluated by Agency Staff, broken out by domestic well permit applications and high capacity well permit applications, as well as by Salinas Valley subarea. This table is provided to the BOD on a monthly basis.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

None.

Summary of Well Impact Evaluations Conducted per 2010 Monterey County General Plan

Domestic Wells

<i>Evaluation Outcome</i>	Pressure	East Side	Forebay	Upper Valley	Outside Zone 2C	TOTAL
No potential impact.	3	10	8	5	116	142
Potential impact; acceptable mitigation proposed.	0	0	0	0	2	2
Repair (exempt).	0	1	0	0	1	2
Replacement (exempt).	0	3	1	2	8	14
TOTAL	3	14	9	7	127	160
<i>Subarea Total as Percentage</i>	2%	9%	6%	4%	79%	

High Capacity Wells

<i>Evaluation Outcome</i>	Pressure	East Side	Forebay	Upper Valley	Outside Zone 2C	TOTAL
	0	0	0	0	0	0
No potential impact.	12	20	12	13	11	68
Potential impact; acceptable mitigation proposed.	1	1	0	3	0	5
Repair (exempt).	0	0	0	1	0	1
Replacement (exempt).	8	5	4	15	0	32
TOTAL	21	26	16	32	11	106
<i>Subarea Total as Percentage</i>	20%	25%	15%	30%	10%	

Total Evaluations:

To Date: 272 Fiscal Years 2015 and 2016: 62

Evaluations initiated November 2011.

Report Date: 7/14/2016

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Update on 2016 Strategic Planning Process		
Consent ()		Action ()	
Information (X)			
SUBMITTED BY:	Robert Johnson	PREPARED BY:	Robert Johnson
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:		July 25, 2016	

RECOMMENDED BOARD ACTION:

None – item is for informational purposes.

SUMMARY / DISCUSSION:

Annually the Monterey County Water Resources Agency participates in Strategic Planning, usually in the form of an off-site, facilitated workshop. The plan is to have another off-site, facilitated workshop, facilitated by Jan Perkins of Management Partners. Ms. Perkins facilitated the last two Strategic Planning workshops, so her familiarity with the Agency’s issues, staff, Board of Directors, Board of Supervisors, and stakeholders is an added bonus, and provides additional value for the monies expended.

The focus of this year’s workshop, currently, is, “What will be the Agency’s role once the Groundwater Sustainability Agency (GSA) is formed.” Staff and participants will work through issues related to how the Agency will move forward once a GSA is established.

Attached is a letter of commitment with Management Partners for a Strategic Planning Workshop on December 8, 2016, along with some pre-workshop interaction with staff in August. A contract is being developed for \$9,900, and since it is within the signing authority of the General Manager, staff will move forward with the agreement when it has been through the County process.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

Costs for the Strategic Planning Process will be \$9,900 and come from Fund 111.

Management Partners

June 29, 2016

Mr. David E. Chardavoyne
General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Dear Mr. Chardavoyne:

Thank you for the opportunity to submit a proposal to facilitate a strategic planning workshop in December 2016 with the Monterey County Water Resources Agency Board of Supervisors, Monterey County Water Resources Agency Board of Directors and key Water Resources Agency staff. We understand the value of allocating time to prioritize important projects and initiatives, and to discuss policy issues. We have previously facilitated strategic planning workshops for the Agency and would be pleased to do so again this year. The focus of this year's workshop will be the role of the Water Resources Agency under the Sustainable Groundwater Management Act (SGMA). We will discuss how the priorities of the Agency interface with the new role the Agency will have beginning July 2017.

Approach

To optimize Board members' and staffs' time during the workshop, we are proposing that careful advance planning be done. This planning will include a meeting onsite with you, Board members and your key staff to discuss the workshop and your desired outcomes; preparing an agenda and reviewing it with you; and coordinating workshop logistics with your staff. Following the workshop, we will prepare a report that documents the consensus achieved. The following describes the plan of work anticipated for the engagement.

Activity 1 – Prepare for the Strategic Planning Workshop

Jan will start by having a telephone conversation with Deputy General Manager Rob Johnson to discuss the approach and schedule. Jan will also meet with you, your staff and members of the Board planning committee to discuss your objectives for the workshop and preparation needed to ensure a productive session. Jan will then design the workshop and prepare a draft agenda discuss it with staff.

1730 MADISON ROAD • CINCINNATI, OH 45206 • 513 861 5400 • FAX 513 861 3480 MANAGEMENTPARTNERS.COM

2107 NORTH FIRST STREET, SUITE 470 • SAN JOSE, CALIFORNIA 95131 • 408 437 5400 • FAX 408 453 6191

3152 RED HILL AVENUE, SUITE 210 • COSTA MESA, CALIFORNIA 92626 • 949 222 1082 • FAX 408 453 6191

Activity 2 – Facilitate Workshop and Summarize Results

Jan will facilitate the workshop. She will design the session to be interactive and engaging, with a focus on achieving the outcomes you intend for the day. Jan will use a combination of small and large group discussions, with processes to achieve consensus about direction.

After the workshop, we will prepare a summary of the results and follow-up steps to be taken.

Facilitator

The retreat will be facilitated by Jan Perkins. Her qualifications are provided below.

Jan Perkins, Senior Partner, has 30 years of management experience in local government. Before joining Management Partners in 2005 she served in several California and Michigan jurisdictions, including as city manager in Fremont and Morgan Hill, California. She also served the cities of Santa Ana, California; Grand Rapids, Michigan; and Adrian, Michigan. She provides assistance to government leaders in organizational analysis, leadership development, facilitation, strategic planning, teambuilding, executive performance evaluation, and policy board/staff effectiveness. Jan is a frequent speaker at conferences and has authored a number of articles including "Hiring 2.0: 23 Creative Ways to Recruit and Keep Great Staff," which appeared in the January/February 2011 issue of *Public Management* magazine; "Successful Leadership," which appeared in the March 2005 issue of *Public Management* magazine; "The Value of Going Back to the Basics," co-authored with former Fremont Mayor Gus Morrison, which appeared in the June 2005 issue of *Western City* magazine; "It's (Gulp) Evaluation Time," July 2005, *PM* magazine; "Ethics: Alive and Well," co-authored by Elizabeth Keller and published in the January/February 2007 issue of *Public Management*, and "Assessing the Ethical Culture of Your Agency," co-authored by JoAnne Speers and Arne Croce, which appeared in the January/February 2007 issue of *Public Management*; "Building Career Resiliency: Hone Your Ability to Grow From Adversity," co-authored with Pat Martel, which appeared in the March 2016 issue of *Public Management*; and, "Maximizing Manager Success," co-authored by Kevin Duggan, Frank Benest and Kevin O'Rourke, published in the April 2016 issue of *Public Management*. She completed the Program for Senior Executives in State and Local Government from Harvard University and is an ICMA Credentialed Manager.

Project Hours and Cost

Management Partners estimates 43 hours will be required for the project. We will complete the plan of work described above for a fixed fee of \$9,900, which includes our expenses.



We would enjoy working with you. Please feel free to contact either Jan Perkins at 949-202-8870 or me if you have any questions.

Sincerely,



Andrew Belknap
Regional Vice President

Accepted for the County of Monterey Water Resources Agency by:

Name: David E. Chardovoyne

Title: General Manager

Date: 7 July 2016



**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Update on the Paso Robles Area Basin Boundary Modification Request		
Consent ()		Action ()	
Information (X)			
SUBMITTED BY:	Robert Johnson	PREPARED BY:	Robert Johnson
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:		July 25, 2016	

RECOMMENDED BOARD ACTION:

None – this item is for informational purposes

SUMMARY / DISCUSSION:

The Sustainable Groundwater Management Act (SGMA) is new legislation that establishes the formation of Groundwater Sustainability Agencies (GSAs) that are charged with developing Groundwater Sustainability Plans (GSPs) that will provide a path forward towards sustainability for groundwater basins in California. The Agency is working within a facilitated process to determine the make-up and governance of a GSA for the Salinas Valley Groundwater Basin (SVGB). The deadline for GSA formation is June 30, 2017.

As part of SGMA, basin boundaries can be adjusted or modified based on either technical or jurisdictional merits. The Agency submitted a Jurisdictional Basin Boundary Modification request for the Paso Robles Area Sub-basin, since the basin sits in both Monterey and San Luis Obispo (SLO) Counties. The jurisdictional request is the most challenging to receive, since a 75% approval is needed from the entities that could be a GSA for the basin. The Agency received multiple affirmative responses (including the SLO Board of Supervisors) and only one negative response (which spoke more to the SGMA process into the future).

Though the request was denied by the State, their staff provided an alternative that the GSA (when formed) could follow. As it turns out, when the GSA for the SVGB is formed, it can claim that it will only manage that portion of the Paso Robles Area Sub-basin within Monterey County, while the to-be-formed GSA for the Paso Robles Sub-basin in SLO County can claim management of that portion of the Paso Robles Sub-basin in SLO County. Then the two GSAs would work out how their plans to manage the Paso Robles Sub-basin would integrate and be complementary to each other.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

Unknown at this time – more will be known when the GSA is formed and in place.

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS**

MEETING DATE:	July 25, 2016	AGENDA ITEM:	
AGENDA TITLE:	Update on Cloud Seeding Efforts		
Consent ()		Action ()	
Information (X)			
SUBMITTED BY:	Robert Johnson	PREPARED BY:	Robert Johnson
PHONE:	(831) 755-4860	PHONE:	(831) 755-4860
DEADLINE FOR BOARD ACTION:	July 25, 2016		

RECOMMENDED BOARD ACTION:

None – this report is for informational purposes

SUMMARY / DISCUSSION:

As the Central Coast of California enters another dry year, water augmentation strategies are on peoples' minds. Cloud seeding has been effective for the Agency in the past, and it could be as the Agency moves into the near future.

The Agency performed a five-year cloud-seeding pilot program from 1991 to 1995 that was very successful. The program increased the rainfall amounts from 18% to 22%, depending on the year. These percentages translated to an increase in reservoir storage (at Nacimiento) ranging from 17,000 to 80,000 acre-feet (ac-ft). The approximate cost for this additional water averaged about \$10.00 per ac-ft (in 1995 dollars).

There have been other cloud seeding efforts, in 2004 and 2006, under which the Agency utilized an identical Negative Declaration for CEQA requirements as the pilot study. In 2009, the Agency attempted to perform cloud seeding, and filed similar CEQA paperwork; however was challenged that a full Environmental Impact Report (EIR) was necessary to perform cloud seeding. The Agency at the time did not have the resources (or time) to go through an EIR process, so the efforts were halted.

The Agency has \$125,000 in a cloud-seeding reserve; however before releasing the full amount, staff is looking to perform a feasibility study to evaluate possibly partnering with other entities to increase effectiveness and efficiency of the program, and the monies to be expended. This way, the reserve is protected until it can be utilized proficiently.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

Utilize approximately \$15,000 to perform a feasibility study.

CORRESPONDENCE



PO BOX 930
 SALINAS, CA 93902
 (831)755-4860
 FAX (831) 424-7935

DAVID E. CHARDAVOYNE
 GENERAL MANAGER

STREET ADDRESS
 893 BLANCO CIRCLE
 SALINAS, CA 93901-4455

July 1, 2016

Mr. Frank Blackett, P.E., Regional Engineer
 Division of Safety and Dam Inspections
 San Francisco Regional Office
 Federal Energy Regulatory Commission
 100 First Street, Suite 2300
 San Francisco, CA 94105-3084

Subject: Nacimiento Dam Project No. 6378
 Proposed Plan & Schedule for Sixth Part 12D Report Recommendations

Dear Mr. Blackett:

The Nacimiento Dam Sixth FERC Part 12D Report dated July 2014 was submitted to the FERC San Francisco Regional Office under cover letter dated July 30, 2014. Monterey County Water Resources Agency (MCWRA) proposes the Plan and Schedule shown in Table 1 regarding the recommendations presented in the Sixth FERC Part 12D Report.

Table 1. Nacimiento Dam Proposed Plan and Schedule for Sixth FERC Part 12D Report Recommendations (dated July 2014)

Sixth FERC Part 12D Report Section (dated July 2014)	Recommendations Regarding	Specific Recommendations (verbatim from Part 12D Report dated July 2014 – <i>Item numbers added for clarity</i>)	MCWRA Proposed Plan & Schedule
1.3.1	Suitability of the Project for Continued Safe and Reliable Operation	No Recommendations. The dam, spillway, and outlet works are deemed safe for continued and reliable operation.	N/A
1.3.2	Project Description	The description of the spillway Obermeyer gates which were installed in 2009 needs to be added in the updated STID.	Done – included in the STID Updated July 2014.
1.3.3	Potential Failure Mode Analysis (PFMA) Report	1. Two additional failure modes related to installation of new spillway gates were identified during the supplemental PFMA workshop on March 6, 2014 after the field inspection of the dam and appurtenant structures. The new failure modes should be included in the supplemental PFMA report.	1. Done – included in Supplemental PFMA Report dated July 2014.

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		<ol style="list-style-type: none"> 2. Categories of Potential Failure Modes identified in 2007 should be revised in the supplemental PFMA Report based on the PFMA workshop in 2014. 3. Periodic ROV inspection of the low level outlet system should be conducted to address concern of potential failure mode 3. 4. Piezometers need to be installed to provide early warning for internal erosion by sudden pressure changes that may associate with piping of the embankment materials. 5. Field investigation is required to characterize the foundation material for liquefaction potential and perform numerical stability and deformation analysis to ascertain the stability and safety of the dam under seismic conditions. 	<ol style="list-style-type: none"> 2. Done – included in Supplemental PFMA Report dated July 2014. 3. See Note 1. This item is included in Supplemental PFMA Report dated July 2014. 4. See Note 2. This item is included in Supplemental PFMA Report dated July 2014. 5. See Note 2. This item is included in Supplemental PFMA Report dated July 2014.
1.3.4	Surveillance and Monitoring Plan	<ol style="list-style-type: none"> 1. Piezometers should be installed in the dam and foundation to monitor pore pressure, gradient of phreatic surface and assess potential for internal erosion. 2. The upper and lower benches of the downstream slope should be monitored for settlement every five years. 3. Strong motion instruments should be installed at the crest and downstream toe of the dam to determine site specific response spectra and damping factors. 4. The crest settlement monuments should be surveyed every five years based on the insignificant annual changes. 5. Establish an alarm system for Obermeyer gate operations in case of sudden deflation of spillway gates. The alarm system should be operational 24 hours when the gates are raised to impound water. 	<ol style="list-style-type: none"> 1. See Note 2. 2. Survey monuments are planned to be installed on the upper and lower bench roads on the downstream slope in fall 2016. Survey will be completed beginning 2017. 3. See Note 2. 4. MCWRA plans annual survey of dam crest monuments for settlement and horizontal shift. 5. MCWRA has contracted with Obermeyer Hydro, Inc. to modify operational programming to include such alarms. Planned completion by December 31, 2016.

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1.3.5	Field Inspection	<ol style="list-style-type: none"> 1. The identified abnormality at the dam crest pavement near Sta. 13+50 should be monitored periodically for potential changes (Photo E-5). 2. The identified low spot along the upper bench near Sta. 21+00 (Photo E-10) should be surveyed and monitored for settlement. 3. The three identified depression areas along the slope at the left end of the lower bench should be monitored during future inspections (Photo E-12, E-13, E-14). 4. The eroded area on the right wall at the high level outlet inlet channel should be inspected and monitored after the next spill event or when releases are made through the high level outlet. Additional follow-up or remedial measures may be considered if needed (Photo E-15). 5. Inspection of the area downstream of the spillway plunge pool found erosion and scouring of near vertical slopes along the left bank. The slope needs to be stabilized by armoring the slope. The 2009 spillway modifications increased the spillway capacity up to the estimated IDF. The impact and hazard potential of the high spill flows to the spillway, the plunge pool and the downstream channel should be assessed. 6. The geology and drainage condition above the powerhouse should be reviewed. The landslide and debris flow hazard to the powerhouse should be addressed to assure long-term safety and operation of the powerhouse. 	<ol style="list-style-type: none"> 1. This crest pavement abnormality is monitored throughout the year and reported in the Dam Safety and Surveillance Monitoring Reports (DSSMRs). 2. Survey monuments are planned to be installed on the upper and lower bench roads on the downstream slope in fall 2016. Visual monitoring has occurred since July 2014 and will be reported in DSSMRs. 3. The three identified depression areas have been visually monitored since July 2014 and will be reported in DSSMRs. 4. The right wall of the high level outlet approach channel will be inspected and monitored after spill events or after high level outlet releases with remedial measures considered as needed. 5. See Note 2 regarding plunge pool slope stability and armoring. Erosion at the spillway plunge pool is monitored visually and by survey, and included in the DSSMRs. 6. See Note 2 regarding review of geology and drainage condition above the powerhouse.
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		<p>7. The upper and lower bench elevations should be monitored periodically by installing settlement monuments.</p> <p>8. The downstream slope near the upper bench (Photo E-7) should be observed for changed condition during high reservoir elevation and precipitation.</p>	<p>7. Survey monuments are planned to be installed on the upper and lower bench roads on the downstream slope in fall 2016 and will be reported in DSSMRs.</p> <p>8. The downstream slope near the upper bench will be observed for changed condition during high reservoir elevation and precipitation.</p>
1.3.6	Operations and Maintenance Programs	The Obermeyer gates at the spillway should be operated in accordance with the manufacturer's operation manual and DSOD criteria for operation of the reservoir. The reservoir may be impounded to elevation 800.0 feet, the top of Obermeyer gates. If the reservoir level reaches elevation 801.0 feet, gates need to be deflated to spillway crest elevation 787.75 feet.	MCWRA operates the Obermeyer spillway crest gates in accordance with the criteria contained in the DSOD Certificate of Approval dated December 29, 2009.
1.3.7	Supporting Technical Information Document (STID)	<p>1. The description of the modified spillway should be included in Section 2 and</p> <p>2. the summary of the spillway modification during the period April 1, 2008 through February 28, 2009 should be included in Section 3.</p> <p>3. The extent of erosion of the left bank of the spillway channel downstream of plunge pool, elimination of "Rule Curve", and spillway flow modification should be included in Section 6.</p> <p>4. Description of incidences such as failure of butterfly valve at the intake in 2011 and failure of a low level outlet valve immediately upstream of the powerhouse in 2013 should be described in Section 3.</p> <p>5. The design criteria, and structural analysis of the new spillway gates under all credible loading conditions should be summarized in Section 8 of the updated STID.</p> <p>6. Correspondence related to dam safety since the last Part 12D report should be included in Section 10 of the updated</p>	<p>1. Done – description included in STID Updated July 2014.</p> <p>2. Done – description included in STID Updated July 2014.</p> <p>3. Done – description included in STID Updated June 2016.</p> <p>4. The incidences described have not yet been included in the STID Section 3. Descriptions will be included by July 19, 2016.</p> <p>5. Obermeyer Design Calculation report dated April 15, 2008 is included in Section 10 of STID Updated July 2014.</p> <p>6. Correspondence related to dam safety since mid-2014 will be added</p>

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		STID.	to STID Section 10 by July 19, 2016.
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Note 1: Low level outlet system remote operated vehicle (ROV) inspection last occurred in 2012. MCWRA plans ROV inspection of the low level outlet system (including 53-inch conduit) for fiscal year 2017-2018.

Note 2: MCWRA has prepared a multi-year maintenance plan for Nacimiento Dam and presently prioritizes existing facility maintenance and equipment replacement ahead of the items listed below. We acknowledge that the items below have been discussed previously and not completed, and we agree that their implementation will benefit understanding of dam performance and overall dam safety. Because of the significant scope of maintenance and replacement work, we are seeking revenue beyond our annual operations and maintenance budget to accomplish the tasks below. In order to fund the approximate \$4 million estimated cost of all projects listed below, MCWRA is pursuing the sale of surplus real property. It is presently estimated that sale could occur in 2017 or 2018 with sale proceeds available for projects below beginning in 2019. We will also look for alternative funding opportunities in the meantime. A copy of our multi-year maintenance plan is available upon request.

- Review of geology and drainage condition above the powerhouse
- Piezometer installation to provide early warning for internal erosion by sudden pressure changes that may associate with piping of embankment materials
- Field investigation to characterize foundation material for liquefaction potential and perform numerical stability and deformation analysis to ascertain the stability and safety of the dam under seismic conditions
- Strong motion instrument installation at the crest and downstream toe of the dam to determine site specific response spectra and damping factors.
- Spillway plunge pool slope stability and armoring (engineering and construction)

Should the property sale stall, we will inform you and consider other funding options for the projects listed above.

If there are any questions or comments, please contact me at the mailing address above, telephone 831-755-8981 or email mosscc@co.monterey.ca.us.

Sincerely,



Chris Moss, P.E.
Senior Water Resources Engineer
(Chief Dam Safety Engineer)

cc: David E. Chardavoyne, MCWRA General Manager
Brent Buche, MCWRA Deputy General Manager
David Gutierrez, Calif. Dept. of Water Resources, Div. of Safety of Dams, Sacramento CA



Po Box 1600 • King City, Ca 93930 • Phone: 831-385-3285 • Fax: 831-621-1446
E-Mail: jerry@ravaranch.com Web: www.ravaranches.com

RECEIVED
JUL -1 2016
BY: *[Signature]*

Date: June 28, 2016

Mr. David Hart
Chair, Board of Directors

Mr. David E. Chardavoyne
General Manager

Monterey County Water Resources Agency
893 Blanco Circle
Salinas CA
93901

Monterey County Water Resources Agency
893 Blanco Circle
Salinas CA
93901

Dear Sirs:

I'm writing to request consideration of me for nomination to the MCWRA Reservoir Operations Committee as the representative for the Upper Valley Aquifer.

I'm a third generation farmer and landowner, currently operating farms in the King City, San Lucas and San Ardo areas of the Upper Valley under the Rava Ranches suite of businesses. I have extensive experience and knowledge of the Upper Valley Aquifer from growing up here with my father and grandfather, working the land and being a steward of the vast resources of Monterey County, especially water.

Sincerely

Jerry J. Rava II
President and CEO

Rava Ranches, Inc.
Fresh Foods, Inc.
South County Packing, Inc.
Fresh Farms, Inc.



June 27, 2016

Monterey County Water Resources Agency
Clerk of the Board
893 Blanco Circle
Salinas, CA 93901

Dear Clerk of the Board,

Please accept this letter of resignation from my current position as the Grower-Shipper Association appointee to the Monterey County Water Resources Agency, effective July 1, 2016. Please contact me with any questions at 831-422-8844. The Grower-Shipper Association will work to find a replacement board member quickly.

Sincerely,

A handwritten signature in black ink that reads "Abby Taylor-Silva". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Abby Taylor-Silva



DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov



June 27, 2016

David Chardavoyne
General Manager
Monterey County Water Resources Agency
Post Office Box 930
Salinas, California 93902

Subject: Acceptance of Proposed Protest Dismissal Terms for Water Right Applications (WRAs) 32263A&B, and Suspension of Processing for WRA 32263C,

Dear Mr. Chardavoyne:

The Department of Fish and Wildlife (Department) participated in a conference call on June 9, 2016, with representatives of Monterey County Water Resources Agency (MCWRA), Monterey Regional Water Pollution Control Agency (MRWPCA), Monterey Peninsula Water Management District (MPWMD), and the National Marine Fisheries Service (NMFS) to discuss actions needed for the Department to withdraw its protest of WRAs 32263 A&B. The parties also discussed whether the Department would agree with MCWRA's proposal to suspend processing of WRA 32263C. Formal protest was relayed by the Department in a February 16, 2016, letter to the State Water Resources Control Board (State Water Board) Division of Water Rights.

The Department received the Revised Memorandum from MRWPCA, MPWMD, and MCWRA, dated June 20, 2016, containing the proposed protest dismissal terms and conditions as previously discussed and tentatively agreed to by MCWRA, MPWMD, MRWPCA, NMFS, and the Department. The Revised Memorandum conditioned the terms on the Department's written acceptance of the offer by June 30, 2016, among other things. The Department wishes to provide MCWRA, MRWPCA, and MPWMD with its approval of the proposed terms and conditions. The Department will submit a letter to the State Water Board dismissing its protest of WRAs 32263 A&B assuming the following conditions are met: (1) the Department receives written acceptance of these permit terms and conditions from the MCWRA Board of Directors, the Monterey County Board of Supervisors, the MRWPCA Board of Directors, and the MPWMD Board of Directors; (2) the Department receives written confirmation of acceptance of these terms by NMFS; (3) the parties sign a protest dismissal agreement memorializing the agreed upon protest dismissal terms, including the terms and conditions to be included in any permit issued by the State Water Board on WRAs 32263 A&B.

Conserving California's Wildlife Since 1870

David Chardavoyne
June 27, 2016
Page 2

If you have questions regarding this correspondence please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 243-4014, extension 231, or by writing to the Department at the address listed above.

Sincerely,



Julie A. Vance
Regional Manager

cc: William Stevens
NOAA Fisheries West Coast Region
U.S. Department of Commerce
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404
William.stevens@noaa.gov

David Stoldt
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Monterey Peninsula Water Management District
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ec: Shaunna Juarez
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Justine Herrig
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State Water Resources Control Board
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aimamura@ddaplanning.com

Mary Loum
Julie Vance
Annee Ferranti
Annette Tenneboe
Dave Feliz
California Department of Fish and Wildlife

MONTEREY COUNTY



OFFICE OF THE COUNTY COUNSEL

168 WEST ALISAL STREET, 3RD FLOOR, SALINAS, CALIFORNIA 93901-2439
(831) 755-5045 FAX: (831) 755-5283

CHARLES J. McKEE
COUNTY COUNSEL

Jesse J. Avila
Deputy County Counsel
E-mail: Avilajj@co.monterey.ca.us

June 23, 2016

David E. Chardavoyne, General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

Re: The Otter Project - 60-Day Notice of Intent to Sue for Endangered Species Act &
Clean Water Act Violations in Relation to the Salinas Valley Water Project
Our File No. A16-02094

Dear Mr. Chardavoyne:


Attached is a "Litigation Hold Memorandum" that we are sending to your office because it is my understanding that you or someone in your office may have information or documents related to the above-referenced litigation. Once a complaint or claim has been filed, our obligation to preserve documents and electronically stored information is triggered.

The enclosed "Litigation Hold Memorandum" and "Electronic Evidence Preservation Checklist" outline the documents and electronic information your office is required to preserve. However, if you have any questions concerning the attached documents, please do not hesitate to contact me at 755-5266.

Thank you for your cooperation in addressing this important matter.

Sincerely,

CHARLES J. McKEE, County Counsel



By: JESSE J. AVILA
Deputy County Counsel

JJA:sem
Enclosures
cc (via e-mail): Brent Buche
Robert Johnson
Cathy Paladini
Howard Franklin
Elizabeth Kraft

MEMORANDUM

DATE: June 23, 2016

TO: David E. Chardavoyne, General Manager
Monterey County Water Resources Agency

FROM: Jesse J. Avila, Deputy County Counsel 

RE: **Litigation Hold Memorandum:**
The Otter Project - 60-Day Notice of Intent to Sue for Endangered Species Act & Clean Water Act Violations in Relation to the Salinas Valley Water Project

**NOTICE OF LEGAL ACTION AND NECESSITY OF
PRESERVING DOCUMENTS
AND ELECTRONICALLY STORED INFORMATION**

As you know, a sixty day notice of intent to sue for the Endangered Species Act and Clean Water Act violations in relation to the Salinas Valley Water Project has been sent to the County of Monterey.

This triggers the County's legal obligation to preserve relevant documents and electronically stored information (ESI) in this matter. As a County employee, you share in this obligation. We require your assistance to preserve the evidence. A lawsuit or potential lawsuit compels the County to require the preservation of all documents and data, from any and all sources, relating to the events and circumstances described above. The failure to retain relevant documents and ESI may subject the County to civil liability and penalties.

The documents and ESI to be retained include, without limitation, hard copy (paper) documents, audio and video recordings, email, instant messages, word processing documents, spreadsheets, databases, calendars, telephone logs, voicemail recordings, Internet usage files, and all other electronic information maintained, created, and received by the County of Monterey on its computer systems, inaccessible storage media such as back-up tapes, and hard copy and electronic data which may be stored at other locations.

In order to comply with these legal obligations, you must immediately identify, segregate, and preserve all existing documents and data relevant to the claim/investigation described above and suspend deletion, overwriting, or any other possible destruction of these items. Electronically stored data is an important and irreplaceable source of discovery and/or evidence in this matter. You must take every

reasonable step to preserve this information until further notice from the Office of the County Counsel.

This memorandum has been sent to your attention, as we believe you or your department has, or conceivably may have, information that relates to the claim in this case. If you are aware of any other person or department with relevant information, please advise us of this fact immediately. The documents and data subject to this litigation hold would include, but are not limited to, the following:

- Email
- Official reports, work orders etc.
- Interoffice memos
- Correspondence
- Phone logs
- "Working files," notes and drafts
- Voicemail recordings
- Recorded statements
- Photographs, audio, and video recordings

Please refer to the attached checklist for assistance in preserving electronic information and return this form to me as soon as possible. If you have any questions, please contact me at 755-5045, and I will do my best to assist you.

* * * * *

Name: David E. Chardavoine, General Manager
Monterey County Water Resources Agency
Date: June 23, 2016

ELECTRONIC EVIDENCE PRESERVATION CHECKLIST

(Please Complete Form and Return to your contact in the Office of the County Counsel)

Managers/Supervisors: copies of this checklist must be distributed to all employees who potentially have electronic information (documents, email etc.) relevant to the above claim. If you have any questions, please contact Deputy County Counsel Jesse Avila.

A sixty-day notice of intent to sue for the Endangered Species Act and Clean Water Act violations in relation to the Salinas Valley Water Project has been sent to the County of Monterey.

Instructions: Please search your office computer and any other electronic devices which you use for work purposes such as your cellphone, Blackberry, laptop computer, or home computer if you ever use it for work.

Check "yes" if you found information related to the above claim. Check "no" if you did not find any related information.

YES NO

- | | | |
|-----|-----|--|
| ___ | ___ | Email |
| ___ | ___ | Documents (e.g., MS Word, Adobe) |
| ___ | ___ | Spreadsheets (e.g., Excel) |
| ___ | ___ | Other electronic data |
| ___ | ___ | On-line documents or data (e.g., Google Docs) |
| ___ | ___ | Outlook calendar, appointments, tasks, and notes |
| ___ | ___ | Digital photos, audio, or video |
| ___ | ___ | Voicemail messages |

- ___ ___ Cellphone (text messages, voicemail, Twitter)
 - ___ ___ Blackberry or PDA
 - ___ ___ Other (describe)
-

All electronically stored information that is related to the claim must be preserved. Please contact I.T. if you require any technical assistance with preserving electronic files. Don't forget to check your laptop computer and any home computer or other personal digital assistant ("PDA") device that you use for work purposes.

- Archive email messages.
- Convert voicemail messages to permanent format (e.g. record using a digital audio recorder).
- Move electronic files (MS Word, spreadsheets, digital media, photos, etc.) to a flash drive or CD marked "do not destroy" and keep in a secure location.
- Save files in their original format. For example, do not convert Word documents to "pdf," and do not scrub any "metadata."
- Do not make any changes or edits to the files before storing them on the flash drive or CD.

* * * * *

MONTEREY COUNTY



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Senior Deputy County Counsel
E-mail:

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June 22, 2016

David W. Balch
Attorney at Law
115 Cayuga Street
Salinas, CA 93901

Re: Your Client: Water Ratepayer Association of the Monterey Peninsula

Dear Mr. Balch:

Your May 19, 2016 letter on behalf of the Water Ratepayer Association of the Monterey Peninsula (WRAMP) addressed to the Monterey County Board of Supervisors and Charles McKee, County Counsel, "formally requests that the County of Monterey enforce" the provisions of the North Monterey County Local Coastal Plan and Monterey County Water Resources Agency Act. On June 20, 2016, you sent Wendy Strimling, Senior Deputy County Counsel, an e-mail stating that you "will be filing a writ of mandate against the County of Monterey in Monterey County Superior Court, seeking to enforce the laws and regulations outlined in my letter to you of last month, unless I hear from you by close of business Wednesday that the County of Monterey will take the action demanded of it in my May 2016 letter." This letter responds on behalf of the County of Monterey and the Monterey County Water Resources Agency (MCWRA).

WRAMP's request, which has been transformed into a "demand," is without merit for a number of reasons, including the following:

1. WRAMP's letter does not allege any unlawful action by the County. WRAMP has no standing to bring an action against the County based on some alleged inaction by the County. Although WRAMP's letter makes unfounded and unsupported assertions regarding the Monterey County Water Resources Agency (MCWRA), WRAMP does not request or demand that MCWRA take any action.
2. To the extent that your letter identifies a project on which a governmental entity

took action, that project is the California-American Water Company's (Cal-Am) test slant well located in the City of Marina. The County does not have jurisdiction over that project. As WRAMP's letter notes, the project is located in the City of Marina, not the County of Monterey. Our understanding is that the Coastal Commission approved the project, litigation was filed challenging the approval, and the court upheld the Coastal Commission's approval. WRAMP's threat to sue the County (the wrong entity) appears to be an attempt to re-litigate issues already litigated and decided in favor of the Coastal Commission's approval.

3. WRAMP argues that the test well is violating the County's "North Monterey County Local Coastal Plan [sic]." The North County Land Use Plan is a component of the County's certified Local Coastal Program. WRAMP has not sought the County's interpretation of its Local Coastal Program according to County's procedures and thus has not exhausted its administrative remedies. Chapter 20.88 of Title 20 of the Monterey County Code provides the process by which a person may request an opinion of the Director of Planning in respect to interpretation of Title 20, the Coastal Implementation Plan and part of the County's Local Coastal Program. The Director's interpretation is subject to appeal to the Planning Commission and then to the Board of Supervisors. Since WRAMP has not exhausted its administrative remedies, WRAMP's threatened lawsuit against the County would not be ripe for judicial review.
4. WRAMP's contentions regarding the impact of the test well on groundwater aquifers and coastal farmlands have already been reviewed and rejected by both the California Coastal Commission and the Santa Cruz Superior Court. Additionally, the California Public Utilities Commission (CPUC) has regulatory authority over the Monterey Peninsula Water Supply Project (MPWSP) proposed by Cal-Am, a public utility. The CPUC is preparing an environmental impact report (EIR) for the MPWSP, a draft of which is scheduled to issue in December 2016, which will provide a forum for further analyzing the environmental impacts of Cal-Am's proposal. The County is not the lead agency for the EIR and as such does not control the EIR process for the MPWSP.
5. MCWRA has exercised its discretion to determine that the MPWSP (and specifically, the exchange of water) included in the implementation of agreements to return water to the Salinas River Groundwater Basin, complies with the Agency Act (Act). When the MPWSP is approved and implemented, product water from the desalination plant will be returned to the Castroville Community Services District (an economically disadvantaged community) and to the Castroville Seawater Intrusion Project (CSIP) for groundwater recharge. In both instances,

Cal-Am's exchange (or return) of water in an amount equivalent to the water that is extracted will slow the rate of well pumping in areas where seawater intrusion is advancing and threatening the quality of the groundwater.


6. Ample authority exists in the Act for the MCWRA to agree to allow the incidental extraction of water when it is exchanged or returned to the MCWRA for the various purposes listed in the MCWRA (Agency) Act. One of the objects and purposes of the Act is "to increase and prevent the waste or diminution of the water supply in the Agency, including the control of groundwater extractions as required to prevent or deter the loss of usable groundwater through intrusion of seawater and the replacement of groundwater . . . through . . . a substitute surface supply." (Section 8 of the Act.)
7. Under Section 9 of the Act, MCWRA is similarly empowered to:
 - "conserve and reclaim water for present and future use" (d. (2)),
 - "prevent unlawful exportation of water from the Agency" (d. (7)),
 - Enter into and implement an agreement to exchange water or a water right with a public entity or private corporation; i.e., transfer or deliver water or a water right to a public or private entity "for other water, water right, or water supply in exchange for water, water right, or water supply to be delivered to the Agency by the other party to the Agreement" (h. (6)),
 - "exchange water" (m),
 - develop and distribute water to persons "in exchange for ceasing or reducing groundwater extractions" (n), and
 - "desalinate, treat or otherwise manage and control water for the beneficial use of person or property within the Agency" (o)."

Based on environmental studies that were completed or are underway, the harm to the aquifer that you describe is not evident. And under the water exchange agreements relating to the return water, conditions will be in place to avoid any such harm, and for the Agency to enforce the MCWRA Act in the unlikely event any harm was threatened. We believe that a court would defer to MCWRA's interpretation of its own statutes. We do not believe that a court would order MCWRA to bring an enforcement action or to exercise MCWRA's discretion in a particular way.


The County will, therefore, not take the actions requested in WRAMP's letter and demanded in your June 20, 2016 email. If, despite the demonstration above that WRAMP's letter lacks merit, WRAMP files litigation as threatened, the County (and MCWRA, if it is sued) will vigorously defend against such litigation.

Sincerely,

CHARLES J. McKEE, County Counsel

By: 
WENDY S. STRIMLING
Senior Deputy County Counsel
For the County of Monterey

CHARLES J. McKEE, County Counsel

By: 
JESSE J. AVILA
Deputy County Counsel
For the Monterey County Water Resources
Agency

WSS/JJA:sem

cc: Board of Supervisors, County of Monterey
Board of Directors, Monterey County Water Resources Agency
Gail T. Borkowski, Clerk of the Board of Supervisors
Winifred S. Chambliss, Clerk of the Water Resources Agency Board of Directors
Dr. Lew Bauman, Administrative Officer, County of Monterey
David E. Chardavoyne, General Manager, Monterey County Water Resources Agency
Charles J. McKee, County Counsel

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RECEIVED
JUN 20 2016
BY: *WMC*

Date: June, 13 2016

Mr. David Hart
Chair, Board of Directors

Mr. David E. Chardavoyne
General Manager

Monterey County Water Resources Agency
893 Blanco Circle
Salinas Ca.
93901

Monterey County Water Resources Agency
893 Blanco Circle
Salinas Ca.
93901

Dear Sirs:

Please consider me for nomination to the Reservoir Operations Committee as the representative from the Forebay. My employer, Braga Ranch and ASA Farms currently farms in the Forebay. I have a technical background agronomy and I am familiar with the groundwater and environmental issues that the Salinas Valley is facing. The current meeting schedule will easily fit into my existing schedule.

Sincerely,



Eric Morgan
Vice President, Environmental Science and Resources

CC's DAVID HART

