

Pajaro River Watershed Flood Prevention Authority Board of Directors Agenda

c/o RAPS, Inc.
P.O. Box 2453
Seaside, CA 93955
(831) 883-3750

PRWFPA Chair – John Baillie

PRWFPA Vice Chair – Nancy Bilicich

DATE: June 2, 2023

TIME: 9:00 AM

LOCATION: Zoom Webinar

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81261004440?pwd=ZjBvVlJkQjRkWFBlMFhDWmVnV0ZZUT09>

Or Telephone:

Dial: +16694449171

Webinar ID: 812 6100 4440

Passcode: 771122

On September 16, 2021, Governor Newsom signed AB 361 into law. The provisions enacted by AB 361 provide flexibility to meet remotely during a proclaimed emergency and will sunset on January 1, 2024. The PRWFPA Board of Directors meeting will be conducted via Zoom Webinar and the Board of Directors will participate from individual remote locations. Members of the public will need to attend the meeting remotely via Zoom Webinar. We apologize in advance for any technical difficulties.

Persons who wish to address the PRWFPA Board of Directors on an item to be considered at this meeting are encouraged to submit comments in writing at info@ambag.org by 5:00 PM, Thursday, June 1, 2023. The subject line should read “Public Comment for the June 2, 2023 Board of Directors Meeting”. The agency clerk will read up to 3 minutes of any public comment submitted.

If you have any questions, please contact Ana Flores, Clerk of the Board at aflores@ambag.org or at 831-883-3750.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**
(A maximum of three minutes on any subject not on the agenda)

5. **ORAL COMMUNICATIONS FROM THE BOARD ON ITEMS NOT ON THE AGENDA**

6. **CONSENT AGENDA**

Recommended Action: APPROVE

Note: Action listed for each Agenda item represents the staff recommendation. The Board of Directors may, at its discretion, take any action on the items listed in the agenda.

A. Resolution in Accordance with AB 361 regarding the Ralph M. Brown Act. A Proclaimed State of Emergency was declared by Governor Newsom as a Result of a Series of Ongoing Winter Storms that Initially Struck California in late February and Continue to Significantly Impact the Proclaimed Counties

- Maura Twomey, RAPS, Inc.

Adopt Resolution 2023-2 in accordance with AB 361 regarding the Ralph M. Brown Act. A Proclaimed State of Emergency was declared by Governor Newsom as a result of a series of ongoing winter storms that initially struck California in late February and continue to significantly impact the proclaimed counties. (Page 5)

B. Minutes of the May 5, 2023 Board of Directors Meeting

- Ana Flores, RAPS, Inc.

Approve the minutes of the May 5, 2023 Board of Directors meeting. (Page 7)

C. Approval of Payment to RAPS, Inc.

- Maura Twomey, RAPS, Inc.

Approve the April 2023 invoice for services rendered by RAPS, Inc. (Page 11)

D. Gutierrez Consultants Contract Extension for FY 2023-2024

- Lidia Gutierrez, Gutierrez Consultants

Approve the FY 2023-2024 contract extension with Gutierrez Consultants. (Page 15)

E. RAPS, Inc. Contract Extension for FY 2023-2024

- Maura Twomey, RAPS, Inc.

Approve the FY 2023-2024 contract extension with RAPS, Inc. (Page 23)

F. ABC Law Contract Extension for FY 2023-2024

- Maura Twomey, RAPS, Inc.

Approve the FY 2023-2024 contract extension with ABC Law. (Page 27)

G. Financial Update Report

- Errol Osteraa, RAPS, Inc.

Accept the financial update report which provides an update on PRWFPA's current financial position and accompanying financial statements. (Page 31)

7. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION AND POSSIBLE ACTION

8. ADMINISTRATION

A. Draft FY 2023-2024 Budget

Recommended Action: ADOPT

- Maura Twomey, RAPS, Inc.

Adopt the Draft FY 2023-2024 agency budget. (Page 39)

9. PLANNING

A. Resolution of Support of the Pajaro River Flood Risk Management Project

Recommended Action: ADOPT

- Lidia Gutierrez, Gutierrez Consultants

Adopt Resolution 2023-3 in support of the Pajaro River Flood Risk Management Project. (Page 45)

10. OTHER BUSINESS

11. ADJOURN

REFERENCE ITEMS:

- A. 2023 Calendar of Meetings (Page 49)
- B. Acronym Guide (Page 51)

NEXT BOARD OF DIRECTORS MEETING:

Date: September 8, 2023

Location: TBD

Time: 9:00 AM

If requested, the agenda 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. If you have a request for disability-related modification or accommodation, including auxiliary aids or services, contact Ana Flores at 831-883-3750, or by email aflores@ambag.org, at least 48 hours prior to the meeting date.

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A RESOLUTION

**OF THE PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY BOARD OF DIRECTORS
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF PRWFPA LEGISLATIVE BODIES PURSUANT
TO THE RALPH M. BROWN ACT AND PROCLAIMED STATE OF EMERGENCY AS A RESULT OF A SERIES
OF ONGOING WINTER STORMS THAT INITIALLY STRUCK CALIFORNIA AND CONTINUE TO
SIGNIFICANTLY IMPACT THE PROCLAIMED COUNTIES**

WHEREAS, on March 1, 2023 and March 9, 2023, Governor Newsom issued a Proclamation of State of Emergency in response to the winter storms that initially struck California beginning in late February and continue to significantly impact the proclaimed counties; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided that a State of Emergency is declared by the Governor pursuant to Government Code section 8625, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, the State of Emergency proclaimed by the Governor on March 1, 2023 and March 9, 2023, remains in effect; and,

WHEREAS, the Board of Directors for the Pajaro River Watershed Flood Prevention Authority (PRWFPA) is empowered to take actions necessary to protect public, health, welfare and safety within the region; and,

WHEREAS, PRWFPA has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of PRWFPA's various legislative bodies subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the series of ongoing winter storms that initially struck California beginning in late February and continue to significantly impact the proclaimed counties, as well as additional new counties across California, the PRWFPA Board of Directors deems it necessary to find that meeting in person for meetings of all PRWFPA related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

WHEREAS, all teleconferenced meetings of PRWFPA related legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Pajaro River Watershed Flood Prevention Authority does hereby approve as follows:

1. The Board of Directors finds that meeting in person for meetings of all PRWFPA related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees.

2. This finding applies to all PRWFPA related legislative bodies subject to the Brown Act, including but not limited to, the Staff Working Group and any other standing committees.
3. If the Board of Directors desires to continue holding meetings by teleconference consistently with Government Code section 54953(c), it shall make the additional findings required by Government Code section 54953(c)(3).
4. The PRWFPA Executive Coordinator and PRWFPA Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED this 5th day of June 2023.

John Baillie, Chair

Maura F. Twomey, Executive Coordinator

**DRAFT MINUTES OF THE PROCEEDINGS
OF THE BOARD OF DIRECTORS OF THE
PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY**

May 5, 2023

1. CALL TO ORDER

The Board of Directors of the Pajaro River Watershed Flood Prevention Authority, Chair Baillie presiding, convened via Zoom Webinar at 9:00 a.m. on Friday, May 5, 2023.

2. PLEDGE OF ALLEGIANCE

Director Baillie led the Pledge of Allegiance.

3. ROLL CALL

Members – Board of Directors	Representative	Present	Absent
County of San Benito	Supervisor Kollin Kosmicki	X	
County of Santa Cruz	Supervisor Felipe Hernandez	X	
County of Monterey	Supervisor Glenn Church	X	
County of Santa Clara	Supervisor Sylvia Arenas	X	
Monterey County Water Resources Agency	Director John Baillie	X	
San Benito County Water District	Director Sonny Flores	X	
Santa Clara Valley Water District	Director John Varela	X	
Zone 7 Flood Control District	Director Nancy Bilicich	X	
City of Gilroy (Associate Member)	Vacant	n/a	n/a
City of Hollister (Associate Member)	Vacant	n/a	n/a
City of Morgan Hill (Associate Member)	Rene Spring		X

Others Present: Adam Guise, Moss Levy & Hartzheim, LLP; Richard Santos, SCVWD; Lidia Gutierrez, Gutierrez Consultants; Mark Strudley, PRFMA; Mark Foxworthy and Vanessa Acevedo, County of Monterey; Rusty Barker and Rachel Fatoohi, County of Santa Cruz; Victoria Lam, County of Santa Clara; M Miller; Clint Miller; CJ Miller; Patrick McGarrity; Gina Schmidt, Maura Twomey, and Ana Flores, Regional Analysis and Planning Services, Inc. (RAPS, Inc.).

4. ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

There were no written or oral comments.

5. ORAL COMMUNICATIONS FROM THE BOARD ON ITEMS NOT ON THE AGENDA

There were no comments from the Board.

6. Resolution in Accordance with AB 361 regarding the Ralph M. Brown Act. A Proclaimed State of Emergency was declared by Governor Newsom as a Result of a Series of Ongoing Winter Storms that Initially Struck California in late February and Continue to Significantly Impact the Proclaimed Counties

Resolution No. 2023-1 was adopted.

Motion made by Director Bilicich, seconded by Director Hernandez to adopt Resolution 2023-1. Motion passed unanimously.

7. ELECTION OF OFFICERS FOR 2023

Director Baillie was nominated as Chair of the Authority.

Director Bilicich was nominated as Vice Chair of the Authority.

Motion made by Director Church, seconded by Director Kosmicki to elect Director Baillie as Chair and Director Bilicich as the Vice Chair of the Authority. Motion passed unanimously.

8. PRESENTATIONS

A. Draft Audited Financial Statements for Fiscal Year (FY) 2021-2022

Adam Guise, CPA, Moss Levy & Hartzheim, LLP, presented the draft audited financial statements for FY 2021-2022. Mr. Guise reported that the Authority received an unmodified clean opinion and there were no findings.

9. CONSENT

A. Minutes of the November 4, 2022 Board of Directors Meeting

The minutes of the November 4, 2022 Board of Directors meeting were approved.

B. Approval of Payment to Gutierrez Consultants

The invoices for services rendered by Gutierrez Consultants in October 2022 through March 2023 were approved.

C. Approval of Payment to RAPS, Inc.

The invoices for services rendered by RAPS, Inc. in October 2022 through March 2023 were approved.

D. Approval of Payment to ABC Law

The invoices for services rendered by ABC Law in November 2022 and December 2022 were approved.

E. Financial Update Report

The financial update report was accepted.

**Motion made by Director Bilicich, seconded by Director Hernandez to approve the consent agenda.
Motion passed unanimously.**

10. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION AND POSSIBLE ACTION

None.

11. PLANNING

A. Pajaro River Flood Risk Reduction Project Update

Mark Strudley, PRFMA Executive Director, gave an update on the Pajaro River Flood Risk Reduction Project and the Pajaro Regional Flood Management Agency.

12. OTHER BUSINESS

Director Varela announced that he will be attending the Association of California Water Agencies 2023 Spring Conference & Expo on May 9 – 11, 2023 in Monterey.

13. ADJOURNMENT

The meeting adjourned at 10:15 a.m.

**DRAFT PRWFPA BOARD OF DIRECTORS MEETING ATTENDANCE &
VOTING RECORD**

BOARD MEETING DATE: May 5, 2023

Attendance (X= Present; AB= Absent) Voting (Y= Yes; N=No; A=Abstain)					
MEMBER	PRWFPA REP	Attendance	Item 6	Item 7	Item 9
County of Monterey	Glenn Church	X	Y	Y	Y
County of San Benito	Kollin Kosmicki	X	Y	Y	Y
County of Santa Clara	Sylvia Arenas	X	Y	Y	Y
County of Santa Cruz	Felipe Hernandez	X	Y	Y	Y
Monterey County Water Resources Agency	John Baillie	X	Y	Y	Y
San Benito County Water District	Sonny Flores	X	Y	Y	Y
Santa Clara Valley Water District	John Varela	X	Y	Y	Y
Zone 7 Flood Control	Nancy Bilicich	X	Y	Y	Y
	Associate Members (Non-Voting Members)				
City of Gilroy (Associate Member)	Vacant	n/a			
City of Hollister (Associate Member)	Vacant	n/a			
City of Morgan Hill (Associate Member)	Rene Spring	AB			

(* = Board Members that arrived late, therefore, did not vote on the item. Please refer the minutes)

REGIONAL ANALYSIS PLANNING SERVICES, INC.

A non-profit corporation chartered by the Association of Monterey Bay Area Governments

PO Box 2453
Seaside, CA 93955-2453

(831) 883-3750
(831) 883-3755

April 30, 2023

Board of Directors
Pajaro River Watershed Flood Prevention Authority

RE: Contract for Services Dated July 1, 2000, and amended July 6, 2001, August 9, 2002, July 11, 2003
July 2, 2004, July 1, 2005, September 22, 2006, July 6, 2007, June 27, 2008, January 9, 2009, May 1, 2009, June 4,
2010, May 6, 2011, May 4, 2012, May 3, 2013, June 6, 2014, June 30, 2015, June 3, 2016, June 30, 2017, June 1,
2018, June 7, 2020, June 5, 2020, June 4, 2021, **and June 3, 2022.**

This letter is our billing for services rendered in the period **April 1 through April 30, 2023.**

The services included work under items 1 through 9 of Exhibit A of the referenced contract. The following breakdown of charges is summarized in accordance with Exhibit B of the referenced contract. Data is from the official time records under Work Element No. 530.

This invoice will be reviewed by the Staff Working Group, and a recommendation will be presented at the Board of Directors Meeting on **June 2, 2023.**

The services included work under items 1 through 9 of Exhibit A of the referenced contract. The following

Work Element 530 - Agency Administration

Executive Coordinator	1 hours @	\$ 276.00	\$	276.00
Director of Finance & Administration	0 hours @	\$ 241.00	\$	-
Principal Accountant	2 hours @	\$ 163.00	\$	326.00
Associate Planner	0 hours @	\$ 126.00	\$	-
GIS Coordinator	0 hours @	\$ 193.00	\$	-
Clerk of the Board	8 hours @	\$ 180.00	\$	1,440.00
Total	<u>11</u>	Subtotal	<u>\$</u>	<u>2,042.00</u>

* Rates approved by the board on 5/6/10 and modified 11/4/2011, 6/3/2016, 06/7/2019, 6/5/2020, 6/4/2021, and 6/3/2022.

Total now due: \$ 2,042.00

Sincerely,

Maura F. Twomey
Executive Coordinator

**Regional Analysis and Planning Services
(RAPS)**

Invoice for PRWFPA
April 1 - April 30, 2023

Position Title	Total Hours	Billing Rate	Total Cost
Executive Coordinator			
Project 530 Admin	1.00	276.00	276.00
Subtotal	<u>1.00</u>	<u>276.00</u>	<u>276.00</u>
Director of Finance & Administration			
Project 530 Admin	-	241.00	-
Subtotal	<u>-</u>	<u>241.00</u>	<u>-</u>
Principal Accountant			
Project 530 Admin	2.00	163.00	326.00
Subtotal	<u>2.00</u>	<u>163.00</u>	<u>326.00</u>
Associate Planner			
Project 530 Admin	-	126.00	-
Subtotal	<u>-</u>	<u>126.00</u>	<u>-</u>
GIS Coordinator			
Project 530 Admin	-	193.00	-
Subtotal	<u>-</u>	<u>193.00</u>	<u>-</u>
Clerk of the Board			
Project 530 Admin	8.00	180.00	1,440.00
Subtotal	<u>8.00</u>	<u>180.00</u>	<u>1,440.00</u>
Total	<u>11.00</u>		<u>2,042.00</u>

Tasks Completed:

Executive Coordinator

Preparation of the April SWG agenda; Attendance of the April 18, 2023 SWG meeting; Meeting with Chair Baillie to discuss the Draft May 5, 2023 PRWFPA Board of Directors agenda; Preparation of the May 5, 2023 PRWFPA Board of Directors Agenda.

Director of Finance & Administration

GIS Coordinator

Principal Accountant

Prepared financial statements for the May 5, 2023 Board of Directors meeting.

Associate Planner

Clerk of the Board

Preparation and distribution of the April SWG agenda; Attendance of the April 18, 2023 SWG meeting; Preparation and distribution of the May 5, 2023 PRWFPA Board of Directors Agenda; Website update.

REGIONAL ANALYSIS PLANNING SERVICES, INC.

A non-profit corporation chartered by the Association of Monterey Bay Area Governments

	<u>WE 530 Admin</u>	<u>Remaining</u>
Budget*	\$ 45,000.00	\$ 45,000.00
Amount Spent:		
July, 2022	\$ 241.00	\$ 44,759.00
August, 2022	\$ 996.00	\$ 43,763.00
September, 2022	\$ 2,268.00	\$ 41,495.00
October, 2022	\$ 4,808.00	\$ 36,687.00
November, 2022	\$ 2,262.00	\$ 34,425.00
December, 2022	\$ 0.00	\$ 34,425.00
January, 2023	\$ 816.00	\$ 33,609.00
February, 2023	\$ 1,285.00	\$ 32,324.00
March, 2023	\$ 1,183.00	\$ 31,141.00
April, 2023	\$ 2,042.00	\$ 29,099.00
May, 2023	\$ -	\$ -
June, 2023	\$ -	\$ -
Subtotal	\$ 15,901.00	\$ 29,099.00
Balance Available		<u>\$ 29,099.00</u>

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**DRAFT
CONTRACT FOR SERVICES**

This **Amendment No. 14** to the Contract for Services dated June 4, 2010 between the Pajaro River Watershed Flood Prevention Authority (**Authority**) and Gutierrez Consultants, Inc. (**Contractor**) amends the following sections of the original agreement.

1. SCOPE OF SERVICES

A. CONTRACTOR shall perform all of the necessary services as described above and incorporated herein by this reference and shall comply with all relevant conditions as set forth in the AGREEMENT. **The Scope of Work is attached as Exhibit A.**

B. Time is of the essence in this Agreement.

C. Said services and all duties incidental or necessary thereto shall be performed diligently and competently and in accordance with professional standards of performance.

2. COMPENSATION

A. Authority shall pay CONTRACTOR for services a total amount not to exceed **SEVENTY THOUSAND DOLLARS (\$70,000.00)**. In no event shall compensation exceed this amount without prior written consent of the AUTHORITY. **Rate schedule is attached as Exhibit B.**

B. Invoices for services must be presented to AUTHORITY no later than the first business day of each month for the month prior. CONTRACTOR shall submit to AUTHORITY an invoice stating a description of services provided, and stating the amount due CONTRACTOR for such service. AUTHORITY shall pay the CONTRACTOR promptly. No interest or carrying charges shall accrue to CONTRACTOR by reason of delayed payment.

3. TERM OF AGREEMENT.

The term of this agreement shall commence on **July 1, 2023** (Commencement Date), and shall continue until **June 30, 2024** (Termination Date), or until the parties mutually determine that the work required hereunder is satisfactorily completed, whichever occurs first.

In witness whereof, the parties hereto have executed this agreement on **June 2, 2023**.

GUTIERREZ CONSULTANTS

Signature

Date

Lidia Gutierrez
Principal

PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY

Signature
John Baillie
Chair of the Board of Directors

Date

Approved as to Form

Signature
Anthony Condotti
Attorney at Law

Date

EXHIBIT A

Scope of Services for Soap Lake Floodplain Preservation Project

The Pajaro River Watershed Flood Prevention Authority was established in October 1999 in order to “identify, evaluate, fund, and implement flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental basis.” Since the watershed covers areas of four counties and four water districts, the board is comprised of one representative from each of the following agencies:

- County of Monterey
- County of San Benito
- County of Santa Clara
- County of Santa Cruz
- Monterey County Water Resources Agency
- San Benito County Water District
- Santa Clara Valley Water District
- Zone 7 Flood Control District

The Authority acts as a governing body through which each member organization can participate and contribute to finding a method to provide flood protection in the watershed and promote general watershed interests. Although efforts have been made in the past to prevent flooding, it has become apparent over the past decades that the magnitude of the problem was not properly established. Flooding throughout the lower Pajaro River reaches is a hazard to public and private property including residences, agriculture, highways, watercourses, and environmental resources.

Immediately after being established, the Authority began studying the watershed, including identifying the source and magnitude of the floodflows. The Phase 1 Study was completed in July 2002 and consisted of modeling both the hydrologic and sediment regimes of the watershed. The results of Phase 1 provided a better understanding of the characteristics of the watershed and changes over time that affect flooding frequency and flooding potential in the downstream reaches of the Pajaro River.

The Phase 2 work was completed in April 2003 and identified project alternatives that would provide flood protection for the Pajaro River from Chittenden to Monterey Bay from the 100-year flood flows identified in Phase 1. The Phase 2 Study projects were developed to coordinate with a concurrent Army Corps of Engineers (Corps) Lower Pajaro River flood protection project. After the conclusion of Phase 2, the Corps identified a 100-year flood protection project for the Lower Pajaro River without any upstream projects.

The Corps 100-year flood protection project was based on the assumption that the watershed conditions (or current level of flood attenuation provided in the upper watershed) are maintained. The Phase 1 model results highlighted the natural flood attenuation benefits of Soap Lake and the critical importance of maintaining those benefits as part of any Pajaro River flood protection solution.

The focus of the Authority work shifted to ensure that the flows passing through the Lower Pajaro River Flood Risk Reduction Project would not increase above the currently predicted levels. The most direct way to achieve this goal was to preserve Soap Lake and its attenuation capabilities.

The Phase 3 and 4A Study was completed in March 2005 and defined and documented the preferred method to maintain the Soap Lake attenuation and storage capacity, known as the Soap Lake Floodplain Preservation Project (Project). In Phase 3, Soap Lake was hydraulically modeled and the floodplain boundaries defined. The impacts of flooding and land use preservation were examined in compliance with the California Environmental Quality Act (CEQA) and the cost of the Project were estimated.

In January 2007, the Authority was awarded \$4,425,300 in grant funding from Proposition 50 for the implementation of the Soap Lake Floodplain Preservation Project. Of the approximate \$4.4 million grant, \$3,825,000 was to go towards land and easement acquisitions and the remaining \$600,300 is to go towards development, implementation, and administration of the land and easement acquisition project. The grant funds were to be awarded to entities seeking to purchase land or easements in the Soap Lake Floodplain consistent with the floodplain requirements established by the Authority. At the time the grant expired in December 2016, the Authority had awarded \$2,728,020 in grant funds for acquisition of three properties or easements in the Soap Lake Floodplain.

With the expiration of the grant, the anticipated work activities to continue to implement the Soap Lake Floodplain Preservation Project shift from awarding the Proposition 50 grant funds to coordinating with land acquisition partners and pursuing new funding for easement and land acquisition in the floodplain. This Scope of

Services describes those tasks to be completed by Gutierrez Consultants (CONSULTANT) necessary for the implementation of the Soap Lake Floodplain Preservation Project through June 30, 2024.

In addition to implementation of the Soap Lake Project, the Authority expects to continue to monitor and review proposed development activities in the watershed and participate in watershed coordination, including the proposed California High Speed Rail. This Scope of Services describes those tasks to be completed by CONSULTANT necessary for support of those activities through June 30, 2024.

Finally, there have been significant issues associated with the Army Corps of Engineers development of the Pajaro River Flood Risk Management Project that affect the Authority's role in support of the project. Over the last two years, substantial progress was recorded with respect to the project's funding, design and environmental compliance. Pajaro River project sponsors have requested that the Authority maintain its political lobbying efforts in support of the project. Additionally, the Authority may consider revisiting project alternatives that were originally excluded after the Corps committed to a project that provided the required flood risk reduction. This Scope of Services describes those tasks to be completed by CONSULTANT necessary for additional legislative support and strategic planning through June 30, 2024.

Task 1: Staff Working Group and Board of Directors Meetings

The Authority anticipates continuing the monthly Staff Working Group meetings and bi-monthly Board of Directors meetings. CONSULTANT shall continue to provide technical support services for these meetings including review and revision of meeting agenda, preparation of meeting presentation and handouts, preparation for and attendance at meetings, and other meeting support services as needed.

Deliverables:

- Meeting agenda, handouts, memoranda, and presentations as needed

Task 2: Evaluation of Funding Opportunities and Grant Application

Research the general availability of applicable funding sources, including but not limited to SWRCB, DWR, California Department of Conservation, US Department of Agriculture, and Environmental Protection Agency Grants. As necessary, conduct in-person or phone meetings and attend funding workshops with funding agencies to confirm project funding eligibility and requirements. Prepare regular updates summarizing the funding opportunities and the recommended strategy for securing the maximum grants and loans for all phases of the project, from planning to construction.

Due to the nature of funding opportunities and the need to respond immediately following the release of the application submittal requirements, this scope assumes the preparation and submittal of one application (funding program to be determined). CONSULTANT shall prepare all application documents and be responsible for submittal of the application.

Deliverable:

- Funding Updates.
- Funding application (one)

Task 3: Information and Public Outreach

It is anticipated that there will continue to be many questions from the community regarding the status of the Soap Lake project and general Authority activities. There are also requests of the Authority to make presentations at public meetings and workshops. CONSULTANT shall respond to questions and requests for information, prepare informational materials, and attend and participate in meetings and workshops as requested.

Additionally, CONSULTANT shall review the Authority website and provide updated information as needed.

Deliverables:

- Public Information (handouts, mailings, presentations and other applicable products as developed)
- Information for Web Postings

Task 4: Partner and Land Owner Facilitation

The FPA has identified interested partners and maintains on-going communications with each partner through regular meetings, conference calls and e-mail. Each land trust or agency has their own public outreach efforts and the Authority would assist them with their outreach programs. The land trusts also may have established relationships with land owners and would make contact directly with them. CONSULTANT shall inform all partners of the on-going status of acquisitions, facilitate inter-agency cooperation, share strategies, work on joint projects, monitor that the project goals are being met through acquisitions, and support land owner facilitation.

Deliverables:

- Partner Meeting Agenda, Meeting Summaries, and Other Applicable Documentation

Task 5: Soap Lake Development Reviews

The Authority will continue in its role of reviewing proposed development activities in the Soap Lake Floodplain and their potential impacts on floodplain detention capacity. Of note, the California High Speed Rail has two proposed alignments through the floodplain and the Authority has been coordinating with the design team regarding the project and potential impacts. Additionally, the Santa Clara Valley Water District, in partnership with the San Benito County Water District, are evaluating the potential expansion of the Pacheco Reservoir. The Authority will coordinate with the water districts to identify potential flood benefits associated with the expanded reservoir. CONSULTANT shall support the review of proposed development activities and project documentation including development plans and environmental analysis of the proposed developments.

Deliverables:

- Project review notes

Task 6: Legislative and Lobbying Support

The Corps Pajaro River Flood Risk Reduction Project planning is delayed again and is now well outside the three year planning window, which requires additional federal attention. Pajaro River project sponsors have requested that the Authority increase its political lobbying efforts in support of the project. Additionally, the Authority may consider revisiting project alternatives that were originally excluded after the Corps committed to a project that provided the required flood risk reduction. CONSULTANT shall support preparation for and participate in legislative activities including meetings with State and Federal representatives.

Deliverables:

- Lobbying informational materials and meeting notes

EXHIBIT B

Rate Schedule for Gutierrez Consultants, Inc.

<u>Classification</u>	<u>2023/2024 Rate</u>
Principal	\$267/hour
Associate Planner	\$196/hour
Project Assistant	\$168/hour
Project Administrator	\$116/hour

1. The individual hourly rates include salary, overhead and profit. The hourly rates also include ordinary expenses, including telecommunications, computer usage, and regular reproduction jobs. Other direct costs (ODCs) such as large reproduction jobs and travel expenses will be charged at actual cost plus 10%. Mileage will not be marked up. Subconsultants will be billed at actual cost plus 10%. Mileage rate will be that allowed by current IRS guidelines.

**DRAFT
CONTRACT FOR SERVICES**

This **Amendment No. 25** to the Contract for Services dated July 21, 2000 between the Pajaro River Watershed Flood Prevention Authority (**Authority**) and Regional Analysis & Planning Services, Inc. (**Contractor**) amends the following sections of the original agreement.

1. SCOPE OF WORK. The Scope of Work is attached as Exhibit A.
2. COMPENSATION. For all services listed in Exhibit A, Contractor shall be reimbursed for actual costs incurred, (time and material). A rate schedule is attached as Exhibit B.
3. TERM OF AGREEMENT. The term of this agreement shall commence on **July 1, 2023** (Commencement Date), and shall continue until **June 30, 2024** (Termination Date), or until the parties mutually determine that the work required hereunder is satisfactorily completed, whichever occurs first.
4. COST LIMITATIONS. The total amount of compensation under this agreement shall not exceed **\$45,000.00** for Agency Administration.

In witness whereof, the parties hereto have executed this agreement on **June 2, 2023**.

REGIONAL ANALYSIS & PLANNING SERVICES, INC.

Signature
Maura Twomey
Executive Coordinator

Date

PAJARO RIVER WATERSHED FLOOD PREVENTION AUTHORITY

Signature
John Baillie
Chair of the Board of Directors

Date

Approved as to Form

Signature
Anthony Condotti
Attorney at Law

Date

EXHIBIT A

Scope of Services

AGENCY ADMINISTRATION

1. Organize, schedule and notice meetings, workshops and hearings of the Authority.
2. Organize and schedule meetings of the Authority's Staff Working Group.
3. Prepare/distribute agendas, take minutes, activate/set up public address systems, record proceedings and carry out similar work related to the meetings.
4. Prepare basic non-technical reports to and correspondence from the combined agencies based on input from the Staff Working Group.
5. Ensure that all participating agencies are kept up to date and informed (through the use of mail, email, and fax) of proposed agenda items, correspondence and other information related to the efforts of the Authority.
6. Process correspondence, maintain files and carry out related work.
7. Provide a range of clerical and administrative staff support to ensure the most effective, efficient and fiscally responsible staffing level for the respective tasks.
8. Provide liaison with the legal counsel and administer legal contract.
9. Maintain FPCC filing responsibility.
10. Act as the fiscal agent for the Authority.
11. Administer contract(s) agreement(s).
12. Fulfill other tasks as needed, and directed by the Authority's Board of Directors.
13. Maintain PRWFPA website.

EXHIBIT B

HOURLY RATES

Associate Planner	\$126.00
Director of Finance & Administration	\$241.00
Clerk of the Board	\$180.00
Executive Coordinator	\$276.00
GIS Coordinator	\$193.00
Principal Accountant	\$163.00

Note. 1. Rates proposed are fully loaded rates including direct labor and indirect costs. Indirect Costs include: insurance, rent, utilities, office supplies, computer services, communications (telephone, postage, fax, and email), in-house printing, and administrative services.

Note 2. Itemized monthly invoices will include hours worked for each major task (to the quarter hour). Staff time records shall be available for review upon request.

DRAFT
CONTRACT FOR SERVICES

This agreement is made and entered into as of the date and place set forth below by and between **The Pajaro River Watershed Flood Prevention Authority**, hereinafter referred to as **Authority**, and, **Atchison, Barisone & Condotti** hereinafter referred to as **Contractor** upon the following terms and conditions:

1. Authority hereby engages contractor and contractor hereby agrees to perform all services as hereinafter described. The contractor, who represents that he is qualified and will perform services described in the "Scope of Work", Attachment 1.
2. For all of the services described above and all goods and material supplied by contractor, Authority shall pay the Contractor according to the "Fee Schedule", Attachment 2. Payment will be made upon approval of invoice(s) from the Authority at their Board of Directors meeting.
3. Invoices for services must be presented to Authority. Receipts for expenditures and invoices for services should be presented in accordance with the Fee Schedule. Authority shall pay the Contractor promptly after Authority receives an invoice, as appropriate, and the invoice has been approved for payment by the Authority at their Board of Directors meeting.
4. The work to be performed under this agreement shall commence on or about **July 1, 2023**, and shall remain in effect until **June 30, 2024**, or until the work required is satisfactorily completed, whichever occurs first. Any extension beyond the Termination Date must be requested in writing two weeks prior to the Termination Date, and approved and signed by both parties.
5. The contract amount shall **not exceed Ten Thousand Dollars (\$10,000.00)**. No interest or carrying charges shall accrue to contractor by reason of delayed payment. Contractor shall not be entitled to extra compensation for services or materials not otherwise authorized under this agreement, unless Authority has first authorized such extra services or materials in writing.
6. Contractor is an independent contractor and shall not be considered an agent or employee of the Authority, its member agencies or the Association of Monterey Bay Area Governments (AMBAG).
7. Contractor shall, at all times during the terms of this agreement, carry worker's compensation insurance covering all of its employees, public liability, errors and omissions insurance and property damage insurance, and automotive insurance as required by current statute, and shall comply with all state and federal laws relating to employees. All insurance coverages shall be maintained in full force by the contractor for the duration of this agreement, and shall name Authority as an additional insured on such policies of insurance.

Attachment 1

Scope of Work

1. Advise the Authority on a broad range of legal matters including, without limitations compliance with:
 - a. The Ralph M. Brown Act.
 - b. The California Environmental Quality Act.
 - c. Conflict of interest laws.
 - d. Laws relating to the functions of joint powers authorities.
2. Advise the Authority, as appropriate, concerning flood control and flood liability issues.
3. Advise the Authority, as appropriate, concerning legal authority and requirements for securing State and Federal grants and loans.
4. Advise the Authority, as requested, on legal matters concerning the Soap Lake Floodplain Preservation Project (Project).

Attachment 2

Fee Schedule

Partner	\$342.00 per hour
Associate	\$281.00 per hour
Paralegal	\$165.00 per hour
Legal Assistants	\$104.00 per hour

MEMORANDUM

TO: PRWFPA Board of Directors

FROM: Maura F. Twomey, Executive Coordinator

RECOMMENDED BY: Errol Osteraa, Director of Finance and Administration

SUBJECT: Financial Update Report

MEETING DATE: June 2, 2023

RECOMMENDATION:

It is recommended that the Board of Directors accept the financial update report.

BACKGROUND/DISCUSSION:

Regional Analysis & Planning Services, Inc. (RAPS) provides contract staffing services to the Pajaro River Watershed Flood Prevention Authority (PRWFPA). The contract includes administrative and financial services for the Board as well as the Staff Working Group (SWG). The monthly financial reporting, budget preparation and audit assistance fall within RAPS, Inc. duties. The Board packet includes the year-to-date financial reports through April 30, 2023, as well as a budget-to-actual comparison for fiscal year (FY) 2022-2023. Amounts in the financial update report are unaudited.

The Balance Sheet reflects a cash balance of \$691,448.05. There were no accounts receivables outstanding as of April 30, 2023. The current liabilities balance is \$2,082.00. PRWFPA has sufficient current assets on hand to pay all known current obligations.

During the period of July 1, 2022 through April 30, 2023, PRWFPA incurred routine operational expenditures for contractual services. The services provided are summarized as follows:

- RAPS, Inc.: Staff Working Group (SWG) preparation and Board of Director's agenda preparation and meeting attendance. Website maintenance and update. Accounting and Audit related work.
- Gutierrez Consultants: Work associated with Soap Lake Project, Gonzales sale, audit review, and SWG meeting preparation and attendance.

- Atchinson Barisone & Condotti: Legal services consisting of consultant contract extensions and services regarding conflict-of-interest code, and audit review.
- Planeteria Media: Maintain and update website.

Expenses for the period of July 1, 2022 through April 30, 2023 totaled \$32,260.95, which included professional services and other expenses.

PRWFPA’s Profit and Loss Statement reflects an excess of revenue over expense of \$50,195.15 for the period July 1, 2022 through April 30, 2023.

The following table highlights key Budget to Actual financial data:

**Budget to Actual Financial Highlights For
Period July 1, 2022 Through April 30, 2023**

Expense	Budget April 2023	Actual April 2023	Difference
Professional Services	\$ 108,979.00	\$ 30,420.40	\$ 78,558.60
Insurance	\$ 1,167.00	\$ 1,080.00	\$ 87.00
Supplies	\$ 3,317.00	\$ 723.55	\$ 2,593.45
Travel	\$ 7,083.00	\$ 37.00	\$ 7,046.00
Total	<u>\$ 120,546.00</u>	<u>\$ 32,260.95</u>	<u>\$ 88,285.05</u>
Revenue			
State/Local Revenue *	\$ 67,083.00	\$ 82,456.10	\$ 15,373.10
* State/Local Revenue does not include \$64,155.00 which will be used from reserves as needed			

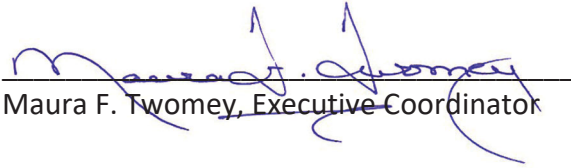
Professional Services are under budget primarily due to the timing of work provided by contractual obligation. Revenues are primarily member dues and are received at the start of the year.

The budget reflects a linear programming of funds while actual work and related expenses are contingent on variety of factors. As a result, there will be fluctuations from budget-to-actual during the fiscal year.

ATTACHMENTS:

1. Balance Sheet as of April 30, 2023
2. Profit and Loss Statement: July 1, 2022 through April 30, 2023
3. Accounts Payable Aging Detail as of April 30, 2023
4. Check Register: January 1, 2023 through April 30, 2023

APPROVED BY:


Maura F. Twomey, Executive Coordinator

Pajaro River Watershed Flood Prevention Authority

Balance Sheet

Attachment 1

As of April 30, 2023

	<u>April 30, 2023</u>
ASSETS	
Current Assets	
Cash and Cash Equivalents	
Cash in Bank Checking	550,110.21
LAIF Account	141,337.84
Total Cash and Cash Equivalents	<u>\$ 691,448.05</u>
Accounts Receivable	
Accounts Receivable	-
Total Accounts Receivable	<u>\$ -</u>
TOTAL ASSETS	<u><u>\$ 691,448.05</u></u>
LIABILITIES & FUND BALANCE	
Liabilities	
Current Liabilities	
Accounts Payable	2,082.00
Total Current Liabilities	<u>\$ 2,082.00</u>
Total Liabilities	<u>\$ 2,082.00</u>
Fund Balance - Unrestricted	
Fund Balance - Beginning of Fiscal Year	639,170.90
Net Income/(Loss)	50,195.15
Total Fund Balance - Unrestricted	<u>689,366.05</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>691,448.05</u></u>

**Pajaro River Watershed Flood Prevention Authority
Profit & Loss
Attachment 2**

July 1, 2022 through April 30, 2023

	<u>July 1, 2022 - April 30, 2023</u>	<u>July 1, 2022 - April 30, 2023</u>
Income		
Interest		2,456.10
Member Dues		80,000.00
Total Income	\$	<u>82,456.10</u>
Expense		
Audit Expense		2,000.00
Gutierrez Consultants		10,191.00
Regional Analysis & Planning Services, Inc. (RAPS)		15,901.00
Insurance		1,080.00
Legal Services		2,328.40
Other Expense		
Web Hosting/Maintenance Costs	532.00	
Postage/Supplies	191.55	
Travel	37.00	
Total Other Expense		<u>760.55</u>
Total Expense	\$	<u>32,260.95</u>
Net Income/(Loss)	\$	<u><u>50,195.15</u></u>

Pajaro River Watershed Flood Prevention Authority

A/P Aging Detail

Attachment 3

As of April 30, 2023

Date	Num	Name	Due Date	Open Balance
04/30/2023	20392	AMBAG	04/30/2023	40.00
04/30/2023	1138	Regional Analysis & Planning Services	06/29/2023	2,042.00
Total				<u><u>\$2,082.00</u></u>

Pajaro River Watershed Flood Prevention Authority

Check Register

Attachment 4

January 1, 2023 through March 31, 2023

Date	Num	Name	Memo	Amount
04/27/2023	956	AMBAG	Reimbursement of Website Monthly Maintenance - October 2022 - April 2023, Travel & Supplies and Postage	468.55
04/27/2023	957	Atchison Barisone & Condotti	Legal services provided for the months of November - December 2022	1,344.40
04/27/2023	958	Gutierrez Consultants	October 2022 - March 2023 Lake Floodplain Preservation Project Services & Meetings	3,805.50
04/27/2023	959	Moss, Levy & Hartzheim	1st Progress Billing for Audit Services to date for FY 2021-2022	2,000.00
04/27/2023	960	Regional Analysis & Planning Services	RAPS WE 530 Agency Administration - October 2022 - March 2023	10,354.00
TOTAL				\$ 17,972.45

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MEMORANDUM

TO: PRWFPA Board of Directors

FROM: Maura F. Twomey, Executive Coordinator

RECOMMENDED BY: Errol Osteraa, Director of Finance and Administration

SUBJECT: Draft FY 2023-2024 Budget

MEETING DATE: June 2, 2023

RECOMMENDATION:

It is recommended that the Board of Directors adopt the Draft FY 2023-2024 Budget.

BACKGROUND/DISCUSSION:

Pursuant to its by-laws, the Pajaro River Watershed Flood Prevention Authority (PRWFPA) is required to adopt a financial budget prior to June 30th each year. Throughout the year, the budget is monitored and periodic amendments may be approved by the Board. The Draft FY 2023-2024 Budget is enclosed for Board review and comments. The PRWFPA Draft Budget for FY 2023-2024 was presented at the May 16th Staff Working Group (SWG) meeting. Modifications suggested by the SWG to the Draft FY 2023-2024 Budget have been incorporated.

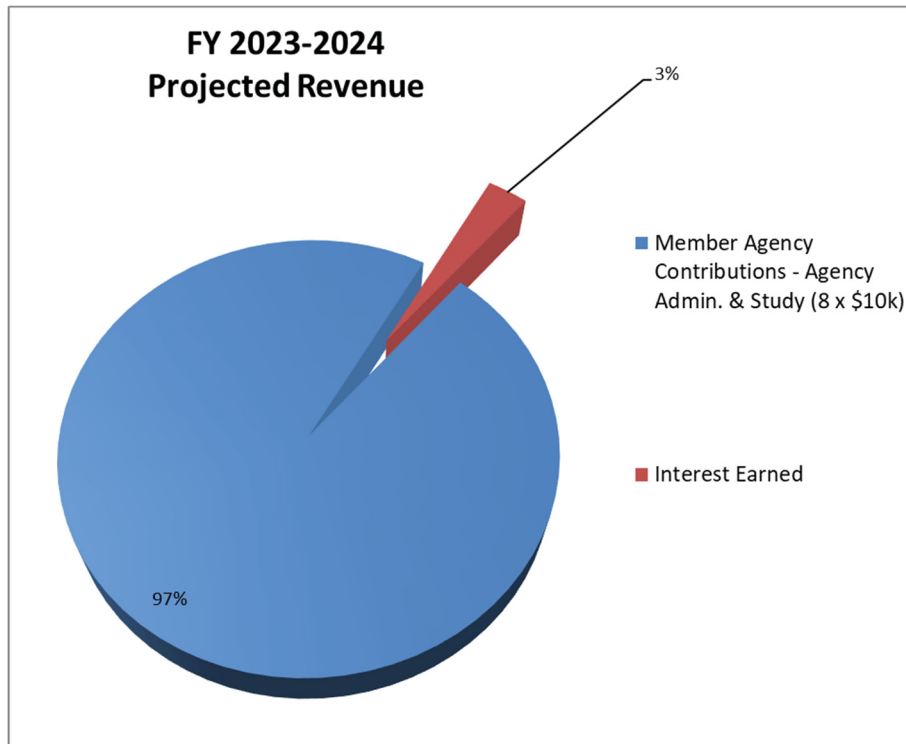
REVENUE:

PRWFPA operations for FY 2023-2024 are funded by a combination of sources which include:

1. Member Agency Contributions - \$80,000
2. Interest Income - \$2,500
3. Transfer from Reserves as Needed- \$62,360

Revenue projected for FY 2023-2024 is \$82,500. Note from the chart below, that a majority of this consists of Member Agency Contributions.

A summary chart of projected revenue by percentage for FY 2023-2024 is provided below:



In addition to \$82,500 in anticipated revenues, PRWFPA will also fund ongoing operations with a transfer from the general reserves in the amount of \$62,360 as needed. A transfer from general reserves will assist PRWFPA with identifying new funding opportunities to fund floodplain acquisitions. There is an increase in projected revenue in comparison to FY 2022-2023 of \$2,000, primarily due to an increase in projected interest.

EXPENDITURES:

The Board of Directors of PRWFPA operates the Authority on a contract basis. All administrative and technical services are provided under contract with various agencies and firms. This methodology reduces operational costs while ensuring the efficient operation of PRWFPA. Anticipated contracts for FY 2023-2024 are as follows:

2023-2024 CONTRACT SERVICE AMOUNTS:

Atchison, Barisone & Condotti, APC	\$	10,000
Gutierrez Consultants	\$	70,000
Planeteria	\$	480
Moss, Levy & Hartzheim LLP	\$	5,980
Regional Analysis and Planning Services, Inc. (RAPS)	\$	45,000
Total Contracted Services	\$	<u>131,460</u>

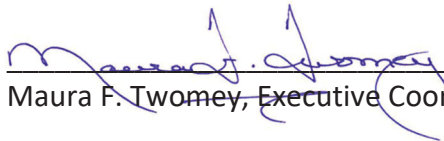
Contracts for these services require approval by the Board of Directors. The draft budget proposes funding for these contracts in the aggregate amount of \$131,460. PRWFPA incurs other routine expenses including insurance, travel, supplies/miscellaneous expenses, and board meeting expenses which are projected to be \$13,400. Of this amount, \$7,500 in Board approved travel expenses is included to fund a possible trip to Washington, DC. Total expenditures estimated for FY 2023-2024 are \$144,860.

The proposed balanced budget for FY 2023-2024 is consistent with the purpose of Pajaro River Watershed Flood Prevention Authority (PRWFPA), which is to identify, evaluate, fund and implement environmentally sound flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental, cooperative basis as required by the Pajaro River Watershed Flood Prevention Authority Act (AB807 Keeley).

ATTACHMENT:

1. Draft FY 2023-2024 Budget

APPROVED BY:


Maura F. Twomey, Executive Coordinator

**Pajaro River Watershed Flood Prevention Authority
FY 2023-2024 Budget
Attachment 1**

	FY 2022-2023 Approved 06/03/22	FY 2022-2023 Actual As Of 03/31/23	FY 2023-2024 Draft 06/02/23
REVENUE:			
Member Agency Contributions - Agency Admin. & Study (8 x \$10k)	\$ 80,000	\$ 80,000	\$ 80,000
Interest Earned	\$ 500	\$ 1,506	\$ 2,500
Total Revenue	\$ 80,500	\$ 81,506	\$ 82,500
Transfer from General Reserves	\$ 64,155	\$ -	\$ 62,360
Total Funding	\$ 144,655	\$ -	\$ 144,860
EXPENDITURES:			
Agency Administration			
RAPS, Inc.	\$ 45,000	\$ 13,859	\$ 45,000
Legal Fees	\$ 10,000	\$ 2,328	\$ 10,000
Audit Fees	\$ 5,775	\$ 2,000	\$ 5,980
Liability Insurance	\$ 1,400	\$ 1,080	\$ 1,400
Travel	\$ 1,000	\$ 37	\$ 1,000
Travel - Washington D.C.	\$ 7,500	\$ -	\$ 7,500
Misc. Expense (Meeting Costs, Website Hosting, Supplies, Etc.)	\$ 3,500	\$ 324	\$ 3,500
Technical Services			
Gutierrez Consultants	\$ 70,000	\$ 10,191	\$ 70,000
Website Maintenance	\$ 480	\$ 360	\$ 480
Total Expenditures	\$ 144,655	\$ 30,179	\$ 144,860
FUND BALANCE RESTRICTED (CARRY-OVER):			
General Reserves	\$ 649,437	\$ 639,171	\$ 690,497
Total Fund Balance	\$ 606,729	\$ 690,497	\$ 639,171

NOTES:

(1) FUND BALANCE RECONCILIATION:

Beginning Fund Balance	\$ 649,437	\$ 639,171	\$ 690,497
Prior Period Adjustments	-	-	-
Excess of Revenues Over/(Under) Expenditures	\$ (64,155)	\$ 51,327	\$ (62,360)
Ending Fund Balance	\$ 585,282	\$ 690,497	\$ 628,137

(2) The Fund Balance represents an accumulation of net income since the inception of the agency. Please note that the Agency has restricted these funds for general business use.

**Pajaro River Watershed Flood Prevention Authority
FY 2023-2024 Budget**

2023-2024 CONTRACT SERVICE AMOUNTS:

Atchison, Barisone & Condoti, APC	\$ 10,000
Gutierrez Consultants	\$ 70,000
Planetera Media	\$ 480
Moss, Levy & Hartzheim LLP	\$ 5,980
Regional Analysis and Planning Services, Inc. (RAPS)	\$ 45,000
Total Contracted Services	\$ 131,460

2023-2024 MEMBERSHIP CONTRIBUTIONS:

• County of Monterey	\$ 10,000
• County of San Benito	\$ 10,000
• County of Santa Clara	\$ 10,000
• County of Santa Cruz	\$ 10,000
• Monterey County Water Resources Agency	\$ 10,000
• San Benito County Water District	\$ 10,000
• Santa Clara Valley Water District	\$ 10,000
• Santa Cruz County Flood Control and Water Conservation District, Zone 7	\$ 10,000
Total Dues	\$ 80,000

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MEMORANDUM

TO: PRWFPA Board of Directors

FROM: Maura Twomey, Executive Coordinator

SUBJECT: Resolution of Support for the Pajaro River Flood Risk Management Project

MEETING DATE: June 2, 2023

RECOMMENDATION:

Adopt Resolution 2023-3 of support for the Pajaro River Flood Risk Management Project, authorizing the Executive Director to sign letters of support, direct staff and consultant participation in project committees, funding efforts, legislative support and community outreach, as requested by project partners.

BACKGROUND:

The Pajaro River Watershed Flood Prevention Authority (Authority) was established by the California State Legislature in 2000 to “identify, evaluate, fund, and implement flood prevention and control strategies in the Pajaro River Watershed on an intergovernmental basis.” To accomplish this goal, the Authority’s Board of Directors has committed to supporting the Pajaro River Flood Risk Management Project, including supporting the effort to secure the necessary federal and State funding to continue project planning, engineering and construction. Staff is recommending that this support involve a resolution adopted by the Authority Board of Directors, authorizing the Executive Director to direct this support, as requested, by the Project’s two Non-Federal Sponsors (NFS), Monterey County Water Resources Agency (MCWRA) and Zone 7 of the Santa Cruz County Flood Control and Water Conservation District (Zone 7).

DISCUSSION

The federal Pajaro River Flood Risk Management Project, sponsored by the U.S. Army Corps of Engineers (USACE), seeks to improve flood risk management facilities along the Pajaro River and tributaries to achieve a 100-year flood protection for the City of

Watsonville and Town of Pajaro, and a mix of 100-year and 25-year flood protection for surrounding agricultural areas. The NFS continues to coordinate with the USACE and the State of California Department of Water Resources (DWR) to maintain progress on the Project and to secure additional federal and State investment.

The current USACE cost estimate to complete the Project is \$400 million and the federal share is estimated to be \$260 million. USACE Work Plan appropriations of \$4.6 million were secured in FY20 and FY21 sufficient to initiate Project design work.

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act (IIJA), which infused \$11.6 billion into the USACE budget for Corps' projects. On March 29, 2022, the Biden-Harris Administration announced additional infrastructure funding for Ports and Waterways that included \$67.0 million in construction funds awarded to the Project in federal fiscal year 2023. The White House press release gave the Project top billing as a key project within the Administration's investment portfolio to advance environmental justice. On October 3, 2022, an additional \$82 million was awarded for construction through an addendum to the IIJA for FY 2023.

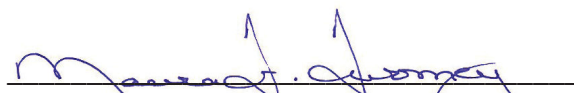
In total the project has secured \$153.6 million of the estimated \$260 federal share. The non-federal sponsors continue to engage with various federal agencies, elected representatives, and political appointees to secure an additional \$106.4 million required for full federal funding for the Project.

Adoption of this Resolution will authorize the Executive Director to continue support of these efforts on behalf of the Board, as requested by the NFS. The support may include letters of support, development of funding materials or applications, participation in project planning or community meetings, and other Project related activities as needed to help maintain progress on the Project.

ATTACHMENTS:

1. Resolution 2023-3 of support for the Pajaro River Flood Risk Management Project

APPROVED BY:


Maura F. Twomey, Executive Coordinator

**A RESOLUTION
OF THE BOARD OF DIRECTORS OF THE PAJARO RIVER WATERSHED FLOOD PREVENTION
AUTHORITY SUPPORTING THE PAJARO RIVER FLOOD RISK MANAGEMENT PROJECT**

WHEREAS, the existing Pajaro River levee system, constructed in 1949 by the Army Corps of Engineers (Corps), provides only an eight-year level of flood protection,

WHEREAS, a 1963 report by the US Army Corps of Engineers concluded that the levee system was inadequate and the 1966 Federal Flood Control Act authorized a new project for the Pajaro River,

WHEREAS, the Pajaro River Watershed Flood Prevention Authority (the “Authority”) was established in July 2000 by State Assembly Bill 807 in order to “identify, evaluate, fund, and implement flood prevention and control strategies in the Pajaro River Watershed, on an intergovernmental basis,”

WHEREAS, the Pajaro River Watershed encompasses a 1,310 square mile region and the Authority is made up of the four counties and flood management agencies in the watershed, including:

County of Santa Clara	Santa Clara Valley Water District
County of San Benito	San Benito County Water District
County of Santa Cruz	Santa Cruz County Zone 7 Flood Control District
County of Monterey	Monterey County Water Resources Agency

WHEREAS, the Authority has made significant investments to protect the urban and agricultural areas of the lower Pajaro River from flooding, investments that will reduce the cost of federal investments that would otherwise be required to provide flood risk reduction to the area,

WHEREAS, four Authority member agencies in Santa Cruz and Monterey Counties have been worked with the Corp to complete a Feasibility Study and proceed to Preconstruction Engineering and Design (PED) of the Pajaro River Flood Risk Management Project (Project),

WHEREAS, it is the Authority’s understanding that the recommended Project in the Feasibility Study would decrease, but not eliminate, flood risks for all at-risk communities along the Pajaro River, including the City of Watsonville and the unincorporated community of Pajaro, which are Disadvantaged Communities as defined by Senate Bill 535,

WHEREAS, it is the Authority’s understanding that the recommended Project in the Feasibility Study would decrease, but not eliminate, flood risks for the \$1 billion annual agricultural industry along the Pajaro River,

WHEREAS, the Authority is committed to continuing support for the Project and, where necessary, support enhancements to the Project to further decrease flood risks for communities and agricultural industry along the Pajaro River,

NOW, THEREFORE, BE IT RESOLVED, found and determined by the Board of Directors of Pajaro River Watershed Flood Prevention Authority supports the state and federal award of funds for PED and, ultimately, construction of the Project and identified enhancements to the Project; support may be in the form legislative support and letters of support, and participation in or funding for grant applications, Project committees, and public informational meetings.

PASSED AND ADOPTED this June 2, 2023.

John Baillie, Chair
PRWFPA Board of Directors

Maura F. Twomey
Executive Coordinator

The 2023 PRWFPA Board of Directors meeting locations are subject to change and may be held remotely in light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with AB 361.

2023 PRWFPA Meeting Calendar

September 8 2023:

TBD

Meeting Time: 9 am

November 3, 2023:

TBD

Meeting Time: 9 am

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PRWFPA Acronym Guide	
ABC Law	Atchison Barisone & Condotti
AEP	Annual Exceedance Probability
AFB	Alternate Formulation Briefing
ASA-CW	Assistant Secretary of the Army, Civil Works
cfs	Cubic feet per second
CEQA	California Environmental Quality Act
DWR	Department of Water Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Environmental Science Associates
FCSA	Federal Cost Sharing Agreement
FEIS	Final Environmental Impact Statement
FRM	Flood Risk Management
FRRP	Flood Risk Reduction Project
FY	Fiscal Year
FFY	Federal Fiscal Year
GRR	General Reevaluation Report
LPP	Locally Preferred Plan
LRP	Locally Requested Plan
MCWRA	Monterey County Water Resources Agency
NED	National Economic Development
NFS	Non-Federal Sponsors
NEPA	National Environmental Policy Act
OMB	Office of Management & Budget
OSA	Santa Clara County Open Space Authority
PED	Preconstruction Engineering and Design
PDT	Project Delivery Team

PRWFPA	Pajaro River Watershed Flood Prevention Authority
RAPS, Inc.	Regional Analysis Planning Services, Inc.
RWQCB	Regional Water Quality Control Board
SBCWD	San Benito County Water District
SCVWD	Santa Clara Valley Water District
SF	San Francisco
SMART Planning	Specific, Measurable, Attainable, Risk Informed, Timely Planning
SWG	Staff Working Group
SWRCB	State Water Resources Control Board
TNC	The Nature Conservancy
TSP	Tentatively Selected Plan
USACE	U.S. Army Corps of Engineers
WRDA	Water Resources Development Act