

FINAL MINUTES
**Water Demand Committee of the
Monterey Peninsula Water Management District**
December 8, 2005

Call to Order

The meeting was called to order at 4 PM in the conference room of the Monterey Peninsula Water Management District office. Committee members Larry Foy, Kristi Markey and alternate David Pendergrass were present. Staff members David Berger, Stephanie Pintar and Arlene Tavani were present. District Counsel David Laredo was also in attendance.

Comments from Public

No members of the public were present.

Action Items

1. Receive Minutes of October 11, 2005 Committee Meeting

On a motion by Director Markey and second by Director Foy, the minutes were received on a vote of 2 – 0. Director Pendergrass refrained from voting since he did not attend the October 11, 2005 meeting.

2. Review and Recommend a Committee Charge

General Manager Berger advised the Committee members that after the committee charge was incorporated into the December 8, 2005 packet, it was updated to conform with other committee charges. The most significant change is that section 3.a. specifies that members of the committee and its chair shall be appointed by the Board Chair and approved by the Board. Director Markey made a motion to approve the amended committee charge including the change noted by General Manager Berger. The motion was seconded by Director Foy and approved unanimously on a vote of 3 – 0.

3. Review and Endorse Common Methodology for Projecting Long-Term Water Needs

After a brief discussion, Chair Foy announced that the consensus of the committee was to receive the report and refer it for discussion by the Board at the May 18, 2006 Workshop on Water Needs Analysis, Future Demand at Buildout. He specified that the Chair of the Technical Advisory Committee (TAC) should be invited to make a presentation at the May 18, 2006 meeting. In addition, the Policy Advisory Committee members and TAC members should be invited to attend the meeting and speak to the issue during the public comment period.

4. Discuss and Provide Feedback on Amendments to District Rules 11, 23 and 24.5 Related to Policies and Procedures in the Water Demand Division

Director Markey made a motion to approve the amendments to Rules 11, 23 and 24.5 as presented along with changes suggested by the committee. Director Foy seconded the motion and it was adopted unanimously on a vote of 3 – 0.

The following is the list of changes to Rules 11, 23 and 24.5 proposed by the committee at the meeting and approved by the committee. (1) Rule 11, item 10,

definition of Day Care Center should be amended to clarify that it is not limited to child care and to ensure it does not conflict with item 16, Family Day Care Use. (2) Director Markey suggested that item 34, Undue Hardship, be redefined as “Undue hardship is present when compliance with a rule, regulation or condition poses significant difficulty when considered in light of special circumstances related to the application.” (3) A definition for the term “Special Circumstances” should be developed. It could be based on Director Markey’s proposed definition for “Undue Hardship.” (4) District Counsel Laredo noted that he will review the rules to ensure that all references to defined terms correspond with the definitions in Rule 11. (5) Rule 20.A, paragraph 6, the first sentence should read, “An owner or operator of a water distribution system shall not modify...” (6) Rule 23.g, delete the last sentence that begins with the words, “Adjustments under this paragraph.” (7) Rule 23.h, first sentence, delete the words “special circumstances or.” (8) Rule 23.m, line 3, after the words “permitted project,” add the words “application for.” (9) Rule 23.m, add the following language after the second sentence, “Notice by the District to correct any deficiency shall be provided on the inspection report, including a date by which any corrections and amendments shall be made. Thereafter, the general manager may adjust the charge and debit the water from the jurisdictions allocation.” Wording should be added that specifies delivery of the notice should be made by personal delivery or mail and posted on the site. A copy of the notice should also be provided to the jurisdiction. (10) Rule 23.A.2, Amended Water Permit, will be modified to clarify the procedure that should be followed if a person fails to amend a deficiency and also fails to request an application to amend the project. (11) Rule 23.A.3, Temporary Water Permits, will be modified with the addition of a new section c that will read, “The term of a Temporary Water Permit shall not exceed twenty-four (24) months.” (12) Rule 23.C, the title should be changed to read “Adjustment of Allocation for Unused Water Capacity.” (13) Rule 23.B, staff should consider whether or not to add language regarding indemnification or recordation of conditions. (14) Rule 23.B, staff should rewrite items 1 and 2 to ensure that there are no repeating items in those sections. (15) Rule 24.5.A, sentence 1, delete the word “planning” and replace it with the word “jurisdiction.” This should be done throughout the document.

5. Schedule Date for January 2006 Committee Meeting

The meeting was set for Monday, January 23, 2006 at 9:30 AM in the District conference room.

Other Items

No issues were raised by the committee members.

Adjournment

The meeting was adjourned at approximately 5 PM.