

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS
PERSONNEL AND ADMINISTRATION COMMITTEE**

COMMITTEE MEMBERS

Mark Gonzalez, Chair
Mike LeBarre

Richard Ortiz
Matt Simis

TIME: **8:30 a.m.**
DATE: **Friday, March 1, 2019**
PLACE: **County Government Center
1441 Schilling Place
Saffron Room, 1st Floor
Salinas, CA 93901
(831) 755-4860**

AGENDA

1. **Call to Order**
2. **Public Comment**
(Limited to three (3) minutes per speaker on matters within the jurisdiction of the Agency not listed on this agenda. The public will have the opportunity to ask questions and make statements on agenda items as the Committee considers them.)
3. **Consider approving the Minutes of the Personnel and Administration Committee meeting held on February 1, 2019**
The Committee will consider approval of the Minutes of the above-mentioned meeting.
4. **Receive an update on Personnel activities.**
Jessell Fenley, Administrative Services Assistant, will provide an update on personnel activities.
5. **Receive an update on activities at the Reservoirs.**
Brent Buche, Deputy General Manager, will provide a verbal report on Reservoir issues.
6. **Receive an update on Real Property issues and Agency Land Appraisals.**
Brent Buche, Deputy General Manager, will provide a verbal report on real property issues.
7. **Support recommending that the Monterey County Water Resources Agency Board of Supervisors approve an Access Policy Relating to Easements, Licenses, and Permits, which would allow the Agency to consider and process all Requests for Access on and over Agency property.**
Jennifer Bodensteiner, Associate Hydrologist, will provide the report.
8. **Set next meeting date and discuss future agenda items.**
The Committee will discuss and determine details for its next meeting.
9. **Adjournment**

**MONTEREY COUNTY WATER RESOURCES AGENCY
BOARD OF DIRECTORS
PERSONNEL AND ADMINISTRATION COMMITTEE**

COMMITTEE MEMBERS

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Mike LeBarre**

Richard Ortiz

**TIME: 8:30 a.m.
DATE: Friday, February 1, 2019
PLACE: Monterey County Government Center
1441 Schilling Place. Saffron Room
Salinas, CA 93901
(831) 755-4860**

MINUTES

- 1. Meeting Called to Order: 8:30 a.m.
Members Present: Directors Gonzalez, Ortiz and LeBarre
Members Absent: None**

A quorum was established.

- 2. Public Comment: None**
- 3. Consider approving the Minutes of the Personnel and Administration Committee meeting held on November 2, 2018**

Committee Action: On Motion and Second by Directors LeBarre and Ortiz respectively, the Committee approved the Minutes of the Planning Committee meeting held on December 7, 2018.

- 4. Receive an update on Personnel activities.**
Jessell Fenley, Administrative Services Assistant, provided the update.
- 5. Receive an update on activities at the Reservoirs.**
Brent Buche, Deputy General Manager, provided the update.
- 6. Receive an update on Real Property issues and Agency Land Appraisals.**
Brent Buche, Deputy General Manager, provided the update.
- 7. Set next meeting date and discuss future agenda items.**
The next Committee meeting will be on March 1, 2019.
- 8. The meeting adjourned at 9:25 a.m.**

Submitted by: Alice Henault

Support recommending that the Monterey County Water Resources Agency Board of Supervisors approve an Access Policy Relating to Easements, Licenses, and Permits, which would allow the Agency to consider and process all Requests for Access on and over Agency property.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Personnel and Administration Committee:

Support recommending that the Monterey County Water Resources Agency Board of Supervisors approve an Access Policy Relating to Easements, Licenses, and Permits, which would allow the Agency to consider and process all Requests for Access on and over Agency property.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (“MCWRA”) has received requests for cooperation from owners (“Owners”) of real property located adjacent to the real property of the MCWRA in processing requests for easements, licenses, and permits for Access (“Access”) on and over MCWRA property. Currently, the MCWRA has no adopted Policy (“Policy”) for how to consider and process such Requests for Access (“Requests for Access”). The MCWRA staff has been advised to standardize the review for all Requests for Access through the adoption of an Access Policy. The draft Access Policy, as presented, includes the terms and conditions for all Requests for Access including the required actions of the Owner; the MCWRA Personnel and Administration Committee, the MCWRA BOD, and the MCWRA BOS; and, establishes new fees to be paid by Owners to the MCWRA for all Requests for Access. At its February 2019 meeting, the Agency’s Land Use and Lease Subcommittee received an update and a draft of the Policy. The Committee stated its support for the Policy contingent upon the Agency staff providing it to the Reservoir Operations Committee. Therefore, the draft Access Policy will be presented to the Reservoir Operations Committee at its February 2019 meeting.

OTHER AGENCY INVOLVEMENT:

Counsel County has provided initial input on the Access Policy and is prepared to review the final draft following the Committee’s recommendation.

FINANCING:

None

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

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

Attachment:

1. Access Policy
2. Appendix A: Request for Access Application
3. Exhibit 1: Schedule of Fees

MONTEREY COUNTY WATER RESOURCES AGENCY

Policy Relating to Easements, Licenses, and Permits for Access of Agency Property

1. The owners (“Owners”) of real property located adjacent to the real property of the Monterey County Water Resources Agency (“MCWRA”) have requested the cooperation of the MCWRA in processing requests for easements, licenses, and permits for access (“Access”) on and over property. The real property owned by the MCWRA was acquired for the construction and operation of various flood control and water conservation projects including Nacimiento and San Antonio Reservoirs; the Reclamation Ditch; the Salinas Valley Reclamation Project / Castroville Seawater Intrusion Project; the Salinas River Diversion Facility; and, other facilities operated and maintained throughout fourteen zones and two maintenance districts. The MCWRA, by means of these projects and facilities, provides for the control and conservation of flood and storm drainage waters and for the protection of watercourses, watersheds, public highways, life, and property from damage and destruction. It is important and necessary that any proposed Access not adversely affect MCWRA’s ability to operate and maintain its projects or facilities, or impact water quality within such zones and watersheds.

2. The MCWRA is willing to consider all Requests for Access (“Requests for Access”) on and over MCWRA property on a case-by-case basis. Requests for Access shall take into consideration any potential affects the Access would have on the operations and maintenance of said projects and facilities; the affects the Access would have on other landowners and/or water users; and, any other information the MCWRA deems necessary

3. The MCWRA is willing to consider any Requests for Access based on the terms and conditions set forth in this Policy.

4. Any Requests for Access granted pursuant to this Policy shall include and be subject to all of the following conditions:

4.1 Required Action by the Owner

(a) Owners shall apply to the MCWRA for all Access related requests. Owners are required to complete a Request for Access Application (“Appendix A”) and submit it to the MCWRA Deputy General Manager, along with application materials and a non-refundable application fee.

(b) Upon submittal of the Request for Access Application and the non-refundable application fee, the MCWRA Deputy General Manager will determine whether the MCWRA is able to consider granting Access on and over the subject MCWRA property. This initial Request for Access will be responded to within ninety (90) days, and the MCWRA Deputy General Manager will provide a written response to the Owner which will serve as formal notification of the determination.

(c) If the MCWRA Deputy General Manager determines the MCWRA is able to formally consider the proposed Request for Access, the MCWRA will require the payment of a deposit Administrative Fee which is to be accompanied by a Complete Application.

(d) The Owner is obligated to submit the deposit Administrative Fee and Complete Application in a timely manner. The Owner is granted one (1) calendar year for the submittal of a formal Request for Access. After this period, the initial determination will be considered expired and the Owner will need to re-apply.

4.2 Required Action by the MCWRA Personnel and Administration Committee

(a) A formal Request for Access will be considered by the MCWRA's Personnel and Administration Committee ("Committee") within one-hundred and twenty (120) days. All Requests for Access shall be considered by and before the Committee during scheduled meetings of the Committee. Before the Committee convenes on any such Request for Access, the MCWRA shall provide notification to all Owners located within 300 feet of the subject MCWRA property. The notification provided by the MCWRA shall include the date and time of the Committee hearing and provide a detailed description of the proposed Request for Access. Such notification shall be mailed within ten (10) business days of the Committee hearing. Each Committee member shall be provided all pertinent information and public comments received on the Request for Access being considered by the Committee.

(b) The Committee shall consider each Request for Access and shall provide a recommendation of approval or denial to the MCWRA Deputy General Manager.

(c) The Committee shall make a decision to recommend the approval or denial of the Request for Access, based on considerations for any potential adverse impacts to water supply; physical and environmental adverse impacts on the property and surrounding property; adverse impacts on the population density in and around the reservoirs; the maintenance of the proposed Access and the costs of said maintenance; the cost to the MCWRA in administering the proposed Access; and, the right to the Owner to the proposed Access by implied conveyance, necessity, prescription, or other legal means.

(d) If the Committee recommends that the proposed Request for Access should be approved, then the Committee shall determine the appropriate compensation, if any, to be paid to the MCWRA by the Owner for the Access. The compensation shall reflect the market value of the MCWRA property as determined through a real estate appraisal prepared by a State of California Certified General Real Estate Appraiser ("Appraiser"). The Appraiser shall be selected from the MCWRA's on-call listing of vendors. The selection of said Appraiser shall be completed through a Request for Proposal ("RFP") solicitation. The MCWRA will solicit the RFP and the said Appraiser will be selected by the MCWRA in coordinator with the Owner. The Owner will be responsible for all said costs including, but not limited to, preparation and completion of the real estate appraisal. The Committee shall identify any other conditions it considers necessary and appropriate for such approval. Furthermore, the Committee shall make a recommendation as to whether the Request of Access should proceed as a right-of-way easement, a license, and/or a permit.

4.3 Required Action by the MCWRA Board of Directors and MCWRA Board of Supervisors

(a) A Request for Access is not complete until it is considered by the MCWRA Board of Directors and approved by the MCWRA Board of Supervisors. Upon a recommendation from the Committee, the MCWRA Board of Directors shall consider the Request for Access within thirty (30) days of the Committee hearing. The MCWRA Board of Directors shall consider the Request for Access and provide the MCWRA Board of Supervisors with a recommendation of approval or denial. The MCWRA Board of Supervisors shall consider the recommendation for the Request for Access, and determine whether the MCWRA shall authorize said Access. Upon approval by the MCWRA Board of Supervisors, the MCWRA General Manager shall be authorized to execute any such agreements (“Agreements”) for Access.

(b) If the MCWRA Board of Directors recommends denial of the Request for Access, and/or the MCWRA Board of Supervisors denies the Request for Access, the MCWRA General Manager shall be made available to advise the Owner of reasons for said denial. Upon the Owners request, the MCWRA General Manager shall provide consultation to advise the owner which modifications might result in subsequent approval of the Request for Access.

(c) Each Agreement shall include a covenant running with the land that Owner agrees to waive and release MCWRA and the County of Monterey for all activities consistent with the approved Access. Owner must agree that MCWRA’s employees, officers, agents, or assigns, and the County of Monterey’s employees, officers, agents, or assigns (collectively “Released Parties”) will not be held liable or responsible in any way for any injury, death, or other damages to Owner, or Owner’s family, heirs, or assigns that may occur as a result of MCWRA’s reasonable exercise of any of its rights under the requested Access Agreement. Owner must expressly and unconditionally assume all risks and dangers known or unknown, foreseen or unforeseen, and relating to or incidental to using, occupying or constructing within the MCWRA property and any activity associated therewith.

(d) Each Agreement shall include a covenant running with the land that the Owner agrees to hold harmless, defend and indemnify MCWRA, the County of Monterey, and San Luis Obispo County from any and all claims arising out of MCWRA’s adoption and implementation of this Policy, which hold harmless and indemnification shall include property damage and personal injury resulting from, arising out of, and relating to inundation or MCWRA’s operation or maintenance activities within MCWRA property, excepting property damage and personal injury or death resulting from operation of vehicles and equipment within the real property owned by the MCWRA. Also, Owner shall be liable or otherwise indemnify for the negligent acts of MCWRA or the County of Monterey, or the agents, officers or employees of MCWRA or the County of Monterey.

(e) The Owner will be responsible for recording any Agreement associated with the approved Request for Access once it is fully executed (i.e., signature and notary secured by all parties). The recordation of said Agreement shall occur at either the Monterey County Clerk-Recorder’s Office (if property is in Monterey County), or the San Luis Obispo County Clerk-Recorder’s Office (if property in San Luis Obispo County). A copy of the file stamped

recorded Agreement shall be returned to the MCWRA within ten (10) business days of the Agreement's recording.

5. This Policy establishes new fees and all Requests for Access made on behalf of Owners to the MCWRA will be subject to the associated Schedule of Fees ("Exhibit 1").

6. This Policy will be effective upon adoption by the MCWRA Board of Supervisors.

PASSED AND ADOPTED on this ____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

John M. Phillips, Chair
Monterey County Board of Supervisors

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Appendix A: REQUEST FOR ACCESS APPLICATION



The owners of property located adjacent to the real property the Monterey County Water Resources Agency (MCWRA) have requested the cooperation of the MCWRA in processing requests for easements, licenses, and permits for access on and over MCWRA property. A request for access on and over MCWRA property can be submitted by completing the following application. The completed application should be mailed to the address below, and must be accompanied by payment of a **non-refundable application fee of \$500.00**, a map or plat illustrating the subject property, copies of any relevant documents that pertain to your request, and a letter detailing the reason for your request. If the subject property is adjacent to land owned by you, you must also include a copy of the deed evidencing your ownership of the adjacent land.

Mail to: General Manager
 Monterey County Water Resources Agency
 1441 Schilling Place, North Building
 Salinas, CA 93901

MCWRA will review the application and submitted documentation to determine whether it is able to consider granting access on and over the subject property. **The review process could take approximately 3 months.** If MCWRA determines that access on and over the subject property can be considered, MCWRA will require the payment of a **deposit Administrative Fee¹** based on the following categories of property type(s) and a **Complete Application** (see section 8):

- Rural and/or Residential Property - \$2,500.00 minimum deposit Administrative Fee
- Commercial or Industrial Property - \$5,000.00 minimum deposit Administrative Fee

Preparation of the access request for consideration by the MCWRA’s Personnel and Administration Committee could take **an additional 3-4 months.** An additional charge may be required contingent upon the Personnel and Administration Committee’s determination of appropriate compensation, if any, to be paid to the MCWRA by the applicant for the access. All requests are subject to final consideration and approval by the MCWRA Board of Directors and the MCWRA Board of Supervisors (see [MCWRA Policy Relating to Easements, Licenses, and Permits for Access of Agency Property](#)).

1. Applicant Information (*Applicant to Complete*)

Applicant is: Private Facility Gov’t Entity Person Other
 Applicant Name and Address:

Authorized Agent’s Name and Address:

¹ The **deposit Administrative Fee** is based on an hourly average rate of \$170.00. Fees will be based on actual time in quarter hour (0.25) increments multiplied by the hourly rate representing actual hours worked by the MCWRA staff. The applicant is required to pay the deposit and will be billed subsequently if the deposit is insufficient to cover actual application processing and fulfillment time.

Appendix A: REQUEST FOR ACCESS APPLICATION



2. Property Location (*Applicant to Complete*)

Street, Road, or other descriptive location:

In or Near (City or Town):

Legal Description (County Assessor's Parcel Number):

3. Project Information (*Applicant to Complete*)

Activity Type (Check all that apply):

- a) Recreational
- b) Agricultural, or Grazing
- c) Road, or Trail
- d) Bridge
- e) Ditch
- f) Irrigation
- g) Storm water
- h) Sewer, Gas, or Electricity
- i) Intake, or Outfall

Are there any State, Federal listed, or Candidate Endangered Species (including plants, fish, or wildlife) on the project site?

Is the project site near a waterbody or watercourse?

If yes to any of the above, please explain in the project description (Section 4)

4. Project Purpose & Description (*Applicant to Complete*)

EXISTING

PROPOSED

Project Purpose and Need:

Project Description (include alternative sites considered):

Estimated Start Date:

Estimated Completion Date:

Appendix A: REQUEST FOR ACCESS APPLICATION



5. Additional Information (*Applicant to Complete*)

Name, address, and phone number for all property owners within 300 feet of the project location

—
—

— Use an additional sheet, if necessary

Have you inquired with State and Federal regulatory agencies for this project? Yes No
If “Yes”, please list here:

6. City/County Planning Department Affidavit (*to be completed by local planning official*)

This project is not regulated by the local general plan and zoning ordinance.
 This project has been reviewed and is consistent with the local general plan and zoning ordinance.
 This project has been reviewed and is **not** consistent with the local general plan and zoning ordinance.
 Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

Condition Use Approval	Development Permit
Plan Amendment	Zone Change
Other _____	

An application has has not been made for local approvals checked above.

Signature of local planning official	Title	City / County	Date

7. Business Information (*Applicant to complete*)

Is your business a Limited Liability Company, a Corporation, a Partnership or Joint Venture, or a Trust?

- a. Do you have authority from the California Secretary of State to do business in the State of CA?
- b. Business Name:
- c. Business Address:

Appendix A: REQUEST FOR ACCESS APPLICATION



8. For a Complete Application, Please Submit All of the Following: (*Applicant to complete*)

This section is to be completed upon receiving a determination from the Deputy General Manager that the MCWRA is able to consider granting access on and over MCWRA property. This section provides an outline of information that will be required for the MCWRA to process a request for access and the applicant must provide this information. A request for access could potentially result in the right to use property for a specific purpose such as recreational uses, agricultural and grazing, public roads, private roads, sewer and electric lines, communication towers, etc. Access will be limited to only the land that is necessary for the operation of the proposed use, facility or structure. The following information shall be submitted to the Deputy General Manager:

A. General Access Information – Applicants should provide the following information (paragraphs A – E) after the Deputy General Manager has determined that access **may** be feasible.

1. Provide certification that the proposed request will be constructed, operated, and maintained in compliance with all Federal, State, local laws and regulations.
2. Provide concurrence from third parties which may be affected by the proposed request (e.g. other existing easements, licenses, permits).
3. Provide other agency concurrence regarding legal or regulatory requirements where necessary (e.g. U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Department of Fish and Game, etc).

B. Description of Project -

1. Provide a general description of the proposed access request including any structure or facility construction methods.
2. Provide a physical description (length and width) of the area needed for the proposed access.
3. Provide a vicinity map (e.g. county assessor's map, USGS quad sheet, etc.) showing the location of the proposed area of access.
4. Provide a site plan. A site plan is a drawing of the property as seen from above, including, but not limited to a north arrow, property boundaries, topography, tree locations, roads, drinking water wells, lateral connections to sewer system, septic tank and leach-fields, lot size and date.
 - i. Use a scale. Choose a standard scale, either an Architectural or Engineering Scale and note the numeric scale used on the plan (i.e. 1 inch = 20 feet).
 - ii. Draw property lines. Label all dimensions in feet.

Appendix A: REQUEST FOR ACCESS APPLICATION



- iii. Draw all buildings and structures on the plan. Show existing buildings and structures as a solid line and all additions as a dashed line.
 - iv. Slope contours at a minimum of 5 ft. intervals (i.e. topography).
 - v. Draw driveway and parking on the plan. Show all parking areas, driveways, and walkways in their precise locations in relation to your property lines and with their accurate foot-print.
 - vi. Locate Trees. Identify all trees with a diameter of 24 inches or greater. Use a dot to indicate the precise location of the center of the tree. Label the diameter and species of the tree.
 - vii. Existing or proposed well(s) on site or within 100 feet of the site; location of lateral and connection to public sewer system; and, existing or proposed septic tank and leach field.
 - viii. Other items that must be on the plan. Assessor's Parcel #, Address, Property Owner, and arrow indicating North. Drainage, utility or other easements; required landscape buffers.
5. Provide plan, profile, and cross-section views of all proposed work, both permanent and temporary, in or adjacent to MCWRA property and easements.
 6. If the request involves an easement, provide a narrative metes and bounds description of the easement. This description is used by the MCWRA to write a legal description of the easement. Provide a vicinity map which includes the following:
 - i. Location of easement.
 - ii. Metes and bound depiction of the easement.
 - iii. Depiction of the MCWRA property as part of or adjacent to the proposed easement.

C. Natural and Cultural Resources

1. **Natural Resources** – Provide a description of the direct and indirect adverse effects, as well as any beneficial impacts that the project might cause.
 - i. **Wildlife Habitat Analysis** – Quantify the acreage and quality of each biological community (such as forests and woodlands, range and grasslands, riparian areas, and others) to be affected by the proposed project.
 - ii. **Tree Inventory** – In developed park areas, along property boundaries bordering developed private property, and other areas where trees provide shade, screening, or other utilitarian functions, and for small areas (less than an acre of impact) identify and map any trees that will be removed by listing diameter, species, and numbers of trees greater than 3 inches diameter.

Appendix A: REQUEST FOR ACCESS APPLICATION



- iii. **Jurisdictional Determinations. Wetlands, Section 404 Permits, and others** – The Deputy General Manager and technical support staff need to ensure that applications for access are also coordinated with regulatory jurisdictional determinations required under Section 404 of the Federal Clean Water Act; Section 10 of the Rivers and Harbors Act, and/or Section 1600 of the California Fish and Game Code ([Lake and Streambed Alteration Program](#)). It is important for applicants to understand that the Section 404 permitting process is separate from the access application process. All wetland information concerning a request shall first be submitted to appropriate federal and state agencies before submittal to the Deputy General Manager.
 - iv. **Endangered Species** – Provide a statement disclosing whether or not the proposed project will jeopardize the continued existence of any federally or state listed threatened or endangered species; or will destroy or adversely modify its critical habitat. Direct coordination with the U.S. Fish and Wildlife Service and the California Fish and Game concerning the potential impact of the entire project on federal or state-listed threatened or endangered species is strongly encouraged.
 - v. **Cultural Resources** – The applicant shall coordinate with the appropriate local jurisdiction's Office of planning and building to determine the requirements for an archeologist survey and/or proper mitigation. The archeologist may require a written archaeological survey report of all areas to be disturbed. If a historic property will be adversely affected, activities should be relocated to miss the property. If the historic property cannot be avoided, a mitigation plan must be developed and submitted.
 - vi. **Stormwater Requirements** – Applicants shall provide a Storm Water Pollution Prevention Plan if any earth-disturbing activities are performed. This plan shall include means by which erosion and sedimentation will be controlled to protect the drainage course or water body. For activities that will disturb areas greater than or equal to 1 acre, a Notice of Intent shall be submitted to the Central Coast Regional Water Quality Control Board.
 - vii. **Hazardous Materials** – Describe the proposed use of hazardous materials and/or the generation of hazardous wastes in the proposed access area (e.g., identify hazardous substances, quantify amounts, purpose, etc).
2. **Flood Storage** – Quantify impact of flood storage to include projected loss or gain of flood storage capacity. Additionally show all calculations of cut and fill which will occur in drainage course or water body areas.
 3. **Mitigation Plans** – Provide mitigation plans to meet Federal, State, and local requirements for damaged natural resources (including wetlands) and/or loss of flood storage. The mitigation plan must be closely coordinated with the Deputy General Manager to ensure that damaged or lost natural resources are fully

Appendix A: REQUEST FOR ACCESS APPLICATION



mitigated and that no flood storage capacity is lost. Mitigation generally requires wildlife habitat improvement and vegetative plantings on the area of actual disturbance and on additional areas.

D. Requirements for Specific Structures – In addition to paragraphs A - C

1. Electric Power and Communication Lines, and Structures and Facilities for Cellular, Radio, Television, and other Communication Services

- i. Access term shall not exceed 30 years.
- ii. Specify line heights, voltage, cutoff locations and elevations.
- iii. Submitted plans must be certified by an engineer as being in compliance with the State of California Public Utilities Commission rules, General Order No. 95, January 2012, ([Overhead Electric Line Construction](#)).

2. Sewer Line

- i. An engineer must certify plans as being in compliance with the general requirements for water and sewer lines based on the 2016 California Plumbing Code, 2016 California Electrical Code, and 2016 California Energy Efficiency Standards.

3. Major Water Lines

- i. An engineer must certify plans as being in compliance with the general requirements for water and sewer lines based on the 2016 California Plumbing Code, 2016 California Electrical Code, and 2016 California Energy Efficiency Standards.

4. Water Intake Structure

- i. Submit plans showing any effects on MCWRA primary facilities (e.g. structures, embankments, etc).
- ii. Provide written documentation showing permission has been granted from the State Water Resources Control Board, or other.

- #### **5. Storm Sewers and Drainage Outfalls – Storm sewers and drainage outfalls are not allowed on MCWRA owned property unless, for technical reasons, they cannot be located on private land and there is an overriding public need for the facility. Any stormwater outfall that is approved for placement on MCWRA property must be designed to prevent litter, trash, and petroleum products from being deposited on MCWRA property.**

E. Technical, Managerial, and Financial (TMF) Capability – The Deputy General Manager will make a determination and finding of the applicant’s technical, managerial, and financial capability to construct, operate, maintain, and terminate the project for which the access is requested. Specify how and explain the TMF capability which will support the request.

Appendix A: REQUEST FOR ACCESS APPLICATION



9. Applicant Signature:

I hereby request a MCWRA authorization for _____ (number) years.
(The maximum easement term is 30 years. The MCWRA may issue permanent easements for qualifying uses).

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the authorization requested before commencing the project. I understand that payment of the required MCWRA application fee or the deposit Administrative fee does not guarantee authorization.

Print / Type Name

Title

Applicant Signature

Date

I appoint the person named below to act as my duly authorized agent.

Print / Type Name

Title

Applicant Signature

Date

By my signature above, I certify to each of the following: I am the property owner or authorized agency to act on the property owner's behalf. I have read this application and the information I have provided is correct. I have read the Project Information and Description and verify it is accurate. I agree to comply with all applicable local, county, state and federal laws relating to the request. I authorize representatives of the MCWRA to enter the above-identified property for inspection purposes.

Exhibit 1: SCHEDULE OF FEES

For Policy Relating to Easements, Licenses, and Permits for Access of Agency Property

Fee	Rate ¹	Unit (hours)	Due at time of application
Non-refundable application fee <ul style="list-style-type: none"> Deputy General Manager, Hydrologist, and Agency Counsel 	\$170	3	\$500.00
Deposit Administrative fee ² Rural and/or Residential Property <ul style="list-style-type: none"> Deputy General Manager, Hydrologist, and Agency Counsel 	\$170	15	\$2,500.00
Deposit Administrative fee ² Commercial or Industrial Property <ul style="list-style-type: none"> Deputy General Manager, Hydrologist, and Agency Counsel 	\$170	30	\$5,000.00
Determination of Fair Market Rental or Fair Market Value <ul style="list-style-type: none"> Real Estate Appraisals Services to be paid directly to selected State of California Certified General Real Estate Appraiser (“Appraiser”) by Owner/Applicant 	Per Policy, the Owner/Applicant will be responsible for all said costs of the required real estate appraisal services including, but not limited to, the real estate appraisal preparation and completion.		
County recording fees <ul style="list-style-type: none"> For Easement, Licenses, and Permit Agreements 	Per statute or Monterey County Code or San Luis Obispo Code or fee resolution – Payable directly to Monterey County or San Luis Obispo		
<p>¹ The rate is an hourly average rate of \$170.00 based on required staff time. The ratio is 30% Deputy General Manager (\$201.79) / 50% Management Specialist, Lease/Contract Administrator, Hydrologist/Technician (average \$130.00) / 20% Agency Counsel (\$209.40).</p> <p>² The deposit Administrative fee will be based on actual time in quarter hour (0.25) increments multiplied by the hourly rate representing actual hours worked by the MCWRA staff. The applicant is required to pay the deposit and will be billed subsequently if the deposit is insufficient to cover actual application processing and fulfillment time.</p>			