



DRAFT MINUTES
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
April 16, 2018

The meeting was called to order at 7:00 pm in the MPWMD conference room.

CALL TO ORDER/ROLL CALL

Directors Present:

Andrew Clarke – Chair, Division 2
Ralph Rubio – Vice Chair, Mayoral Representative
Brenda Lewis, Division 1
Molly Evans – Division 3
Jeanne Byrne – Division 4
Mary Adams – Monterey County Board of Supervisors Rep.

Directors Absent: Robert S. Brower, Sr. –Division 5

General Manager present: David J. Stoldt

District Counsel present: David Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

No changes.

ADDITIONS AND CORRECTIONS TO AGENDA

The following comments were directed to the Board during Oral Communications. (a) **Dan Turner**, Public Water Now, said it was “shameful” that the Board of Directors had not proceeded with preparation of a feasibility study on public ownership of the California American Water distribution system. (b) **Marlena Brown**, Community Planning Liaison Officer for Naval Support Activity Monterey, encouraged the Board and staff to contact her if they had questions, or needed to reach Captain Rich Wiley. (c) **Michael Baer**, resident of the City of Monterey, distributed copies of a commentary authored by Rick Heuer and published on April 14, 2018. Mr. Baer expressed his hope that the District would respond. He stated that due to the low rate of interest available to public agencies for funding infrastructure projects, as compared to the higher 8.41% rate of recovery available to Cal-Am, the cost of not supporting public ownership of the water system is criminal.

ORAL COMMUNICATIONS

On a motion by Rubio and second of Byrne, the Consent Calendar was approved unanimously on a vote of 6 – 0 by Rubio, Byrne, Adams, Clarke, Evans and Lewis. Directors Evans and Lewis registered no votes on adoption of Item 2. Director Brower was absent.

CONSENT CALENDAR

Adopted.

Adopted on a vote of 4 – 2 by Rubio, Byrne, Adams and Clarke. Directors Evans and Lewis were opposed. Director Brower was absent.

Adopted.

Approved contract in the amount of \$4,718.

Approved contract in the amount of \$45,000.

Approved \$141,000 increase to previously contracted amount.

Authorized additional expenditure of \$3,200.

Approved contract in the amount of \$34,000.

Received.

Received.

Received.

1. **Consider Adoption of Minutes from the March 19, 2018 Regular Meeting of the Board of Directors**
2. **Adopt Findings of Approval for Appeal of Determination of Water Needs for Tea Zone & Fruit Bar at 460 Alvarado Street, Monterey (APN: 001-572-005-000)**
3. **Consider Adoption of 2018-19 Legislative Advocacy Plan**
4. **Consider Expenditure of Funds to Contract with Ventana Wildlife Society for Carmel River Avian Habitat Monitoring**
5. **Consider Entering into Agreements with California American Water and Denise Duffy & Associates for the Los Padres Dam Gravel Augmentation Project**
6. **Consider Authorizing an Amendment to the Agreement for Services for the Los Padres Dam and Reservoir Alternatives Study**
7. **Authorize Additional Expenditure for Passive Integrated Transponder (PIT) Tag Reading Equipment to Monitor Juvenile Steelhead Emigration and Eventual Adult Returns**
8. **Consider Entering into an Agreement with the Big Sur Land Trust to Fund an Update of the Integrated Regional Water Management Plan for the Monterey Peninsula, Carmel Bay, and Southern Monterey Bay**
9. **Receive Fiscal Year 2016-2017 Mitigation Program Annual Report**
10. **Receive and File District-Wide Annual Water Distribution System Production Summary Report for Water Year 2017**
11. **Receive and File District-Wide Annual Water Production Summary Report for Water Year 2017**

Adopted.

A summary of General Manager Stoldt’s presentation is on file at the District office and can be viewed on the agency’s website. He reported that water production in the District between October 2017 and March 2018 was 316 acre-feet higher than was reported for the same time period in 2017. He noted that 12 inches of rain was received during the reporting period, and if no additional rainfall is recorded in April, this could be described as a “critically dry” year. However, if one more inch of rain were to be received, this would be defined as a “dry” year. He also reported that, to date, 510.71 acre-feet of water had been produced by the Aquifer Storage and Recovery project this year, which was the fifth highest total reported since 2009.

Mr. Stoldt announced that the WateReuse Association honored MPWMD and Monterey One Water with the Recycled Water Project of the Year by a medium agency award for development of the Pure Water Monterey project. The award was presented at the WateReuse Association’s annual conference in March 2018, held in Monterey. Mr. Stoldt introduced Steve Thomas of Thomas Brand Consulting, who serves as the MPWMD’s public outreach consultant and the public outreach lead for the Pure Water Monterey project. Mr. Thomas presented a promotional video about Pure Water Monterey that he produced for the WateReuse Association awards ceremony. The video can be viewed on the District’s website. A summary of General Manager Stoldt’s update on development of water supply alternatives is on file at the District office and can be viewed on the agency’s website.

District Counsel Laredo reported that the Board discussed all three items listed on the agenda. Regarding Item A - he noted that the Sixth District Court of Appeals validated the trial court’s decision and fully affirmed the District’s position in that case. Regarding Items B and C – the Board provided direction concerning a draft petition to modify the draft CDO to add additional milestones as alternatives, and also provided direction to extend the tolling agreement related to the CDO in order to avoid litigation and to work cooperatively with the other parties.

12. Consider Adoption of Treasurer's Report for February 2018

GENERAL MANAGER’S REPORT

13. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision

14. Update on Development of Water Supply Alternatives

ATTORNEY’S REPORT

15. Report on 6:30 pm Closed Session of the Board

Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9 (a))

- A. MPTA v. MPWMD; Monterey Superior Court No. M 123512; CA 6th District Court of Appeal Case No. H042484

- B. Application of California American Water to CPUC (No. 12-04-019) – Monterey Peninsula Water Supply Project
- C. MPWMD v. SWRCB; Santa Clara 1-10-CV-163328 – CDO – (6th District Appellate Case #H039455)

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

Directors Evans, Adams and Clarke reported that they attended a reception at the March 2018 Water Reuse California Annual Conference. In addition, Clarke attended the awards luncheon to receive the Recycled Water Agency of the Year award along with representatives from Monterey One Water. Lewis reported that at Martin Luther King Jr. Middle School, progress has been made on turf removal and installation of drought tolerant landscaping that was funded by a grant from the MPWMD.

Byrne offered a motion that was seconded by Evans to adopt the 2017 MPWMD Annual Report. The motion was approved on a unanimous vote of 6 – 0 by Byrne, Evans, Adams, Clarke, Lewis and Rubio. Brower was absent. No comments were directed to the Board during the public hearing on this item.

On a motion by Rubio and second of Evans, the Board voted to approve receipt of the grant agreement and authorized the requested expenditures on a unanimous vote of 6 – 0 by Rubio, Evans, Adams, Clarke, Byrne and Lewis. Brower was absent. No comments were directed to the Board during the public comment period on this item.

Approved agreement with the Regional Water Management Foundation for receipt of grant funding in an amount not-to-exceed \$252,693.

Authorized an expenditure of \$152,693.

Authorized an expenditure of \$100,000.

- 16. **Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations**

PUBLIC HEARINGS

- 17. **Consider Adoption of 2017 MPWMD Annual Report**

ACTION ITEMS

- 18. **Consider Authorizations for Proposition 1 Disadvantaged Community Grant**
 - A. **Consider Authorizing the General Manager to Enter into a Grant Agreement**
 - B. **Consider Expenditure of Funds to Retain a Consultant to Administer High Efficiency Appliance Retrofit Targets (HEART) Pilot Program**
 - C. **Consider Expenditure of Funds to Retain a Consultant to Provide Assistance with the MPWMD Disadvantaged Community Needs Assessment**

There was no discussion of these items.

**INFORMATIONAL ITEMS/STAFF
REPORTS**

- 19. Letters Received**
- 20. Committee Report**
- 21. Monthly Allocation Report**
- 22. Water Conservation Program Report**
- 23. Quarterly Water Use Credit Transfer
Status Report**
- 24. Quarterly Carmel River Riparian
Corridor Management Report**
- 25. Carmel River Fishery Report**
- 26. Monthly Water Supply and
California American Water
Production Report**

The meeting was adjourned at 7:50 pm.

ADJOURNMENT

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Arlene M. Tavani, Deputy District Secretary