

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 Bilich

DATE: November 4, 2022

TIME: 9:00 AM

Meeting Via Zoom Webinar

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84956410374>

Or Telephone:

Dial: +16694449171

Webinar ID: 849 5641 0374

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, November 3, 2022. The subject line should read "Public Comment for the November 4, 2022 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. ROLL CALL**
- 3. ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**
(A maximum of three minutes on any subject not on the agenda)

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

5. Resolution in Accordance with AB 361 regarding the Ralph M. Brown Act and Finding of Imminent Risk to Health and Safety of In-Person Meetings as a Result of the Continuing COVID-19 Pandemic State of Emergency Declared by Governor Newsom

Recommended Action: ADOPT

- Maura Twomey, RAPS, Inc.

Adopt the resolution in accordance with AB 361 regarding the Ralph M. Brown Act and finding of imminent risk to health and safety of in-person meetings as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom. (Page 5)

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. Minutes of the September 9, 2022 Board of Directors Meeting

- Ana Flores, RAPS, Inc.

Approve the minutes of the September 9, 2022 Board of Directors meeting. (Page 7)

B. Approval of Payment to Gutierrez Consultants

- Lidia Gutierrez, Gutierrez Consultants

Approve the August 2022 and September 2022 invoices for services rendered by Gutierrez Consultants. (Page 11)

C. Approval of Payment to RAPS, Inc.

- Maura Twomey, RAPS, Inc.

Approve the August 2022 and September 2022 invoices for services rendered by RAPS, Inc. (Page 15)

D. Approval of Payment to ABC Law

- Maura Twomey, RAPS, Inc.

Approve the invoice for services rendered in September 2022 by ABC Law. (Page 21)

E. Draft 2023 PRWFPA Calendar of Meetings

- Maura Twomey, RAPS, Inc.

Approve the draft 2023 PRWFPA Calendar of Meetings. (Page 25)

F. 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 27)

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

8. PLANNING

A. Pajaro River Flood Risk Reduction Project Update

Recommended Action: INFORMATION

- Dr. Mark Strudley, PRFMA Executive Director

Receive an update on the Pajaro River Flood Risk Reduction Project. (Page 35)

9. OTHER BUSINESS

10. ADJOURN

REFERENCE ITEMS:

- A. Acronym Guide (Page 39)

NEXT BOARD OF DIRECTORS MEETING:

Date: February 3, 2023

Location: Zoom Webinar

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 FINDING OF IMMINENT RISK TO HEALTH AND SAFETY OF IN-
PERSON MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF
EMERGENCY DECLARED BY GOVERNOR NEWSOM**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government code Section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; 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 either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, 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 4, 2020, remains in effect; and,

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta and Omicron variants of COVID-19, currently the dominant strains of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases; and,

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

WHEREAS, Monterey County, San Benito County, Santa Cruz County, and Santa Clara County currently have a Community Transmission metric of “low”; and,

WHEREAS, due to the current pandemic situation, the CDC recommends that all persons, regardless of vaccination status, wear a mask based on your personal preference, informed by your personal level of

risk. The public may choose to wear a mask or respirator that offers greater protection in certain situations, such as when you are with people at higher risk for severe illness, or if you are at higher risk for severe illness; 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 spread of COVID-19, 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 4th day of November 2022.

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**

September 9, 2022

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, September 9, 2022.

2. 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 Greg Caput	X	
County of Monterey	Supervisor John Phillips	X	
County of Santa Clara	Supervisor Mike Wasserman	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: Richard Santos, SCVWD; Lidia Gutierrez, Gutierrez Consultants; Mark Strudley, Antonella Gentile, and Rusty Barker, County of Santa Cruz; Michael Franzino, County of Santa Clara; Will Condon, 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 and Finding of Imminent Risk to Health and Safety of In-Person Meetings as a Result of the Continuing COVID-19 Pandemic State of Emergency Declared by Governor Newsom

Resolution No. 2022-14 was adopted.

Motion made by Director Wasserman, seconded by Director Varela to approve Resolution 2022-4. Motion passed unanimously.

7. CONSENT

A. Minutes of the June 3, 2022 Board of Directors Meeting

The minutes of the June 3, 2022 Board of Directors meeting were approved.

B. Approval of Payment to Gutierrez Consultants

The invoices for services rendered by Gutierrez Consultants in May 2022, June 2022, and July 2022 were approved.

C. Approval of Payment to RAPS, Inc.

The invoices for services rendered by RAPS, Inc. in May 2022, June 2022, and July 2022 were approved.

D. Approval of Payment to ABC Law

The invoice for services rendered by ABC Law in July 2022 were approved.

E. Financial Update Report

The financial update report was accepted.

Motion made by Director Wasserman, seconded by Director Phillips to approve the consent agenda. Motion passed unanimously.

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

None.

9. PLANNING

A. Pajaro River Flood Risk Reduction Project Update

Mark Strudley, County of Santa Cruz gave an update on the Pajaro River Flood Risk Reduction Project and the Pajaro Regional Flood Management Agency.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

The meeting adjourned at 9:21 a.m.

DRAFT PRWFPA BOARD OF DIRECTORS MEETING ATTENDANCE & VOTING RECORD

BOARD MEETING DATE: September 9, 2022

		Attendance (X= Present; AB= Absent) Voting (Y= Yes; N=No; A=Abstain)		
MEMBER	PRWFPA REP	Attendance	Item 6	Item 7
County of Monterey	John Phillips	X	Y	Y
County of San Benito	Kollin Kosmicki	X	N/A	N/A
County of Santa Clara	Mike Wasserman	X	Y	Y
County of Santa Cruz	Greg Caput	X	Y	Y
Monterey County Water Resources Agency	John Baillie	X	N/A	N/A
San Benito County Water District	Sonny Flores	X	Y	Y
Santa Clara Valley Water District	John Varela	X	Y	Y
Zone 7 Flood Control	Nancy Bilicich	X	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)

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Gutierrez Consultants

October 4, 2022

Ms. Maura Twomey, Executive Director
Pajaro River Watershed FPA
Post Office Box 2453
Seaside, CA 93955-2453

Dear Maura:

Attached is an invoice from Gutierrez Consultants for professional services provided from August 1, 2022 through August 31, 2022. The services were provided in accordance with the Soap Lake Floodplain Preservation Project Contract, Amendment 13. The invoice is for a total amount of \$2,515.50 and the balance remaining is \$66,581.50.

Sincerely,

Lidia Gutierrez
Principal

Gutierrez Consultants
 118 Diablo Ranch Court
 Danville, CA 94506

Invoice

Bill To:
Pajaro River Watershed FPA PO Box 2453 Seaside, CA 93955-2453

Date	Invoice No.	Project	Service Period
10/04/22	1718		8/1/22-8/31/22

Item	Description	Quantity	Rate	Amount
FPA Subtask 1.9 Partner Facilit	Review The Nature Conservancy (TNC) Gonzales Property Grant Agreement and coordination with TNC regarding potential sale requirements; research San Benito County proposed projects and EIRs for review and comment on potential flood impacts; review Travelers Station Initial Study/Mitigated Negative Declaration; prepare for and participate in August 16, 2022 Staff Working Group meeting; review Betabel EIR	9.75	258.00	2,515.50
			Total	\$2,515.50



Gutierrez Consultants

October 17, 2022

Ms. Maura Twomey, Executive Director
Pajaro River Watershed FPA
Post Office Box 2453
Seaside, CA 93955-2453

Dear Maura:

Attached is an invoice from Gutierrez Consultants for professional services provided from September 1, 2022 through September 30, 2022. The services were provided in accordance with the Soap Lake Floodplain Preservation Project Contract, Amendment 13. The invoice is for a total amount of \$2,967.00 and the balance remaining is \$63,614.50.

Sincerely,

Lidia Gutierrez
Principal

Gutierrez Consultants
 118 Diablo Ranch Court
 Danville, CA 94506

Invoice

Bill To:
Pajaro River Watershed FPA PO Box 2453 Seaside, CA 93955-2453

Date	Invoice No.	Project	Service Period
10/17/22	1719		9/1/22-9/30/22

Item	Description	Quantity	Rate	Amount
FPA Subtask 1.9 Partner Facilit	Review Betabel Road Project EIR; prepare draft Betabel Road Project EIR comment letter; revise Betabel EIR comment letter; prepare for and participate in September 9, 2022 FPA Board of Directors meeting; prepare for and participate in September 20, 2022 Staff Working Group meeting; review Betabel Road EIR response to comments and Final EIR	11.5	258.00	2,967.00
			Total	\$2,967.00

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

August 31, 2022

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 **August 1 through August 31, 2022.**

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 **November 4, 2022**

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

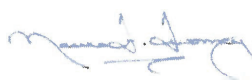
Work Element 530 - Agency Administration

Executive Coordinator	1 hours @ \$	276.00	\$	276.00
Director of Finance & Administration	0 hours @ \$	241.00	\$	-
Principal Accountant	0 hours @ \$	163.00	\$	-
Associate Planner	0 hours @ \$	126.00	\$	-
GIS Coordinator	0 hours @ \$	193.00	\$	-
Clerk of the Board	4 hours @ \$	180.00	\$	720.00
Total	<u>5</u>	Subtotal	<u>\$</u>	<u>996.00</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: \$ 996.00

Sincerely,



Maura F. Twomey
Executive Coordinator

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

Invoice for PRWFPA
August 1 - August 31, 2022

Position Title	Total Hours	Billing Rate	Total Cost
Executive Coordinator			
Project 530 Admin	1.00	276.00	276.00
Subtotal	1.00	276.00	276.00
Director of Finance & Administration			
Project 530 Admin	-	241.00	-
Subtotal	-	241.00	-
Principal Accountant			
Project 530 Admin	-	163.00	-
Subtotal	-	163.00	-
Associate Planner			
Project 530 Admin	-	126.00	-
Subtotal	-	126.00	-
GIS Coordinator			
Project 530 Admin	-	193.00	-
Subtotal	-	193.00	-
Clerk of the Board			
Project 530 Admin	4.00	180.00	720.00
Subtotal	4.00	180.00	720.00
Total	5.00		996.00

Tasks Completed:

Executive Coordinator

Preparation of the August 16, 2022 SWG agenda; Attendance of the August 16, 2022 SWG meeting; Preparation of the September 9, 2022 PRWFPA Board of Directors agenda.

Director of Finance & Administration

GIS Coordinator

Principal Accountant

Associate Planner

Clerk of the Board

Preparation and distribution of the August 16, 2022 SWG agenda; Attendance of the August 16, 2022 SWG meeting; Preparation and distribution of the September 9, 2022 PRWFPA Board of Directors agenda; website update.

REGIONAL ANALYSIS PLANNING SERVICES, INC.

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	<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	\$ -	\$ -
October, 2022	\$ -	\$ -
November, 2022	\$ -	\$ -
December, 2022	\$ -	\$ -
January, 2023	\$ -	\$ -
February, 2023	\$ -	\$ -
March, 2023	\$ -	\$ -
April, 2023	\$ -	\$ -
May, 2023	\$ -	\$ -
June, 2023	\$ -	\$ -
Subtotal	<u>\$ 1,237.00</u>	<u>\$ 43,763.00</u>
Balance Available		<u>\$ 43,763.00</u>

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

September 30, 2022

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 **September 1 through September 30, 2022.** 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 **November 4, 2022**

* 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.

Work Element 530 - Agency Administration

Executive Coordinator	3 hours @ \$ 276.00	\$ 828.00
Director of Finance & Administration	0 hours @ \$ 241.00	\$ -
Principal Accountant	0 hours @ \$ 163.00	\$ -
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>	<u>\$ 2,268.00</u>
	Subtotal	

* 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: \$ 2,268.00

Sincerely,



Maura F. Twomey
Executive Coordinator

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

Invoice for PRWFPA
September 1 - September 30, 2022

Position Title	Total Hours	Billing Rate	Total Cost
Executive Coordinator			
Project 530 Admin	3.00	276.00	828.00
Subtotal	3.00	276.00	828.00
Director of Finance & Administration			
Project 530 Admin	-	241.00	-
Subtotal	-	241.00	-
Principal Accountant			
Project 530 Admin	-	163.00	-
Subtotal	-	163.00	-
Associate Planner			
Project 530 Admin	-	126.00	-
Subtotal	-	126.00	-
GIS Coordinator			
Project 530 Admin	-	193.00	-
Subtotal	-	193.00	-
Clerk of the Board			
Project 530 Admin	8.00	180.00	1,440.00
Subtotal	8.00	180.00	1,440.00
Total	11.00		2,268.00

Tasks Completed:

Executive Coordinator

Attendance of the September 9, 2022 Board of Directors meeting; Preparation of the September 20, 2022 SWG agenda; Attendance of the September 20, 200 SWG meeting; PRFMA conflict of interest code review

Director of Finance & Administration

GIS Coordinator

Principal Accountant

Associate Planner

Clerk of the Board

Preparation and attendance of the September 9, 2022 Board of Directors meeting; Preparation and distribution of the September 20, 2022 SWG agenda; Attendance of the September 20, 200 SWG meeting; PRFMA conflict of interest code review; correspondence with PRFMA legal counsel and the FPPC. Website maintenance.

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	\$ -	\$ -
November, 2022	\$ -	\$ -
December, 2022	\$ -	\$ -
January, 2023	\$ -	\$ -
February, 2023	\$ -	\$ -
March, 2023	\$ -	\$ -
April, 2023	\$ -	\$ -
May, 2023	\$ -	\$ -
June, 2023	\$ -	\$ -
Subtotal	<u>\$ 3,505.00</u>	<u>41,495.00</u>
Balance Available		<u>\$ 41,495.00</u>

Atchison Barisone & Condotti

PO Box 481
Santa Cruz, CA 95061
TAX ID 94-2809338

October 11, 2022

Pajaro River Watershed Flood
Prevention Authority
Attn: Maury Twomey
PO Box 2453
Seaside, CA 93955-2453

Re:

Dear Pajaro River Watershed Flood
Prevention Authority,

Enclosed is invoice 34063, which covers services from 9/1/2022 to 9/30/2022. This invoice, dated 10/11/2022, is for \$951.20. Your total balance, including past charges, is \$951.20. Prompt payment of your total balance is appreciated.

Billing Summary

Total for services rendered	\$951.20
Total expenses	\$0.00
Total interest and finance charges	\$0.00
Total payments and other transactions	(\$32.80)
Total previous balance	\$32.80
Balance Due	\$951.20

Thank you for your confidence in our work and our commitment to serving you.

If you have questions, please call us at 831 423 8383.

Sincerely,
Jennifer Quek

Atchison Barisone & Condotti

PO Box 481
Santa Cruz, CA 95061
TAX ID 94-2809338

Invoice submitted to:
Pajaro River Watershed Flood Prevention Authority
Attn: Maury Twomey
PO Box 2453
Seaside, CA 93955-2453

October 11, 2022

Invoice #34063

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>General</u>			
9/15/2022	APC Rec/rev A. Flores email and attached COI Code; assign BHC task re same; reply to A. Flores re same; monitor email thread re Banovac PSA. General	0.30 328.00/hr	98.40
9/27/2022	APC Rec/rev A. Flores email re COI Code review status; email corresp. w/ BHC re same; monitor follow-up email corresp. re same. General	0.20 328.00/hr	65.60
	BHC Review email from A. Flores re: review of conflict of interest code. Review conflict of interest code. Review biennial notice and basis to amend conflict of interest code. Review FPPC guide on amending conflict of interest code. Review reporting categories. Prepare email to A. Flores on outline of amending conflict of interest code. General	2.40 328.00/hr	787.20
SUBTOTAL:		[2.90	951.20]
For professional services rendered		2.90	\$951.20
For professional services rendered		2.90	\$951.20
Previous balance			\$32.80
Accounts receivable transactions			
9/15/2022	Payment for June 2022 Legal Fees - Thank You. Check No. 950		(\$32.80)
Total payments and adjustments			(\$32.80)

831 423 8383

CONFIDENTIAL & PRIVILEGED ATTORNEY-CLIENT
COMMUNICATION

	<u>Amount</u>
Balance due	<u>\$951.20</u>

Payments are due by the last day of each month. A finance charge may be assessed pursuant to agreement. A \$25 in addition to any bank fees will be charged for any returned checks.

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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.

DRAFT

2023 PRWFPA Meeting Calendar

February 3, 2023:	Zoom Webinar Meeting Time: 9 am
April 7, 2023:	TBD Meeting Time: 9 am
June 2, 2023:	TBD Meeting Time: 9 am
September 8 2023:	TBD Meeting Time: 9 am
November 3, 2023:	TBD Meeting Time: 9 am

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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: Financial Update Report

MEETING DATE: November 4, 2022

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 August 31, 2022, 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 \$708,124.17. The accounts receivables balance is \$10,000.00 as of August 31, 2022. The current liabilities balance is \$3,584.30. PRWFPA has sufficient current assets on hand to pay all known current obligations.

During the period of July 1, 2022 through August 31, 2022, 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, and SWG meeting preparation and attendance.

- Atchinson Barisone & Condotti: Legal services consisting of consultant contract extensions.
- Planeteria Media: Maintain and update website.

Expenses for the period of July 1, 2022 through August 31, 2022 totaled \$4,900.30, which included professional services and other expenses.

PRWFPA's Profit and Loss Statement reflects an excess of revenue over expense of \$75,368.97 for the period July 1, 2022 through August 31, 2022.

The following table highlights key Budget to Actual financial data:

**Budget to Actual Financial Highlights For
Period July 1, 2022 Through August 31, 2022**

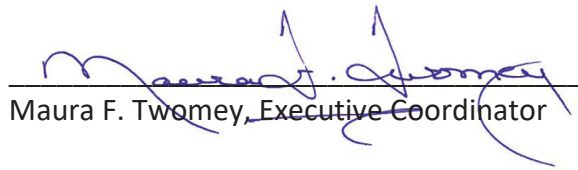
Expense	Budget August 2022	Actual August. 2022	Difference
Professional Services	\$ 21,796.00	\$ 4,688.30	\$ 17,107.70
Insurance	\$ 233.00	\$ -	\$ 233.00
Supplies	\$ 663.00	\$ 212.00	\$ 451.00
Travel	\$ 1,417.00	\$ -	\$ 1,417.00
Total	<u>\$ 24,109.00</u>	<u>\$ 4,900.30</u>	<u>\$ 19,208.70</u>
Revenue			
State/Local Revenue *	\$ 13,417.00	\$ 80,269.27	\$ 66,852.27
* State/Local Revenue does not include \$64,155.00 which will be used from reserves			

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 August 31, 2022
2. Profit and Loss Statement: July 1, 2022 through August 31, 2022
3. Accounts Payable Aging Detail as of August 31, 2022
4. Accounts Receivable Aging Detail as of August 31, 2022
5. Check Register: August 1, 2022 through August 31, 2022

APPROVED BY:

Maura F. Twomey, Executive Coordinator

Pajaro River Watershed Flood Prevention Authority

Balance Sheet

Attachment 1

As of August 31, 2022

August 31, 2022

ASSETS

Current Assets

Cash and Cash Equivalents

Cash in Bank Checking

568,935.75

LAIF Account

139,188.42

Total Cash and Cash Equivalents

\$ 708,124.17

Accounts Receivable

Accounts Receivable

10,000.00

Total Accounts Receivable

\$ 10,000.00

TOTAL ASSETS

\$ 718,124.17

LIABILITIES & FUND BALANCE

Liabilities

Current Liabilities

Accounts Payable

3,584.30

Total Current Liabilities

\$ 3,584.30

Total Liabilities

\$ 3,584.30

Fund Balance - Unrestricted

Fund Balance - Beginning of Fiscal Year

639,170.90

Net Income/(Loss)

75,368.97

Total Fund Balance - Unrestricted

714,539.87

TOTAL LIABILITIES & FUND BALANCE

718,124.17

Pajaro River Watershed Flood Prevention Authority

Profit & Loss

Attachment 2

July 1, 2022 through August 31, 2022

	July 1, 2022 - August 31, 2022	July 1, 2022 - August 31, 2022
Income		
Interest		269.27
Member Dues		80,000.00
Total Income		<u>\$ 80,269.27</u>
Expense		
Gutierrez Consultants		3,418.50
Regional Analysis & Planning Services, Inc. (RAPS)		1,237.00
Legal Services		32.80
Other Expense		
Web Hosting/Maintenance Costs	212.00	
Total Other Expense		<u>212.00</u>
Total Expense		<u>\$ 4,900.30</u>
Net Income/(Loss)		<u><u>\$ 75,368.97</u></u>

Pajaro River Watershed Flood Prevention Authority
A/P Aging Detail
Attachment 3
As of August 31, 2022

Date	Num	Name	Due Date	Open Balance
07/31/2022	34015	Atchison Barisone & Condotti	08/31/2022	32.80
08/31/2022	19705	AMBAG	08/31/2022	40.00
08/31/2022	1116	Regional Analysis & Planning Services	10/30/2022	996.00
08/31/2022	1718	Gutierrez Consultants	11/29/2022	2,515.50
Total				<u><u>\$3,584.30</u></u>

Pajaro River Watershed Flood Prevention Authority
A/R Aging Detail
Attachment 4
As of August 31, 2022

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Due Date</u>	<u>Open Balance</u>	<u>Paid</u>
07/01/2022	221	County of Santa Cruz	07/01/2022	10,000.00	
TOTAL				\$ 10,000.00	

PAID = Reflects payments received subsequent to August 31, 2022.

Pajaro River Watershed Flood Prevention Authority

Check Register

Attachment 5

August 1, 2022 through August 31, 2022

Date	Num	Name	Memo	Amount
08/31/2022	947	AMBAG	Reimbursement of Website Monthly Maintenance - May - July 2022, Travel, and Website Domain	299.44
08/31/2022	948	Gutierrez Consultants	May - July 2022 Lake Floodplain Preservation Project Services & Meetings	5,308.80
08/31/2022	949	Regional Analysis & Planning Services	RAPS WE 530 Agency Administration - May - July, 2022	5,983.00
TOTAL				<u>\$ 11,591.24</u>

MEMORANDUM

TO: PRWFPA Board of Directors

FROM: Maura F. Twomey, Executive Coordinator

RECOMMENDED BY: Dr. Mark Strudley, PRFMA Executive Director

SUBJECT: Pajaro River Flood Risk Reduction Project Update

MEETING DATE: November 4, 2022

RECOMMENDATION:

This is an informational item only.

BACKGROUND/DISCUSSION:

Executive Summary

The federal Pajaro River Flood Risk Management Project (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 level of flood protection for the City of Watsonville and Town of Pajaro, and a mix of 100-year and 25-year flood protection for surrounding unincorporated areas in Santa Cruz and Monterey Counties. 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), continue to coordinate with the USACE and State of California Department of Water Resources (DWR) to maintain progress on the Project and to secure additional federal and State investment. A summary of ongoing work is provided.

Background

Following FY20 and FY21 U.S. USACE Work Plan appropriations sufficient to perform Project design work, the non-federal sponsors continue to engage with various federal agencies, elected representatives, and political appointees to secure full construction funding.

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.

Analysis

Army Corps Preconstruction Engineering and Design

The USACE has begun initial investigations that will support design of Reaches 5 and 6 along the Corralitos and Salsipuedes Creek corridor (Attachment 1 – Project Map). The USACE awarded a contract to an engineering firm, A3GEO, to develop the designs and specifications for the flood control facilities to be built along this portion of the Project. Initial work in support of design includes geotechnical subsurface investigation using cone penetrometer testing and other subsurface geophysical data collection. Geophysical investigation began the week of April 25, leveraging a concerted campaign led by Zone 7 and Santa Cruz County staff (Real Property Division of the Community Infrastructure and Development Department) to collect 186 rights of entry throughout the project footprint in Reaches 5 and 6. A secondary contract was awarded by USACE to conduct topographic surveying within these project reaches in support of design. Cultural and environmental survey work has also begun to support project design and State Historic Preservation Office and Tribal coordination requirements, and to update the Project's Programmatic Agreement.

Initial design products for Reaches 5 and 6 (35% plans and specs) are expected to be completed this December.

Army Corps Project Investment

On October 3, 2022, the Biden Administration released the third tranche of IIJA (Bipartisan Infrastructure Law) funds, which awards an additional \$82 million in construction funds to the Army Corps for the Pajaro Project. This represents a monumental achievement in the history of this project, securing \$149 million of the roughly \$260 million needed for full construction funding. It is a testament to the support of the community, including from PRWFPA, for moving this project forward, and all but assures that securing the remainder of construction funds is just a matter of time (and future IIJA releases). Regardless of IIJA, the San Francisco District Army Corps office and the non-federal sponsors continue to position the Project for President's Budget funding in the federal FY 2025 budget package.

State Subventions Authorization and Coastal Watershed Grant

Zone 7 and MCWRA have finalized negotiation of the Coastal Watershed Flood Risk Reduction (CWFRR) Grant agreement and have executed the contract. This grant award will provide essential cash flow relief for the project as near-term infusions of local cash will be required to continue funding the PED phase. This award would contribute to the overall contributions made towards the state cost share of non-federal costs. The District is extremely appreciative of DWR providing this additional support and strong partnership on this critical multi-benefit Project.

In another historic achievement for the Project, Governor Newsom signed SB 496 into law in late September of this year, which allows the Project to receive advanced payments under its Subventions authorization. Again, this is the first arrangement of its kind in State. The PRWFPA letters of supports along the legislative path have been key to substantiating the unanimous support for this bill, and Zone 7 and MCWRA staff appreciate Executive Director Twomey's support and the Board's support.

The Subventions agreement negotiation I set to take place next, now that SB 496 has been signed into law and the CWFRR grant has been executed. The scopes of these agreements closely align, and discussions on both agreements have occurred concurrently over the past year. We hope to have an executed Subventions agreement by the end of the calendar year.

Proposed Levee OMRR&R Special Benefit Assessment status and outreach

The Pajaro Regional Flood Management Agency (PRFMA) proposed the formation of a benefit assessment to bridge a \$1.2 million gap between existing and needed revenues for levee maintenance. Adequate funding is critical to ensuring existing levees are properly maintained to prevent further degradation, and to provide required assurances necessary for receipt of \$400 million in state and federal levee improvement project funding. Ballots were sent to property owners on April 22 and were due by June 8. The PRFMA implemented a comprehensive public outreach program to engage property owners and provided information they needed to make an informed decision. Elements of the ongoing public outreach program included large, small and one-to-one meetings with property owners, facilitation of a Key Communicators group, development and distribution of outreach materials, and development and management of tools to provide opportunities for two-way communication and rapid response to questions from stakeholders. Earned media has also resulted in increased exposure for the proposed assessment.

Weighted ballot results were in favor of the assessment (79% of the weighted vote), and on July 13th the PRFMA Board adopted the assessment. Assessments will show up of property owners' tax bills this Fall.

Pajaro Regional Flood Management Agency status

The Pajaro Regional Flood Management Agency (PRFMA) is advancing administrative items necessary to stand up the agency and ready it for assuming Project implementation and Operations and Maintenance responsibilities. The Agency has now hired a permanent Executive Director, Dr. Mark Strudley, who will begin in this new position starting on November 12, 2022. The Agency is also busy establishing internal policies, independent communications and IT services, insurance, employee benefit programs, and will soon hire the remainder of its staff. Cost share agreements between the PRFMA and its "maintaining member agencies" are in the process of being executed, which will provide the Agency with the remainder of its budget beyond the special benefit assessment. OMRR&R (Operations, Maintenance, Repair, Replacement, and Rehabilitation) Assignment Agreements will also be executed, formalizing the transfer of maintenance responsibility to the PRFMA.

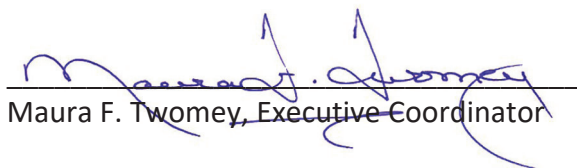
Financial Impact

Costs associated with CEQA environmental review and program management consultant services are reimbursable through an existing Prop 1E grant from the state. Most of the program management consultant costs, as well as all of the Planning, Engineering, and Design (PED), or Design Phase, costs are also eligible for reimbursement through the Project's Subventions authorization as well as the CWFRR grant. Non-federal cost share contributions to the USACE are currently being paid by the District and MCWRA. Near term Non-federal cost share contributions will be reimbursed at a 100% cost share by DWR under the CWFRR agreement.

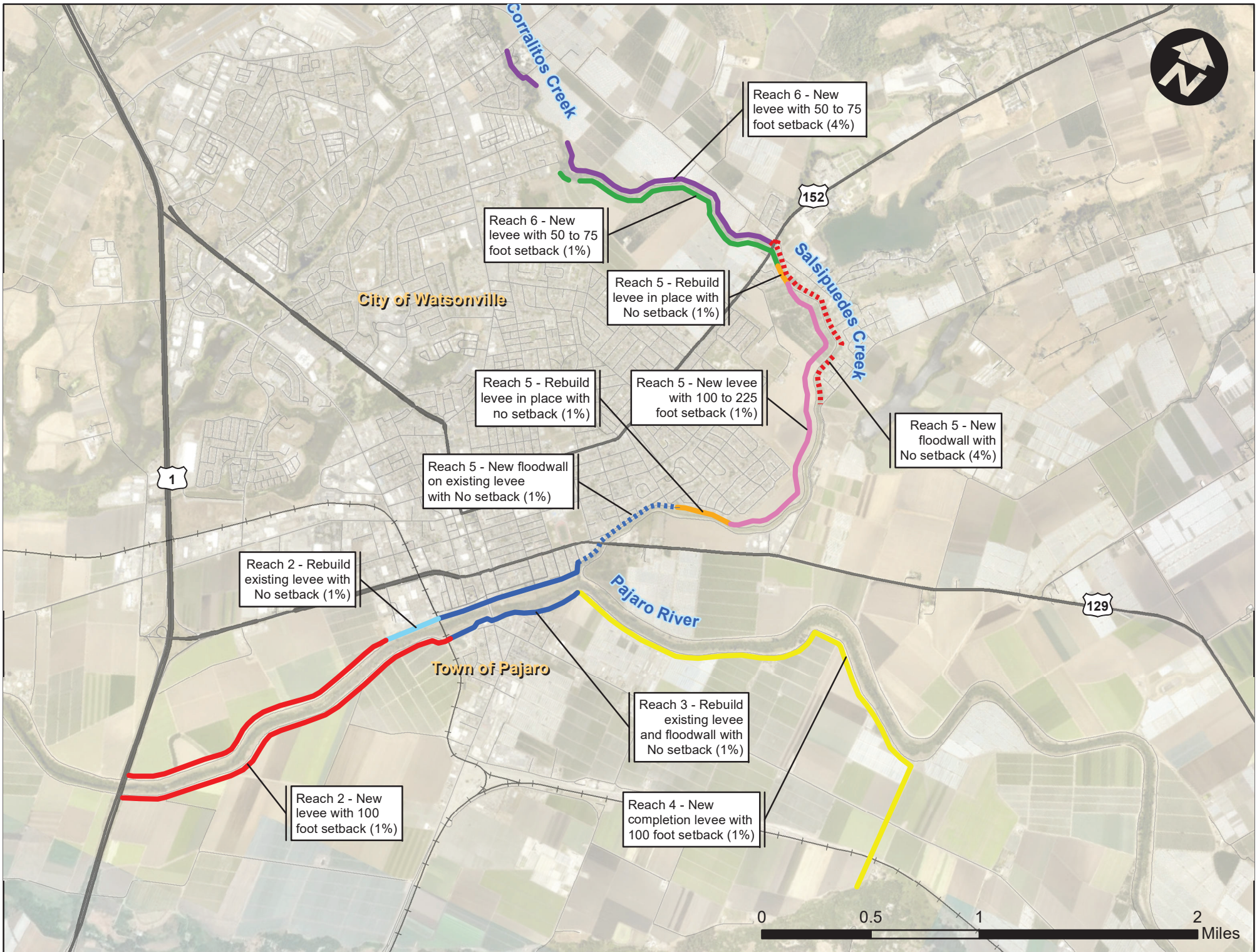
Attachment:

1. Project Map

APPROVED BY:



Maura F. Twomey, Executive Coordinator



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