

From: [Thomas S. Virsik](#)
To: [930-WRApubliccomment](#)
Cc: [Azhderian, Ara](#); [Donlon, Kelly L.](#)
Subject: September 15, 2025 -- MCWRA BOD Meeting
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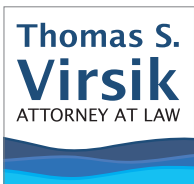
Dear Clerk:

Attached please find written public comments.

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16 September 2025

Via email: WRAPubliccomment@co.monterey.ca.us

Mike LeBarre, Chair
Monterey County Water Resources
Board of Directors

Re: Public comment violation 15 September 2025

Chair LeBarre:

This comment letter is an after-the-fact attempt to provide public comment to an agenda item for which the then acting Chair did not allow. The agenda item was the final one: Board of Directors Comments at approximately 15:30 local time. Directors Ekelund and Scattini provided comments, during which I raised my hand on the Zoom platform. When Director Scattini finished, acting Chair Simis adjourned without allowing public comments. I thereupon sent an email to staff noting the open meeting violation and asking for correction, as contemplated under the law.

The comments by Director Scattini included various opinions and characterization of events that took place decades ago as well as his interpretation of certain aspects of the law. Director Scattini (or anyone else, Director or public) has an absolute right to express opinions and conclusions, whether well founded or as in contemporary AI lingo, “hallucinations.” But the public has a right under applicable open meeting laws – on which the Board and staff is periodically trained – to offer facts, historic data, law, and opinions as well. The goal is to inform both the public and those who may make decisions. Precluding the public from input is at a minimum not helpful, but under present circumstances, it’s genuinely counterproductive.

Director Scattini offered his opinion¹ that

- The Historic Benefits Analysis of 1998 was a “back-room deal” as well as strongly implying that the present Zone 2C rates were part of that “deal.”
- That demand management is “adjudication” in some areas and not in others and that the “state” will eventually determine that the entire Valley has a right to a certain uniform amount of water use.

¹ The bullet points are a good faith attempt to capture the multiple sentences of content without the aid of any transcript or recording.

- That “honesty” is required about benefits.

Chair Simis then agreed with Director Scattini’s remarks and adjourned the meeting.

Director Scattini is 100% correct that honesty is required if the local water challenges are to be resolved. His comments were most notable for what he chose not to say more than what he said. His comments avoided the single most important term in all of the water issues at play: seawater intrusion. If the northern coastal area had not been over drafted² starting over 100 years ago, the present water issues would not exist. That is bedrock honesty.

The 1998 HBA is anything but a backroom deal and that is even more true for the Zone 2C rates. If Director Scattini knows of any “back-room deal” and especially what parties/individuals were involved, the public would be well served if he were to so publicly disclose. His apparent blood-relative, Robert Scattini, was on the MCWRA Board³ when the HBA was adopted so its possible current Director Scattini knows something the rest of us do not. The public events around the HBA and what became the Zone 2C rates – in which I was personally involved – included a cost allocation process started by Hon. Richard Silver (a Superior Court Judge of the era assigned to multiple legal cases challenging the MCWRA), the public litigation events including judgments and settlements, public work product from top-tier engineering and other firms, an engineer’s report for the Proposition 218 process, the notably successful Proposition 218 election, and a legal challenge by a group of disgruntled landowners in the wake of the election and its public resolution. The path to the Zone 2C rates is hardly mysterious and nobody need credit my recollection – the genesis of and steps in adopting Zone 2C are detailed in contemporaneous Ordinance 04203.

Notably, the cost allocation process included a broad cross-section of Director Scattini’s neighbors and cohorts. The final CAC Report, including the list of participants and their affiliations, is available on the MCWRA site. The Chair of the Board of Directors during the relevant period was Stephen Collins, an executive officer of a fellow major artichoke grower. To the extent Director Scattini, a full generation later, is unhappy with outcomes, his complaint is with his cohorts’ choices a generation ago. Nevertheless, Director Scattini and all others similarly unhappy had ample opportunities in response to the validation

² As my oral comment on another agenda item noted, the SVBGSA posted an excellent animation explaining that seawater intrusion is caused by an excess of local pumping. <https://youtu.be/2vDg6Wcx7TM?si=Mr79tSfnJfLmI71n>

³ E.g., the 1997 Groundwater Extraction Summary report, published in 1999, reflects Robert Scattini filling the Agricultural Advisory committee seat.

lawsuits before and after Zone 2C, public noticing, SGMA enactment, and the statutory steps for seeking modification of the SGMA “lines” in DWR Bulletin 118⁴, but never availed themselves of any of those opportunities.

Director Scattini’s opinions about adjudication and how the state (which one assumes is DWR and/or the SWRCB) views this Valley are also curious. DWR Bulletin 118 lists and defines the “basins” subject to SGMA. In the present Bulletin 118, there is no “Salinas Valley Basin” but a series of basins, i.e., the 180/400, Langley, Monterey, Eastside, Forebay, and Upper Valley. To the extent that a prior publication listed a “Salinas Valley Basin,” that term referred to an area that far exceeds the County lines – nine subbasins. The thousands of pages of analysis and advocacy involved in any of the SGMA probation events amply reflect that while a basin may complain about a neighboring basin’s actions or inactions, the entire focus by the DWR or SWRCB under SGMA is on a specific Bulletin 118 basin. Thus, if “the state” were to manage a local area under SGMA, it would do so on a basin basis, and the obvious front runner is the sole critically over-drafted (per Bulletin 118) one, the 180/400 basin.

Adjudication is similar. The post-SGMA statutes authorize adjudication based on the Bulletin 118 basins, not by a “folk” definition of a basin. Thus, a landowner in the 180/400 has no legal ability to commence, for example, an adjudication in the Monterey basin.

Director Scattini’s opinion that demand management is “adjudication light” is a common one among those who are unfamiliar with or fear SGMA. The SVBGSA has provided robust presentations and discussion -- many of which involve Dave Ceppos – to counter that myth. Director Scattini or anyone else fearing that “demand management is adjudication under a different name” may wish to avail themselves of the robust resources at the SVBGSA.

CONCLUSION

Ultimatums – whether by a Director or an interest group – are poison that may have a pleasant taste when consumed to the one trading in it but remains lethal. An open public process must allow comments, factual or fanciful, without censorship and is not served when the public is not allowed to engage with especially comments that come from the putative decision-makers.

While the omission of public comments after the Directors’ Comments may have been the result of mere human error or technical glitches, not even such a minor

⁴ The “lines” in DWR Bulletin 118 are not sacrosanct. If the “Gloria Road” demarcation offended Director Scattini, he or any like-minded person could have sought changes rather than only complaining. The southern interests obtained a change in the southern Upper Valley “line” by advocating for and supporting the SVBGSA’s petition under SGMA to modify Bulletin 118, rather than waiting a decade and only complaining.

Mike LeBarre, Chair
MCWRA Board of Directors
16 September 2025

flub should go without correction and reassurance that public input is desired and will be given equal dignity to words that fall from a dais.

Very truly yours,

Thomas S. Virsik

Thomas S. Virsik

cc: Ara Azhderian, AzhderianA@countyofmonterey.gov
Kelly Donlon, DonlonKL@co.monterey.ca.us