



ERRATA SHEET

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: Sandra Kandell, City Clerk
MEETING DATE: January 9, 2019
SUBJECT: City Council Meeting Agenda- Errata Sheet

Attached is additional information for your consideration at the January 9, 2019 City Council Meeting:

Agenda Item	Information Provided/Corrected
6A	Revised Agenda correcting typographical errors. Attachment 2 referenced as MOU inadvertently left out of packet and attached for reference.
11A	Ordinance revised to reflect one "Section 3," attached for reference.
12A	The agenda report for the Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2019, references Attachment 1 – Management Report. This item was pending receipt from the independent auditors. This document was received and is attached for reference. In addition, the title of the attachment should reflect "Auditors Communication with Those Charged with Governance (Statements on Auditing Standards 114 (SAS114))".

RESPECTFULLY SUBMITTED:

Sandra Kandell, City Clerk



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Milas Smith, Environmental Programs Manager

MEETING DATE: January 9, 2019

SUBJECT: City of Pacific Grove to join by MOU the Integrated Regional Water Management Planning Group

CEQA STATUS: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an MOU to join the Integrated Regional Water Management Group for the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

DISCUSSION

The purpose of this Memorandum of Understanding (MOU) is to recognize a mutual understanding among entities in the southern Monterey Bay area regarding their joint efforts toward Integrated Regional Water Management (IRWM) planning. That understanding will continue to increase coordination, collaboration and communication for comprehensive management of water resources in the cities and unincorporated portions of the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region (Region).

The initial MOU to form a regional group was fully executed on July 22, 2008, by the Big Sur Land Trust, the City of Monterey, Monterey One Water, the Monterey County Water Resources Agency, and the Monterey Peninsula Water Management District (MPWMD). The Marina Coast Water District and the Resource Conservation District of Monterey County were included as members in 2011 and 2012 respectively. The MPWMD is the lead agency for the Group. All local Peninsula municipalities have or will be participating in the updated MOU.

Integrated Regional Water Management Plan (IRWMP)

A formally adopted Plan is required by the State to be eligible to apply for grant funds to implement water-related projects. A Plan must comply with Proposition 1 standards and must address, at a minimum, water supply, and quality, groundwater management, ecosystem restoration, and specifically consider projects with beneficial use of wet and dry weather runoff collected from storm drainage infrastructure. In coordination with local municipalities and agencies a regional Storm Water Resource Plan has been prepared and will be incorporated into the local Integrated Regional Water Management Plan.

The IRWMP is not for directly solving water management issues and implementing projects. Instead, the Plan will provide a framework for agencies, non-profit groups, for-profit corporations, and other stakeholders with missions and responsibilities to work together on common water management strategies, objectives, goals, and projects. As such, the IRWMP takes into consideration the many plans and policies currently being implemented for water resource management, analyzes how these are interrelated and shows how projects and programs can have multiple benefits when grouped. However, the Plan does not bind any agency or group to carry out particular actions, policies, or projects.

The Proposition 1 funds that have been allocated to the Monterey Peninsula are currently valued at 3.7 million dollars and are to be distributed evenly over two rounds, with the first round of grant awards scheduled for late spring or summer of 2019.

City staff intends to bring back to City Council projects for grant fund consideration that will provide trash capture with stormwater diversion to sanitary sewer capabilities.

FISCAL IMPACT

Beyond staff participation in project evaluation and regular meetings of the Group, there are no fiscal impacts associated with executing the MOU.

GOAL ALIGNMENT

Environmental
Operational Excellence

ATTACHMENTS

- 1. Resolution
- 2. MOU

RESPECTFULLY SUBMITTED:

REVIEWED BY:



Milas Smith
Environmental Programs Manager

Ben Harvey
City Manager

AMENDED
**Memorandum of Understanding for
Integrated Regional Water Management in the
Monterey Peninsula, Carmel Bay, and South Monterey Bay Region**

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to recognize a mutual understanding among entities in the southern Monterey Bay area regarding their joint efforts toward Integrated Regional Water Management (IRWM) planning. That understanding will continue to increase coordination, collaboration and communication for comprehensive management of water resources in the cities and unincorporated portions of the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region (Region).

- A. **Background and Description of Amendments.** The initial MOU to form a Regional Water Management Group (RWMG) was fully executed on July 22, 2008 by the Big Sur Land Trust (BSLT), a 501 (c) 3 organization, the City of Monterey, the Monterey Regional Water Pollution Control Agency (MRPWCA, now known as Monterey One Water or M1W), the Monterey County Water Resources Agency (MCWRA), and the Monterey Peninsula Water Management District (MPWMD). The MOU formed a Regional Water Management Group (RWMG) for the purposes of developing and implementing projects consistent with the guidelines set by the State of California for IRWM.

Subsequently, the Marina Coast Water District (MCWD) requested approval to become part of the RWMG and signed an amended MOU in June 2011 that includes MCWD as a member of the RWMG. In 2012, the MOU was amended to include the Resource Conservation District of Monterey County (RCD) as a member of the RWMG. In 2018, a number of additional organizations requested approval to become part of the MOU, including California State University Monterey Bay, Carmel Area Wastewater District, Carmel River Watershed Conservancy, Carmel Valley Association, City of Carmel-by-the-Sea, city of Del Rey Oaks, City of Sand City, City of Seaside, and Monterey County Resource Management Agency.

In 2014, voters passed Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Public Resources Code, sections 79700 - 79798), which authorizes the Legislature to appropriate funding for competitive grants for Integrated Regional Water Management (IRWM) projects. Funding is administered by the Department of Water Resources (DWR).

In 2015, representatives from the RWMGs representing the Central Coast region entered into discussions about a funding area agreement for Proposition 1 funds allocated to the Central Coast funding area. In 2016, the Central Coast RWMGs entered into a Memorandum of Agreement for Integrated Regional Water Management Planning and Funding in the Central Coast Funding Area to share Proposition 1 funding for the IRWM

grant program among the six Parties in a fair and equitable manner, and to reduce the need for the Parties to compete against each other for grant funds, which creates unnecessary economic inefficiencies in implementing each Planning Region's IRWM Plan.

(Pending approval by a majority of current RWMG members) This amended MOU reflects the addition of California State University Monterey Bay, Carmel Area Wastewater District, Carmel River Watershed Conservancy, Carmel Valley Association, City of Carmel-by-the-Sea, city of Del Rey Oaks, City of Sand City, City of Seaside, and Monterey County Resource Management Agency as members of the RWMG.

2. RECITALS

- A. The State of California desires to foster Integrated Regional Water Management (IRWM) planning and encourages local public, non-profit, and private (for profit) entities to define planning regions appropriate for managing water resources and to integrate strategies within these planning regions.
- B. Water resources management authority in the Region is currently distributed among various public agencies with a range of legal powers and regulatory responsibilities. These public agencies have definite jurisdictional boundaries, whereas sensible water resources planning and management frequently requires actions in multiple jurisdictions. Non-public entities within the Region have considerable interests in cooperating with public entities to protect, manage, and enhance water resources within the Region.
- C. (Pending approval by current RWMG members) Thirteen public entities and three non-profit entities in the Region with responsibility and interests in the management of water resources have agreed to form a Regional Water Management Group for the purposes of developing and implementing projects consistent with the guidelines set by the State of California for IRWM. These entities are:
- Big Sur Land Trust (BSLT), a 501 (c) 3 organization;
 - California State University Monterey Bay
 - Carmel Area Wastewater District;
 - Carmel River Watershed Conservancy, a 501 (c) 3 organization;
 - Carmel Valley Association;
 - City of Carmel-by-the-Sea;
 - City of Del Rey Oaks
 - City of Monterey;
 - City of Seaside;
 - City of Sand City; Monterey One Water (M1W));
 - Monterey County Resource Management Agency;
 - Monterey County Water Resources Agency (MCWRA);
 - Marina Coast Water District (MCWD);
 - Resource Conservation District of Monterey County; and

- Monterey Peninsula Water Management District (MPWMD).

D. The RWMG has defined an appropriate planning Region that takes into consideration jurisdictional limits, powers and responsibilities, and watershed and groundwater basin boundaries. The RWMG is taking the lead in overseeing and implementing a detailed IRWM Plan within the planning Region. The Region is generally described as encompassing approximately 347 square miles and consists of groundwater basins and coastal watershed areas contributing to the Carmel Bay and south Monterey Bay. The Region includes coastal watersheds from the southernmost portion of the San Jose Creek watershed north to the northern limit of the Seaside Groundwater Basin. The inland area is bounded by the Seaside Groundwater Basin to the north and by the Carmel River watershed to the south and east. The western limit of the planning Region generally coincides with the land and Pacific Ocean interface, but includes the Pt. Lobos, Carmel Bay, and Pacific Grove Areas of Special Biological Significance (ASBS) adjacent to the coastal portion of the Region.

The principal groundwater basins in the planning Region are the Seaside Groundwater Basin and the Carmel Valley Aquifer. The Region includes about 38 miles of the coast within the Monterey Bay National Marine Sanctuary, three ASBS, the Cities of Carmel-by-the Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, and unincorporated portions of Monterey County including the Carmel Valley watershed (255 square miles), Pebble Beach, the Carmel Highlands and portions of the Seaside Groundwater Basin adjacent to Highway 68 (also known as Canyon Del Rey). This description of the planning Region is not intended to be a limitation on projects and resource planning that may be shared between adjacent IRWM planning Regions (e.g., the Greater Monterey County IRWM planning Region to the north and east).

E. The entities signatory to this MOU desire to link and integrate efforts to jointly oversee the development and implementation of a comprehensive Integrated Regional Water Management Plan for the Region and to allocate IRWM funding within the planning Region.

3. GOALS

The goals of the collaborative effort undertaken pursuant to this MOU are:

3.1 To implement a comprehensive IRWMP for the Region that will consider the strategies that are required by the State under CWC 79562.5 and 79564 and subsequent modifications required under Proposition 1. Eligible projects must yield multiple benefits and include one or more of the following elements

(Water Code §79743 (a - j)):

- ✓ **Water reuse and recycling for non-potable reuse and direct and indirect potable reuse**
- ✓ **Water-use efficiency and water conservation**

- ✓ **Local and regional surface and underground water storage, including groundwater aquifer cleanup or recharge projects**
 - ✓ **Regional water conveyance facilities that improve integration of separate water systems**
 - ✓ **Watershed protection, restoration, and management projects, including projects that reduce the risk of wildfire or improve water supply reliability**
 - ✓ **Stormwater resource management, including, but not limited to, the following:**
 - **Projects to reduce, manage, treat, or capture rainwater or stormwater**
 - **Projects that provide multiple benefits such as water quality, water supply, flood control, or open space**
 - **Decision support tools that evaluate the benefits and costs of multi-benefit stormwater projects**
 - **Projects to implement a stormwater resource plan developed in accordance with Part 2.3 (commencing with Section 10560) of Division 6 including Water Code § 10562 (b)(7)**
 - ✓ **Conjunctive use of surface and groundwater storage facilities**
 - ✓ **Water desalination projects**
 - ✓ **Decision support tools to model regional water management strategies to account for climate change and other changes in regional demand and supply projections**
 - ✓ **Improvement of water quality, including drinking water treatment and distribution, groundwater and aquifer remediation, matching water quality to water use, wastewater treatment, water pollution prevention, and management of urban and agricultural runoff**
 - ✓ **Regional projects or programs as defined by the IRWM Planning Act (Water Code §10537)**
- 3.2 To implement a comprehensive IRWMP for the Region that incorporates water supply, water quality, flood and erosion protection, and environmental protection and enhancement objectives.
- 3.3 To improve and maximize coordination of individual public, private, and non-profit agency plans, programs and projects for mutual benefit and optimal gain within the Region.
- 3.4 To help identify, develop, and implement collaborative plans, programs, and projects that may be beyond the scope or capability of individual entities, but which would be of mutual benefit if implemented in a cooperative manner.

- 3.5 To facilitate regional water management efforts that include multiple water supply, water quality, flood control, and environmental protection and enhancement objectives.
- 3.6 To foster coordination, collaboration and communication between stakeholders and other interested parties, to achieve greater efficiencies, enhance public services, and build public support for vital projects.
- 3.7. To realize regional water management objectives at the least cost possible through mutual cooperation, elimination of redundancy, and enhanced regional competitiveness for State and Federal grant funding.
- 3.8 To satisfy State requirements for incorporation of a Storm Water Resource plan developed for the Region in accordance with Part 2.3 (commencing with Section 10560) of Division 6 including Water Code § 10562 (b)(7)

4. DEFINITIONS

- 4.1 **Funding Area Agreement.** The agreement entered into between the six regions within the Central Coast funding area to allocate a portion of Proposition 1 IRWM funds to each planning region.
- 4.2 **Integrated Regional Water Management Plan (IRWMP or IRWM Plan).** The plan envisioned by state legislators and state resource agencies that integrates the strategies, objectives, and priorities for projects to manage water resources proposed by public entities, non-profit entities, and stakeholders within a defined Planning Region. The minimum plan standards are as shown in Appendix A of “Integrated Regional Water Management Grant Program Guidelines, November 2004, Department of Water Resources and State Water Resources Control Board, Proposition 50, Chapter 8,” as revised. Minimum IRWM Plan standards may be revised from time to time by the State of California.
- 4.3 **Integration.** The combining of water management strategies and projects to be included in an IRWMP.
- 4.4.a **Lead Agency for IRWM Plan Development.** The Monterey Peninsula Water Management District is designated by the Regional Water Management Group to lead the development or implementation of an Integrated Regional Water Management Plan for the Region.
- 4.4.b **Lead Agency for IRWM Grant Applications.** The Regional Water Management Group may designate any entity in the Regional Water Management Group to be the Lead Agency in making application to the State for grant funds.
- 4.4.c **Lead Agency for Executing a Central Coast funding area agreement.** The entity the Regional Water Management Group designates to represent the Monterey Peninsula Region to execute a Funding Area Agreement.
- 4.5 **Non-profit Agency.** A 501 (c) (3) corporation, conservancy, group or other organization involved in water resources management in the Region.
- 4.6 **Private Agency.** A private or publicly held for-profit corporation or property owner involved in water resources management in the Region
- 4.7 **Project.** A specific project that addresses a service function.
- 4.8 **Public Agency.** A state-authorized water district, water agency, water management agency or other public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply,

- water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.
- 4.9 **Region.** The area defined by the Regional Water Management Group (RWMG) consisting of watersheds, sub-watersheds and groundwater basins under the jurisdiction of one or more entities within the RWMG.
 - 4.10 **Service Function.** A water-related individual service function provided by a private, public, or non-profit entity, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood protection, watershed planning, recreational facilities, and habitat protection and restoration.
 - 4.11 **Signatory Entity.** A public, private, or non-profit entity within the Region that is signatory to this MOU.
 - 4.12 **Stakeholder.** A non-signatory public, private, or non-profit agency identified in the IRWM Plan with an interest in water resources management within the Region.
 - 4.13 **Stormwater Resource Plan.** The plan developed for the Region that identifies stormwater capture project opportunities.
 - 4.14 **Technical Advisory Committee.** The committee organized to advise the Regional Water Management Group and Stakeholders concerning the IRWM Plan. Normally, the group will be comprised of individuals with technical backgrounds in the fields of marine and freshwater biology, ecology, geology, engineering, hydrogeology, planning, resource conservation, riparian systems, water conservation, and water quality. However, stakeholders with interests in a particular aspect of resource or project management, but not necessarily a technical background, may also be considered for inclusion in the TAC.
 - 4.15 **Regional Water Management Group.** The group of entities that takes the lead in overseeing the development and implementation of the Integrated Regional Water Management Plan within the Planning Region. (a list of members of the Regional Water Management Group is provided in Recital C)
 - 4.16 **Water Management Strategies.** Plans for and activities to be considered in an IRWMP include, but are not limited to, ecosystem restoration, environmental and habitat protection and improvement, water-supply reliability, flood management, groundwater management, recreation and public access, storm water capture and management, water conservation, water quality improvement, water recycling, and wetlands enhancement and creation.

5. IRWMP PARTICIPANTS

- 5.1 **Adopting Entities.** The entities in the Region that participate in the development, adoption, and implementation of the Integrated Regional Water Management Plan for the Region. Each entity intending to carry out a project proposed in the IRWMP must formally adopt the IRWMP or provide written substantiation of acceptance by the governing authority of the entity. For a public agency, adoption of the IRWMP is by formal resolution of the governing body. For a non-profit or for-profit entity, proof of acceptance of the IRWMP by the equivalent of a public agency governing body is required (e.g., by a board of directors or other management entity).
- 5.2 **Stakeholders.** Entities, such as other public, private, and non-profit entities, business and environmental groups, that are considered valuable contributors to the understanding and management of the Region's water resources.

- 5.3. **Regulatory Agencies.** These agencies, including, but not limited to, the State Water Resources Control Board, Central Coast Regional Water Quality Control Board, California Coastal Commission, U.S. Army Corps of Engineers, California Public Utilities Commission, National Marine Fisheries Service (NOAA Fisheries), U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife, will be invited to participate in the development and implementation of the IRWMP.
- 5.4. **Regional Water Management Group.** The group of entities that takes the lead in developing and implementing an Integrated Regional Water Management Plan within the Planning Region.

6. MUTUAL UNDERSTANDING

- 6.1. **Subject matter scope of the IRWMP.** The IRWMP for the Region will include, but is not limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, erosion prevention, and habitat protection and restoration. It is acknowledged that the proposals contained in the IRWMP may be based, in part, on the land-use plans of the member entities local governments such as Cities, Monterey County, and special districts located within the Region. Therefore, the resultant IRWMP will by design have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.
- 6.2. **Geographical scope of the IRWMP.** The area for this Memorandum is generally defined as the watersheds and associated groundwater basins contributing to the south Monterey Bay and Carmel Bay as shown in Figure 3-1: Map of Monterey Peninsula Integrated Regional Water Management Planning Region in the IRWM Plan.

The Region includes coastal watersheds from the southernmost portion of the San Jose Creek watershed north to the northern limit of the Seaside Groundwater Basin. The inland area is bounded by the Seaside Groundwater Basin to the north and by the Carmel River watershed to the south and east. The western limit of the planning Region generally coincides with the land and Pacific Ocean interface, but includes the Pt. Lobos, Carmel Bay, and Pacific Grove Areas of Special Biological Significance (ASBS) adjacent to the coastal portion of the Region.

However, it is recognized that the geographic scope represented in the IRWM Plan may be amended to include projects that are implemented cooperatively between IRWM planning regions (e.g., with the Greater Monterey County IRWM planning region) and is not intended to be a rigid boundary.

- 6.3. **Approach to developing the IRWMP.** It will be the responsibility of each entity signatory to this Memorandum to provide the Lead Agency with information for the IRWMP concerning project proposals or to identify the need for a water management strategy for each service function provided by a signatory entity.

In order to be included in the IRWMP, all proposals for development of water management plans and water development project proposals related to the IRWMP must meet the standards identified in the IRWM Plan for the Region.

A technical advisory committee consisting of staff representatives from the Regional Water Management Group, other Stakeholders and such other organizations as may become contributing entities, will review proposed management plans and project proposals for consistency with the IRWMP and recommend a prioritized list of projects to be carried out within the Region. The Regional Water Management Group and Stakeholders will meet to review the recommendation made by the TAC.

- 6.4. **Approval of prioritized project list.** Approval of the prioritized project list should occur by consensus of the Regional Water Management Group and Stakeholders and should be based on the prioritization process described in the IRWMP and the recommendations of the Technical Advisory Committee. However, if a consensus cannot be reached among the Stakeholders and Regional Water Management Group, the Regional Water Management Group may make a final determination of the prioritized project list.
- 6.5. **Adoption of the IRWMP.** Plan adoption will occur by approval of the governing board of each entity. Each member of the RWMG shall adopt the IRWM Plan or an amended IRWM Plan, when the Plan becomes available. Project proponents named in an IRWM grant application shall adopt the IRWM Plan or amended IRWM Plan prior to submittal of the grant application. It should be noted that the adopted Plan and project list may be amended from time to time as described below.
- 6.6. **Amendment of IRWMP or Prioritized Project list.** The IRWM Plan and prioritized project list may be amended from time to time. Any member of the Regional Water Management Group or Stakeholders may request that the Lead Agency convene a meeting of the Regional Water Management Group and Stakeholders for the purposes of amending the IRWM Plan or the prioritized project list. However, it is anticipated that the IRWMP or prioritized project list will be amended no more frequently than annually, unless more frequent amendments are required to meet State IRWM standards or grant application cycles. An amended IRWM Plan must be consistent with State IRWM standards as described in Definition 4.1 “Integrated Regional Water Management Plan” and any subsequent revisions by the State to IRWM guidelines.
- 6.7. **Project Implementation.** Project proponents will be responsible for completing proposed projects and providing project reports to the Lead Agency.
- 6.8. **Project Monitoring.** The Regional Water Management Group will be responsible for monitoring the implementation of the IRWMP. The technical advisory committee will regularly report to the General Managers and Governing Boards of the Regional Water Management Group regarding progress on the development and implementation of the IRWMP. The Lead Agency will be responsible for coordinating data collection and dissemination.
- 6.9. **Grant Applications.** The Regional Water Management Group will designate a Lead Agency to apply for grant funds. The Lead Agency for each grant application

should have a mission and expertise that is consistent with the purpose of the grant being applied for.

- 6.10 **Central Coast funding area agreement.** The RWMG designates MPWMD to execute a funding area agreement on behalf of the Monterey Peninsula Planning Region.
- 6.11 **Grant Awards and Agreement.** The Lead Agency will be the grantee and administer the grant on behalf of the Regional Water Management Group and Stakeholders.
- 6.12 **Participation in Regional Water Management Group (RWMG).** Any qualified stakeholder may petition to become a member of the RWMG. A qualified stakeholder must demonstrate an interest, responsibility or authority over one or more resources within the region; The RWMG shall consider such a request for a change to the RWMG and shall vote by majority to accept or reject the request.
- 6.13 **Length of Term in Regional Water Management Group.** Members of the RWMG may change from time to time, depending on the level of resources available to each entity. However, there is no required minimum or maximum length of time required as a member of the RWMG. If an entity withdraws from the RWMG, the remaining entities should attempt to replace the interest, responsibility or authority lost by the withdrawal.
- 6.14 **Rights of the Parties and Constituencies:** This MOU does not provide any added legal rights or regulatory powers to any of the signatory parties, or to the RWMG as a whole. This MOU does not of itself give any party the power to adjudicate water rights, or to regulate or otherwise control the private property of other parties. This MOU does not contemplate the parties taking any action that would adversely affect the rights of any of the parties, or that would adversely affect the customers or constituencies of any of the parties.
- 6.15 **Termination.** An entity signatory to this MOU may withdraw from participation upon 30 days advance notice to the other signatory entities, provided it agrees to be financially responsible for any previously committed, but unmet resource commitment.
- 6.16 **Personnel resources.** It is expected that the General Managers and/or other officials of each entity signatory to this MOU will periodically meet to insure that adequate staff resources are available to implement the IRWM Plan.
- 6.17. **Other on-going regional efforts** Development of the IRWMP is separate from efforts of other organizations to develop water-related plans on a regional basis around Monterey Bay and the Central Coast. As the IRWMP is developed and implemented, work products may be shared to provide other entities and groups with current information.

7. RECORD OF AMENDMENTS

- 7.1 June 2010 – add Marina Coast Water District to RWMG. Revise Goals, Definitions and MOU terms to reflect Proposition 84 requirements.
- 7.2 March 2012 – add process to change RWMG, define when plan is to be adopted, revise to Proposition 84 standards
- 7.3 August 2012 – add Resource Conservation District of Monterey County to RWMG

7.4 DATE (by February 2019) – add California State University Monterey Bay, Carmel Area Wastewater District, Carmel River Watershed Conservancy, Carmel Valley Association, City of Carmel-by-the-Sea, City of Del Rey Oaks, City of Sand City, City of Seaside, and Monterey County Resource Management Agency to RWMG

8. SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

We, the duly authorized undersigned representatives of our respective entities, acknowledge the above as our understanding of the intent and expected outcome in overseeing the development and implementation of an Integrated Regional Water Management Plan for the Monterey Peninsula, Carmel Bay, and South Monterey Bay Region.

<p>Big Sur Land Trust</p> <p>By: _____</p> <p>Date: _____, 20__</p>	<p>Monterey County Water Resources Agency</p> <p>By: _____</p> <p>Date: _____, 20__</p>
<p>Monterey Regional Water Pollution Control Agency</p> <p>By: _____</p> <p>Date: _____, 20__</p>	<p>City of Monterey</p> <p>By: _____</p> <p>Date: _____, 20__</p>
<p>Monterey Peninsula Water Management District</p> <p>By: _____</p> <p>Date: _____, 20__</p>	<p>Marina Coast Water District</p> <p>By: _____</p> <p>Date: _____, 20__</p>
<p>Resource Conservation District of Monterey County</p> <p>By: _____</p> <p>Date: _____, 20__</p>	<p>California State University Monterey Bay</p> <p>By: _____</p> <p>Date: _____, 20__</p>

<p>Carmel Area Wastewater District</p> <p>By:</p> <p>Date: _____, 20____</p>	<p>Carmel River Watershed Conservancy</p> <p>By:</p> <p>Date: _____, 20____</p>
<p>Carmel Valley Association</p> <p>By:</p> <p>Date: _____, 20____</p>	<p>City of Carmel-by-the-Sea</p> <p>By:</p> <p>Date: _____, 20____</p>
<p>City of Del Rey Oaks</p> <p>By:</p> <p>Date: _____, 20____</p>	<p>City of Sand City</p> <p>By:</p> <p>Date: _____, 20____</p>
<p>City of Seaside</p> <p>By:</p> <p>Date: _____, 20____</p>	<p>Monterey County Resource Management Agency</p> <p>By:</p> <p>Date: _____, 20____</p>

ORDINANCE NO. 18-_____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 15.30 OF THE PACIFIC GROVE MUNICIPAL CODE
REGARDING UTILITY ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY**

FACTS

1. The Pacific Grove Municipal Code (PGMC) §15.16 requires that no person other than city employees, or persons under contract with the city, shall install or repair any curb, gutter, corner ramp, or sidewalk within or along any street in the city without having applied for and received an encroachment permit from the city.
2. The City deems it necessary and appropriate to provide standards and regulations relating to encroachment permits within the City’s public rights-of-way and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority.
3. The City by and through its Council and other officials has the authority to adopt such ordinances as it deems necessary and appropriate to assure the health, welfare and safety of its inhabitants, to protect and preserve the City’s rights, property and privileges, and to preserve peace, safety and good order.
4. This ordinance amends the Municipal Code to create a new Chapter 15.30, entitled “Utility Encroachments” to provide for certain standards and regulations relating to the location of utilities within the City’s public rights-of-way.
5. This ordinance also amends the Municipal Code Section 15.16.030 to clarify that utility encroachments are subject to regulations promulgated under Chapter 15.30.
6. Notice of the public hearing was published or posted in _____ on _____ and _____.
7. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. The ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in physical change in the environment, directly or indirectly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. A new Chapter 15.30, entitled “Utility Encroachments In Public Rights-Of-Way,” shall be created, as follows:

**CHAPTER 15.30
UTILITY ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY**

15.30.010 Scope.

Any permanent structure or object of any kind or character placed in, over or under any street, alley, sidewalk, or right-of-way (collectively, the “right-of-way”) by a public utility or entity holding a state or local franchise authorizing right-of-way occupancy shall be subject to the control of the City as to matters affecting the health, convenience, and safety of the general public, including but not limited to matters such as the use and repair of public streets, or the location of the poles, wires, mains, or conduits on, under, or above any rights of way within the limits of the City.

15.30.020 Administration.

The City Public Works Director, Building Official or designee may adopt forms, manuals and regulations or implement practices to ensure that a public utility or entity holding a state or local franchise authorizing occupancy of the rights-of-way bear the risks and expense associated with their use of the rights-of-way; to protect the public, health, safety and welfare; to ensure that the construction, installation, maintenance and operation of any facility does not incommode the public use of the rights-of-way; and to control the time, place, and manner in which rights-of-way are accessed.

SECTION 3. The text set forth in existing Section 15.16.030 of the Pacific Grove Municipal Code entitled, “Repair Procedure” shall be amended by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***) as follows:

15.16.030 Repair procedure.

Owners of property abutting sidewalks, or possessors of sidewalks, shall have the duty of maintaining the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the state of California. The Streets and Highways Code, Chapter 22, Maintenance of Sidewalks, provides that the owners of lots or portions of lots fronting any portion of the public street are responsible for maintaining sidewalks in a condition which will not interfere with the public convenience in their use. The city shall have all of the rights therein provided, including the right to lien and collection. No person except city employees, or persons under contract with the city, shall install or repair any curb, gutter, corner ramp, or sidewalk within or along any street in the city without having applied for and received an encroachment permit from the city; ***however, utility encroachments shall be subject to Chapter 15.30.*** Application for any such permit will be made in writing on a form or forms supplied for that purpose by the city.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 5. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

Draft Ordinance – Encroachment Permit

DAVID C. LAREDO, City Attorney

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To the City Council
City of Pacific Grove

We have audited the basic financial statements of the City of Pacific Grove as of and for the year ended June 30, 2018, and have issued our report thereon dated December 19, 2018. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility under Generally Accepted Auditing Standards and *Government Auditing Standards*

As communicated in our engagement letter, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City of Pacific Grove solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing City of Pacific Grove's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.



Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to management.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City of Pacific Grove is included in Note 1 to the financial statements. Other than implementation of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, there have been no initial selection of accounting policies and no changes in significant accounting policies or their application during June 30, 2018. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements include accumulated depreciation related to capital assets and unfunded liabilities and expenses based on assumptions in actuarial studies performed on defined benefit pension plans (GASB 68 and GASB 75).

We evaluated the key factors and assumptions used to develop the identified estimates and determined that it is reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting City of Pacific Grove's financial statements relate to: cash and investments, capital assets, long-term obligations and defined benefit pension plans.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.



Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. None of the misstatements identified by us as a result of our audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole or applicable opinion units.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. There were no material, corrected misstatements noted during the audit.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City of Pacific Grove's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in a separate letter dated December 19, 2018.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Findings or Issues

In the normal course of our professional association with the City of Pacific Grove, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City of Pacific Grove's auditors.

This report is intended solely for the information and use of the Board and management of the City of Pacific Grove and is not intended to be and should not be used by anyone other than these specified parties.

C & A LLP

December 19, 2018
San Jose, California