

# MONTEREY COUNTY

## COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN  
COUNTY ADMINISTRATIVE OFFICER

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August 19, 2015

The Honorable Marla O. Anderson  
Presiding Judge of the Superior Court  
Monterey County Superior Courts  
240 Church Street  
Salinas, CA 93901

**SUBJECT: Response to 2014-2015 Monterey County Civil Grand Jury Interim Final Report No. 4 –  
“Inquiry Into Moss Landing Infrastructure Fund”**

Dear Judge Anderson:

Attached please find the Monterey County Board of Supervisors Response to 2014-2015 Monterey County Civil Grand Jury Interim Final Report No. 4 – “Inquiry Into Moss Landing Infrastructure Fund” and the signed Board Order. The Board of Supervisors approved the response on July 28, 2015, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,

Lew C. Bauman  
County Administrative Officer

By: Manuel T. González  
Assistant County Administrative Officer

MTG:mri

cc: Lew C. Bauman, County Administrative Officer  
Office of the County Counsel

Attachments: Board of Supervisors Response  
July 28, 2015 Board Order



## Monterey County

168 West Alisal Street,  
1st Floor  
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### Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

- a. Approved of the response to 2014-2015 Monterey County Civil Grand Jury Interim Final Report No. 4 "Inquiry Into Moss Landing Infrastructure Fund"; and
- b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by August 28, 2015.

PASSED AND ADOPTED on this 28th day of July 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on July 28, 2015.

Dated: August 4, 2015  
File ID: 15-0787

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By *Danise Hancock*  
Deputy



# **Monterey County Board of Supervisors**

## **Response to the**

# **2014 Monterey County Civil Grand Jury Interim Final Report No. 4**

**July 28, 2015**

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**REPORT TITLE:** Inquiry Into Moss Landing Infrastructure Fund  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F-1, F-2, F-3, F-4 and F-5

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**Finding F-1:** The total \$3.4 million funding agreed on is not sufficient to fully fund the projects listed in the Agreement. It is the conclusion of the Monterey County Civil Grand Jury that it was never sufficient for the scope of the planned projects.

**Response F-1:** *The Board agrees with the finding.*

**Finding F-2:** Because Moss Landing is not an incorporated city, the Chamber acted properly to make an agreement with Monterey County to manage the funds and the projects. The August 24, 2004 Amendment to the 2001 Agreement with Duke Energy expressly acknowledges this reassignment of management oversight.

**Response F-2:** *The Board agrees with the finding.*

**Finding F-3:** The County appears to have been responsible stewards of the funds and has been pursuing the necessary designs, permits, easements and rights of way.

**Response F-3:** *The Board agrees with the finding.*

**Finding F-4:** The County has completed a portion of the design for the storm drain project in order that the project may be potentially competitive in seeking grant funding.

**Response F-4:** *The Board agrees with the finding.*

**Finding F-1(F5):** The RMA-Public Works Department website ([www.co.monterey.ca.us/publicworks/](http://www.co.monterey.ca.us/publicworks/)) contains FAQs about the Moss Landing Improvement Projects but the page can be found only by using the “search” bar or a search engine, and it may be lacking the most current information.

**Response F-1(F5):** *The Board agrees with the finding.*

**REPORT TITLE:** Inquiry Into Moss Landing Infrastructure Fund  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Recommendations R-1, R-2, and R-3

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**Recommendation R-1:** Monterey County seek grants and other outside sources of funding for the projects that are on hold due to lack of funding.

**Response R-1:** *The recommendation has not yet been implemented, but will be implemented in the future as funding sources are identified and/or notices of funding availability are received.*

**Recommendation R-2:** The Public Works Department ensure that its website is an accurate source of information for the public about these Moss Landing projects by maintaining updated project information and project data.

**Response R-2:** *The recommendation has not yet been implemented, but will be implemented by the end of September 2015.*

**Recommendation R-3:** The Public Works Department add a category to the FAQ or Special Announcements pages to improve accessibility to information about these projects.

**Response R-3:** *The recommendation has not yet been implemented, but will be implemented by the end of September 2015. .*