

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month. The meetings begin at 7:00 PM.



AGENDA

Regular Meeting

Board of Directors

Monterey Peninsula Water Management District

Monday, October 17, 2016

Closed Session, 5:30 pm

2999 Monterey Salinas Highway, Monterey, CA 93940

Regular Meeting, 7:00 PM

Conference Room, Monterey Peninsula Water Management District

5 Harris Court, Building G, Monterey, CA

Staff notes will be available on the District web site at

<http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/>

by 5 PM on Friday, October 14, 2016.

The 7:00 PM Meeting will be televised on Comcast Channels 25 & 28. Refer to broadcast schedule on page 3.

5:30 pm – Closed Session

As permitted by Government Code Section 54956 et seq., the Board may adjourn to closed or executive session to consider specific matters dealing with pending or threatened litigation, certain personnel matters, or certain property acquisition matters.

1. **Public Comment** – Members of the public may address the Board on the item or items listed on the Closed Session agenda.
2. **Adjourn to Closed Session**
3. **Conference with Labor Negotiators (Gov. Code 54957.6)**
Agency Designated Representatives: David Stoldt
Employee Organization: General Staff and Management Bargaining Units Represented by United Public Employees of California/LIUNA, Local 792
Unrepresented Employees: Confidential Unit
4. **Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9 (a))**
 - A. Monterey Peninsula Water Management District v. California Public Utilities Commission (California American Water Company) (Case S208838)
 - B. MPWMD v SWRCB; Santa Clara 1-10-CV-163328 – CDO (6th District Appellate Case #H039194)
5. **Adjourn to 7 pm Session**

Board of Directors

Jeanne Byrne, Chair – Division 4
Robert S. Brower, Sr., Vice Chair – Division 5
Brenda Lewis – Division 1
Andrew Clarke - Division 2
Molly Evans – Division 3
David Pendergrass, Mayoral Representative
David Potter, Monterey County Board of Supervisors Representative

General Manager

David J. Stoldt

This agenda was posted at the District office at 5 Harris Court, Bldg. G Monterey on Thursday, October 13, 2016. Staff reports regarding these agenda items will be available for public review on 10/14/2016, at the District office and at the Carmel, Carmel Valley, Monterey, Pacific Grove and Seaside libraries. After staff reports have been distributed, if additional documents are produced by the District and provided to a majority of the Board regarding any item on the agenda, they will be available at the District office during normal business hours, and posted on the District website at <http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/>. Documents distributed at the meeting will be made available in the same manner. The next regular meeting of the Board of Directors is scheduled for November 14, 2016 at 7 pm.

7:00 PM – Regular Meeting

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO AGENDA - The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

ORAL COMMUNICATIONS - Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.

CONSENT CALENDAR: The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes.

1. Consider Adoption of Minutes of the September 19, 2016 Board Meeting
2. Receive Alternative Measurement Method Report for Determining Annual Costs for Post-Employment Medical Benefits
3. Consider Adoption of Resolution 2016-16 - Revisions to MPWMD Conflict of Interest Code
4. Consider Approval of Reclassification of the Hydrography Programs Coordinator Position
5. Consider Adoption of Memorandum of Understanding with the General Staff Bargaining Unit
6. Consider Adoption of Memorandum of Understanding with the Management Staff Bargaining Unit
7. Consider Adoption of Memorandum of Understanding with the Confidential Staff Bargaining Unit
8. Consider Adoption of Treasurer's Report for July 2016
9. Consider Adoption of Treasurer's Report for August 2016

GENERAL MANAGER'S REPORT

10. Status Report on California American Water Compliance with State Water Resources Control Board Order 2009-0060 and Seaside Groundwater Basin Adjudication Decision
11. Update on Development of Water Supply Projects

ATTORNEY'S REPORT

12. Report on 5:30 pm Closed Session of the Board

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

13. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARINGS – Public comment will be received on each of these items. Please limit your comment to three (3) minutes per item.

14. **Consider Second Reading and Adoption of Ordinance No. 174 - An Ordinance of the Monterey Peninsula Water Management District Suspending Authority to Accept Water Permit Applications for New Connections Based Upon Paralta Allocation, Pre-Paralta Allocation, Quail Meadows Subdivision Annexation, and Water West Reserve**

Action: The proposed ordinance would supersede Urgency Ordinance No. 173 adopted on August 15, 2016, and suspend staff's authority to accept Water Permit applications for new Connections when the application relies on a Jurisdiction's Paralta or pre-Paralta Allocation, the Quail Meadows Annexation, or the Water West Reserve until the Main California-American Water Company Water Distribution System is no longer subject to a Public Utilities Commission ordered moratorium or the District explicitly rescinds or repeals this measure.

15. Consider First Reading of Ordinance No. 175 - Modification of District Rules re Use of Water from the Carmel Valley Alluvial Aquifer for Water Supply

Action: The Board will consider modifications to the Rules for Water Distribution Systems that depend on the Carmel Valley Alluvial Aquifer for supply. The modifications reflect the Board policy set in August 2016 to reverse the trend of seasonal dewatering of the Carmel River and ensure that new development has a long-term sustainable supply.

16. Consider First Reading of Ordinance No. 176 – Amending Rules 11, 21, 24, 25.5, 60, 64, 141, 143 and 144

Action: The Board will consider adoption of the first reading of Ordinance No. 176 that amends several sections of the MPWMD rules and Regulations related to conservation, fees, and water permit processing.

ACTION ITEMS – Public comment will be received on each of these items. Please limit your comment to three (3) minutes per item.

17. Consider Adoption of Resolution No. 2016 – 17 - Resolution of Intention to Approve an Amendment to the District’s Contract with the California Public Employees’ Retirement System

Action: The Board will consider the first of two steps in amending the District’s contract with the CalPERS Retirement System to formally recognize Employees’ 3% Share of Cost of the Employers Premium Portion.

18. Consider Adoption of Resolution No. 2016-18 – Directing California American Water to Continue Collection and Remittance of the District Water Distribution System User

Action: The Board will consider adoption of a resolution ordering California American Water to collect and remit to the District the Water Distribution System User Fee, in order to defray the full costs of the District’s Mitigation, Conservation, and Water Supply Programs.

INFORMATIONAL ITEMS/STAFF REPORTS The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.

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

ADJOURNMENT

Board Meeting Broadcast Schedule – Comcast Channels 25 & 28	
View Live Webcast at Ampmedia.org	
Ch. 25, Sundays, 7 PM	Monterey
Ch. 25, Mondays, 7 PM	Monterey, Del Rey Oaks, Pacific Grove, Sand City, Seaside
Ch. 28, Mondays, 7 PM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside
Ch. 28, Fridays, 9 AM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside

Upcoming Board Meetings			
Monday, November 14, 2016	Regular Board Meeting	7:00 pm	District conference room
Monday, December 19, 2016	Regular Board Meeting	7:00 pm	District conference room
Wednesday, Jan. 25, 2016	Regular Board Meeting	7:00 pm	District conference room

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please submit a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service by 5:00 PM on Thursday, October 13, 2016. Requests should be sent to the Board Secretary, MPWMD, P.O. Box 85, Monterey, CA, 93942. You may also fax your request to the Administrative Services Division at 831-644-9560, or call 831-658-5600.

ITEM: CONSENT CALENDAR**1. CONSIDER ADOPTION OF MINUTES OF THE SEPTEMBER 19, 2016
REGULAR MEETING OF THE BOARD OF DIRECTORS****Meeting Date: October 17, 2016** **Budgeted: N/A****From: David J. Stoldt,
General Manager** **Program/
Line Item No.: N/A****Prepared By: Arlene Tavani** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: N/A**

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the September 19, 2016 Regular meeting of the Board of Directors.**RECOMMENDATION:** District staff recommends approval of the minutes with adoption of the Consent Calendar.**EXHIBIT****1-A** Draft Minutes of the September 19, 2016 Regular Meeting of the Board of Directors



EXHIBIT 1-A

DRAFT MINUTES
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
September 19, 2016

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

CALL TO ORDER/ROLL CALL

Directors Present:

Jeanne Byrne – Chair, Division 4
 Robert S. Brower, Sr. – Vice Chair, Division 5
 Brenda Lewis – Division 1
 Andrew Clarke – Division 2
 Molly Evans – Division 3
 David Pendergrass – Mayoral Representative
 David Potter – Monterey County Board of Supervisors

Directors Absent: None

General Manager present: David J. Stoldt

District Counsel present: David Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

On a motion by Potter and second of Clarke, the agenda was approved without amendments on a vote of 7 – 0 by Potter, Clarke, Brower, Byrne, Evans, Lewis and Pendergrass. No public comment was directed to the Board on this item.

ADDITIONS AND CORRECTIONS TO AGENDA

No comments were directed to the Board during Oral Communications.

ORAL COMMUNICATIONS

On a motion by Pendergrass and second of Brower, the Consent Calendar was approved on a vote of 7 – 0 by Pendergrass, Brower, Byrne, Clarke, Evans, Lewis and Potter.

CONSENT CALENDAR

Adopted.

1. Consider Adoption of Minutes of the August 15, 2016 Board Meeting

Approved.

2. Consider Approval of Reorganization Changes to the District's Organization Chart and Addition of Hydrology Technician Position

Adopted.

3. Consider Adoption of Resolution 2016-15 - Public Records Act Policy

Approved expenditure of \$45,000.

Approved.

Approved.

Approved.

General Manager Stoldt presented the report. He described the chart titled Actual Versus Target Production for Cal-Am Oct to Aug 2016: (1) the line titled Target includes all six numbers in the total; (2) the line titled Actual includes numbers from the first three columns in the total because the revised Cease and Desist Order includes only those numbers in the calculation of Actual production. Stoldt noted that total water production as of September 1, 2016 was below the anticipated target. In reviewing the chart entitled Production for Customer Service for Cal-Am: Oct. to Aug. 2016, he reported that production was 96 percent of 2014-15 production. Rainfall was measured at 106 percent of average; streamflow was at 67 percent of long-term average; and useable storage was estimated to be 104 percent of the long-term average.

A summary of General Manager Stoldt's presentation is available for review on the MPWMD website. In response to a question from the Board, Stoldt stated that the appeal of a decision to issue water permit #34741 that had been continued from the 8/15/16 Board meeting would not move forward. The property owner withdrew the water permit, so no further action would be taken.

District Counsel Laredo reported that the Board convened at 6:20 pm for the closed session. Regarding item 3, the Board met with negotiators for the General and Management bargaining units. Direction was provided to the negotiators but no reportable action was taken. Regarding item 4, Counsel provided the Board of Directors with an update. Direction was given to Counsel but no reportable action was taken.

4. **Consider Contract with Whitson Engineers to Conduct a Survey of the Carmel River Channel**
5. **Receive and File Fourth Quarter Financial Activity Report for Fiscal Year 2015-2016**
6. **Consider Approval of Fourth Quarter Fiscal Year 2015-2016 Investment Report**
7. **Consider Approval of June 2016 Treasurer's Report**

GENERAL MANAGER'S REPORT

8. **Status Report on California American Water Compliance with State Water Resources Control Board Order 2009-0060 and Seaside Groundwater Basin Adjudication Decision**

9. **Update on Development of Water Supply Projects**

ATTORNEY'S REPORT

10. **Report on 5:30 pm Closed Session of the Board**

3. **Conference with Labor Negotiators (Gov. Code 54957.6)**
Agency Designated
Representatives: David Stoldt;
Suresh Prasad and Cynthia Schmidlin
Employee Organization: General Staff and Management Bargaining

Units Represented by United
Public Employees of
California/LIUNA, Local 792

4. **Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9 (a))**
 - A. Monterey Peninsula Water Management District v. California Public Utilities Commission (California American Water Company) (Case S208838)
 - B. MPWMD v SWRCB; Santa Clara 1-10-CV-163328 – CDO (6th District Appellate Case #H039194)

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

No reports.

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

PUBLIC HEARINGS

Pendergrass offered a motion that was seconded by Evans to adopt the first reading of Ordinance No. 174. The motion was approved on a roll-call vote of 7 – 0 by Pendergrass, Evans, Brower, Byrne, Clarke, Lewis and Potter. No comments were directed to the Board during the public hearing on this item.

12. **Consider First Reading of Ordinance No. 174 –An Ordinance of the Monterey Peninsula Water Management District Suspending Authority to Accept Water Permit Applications for New Connections Based Upon Paralta Allocation, Pre-Paralta Allocation, Quail Meadows Subdivision Annexation, and Water West Reserve**

On a motion of Brower and second by Potter, Resolution 2016-14 was adopted on a vote of 7 – 0 by Brower, Potter, Byrne, Clarke, Evans, Lewis and Pendergrass. No comments were directed to the Board during the public hearing on this item.

13. **Consider Adoption of Resolution 2016-14 – Modifying Rule 160 - Regulatory Water Production Targets for California American Water Systems**

Potter offered a motion that was seconded by Brower to adopt the October through December 2016 Quarterly Water Supply Strategy and Budget. The motion was approved on a vote of 7 – 0 by Potter, Brower, Byrne, Clarke, Evans, Lewis and Pendergrass. Kevan Urquhart, Senior Fisheries Biologist, presented the item to the Board. He noted that there were some errors in the PowerPoint and that a revised document would be posted to the MPWMD website. No comments were directed to the Board during the public hearing on this item.

14. **Consider Adoption of October through December 2016 Quarterly Water Supply Strategy and Budget**

On a motion by Potter and second of Brower, the Board voted to approve the letter with some revisions: (a) commend the Grand Jury on their efforts to develop a good report; and (b) renumber the list of Findings. The motion was approved on a unanimous vote of 7 – 0 by Potter, Brower, Byrne, Clarke, Evans, Lewis and Pendergrass. No comments were directed to the Board during the public comment period on this item.

On a motion by Brower and second of Clarke, the Water Purchase Agreement was approved on a unanimous vote of 7 – 0 by Brower, Clarke, Byrne, Evans, Lewis, Pendergrass and Potter. No comments were directed to the Board during the public comment period on this item.

There was no discussion of the Informational Items/Staff Reports.

The meeting was adjourned at 8 pm.

ACTION ITEMS

- 15. Approve Response to 2015-2016 Monterey County Grand Jury Final Report**

- 16. Approve Water Purchase Agreement for Pure Water Monterey Project**

INFORMATIONAL ITEMS/STAFF REPORTS

- 17. Letters Received**
- 18. Committee Report**
- 19. Monthly Allocation Report**
- 20. Water Conservation Program Report**
- 21. Carmel River Fishery Report**
- 22. Monthly Water Supply and California American Water Production Report**

ADJOURNMENT

ITEM: CONSENT CALENDAR**2. RECEIVE ALTERNATIVE MEASUREMENT METHOD REPORT FOR DETERMINING ANNUAL COSTS FOR POST-EMPLOYMENT MEDICAL BENEFITS****Meeting Date: October 17, 2016 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Suresh Prasad Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: The Administrative Committee reviewed this item on October 10, 2016 and recommended approval.****CEQA Compliance: N/A**

SUMMARY: In July 2004, the Governmental Accounting Standards Board (GASB) issued Statement Nos. 43 & 45, establishing financial reporting requirements for post-employment benefits other than pensions. The District currently provides health insurance benefits as a post-employment benefit and has complied with GASB 43 & 45 requirements by including current and future cost information in its financial statements beginning with Fiscal Year 2009-10. District has been using the actuarial firm Milliman, Inc. to compile the required data using the alternative measurement report method as discussed in the background section below. Milliman, Inc. has completed the report for last fiscal year and is enclosed as **Exhibit 2-A**.

As the table in Section 4, page 9 in the document indicates, the "Actuarial Accrued Liability" as of June 30, 2016 was \$3,227,615, all of which remains unfunded. Using a discount rate of 5.0%, the report shows that the "Annual Required Contribution" of \$295,800 to fully fund the current and future costs over the amortization period of 24 years. In FY 2015-2016, the District paid premium contributions for medical coverage for seven retirees and one surviving spouse of retiree's at a cost of \$63,076. This actual cost would be deducted from any contribution made that year. For example, if the District had fully funded its contribution in FY 2015-2016, the \$63,076 would have been deducted from the \$295,800 resulting in a net contribution of \$232,724. It should be noted that both current and future costs must be recalculated on an annual basis based on then current employee data and District benefit levels, so the contribution amounts may vary somewhat each subsequent year. The District can elect to either partially fund, fully fund or continue to fund the costs on a pay-as-you-go basis. The District's budget in the past has included funds for the pay-as-you-go basis.

RECOMMENDATION: District staff recommends that the Board receive the Alternative Measurement Method Report prepared by Milliman, Inc., and continue to pay retiree medical costs on a pay-as-you-go basis.

BACKGROUND: In July 2004, GASB issued Statement Nos. 43 & 45, establishing financial reporting requirements for post-employment benefits other than pensions. The District provides health insurance as a post-employment benefit and is required to comply with GASB 43 & 45 and include the required information in its audited financial statements beginning in FY 2009-10. The main thrust of GASB 43 & 45 is to require that public-sector employees recognize the cost of other post-employment benefits over the service life of their employees rather than on a pay-as-you-go basis. While the liability amount must be included in each entities annual audited financial statements, the GASB statements do not require that the amount actually be funded. Government entities can either partially fund, fully fund or continue to fund the costs on a pay-as-you-go basis. Entities with less than 100 employees are allowed to use a simplified approach to GASB 43 & 45 calculations called the alternative measurement method rather than having a full actuarial evaluation. This method allows small entities such as the District to comply with GASB 43 & 45 at a fraction of the cost of a full actuarial evaluation by using an on-line computer program to calculate the liability.

EXHIBIT

2-A GASBhelp Financial Report

EXHIBIT 2-A

80 Lambertson Rd.
Windsor, CT 06095
USA

Main +1 860 687 0148
Fax +1 860 687 2111



September 14, 2016

Suresh Prasad
Administrative Services Manager/CFO
Monterey Peninsula Water Management District
PO Box 85
Monterey, CA 93942

GASBhelp Financial Report

Dear Suresh,

Thank you for using GASBhelp. This report contains information that must be included in your Comprehensive Annual Financial Report (CAFR).

The information in this report relies on the valuation that was previously completed using GASBhelp. Your auditor or financial advisor may use the results from this report for your benefit. This report must be updated annually as stipulated by GASB. Please contact 860.687.0148 or email us at GASBhelp@milliman.com if you have any question about this report or the results contained herein.

This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report. Copyright © 2009 Milliman, Inc.

TABLE OF CONTENTS

<u>Topic</u>	<u>Section</u>
Financial Reporting Calculations	1
Implicit Subsidy Calculations	2
Required Supplementary Exhibits	3
Summary of Inputs Used in Calculations	4
Caveats and Limitations	5

This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report. Copyright © 2009 Milliman, Inc.

SECTION 1
FINANCIAL REPORTING CALCULATIONS

The information in the exhibit below must be reported in the Comprehensive Annual Financial Report (CAFR).

Exhibit 1. Calculation of Net OPEB Obligation

Description	Calculated Amount
Annual Required Contribution (ARC)	\$295,800
Interest on Net OPEB Obligation (NOO)	\$60,175
Adjustment to Annual Required Contribution (ARC)	(\$63,212)
Annual OPEB Cost (Expense)	\$292,764
Age Adjusted Contributions Made	(\$63,076)
Change in Net OPEB Obligation (NOO)	\$229,688
Net OPEB Obligation (NOO) - Beginning of Year	\$1,203,508
Net OPEB Obligation (NOO) - End of Year	\$1,433,196

Annual Required Contribution (ARC): The ARC is the employer's periodic required contribution to a defined benefit OPEB plan. The ARC is the sum of two parts: (1) the Normal cost, which is the cost for OPEB benefits attributable to the current year of service, and (2) an Amortization payment, which is a catch-up payment for past service costs to fund the Unfunded Actuarial Accrued Liability (UAAL) over the amortization period. Under GASB 45, it is not required that entities actually pay the ARC each year, but it does need to be calculated and disclosed in the public employer's annual financial statements.

Interest on Net OPEB Obligation (NOO): An adjustment to the prior year financial statement's Net OPEB Obligation (NOO) to reflect interest on the obligation over the past year. It is calculated as (Prior Year NOO) x (Discount Rate). This is one of two adjustments made to the prior year NOO when deriving the current year's NOO. The other calculation is the Adjustment to the Annual Required Contribution.

Adjustment to Annual Required Contribution (ARC): An adjustment to the prior year financial statement's Net OPEB Obligation (NOO) to approximate the amount included in the ARC for amortization of past contributions in excess of, or less than, the ARC. It is removed from the ARC via this adjustment, so that the current ARC will not be over- or understated due to past overcontributions or contribution deficiencies. This is one of two adjustments made to the prior year NOO when deriving the current year's NOO. The other calculation is the Interest on Net OPEB Obligation.

Annual OPEB Cost (Expense): A measure of the annual cost of an OPEB plan, under accrual accounting guidelines. It is calculated as the ARC plus the interest on the NOO plus the adjustment to the ARC.

Age Adjusted Contributions Made: Contributions made for OPEB in relation to the employer's Annual Required Contribution (ARC), adjusted to include the effect of any implicit subsidy inherent in the retiree premiums. This age adjusted contribution may differ from the actual contribution made, because, if premiums for retiree OPEB are not representative of the true cost of their benefits, GASB 45 methodology requires that the premiums be adjusted to better reflect those true cost levels.

Change in Net OPEB Obligation (NOO): The change in the value of the NOO from the beginning of the reporting period to the end of the reporting period. It is calculated as the difference between the OPEB Cost, which is the accrual-based cost of the OPEB plan for the current period, and the age adjusted contribution toward OPEB made during the same period. It serves as a measure of how much the NOO will move up or down during the current period; contributions in excess of cost will reduce the NOO, whereas contributions less than cost will increase the NOO.

Net OPEB Obligation (NOO) - Beginning of Year: The NOO is the cumulative difference between the annual OPEB cost and the actual contributions made by the employer. At an entity's transition to GASB 45 accounting, the NOO may be set to zero. For any reporting period, the Beginning NOO is the NOO from the prior period's financial statements.

Net OPEB Obligation (NOO) - End of Year: The Ending NOO is derived by adjusting the beginning NOO by the calculated Change in NOO. See above definition for Change in NOO.

Actual Contribution, or Contribution: Contributions made for OPEB in relation to the employer's Annual Required Contribution (ARC) include: (1) payments of benefits directly to or on behalf of a retiree or beneficiary, (2) premium payments to an insurer, or (3) irrevocably transferred assets to a trust, or an equivalent arrangement, in which plan assets are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the plan and are legally protected from creditors of the employer or plan administrator. Revocable assets that are set aside for future benefits do not qualify as OPEB assets according to GASB 45.

Revocable assets that are set aside for future benefits do not qualify as OPEB assets according to GASB 45.

SECTION 2 IMPLICIT SUBSIDY CALCULATIONS

The information in Section 2 is for information purposes only and does not need to be reported in the Comprehensive Annual Financial Report (CAFR).

Some employers may think that they do not have an OPEB liability because, although they offer post-employment benefits, the retirees pay the full cost of those benefits. If a retiree pays the full cost of benefits (100% of the premium), it might seem at first glance that there is no liability for the employer; but there may still be a liability because of an implicit rate subsidy.

The implicit subsidy inherent in your OPEB contributions is your age adjusted contribution (a calculated value in the valuation process) minus the actual contribution you made. GASB 45 generally requires that you calculate your OPEB liability using age adjusted premiums to better reflect the true higher cost of retirees' benefits. Consequently, in your financial statements, where costs related to active employee benefits are recorded, you should decrease your employer contributions by this same amount to reflect the fact that a portion of the active contribution actually subsidizes retiree costs.

Exhibit 2. Estimate of Implicit Subsidy Inherent in Your OPEB Contribution

Description	Calculated Amount
Actual Contribution (a)	\$63,076
Age Adjusted Contribution (b)	\$63,076
Implicit Subsidy = (b) - (a)	\$0

The employer contributions listed in the annual financial statements for active employee benefits should be reduced by the implicit subsidy amount listed in the above exhibit. Thus, the age adjusted contribution for the retiree benefits and the adjusted contributions for active employee benefits should add up to the actual annual contributions made by the employer for retirees and actives combined.

Implicit Subsidy, or Implicit Rate Subsidy: The implicit rate is an inherent subsidy of retiree healthcare costs by active employee healthcare costs when healthcare premiums paid by retirees and actives are the same.

Suresh Prasad
September 14, 2016
Page 6 of 14

The true healthcare costs for retirees are, on average, greater than active employees'™ healthcare costs. Thus, if both subgroups pay the same per-capita premium for their benefits, retirees are paying less than they would if their premiums were calculated solely based on retiree-only expected healthcare costs. With an implicit rate subsidy, the active employee premiums are subsidizing the retiree premiums, and that subsidization creates a liability that needs to be recognized.

*This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report.
Copyright © 2009 Milliman, Inc.*

SECTION 3
REQUIRED SUPPLEMENTARY EXHIBITS

A schedule of funding progress, a history of the Net OPEB obligation and the schedule of employer contributions are required supplementary exhibits to the Comprehensive Annual Financial Report (CAFR) of many employers. Below is the content needed for those exhibits.

Exhibit 3. Schedule of Funding Progress

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (b)	Unfunded Actuarial Accrued Liability (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll ((b-a)/c)
6/30/2016	\$0	\$3,227,615	\$3,227,615	0.00%	\$2,406,886	134.10%

Exhibit 4. History of Net OPEB Obligation

Fiscal Year Ended	Annual OPEB Cost	Age Adjusted Contribution	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
6/30/2016	\$292,764	\$63,076	21.5%	\$1,433,196

Exhibit 5. Schedule of Employer Contributions*

Fiscal Year Ended	Annual Required Contribution	Percentage Contributed
6/30/2016	\$295,800	21.3%

* Exhibit 5 is not a required supplementary exhibit to the Comprehensive Annual Financial Report

Suresh Prasad
September 14, 2016
Page 8 of 14

(CAFR).

GASB 45 requires that you report the history of Net OPEB obligation and the schedule of employer contributions for the three most recent reporting periods. These exhibits reflect the employer's contribution toward OPEB funding. This report contains the current period's information, but the history of your Net OPEB obligation and the schedule of employer contributions are also required for the previous two years. Prior period information should be available in your prior periods' financial reports. If you began reporting under GASB 45 within the last three periods, you may include only the historical periods that apply.

*This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report.
Copyright © 2009 Milliman, Inc.*

SECTION 4
SUMMARY OF INPUTS USED IN CALCULATIONS

The information in the exhibit below must be reported in the Comprehensive Annual Financial Report (CAFR).

Exhibit 6. Summary of Inputs

Description	Value
Actual Contribution	\$63,076
Total OPEB Retiree Premium	n/a
Age Adjustment Factor	1
Annual Required Contribution (ARC)	\$295,800
Payroll Growth Rate	3.00%
Discount Rate	5.00%
Net OPEB Obligation (NOO)	\$1,203,508
Actuarial Value of Assets	\$0
Amortization Period	24 years
Actuarial Accrued Liability (AAL)	\$3,227,615
Fiscal Year End Date	6/30/2016
Valuation Date	6/30/2016
Amortization Method	Level Percent of Payroll Amortization

Actual Contribution: see definition from Section 1 above.

Age Adjusted Contribution: see definition in Section 1 above.

Age Adjustment Factor: The factor applied to premiums during the valuation process to better approximate the actual cost associated with retiree benefits in situations where blended premiums are charged to actives and retirees. This factor is used in the financial reporting process to similarly adjust

the contribution made toward OPEB.

Annual Required Contribution (ARC): See definition from Section 1 above.

Payroll Growth Rate: The expected future annual salary change for a typical employee (e.g., 5% increase).

Discount Rate: The discount rate is used to adjust for the time value of money when the future value of an investment is assumed and the present value is being calculated. Actuarial assumptions regarding discount rates are used in estimating the present value of the cost of future benefits payable.

Net OPEB Obligation (NOO): See definition from Section 1 above.

Actuarial Value of Assets: The AVA is the value of cash, investments, other assets and property belonging to an OPEB trust, pension fund, or similar entity, as used by the actuary for the purpose of actuarial valuation. Smoothing of investment gains and losses often make the actuarial value of assets different from the market value of assets.

Amortization Period: The Amortization Period is the number of years over which the unfunded actuarial accrued liability is spread. Per GASB 45, the maximum amortization period allowable is 30 years.

Actuarial Accrued Liability (AAL): The AAL is the present value of projected benefits (other than pension benefits, or OPEB) for retirees plus a portion of expected OPEB for active members that have been earned but are not going to be paid in the current year. The AAL is calculated using one of six Actuarial cost methods acceptable under GASB 45. The retiree portion of the AAL consists of the current year OPEB and the present value of future OPEB payments. The active member portion of the AAL consists of the present value of expected future benefit payments attributable to prior service, excluding payment of active member benefits for the current year. The AAL does not include future benefit payments for future services.

Fiscal Year End Date: The Fiscal Year End Date is the last day of the fiscal year for which you are preparing financial statements. For example, if you're reporting on the year 7/1/2008 - 6/30/2009, the fiscal year end date would be 6/30/2009.

Valuation Date: For the purposes of the GASBhelp, the valuation date is the last day of the fiscal year for which an entity performing the valuation. For example, if you are performing a valuation for the fiscal year from 1/1/2008 to 12/31/2008, enter the valuation date of 12/31/2008.

Amortization Method: Under GASB 45, there are two acceptable accounting methods for amortizing the present value of future benefit costs over a period of time. The methods are: (1) Level Dollar, which amortizes the cost into equal dollar amounts to be paid over a given number of years, and (2) Level Percentage of Payroll, which calculates amortization payments as a constant percentage of projected payroll over a given number of years. Level Dollar amortization generally results in decreasing inflation-adjusted payments over time, whereas Level Percentage of Payroll amortization

Suresh Prasad
September 14, 2016
Page 11 of 14

generally results in level inflation-adjusted payments over time.

*This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report.
Copyright © 2009 Milliman, Inc.*

SECTION 5 **CAVEATS AND LIMITATIONS**

This report is based on the data, methods, assumptions and plan provisions specified by the user of the website. Since the valuation results are dependent on the integrity of the data supplied, the results can be expected to differ if the underlying data is incomplete or missing. If any data or other information is inaccurate or incomplete, the calculations may need to be revised.

Furthermore, the emerging costs will vary from those presented in this report to the extent that actual experience differs from that projected by the actuarial assumptions which are summarized in this report.

Actuarial computations under GASB 43 and GASB 45 are for purposes of fulfilling financial accounting requirements for public employers and trusts. The calculations in the enclosed exhibits have been made on a basis consistent with the Alternative Measurement Method under GASB 43 and GASB 45. Determinations for purposes other than meeting these financial accounting requirements may be significantly different from the results contained in these exhibits. Accordingly, additional determinations may be needed for other purposes.

This work product was prepared solely to provide assistance to the client or system in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this work. The assumptions and results should be reviewed by the user's accountant. Any third party recipient of this work product who desires professional guidance should not rely upon this work product, but should engage qualified professionals for advice appropriate to its own specific needs.

The results contained in this report do not reflect potential changes in future health costs due to the passage of the Patient Protection and Affordable Care Act (P.L.111-148) signed on March. 23, 2010, as amended by the Health Care and Education Reconciliation Act (H.R.4872) signed on March 30, 2010. The impact on future health costs due to this legislation will depend on a number of factors, including future regulations that are not yet known. An analysis of the impact of health care reform on future plan costs was beyond the scope of this report.

This report was generated using the GASBhelp site and is subject to the terms and conditions set forth in the License Agreement for Milliman GASBhelp Service accepted by user. User recognizes that the GASBhelp site does not provide any legal advice to user. User shall not rely on the GASBhelp site with respect to any matter of interpretation of law, regulation or legal compliance. Any information provided to user on the GASBhelp site with respect to provisions of law or regulation is for informational use only and should not be relied upon without consultation with competent counsel. User understands that it is entirely responsible for the determination of all assumptions used on the GASBhelp site and that Milliman, its officers, directors, and employees shall have no liability with respect to such assumptions.

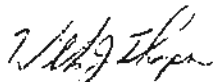
Suresh Prasad
September 14, 2016
Page 13 of 14

*This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report.
Copyright © 2009 Milliman, Inc.*

Suresh Prasad
September 14, 2016
Page 14 of 14

Please let us know if you have any questions concerning the GASBhelp tool or the information presented in this report. Thank you for using GASBhelp.

Sincerely,



William J. Thompson, FSA, MAAA
Principal and Consulting Actuary



Stephen J. Kaczmarek, FSA, MAAA
Principal and Consulting Actuary

Copyright © Milliman, Inc. 2008.

*This report was prepared solely to provide assistance to (the) Monterey Peninsula Water Management District in Monterey, CA in determining values to be reported under GASB 45 and GASB 43. It may not be appropriate to use for other purposes. Milliman does not intend to benefit and assumes no duty or liability to other parties who receive this report.
Copyright © 2009 Milliman, Inc.*

ITEM: CONSENT CALENAR**3. CONSIDER ADOPTION OF RESOLUTION 2016-16 – REVISIONS TO MPWMD CONFLICT OF INTEREST CODE**

Meeting Date:	October 17, 2016	Budgeted:	No
----------------------	-------------------------	------------------	-----------

From:	David J. Stoldt, General Manager	Program/ Line Item No.:	No
--------------	---	------------------------------------	-----------

Prepared By:	Arlene Tavani	Cost Estimate:	
---------------------	----------------------	-----------------------	--

General Counsel Review: N/A**Committee Recommendation: The Administrative Committee reviewed this item on October 10, 2016 and recommended approval.****CEQA Compliance: N/A**

SUMMARY: The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially and amend the code as appropriate to ensure compliance with current State law. The District last updated its code in January 2013 (**Exhibit 3-B**).

In October, District Counsel reviewed the MPWMD Conflict of Interest Code and determined the Code should be amended to conform with the template developed by the Fair Political Practices Commission that reflects current State law. The draft amended code must be approved by resolution, and is therefore attached to Draft Resolution 2016-16 (**Exhibit 3-A**).

RECOMMENDATION: The Committee should review the amended Conflict of Interest Code and approve Draft Resolution 2016-16.

EXHIBIT**3-A** Draft Resolution 2016-16 Amending the MPWMD Conflict of Interest Code**3-B** January 30, 2013 Conflict of Interest Code of the MPWMD



EXHIBIT 3-A

RESOLUTION NO. 2016-16

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING THE MPWMD CONFLICT OF INTEREST CODE**

WHEREAS the Monterey Peninsula Water Management District (MPWMD) Conflict of Interest Code was last amended in January 2013; and

WHEREAS the Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially, and if amendments are necessary the amended code must be forwarded to the Monterey County Board of Supervisors for approval; and

WHEREAS, the MPWMD Board of Directors has reviewed its Conflict of Interest Code and concluded that it should be amended to expand the list of Designated Positions under Reporting Category 1 to include Consultants. In addition, the January 2013 code should be replaced with language provided by the California Secretary of State that contains the terms of a standard conflict of interest code and references section 18730 of title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission. The amended code is provided as **Attachment 1**.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Monterey Peninsula Water Management District that the MPWMD Conflict of Interest Code shall be amended as provided in **Attachment 1**, and forwarded to the Monterey County Board of Supervisors.

On a motion by Director _____ and seconded by Director _____ the foregoing resolution is duly adopted this 17th day of October 2016 by the following votes:

Ayes:
Nays:
Absent:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 17th day of October 2016.

Witness my hand and seal of the Board of Directors this ____ day of October 2016.

David J. Stoldt
Secretary to the Board



**CONFLICT OF INTEREST CODE
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

The Political Reform Act of 1974 (Government Code sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Monterey Peninsula Water Management District (hereafter "District").

Individuals holding designated positions shall file their statement of economic interests with the District Secretary which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statements for positions listed in Appendix A, the District shall make and retain copies and forward the original of the statements to the code reviewing body, the Monterey County Board of Supervisors, by providing the documents to the office of the Monterey County Clerk to the Board. Statements for all other designated positions shall be retained by the District.

Attachments: Appendix A: Designated Positions
Appendix B: Disclosure Categories

Amended: 1979, 1983, 1986, 1979, 2006, 2013 and 2016

APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions</u> ¹	<u>Assigned Disclosure Category</u>
Board of Directors	1
General Manager	1
District Counsel	1
Administrative Services Manager	1
Water Demand Division Manager	1
Water Resources and Engineering Division Manager	1

Consultants

For purposes of this Code, “consultant” has the same meaning as set forth in 2 Cal. Code Regs., tit. 2, section 18701(a)(2), as follows:

“Consultant” means an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
1. Approve a rate, rule, or regulation;
 2. Adopt or enforce a law,
 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. Grant agency approval to a plan, design, report, study, or similar item;
 7. Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof, or
- (B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s Conflict of Interest Code.

Consultants to the District shall be subject to disclosure under Category 1, subject to the following limitation: The General Manager of the District may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the General Manager of the District may designate a different disclosure requirement. Such determination must be made in writing and shall include a description of the consultant’s duties and, based upon that

¹ Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interests pursuant to Government Code section 87200. Therefore, those positions are listed below for information purposes only.

description, a statement of the extent of the consultant's disclosure requirements. Such determination by the General Manager of the District is a public record and shall be retained for public inspection in the same manner and location as the District's Conflict of Interest Code.

APPENDIX B: DISCLOSURE CATEGORIES

General Provisions Applicable to All Categories

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below if it is located within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by District.

When an individual who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Monterey Peninsula Water Management District is the area of the County of Monterey within the District boundaries as described in West's Annotated California Codes, Water Code, Appendix Section 118.

Category 1

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

Category 2

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments.

Category 3

A designated position in this category must report all interests in real property.

Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources that are subject to the

regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the District.

Category 5

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by the District.

Category 6

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through the District.



EXHIBIT 3-B

CONFLICT OF INTEREST CODE OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT OF MONTEREY COUNTY

Revised January 30, 2013 by MPWMD Resolution No. 2013-01

SECTION 100. PURPOSE. Pursuant to the provisions of Government Code Section 87300, et seq., the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT of Monterey County ("District") hereby adopts the following Conflict of Interest Code ("Code"). Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974, set forth at Government Code Section 81000 et seq., ("Act"). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions and provisions of said Act and regulations adopted pursuant thereto shall be incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. DESIGNATED POSITIONS. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. DISCLOSURE STATEMENTS. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned on Exhibit "B".

SECTION 400. PLACE AND TIME OF FILING.

(A) All designated employees required to submit a statement of financial interest shall file the original with the District Secretary.

(B) The District Secretary, upon receipt of the statement of financial interest, shall make and retain a copy and forward the original to the County Clerk.

(C) A designated employee required to submit a statement of financial interest shall submit the statement within 30 days after the effective date of this Code, disclosing investments, business positions and property held on the effective date of the Code and income received during the 12 months before the effective date of the Code

(D) New employees, other than officers and their deputies, appointed to designated positions shall file statements within 30 days after date of employment, disclosing investments, business positions and property held on, and income received during the 12 months before, the date of employment.

(E) New officers and their deputies appointed to designated positions shall file statements, which disclose investments, business positions and property held on, and income received during the 12 months prior

to the assumption of office, within 30 days of the date they assumed office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

(F) Annual statements shall be filed during the month of April by all designated employees. Such statements shall cover the period of the preceding calendar year.

(G) A designated employee required to file a statement of financial interest with any other agency, which has the same territorial jurisdiction, may comply with the provisions of this code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

(H) Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

SECTION 500. CONTENTS OF DISCLOSURE STATEMENTS. Disclosure statements shall be made on forms supplied by the District Secretary, and shall contain the following information:

(A) CONTENTS OF INVESTMENT OR INTEREST AND REAL PROPERTY REPORTS: When an investment or an interest in real property is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property; and
- (4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed \$100,000 (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.
- (5) In the case of an annual statement or a statement from a person leaving office, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

(B) CONTENTS OF PERSONAL INCOME REPORTS: When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000). and

(3) A description of the consideration, if any, for which the income was received.

(4) In the case of a gift, the amount and the date on which the gift was received.

(5) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.

(6) When a payment, including an advance for travel or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for travel, in which case the travel may be reported as income.

(C) CONTENTS OF BUSINESS ENTITY INCOME REPORTS: When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

SECTION 600. DISQUALIFICATION. Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the designated employee, a member of his or her immediate family, or on any of the following:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000).

- (B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
- (C) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to the employee's status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the designated employee within 12 months prior to the time when the decision is made.
- (D) Any business entity in which the designated employee is a Director, Officer, Partner, Trustee, Employee, or holds any position of management.
- (E) Any donor of, or intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty (\$250) or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subsection shall be adjusted biennially by the Fair Political Practices Commission ("Commission") pursuant to Government Code section 89503.

Indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the designated employee, the designated employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

No designated employee shall be required to disqualify himself/herself with respect to any matter which could not be legally acted upon or decided without his/her participation.

SECTION 601. DISQUALIFICATION - FINANCIAL INTERESTS IN WATER, SEWAGE, IRRIGATION, OR STORM DRAINAGE COMPANIES OR DISTRICTS. Notwithstanding any other provision of law, or any other provision of this Code, each Director, Officer, or Employee of the District must disqualify himself or herself from making or participating in any decision which affects a water company or water utility which provides water within the District, when that individual has a reportable financial interest in such water, sewage, irrigation, or storm drainage companies or districts, and such decision will have a material, financial affect on that interest.

- (A) A reportable financial interest for the purpose of this section shall include:
 - (1) Any direct or indirect investment held in such water company or water utility;
 - (2) Any position held as a director, officer, employee, trustee, attorney, or agent of such water company or water utility;
 - (3) Any monetary claim or cause of action alleging monetary damages, or contingent interest deriving from such a claim or cause of action against a water company or a water utility, provided such claim or cause of action has resulted in pending litigation or pending arbitration, and has been duly filed with a judicial or administrative tribunal or forum; and/or
 - (4) Any agent or attorney who represents an individual with regard to a claim or cause of action as set forth in subsection (c) above.

(B) A material financial effect for the purpose of this section shall mean either:

(1) Those effects listed in the California Administrative Code, 2 California Code of Regulations section 18705, and/or

(2) Any benefit or detriment in the amount of \$100 or more.

(C) Where a Director, Officer, or Employee of this District has a reportable interest pursuant to this section, the individual shall:

(1) Disclose the existence of the financial interest for the public record;

(2) Describe with particularity the nature of the financial interest;

(3) Attempt in no way to use this official position to influence any other public official with respect to this matter when the decision may have a material financial effect upon that individual's reportable interest; and

(4) Refrain from participation in the discussion or the decision relating to the matter when the decision may have a material financial effect upon the individual's reportable interest.

The provisions of this section shall be construed in conjunction with the provisions of section 600, which allow participation in a decision when such "will affect the official's interest in substantially the same manner as it will affect all members of the public or a significant segment of the public."

SECTION 700. RESIGNATION. Any individual who resigns a designated position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(A) File a written resignation with the appointing power.

(B) File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

EXHIBIT A

DESIGNATED POSITIONS

	Disclosure Category
Board of Directors	1
General Manager	1
District Counsel	1
Administrative Services Manager	1
Water Demand Division Manager	1
Water Resources Division Manager	1
Planning and Engineering Division Manager	1

POSITIONS EXEMPT FROM FINANCIAL DISCLOSURE REQUIREMENTS

Members of the Carmel River Advisory Committee

Members of the Pebble Beach Wastewater Reclamation
Project Oversight Committee

EXHIBIT B

DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

DESIGNATED EMPLOYEES IN CATEGORY 1 MUST REPORT:

All reportable investments, interests in real property and income, and any business entity in which the person is a Director, Officer, Partner, Trustee, Employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the District, or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

CITATIONS TO DEFINITIONS:

- "Income" - Government Code 82030
- "Interest in Real Property" - Government Code 82033
- "Investment" - Government Code 82034

ITEM: CONSENT CALENDAR**4. CONSIDER APPROVAL OF RECLASSIFICATION OF THE HYDROGRAPHY PROGRAMS COORDINATOR POSITION**

Meeting Date:	October 17, 2016	Budgeted:	No
From:	David J. Stoldt, General Manager	Program:	N/A
		Line Item No.:	N/A
Prepared By:	Cynthia Schmidlin	Cost Estimate:	\$1,477

General Counsel Approval: N/A**Committee Recommendation: The Administrative Committee reviewed this item on October 10, 2016, and recommended approval.****CEQA Compliance: N/A**

SUMMARY: On May 25, 2016, Greg James submitted, to the General Manager, a request that his position of Hydrography Programs Coordinator position to be reclassified due to a change in job demands and increase in responsibilities. The General Manager evaluated Mr. James' request. He determined that a reclassification job analysis was justified, and assigned the task to the Human Resources Analyst. The following is that analysis.

Discussion. The Hydrography Programs Coordinator's responsibilities have changed over the past several years. These duties now include responsibility for the development of low flow release schedules to maintain reliable dry season Carmel River flows; maintenance of the spreadsheet calculating and tracking unimpaired flows at the San Clemente Dam site; streamflow recession forecasting at all locations along the Carmel River; and review of surface water information developed by District staff and external entities.

The Hydrography Programs Coordinator (HPC) has automated the reporting system for surface water flows. The position is responsible for the design, installation and maintenance of automated telecommunications systems capable of transmitting real-time hydrologic data from gaging stations to District computer servers. The incumbent also develops and maintains automated processes that upload real-time hydrologic information to the District Website.

The Hydrography Programs Coordinator has project manager duties, involving training, motivating, and counseling assigned other staff members on aspects of hydrologic monitoring, as well as inspecting work done and developing work plans. These responsibilities are not as extensive and demanding as those of a full supervisor.

Determination: External salary comparisons were used in the initial creation of the Hydrography Programs Coordinator position, as it was a new classification. Reclassification determinations for an existing position are focused on internal relationships with other District classes.

New responsibilities involved in the automated telecommunications system require different technical abilities that are detailed in nature, and time-consuming. The difference in abilities required is analogous to transitioning from one word processing system to another upgraded and more complex system. However, the skills required for this new method of data gathering are not more complex than those already required for the surface flow measurement and analysis traditionally performed by the Hydrography Programs Coordinator.

The HPC's role in developing and maintaining automated processes that upload real-time hydrologic information to the District Website is done with the technical assistance of the software vendor and District IT staff. The skills required are no more complicated than skills upon which his classification is currently based.

The job description for the Hydrography Programs Coordinator states that the position performs professional hydrologist functions at the advanced journey level and is distinguished from the, currently unused, Senior Hydrologist classification by the latter position's performance of the most technically advanced professional-level research studies, as well as full supervisory responsibilities. Changed responsibilities, described in the first paragraph of the previous "Discussion" section, have enhanced the level of the Hydrography Programs Coordinator to those described for the Senior Hydrologist.

The Senior Hydrologist classification may or may not supervise subordinate staff. It is the technical expertise required by the Senior Hydrologist that has determined the level of the position. The same is true of the Hydrography Programs Coordinator.

RECOMMENDATION: Additional duties now performed should be added to the job description of the Hydrography Programs Coordinator. Distinction from the Senior Hydrologist should be restated to describe the focus of the positions rather than the level of the work performed. The Hydrography Programs Coordinator position should be moved from Range 38 to Range 39 of the District's salary chart. This is the same range in which the Senior Hydrologist position has been placed.

IMPACTS TO STAFF RESOURCES: Moving the Hydrography Programs Coordinator position to Range 39, effective November 1, 2016, would cost approximately \$1,477. That would be equal to \$2, 216 over a 12 month period.

EXHIBIT

4-A Current Hydrographer Programs Coordinator Job Description

4-B Current Hydrographer Programs Coordinator Job Description

EXHIBIT 4-A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

HYDROGRAPHY PROGRAMS COORDINATOR

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

DEFINITION

To oversee surface water related programs and services; to perform the most difficult technical hydrographic activities required for the collection and processing of hydrologic data used for water management programs, with emphasis on the District's streamflow monitoring program; to design, install and maintain streamflow gaging stations; to provide hydrologic and weather information to the public, government agencies, and other organizations; to develop the annual budget for all surface water data collection programs; and to perform a variety of technical tasks relative to assigned areas of responsibility.

DISTINGUISHING CHARACTERISTICS

This position performs professional hydrologist functions at the advanced journey level. However, it is distinguished from the Associate Hydrologist class by its responsibility as coordinator of the District's hydrologic and surface water measurement and data measurement program and associated hydrographic measurement and analysis. It is distinguished from the Senior Hydrologist class by the latter position's performance of the most technically advanced professional-level research studies, as well as full supervisory responsibilities.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Resources Manager.

May exercise functional and technical supervision over lower level staff as project leader.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

The following duties are typical for positions in this classification. Any single position may not perform all of these duties and/or may perform similar related duties not listed here:

Essential Functions:

1. Plan, schedule, and perform all work related to the District's hydrologic and surface water measurement and data measurement programs. Programs and activities include: perform facility maintenance and improvement projects; diagnose problems and estimate labor and materials; collect, review, analyze, and manage various data, including precipitation, streamflow, reservoir, lagoon, high-flow measurement, and station rating curves.
2. As project leader, train, motivate, and counsel assigned staff; inspect the work of staff to determine the most effective training action; instruct staff in work methods and procedures; prepare annual work plans.
3. Serve as database administrator for the hydrologic database; operate and maintain specialized data processing equipment and software; serve as technical expert on open channel surface flow measurement; provide final review and technical guidance for annual surface water records computation.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Hydrography Programs Coordinator (Continued)

4. Serve as District liaison on hydrologic systems issues; make recommendations regarding work to be done, gaging stations to be discontinued, and purchase of equipment and materials; conduct cost analyses; monitor and comply with state and other laws and regulations regarding program activities. Design, install and maintain streamflow gaging stations; perform streamflow measuring and analysis; calibrate, troubleshoot and maintain ALERT streamflow monitoring base stations.
5. Oversee and participate in various program activities including preparation of reports; assist with budget preparation and monitoring; present hydrologic data to staff, Board, and public.
6. Respond to requests for information from the public, government agencies, consultants, and other organizations; provide hydrologic and weather information and forecasts to staff, as requested.
7. Attend and participate in professional group meetings, stay abreast of new trends and innovations in the field of surface and ground water resource management and streamflow monitoring.
8. Hike into remote areas to make inspections, measurements and observations and to conduct studies.
9. Collect, analyze, and prepare groundwater resource monitoring data, as directed.
10. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Operations, services and activities of a streamflow monitoring program.
 Advanced principles and practices of hydrologic, climatic and geologic science.
 Advanced field hydrologic, climatologic and biologic data collection techniques.
 Stream sedimentation and erosion processes.
 Methods and techniques of land surveying.
 Computer equipment and software including ALERT instrumentation, software and data collection platforms.
 Basic construction skills including carpentry and cement work.
 Intermediate mathematics and statistics.
 Basic electronics.
 Operational characteristics of power and hand tools.
 Water quality sampling protocols.
 Global positioning satellite systems for mapping.
 Chain of custody forms.
 Occupational hazards and standard safety practices.

Ability to:

Perform professional-level hydrologic and environmental work studies.
 Accurately quantify surface water resources.
 Design, locate, install, operate and maintain streamflow gaging stations.
 Measure all ranges of streamflow and compute continuous streamflow records.
 Independently perform the most difficult streamflow calculations.
 Conduct meetings and serve as District representative.
 Compile and analyze difficult technical and statistical information and data.
 Utilize a computer terminal for data management, data processing and word processing.
 Interpret, explain and enforce District policies and procedures.
 Operate a vehicle and equipment in a safe and effective manner.
 Perform instrument calibration.
 Use proper techniques to acquire water quality samples.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Hydrography Programs Coordinator (Continued)

Complete chain of custody forms for water quality and biological samples.
 Operate GPS equipment to locate wells and other monitoring sites.
 Work independently in the absence of supervision.
 Understand and follow oral and written instructions.
 Communicate clearly and concisely, both orally and in writing.
 Establish and maintain effective working relationships with those contacted in the course of work.
 Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Experience and Training Guidelines — Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

Five years of increasingly responsible surface water resource management experience.

Training

Equivalent to a Bachelor's degree from an accredited college or university with major course work in hydrology, geology, environmental sciences, engineering or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid driver's license.

WORKING CONDITIONS

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environmental Conditions:

Office and field environment with some travel to attend meetings; work in and around water; exposure to all types of weather and temperature conditions; exposure to poisonous plants, animals, and/or insects; work closely with others and work alone; irregular work hours; exposure to computer screens, atmospheric conditions, and slippery and uneven conditions; working with machinery.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for moderate to heavy lifting and carrying; walking, standing and sitting for prolonged periods of time; bending, climbing and reaching; operating motorized vehicles and equipment.

Vision:

See in the normal visual range with or without correction; specific vision abilities required by this job include close and distance vision, color perception and depth perception.

Hearing:

Hear in the normal audio range with or without correction.

EXHIBIT 4-B

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

HYDROGRAPHY PROGRAMS COORDINATOR (PROPOSED)

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

DEFINITION

To oversee surface water related programs and services; to perform the most difficult technical hydrographic activities required for the collection and processing of hydrologic data used for water management programs, with emphasis on the District's streamflow monitoring program; to design, install and maintain streamflow gaging stations; to provide hydrologic and weather information to the public, government agencies, and other organizations; to develop the annual budget for all surface water data collection programs; and to perform a variety of technical tasks relative to assigned areas of responsibility.

DISTINGUISHING CHARACTERISTICS

This is one the two most technically advanced classes in the job families related to hydrology. Positions at this level are distinguished from other hydrology classes by the performance of the most technically advanced professional-level research studies and/or managing the more complex District projects. It is distinguished from the Senior Hydrologist class by its responsibility as coordinator of the District's hydrologic and surface water measurement and data measurement program and associated hydrographic measurement and analysis.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Senior Hydrogeologist.

May exercise functional and technical supervision over lower level staff as project leader.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

The following duties are typical for positions in this classification. Any single position may not perform all of these duties and/or may perform similar related duties not listed here:

Essential Functions:

1. Plan, schedule, and perform all work related to the District's hydrologic and surface water measurement and data measurement programs. Programs and activities include: perform facility maintenance and improvement projects; diagnose problems and estimate labor and materials; collect, review, analyze, and manage various data, including precipitation, streamflow, reservoir, lagoon, high-flow measurement, and station rating curves.
2. As project leader, train, motivate, and counsel assigned staff; inspect the work of staff to determine the most effective training action; instruct staff in work methods and procedures; prepare annual work plans.
3. Serve as database administrator for the hydrologic database; operate and maintain specialized data processing equipment and software; serve as technical expert on open channel surface flow measurement; provide final review and technical guidance for annual surface water records computation.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Hydrography Programs Coordinator (Continued)

4. Serve as District liaison on hydrologic systems issues; make recommendations regarding work to be done, gaging stations to be discontinued, and purchase of equipment and materials; conduct cost analyses; monitor and comply with state and other laws and regulations regarding program activities.
5. Design, install and maintain streamflow gaging stations; perform streamflow measuring and analysis; calibrate, troubleshoot and maintain ALERT streamflow monitoring base stations.
6. Develop low flow release schedules to maintain reliable dry season Carmel River flows.
7. Maintain the spreadsheet calculating and tracking unimpaired flows at the San Clemente Dam site.
8. Perform streamflow recession forecasting at all locations along the Carmel River.
9. Review surface water information developed by District staff and external entities.
10. Design, install and maintain automated telecommunications systems capable of transmitting real-time hydrologic data from gaging stations to District computer servers.
11. Develop and maintain automated processes that upload real-time hydrologic information to the District Website.
12. Oversee and participate in various program activities including preparation of reports; assist with budget preparation and monitoring; present hydrologic data to staff, Board, and public.
13. Respond to requests for information from the public, government agencies, consultants, and other organizations; provide hydrologic and weather information and forecasts to staff, as requested.
14. Attend and participate in professional group meetings, stay abreast of new trends and innovations in the field of surface and ground water resource management and streamflow monitoring.
15. Hike into remote areas to make inspections, measurements and observations and to conduct studies.
16. Collect, analyze, and prepare groundwater resource monitoring data, as directed.
17. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Operations, services and activities of a streamflow monitoring program.

Advanced principles and practices of hydrologic, climatic and geologic science.

Advanced field hydrologic, climatologic and biologic data collection techniques.

Stream sedimentation and erosion processes.

Methods and techniques of land surveying.

Computer equipment and software including ALERT instrumentation, software and data collection platforms.

Basic construction skills including carpentry and cement work.

Intermediate mathematics and statistics.

Basic electronics.

Operational characteristics of power and hand tools.

Water quality sampling protocols.

Global positioning satellite systems for mapping.

Chain of custody forms.

Occupational hazards and standard safety practices.

Ability to:

Perform professional-level hydrologic and environmental work studies.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Hydrography Programs Coordinator (Continued)

Accurately quantify surface water resources.
 Design, locate, install, operate and maintain streamflow gaging stations.
 Measure all ranges of streamflow and compute continuous streamflow records.
 Independently perform the most difficult streamflow calculations.
 Conduct meetings and serve as District representative.
 Compile and analyze difficult technical and statistical information and data.
 Utilize a computer terminal for data management, data processing and word processing.
 Interpret, explain and enforce District policies and procedures.
 Operate a vehicle and equipment in a safe and effective manner.
 Perform instrument calibration.
 Use proper techniques to acquire water quality samples.
 Complete chain of custody forms for water quality and biological samples.
 Operate GPS equipment to locate wells and other monitoring sites.
 Work independently in the absence of supervision.
 Understand and follow oral and written instructions.
 Communicate clearly and concisely, both orally and in writing.
 Establish and maintain effective working relationships with those contacted in the course of work.
 Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Experience and Training Guidelines — *Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

Experience

Five years of increasingly responsible surface water resource management experience.

Training

Equivalent to a Bachelor's degree from an accredited college or university with major course work in hydrology, geology, environmental sciences, engineering or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid driver's license.

WORKING CONDITIONS

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environmental Conditions:

Office and field environment with some travel to attend meetings; work in and around water; exposure to all types of weather and temperature conditions; exposure to poisonous plants, animals, and/or insects; work closely with others and work alone; irregular work hours; exposure to computer screens, atmospheric conditions, and slippery and uneven conditions; working with machinery.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for moderate to heavy lifting and carrying; walking, standing and sitting for prolonged periods of time; bending, climbing and reaching; operating motorized vehicles and equipment.

Vision:

See in the normal visual range with or without correction; specific vision abilities required by this job

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Hydrography Programs Coordinator (Continued)

include close and distance vision, color perception and depth perception.

Hearing:

Hear in the normal audio range with or without correction.

U:\staff\Boardpacket\2016\20161017\ConsentCldr\04\Item-4-Exh-B.docx

ITEM: CONSENT CALENDAR**5. CONSIDER ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH THE GENERAL STAFF BARGAINING UNIT**

Meeting Date:	October 17, 2016	Budgeted:	Included in FY 2016-2017 Budget
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	Operating Expenses
Prepared By:	Cynthia Schmidlin	Cost Estimate:	Up to \$80,000 total for all MOU's; \$230,000 for salary survey if and when funds become available

General Counsel Approval: N/A
Committee Recommendation: N/A
CEQA Compliance: N/A

SUMMARY: The General Staff Bargaining Unit, represented by United Public Employees of California, Local 792/Laborers' International Union of North America, and the Board's negotiating representatives have agreed to terms for a new 3-year Memorandum of Understanding (MOU), attached as **Exhibit 5-A**. This agreement achieves the District goals of remaining cost conscious while also being fair and reasonable to employees.

RECOMMENDATION: The General Manager recommends that the Board adopt the General Staff Memorandum of Agreement as it appears in **Exhibit 5-A**.

DISCUSSION: New bargaining points incorporated into the agreement, as a result of this year's negotiations, are as follows:

Term

3 year contract

Salary Adjustment

Effective July 1, 2016, there will be a cost-of-living salary increase of 3%. Effective July 1, 2017, there will be a cost-of-living salary increase of 2%. Effective July 1, 2018, there will be a cost-of-living salary increase of 3%.

CalPERS Contribution

Effective July 1, 2018, an additional 2%, for a total of 5%, of each Tier I employee's salary will also be applied to the Employer Contribution portion of the PERS premium.

Salary Survey Implementation

The compensation study that has been prepared by the District will be implemented upon the reestablishment and collection of the District's User Fee. All positions that are less than 95% of median will receive a salary adjustment to the level of 95% of median.

At the time the survey is implemented, the salary ranges/steps will be adjusted for uniformity and will look like the Attachment B in the MOUs, titled "Salary Range Adjustments by Position after Salary Survey Adjustment."

Should the compensation study not be implemented by June 30, 2018, the Union shall have the right to reopen the MOU.

Attachment A is the Salary Chart prior to the Salary Survey Adjustment

Attachment B is the Salary Chart after the Salary Survey Adjustment

Attachment C lists Salary Range Adjustments, by Position, after the Salary Survey Adjustment

Retiree Medical Premiums

Retirees may now be enrolled in the medical plan of their choice, as well as the medical plan in effect for members of the bargaining unit from which they retired. The District reimburses retirees for medical premiums paid, up to the maximum allowed for their vesting group, based upon time at the District. This reimbursement includes Medicare Part B.

Call-Back Time

An employee who has completed a normal work shift, when ordered back to work, shall be credited with a minimum of two (2) hours work time, provided the call back to work is without having been notified prior to completion of the work shift, or the notification is prior to completion of the work shift and the work begins three (3) or more hours after the completion of the work shift.

Holiday Furlough - The Holiday Furlough has been cancelled.

Tuition Reimbursement - A maximum has been set, not to exceed \$3,000 per year.

Appendix A - The Job Classifications have been updated.

Appendix B – The Personnel Compensation Policy has been edited to remove outdated information and unused internal relationships.

EXHIBIT

5-A Memorandum of Understanding Between the Monterey Peninsula Water Management District the General Staff Bargaining Unit

EXHIBIT 5-A

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AND
THE GENERAL STAFF BARGAINING UNIT,
REPRESENTED BY
UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792 / LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA

Table of Contents

ARTICLE 1	RECOGNITION.....	3
ARTICLE 2	NON-DISCRIMINATION.....	3
ARTICLE 3	UNION SECURITY	3
ARTICLE 4	DISTRICT RIGHTS	6
ARTICLE 5	PERSONNEL ACTIONS	7
ARTICLE 6	CATEGORIES OF EMPLOYEES	9
ARTICLE 7	ELIGIBILITY FOR EMPLOYEE BENEFITS.....	11
ARTICLE 8	OPTIONAL BENEFITS	11
ARTICLE 9	RETIREMENT BENEFITS.....	11
ARTICLE 10	HEALTH AND WELFARE BENEFITS.....	12
ARTICLE 11	VACATION	14
ARTICLE 12	SICK LEAVE.....	15
ARTICLE 13	OTHER LEAVES	16
ARTICLE 14	HOLIDAYS	18
ARTICLE 15	SALARY TABLES.....	19
ARTICLE 16	OVERTIME	20
ARTICLE 17	MILEAGE ALLOWANCE.....	22
ARTICLE 18	TRAVEL EXPENSE.....	22
ARTICLE 19	TRAINING.....	22
ARTICLE 20	DISCIPLINARY ACTIONS.....	22
ARTICLE 21	GRIEVANCE PROCEDURE.....	26
ARTICLE 22	OTHER EMPLOYMENT.....	29
ARTICLE 23	JOB SHARING.....	29
ARTICLE 24	REDUCTION IN FORCE.....	29
ARTICLE 25	DRUG-FREE WORKPLACE POLICY	31
ARTICLE 26	VIOLENCE IN THE WORKPLACE POLICY	32
ARTICLE 27	WELLNESS PROGRAM	32
ARTICLE 28	SEVERABILITY	33
ARTICLE 29	TERM OF AGREEMENT	34
APPENDIX A	- JOB CLASSIFICATIONS - GENERAL BARGAINING UNIT	35
APPENDIX B	- PERSONNEL COMPENSATION POLICY	36

ATTACHMENT A – SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT	41
ATTACHMENT B – SALARY CHART AFTER SALARY SURVEY ADJUSTMENT	42
ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER SALARY SURVEY ADJUSTMENT	43

This Memorandum of Understanding (M.O.U) sets forth the agreement between the representatives of UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792 (hereinafter referred to as “Union”) and the representatives of the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (hereinafter referred to as “District”) on all matters concerning wages, hours, working conditions and other terms of employment for employees within the GENERAL STAFF BARGAINING UNIT.

The District and Union have met and conferred in good faith and have arrived at an understanding concerning wages, hours, working conditions and other terms of employment. This agreement supersedes all prior District Personnel Policies that pertained to members of this bargaining unit, where such matters have been specifically addressed. In the event of a conflict between this contract and any policy, memorandum or directive, either written or verbal, this contract shall prevail.

ARTICLE 1 RECOGNITION

Pursuant to the Meyers-Milias-Brown Act and the District’s Employer-Employee Relations Resolution, the Union, affiliated with UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792, is hereby recognized as the exclusively recognized employee organization for the General Staff Bargaining Unit employees. Classifications in the bargaining unit are listed in Appendix A. Pursuant to language in the MOU, this list can be amended from time to time.

ARTICLE 2 NON-DISCRIMINATION

The District and the Union will cooperate in pursuing a policy of equal employment and equal promotional opportunity for all employees. There shall be no employment discrimination because of a person’s political or Union affiliation or belief, non-affiliation or non-belief. There will be no coercion, intimidation, or discrimination against any employee for exercising her/his right to form, join and participate in the activities of the Union.

ARTICLE 3 UNION SECURITY

- A. Agency Shop –New employees hired during the term of this contract and all current employees covered by its terms shall, within thirty (30) days of employment or the signing of this Agreement, join the Union and pay Union dues or pay an equivalent service fee thereafter as a condition of continued employment. The District shall notify new employees of these Agency Shop provisions and that the Union is the exclusive recognized bargaining representative for the workers in the unit. The District shall also provide a copy of the current contract to the employee. Employees in the bargaining unit who are not members of the Union on the effective date of this contract shall authorize either Union dues or an equivalent service fee as a condition of continued employment.

In accordance with Government Code Section 3502.5, any employee subject to this Section who is a member of a bona fide religion which has historically held conscientious objections to joining or financially supporting an employee organization shall, upon verification of active membership in such a religious body, satisfactory to the Union, be permitted to make a charitable contribution equal to Union dues to a non-religious, charitable organization agreed upon by the parties.

- B. Payroll Deduction – The District will make available payroll deductions for Unit members for both regular Union dues and other fees, as applicable, and remit these funds monthly to the Union by separate check with the exception of the charitable contributions that shall be remitted to the appropriate organization. These deductions are subject to the following conditions:
 - 1) Deductions shall be withheld only if the employee so authorizes in writing on the form provided by the Union and approved by the District.
 - 2) The Union will indemnify and hold harmless the District, its employees, officials and representatives from any claims, litigation or liability arising from the implementation of this section.
- C. Dispute Resolution – Any dispute between the Union and an employee on the interpretation of Article 3 shall, at the request of the Union or the affected employee, be decided by final and binding arbitration under the rules of the American Arbitration Association. The employee and the Union shall each bear one half the cost of the arbitration, including the fee of the American Arbitration Association and the arbitrator. The cost of the certified transcript of the proceedings shall be paid by the party requesting same. The District will not protest or interfere with any final and binding decision under this Section.
- D. In the event an employee fails to authorize either Union dues, an equivalent service fee or charitable contribution, as required in this Section, the Union will give written notice of such failure to the District and the affected employee, and request dismissal of the employee.
- E. Upon receipt of such notice from the Union, the District will issue to the employee and the Union a five (5) day notice of Intention to Dismiss. Failure to authorize payroll deductions by the response deadlines set in the Notice to Dismiss shall result in termination.
- F. Employees terminated as a result of this provision do not have the right of recourse through Article - 21 Grievance Procedure.
- G. The Union shall indemnify, defend and hold the District, its officers and employees harmless against any and all claims, demands, suits and from liabilities of any nature which may arise out of or by reason of any action taken or not taken by the District under the provisions of this Section.

- H. Memorandum of Understanding Distribution – The District will distribute to all Unit members a copy of the signed Memorandum of Understanding. When a person is hired in any classification covered by this Memorandum of Understanding, the District shall notify the person that the Union is the recognized employee organization. The District will provide that person with a copy of the current MOU.
- I. Union Notification – The Union shall be given at least ten (10) working days advance written notice prior to adopting any rule, resolution, regulation, or action affecting working conditions within the scope of representation and shall be given the opportunity to meet and confer with the District representative prior to its adoption by the District Board of Directors.
- J. Bulletin Boards – The Union shall be provided a bulletin board in the employee break room. The Union agrees that notices posted on the bulletin board shall not contain anything that may be construed as maligning and/or derogatory to the District or its representatives. The Union shall be responsible for maintaining the bulletin board in a professional manner. The Union shall be responsible for placement of and removal of outdated material. However, the District shall retain the right to remove maligning, derogatory, or inappropriate, or outdated material.
- K. Time Off for Union Officials – During the term of this agreement, two employees from the unit shall be allowed a reasonable amount of paid release time off for “meet and confer” or “meet and consult” sessions scheduled with the District’s designated representatives, providing there is no disruption of work. The Union shall notify the General Manager in advance of the meeting of the specific members who will be in attendance. Union members shall obtain permission through supervisory channels before leaving their work or work locations.

The Union may request, and the District may grant, time off without loss of pay to Union representatives to assist the District in the formulation of policies and procedures mutually beneficial to the District and the Union. However, such time off shall be at the discretion of the General Manager.

- L. Union Stewards – The Union shall be authorized to designate two employees within the unit as stewards and must furnish a list of these stewards to the General Manager within five working days after appointment or election. One steward at a time shall be allowed a reasonable amount of paid release time for the purpose of representing a unit employee within the steward’s area of representation in the filing or processing of grievances or disciplinary appeals, as long as there is no interruption of work in the employee’s division. Stewards must first obtain permission through appropriate supervisory channels before leaving their work or work location for such purposes. There shall be no discrimination, intimidation or coercion of any steward exercising his/her rights under the grievance procedure.
- M. Visits by authorized Union Representatives – Access to District work locations and the use of District paid time, facilities, equipment and other resources by the employee organizations and those representing them shall be limited to activities

pertaining to the employer-employee relationship. Reasonable access to employee work locations shall be granted to representatives of recognized employee organizations for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation.

- N. Meeting Time – Employees of the District shall be permitted to meet on their own time on District premises at least two hours per month.

ARTICLE 4 DISTRICT RIGHTS

- A. Except as modified by this Memorandum of Understanding, the District reserves, retains and is vested with, solely and exclusively, all rights of the District which are not expressly abridged by law to manage the District. The District also recognizes that employee contributions to the decision making process is valuable. The District agrees to encourage employee input on matters within the scope of representation. The sole and exclusive rights of the District shall include, but not be limited to, the following:

- To manage the District generally and to determine all issues of policy;
- To determine the nature, manner, means and technology, and extent of services to be provided to the public;
- To determine and/or change the facility, methods, technological means, size and composition of the workforce by which District operations are to be conducted;
- To assign work to and schedule employees in accordance with requirements as determined by the District, and to establish and change work schedules, vacation schedules, and assignments upon reasonable notice and in accordance with these Rules and memoranda of understanding;
- To relieve employees from duties for lack of work, funds, or similar non-disciplinary reasons;
- To determine and modify productivity and performance programs and standards;
- To discharge, suspend, demote or otherwise discipline non-probationary employees for just cause;
- To determine job classifications and to reclassify employees in accordance with these Rules and applicable resolutions and ordinances of the District;
- To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with these Rules and applicable ordinances and resolutions of the District;

- To determine and administer policies, procedures and standards for selection, training and promotion of employees in accordance with these rules and applicable resolutions and ordinances of the District.
 - To establish employee performance standards including, but not limited to qualification and quantity standards, and to required compliance therewith;
 - To determine satisfactory and unsatisfactory job performance levels, and evaluate employees based upon these criteria;
 - To take any and all necessary action to carry out the functions of the District in emergencies.
- B. Before submission of a recommendation to contract out any function traditionally performed by unit employees which would result in a reduction of the work force, the Union will be offered the opportunity to examine the proposal for at least thirty (30) days prior to Board action, whenever possible and to submit recommendations. If requested, the District will meet and confer over the impact of proposed layoffs prior to the implementation of said layoffs.

ARTICLE 5 PERSONNEL ACTIONS

- A. A District list of all current job descriptions shall be available for review by employees and Union representatives. An employee may obtain a copy of any job descriptions from the Human Resources Analyst.

Upon appointment, each new employee shall be provided with a copy of the employee's job description. Further, an employee shall be given a copy of the amended job description as changes occur.

Job Descriptions shall be explicit as to the level of skills, knowledge, and ability required to perform the work. Specific detail of the work required will be used wherever reasonable and the work required shall be within the realm of that normally performed within the scope of the job classification.

- B. The District shall offer to meet and confer with the Union regarding the impacts of an appropriate reclassification whenever the District intends to classify, reclassify, create, modify, and or abolish classes existing in the bargaining unit. If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the Union may request and the District shall grant, an opportunity to meet and consult with the parties involved regarding such assignment. If the employee wishes to request that an individual reclassification analysis be performed on his or her position, the following procedure shall be followed:

- 1) If an employee believes that he or she has been assigned duties that do not

reasonably relate to the classification to which the employee is assigned, the employee can state his or her concerns to his or her Division Manager. The employee may also direct his or her concerns directly to the Union.

- 2) The General Manager will consider all such requests after receiving written input from the employees' Division Manager and/or Supervisor regarding the employee's assertions.
 - 3) The General Manager will evaluate the information received and determine if a reclassification analysis is justified.
 - 4) If the General Manager determines that a reclassification analysis is to be performed, he will assign that task to the Human Resources Analyst.
 - 5) Reclassification requests will be handled in the order received.
 - 6) Reclassification analyses will be performed as soon as possible within the context of the Human Resources Analyst's work assignments.
 - 7) The results of reclassification analyses will be evaluated by the General Manager, who will make a decision on whether he accepts the findings.
 - 8) The General Manager will advise the Division Manager and the Union of his decision on reclassification.
 - 9) If the General Manager supports reclassification of a position, a request for reclassification and modification of the Organization Chart will be included on the next open Board Meeting agenda.
 - 10) Reclassification will be effective on the 1st day of the month following Board approval.
- C. There shall be only one official personnel file that shall be maintained at the District's Human Resources Office. An employee shall have the right to review her/his personnel file or authorize in writing the review by a representative. No material will be inserted into the employee's personnel file without prior notice and a copy given to the employee. An employee may place in her/his personnel file a written response to adverse material inserted into the file in lieu of filing a formal grievance regarding the subject of the adverse material. In addition, an employee may place any letters of commendation received from the public or certificates of educational achievement in his/her personnel file.
- D. A written performance evaluation is intended to be a documented summary of the work performance of the employee and to encourage ongoing communication between the supervisor/rater and the employee. An evaluation is not to be used for discipline in and of itself.

- E. An employee shall have the right to review and respond in writing to any evaluation she/he considers derogatory, or otherwise inaccurate, within ten (10) days of receipt of a copy of the evaluation.
- F. Step increases recommended as a result of a delayed performance evaluation shall be effective retroactively on the first day of the month following the employee's anniversary date.
- G. An employee who voluntarily terminates her/his service with the District may receive an end-of-job performance evaluation if requested in advance by the employee.
- H. The parties agree that the District and its representatives and employees shall treat each other with mutual respect, dignity, courtesy, and trust in all work related matters. It is the intent of this Agreement to establish such a harmonious and constructive relationship among the parties.

ARTICLE 6 CATEGORIES OF EMPLOYEES

- A. The following definitions shall apply to this Memorandum:
 1. Full-time Regular Employee: An employee of the District occupying a regular position who is employed 40 hours per week and who is not serving under a written contract or in an introductory status.
 2. Part-time Regular Employee: An employee of the District who is not a full-time regular employee, who is employed less than 40 hours per week and who is not serving under a written contract or in an introductory status.
 3. Introductory Employee: An employee of the District who is serving in the minimum six (6) month working test period required before the appointment as a full-time regular employee is completed, during which the terms of the extended introductory period must be satisfied. In the case of a part-time employee, the introductory period shall also be a minimum six (6) month period before the appointment as a part-time regular employee is completed. An employee on introductory status may be terminated without cause.
 4. Limited-Term Employee: An employee of the District who is not a regular employee, and who is hired for a project that is estimated to require 1,000 hours or less in a fiscal year. (July 1- June 30). If a project requires more than the originally estimated time, the limited-Term employee may be extended for additional 1,000-hour periods with Board approval. Any Limited-Term employee can be terminated without cause and shall not be entitled to employee rights or benefits specified in Article 7 with the exception of eligibility for PERS retirement benefits if the total worked in a fiscal year exceeds 1,000 hours.

5. Volunteer: A person who is not a paid employee who participates in any District activity by providing their labor and services to the District free of charge. Use of volunteers on District projects must be approved by both the Division Manager and Risk Manager for liability and workers' compensation purposes. (Resolution No. 96-03 outlines the Board's authorization and governs of the use of volunteers.)
6. Exempt Employee: An employee of the District that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
7. Non-Exempt Employee: An employee of the District that is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

B. Employment Status is described as follows:

1. Introductory Status: The introductory period shall be used by the General Manager for the evaluation of any new employee, and for the termination of any introductory employee whose performance, work, or behavior does not meet the required standards of the Monterey Peninsula Water Management District. Each appointment, re-employment, or transfer to a regular position shall be subject to an introductory period of six (6) months for full-time and part-time positions. This introductory period is the final phase of the examination and qualification process before the appointment as a regular employee is completed.

The introductory period shall date from the time of initial employment in a position and shall not include time served as a limited-term employee nor any period of continued leave of absence without pay exceeding thirty (30) days.

The General Manager may extend the introductory period of an employee for a period not to exceed six (6) months upon furnishing the employee with a statement of the reasons for such extension and the required standards that must be met in order for the employee to successfully complete the introductory period.

2. Regular Status: Regular status is afforded all qualified employees of the District, other than employees who are on probation or are contract employees.
3. Limit-term Status: A limited-term employee is one hired for the purpose of filling short-term employment vacancies, vacation, sick leave, military leave, leaves of absence, and/or to meet other short-term business demands of the District. Limited-term employment may be terminated at the will of the General Manager or the employee.
4. Part-time Status: A part-time employee is an employee who works less than full-time and does not occupy a regular full-time position.

ARTICLE 7 ELIGIBILITY FOR EMPLOYEE BENEFITS

- A. Regular Employees: Regular employees are entitled to vacation, sick leave, leaves of absence without pay, and other benefits set forth in this section and as authorized by the District.
- B. Introductory Employees: Introductory employees shall accrue vacation and sick leave credit but shall not be entitled to use vacation credit until successful completion of the introductory period. However, any vacation time accrued by working on a District holiday may be used prior to the end of the probation period.
- C. Limited-term Employees: Limited-term employees shall not be entitled to any of the benefits set forth in this section, with the exception of those Limited-term employees who have been extended by Board approval for more than 1,000 hours of employment in a fiscal year, who will then become eligible for PERS retirement benefits.
- D. Part-time Employees: Part-time employees shall accrue pro-rata vacation and sick leave credit based upon the hours actually worked by each employee, but shall not be entitled to use accrued vacation hours until successful completion of the introductory period.

ARTICLE 8 OPTIONAL BENEFITS

- A. A deferred compensation plan (IRS Section 457) is available to all regular employees. Deferred compensation is an IRS-approved method of saving for retirement which includes deferring federal and state income taxes. Current District policy permits an employee to start, stop, increase, decrease, or change investment funds as often as he or she wishes without fees or penalties. The District does not contribute to the deferred compensation plan except as may be required by an individual employment contract.
- B. A Section 125 Flexible Benefits Plan is provided. This plan provides the opportunity to participate in an Unreimbursed Medical Expenses Plan and a Dependent-care Expense Reimbursement Plan on a pre-tax basis. Participants may contribute up to \$2,550 per year (subject to change per Internal Revenue Service). The District does not contribute to the Section 125 Flexible Benefits Plan.
- C. Supplemental insurance coverage is also available through AFLAC Insurance. Employees pay premiums for this coverage.

ARTICLE 9 RETIREMENT BENEFITS

District employees are covered by the California Public Employees Retirement System (PERS) under two tiers.

Tier 1 - Employees hired before January 2013 or considered Classic Members by CalPERS

Tier 1 employees are covered by the PERS 2% at 55 formula. The District also provides them with the PERS Employer Paid Member Contribution (EPMC) under Government Code section 20636, section (C)(4), pursuant to Government Code section 20691, by including the value of the EPMC in salary reported to PERS as compensation. Tier 1 employees have the one-year final compensation benefit for calculating their retirement annuity.

Tier 1 employees contribute towards the District's total normal cost by making contributions of 3% to both the EPMC and the Employer Contribution. Effective July 1, 2018, an additional 2% for a total of 5% of each Tier 1 employee's salary will also be applied to the Employer Contribution portion of the PERS premium. However, the percentage of contributions paid by the employee in each year of the contract shall in no circumstance be more than 50 percent of the total normal cost up to a maximum contribution of 8% of the employee's salary.

Tier 2 - Employees hired after January 2013 and those employees not considered Classic Members by CalPERS - Subject to AB 340, the "California Public Employee's Pension Reform Act" (PEPRA).

Tier 2 employees are covered by the PERS 2% at 62 formula with no PERS EPMC. Tier 2 employees must contribute 50% of the total normal cost rate for PERS to a maximum of 8% of their salary. The District's total normal cost for new members in 2013 is 12.5%. The normal cost rate is subject to change over time, as it will be impacted by risk pool demographics and the actuarial assumptions used in retirement benefit funding. The three-year final compensation period is used to calculate a Tier 2 employee's retirement annuity. Annual pensionable compensation that can be used to calculate final compensation is capped. The 2013 cap for District employees is \$136,440.

Tiers 1 and 2

The District shall provide the PERS 1959 Survivor Benefit, Fourth Level, at no cost to the employee.

In accordance with the California Public Employee's Pension Reform Act", if a public employee is convicted of a felony arising from the performance of public duties, or connected with obtaining salary or other benefits for public service, the employee forfeits the portion of his or her pension accruing after the crime.

ARTICLE 10 HEALTH AND WELFARE BENEFITS

Medical, dental, vision, life insurance, short-term disability insurance, long-term disability insurance, and an employee assistance plan shall be provided for all regular employees, introductory employees, and their eligible dependents. Medical insurance will also be

provided to eligible retirees and their eligible dependents, as stated in Article 10, Section C. The terms and conditions of enrollment and the benefits provided under all health plans are subject to the plan documents and practices, which are controlling.

A. **Premium Payment:** During the term of this agreement the District shall pay the below designated amounts towards employee benefits. Should employees be required to make any premium payment, such payments shall be made by payroll deduction.

1. **Life, Survivor, LTD & EAP:** The District shall pay 100% of premiums for life insurance, survivor benefit, long-term disability insurance, and the employee assistance plan premiums for all regular and introductory employees.
2. **SDI:** The District shall pay 50% of the premium for short-term disability insurance. Employees will be required to pay the other 50% of that premium.
3. **Employee Health Insurance**

Effective January 1, 2014, employees have been enrolled in the Laborers Northern California Trust Special Plan.

Effective 07/01/2016: The District will pay the higher of \$1055.45 per month or 95% of the then-current premiums for all eligible employees and their dependents.

B. Retiree Medical Premiums

The District contribution towards retiree medical premiums will be available only to those retirees and their dependents or survivors who meet the eligibility criteria established by the District and/or the medical care provider.

Retirees may be enrolled in the plan of their choice or in effect for members of the bargaining unit from which they retired if they meet that plan's eligibility requirements. Retirees who are ineligible, due to a change in the medical plan for active employees, may enroll in an alternate health plan and be reimbursed for their premiums, according to the vesting schedules described below.

Retirees eligible for Medicare must enroll in a Medicare supplemental plan. To be eligible for paid retiree medical from the District, the retiree must not be entitled to receive equivalent health care through current or prior employment or the military. Reimbursement for the Medicare Part B costs shall be available from any unused portion of the retiree medical premium.

Vesting Schedule:

Tier 1 - Employees hired before July 2013

- a. Less than 15 years of District service: The District will reimburse retirees up to \$540 per month for retiree medical premiums paid to its medical plan provider.
- b. 15 or more years of District service: The District will reimburse retirees up to \$1149.00 per month, as of July 1, 2016, for retiree medical premiums paid to its medical plan provider. The District reimbursement will increase by 3% effective July 1st of each successive calendar year.

Tier 2 - Employees hired after July 2013

The District will contribute up to \$540 per month for reimbursement of retiree medical premiums.

Retirees must submit evidence of medical insurance payment each month to receive reimbursement from the District. Retirees have up to three (3) months to submit requests for retiree medical insurance reimbursement.

Tiers 1 and 2

Survivor Premiums

For a period of one year, the District shall continue to provide and pay for medical coverage for the surviving dependent(s) of an employee or retiree whose death occurs when the dependent(s) are receiving medical benefits from the District.

ARTICLE 11 VACATION

- A. Eligibility. Each full-time regular employee shall be eligible for vacation with full pay after six (6) months continuous employment. All vacations shall be scheduled upon prior approval of the Division Manager or General Manager. Introductory and contract employees shall not be entitled to vacation.

- B. Accrual Rates

Tier 1 - Employees hired before July 2013

Eligible full-time regular employees shall accrue annual vacation on the following basis:

YEARS OF COMPLETED FULL-TIME ANNUAL VACATION
TIME CONTINUOUS SERVICE ACCRUAL

0 - 1 years	10 days per year
1+ year - 5 years	15 days per year
5+ years – 15 years	20 days per year
15+ years	22 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 60 days (480 hours).

Tier 2 - Employees hired after July 2013

YEARS OF COMPLETED FULL-TIME ANNUAL VACATION
TIME CONTINUOUS SERVICE ACCRUAL

1 - 3 years	10 days per year
4 year - 8 years	15 days per year
8+ years	20 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 45 days (360 hours).

- C. Compensation in Lieu of Vacation. Each regular employee who separates from the District shall be entitled to compensation for all accrued but unutilized vacation, not to exceed the maximum allowed accrual of 60 days (480 hours) for Tier 1 employees and 45 days (360 hours) for Tier 2 employees. Vacation is accrued daily.
- D. Policy on Vacation Usage. Employees are encouraged to utilize their yearly vacation accrual on an annual basis.

ARTICLE 12 SICK LEAVE

Sick leave shall be available to employees for time off associated with sickness, disability or other health issues.

- A. Credits, Accumulation, Compensation. Sick leave with full pay shall be accrued by every regular and introductory employee at the rate of one day per month. Part-time employees shall accrue sick leave at this same rate, pro-rated in proportion to the hours they actually serve, calculated on a daily basis. All unused days of sick leave shall be accumulated. There is no accrual limit for unutilized sick leave. At the time of termination of service, Tier 1 employees, hired prior to July 2013, shall be paid for a maximum of 75 days (600 hours) of accumulated sick leave. Tier 2 employees,

hired after July 2013, shall be paid for a maximum of 30 days (240 hours) of accumulated sick leave. Any regular employee, Tier 1 or Tier 2, separated from service with less than one year's longevity as a regular employee shall not be entitled to payment for unused sick leave. An employee whose retirement date is within four months of his or her separation date from the District may choose to convert all or a portion of their unused sick leave to a credit of .004 years of service for each unused day of sick leave.

- B. Charges. Sick leave shall be charged against an employee's credit only for regular working days and shall not be charged for time absent on holidays or other authorized days off. Employees may charge absences related to Pregnancy Disability Leave or Family Medical Leave against accrued sick leave. When sickness or injury is work-related, the regulations of the California Workers' Compensation Law shall apply. Sick leave shall not be granted to an employee for work-related sickness or injury incurred while employed elsewhere.
- C. Notification and Certification. In order to be granted sick leave for any period of time, employees shall, no later than four hours after the time established for reporting to work, notify their supervisor of their inability to report for work and the reason therefore. When an employee requests credit for more than three (3) consecutive days of sick leave or more than four (4) days of sick leave in any one thirty (30) day period, said employee shall file with his supervisor a certificate from a physician stating the justification for such absence.

ARTICLE 13 OTHER LEAVES

- A. BEREAVEMENT OR CRITICAL FAMILY ILLNESS LEAVE. Up to three (3) days of leave with pay per year may be requested by an employee to attend to the critical illness or the funeral of any member of the immediate family. Members of the immediate family are the mother, father, grandmother, grandfather, grandchild of the employee, the spouse/domestic partner of the employee, step-children, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any relative or person living in the immediate household of the employee. There shall be no accrual of bereavement leave.
- B. JURY OR WITNESS DUTY. In accordance with the provisions of Government Code Section 1230.1, deductions in the amount paid as witness or jury fees shall be made from the salary of an employee who is subpoenaed or appears as a witness or is called to jury duty.

Employees summoned to jury or witness duty shall receive only their regular salary for a period not exceeding 8 weeks per annum and shall, unless they elect to take vacation or other leave, be excused from their regular duty only to the extent necessary to fulfill their obligations as jurors or witnesses. Except as provided below, no other form of premium or extra compensation shall be paid for any time spent while serving as a witness or juror.

If an employee is subpoenaed as a witness in connection with his/her official duties as a District employee, the time actually spent serving as a witness shall be considered work time.

This section shall not apply to an employee who is a party or an expert witness.

C. LEAVES OF ABSENCE.

1. Non-disability Leave of Absence. A leave of absence without pay may be granted by the General Manager for a regular employee for a period not to exceed two months. Granting of such leave is dependent upon the needs of the District and is totally discretionary. Requests for such leaves and action thereon will be in written form
 - a. The Employee shall, except in extraordinary circumstances, notify the District thirty (30) days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits cease to accrue once the leave of absence is commenced.
 - c. During any non-disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the employee's expense, subject to the restrictions of the policies. The employee will be placed on leave of absence status with PERS. Employees are responsible for timely payment of the entire premium payment while on leave of absence exceeding one full calendar month and are subject to plan termination in the event such payment is not received by the District.
2. Disability Leave of Absence. Based upon medical evidence of disability and a written request from the employee, any employee shall be entitled to a disability leave of absence for a period of time up to 120 days.
 - a. The employee shall, insofar as possible, notify the District 14 days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on disability leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits will cease to accrue once the leave of absence is commenced.

- c. During a disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the District's expense, subject to the restrictions of the policies. The employee will be placed on a leave of absence status with PERS.
- d. Actual duration and scheduling of the disability leave shall be based upon the doctor's certification of disability. The District reserves the right to have a physician of the District's selection verify the disability.

It is possible that non-disability and disability leaves of absence could be utilized sequentially.

For a leave of absence requested by the employee, the employee's position will be held open for that employee during the leave of absence, or if that is not possible, a different but similar position will be made available when the employee returns to work.

Once the approved leave period has lapsed, the employee must return to work or be terminated. Any employee who fails to report for duty as scheduled after a leave of absence shall be considered to have abandoned and constructively resigned his/her position unless the General Manager has granted an extension.

Notwithstanding any other provision of this section, the Board of Directors may, by resolution, make provisions for other leaves of absence without pay.

ARTICLE 14 HOLIDAYS

A. HOLIDAYS.

The District shall be observed the following listed days as legal holidays:

New Year's Day	Thanksgiving Day
Martin Luther King's Birthday	Day after Thanksgiving
Presidents' Day	Christmas Eve
Memorial Day	Christmas Day
Independence Day	Veterans Day
Labor Day	

- B. If one of the above listed holidays falls on Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the above-listed holidays falls on a Saturday, the preceding Friday shall be the holiday in lieu of the day observed. When the day on which a District holiday is observed on an employee's regularly scheduled day off, during the employee's regularly scheduled vacation, or if the General Manager requests the employee to work on that day, the worker shall be entitled to holiday pay of up to 8 hours. In addition, all actual hours required to be worked on a

holiday shall be converted to vacation time at the rate of 1-1/2 times and added to the employee's vacation leave balance.

C. FLOATING HOLIDAYS

Regular full-time and regular part-time employees shall be given two floating holidays each fiscal year. Floating holidays will be defined as entire days off, with up to 8 hours paid time. Use of floating holidays will be subject to prior approval by the employee's supervisor. They will be granted after consideration of operational needs, in the same manner as vacation time. Both floating holidays must be used within the fiscal year that they are issued or they will be lost.

ARTICLE 15 SALARY TABLES

- A. The salary ranges listed in Appendix C are hereby established as a basic salary plan. An employee shall be eligible for promotion to the next salary step by the General Manager upon recommendation of the Division Manager following six months satisfactory service in the first step and twelve months satisfactory service in each subsequent step.
- B. For the purposes of promotion eligibility, the determination of satisfactory services shall be a District right as defined within Article 4 of this Memorandum of Understanding. The General Manager may, in his discretion, approve an employee's promotion to any higher salary step at any time in order to make equitable salary adjustments or to compensate capable employees properly.
- C. A Y-rated employee is an employee whose rate of pay has been set above the highest step in the salary range by the Board of Directors.
- D. Salary Survey Recommendation. Annually, preceding the setting of the budget, the General Manager may make a recommendation to the Board of Directors regarding the initiation of a survey of compensation and or classification for the coming year. If such a survey is conducted, it shall be implemented in accordance with the approach described in Appendix B, and the results will be submitted to the Board with implementation recommendations. The information contained in the survey shall be shared with the employee's Union representatives at the same time, and shall be made part of the meet and confer process.
- E. Cost of Living Adjustment.

The Board may grant a cost-of living adjustment to employees on an annual basis to help maintain purchasing power.

Effective July 1, 2016, there shall be a cost of living salary increase of 3.0%.

Effective the first pay period in FY17/18, a salary increase of 2.0% will be implemented.

Effective the first pay period in FY18/19, a salary increase of 3.0% will be implemented.

- F. Salary Survey Implementation. The compensation study that has been prepared by the District will be implemented upon the reestablishment and collection of the District's User Fee with all positions that are less than 95% of median receiving a salary adjustment to the level of 95% of median.

At the time the survey is implemented, the salary ranges/steps will be adjusted for uniformity and will look like the **Attachment B** titled "Salary Chart After Survey Adjustment" which includes the 3.0% COLA. Employees will be placed in the appropriate range and step for their new salary adjusted for the survey. The revised placements are shown in the **Attachment C** titled "Salary Range Adjustments by Position after Salary Survey Adjustment."

Should the compensation study not be implemented by June 30, 2018, the Union shall have the right to reopen this Memorandum of Understanding.

ARTICLE 16 OVERTIME

- A. Only FLSA non-exempt employees shall receive pay for overtime.
- B. Overtime work is performed either before or after the normal or assigned work schedule in excess of forty hours per week. Overtime also refers to hours employees are called back to work which fall outside of their regular work schedule. Time spent on District property which is not time spent working, either before or after work, or during the lunch period, shall not be included as overtime worked.
- C. Pay for overtime shall be at the rate of one and one-half times the rate of regular pay for any hours worked beyond 40 straight-time hours actually worked in a week. Additionally, the eight hours paid for holidays shall be included in the computation of the 40 hours required before overtime is paid.
- D. Overtime is reported in quarter hour increments.

- E. Overtime shall be worked only upon the approval of a Division Manager or his/her designee if absent. Approval may be verbal and documented at a later date and shall indicate the time to be worked and the reason for the overtime.
- F. The District work week is Monday through Sunday. Unless otherwise defined, the work period is eight hours each day, to begin at 8 AM and end at 5 PM, Monday through Friday. Each employee is entitled to one hour for lunch between noon and 1 PM. These hours apply to all employees unless the Division Manager approves other arrangements.
- G. The General Manager shall maintain a current classification of employee positions that are exempt and non-exempt under the Fair Labor Standards Act.
- H. The General Manager shall establish for each non-exempt position the designated work period, the designated work hours and the designated rate of pay. All such determinations shall be provided to each employee and shall be filed in the personnel file.
- I. Compensatory Time — Exempt employees will receive compensatory time for any “overtime” worked. Compensated time will be granted on an hour-for-hour basis and must be used by the end of the six-month period in which it was accrued, or it will be lost. The cut-off dates in which to use the compensatory time accrued within a six-month period are June 30th for January 1 – June 30 and December 31st for July 1 – December 31 of each calendar year. At the start of each six-month period, each exempt employee will have a zero balance of compensatory time, unless otherwise approved by the General Manager. The District will not pay cash or otherwise offer compensation for accumulated compensatory time under any circumstance.
- J. Call Back Time – An employee who has completed a normal work shift, when ordered back to work, shall be credited with a minimum of two (2) hours work time provided the call back to work is without having been notified prior to completion of the work shift, or the notification is prior to completion of the work shift and the work begins three (3) or more hours after the completion of the work shift.

When such an employee is called back under these conditions within two (2) hours of the beginning of a previous call or an additional call is received while working on an earlier call back, the employee shall not receive an additional two (2) hours credit for the new call back.

When such an employee is called back within the two (2) hours of the beginning of the employee’s next shift, call back credit shall be received only for the hours remaining before the beginning of the employee’s next shift.

ARTICLE 17 MILEAGE ALLOWANCE

Any employee of the Monterey Peninsula Water Management District other than the General Manager who is required to operate his/her own or a privately owned automobile for the execution of official duties shall be allowed, reimbursed and paid the rate equivalent to that specified in current IRS guidelines.

ARTICLE 18 TRAVEL EXPENSE

In addition to the mileage allowance provided for, an employee of the Monterey Peninsula Water Management District is entitled to receive reimbursement for his/her actual and necessary expenses for other transportation and for meals, lodging, and incidentals incurred as a result of travel assigned as part of his/her official duties upon prior authorization of the Division Manager and approval of the General Manager.

ARTICLE 19 TRAINING.

The District strongly encourages training and education and shall reimburse tuition fees, cost of study materials, or other incidental training expenses when directly related to the functions of the employee, providing that the employee show proof of attaining a grade of C or better in a graded course or a satisfactory completion in a non-graded course. Tuition reimbursement shall not exceed \$3,000 per year. Approval for such training shall be at the discretion of the General Manager. The General Manager shall not authorize utilization of normal working hours for long-term schooling without prior Board approval.

ARTICLE 20 DISCIPLINARY ACTIONS

- A. Disciplinary Actions. The General Manager, for just cause, may take disciplinary action against any employee in the service of Monterey Peninsula Water Management District, provided that the rules and regulations prescribed herein are followed. Only a regular employee, not on introductory status, who has over six (6) months of continuous service, has the right to appeal pursuant to this section. As used in this section, "Disciplinary Action" shall mean dismissal, suspension, or formal written reprimand. No full or part-time employee serving on an introductory status is entitled to appeal pursuant to this Section 21, or any of its sub-parts.

Cause for discipline may include but is not limited to:

1. Incompetence, inefficiency or dereliction in the performance of the duties of his/her position.
2. Inability to perform assigned duties due to failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, and failure to pass required tests).
3. Insubordination (including, but not limited to, refusal to do assigned work).
4. Carelessness or negligence in the performance of duty or in the care or use of District property.
5. Discourteous, offensive, or abusive conduct or language toward other employees, directors, or the public.
6. Dishonesty.
7. Possession of or drinking of alcoholic beverages on the job or reporting for work while intoxicated.
8. Addiction to the use of narcotics or a restricted substance, possession or use of narcotics or restricted substances while on the job or reporting to work while under the influence of a narcotic or restricted substances.
9. Personal conduct unbecoming an employee of the District in the course of performing her/his duties. Such conduct is defined as that which would undermine District goals and objectives and/or the employee's ability to perform the duties of his/her position.
10. Engaging in political activity during assigned hours of employment (including, but not limited to, campaigning on behalf of any candidate for public office, including himself or herself, whether by speaking, soliciting funds or support, distributing handbills, using any District property, equipment or facility for any political purpose during regular duty hours or after duty hours unless the use thereof is by law for such purposes and the employee has obtained prior written authorization from the General Manager or his authorized representative.
11. Conviction of any crime involving moral turpitude.
12. Absence without leave for three consecutive days or repeated tardiness.
13. Abuse of illness leave privileges.

14. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other District records.
 15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
 16. Willful or persistent violation of the rules and regulations of the District.
 17. Any willful conduct tending to injure the public service.
 18. Abandonment of position or excessive absenteeism.
 19. Physical or mental incapacity.
- B. Notice of Disciplinary Action. Disciplinary actions, except reprimands, shall be taken against an employee having regular status by service upon such employee of a written notice of such action.

The notice of disciplinary action shall include the following:

1. The nature of the disciplinary action;
 2. The effective date of the action;
 3. The causes for the action and the material on which it is based, in ordinary concise language with the dates and places thereof, when known;
 4. A statement that the material upon which the action is based is available for inspection; and
 5. A statement as to the right of representation and appeal that shall include a referral to the section of this MOU titled "Grievance Procedure".
- C. Service of a Notice of Disciplinary Action shall be made as provided below, except when emergency or other special circumstances require immediate action:
1. Delivery to the employee, either personally or by United States Postal Service to the current address listed in the employee's personnel file, shall be made no less than five (5) calendar days prior to the effective date of any punitive action against the employee. In emergency situations, the five (5)

day prior notice requirement shall not apply to the following disciplinary actions but may be given within a reasonable time after the commencement of such discipline:

- a. Reprimand.
 - b. Suspension without pay of five (5) days
 - c. Suspension with pay of twenty (20) days or less.
2. The notice of disciplinary action is accompanied by the advice that the employee may respond either verbally or in writing to the representative imposing the action prior to its effective date and may be represented in the response.
- D. Reprimand. The General Manager may reprimand an employee by furnishing him/her with a statement, in writing, of the specific reasons for such reprimand. A copy of notice of the reprimand shall be included in the employee's personnel file and the employee shall have the right of rebuttal. The General Manager may correct the reprimand or notice of reprimand at his/her discretion.
- E. Suspension Without Pay. Any suspension invoked as a disciplinary action under this section against an employee, whether for one or more periods, shall not exceed fifteen (15) calendar days in any one (1) calendar year; provided, however, that where a suspension is made because of criminal information or indictment filed against such employee, the period of suspension may exceed ninety (90) calendar days and continue until, but not after, the dropping of charges or the judgment or conviction or acquittal of the offense charged in the complaint, or indictment has become final. Employees suspended shall forfeit all rights, privileges, and salary while on such suspension.
- F. Suspension With Pay. Notwithstanding other provisions of this section, an employee may be suspended with pay and benefits for a period not to exceed twenty (20) working days upon a determination by the General Manager that circumstances exist that make the immediate removal of the employee to be in the best interests of the Monterey Peninsula Water Management District, and that the employee cannot be effectively used in his/her job.

Notwithstanding the above provision, the General Manager may suspend an employee at any time for reasons of investigation for disciplinary action. Written notice of such suspension shall be given the suspended employee as soon as possible, but not later than seventy-two (72) hours after such action is taken. Such suspension is not a disciplinary action and shall not be subject to appeal unless it, or any portion of it, subsequently becomes a disciplinary action. The

General Manager may reinstate any such suspended employee to his/her position for good cause and shall, upon reinstatement, restore his/her rights and privileges with back pay for time lost.

- G. Dismissal. The continued tenure of each employee shall be subject to his/her satisfactory conduct and the rendering of efficient service. Should the cause for disciplinary action so warrant, an employee may be dismissed.
- H. Absence Without Leave Termination. An employee who takes an unauthorized leave of three or more days may be deemed to have resigned their position.

ARTICLE 21 GRIEVANCE PROCEDURE

- A. Purpose. The purpose of the grievance procedure is to promote improved employer-employee relations by establishing a procedure for the prompt settlement of certain disputes, herein after defined as grievances.

A grievance shall be defined as a claim by an employee or group of employees of a violation, misinterpretation and misapplication, or improper application of written regulations, resolutions, ordinances, or a memorandum of understanding applicable to the employee. Any appeal of the disciplinary actions of demotion, suspension or dismissal shall be filed and processed pursuant to this section.

- B. Applicability. Notwithstanding the foregoing, the grievance procedure is not applicable and shall not be used with the following:

1. The exercising of management rights by Monterey Peninsula Water Management District, as defined in Article 4, District Rights.
2. Any matter for which a statutory appeal procedure exists;
3. Complaints relating to Equal Opportunity, Occupational Health and Safety, or Workers Compensation;
4. The imposition of disciplinary action with respect to an employee on introductory status;

- C. Format. All grievances must be in writing. Grievances must explicitly specify the policy or the particular section of the agreement, rule, resolution or ordinance, the violation of which is being alleged as the basis for the grievance. The remedy requested must also be specified. An employee is entitled to individual representation at the employee's expense at any step of the grievance procedure.

D. Processing Grievances.

1. The grievant shall be granted reasonable time off with pay from regularly scheduled duty hours to process a grievance, provided that the time off will be devoted to the prompt and efficient investigation and handling of grievances.
2. In no case shall Monterey Peninsula Water Management District vehicles be used for transportation by employee representatives in connection with the processing of grievances nor will reimbursement be considered for the use of private vehicles.

E. Grievance Procedure Steps.

1. Informal Discussion.

- a. The grievance shall first be discussed on an informal basis by the aggrieved with his/her immediate supervisor within twenty-one (21) calendar days from the date of the action causing the grievance.
- b. Every effort shall be made to resolve the grievance at this level.

2. Formal Written Grievance.

- a. In the event the employee believes the grievance has not been satisfactorily resolved, the employee shall submit the grievance in writing to the General Manager.
- b. Within five (5) working days of receipt of the grievance, the General Manager shall schedule a meeting with the grievant, and the grievant's representative, if she/he so chooses, to discuss the grievance. Within five (5) working days of the grievance meeting, the General Manager shall deliver a written decision to the grievant. Any grievance settled at this step shall be subject to Board review.

3. Appeal to the Board

Board review will only be initiated upon written application. Said written appeal shall be filed with the Clerk to the Board and state the basis of the appeal. Any appeal based upon a disciplinary action shall contain a specific admission or denial of the material allegations contained in the notice of disciplinary action.

At the next regularly scheduled meeting of the Monterey Peninsula Water Management District Board, after the filing of the order and appeal with the said Clerk, the Board shall determine whether it will hear the appeal or appoint a hearing officer for this purpose. If the Board determines to hear the appeal, it will set a time and place for such hearing and provide notice to the appellant. If the Board determines to appoint a hearing officer, the hearing officer shall be mutually agreed upon between the Board's representative and the Union. In the event that the parties cannot mutually agree on a hearing officer, the parties shall request a list from the California State Conciliation and Mediation Service. The Hearing Officer shall then be selected by the parties alternately striking names until one remains. The Hearing Officer shall commence a hearing on the appeal as soon as possible. The appellant and General Manager may appear personally and the appellant may be represented by a Union representative and/or by counsel at the hearing. The hearing shall be public unless the appellant requests a private hearing.

Before the hearing has commenced and during the course of the hearing, the hearing officer shall issue subpoenas "duces tecum" at the request of either party. Oral evidence shall be taken only on oath or affirmation. The appellant and the General Manager shall each have the right to call and examine witnesses, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witness and to rebut the evidence against him/her. Technical rules relating to evidence and witnesses do not have to apply to such hearings. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. At the hearing, the burden of proof shall be upon the appellant except in matters of discipline where the District is the moving party and therefore has the sole burden of proof.

At the conclusion of the hearing, the Board or the hearing officer shall prepare a summary record of the proceedings and prepare findings, conclusions and decision.

Where the Board has determined that a hearing officer will hear the appeal, the hearing officer shall submit a copy of said record and draft findings, conclusions and decision to the Board.

Within thirty (30) days after the filing of the record and recommended findings, conclusions and decision of the hearing officer with the Board, the Board shall adopt such recommended findings, conclusion and decision, or shall reject the recommendations of the hearing officer and adopt its own

findings, conclusions and decision after a review of the record. The Board shall affirm, modify or reverse the order of the General Manager. The decision of the Board shall be final, and any review of said determination must be commenced within the time set forth in the Code of Civil Procedure, Section 1094.6.

ARTICLE 22 OTHER EMPLOYMENT.

No employee shall engage in any occupational or outside activity which is incompatible with his/her employment.

An employee engaging in any occupation or outside activity for compensation shall inform his or her Supervisor of the time required and the nature of such activity. An employee engaging in any occupation or outside activity which may be incompatible with Monterey Peninsula Water Management District employment or for compensation, who fails to inform his/her supervisor of such occupation or activity, may be subject to disciplinary action up to and including dismissal.

ARTICLE 23 JOB SHARING.

The General Manager may hire two part-time employees to fill a regular full-time position if the Division Manager determines that the duties of the position can be shared.

ARTICLE 24 REDUCTION IN FORCE

A. General.

From time to time reductions in staff may be necessary. These reductions, (layoffs) occur without prejudice and without fault on the part of any employee. Reductions usually happen as a result of decrease or curtailment in revenues, reorganization of staff, termination of a program or activity, modification or change in service requirements or in the interest of efficiency or economy. Such changes are inevitable given the nature and mission of MPWMD. Alternatives to avoid or limit layoffs will be carefully considered. The Union shall be given at least ten (10) days advance notice before a reduction in force is presented to the Board for action and sixty (60) days advance notice before a reduction in force is implemented. Upon request, the District shall meet with the Union to discuss alternatives to an impending layoff. However, if the District deems layoffs necessary, the parties shall meet and confer over the effects of such layoffs on the employees within the bargaining units. The District retains full authority to determine what measures are most appropriate under the circumstances.

B. Definition

A reduction in force or layoff is an involuntary separation of an employee from a class of position and from District service. Depending on the circumstances, it may be temporary or permanent.

C. Notice

An employee with one or more year's continuous service with the District shall receive as much notice as possible, but in no event shall notice be given less than two weeks before their effective layoff date.

D. Procedures

In the instance where reduction is necessitated by the termination of a program, employees will be laid off as dictated by mission requirements determined by the General Manager in consultation with the Division Manager. The order of layoff will be set by reverse seniority within a job classification within the program office or division. Employees will be placed on a layoff list, within their job classification, according to their category of employment. For purposes of layoff, categories are rank ordered as follows:

1. Limited-Term employees
2. Employees in introductory periods
3. Part-time regular employees
4. Full-time regular employees

An employee's position on the layoff list shall be based on the employee's total continuous service with MPWMD. For this purpose, continuous service includes employment as a limited-term, temporary, and part-time employee, excluding any break in service.

E. Recall.

If within six months of being laid off it is necessary for the District to increase the work force, laid off employees may be recalled to a vacancy in the last position held with the District or to a comparable position for which she or he is qualified. Such recalls will be according to continuity of employment, i.e., employees with greater continuity of employment e.g., higher in the layoff list, will be recalled from layoff first and placed in available positions, provided they have the necessary skills to perform the required tasks efficiently and are available. Recall notice to employees on layoff will be sent by certified mail to the employee's last known address. An employee must make a written commitment to return to work from layoff within four working days after receipt of notice to return to work and, return to work with the District within 15 days of first notification or lose all recall privileges.

Employees who have been on layoff status longer than six months are not eligible to be recalled, but may apply for advertised employment opportunities and be considered for employment with the District.

Regular employees who are laid off will be notified of advertised vacancies for which their employment records indicate they may be qualified, for 12 months following layoff, if they keep the District advised of their current address and telephone number.

F. Benefits.

Employees who have been laid off are not entitled to benefits. However, they may be eligible for a continuation of some benefits under COBRA and for state unemployment insurance. Information on these topics will be provided by the Human Resource Analyst.

ARTICLE 25 DRUG-FREE WORKPLACE POLICY

The District is committed to maintaining a work environment free from the influence of alcohol and drugs in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. Illegal drugs in the workplace are a danger to all of us. They impair health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The use of any controlled substances is inconsistent with the behavior expected of our employees. It subjects all employees as well as visitors to our facilities and work sites to unacceptable safety risks and undermines the District's ability to operate effectively and efficiently.

In this connection, any location at which Monterey Peninsula Water Management District business is conducted, whether on District property or at any other site, is declared to be a drug-free workplace. This means that:

1. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off our premises. Any employee violating the policy is subject to discipline, up to and including termination for the first offense.
2. Should an employee be required to take any kind of prescription or nonprescription medication that could affect job performance, the employee is required to report this to his/her supervisor. The supervisor will determine if it is necessary to temporarily place the employee on another work assignment or to take other action as appropriate.
3. Employees have the right to know the dangers of drug abuse in the workplace, the District's policy about it, and what help is available to combat drug problems. The District will provide educational material and conduct training for all employees on this subject. The District also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct their problem before it impairs their performance and jeopardizes their employment. One source of treatment for drug/alcohol dependency is provided to

District employees through their coverage under the District's Employee Assistance Plan.

4. Any employee convicted of violating a criminal drug statute in this agency's workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence.
5. The District reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

ARTICLE 26 VIOLENCE IN THE WORKPLACE POLICY

The Monterey Peninsula Water Management District recognizes the importance of maintaining a safe and violence-free workplace. In that spirit, all weapons are banned from the District. No District employee, customer, or visitor is allowed to carry weapons of any sort on District property or in a District vehicle. All employees are required to immediately report any sightings of weapons or violent behavior on the premises or at their work sites.

It should be noted that a good deal of District business is conducted off of District property. Therefore, employees must be aware of the need to always take safety and security precautions when performing their duties on private property. However, District employees are prohibited from carrying weapons while conducting District business. Any violent behavior directed at District employees, either while they are conducting District business or related to the conduct of District business, should be immediately reported to the General Manager.

ARTICLE 27 WELLNESS PROGRAM

Employees are encouraged to participate in a fitness program. However, participation is voluntary, and employees do it at their own risk. To further encourage the wellness of its employees, the District authorizes employees (upon approval of an employee's supervisor) who participate in aerobic physical exercise (walking, jogging, swimming, etc.) to use up to 30 minutes of regular work time for this purpose.

Exercise is normally done over the lunch hour, with an extension of 30 minutes. This amount of time is intended to allow the exercising employee the opportunity to receive a thorough aerobic workout, and time to return to work refreshed and relieved of stress. A shower is available for employee use. Approval of wellness time will be dependent upon the division workload and coordination with the schedules of co-workers.

ARTICLE 28 SEVERABILITY

If any section, sub-section, paragraph, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being hereby expressly declared that this resolution and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 29 TERM OF AGREEMENT

This Agreement shall be effective on the 1st day of July 2016 and shall remain in full force and effect without change, addition or amendment through June 30, 2019, and shall be renewed thereafter subject to reopening by either party upon written notice to the other party no more than 120 days prior to June 30, 2019 or any June 30 anniversary date thereafter.

 David J. Stoldt
 General Manager
 Monterey Peninsula Water Management District

 Date

 Christopher D. Darker
 Business Manager
 United Public Employees of California
 Local 792

 Date

 Ryan Heron
 Chief Negotiator
 United Public Employees of California
 Local 792

 Date

 Larry Hampson
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. Management Unit

 Date

 Beverly Chaney
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. General Unit

 Date

 Thomas Christensen
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. General Unit

 Date

APPENDIX A - JOB CLASSIFICATIONS - GENERAL BARGAINING UNIT

Accountant
Assistant Fisheries Biologist
Associate Fisheries Biologist
Assistant Hydrologist
Associate Hydrologist
Assistant Water Resources Engineer
Community Relations Liaison
Conservation Analyst
Conservation Representative I/II
Conservation Technician I/II
Fisheries Technician
Geographical Information Systems Specialist
Hydrography Programs Coordinator
Hydrology Technician
Information Technology Manager
Office Services Supervisor
Office Specialist I/II
Project Manager/Public Information Representative
Riparian Projects Coordinator
River Maintenance Specialist
River Maintenance Worker
Senior Fishery Biologist
Senior Hydrogeologist
Senior Hydrologist
Senior Water Resources Engineer
Water Resources Engineer

APPENDIX B - PERSONNEL COMPENSATION POLICY

A. PURPOSE:

The purpose of this policy is to detail the Monterey Peninsula Water Management District's (or "District's") policy for setting the compensation for its employees. The District's compensation policy is important since it establishes the framework in which compensation decisions are made. Adoption of this policy by the District shows consensus regarding the District's compensation practices, and the information presented in each of the following areas will assist District staff in managing the plan over time:

1. Compensation Goals and Objectives
2. Criteria for Selection of Labor Market Survey Agencies
3. Use of Private Sector Employers
4. Labor Market Position
5. Point of Comparison
6. Survey Classification Selection
7. Compensation Survey Scope

B. COMPENSATION GOALS AND OBJECTIVES

The District's compensation plan is an important element of its personnel system and should accomplish the following goals and objectives:

1. Ensure that the Monterey Peninsula Water Management District has the ability to attract and retain well-qualified personnel
2. Provide a defensible and technically sound basis for compensating employees
3. Allow flexibility and adaptability for making District-wide compensation decisions based on changing market conditions
4. Recognize the Monterey Peninsula Water Management District's responsibility as a public agency in establishing a pay plan which is consistent with prudent public practices
5. Ensure that the District's compensation practices are competitive and consistent with those of comparable employers

C. CRITERIA FOR SELECTION OF LABOR MARKET SURVEY AGENCIES

The general objective in selecting survey agencies is to define as accurately as possible the District's "labor market." A labor market is generally that group of

agencies with which the District competes in terms of recruiting and retaining personnel. Because of the uniqueness of the Monterey Peninsula Water Management District, the selection of the labor market survey agencies for the District involves the analysis of a variety of (special) factors. In order to select a list of comparable agencies, the following guidelines should be used:

1. Geographic Proximity Since the Monterey Peninsula Water Management District resides within Monterey County, competing area agencies within this county and/or its closest adjacent counties are the primary survey agencies to consider. Ideally, the geographic area should be limited to a region, which contains a sufficient number of comparably sized agencies (these are arguably the District's closest market competitors). Since, in the case of the Monterey Peninsula Water Management District, insufficient comparable water management agencies exist within close geographic proximity, a more extensive regional labor market is necessary.
2. Employer Size While employer size is a consideration, it is more important to find agencies which provide similar services within the geographic region. Since there are not many agencies which fit this initial criterion, size should not be used as a key selection component in Monterey Peninsula Water Management District's case.
3. Nature of Services Provided Another criterion typically utilized in identifying an organization's labor market is the nature of services provided. This criterion is important for the following reasons:
 - a) Employers who provide similar services are most likely to compete with one another for employees
 - b) These employers are most likely to have comparable jobs
 - c) These employers are most likely to have similar organizational and economic characteristics

This factor requires that the labor market include a significant number of comparable water agencies. This is difficult in the case of the Monterey Peninsula Water Management District, given the water and resource management role of the agency.

4. Cost of Living Differences To ensure consistency in the cost of living of each survey location, a cost of living index should be used for comparison with the District. This index identifies the percentage difference in cost of living between each survey location and the Monterey Peninsula Water Management District. Any location with a cost of living index greater than 100 has a higher cost of living while indices less than 100 indicate a lower cost of living. Generally, differences of less than five percent are not

statistically significant. The use of a cost of living index minimizes the possibility of significant data skewing.

While it is impossible to find agencies that are exactly comparable to the Monterey Peninsula Water Management District, the agencies selected should provide a representative "picture" of comparable agencies. In order to ensure that a sufficient and valid sample of data is collected, 12 to 15 survey agencies should be used. The agencies used for comparison will be subject to review and revision in future compensation studies.

E. LABOR MARKET POSITION

It is necessary for the District Board of Directors to define the position in the labor market at which the District desires to compete. Considering that the survey agencies represent both a comprehensive and balanced set of employers, it is recommended that all initial analyses be based on the labor market *median*, versus the mean (average) or a percentile rank based statistic, in which a percentage of the data is above or below a specific point. The market median is the most stable statistical measure, in which half of the data is above the median and half the data is below. This statistic is based on the ranking of the data and represents the "middle" of the data set. The median statistic is stable for highly variable data sets and will not be significantly skewed by unusually high or low payers, or the addition of some larger survey agencies. Some key elements for consideration when setting the labor market position include:

1. The District's ability to pay
2. Priority of compensation versus other expenditures
3. Recruitment and retention problems
4. Private sector trends and their priority
5. Quality of staff required

A solid, defensible labor market position relies on a balancing of these factors in order to meet the District's compensation goals and objectives. This compensation policy sets the labor market median as the labor market position for the Monterey Peninsula Water Management District. The District may choose to place certain classes above the market median when characteristics unique to the District's position vs. labor market comparable positions, merit this consideration. For example:

1. Difficulty in recruitment and retention
2. High public contact and/or visibility
3. High level of responsibility and autonomy

F. POINT OF COMPARISON

When comparing District salaries with market agencies, it is important to establish a consistent point of comparison. Since all the agencies used in the market survey utilize pay range structures, a critical analysis is needed to find the salary range “control point.” This is the top step or range maximum for those agencies that use the range maximum as the control point. Control point salaries are used if the agency’s range structure utilizes a mid-point or similar reference point. The range control point is that point in the salary range that:

1. Is used to “anchor” the pay range to the labor market
2. Employees will attain through step increases or other increases based on satisfactory performance (range progression beyond the control point is usually based on superior job performance)

Since the District allows employees to reach the range maximum through usual salary range progression, the range maximum is used as the point of comparison with the market agencies.

G. SURVEY CLASSIFICATION SELECTION

Survey classifications represent a sample of all classifications contained in the District's classification plan and provide a reference point for the extrapolation of salary recommendations for non-survey classes. The criteria utilized in selecting these survey classifications are as follows:

1. Survey classes should have a clear and identifiable relationship to other classes in their occupational group. This assures that they will make good references in relating and establishing salaries for other classes.
2. They should be reasonably well known, and clearly and concisely described.
3. They should be commonly used classes such that counterparts may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These factors ensure that appropriate data can be collected in order to select benchmark classes and to determine appropriate internal salary relationships. Because of the size of the District and the unique characteristics of certain job classes, all job families should be represented in the scope of the survey.

H. COMPENSATION SURVEY SCOPE

A systematic methodology and approach supporting the collection and analysis of labor market survey data will provide the District with the guidelines it needs to update the survey in future years.

In addition to collecting base salary information, total compensation data should also be obtained.

A systematic approach taken to collect the survey data will ensure the accuracy of the labor market data and will also serve to assist the District in maintaining a consistent, fair, and defensible compensation plan over time.

Future classification/compensation surveys will be considered as changes in the labor market become apparent, the District experiences difficulty in recruitment, hiring, or employee retention, or at such other times deemed appropriate by the Board.

ATTACHMENT A – SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT

MPWMD SALARY SCHEDULE

Rates Effective July 1, 2016

POSITION LISTING FOR FY 2016-2017

=====						
Rates by Step on Monthly Basis						
RANGE	A	B	C	D	E	ANNUAL
1	2853.93	2979.64	3111.90	3250.71	3396.09	40753.08
2	2916.25	3047.41	3181.85	3323.95	3472.60	41671.20
3	2980.73	3112.99	3252.89	3398.27	3552.40	42628.80
4	3048.50	3182.94	3325.05	3473.70	3631.09	43573.08
5	3115.17	3254.00	3399.36	3553.49	3714.17	44570.04
6	3184.04	3328.32	3475.88	3633.28	3798.33	45579.96
7	3256.18	3401.54	3555.67	3715.26	3883.58	46602.96
8	3329.41	3476.97	3635.47	3799.42	3973.21	47678.52
9	3402.66	3556.77	3717.45	3886.86	4059.57	48714.84
10	3479.15	3636.56	3801.61	3974.31	4157.93	49895.16
11	3558.95	3720.72	3890.15	4067.22	4251.94	51023.28
12	3638.74	3803.79	3976.50	4161.22	4351.41	52216.92
13	3721.81	3891.24	4068.31	4254.13	4450.88	53410.56
14	3804.88	3979.78	4163.40	4353.59	4554.72	54656.64
15	3893.42	4070.50	4256.32	4453.06	4659.65	55915.80
16	3981.96	4165.59	4355.78	4556.91	4767.85	57214.20
17	4072.68	4258.50	4455.24	4661.84	4879.36	58552.32
18	4166.68	4357.96	4559.09	4770.05	4990.84	59890.08
19	4261.78	4457.44	4664.03	4882.63	5106.71	61280.52
20	4360.15	4561.27	4773.33	4994.12	5228.02	62736.24
21	4460.71	4666.21	4884.82	5112.17	5350.46	64205.52
22	4563.46	4776.60	4997.40	5230.22	5473.97	65687.64
23	4668.39	4887.00	5114.35	5352.64	5602.94	67235.28
24	4778.79	5000.68	5233.50	5476.15	5735.20	68822.40
25	4964.61	5199.60	5448.82	5706.79	5981.14	71773.68
26	5002.86	5235.69	5479.44	5738.48	6008.46	72101.52
27	5119.81	5358.10	5609.50	5871.83	6149.47	73793.64
28	5237.87	5481.62	5741.76	6010.65	6293.74	75524.88
29	5360.28	5613.87	5876.20	6152.75	6444.59	77335.08
30	5486.00	5743.95	6013.93	6298.12	6595.43	79145.16
31	5616.06	5879.49	6156.02	6447.87	6751.73	81020.76
32	5747.22	6017.21	6302.50	6617.63	6948.50	83382.00
33	5882.76	6160.39	6452.24	6757.20	7076.37	84916.44
34	6021.58	6306.87	6603.08	6917.87	7245.79	86949.48
35	6164.78	6455.51	6760.48	7082.93	7418.48	89021.76
36	6310.14	6609.64	6922.25	7250.16	7595.56	91146.72
37	6458.79	6764.85	7086.20	7423.96	7778.11	93337.32
38	6612.92	6925.52	7255.63	7599.94	7963.92	95567.04
39	6768.13	7089.48	7427.24	7782.47	8154.11	97849.32
40	6928.81	7258.91	7604.30	7968.30	8349.77	100197.24
41	7093.86	7431.60	7785.76	8157.39	8549.79	102597.48
42	7263.28	7607.58	7971.57	8354.14	8756.37	105076.44
43	7434.89	7791.22	8161.76	8555.25	8965.15	107581.80
44	7614.15	7975.95	8358.51	8760.76	9181.57	110178.84
45	7796.68	8168.32	8560.72	8970.61	9402.37	112828.44
46	7982.50	8362.88	8765.12	9187.03	9629.72	115556.64
47	8256.85	8656.91	9077.73	9519.32	9982.77	119793.24
48	8368.35	8769.49	9191.40	9635.19	10099.74	121196.88
49	8569.47	8980.46	9413.29	9868.00	10343.49	124121.88
50	8773.87	9196.88	9639.56	10105.20	10593.79	127125.48
51	8985.92	9418.76	9872.37	10350.04	10850.65	130207.80
52	9202.34	9645.02	10110.66	10599.26	11110.80	133329.60
53	9665.11	10135.61	10631.73	11149.05	11693.13	140317.56
54	9649.39	10116.12	10604.72	11117.36	11658.42	139901.04
55	10006.82	10494.32	11006.96	11544.72	12108.74	145304.88
56	10122.68	10610.17	11127.19	11663.87	12231.17	146774.04
57	10366.42	10868.14	11394.98	11948.06	12528.47	150341.64
58	10616.75	11132.65	11671.53	12238.82	12832.35	153988.20
59	10873.61	11402.64	11953.53	12535.04	13144.95	157739.40
60	11138.12	11676.99	12246.46	12839.99	13467.40	161608.80

Office Specialist I

Office Specialist II

River Maintenance Worker

Office Services Supervisor / Conservaton Rep I / River Maintenance Specialist

Conservation Technician II

Conservation Representative II
Executive Assistant

Accountant / Conservation Analyst / HR Analyst / GIS Specialist

Associate Fisheries Biologist / Associate Hydrologist

Riparian Proj Coord / Hydrography Prog Coord /Asst Water Res Engineer
Senior Fisheries Biologist

Water Demand Mgr /Project Mgr /Sr. Hydrogeologist/Water Res Engineer

Information Technology Manager

Water Resources Manager

Senior Water Resources Engineer

Administrative Services Manager/Chief Financial Officer

Planning and Engineering Manager/District Engineer

ATTACHMENT B – SALARY CHART AFTER SALARY SURVEY ADJUSTMENT

MPWMD SALARY SCHEDULE
 General, Management & Confidential Unit
 Rates Effective with Salary Survey Adjustment
 Position Listing for FY 2016-2017
 Percentages between Ranges: **2.5%**
 Percentages between Steps: **5.0%**
 COLA Percentage Increase: **3.0%**

RANGE	Rates by Step on Monthly Basis					STEP E	CLASSIFICATION
	A	B	C	D	E	ANNUAL	
1	2,793	2,933	3,080	3,234	3,396	40,752	
2	2,863	3,006	3,156	3,314	3,480	41,760	
3	2,935	3,082	3,236	3,398	3,568	42,816	
4	3,008	3,158	3,316	3,482	3,656	43,872	
5	3,083	3,237	3,399	3,569	3,747	44,964	
6	3,160	3,318	3,484	3,658	3,841	46,092	
7	3,239	3,401	3,571	3,750	3,938	47,256	
8	3,320	3,486	3,660	3,843	4,035	48,420	Office Specialist I
9	3,403	3,573	3,752	3,940	4,137	49,644	
10	3,488	3,662	3,845	4,037	4,239	50,868	
11	3,575	3,754	3,942	4,139	4,346	52,152	
12	3,664	3,847	4,039	4,241	4,453	53,436	Office Specialist II
13	3,756	3,944	4,141	4,348	4,565	54,780	
14	3,850	4,043	4,245	4,457	4,680	56,160	
15	3,946	4,143	4,350	4,568	4,796	57,552	
16	4,045	4,247	4,459	4,682	4,916	58,992	
17	4,146	4,353	4,571	4,800	5,040	60,480	River Maint. Worker
18	4,250	4,463	4,686	4,920	5,166	61,992	
19	4,356	4,574	4,803	5,043	5,295	63,540	Office Services Sup.
20	4,465	4,688	4,922	5,168	5,426	65,112	
21	4,577	4,806	5,046	5,298	5,563	66,756	River Maint. Specialist
22	4,691	4,926	5,172	5,431	5,703	68,436	
23	4,808	5,048	5,300	5,565	5,843	70,116	
24	4,928	5,174	5,433	5,705	5,990	71,880	
25	5,051	5,304	5,569	5,847	6,139	73,668	
26	5,177	5,436	5,708	5,993	6,293	75,516	Exec. Asst./Cons. Rep. I
27	5,306	5,571	5,850	6,143	6,450	77,400	
28	5,439	5,711	5,997	6,297	6,612	79,344	GIS Specialist
29	5,575	5,854	6,147	6,454	6,777	81,324	Accountant/Cons. Technician
30	5,714	6,000	6,300	6,615	6,946	83,352	Cons. Rep. II
31	5,857	6,150	6,458	6,781	7,120	85,440	HR Analyst/Assoc. Hydrologist
32	6,003	6,303	6,618	6,949	7,296	87,552	
33	6,153	6,461	6,784	7,123	7,479	89,748	Assoc. Fisheries Biologist
34	6,307	6,622	6,953	7,301	7,666	91,992	
35	6,465	6,788	7,127	7,483	7,857	94,284	Cons. Analyst
36	6,627	6,958	7,306	7,671	8,055	96,660	
37	6,793	7,133	7,490	7,865	8,258	99,096	
38	6,963	7,311	7,677	8,061	8,464	101,568	Hydrography Proj. Cord.
39	7,137	7,494	7,869	8,262	8,675	104,100	
40	7,315	7,681	8,065	8,468	8,891	106,692	
41	7,498	7,873	8,267	8,680	9,114	109,368	
42	7,685	8,069	8,472	8,896	9,341	112,092	WR Engineer/Riparian Proj. Cord.
43	7,877	8,271	8,685	9,119	9,575	114,900	IT Mgr/Snr. Fisheries Biologist
44	8,074	8,478	8,902	9,347	9,814	117,768	
45	8,276	8,690	9,125	9,581	10,060	120,720	
46	8,483	8,907	9,352	9,820	10,311	123,732	
47	8,695	9,130	9,587	10,066	10,569	126,828	
48	8,912	9,358	9,826	10,317	10,833	129,996	WDD Mgr
49	9,135	9,592	10,072	10,576	11,105	133,260	Snr. Hydrogeologist
50	9,363	9,831	10,323	10,839	11,381	136,572	
51	9,597	10,077	10,581	11,110	11,666	139,992	
52	9,837	10,329	10,845	11,387	11,956	143,472	
53	10,083	10,587	11,116	11,672	12,256	147,072	
54	10,335	10,852	11,395	11,965	12,563	150,756	
55	10,593	11,123	11,679	12,263	12,876	154,512	ASD Mgr/P&E Mgr
56	10,858	11,401	11,971	12,570	13,199	158,388	
57	11,129	11,685	12,269	12,882	13,526	162,312	
58	11,407	11,977	12,576	13,205	13,865	166,380	
59	11,692	12,277	12,891	13,536	14,213	170,556	
60	11,984	12,583	13,212	13,873	14,567	174,804	

**ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER
SALARY SURVEY ADJUSTMENT**

**SALARY SURVEY ADJUSTMENT
FROM CURRENT RANGE AND STEP
TO REVISED RANGES AND STEPS AFTER SURVEY IMPLEMENTED**

	Current Range	Revised Range
<u>ASD Mgr/CFO</u>	53 E	55 E
<u>P&E Mgr/District Engineer</u>	55 E	55 E
<u>Water Resources Manager</u>		
<u>Senior Hydrogeologist</u>	43 E	49 E
<u>Water Demand Manager</u>	43 E	48 E
<u>Information Technology Mgr</u>	45 E	43 E
<u>Senior Fisheries Biologist</u>	39 E	43 E
<u>Water Resources Engineer</u>	43 B	42 B
<u>Riparian Projects Coordinator</u>	38 E	42 E
<u>Hydrography Prog Coordinator</u>	39 E	38 E
<u>GIS Specialist</u>	30 E	28 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>HR Analyst</u>		
<u>Associate Hydrologist</u>	33 E	31 E
<u>Accountant</u>	30 E	29 E
<u>Conservation Technician</u>	22 E	29 E
<u>Executive Assistant</u>	25 E	26 E
<u>Conservation Representative I</u>	20 B	26 C
<u>Conservation Representative I</u>	20 B	26 C
<u>River Maintenance Specialist</u>	20 E	21 E
<u>Office Services Sup</u>	20 E	19 E
<u>River Maintenance Worker</u>	18 E	17 E
<u>Office Specialist</u>	12 E	12 E

10/7/2016

ITEM: CONSENT CALENDAR**6. CONSIDER ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT STAFF BARGAINING UNIT**

Meeting Date:	October 17, 2016	Budgeted:	Included in FY 2016-2017 Budget
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	Operating Expenses
Prepared By:	Cynthia Schmidlin	Cost Estimate:	Up to \$80,000 total for all MOU's; \$230,000 for salary survey if and when funds become available

General Counsel Approval: N/A
Committee Recommendation: N/A
CEQA Compliance: N/A

SUMMARY: The Management Staff Bargaining Unit, represented by United Public Employees of California, Local 792/Laborers' International Union of North America, and the Board's negotiating representatives have agreed to terms for a new 3-year Memorandum of Understanding (MOU), attached as **Exhibit 6-A**. The new bargaining points incorporated into the agreement, as a result of this year's negotiations, are essentially identical to those agreed upon by the General Staff Bargaining Unit.

The one exception is that there is no Call-Back Provision for Management Unit staff.

RECOMMENDATION: The General Manager recommends that the Board adopt the Management Staff Memorandum of Agreement as it appears in **Exhibit 6-A**.

EXHIBIT

6-A Memorandum of Understanding Between the Monterey Peninsula Water Management District the Management Staff Bargaining Unit

EXHIBIT 6-A

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AND
THE MANAGEMENT STAFF BARGAINING UNIT,
REPRESENTED BY
UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792 / LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA

Table of Contents

ARTICLE 1	RECOGNITION.....	1
ARTICLE 2	NON-DISCRIMINATION.....	1
ARTICLE 3	UNION SECURITY	1
ARTICLE 4	DISTRICT RIGHTS	3
ARTICLE 5	PERSONNEL ACTIONS	4
ARTICLE 6	CATEGORIES OF EMPLOYEES	6
ARTICLE 7	ELIGIBILITY FOR EMPLOYEE BENEFITS.....	7
ARTICLE 8	OPTIONAL BENEFITS	8
ARTICLE 9	RETIREMENT BENEFITS.....	8
ARTICLE 10	HEALTH AND WELFARE BENEFITS.....	9
ARTICLE 11	VACATION	11
ARTICLE 12	SICK LEAVE.....	12
ARTICLE 13	OTHER LEAVES	13
ARTICLE 14	HOLIDAYS	15
ARTICLE 15	SALARY TABLES.....	16
ARTICLE 16	OVERTIME	17
ARTICLE 17	MILEAGE ALLOWANCE.....	17
ARTICLE 18	TRAVEL EXPENSE.....	17
ARTICLE 19	TRAINING.....	18
ARTICLE 20	DISCIPLINARY ACTIONS.....	18
ARTICLE 21	GRIEVANCE PROCEDURE.....	21
ARTICLE 22	OTHER EMPLOYMENT.....	24
ARTICLE 23	JOB SHARING.....	25
ARTICLE 24	REDUCTION IN FORCE.....	25
ARTICLE 25	DRUG-FREE WORKPLACE POLICY	26
ARTICLE 26	VIOLENCE IN THE WORKPLACE POLICY	28
ARTICLE 27	WELLNESS PROGRAM	28
ARTICLE 28	SEVERABILITY	28
ARTICLE 29	TERM OF AGREEMENT	29
APPENDIX A	- JOB CLASSIFICATIONS - MANAGEMENT BARGAINING UNIT.....	30
APPENDIX B	- PERSONNEL COMPENSATION POLICY	31

ATTACHMENT A – SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT	37
ATTACHMENT B – SALARY CHART AFTER SALARY SURVEY ADJUSTMENT	39
ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER SALARY SURVEY ADJUSTMENT	41

This Memorandum of Understanding (M.O.U) sets forth the agreement between the representatives of UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792 (hereinafter referred to as "Union") and the representatives of the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (hereinafter referred to as "District") on all matters concerning wages, hours, working conditions and other terms of employment for employees within the MANAGEMENT STAFF BARGAINING UNIT.

The District and Union have met and conferred in good faith and have arrived at an understanding concerning wages, hours, working conditions and other terms of employment. This agreement supersedes all prior District Personnel Policies that pertained to members of this bargaining unit, where such matters have been specifically addressed. In the event of a conflict between this contract and any policy, memorandum or directive, either written or verbal, this contract shall prevail.

ARTICLE 1 RECOGNITION

Pursuant to the Meyers-Milias-Brown Act and the District's Employer-Employee Relations Resolution, the Union, affiliated with UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792, is hereby recognized as the exclusively recognized employee organization for the Management Staff Bargaining Unit employees. Classifications in the bargaining unit are listed in Appendix A. Pursuant to language in the MOU, this list can be amended from time to time.

ARTICLE 2 NON-DISCRIMINATION

The District and the Union will cooperate in pursuing a policy of equal employment and equal promotional opportunity for all employees. There shall be no employment discrimination because of a person's political or Union affiliation or belief, non-affiliation or non-belief. There will be no coercion, intimidation, or discrimination against any employee for exercising her/his right to form, join and participate in the activities of the Union.

ARTICLE 3 UNION SECURITY

- A. Payroll Deduction – The District will make available payroll deductions for Union members for both regular Union dues and other fees, as applicable, and remit these funds monthly to the Union by separate check. These deductions are subject to the following conditions:
 - 1) Deductions shall be withheld only if the employee so authorizes in writing on the form provided by the Union and approved by the District.
- B. Memorandum of Understanding Distribution – The District will distribute to all Unit members a copy of the signed Memorandum of Understanding. When a person is

hired in any classification covered by this Memorandum of Understanding, the District shall notify the person that the Union is the recognized employee organization. The District will provide that person with a copy of the current MOU.

- C. Union Notification – The Union shall be given at least ten (10) working days advance written notice prior to adopting any rule, resolution, regulation, or action affecting working conditions within the scope of representation and shall be given the opportunity to meet and confer with the District representative prior to its adoption by the District Board of Directors.
- D. Bulletin Boards – The Union shall be provided a bulletin board in the employee break room. The Union agrees that notices posted on the bulletin board shall not contain anything that may be construed as maligning and/or derogatory to the District or its representatives. The Union shall be responsible for maintaining the bulletin board in a professional manner. The Union shall be responsible for placement of and removal of outdated material. However, the District shall retain the right to remove maligning, derogatory, or inappropriate, or outdated material.
- E. Time Off for Union Officials – During the term of this agreement, two employees from the unit shall be allowed a reasonable amount of paid release time off for “meet and confer” or “meet and consult” sessions scheduled with the District’s designated representatives, providing there is no disruption of work. The Union shall notify the General Manager in advance of the meeting of the specific members who will be in attendance. Union members shall obtain permission through supervisory channels before leaving their work or work locations.

The Union may request, and the District may grant, time off without loss of pay to Union representatives to assist the District in the formulation of policies and procedures mutually beneficial to the District and the Union. However, such time off shall be at the discretion of the General Manager.

- F. Union Stewards – The Union shall be authorized to designate two employees within the unit as stewards and must furnish a list of these stewards to the General Manager within five working days after appointment or election. One steward at a time shall be allowed a reasonable amount of paid release time for the purpose of representing a unit employee within the steward’s area of representation in the filing or processing of grievances or disciplinary appeals, as long as there is no interruption of work in the employee’s division. Stewards must first obtain permission through appropriate supervisory channels before leaving their work or work location for such purposes. There shall be no discrimination, intimidation or coercion of any steward exercising his/her rights under the grievance procedure.
- G. Visits by authorized Union Representatives – Access to District work locations and the use of District paid time, facilities, equipment and other resources by the employee organizations and those representing them shall be limited to activities pertaining to the employer-employee relationship. Reasonable access to employee work locations shall be granted to representatives of recognized employee

organizations for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation.

- H.. Meeting Time – Employees of the District shall be permitted to meet on their own time on District premises at least two hours per month.

ARTICLE 4 DISTRICT RIGHTS

- A. Except as modified by this Memorandum of Understanding, the District reserves, retains and is vested with, solely and exclusively, all rights of the District which are not expressly abridged by law to manage the District. The District also recognizes that employee contributions to the decision making process is valuable. The District agrees to encourage employee input on matters within the scope of representation. The sole and exclusive rights of the District shall include, but not be limited to, the following:
- To manage the District generally and to determine all issues of policy;
 - To determine the nature, manner, means and technology, and extent of services to be provided to the public;
 - To determine and/or change the facility, methods, technological means, size and composition of the workforce by which District operations are to be conducted;
 - To assign work to and schedule employees in accordance with requirements as determined by the District, and to establish and change work schedules, vacation schedules, and assignments upon reasonable notice and in accordance with these Rules and memoranda of understanding;
 - To relieve employees from duties for lack of work, funds, or similar non-disciplinary reasons;
 - To determine and modify productivity and performance programs and standards;
 - To discharge, suspend, demote or otherwise discipline non-probationary employees for just cause;
 - To determine job classifications and to reclassify employees in accordance with these Rules and applicable resolutions and ordinances of the District;
 - To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with these Rules and applicable ordinances and resolutions of the District;
 - To determine and administer policies, procedures and standards for selection, training and promotion of employees in accordance with these rules and applicable resolutions and ordinances of the District.

- To establish employee performance standards including, but not limited to qualification and quantity standards, and to required compliance therewith;
 - To determine satisfactory and unsatisfactory job performance levels, and evaluate employees based upon these criteria;
 - To take any and all necessary action to carry out the functions of the District in emergencies.
- B. Before submission of a recommendation to contract out any function traditionally performed by unit employees which would result in a reduction of the work force, the Union will be offered the opportunity to examine the proposal for at least thirty (30) days prior to Board action, whenever possible and to submit recommendations. If requested, the District will meet and confer over the impact of proposed layoffs prior to the implementation of said layoffs.

ARTICLE 5 PERSONNEL ACTIONS

- A. A District list of all current job descriptions shall be available for review by employees and Union representatives. An employee may obtain a copy of any job descriptions from the Human Resources Analyst.

Upon appointment, each new employee shall be provided with a copy of the employee's job description. Further, an employee shall be given a copy of the amended job description as changes occur.

Job Descriptions shall be explicit as to the level of skills, knowledge, and ability required to perform the work. Specific detail of the work required will be used wherever reasonable and the work required shall be within the realm of that normally performed within the scope of the job classification.

- B. The District shall offer to meet and confer with the Union regarding the impacts of an appropriate reclassification whenever the District intends to classify, reclassify, create, modify, and or abolish classes existing in the bargaining unit. If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the Union may request and the District shall grant, an opportunity to meet and consult with the parties involved regarding such assignment. If the employee wishes to request that an individual reclassification analysis be performed on his or her position, the following procedure shall be followed:
- 1) If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the employee can state his or her concerns to his or her Division Manager. The employee may also direct his or her concerns directly to the Union.

- 2) The General Manager will consider all such requests after receiving written input from the employees' Division Manager and/or Supervisor regarding the employee's assertions.
 - 3) The General Manager will evaluate the information received and determine if a reclassification analysis is justified.
 - 4) If the General Manager determines that a reclassification analysis is to be performed, he will assign that task to the Human Resources Analyst.
 - 5) Reclassification requests will be handled in the order received.
 - 6) Reclassification analyses will be performed as soon as possible within the context of the Human Resources Analyst's work assignments.
 - 7) The results of reclassification analyses will be evaluated by the General Manager, who will make a decision on whether he accepts the findings.
 - 8) The General Manager will advise the Division Manager and the Union of his decision on reclassification.
 - 9) If the General Manager supports reclassification of a position, a request for reclassification and modification of the Organization Chart will be included on the next open Board Meeting agenda.
 - 10) Reclassification will be effective on the 1st day of the month following Board approval.
- C. There shall be only one official personnel file that shall be maintained at the District's Human Resources Office. An employee shall have the right to review her/his personnel file or authorize in writing the review by a representative. No material will be inserted into the employee's personnel file without prior notice and a copy given to the employee. An employee may place in her/his personnel file a written response to adverse material inserted into the file in lieu of filing a formal grievance regarding the subject of the adverse material. In addition, an employee may place any letters of commendation received from the public or certificates of educational achievement in his/her personnel file.
- D. A written performance evaluation is intended to be a documented summary of the work performance of the employee and to encourage ongoing communication between the supervisor/rater and the employee. An evaluation is not to be used for discipline in and of itself.
- E. An employee shall have the right to review and respond in writing to any evaluation she/he considers derogatory, or otherwise inaccurate, within ten (10) days of receipt of a copy of the evaluation.

- F. Step increases recommended as a result of a delayed performance evaluation shall be effective retroactively on the first day of the month following the employee's anniversary date.
- G. An employee who voluntarily terminates her/his service with the District may receive an end-of-job performance evaluation if requested in advance by the employee.
- H. The parties agree that the District and its representatives and employees shall treat each other with mutual respect, dignity, courtesy, and trust in all work related matters. It is the intent of this Agreement to establish such a harmonious and constructive relationship among the parties.

ARTICLE 6 CATEGORIES OF EMPLOYEES

- A. The following definitions shall apply to this Memorandum:
 1. Full-time Regular Employee: An employee of the District occupying a regular position who is employed 40 hours per week and who is not serving under a written contract or in an introductory status.
 2. Part-time Regular Employee: An employee of the District who is not a full-time regular employee, who is employed less than 40 hours per week and who is not serving under a written contract or in an introductory status.
 3. Introductory Employee: An employee of the District who is serving in the minimum six (6) month working test period required before the appointment as a full-time regular employee is completed, during which the terms of the extended introductory period must be satisfied. In the case of a part-time employee, the introductory period shall also be a minimum six (6) month period before the appointment as a part-time regular employee is completed. An employee on introductory status may be terminated without cause.
 4. Limited-Term Employee: An employee of the District who is not a regular employee, and who is hired for a project that is estimated to require 1,000 hours or less in a fiscal year. (July 1- June 30). If a project requires more than the originally estimated time, the limited-Term employee may be extended for additional 1,000-hour periods with Board approval. Any Limited-Term employee can be terminated without cause and shall not be entitled to employee rights or benefits specified in Article 7 with the exception of eligibility for PERS retirement benefits if the total worked in a fiscal year exceeds 1,000 hours.
 5. Volunteer: A person who is not a paid employee who participates in any District activity by providing their labor and services to the District free of charge. Use of volunteers on District projects must be approved by both the

Division Manager and Risk Manager for liability and workers' compensation purposes. (Resolution No. 96-03 outlines the Board's authorization and governs of the use of volunteers.)

6. Exempt Employee: An employee of the District that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

B. Employment Status is described as follows:

1. Introductory Status: The introductory period shall be used by the General Manager for the evaluation of any new employee, and for the termination of any introductory employee whose performance, work, or behavior does not meet the required standards of the Monterey Peninsula Water Management District. Each appointment, re-employment, or transfer to a regular position shall be subject to an introductory period of six (6) months for full-time and part-time positions. This introductory period is the final phase of the examination and qualification process before the appointment as a regular employee is completed.

The introductory period shall date from the time of initial employment in a position and shall not include time served as a limited-term employee nor any period of continued leave of absence without pay exceeding thirty (30) days.

The General Manager may extend the introductory period of an employee for a period not to exceed six (6) months upon furnishing the employee with a statement of the reasons for such extension and the required standards that must be met in order for the employee to successfully complete the introductory period.

2. Regular Status: Regular status is afforded all qualified employees of the District, other than employees who are on probation or are contract employees.
3. Limit-term Status: A limited-term employee is one hired for the purpose of filling short-term employment vacancies, vacation, sick leave, military leave, leaves of absence, and/or to meet other short-term business demands of the District. Limited-term employment may be terminated at the will of the General Manager or the employee.
4. Part-time Status: A part-time employee is an employee who works less than full-time and does not occupy a regular full-time position.

ARTICLE 7 ELIGIBILITY FOR EMPLOYEE BENEFITS

- A. Regular Employees: Regular employees are entitled to vacation, sick leave, leaves of absence without pay, and other benefits set forth in this section and as authorized by the District.

- B. Introductory Employees: Introductory employees shall accrue vacation and sick leave credit but shall not be entitled to use vacation credit until successful completion of the introductory period. However, any vacation time accrued by working on a District holiday may be used prior to the end of the probation period.
- C. Limited-term Employees: Limited-term employees shall not be entitled to any of the benefits set forth in this section, with the exception of those Limited-term employees who have been extended by Board approval for more than 1,000 hours of employment in a fiscal year, who will then become eligible for PERS retirement benefits.
- D. Part-time Employees: Part-time employees shall accrue pro-rata vacation and sick leave credit based upon the hours actually worked by each employee, but shall not be entitled to use accrued vacation hours until successful completion of the introductory period.

ARTICLE 8 OPTIONAL BENEFITS

- A. A deferred compensation plan (IRS Section 457) is available to all regular employees. Deferred compensation is an IRS-approved method of saving for retirement which includes deferring federal and state income taxes. Current District policy permits an employee to start, stop, increase, decrease, or change investment funds as often as he or she wishes without fees or penalties. The District does not contribute to the deferred compensation plan except as may be required by an individual employment contract.
- B. A Section 125 Flexible Benefits Plan is provided. This plan provides the opportunity to participate in an Unreimbursed Medical Expenses Plan and a Dependent-care Expense Reimbursement Plan on a pre-tax basis. Participants may contribute up to \$2,550 per year (subject to change per Internal Revenue Service). The District does not contribute to the Section 125 Flexible Benefits Plan.
- C. Supplemental insurance coverage is also available through AFLAC Insurance. Employees pay premiums for this coverage.

ARTICLE 9 RETIREMENT BENEFITS

District employees are covered by the California Public Employees Retirement System (PERS) under two tiers.

Tier 1 - Employees hired before January 2013 or considered Classic Members by CalPERS

Tier 1 employees are covered by the PERS 2% at 55 formula. The District also provides them with the PERS Employer Paid Member Contribution (EPMC) under Government Code section 20636, section (C)(4), pursuant to Government Code section 20691, by

including the value of the EPMC in salary reported to PERS as compensation. Tier 1 employees have the one-year final compensation benefit for calculating their retirement annuity.

Tier 1 employees contribute towards the District's total normal cost by making contributions of 3% to both the EPMC and the Employer Contribution. Effective July 1, 2018, an additional 2% for a total of 5% of each Tier 1 employee's salary will also be applied to the Employer Contribution portion of the PERS premium. However, the percentage of contributions paid by the employee in each year of the contract shall in no circumstance be more than 50 percent of the total normal cost up to a maximum contribution of 8% of the employee's salary.

Tier 2 - Employees hired after January 2013 and those employees not considered Classic Members by CalPERS - Subject to AB 340, the "California Public Employee's Pension Reform Act" (PEPRA).

Tier 2 employees are covered by the PERS 2% at 62 formula with no PERS EPMC. Tier 2 employees must contribute 50% of the total normal cost rate for PERS to a maximum of 8% of their salary. The District's total normal cost for new members in 2013 is 12.5%. The normal cost rate is subject to change over time, as it will be impacted by risk pool demographics and the actuarial assumptions used in retirement benefit funding. The three-year final compensation period is used to calculate a Tier 2 employee's retirement annuity. Annual pensionable compensation that can be used to calculate final compensation is capped. The 2013 cap for District employees is \$136,440.

Tiers 1 and 2

The District shall provide the PERS 1959 Survivor Benefit, Fourth Level, at no cost to the employee.

In accordance with the California Public Employee's Pension Reform Act", if a public employee is convicted of a felony arising from the performance of public duties, or connected with obtaining salary or other benefits for public service, the employee forfeits the portion of his or her pension accruing after the crime.

ARTICLE 10 HEALTH AND WELFARE BENEFITS

Medical, dental, vision, life insurance, short-term disability insurance, long-term disability insurance, and an employee assistance plan shall be provided for all regular employees, introductory employees, and their eligible dependents. Medical insurance will also be provided to eligible retirees and their eligible dependents, as stated in Article 10, Section C. The terms and conditions of enrollment and the benefits provided under all health plans are subject to the plan documents and practices, which are controlling.

A. Premium Payment: During the term of this agreement the District shall pay the below designated amounts towards employee benefits. Should employees be required to make any premium payment, such payments shall be made by payroll deduction.

1. Life, Survivor, LTD & EAP: The District shall pay 100% of premiums for life insurance, survivor benefit, long-term disability insurance, and the employee assistance plan premiums for all regular and introductory employees.
2. SDI: The District shall pay 50% of the premium for short-term disability insurance. Employees will be required to pay the other 50% of that premium.
3. Employee Health Insurance

Effective January 1, 2014, employees have been enrolled in the Laborers Northern California Trust Special Plan.

Effective 07/01/2016: The District will pay the higher of \$1055.45 per month or 95% of the then-current premiums for all eligible employees and their dependents.

B. Retiree Medical Premiums

The District contribution towards retiree medical premiums will be available only to those retirees and their dependents or survivors who meet the eligibility criteria established by the District and/or the medical care provider.

Retirees may be enrolled in the plan of their choice or in effect for members of the bargaining unit from which they retired if they meet that plan's eligibility requirements. Retirees who are ineligible, due to a change in the medical plan for active employees, may enroll in an alternate health plan and be reimbursed for their premiums, according to the vesting schedules described below.

Retirees eligible for Medicare must enroll in a Medicare supplemental plan. To be eligible for paid retiree medical from the District, the retiree must not be entitled to receive equivalent health care through current or prior employment or the military. Reimbursement for the Medicare Part B costs shall be available from any unused portion of the retiree medical premium.

Vesting Schedule:

Tier 1 - Employees hired before July 2013

- a. Less than 15 years of District service: The District will reimburse retirees up to \$540 per month for retiree medical premiums paid to its medical plan provider.

- b. 15 or more years of District service: The District will reimburse retirees up to \$1149.00 per month, as of July 1, 2016, for retiree medical premiums paid to its medical plan provider. The District reimbursement will increase by 3% effective July 1st of each successive calendar year.

Tier 2 - Employees hired after July 2013

The District will contribute up to \$540 per month for reimbursement of retiree medical premiums.

Retirees must submit evidence of medical insurance payment each month to receive reimbursement from the District. Retirees have up to three (3) months to submit requests for retiree medical insurance reimbursement.

Tiers 1 and 2

Survivor Premiums

For a period of one year, the District shall continue to provide and pay for medical coverage for the surviving dependent(s) of an employee or retiree whose death occurs when the dependent(s) are receiving medical benefits from the District.

ARTICLE 11 VACATION

- A. **Eligibility.** Each full-time regular employee shall be eligible for vacation with full pay after six (6) months continuous employment. All vacations shall be scheduled upon prior approval of the Division Manager or General Manager. Introductory and contract employees shall not be entitled to vacation.

- B. **Accrual Rates**

Tier 1 - Employees hired before July 2013

Eligible full-time regular employees shall accrue annual vacation on the following basis:

<u>YEARS OF COMPLETED FULL-TIME ANNUAL VACATION</u> <u>TIME CONTINUOUS SERVICE</u>	<u>ACCRUAL</u>
0 - 1 years	10 days per year
1+ year - 5 years	15 days per year
5+ years – 15 years	20 days per year
15+ years	22 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 60 days (480 hours).

Tier 2 - Employees hired after July 2013

**YEARS OF COMPLETED FULL-TIME ANNUAL VACATION
TIME CONTINUOUS SERVICE**

<u>YEARS OF COMPLETED FULL-TIME ANNUAL VACATION TIME CONTINUOUS SERVICE</u>	<u>ACCRUAL</u>
1 - 3 years	10 days per year
4 year - 8 years	15 days per year
8+ years	20 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 45 days (360 hours).

- C. Compensation in Lieu of Vacation. Each regular employee who separates from the District shall be entitled to compensation for all accrued but unutilized vacation, not to exceed the maximum allowed accrual of 60 days (480 hours) for Tier 1 employees and 45 days (360 hours) for Tier 2 employees. Vacation is accrued daily.
- D. Policy on Vacation Usage. Employees are encouraged to utilize their yearly vacation accrual on an annual basis.
- E. Management Leave. In addition to vacation accrual pursuant to the preceding paragraphs of this section, each unit employee shall also be granted six (6) days of management leave each fiscal year. This leave may be taken only in the year in which it is granted, and no accrual or carry-over of unused management leave shall be allowed. No payment for unutilized management leave shall be allowed.

ARTICLE 12 SICK LEAVE

Sick leave shall be available to employees for time off associated with sickness, disability or other health issues.

- A. Credits, Accumulation, Compensation. Sick leave with full pay shall be accrued by every regular and introductory employee at the rate of one day per month. Part-time employees shall accrue sick leave at this same rate, pro-rated in proportion to the hours they actually serve, calculated on a daily basis. All unused days of sick leave shall be accumulated. There is no accrual limit for unutilized sick leave. At the time of termination of service, Tier 1 employees, hired prior to July 2013, shall be paid for a maximum of 75 days (600 hours) of accumulated sick leave. Tier 2 employees, hired after July 2013, shall be paid for a maximum of 30 days (240 hours) of accumulated sick leave. Any regular employee, Tier 1 or Tier 2, separated from

service with less than one year's longevity as a regular employee shall not be entitled to payment for unused sick leave. An employee whose retirement date is within four months of his or her separation date from the District may choose to convert all or a portion of their unused sick leave to a credit of .004 years of service for each unused day of sick leave.

- B. Charges. Sick leave shall be charged against an employee's credit only for regular working days and shall not be charged for time absent on holidays or other authorized days off. Employees may charge absences related to Pregnancy Disability Leave or Family Medical Leave against accrued sick leave. When sickness or injury is work-related, the regulations of the California Workers' Compensation Law shall apply. Sick leave shall not be granted to an employee for work-related sickness or injury incurred while employed elsewhere.
- C. Notification and Certification. In order to be granted sick leave for any period of time, employees shall, no later than four hours after the time established for reporting to work, notify their supervisor of their inability to report for work and the reason therefore. When an employee requests credit for more than three (3) consecutive days of sick leave or more than four (4) days of sick leave in any one thirty (30) day period, said employee shall file with his supervisor a certificate from a physician stating the justification for such absence.

ARTICLE 13 OTHER LEAVES

- A. BEREAVEMENT OR CRITICAL FAMILY ILLNESS LEAVE. Up to three (3) days of leave with pay per year may be requested by an employee to attend to the critical illness or the funeral of any member of the immediate family. Members of the immediate family are the mother, father, grandmother, grandfather, grandchild of the employee, the spouse/domestic partner of the employee, step-children, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any relative or person living in the immediate household of the employee. There shall be no accrual of bereavement leave.
- B. JURY OR WITNESS DUTY. In accordance with the provisions of Government Code Section 1230.1, deductions in the amount paid as witness or jury fees shall be made from the salary of an employee who is subpoenaed or appears as a witness or is called to jury duty.

Employees summoned to jury or witness duty shall receive only their regular salary for a period not exceeding 8 weeks per annum and shall, unless they elect to take vacation or other leave, be excused from their regular duty only to the extent necessary to fulfill their obligations as jurors or witnesses. Except as provided below, no other form of premium or extra compensation shall be paid for any time spent while serving as a witness or juror.

If an employee is subpoenaed as a witness in connection with his/her official duties as a District employee, the time actually spent serving as a witness shall be considered work time.

This section shall not apply to an employee who is a party or an expert witness.

C. LEAVES OF ABSENCE.

1. Non-disability Leave of Absence. A leave of absence without pay may be granted by the General Manager for a regular employee for a period not to exceed two months. Granting of such leave is dependent upon the needs of the District and is totally discretionary. Requests for such leaves and action thereon will be in written form
 - a. The Employee shall, except in extraordinary circumstances, notify the District thirty (30) days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits cease to accrue once the leave of absence is commenced.
 - c. During any non-disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the employee's expense, subject to the restrictions of the policies. The employee will be placed on leave of absence status with PERS. Employees are responsible for timely payment of the entire premium payment while on leave of absence exceeding one full calendar month and are subject to plan termination in the event such payment is not received by the District.
2. Disability Leave of Absence. Based upon medical evidence of disability and a written request from the employee, any employee shall be entitled to a disability leave of absence for a period of time up to 120 days.
 - a. The employee shall, insofar as possible, notify the District 14 days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on disability leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits will cease to accrue once the leave of absence is commenced.

- c. During a disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the District's expense, subject to the restrictions of the policies. The employee will be placed on a leave of absence status with PERS.
- d. Actual duration and scheduling of the disability leave shall be based upon the doctor's certification of disability. The District reserves the right to have a physician of the District's selection verify the disability.

It is possible that non-disability and disability leaves of absence could be utilized sequentially.

For a leave of absence requested by the employee, the employee's position will be held open for that employee during the leave of absence, or if that is not possible, a different but similar position will be made available when the employee returns to work.

Once the approved leave period has lapsed, the employee must return to work or be terminated. Any employee who fails to report for duty as scheduled after a leave of absence shall be considered to have abandoned and constructively resigned his/her position unless the General Manager has granted an extension.

Notwithstanding any other provision of this section, the Board of Directors may, by resolution, make provisions for other leaves of absence without pay.

ARTICLE 14 HOLIDAYS

A. HOLIDAYS.

The District shall be observed the following listed days as legal holidays:

New Year's Day	Thanksgiving Day
Martin Luther King's Birthday	Day after Thanksgiving
Presidents' Day	Christmas Eve
Memorial Day	Christmas Day
Independence Day	Veterans Day
Labor Day	

- B. If one of the above listed holidays falls on Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the above-listed holidays falls on a Saturday, the preceding Friday shall be the holiday in lieu of the day observed. When the day on which a District holiday is observed on an employee's regularly scheduled day off, during the employee's regularly scheduled vacation, or if the General Manager requests the employee to work on that day, the worker shall be entitled to holiday pay of up to 8 hours. In addition, all actual hours required to be worked on a

holiday shall be converted to vacation time at the rate of 1-1/2 times and added to the employee's vacation leave balance.

C. FLOATING HOLIDAYS

Regular full-time and regular part-time employees shall be given two floating holidays each fiscal year. Floating holidays will be defined as entire days off, with up to 8 hours paid time. Use of floating holidays will be subject to prior approval by the employee's supervisor. They will be granted after consideration of operational needs, in the same manner as vacation time. Both floating holidays must be used within the fiscal year that they are issued or they will be lost.

ARTICLE 15 SALARY TABLES

- A. The salary ranges listed in Appendix C are hereby established as a basic salary plan. An employee shall be eligible for promotion to the next salary step by the General Manager upon recommendation of the Division Manager following six months satisfactory service in the first step and twelve months satisfactory service in each subsequent step.
- B. For the purposes of promotion eligibility, the determination of satisfactory services shall be a District right as defined within Article 4 of this Memorandum of Understanding. The General Manager may, in his discretion, approve an employee's promotion to any higher salary step at any time in order to make equitable salary adjustments or to compensate capable employees properly.
- C. A Y-rated employee is an employee whose rate of pay has been set above the highest step in the salary range by the Board of Directors.
- D. Salary Survey Recommendation. Annually, preceding the setting of the budget, the General Manager may make a recommendation to the Board of Directors regarding the initiation of a survey of compensation and or classification for the coming year. If such a survey is conducted, it shall be implemented in accordance with the approach described in Appendix B, and the results will be submitted to the Board with implementation recommendations. The information contained in the survey shall be shared with the employee's Union representatives at the same time, and shall be made part of the meet and confer process.
- E. Cost of Living Adjustment.

The Board may grant a cost-of living adjustment to employees on an annual basis to help maintain purchasing power.

Effective July 1, 2016, there shall be a cost of living salary increase of 3.0%.

Effective the first pay period in FY17/18, a salary increase of 2.0% will be implemented.

Effective the first pay period in FY18/19, a salary increase of 3.0% will be implemented.

- F. Salary Survey Implementation. The compensation study that has been prepared by the District will be implemented upon the reestablishment and collection of the District's User Fee with all positions that are less than 95% of median receiving a salary adjustment to the level of 95% of median.

At the time the survey is implemented, the salary ranges/steps will be adjusted for uniformity and will look like the **Attachment B** titled "Salary Chart After Survey Adjustment" which includes the 3.0% COLA. Employees will be placed in the appropriate range and step for their new salary adjusted for the survey. The revised placements are shown in the **Attachment C** titled "Salary Range Adjustments by Position after Salary Survey Adjustment."

Should the compensation study not be implemented by June 30, 2018, the Union shall have the right to reopen this Memorandum of Understanding.

ARTICLE 16 OVERTIME

The District work week is Monday through Sunday. Management Unit employees are not eligible for overtime or compensatory time.

ARTICLE 17 MILEAGE ALLOWANCE

Any employee of the Monterey Peninsula Water Management District other than the General Manager who is required to operate his/her own or a privately owned automobile for the execution of official duties shall be allowed, reimbursed and paid the rate equivalent to that specified in current IRS guidelines.

ARTICLE 18 TRAVEL EXPENSE

In addition to the mileage allowance provided for, an employee of the Monterey Peninsula Water Management District is entitled to receive reimbursement for his/her actual and necessary expenses for other transportation and for meals, lodging, and incidentals

incurred as a result of travel assigned as part of his/her official duties upon approval of the General Manager.

ARTICLE 19 TRAINING.

The District strongly encourages training and education and shall reimburse tuition fees, cost of study materials, or other incidental training expenses when directly related to the functions of the employee, providing that the employee show proof of attaining a grade of C or better in a graded course or a satisfactory completion in a non-graded course. Tuition reimbursement shall not exceed \$3,000 per year. Approval for such training shall be at the discretion of the General Manager. The General Manager shall not authorize utilization of normal working hours for long-term schooling without prior Board approval.

ARTICLE 20 DISCIPLINARY ACTIONS

- A. Disciplinary Actions. The General Manager, for just cause, may take disciplinary action against any employee in the service of Monterey Peninsula Water Management District, provided that the rules and regulations prescribed herein are followed. Only a regular employee, not on introductory status, who has over six (6) months of continuous service, has the right to appeal pursuant to this section. As used in this section, "Disciplinary Action" shall mean dismissal, suspension, or formal written reprimand. No full or part-time employee serving on an introductory status is entitled to appeal pursuant to this Section 21, or any of its sub-parts.

Cause for discipline may include but is not limited to:

1. Incompetence, inefficiency or dereliction in the performance of the duties of his/her position.
2. Inability to perform assigned duties due to failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, and failure to pass required tests).
3. Insubordination (including, but not limited to, refusal to do assigned work).
4. Carelessness or negligence in the performance of duty or in the care or use of District property.
5. Discourteous, offensive, or abusive conduct or language toward other employees, directors, or the public.

6. Dishonesty.
7. Possession of or drinking of alcoholic beverages on the job or reporting for work while intoxicated.
8. Addiction to the use of narcotics or a restricted substance, possession or use of narcotics or restricted substances while on the job or reporting to work while under the influence of a narcotic or restricted substances.
9. Personal conduct unbecoming an employee of the District in the course of performing her/his duties. Such conduct is defined as that which would undermine District goals and objectives and/or the employee's ability to perform the duties of his/her position.
10. Engaging in political activity during assigned hours of employment (including, but not limited to, campaigning on behalf of any candidate for public office, including himself or herself, whether by speaking, soliciting funds or support, distributing handbills, using any District property, equipment or facility for any political purpose during regular duty hours or after duty hours unless the use thereof is by law for such purposes and the employee has obtained prior written authorization from the General Manager or his authorized representative.
11. Conviction of any crime involving moral turpitude.
12. Absence without leave for three consecutive days or repeated tardiness.
13. Abuse of illness leave privileges.
14. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other District records.
15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
16. Willful or persistent violation of the rules and regulations of the District.
17. Any willful conduct tending to injure the public service.
18. Abandonment of position or excessive absenteeism.

19. Physical or mental incapacity.

- B. Notice of Disciplinary Action. Disciplinary actions, except reprimands, shall be taken against an employee having regular status by service upon such employee of a written notice of such action.

The notice of disciplinary action shall include the following:

1. The nature of the disciplinary action;
2. The effective date of the action;
3. The causes for the action and the material on which it is based, in ordinary concise language with the dates and places thereof, when known;
4. A statement that the material upon which the action is based is available for inspection; and
5. A statement as to the right of representation and appeal that shall include a referral to the section of this MOU titled "Grievance Procedure".

- C. Service of a Notice of Disciplinary Action shall be made as provided below, except when emergency or other special circumstances require immediate action:

1. Delivery to the employee, either personally or by United States Postal Service to the current address listed in the employee's personnel file, shall be made no less than five (5) calendar days prior to the effective date of any punitive action against the employee. In emergency situations, the five (5) day prior notice requirement shall not apply to the following disciplinary actions but may be given within a reasonable time after the commencement of such discipline:
 - a. Reprimand.
 - b. Suspension without pay of five (5) days
 - c. Suspension with pay of twenty (20) days or less.
2. The notice of disciplinary action is accompanied by the advice that the employee may respond either verbally or in writing to the representative imposing the action prior to its effective date and may be represented in the response.

- D. Reprimand. The General Manager may reprimand an employee by furnishing him/her with a statement, in writing, of the specific reasons for such reprimand. A copy of notice of the reprimand shall be included in the employee's personnel file and the employee shall have the right of rebuttal. The General Manager may correct the reprimand or notice of reprimand at his/her discretion.
- E. Suspension Without Pay. Any suspension invoked as a disciplinary action under this section against an employee, whether for one or more periods, shall not exceed fifteen (15) calendar days in any one (1) calendar year; provided, however, that where a suspension is made because of criminal information or indictment filed against such employee, the period of suspension may exceed ninety (90) calendar days and continue until, but not after, the dropping of charges or the judgment or conviction or acquittal of the offense charged in the complaint, or indictment has become final. Employees suspended shall forfeit all rights, privileges, and salary while on such suspension.
- F. Suspension With Pay. Notwithstanding other provisions of this section, an employee may be suspended with pay and benefits for a period not to exceed twenty (20) working days upon a determination by the General Manager that circumstances exist that make the immediate removal of the employee to be in the best interests of the Monterey Peninsula Water Management District, and that the employee cannot be effectively used in his/her job.

Notwithstanding the above provision, the General Manager may suspend an employee at any time for reasons of investigation for disciplinary action. Written notice of such suspension shall be given the suspended employee as soon as possible, but not later than seventy-two (72) hours after such action is taken. Such suspension is not a disciplinary action and shall not be subject to appeal unless it, or any portion of it, subsequently becomes a disciplinary action. The General Manager may reinstate any such suspended employee to his/her position for good cause and shall, upon reinstatement, restore his/her rights and privileges with back pay for time lost.

- G. Dismissal. The continued tenure of each employee shall be subject to his/her satisfactory conduct and the rendering of efficient service. Should the cause for disciplinary action so warrant, an employee may be dismissed.
- H. Absence Without Leave Termination. An employee who takes an unauthorized leave of three or more days may be deemed to have resigned their position.

ARTICLE 21 GRIEVANCE PROCEDURE

- A. Purpose. The purpose of the grievance procedure is to promote improved employer-employee relations by establishing a procedure for the prompt settlement of certain disputes, herein after defined as grievances.

A grievance shall be defined as a claim by an employee or group of employees of a violation, misinterpretation and misapplication, or improper application of written regulations, resolutions, ordinances, or a memorandum of understanding applicable to the employee. Any appeal of the disciplinary actions of demotion, suspension or dismissal shall be filed and processed pursuant to this section.

- B. Applicability. Notwithstanding the foregoing, the grievance procedure is not applicable and shall not be used with the following:

1. The exercising of management rights by Monterey Peninsula Water Management District, as defined in Article 4, District Rights.
2. Any matter for which a statutory appeal procedure exists;
3. Complaints relating to Equal Opportunity, Occupational Health and Safety, or Workers Compensation;
4. The imposition of disciplinary action with respect to an employee on introductory status;

- C. Format. All grievances must be in writing. Grievances must explicitly specify the policy or the particular section of the agreement, rule, resolution or ordinance, the violation of which is being alleged as the basis for the grievance. The remedy requested must also be specified. An employee is entitled to individual representation at the employee's expense at any step of the grievance procedure.

- D. Processing Grievances.

1. The grievant shall be granted reasonable time off with pay from regularly scheduled duty hours to process a grievance, provided that the time off will be devoted to the prompt and efficient investigation and handling of grievances.
2. In no case shall Monterey Peninsula Water Management District vehicles be used for transportation by employee representatives in connection with the processing of grievances nor will reimbursement be considered for the use of private vehicles.

- E. Grievance Procedure Steps.

1. Informal Discussion.

- a. The grievance shall first be discussed on an informal basis by the aggrieved with his/her immediate supervisor within twenty-one (21) calendar days from the date of the action causing the grievance.
- b. Every effort shall be made to resolve the grievance at this level.

2. Formal Written Grievance.

- a. In the event the employee believes the grievance has not been satisfactorily resolved, the employee shall submit the grievance in writing to the General Manager.
- b. Within five (5) working days of receipt of the grievance, the General Manager shall schedule a meeting with the grievant, and the grievant's representative, if she/he so chooses, to discuss the grievance. Within five (5) working days of the grievance meeting, the General Manager shall deliver a written decision to the grievant. Any grievance settled at this step shall be subject to Board review.

3. Appeal to the Board

Board review will only be initiated upon written application. Said written appeal shall be filed with the Clerk to the Board and state the basis of the appeal. Any appeal based upon a disciplinary action shall contain a specific admission or denial of the material allegations contained in the notice of disciplinary action.

At the next regularly scheduled meeting of the Monterey Peninsula Water Management District Board, after the filing of the order and appeal with the said Clerk, the Board shall determine whether it will hear the appeal or appoint a hearing officer for this purpose. If the Board determines to hear the appeal, it will set a time and place for such hearing and provide notice to the appellant. If the Board determines to appoint a hearing officer, the hearing officer shall be mutually agreed upon between the Board's representative and the Union. In the event that the parties cannot mutually agree on a hearing officer, the parties shall request a list from the California State Conciliation and Mediation Service. The Hearing Officer shall then be selected by the parties alternately striking names until one remains. The Hearing Officer shall commence a hearing on the appeal as soon as possible. The appellant and General Manager may appear personally and the appellant may be represented by a Union representative and/or by counsel at the

hearing. The hearing shall be public unless the appellant requests a private hearing.

Before the hearing has commenced and during the course of the hearing, the hearing officer shall issue subpoenas “duces tecum” at the request of either party. Oral evidence shall be taken only on oath or affirmation. The appellant and the General Manager shall each have the right to call and examine witnesses, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witness and to rebut the evidence against him/her. Technical rules relating to evidence and witnesses do not have to apply to such hearings. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. At the hearing, the burden of proof shall be upon the appellant except in matters of discipline where the District is the moving party and therefore has the sole burden of proof.

At the conclusion of the hearing, the Board or the hearing officer shall prepare a summary record of the proceedings and prepare findings, conclusions and decision.

Where the Board has determined that a hearing officer will hear the appeal, the hearing officer shall submit a copy of said record and draft findings, conclusions and decision to the Board.

Within thirty (30) days after the filing of the record and recommended findings, conclusions and decision of the hearing officer with the Board, the Board shall adopt such recommended findings, conclusion and decision, or shall reject the recommendations of the hearing officer and adopt its own findings, conclusions and decision after a review of the record. The Board shall affirm, modify or reverse the order of the General Manager. The decision of the Board shall be final, and any review of said determination must be commenced within the time set forth in the Code of Civil Procedure, Section 1094.6.

ARTICLE 22 OTHER EMPLOYMENT.

No employee shall engage in any occupational or outside activity which is incompatible with his/her employment.

An employee engaging in any occupation or outside activity for compensation shall inform his or her Supervisor of the time required and the nature of such activity. An

employee engaging in any occupation or outside activity which may be incompatible with Monterey Peninsula Water Management District employment or for compensation, who fails to inform his/her supervisor of such occupation or activity, may be subject to disciplinary action up to and including dismissal.

ARTICLE 23 JOB SHARING.

The General Manager may hire two part-time employees to fill a regular full-time position if the Division Manager determines that the duties of the position can be shared.

ARTICLE 24 REDUCTION IN FORCE

A. General.

From time to time reductions in staff may be necessary. These reductions, (layoffs) occur without prejudice and without fault on the part of any employee. Reductions usually happen as a result of decrease or curtailment in revenues, reorganization of staff, termination of a program or activity, modification or change in service requirements or in the interest of efficiency or economy. Such changes are inevitable given the nature and mission of MPWMD. Alternatives to avoid or limit layoffs will be carefully considered. The Union shall be given at least ten (10) days advance notice before a reduction in force is presented to the Board for action and sixty (60) days advance notice before a reduction in force is implemented. Upon request, the District shall meet with the Union to discuss alternatives to an impending layoff. However, if the District deems layoffs necessary, the parties shall meet and confer over the effects of such layoffs on the employees within the bargaining units. The District retains full authority to determine what measures are most appropriate under the circumstances.

B. Definition

A reduction in force or layoff is an involuntary separation of an employee from a class of position and from District service. Depending on the circumstances, it may be temporary or permanent.

C. Notice

An employee with one or more year's continuous service with the District shall receive as much notice as possible, but in no event shall notice be given less than two weeks before their effective layoff date.

D. Procedures

In the instance where reduction is necessitated by the termination of a program, employees will be laid off as dictated by mission requirements determined by the General Manager. Employees will be placed on a layoff list, within their job

classification, according to their category of employment. For purposes of layoff, categories are rank ordered as follows:

1. Limited-Term employees
2. Employees in introductory periods
3. Part-time regular employees
4. Full-time regular employees

An employee's position on the layoff list shall be based on the employee's total continuous service with MPWMD. For this purpose, continuous service includes employment as a limited-term, temporary, and part-time employee, excluding any break in service.

E. Recall.

If within six months of being laid off it is necessary for the District to increase the work force, laid off employees may be recalled to a vacancy in the last position held with the District or to a comparable position for which she or he is qualified. Such recalls will be according to continuity of employment, i.e., employees with greater continuity of employment e.g., higher in the layoff list, will be recalled from layoff first and placed in available positions, provided they have the necessary skills to perform the required tasks efficiently and are available. Recall notice to employees on layoff will be sent by certified mail to the employee's last known address. An employee must make a written commitment to return to work from layoff within four working days after receipt of notice to return to work and, return to work with the District within 15 days of first notification or lose all recall privileges.

Employees who have been on layoff status longer than six months are not eligible to be recalled, but may apply for advertised employment opportunities and be considered for employment with the District.

Regular employees who are laid off will be notified of advertised vacancies for which their employment records indicate they may be qualified, for 12 months following layoff, if they keep the District advised of their current address and telephone number.

F. Benefits.

Employees who have been laid off are not entitled to benefits. However, they may be eligible for a continuation of some benefits under COBRA and for state unemployment insurance. Information on these topics will be provided by the Human Resource Analyst.

ARTICLE 25 DRUG-FREE WORKPLACE POLICY

The District is committed to maintaining a work environment free from the influence of alcohol and drugs in keeping with the spirit and intent of the Drug-Free Workplace Act of

1988. Illegal drugs in the workplace are a danger to all of us. They impair health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The use of any controlled substances is inconsistent with the behavior expected of our employees. It subjects all employees as well as visitors to our facilities and work sites to unacceptable safety risks and undermines the District's ability to operate effectively and efficiently.

In this connection, any location at which Monterey Peninsula Water Management District business is conducted, whether on District property or at any other site, is declared to be a drug-free workplace. This means that:

1. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off our premises. Any employee violating the policy is subject to discipline, up to and including termination for the first offense.
2. Should an employee be required to take any kind of prescription or nonprescription medication that could affect job performance, the employee is required to report this to his/her supervisor. The supervisor will determine if it is necessary to temporarily place the employee on another work assignment or to take other action as appropriate.
3. Employees have the right to know the dangers of drug abuse in the workplace, the District's policy about it, and what help is available to combat drug problems. The District will provide educational material and conduct training for all employees on this subject. The District also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct their problem before it impairs their performance and jeopardizes their employment. One source of treatment for drug/alcohol dependency is provided to District employees through their coverage under the District's Employee Assistance Plan.
4. Any employee convicted of violating a criminal drug statute in this agency's workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence.
5. The District reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

ARTICLE 26 VIOLENCE IN THE WORKPLACE POLICY

The Monterey Peninsula Water Management District recognizes the importance of maintaining a safe and violence-free workplace. In that spirit, all weapons are banned from the District. No District employee, customer, or visitor is allowed to carry weapons of any sort on District property or in a District vehicle. All employees are required to immediately report any sightings of weapons or violent behavior on the premises or at their work sites.

It should be noted that a good deal of District business is conducted off of District property. Therefore, employees must be aware of the need to always take safety and security precautions when performing their duties on private property. However, District employees are prohibited from carrying weapons while conducting District business. Any violent behavior directed at District employees, either while they are conducting District business or related to the conduct of District business, should be immediately reported to the General Manager.

ARTICLE 27 WELLNESS PROGRAM

Employees are encouraged to participate in a fitness program. However, participation is voluntary, and employees do it at their own risk. To further encourage the wellness of its employees, the District authorizes employees (upon approval of an employee's supervisor) who participate in aerobic physical exercise (walking, jogging, swimming, etc.) to use up to 30 minutes of regular work time for this purpose.

Exercise is normally done over the lunch hour, with an extension of 30 minutes. This amount of time is intended to allow the exercising employee the opportunity to receive a thorough aerobic workout, and time to return to work refreshed and relieved of stress. A shower is available for employee use. Approval of wellness time will be dependent upon the division workload and coordination with the schedules of co-workers.

ARTICLE 28 SEVERABILITY

If any section, sub-section, paragraph, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being hereby expressly declared that this resolution and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 29 TERM OF AGREEMENT

This Agreement shall be effective on the 1st day of July 2016 and shall remain in full force and effect without change, addition or amendment through June 30, 2019, and shall be renewed thereafter subject to reopening by either party upon written notice to the other party no more than 120 days prior to June 30, 2019 or any June 30 anniversary date thereafter.

 David J. Stoldt
 General Manager
 Monterey Peninsula Water Management District

 Date

 Christopher D. Darker
 Business Manager
 United Public Employees of California
 Local 792

 Date

 Ryan Heron
 Chief Negotiator
 United Public Employees of California
 Local 792

 Date

 Larry Hampson
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. Management Unit

 Date

 Beverly Chaney
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. General Unit

 Date

 Thomas Christensen
 Unit Member Negotiator
 Monterey Peninsula Water Mgt. Dist. General Unit

 Date

APPENDIX A - JOB CLASSIFICATIONS - MANAGEMENT BARGAINING UNIT

Planning & Engineering Manager/District Engineer
Water Resources Manager
Water Demand Manager

APPENDIX B - PERSONNEL COMPENSATION POLICY

A. PURPOSE:

The purpose of this policy is to detail the Monterey Peninsula Water Management District's (or "District's") policy for setting the compensation for its employees. The District's compensation policy is important since it establishes the framework in which compensation decisions are made. Adoption of this policy by the District shows consensus regarding the District's compensation practices, and the information presented in each of the following areas will assist District staff in managing the plan over time:

1. Compensation Goals and Objectives
2. Criteria for Selection of Labor Market Survey Agencies
3. Use of Private Sector Employers
4. Labor Market Position
5. Point of Comparison
6. Survey Classification Selection
7. Compensation Survey Scope

B. COMPENSATION GOALS AND OBJECTIVES

The District's compensation plan is an important element of its personnel system and should accomplish the following goals and objectives:

1. Ensure that the Monterey Peninsula Water Management District has the ability to attract and retain well-qualified personnel
2. Provide a defensible and technically sound basis for compensating employees
3. Allow flexibility and adaptability for making District-wide compensation decisions based on changing market conditions
4. Recognize the Monterey Peninsula Water Management District's responsibility as a public agency in establishing a pay plan which is consistent with prudent public practices
5. Ensure that the District's compensation practices are competitive and consistent with those of comparable employers

C. CRITERIA FOR SELECTION OF LABOR MARKET SURVEY AGENCIES

The general objective in selecting survey agencies is to define as accurately as possible the District's "labor market." A labor market is generally that group of

agencies with which the District competes in terms of recruiting and retaining personnel. Because of the uniqueness of the Monterey Peninsula Water Management District, the selection of the labor market survey agencies for the District involves the analysis of a variety of (special) factors. In order to select a list of comparable agencies, the following guidelines should be used:

1. Geographic Proximity Since the Monterey Peninsula Water Management District resides within Monterey County, competing area agencies within this county and/or its closest adjacent counties are the primary survey agencies to consider. Ideally, the geographic area should be limited to a region, which contains a sufficient number of comparably sized agencies (these are arguably the District's closest market competitors). Since, in the case of the Monterey Peninsula Water Management District, insufficient comparable water management agencies exist within close geographic proximity, a more extensive regional labor market is necessary.
2. Employer Size While employer size is a consideration, it is more important to find agencies which provide similar services within the geographic region. Since there are not many agencies which fit this initial criterion, size should not be used as a key selection component in Monterey Peninsula Water Management District's case.
3. Nature of Services Provided Another criterion typically utilized in identifying an organization's labor market is the nature of services provided. This criterion is important for the following reasons:
 - a) Employers who provide similar services are most likely to compete with one another for employees
 - b) These employers are most likely to have comparable jobs
 - c) These employers are most likely to have similar organizational and economic characteristics

This factor requires that the labor market include a significant number of comparable water agencies. This is difficult in the case of the Monterey Peninsula Water Management District, given the water and resource management role of the agency.

4. Cost of Living Differences To ensure consistency in the cost of living of each survey location, a cost of living index should be used for comparison with the District. This index identifies the percentage difference in cost of living between each survey location and the Monterey Peninsula Water Management District. Any location with a cost of living index greater than 100 has a higher cost of living while indices less than 100 indicate a lower cost of living. Generally, differences of less than five percent are not

statistically significant. The use of a cost of living index minimizes the possibility of significant data skewing.

While it is impossible to find agencies that are exactly comparable to the Monterey Peninsula Water Management District, the agencies selected should provide a representative "picture" of comparable agencies. In order to ensure that a sufficient and valid sample of data is collected, 12 to 15 survey agencies should be used. The agencies used for comparison will be subject to review and revision in future compensation studies.

E. LABOR MARKET POSITION

It is necessary for the District Board of Directors to define the position in the labor market at which the District desires to compete. Considering that the survey agencies represent both a comprehensive and balanced set of employers, it is recommended that all initial analyses be based on the labor market *median*, versus the mean (average) or a percentile rank based statistic, in which a percentage of the data is above or below a specific point. The market median is the most stable statistical measure, in which half of the data is above the median and half the data is below. This statistic is based on the ranking of the data and represents the "middle" of the data set. The median statistic is stable for highly variable data sets and will not be significantly skewed by unusually high or low payers, or the addition of some larger survey agencies. Some key elements for consideration when setting the labor market position include:

1. The District's ability to pay
2. Priority of compensation versus other expenditures
3. Recruitment and retention problems
4. Private sector trends and their priority
5. Quality of staff required

A solid, defensible labor market position relies on a balancing of these factors in order to meet the District's compensation goals and objectives. This compensation policy sets the labor market median as the labor market position for the Monterey Peninsula Water Management District. The District may choose to place certain classes above the market median when characteristics unique to the District's position vs. labor market comparable positions, merit this consideration. For example:

1. Difficulty in recruitment and retention
2. High public contact and/or visibility
3. High level of responsibility and autonomy

F. POINT OF COMPARISON

When comparing District salaries with market agencies, it is important to establish a consistent point of comparison. Since all the agencies used in the market survey utilize pay range structures, a critical analysis is needed to find the salary range “control point.” This is the top step or range maximum for those agencies that use the range maximum as the control point. Control point salaries are used if the agency’s range structure utilizes a mid-point or similar reference point. The range control point is that point in the salary range that:

1. Is used to “anchor” the pay range to the labor market
2. Employees will attain through step increases or other increases based on satisfactory performance (range progression beyond the control point is usually based on superior job performance)

Since the District allows employees to reach the range maximum through usual salary range progression, the range maximum is used as the point of comparison with the market agencies.

G. SURVEY CLASSIFICATION SELECTION

Survey classifications represent a sample of all classifications contained in the District's classification plan and provide a reference point for the extrapolation of salary recommendations for non-survey classes. The criteria utilized in selecting these survey classifications are as follows:

1. Survey classes should have a clear and identifiable relationship to other classes in their occupational group. This assures that they will make good references in relating and establishing salaries for other classes.
2. They should be reasonably well known, and clearly and concisely described.
3. They should be commonly used classes such that counterparts may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These factors ensure that appropriate data can be collected in order to select benchmark classes and to determine appropriate internal salary relationships. Because of the size of the District and the unique characteristics of certain job classes, all job families should be represented in the scope of the survey.

H. COMPENSATION SURVEY SCOPE

A systematic methodology and approach supporting the collection and analysis of labor market survey data will provide the District with the guidelines it needs to update the survey in future years.

In addition to collecting base salary information, total compensation data should also be obtained.

A systematic approach taken to collect the survey data will ensure the accuracy of the labor market data and will also serve to assist the District in maintaining a consistent, fair, and defensible compensation plan over time.

Future classification/compensation surveys will be considered as changes in the labor market become apparent, the District experiences difficulty in recruitment, hiring, or employee retention, or at such other times deemed appropriate by the Board.

ATTACHMENT A – SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT

MPWMD SALARY SCHEDULE

Rates Effective July 1, 2016

POSITION LISTING FOR FY 2016-2017

=====						
Rates by Step on Monthly Basis						
RANGE	A	B	C	D	E	ANNUAL
1	2853.93	2979.64	3111.90	3250.71	3396.09	40753.08
2	2916.25	3047.41	3181.85	3323.95	3472.60	41671.20
3	2980.73	3112.99	3252.89	3398.27	3552.40	42628.80
4	3048.50	3182.94	3325.05	3473.70	3631.09	43573.08
5	3115.17	3254.00	3399.36	3553.49	3714.17	44570.04
6	3184.04	3328.32	3475.88	3633.28	3798.33	45579.96
7	3256.18	3401.54	3555.67	3715.26	3883.58	46602.96
8	3329.41	3476.97	3635.47	3799.42	3973.21	47678.52
9	3402.66	3556.77	3717.45	3886.86	4059.57	48714.84
10	3479.15	3636.56	3801.61	3974.31	4157.93	49895.16
11	3558.95	3720.72	3890.15	4067.22	4251.94	51023.28
12	3638.74	3803.79	3976.50	4161.22	4351.41	52216.92
13	3721.81	3891.24	4068.31	4254.13	4450.88	53410.56
14	3804.88	3979.78	4163.40	4353.59	4554.72	54656.64
15	3893.42	4070.50	4256.32	4453.06	4659.65	55915.80
16	3981.96	4165.59	4355.78	4556.91	4767.85	57214.20
17	4072.68	4258.50	4455.24	4661.84	4879.36	58552.32
18	4166.68	4357.96	4559.09	4770.05	4990.84	59890.08
19	4261.78	4457.44	4664.03	4882.63	5106.71	61280.52
20	4360.15	4561.27	4773.33	4994.12	5228.02	62736.24
21	4460.71	4666.21	4884.82	5112.17	5350.46	64205.52
22	4563.46	4776.60	4997.40	5230.22	5473.97	65687.64
23	4668.39	4887.00	5114.35	5352.64	5602.94	67235.28
24	4778.79	5000.68	5233.50	5476.15	5735.20	68822.40
25	4964.61	5199.60	5448.82	5706.79	5981.14	71773.68
26	5002.86	5235.69	5479.44	5738.48	6008.46	72101.52
27	5119.81	5358.10	5609.50	5871.83	6149.47	73793.64
28	5237.87	5481.62	5741.76	6010.65	6293.74	75524.88
29	5360.28	5613.87	5876.20	6152.75	6444.59	77335.08
30	5486.00	5743.95	6013.93	6298.12	6595.43	79145.16
31	5616.06	5879.49	6156.02	6447.87	6751.73	81020.76
32	5747.22	6017.21	6302.50	6617.63	6948.50	83382.00
33	5882.76	6160.39	6452.24	6757.20	7076.37	84916.44
34	6021.58	6306.87	6603.08	6917.87	7245.79	86949.48
35	6164.78	6455.51	6760.48	7082.93	7418.48	89021.76
36	6310.14	6609.64	6922.25	7250.16	7595.56	91146.72
37	6458.79	6764.85	7086.20	7423.96	7778.11	93337.32
38	6612.92	6925.52	7255.63	7599.94	7963.92	95567.04
39	6768.13	7089.48	7427.24	7782.47	8154.11	97849.32
40	6928.81	7258.91	7604.30	7968.30	8349.77	100197.24
41	7093.86	7431.60	7785.76	8157.39	8549.79	102597.48
42	7263.28	7607.58	7971.57	8354.14	8756.37	105076.44
43	7434.89	7791.22	8161.76	8555.25	8965.15	107581.80
44	7614.15	7975.95	8358.51	8760.76	9181.57	110178.84
45	7796.68	8168.32	8560.72	8970.61	9402.37	112828.44
46	7982.50	8362.88	8765.12	9187.03	9629.72	115556.64
47	8256.85	8656.91	9077.73	9519.32	9982.77	119793.24
48	8368.35	8769.49	9191.40	9635.19	10099.74	121196.88
49	8569.47	8980.46	9413.29	9868.00	10343.49	124121.88
50	8773.87	9196.88	9639.56	10105.20	10593.79	127125.48
51	8985.92	9418.76	9872.37	10350.04	10850.65	130207.80
52	9202.34	9645.02	10110.66	10599.26	11110.80	133329.60
53	9665.11	10135.61	10631.73	11149.05	11693.13	140317.56
54	9649.39	10116.12	10604.72	11117.36	11658.42	139901.04
55	10006.82	10494.32	11006.96	11544.72	12108.74	145304.88
56	10122.68	10610.17	11127.19	11663.87	12231.17	146774.04
57	10366.42	10868.14	11394.98	11948.06	12528.47	150341.64
58	10616.75	11132.65	11671.53	12238.82	12832.35	153988.20
59	10873.61	11402.64	11953.53	12535.04	13144.95	157739.40
60	11138.12	11676.99	12246.46	12839.99	13467.40	161608.80

Office Specialist I

Office Specialist II

River Maintenance Worker

Office Services Supervisor / Conservaton Rep I / River Maintenance Specialist

Conservation Technician II

Conservation Representative II
Executive Assistant

Accountant / Conservation Analyst / HR Analyst / GIS Specialist

Associate Fisheries Biologist / Associate Hydrologist

Riparian Proj Coord / Hydrography Prog Coord /Asst Water Res Engineer
Senior Fisheries Biologist

Water Demand Mgr /Project Mgr /Sr. Hydrogeologist/Water Res Engineer

Information Technology Manager

Water Resources Manager

Senior Water Resources Engineer

Administrative Services Manager/Chief Financial Officer

Planning and Engineering Manager/District Engineer

ATTACHMENT B – SALARY CHART AFTER SALARY SURVEY ADJUSTMENT

MPWMD SALARY SCHEDULE
 General, Management & Confidential Unit
 Rates Effective with Salary Survey Adjustment
 Position Listing for FY 2016-2017
 Percentages between Ranges: **2.5%**
 Percentages between Steps: **5.0%**
 COLA Percentage Increase: **3.0%**

RANGE	Rates by Step on Monthly Basis					STEP E	CLASSIFICATION
	A	B	C	D	E	ANNUAL	
1	2,793	2,933	3,080	3,234	3,396	40,752	
2	2,863	3,006	3,156	3,314	3,480	41,760	
3	2,935	3,082	3,236	3,398	3,568	42,816	
4	3,008	3,158	3,316	3,482	3,656	43,872	
5	3,083	3,237	3,399	3,569	3,747	44,964	
6	3,160	3,318	3,484	3,658	3,841	46,092	
7	3,239	3,401	3,571	3,750	3,938	47,256	
8	3,320	3,486	3,660	3,843	4,035	48,420	Office Specialist I
9	3,403	3,573	3,752	3,940	4,137	49,644	
10	3,488	3,662	3,845	4,037	4,239	50,868	
11	3,575	3,754	3,942	4,139	4,346	52,152	
12	3,664	3,847	4,039	4,241	4,453	53,436	Office Specialist II
13	3,756	3,944	4,141	4,348	4,565	54,780	
14	3,850	4,043	4,245	4,457	4,680	56,160	
15	3,946	4,143	4,350	4,568	4,796	57,552	
16	4,045	4,247	4,459	4,682	4,916	58,992	
17	4,146	4,353	4,571	4,800	5,040	60,480	River Maint. Worker
18	4,250	4,463	4,686	4,920	5,166	61,992	
19	4,356	4,574	4,803	5,043	5,295	63,540	Office Services Sup.
20	4,465	4,688	4,922	5,168	5,426	65,112	
21	4,577	4,806	5,046	5,298	5,563	66,756	River Maint. Specialist
22	4,691	4,926	5,172	5,431	5,703	68,436	
23	4,808	5,048	5,300	5,565	5,843	70,116	
24	4,928	5,174	5,433	5,705	5,990	71,880	
25	5,051	5,304	5,569	5,847	6,139	73,668	
26	5,177	5,436	5,708	5,993	6,293	75,516	Exec. Asst./Cons. Rep. I
27	5,306	5,571	5,850	6,143	6,450	77,400	
28	5,439	5,711	5,997	6,297	6,612	79,344	GIS Specialist
29	5,575	5,854	6,147	6,454	6,777	81,324	Accountant/Cons. Technician
30	5,714	6,000	6,300	6,615	6,946	83,352	Cons. Rep. II
31	5,857	6,150	6,458	6,781	7,120	85,440	HR Analyst/Assoc. Hydrologist
32	6,003	6,303	6,618	6,949	7,296	87,552	
33	6,153	6,461	6,784	7,123	7,479	89,748	Assoc. Fisheries Biologist
34	6,307	6,622	6,953	7,301	7,666	91,992	
35	6,465	6,788	7,127	7,483	7,857	94,284	Cons. Analyst
36	6,627	6,958	7,306	7,671	8,055	96,660	
37	6,793	7,133	7,490	7,865	8,258	99,096	
38	6,963	7,311	7,677	8,061	8,464	101,568	Hydrography Proj. Cord.
39	7,137	7,494	7,869	8,262	8,675	104,100	
40	7,315	7,681	8,065	8,468	8,891	106,692	
41	7,498	7,873	8,267	8,680	9,114	109,368	
42	7,685	8,069	8,472	8,896	9,341	112,092	WR Engineer/Riparian Proj. Cord.
43	7,877	8,271	8,685	9,119	9,575	114,900	IT Mgr/Snr. Fisheries Biologist
44	8,074	8,478	8,902	9,347	9,814	117,768	
45	8,276	8,690	9,125	9,581	10,060	120,720	
46	8,483	8,907	9,352	9,820	10,311	123,732	
47	8,695	9,130	9,587	10,066	10,569	126,828	
48	8,912	9,358	9,826	10,317	10,833	129,996	WDD Mgr
49	9,135	9,592	10,072	10,576	11,105	133,260	Snr. Hydrogeologist
50	9,363	9,831	10,323	10,839	11,381	136,572	
51	9,597	10,077	10,581	11,110	11,666	139,992	
52	9,837	10,329	10,845	11,387	11,956	143,472	
53	10,083	10,587	11,116	11,672	12,256	147,072	
54	10,335	10,852	11,395	11,965	12,563	150,756	
55	10,593	11,123	11,679	12,263	12,876	154,512	ASD Mgr/P&E Mgr
56	10,858	11,401	11,971	12,570	13,199	158,388	
57	11,129	11,685	12,269	12,882	13,526	162,312	
58	11,407	11,977	12,576	13,205	13,865	166,380	
59	11,692	12,277	12,891	13,536	14,213	170,556	
60	11,984	12,583	13,212	13,873	14,567	174,804	

**ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER
SALARY SURVEY ADJUSTMENT**

**SALARY SURVEY ADJUSTMENT
FROM CURRENT RANGE AND STEP
TO REVISED RANGES AND STEPS AFTER SURVEY IMPLEMENTED**

	Current Range	Revised Range
<u>ASD Mgr/CFO</u>	53 E	55 E
<u>P&E Mgr/District Engineer</u>	55 E	55 E
<u>Water Resources Manager</u>		
<u>Senior Hydrogeologist</u>	43 E	49 E
<u>Water Demand Manager</u>	43 E	48 E
<u>Information Technology Mgr</u>	45 E	43 E
<u>Senior Fisheries Biologist</u>	39 E	43 E
<u>Water Resources Engineer</u>	43 B	42 B
<u>Riparian Projects Coordinator</u>	38 E	42 E
<u>Hydrography Prog Coordinator</u>	39 E	38 E
<u>GIS Specialist</u>	30 E	28 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>HR Analyst</u>		
<u>Associate Hydrologist</u>	33 E	31 E
<u>Accountant</u>	30 E	29 E
<u>Conservation Technician</u>	22 E	29 E
<u>Executive Assistant</u>	25 E	26 E
<u>Conservation Representative I</u>	20 B	26 C
<u>Conservation Representative I</u>	20 B	26 C
<u>River Maintenance Specialist</u>	20 E	21 E
<u>Office Services Sup</u>	20 E	19 E
<u>River Maintenance Worker</u>	18 E	17 E
<u>Office Specialist</u>	12 E	12 E

10/7/2016

ITEM: CONSENT CALENDAR**7. CONSIDER ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH THE CONFIDENTIAL STAFF BARGAINING UNIT**

Meeting Date:	October 17, 2016	Budgeted:	Included in FY 2016-2017 Budget
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	Operating Expenses
Prepared By:	Cynthia Schmidlin	Cost Estimate:	Up to \$80,000 total for all MOU's; \$230,000 for salary survey if and when funds become available

General Counsel Approval: N/A
Committee Recommendation:
CEQA Compliance: N/A

SUMMARY: The Confidential Staff Bargaining Unit and the Board's negotiating representative have agreed to terms for a new 3-year Memorandum of Understanding, attached as **Exhibit 7-A**. The new bargaining points incorporated into the agreement, as a result of this year's negotiations, are essentially identical to those agreed upon by the Management Staff Bargaining Unit.

The one exception is that Confidential Staff, who are not represented by the United Public Employees of California, Local 792/Laborers' International Union of North America, are still allowed to opt-out of the Northern California Laborers Trust health plan if they have alternate coverage through their spouse.

RECOMMENDATION: The General Manager recommends that the Board adopt the Confidential Staff Agreement as it appears in **Exhibit 7-A**.

EXHIBIT

7-A Memorandum of Understanding Between the Monterey Peninsula Water Management District and the Confidential Bargaining Unit

EXHIBIT 7-A

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AND
THE CONFIDENTIAL STAFF BARGAINING UNIT**

Table of Contents

ARTICLE 1	DISTRICT RIGHTS	1
ARTICLE 2	PERSONNEL ACTIONS	2
ARTICLE 3	CATEGORIES OF EMPLOYEES	3
ARTICLE 4	ELIGIBILITY FOR EMPLOYEE BENEFITS	5
ARTICLE 5	OPTIONAL BENEFITS	5
ARTICLE 6	RETIREMENT BENEFITS.....	6
ARTICLE 7	HEALTH AND WELFARE BENEFITS	7
ARTICLE 8	VACATION.....	9
ARTICLE 9	SICK LEAVE	10
ARTICLE 10	OTHER LEAVES.....	11
ARTICLE 11	HOLIDAYS	13
ARTICLE 12	SALARY TABLES	14
ARTICLE 13	OVERTIME.....	15
ARTICLE 14	MILEAGE ALLOWANCE	16
ARTICLE 15	TRAVEL EXPENSE	16
ARTICLE 16	TRAINING.	16
ARTICLE 17	DISCIPLINARY ACTIONS	17
ARTICLE 18	GRIEVANCE PROCEDURE.....	20
ARTICLE 19	OTHER EMPLOYMENT.	23
ARTICLE 20	JOB SHARING.....	24
ARTICLE 21	REDUCTION IN FORCE	24
ARTICLE 22	DRUG-FREE WORKPLACE POLICY	26
ARTICLE 23	VIOLENCE IN THE WORKPLACE POLICY	27
ARTICLE 24	WELLNESS PROGRAM.....	27
ARTICLE 25	SEVERABILITY.....	27
ARTICLE 26	TERM OF AGREEMENT.....	28
APPENDIX A -	JOB CLASSIFICATIONS - CONFIDENTIAL BARGAINING UNIT	29
APPENDIX B -	PERSONNEL COMPENSATION POLICY.....	31
ATTACHMENT A –	SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT.....	37
ATTACHMENT B –	SALARY CHART AFTER SALARY SURVEY ADJUSTMENT.....	39

ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER SALARY SURVEY ADJUSTMENT41

This Memorandum of Understanding (M.O.U) sets forth the agreement between the representatives of the Confidential Staff Bargaining Unit (hereinafter referred to as "Unit") and the representatives of the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (hereinafter referred to as "District") on all matters concerning wages, hours, working conditions and other terms of employment for employees within the CONFIDENTIAL STAFF BARGAINING UNIT.

The District and Unit representatives have met and conferred in good faith and have arrived at an understanding concerning wages, hours, working conditions and other terms of employment. This agreement supersedes all prior District Personnel Policies that pertained to members of this bargaining unit, where such matters have been specifically addressed. In the event of a conflict between this contract and any policy, memorandum or directive, either written or verbal, this contract shall prevail.

ARTICLE 1 DISTRICT RIGHTS

- A. Except as modified by this Memorandum of Understanding, the District reserves, retains and is vested with, solely and exclusively, all rights of the District which are not expressly abridged by law to manage the District. The District also recognizes that employee contributions to the decision making process is valuable. The District agrees to encourage employee input on matters within the scope of representation. The sole and exclusive rights of the District shall include, but not be limited to, the following:
- To manage the District generally and to determine all issues of policy;
 - To determine the nature, manner, means and technology, and extent of services to be provided to the public;
 - To determine and/or change the facility, methods, technological means, size and composition of the workforce by which District operations are to be conducted;
 - To assign work to and schedule employees in accordance with requirements as determined by the District, and to establish and change work schedules, vacation schedules, and assignments upon reasonable notice and in accordance with these Rules and memoranda of understanding;
 - To relieve employees from duties for lack of work, funds, or similar non-disciplinary reasons;
 - To determine and modify productivity and performance programs and standards;
 - To discharge, suspend, demote or otherwise discipline non-probationary employees for just cause;
 - To determine job classifications and to reclassify employees in accordance with these Rules and applicable resolutions and ordinances of the District;

- To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with these Rules and applicable ordinances and resolutions of the District;
 - To determine and administer policies, procedures and standards for selection, training and promotion of employees in accordance with these rules and applicable resolutions and ordinances of the District.
 - To establish employee performance standards including, but not limited to qualification and quantity standards, and to required compliance therewith;
 - To determine satisfactory and unsatisfactory job performance levels, and evaluate employees based upon these criteria;
 - To take any and all necessary action to carry out the functions of the District in emergencies.
- B. Before submission of a recommendation to contract out any function traditionally performed by unit employees which would result in a reduction of the work force, the Unit will be offered the opportunity to examine the proposal for at least thirty (30) days prior to Board action, whenever possible and to submit recommendations. If requested, the District will meet and confer over the impact of proposed layoffs prior to the implementation of said layoffs.

ARTICLE 2 PERSONNEL ACTIONS

- A. A District list of all current job descriptions shall be available for review by unit employees. An employee may obtain a copy of any job descriptions from the Human Resources Analyst.

Upon appointment, each new employee shall be provided with a copy of the employee's job description. Further, an employee shall be given a copy of the amended job description as changes occur.

Job Descriptions shall be explicit as to the level of skills, knowledge, and ability required to perform the work. Specific detail of the work required will be used wherever reasonable and the work required shall be within the realm of that normally performed within the scope of the job classification.

- B. The District shall offer to meet and confer with the representatives of the Unit regarding the impacts of an appropriate reclassification whenever the District intends to classify, reclassify, create, modify, and or abolish classes existing in the bargaining unit. If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the Unit may request, and the District shall grant, an opportunity to meet and consult with the parties involved regarding such assignment.

- C. There shall be only one official personnel file that shall be maintained at the District's Human Resources Office. An employee shall have the right to review her/his personnel file or authorize in writing the review by a representative. No material will be inserted into the employee's personnel file without prior notice and a copy given to the employee. An employee may place in her/his personnel file a written response to adverse material inserted into the file in lieu of filing a formal grievance regarding the subject of the adverse material. In addition, an employee may place any letters of commendation received from the public or certificates of educational achievement in his/her personnel file.
- D. A written performance evaluation is intended to be a documented summary of the work performance of the employee and to encourage ongoing communication between the supervisor/rater and the employee. An evaluation is not to be used for discipline in and of itself.
- E. An employee shall have the right to review and respond in writing to any evaluation she/he considers derogatory, or otherwise inaccurate, within ten (10) days of receipt of a copy of the evaluation.
- F. Step increases recommended as a result of a delayed performance evaluation shall be effective retroactively on the first day of the month following the employee's anniversary date.
- G. An employee who voluntarily terminates her/his service with the District may receive an end-of-job performance evaluation if requested in advance by the employee.
- H. The parties agree that the District and its representatives and employees shall treat each other with mutual respect, dignity, courtesy, and trust in all work related matters. It is the intent of this Agreement to establish such a harmonious and constructive relationship among the parties.

ARTICLE 3 CATEGORIES OF EMPLOYEES

- A. The following definitions shall apply to this Memorandum:
 1. Full-time Regular Employee: An employee of the District occupying a regular position who is employed 40 hours per week and who is not serving under a written contract or in an introductory status.
 2. Part-time Regular Employee: An employee of the District who is not a full-time regular employee, who is employed less than 40 hours per week and who is not serving under a written contract or in an introductory status.
 3. Introductory Employee: An employee of the District who is serving in the minimum six (6) month working test period required before the appointment as

a full-time regular employee is completed, during which the terms of the extended introductory period must be satisfied. In the case of a part-time employee, the introductory period shall also be a minimum six (6) month period before the appointment as a part-time regular employee is completed. An employee on introductory status may be terminated without cause.

4. Limited-Term Employee: An employee of the District who is not a regular employee, and who is hired for a project that is estimated to require 1,000 hours or less in a fiscal year. (July 1- June 30). If a project requires more than the originally estimated time, the limited-Term employee may be extended for additional 1,000-hour periods with Board approval. Any Limited-Term employee can be terminated without cause and shall not be entitled to employee rights or benefits specified in Article 7 with the exception of eligibility for PERS retirement benefits if the total worked in a fiscal year exceeds 1,000 hours.
5. Volunteer: A person who is not a paid employee who participates in any District activity by providing their labor and services to the District free of charge. Use of volunteers on District projects must be approved by both the Division Manager and Risk Manager for liability and workers' compensation purposes. (Resolution No. 96-03 outlines the Board's authorization and governs of the use of volunteers.)
6. Exempt Employee: An employee of the District that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
7. Non-Exempt Employee: An employee of the District that is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

B. Employment Status is described as follows:

1. Introductory Status: The introductory period shall be used by the General Manager for the evaluation of any new employee, and for the termination of any introductory employee whose performance, work, or behavior does not meet the required standards of the Monterey Peninsula Water Management District. Each appointment, re-employment, or transfer to a regular position shall be subject to an introductory period of six (6) months for full-time and part-time positions. This introductory period is the final phase of the examination and qualification process before the appointment as a regular employee is completed.

The introductory period shall date from the time of initial employment in a position and shall not include time served as a limited-term employee nor any period of continued leave of absence without pay exceeding thirty (30) days.

The General Manager may extend the introductory period of an employee for a period not to exceed six (6) months upon furnishing the employee with a statement of the reasons for such extension and the required standards that must be met in order for the employee to successfully complete the introductory period.

2. Regular Status: Regular status is afforded all qualified employees of the District, other than employees who are on probation or are contract employees.
3. Limit-term Status: A limited-term employee is one hired for the purpose of filling short-term employment vacancies, vacation, sick leave, military leave, leaves of absence, and/or to meet other short-term business demands of the District. Limited-term employment may be terminated at the will of the General Manager or the employee.
4. Part-time Status: A part-time employee is an employee who works less than full-time and does not occupy a regular full-time position.

ARTICLE 4 ELIGIBILITY FOR EMPLOYEE BENEFITS

- A. Regular Employees: Regular employees are entitled to vacation, sick leave, leaves of absence without pay, and other benefits set forth in this section and as authorized by the District.
- B. Introductory Employees: Introductory employees shall accrue vacation and sick leave credit but shall not be entitled to use vacation credit until successful completion of the introductory period. However, any vacation time accrued by working on a District holiday may be used prior to the end of the probation period.
- C. Limited-term Employees: Limited-term employees shall not be entitled to any of the benefits set forth in this section, with the exception of those Limited-term employees who have been extended by Board approval for more than 1,000 hours of employment in a fiscal year, who will then become eligible for PERS retirement benefits.
- D. Part-time Employees: Part-time employees shall accrue pro-rata vacation and sick leave credit based upon the hours actually worked by each employee, but shall not be entitled to use accrued vacation hours until successful completion of the introductory period.

ARTICLE 5 OPTIONAL BENEFITS

- A. A deferred compensation plan (IRS Section 457) is available to all regular employees. Deferred compensation is an IRS-approved method of saving for retirement which includes deferring federal and state income taxes. Current District policy permits an employee to start, stop, increase, decrease, or change investment funds as often as he

or she wishes without fees or penalties. The District does not contribute to the deferred compensation plan except as may be required by an individual employment contract.

- B. A Section 125 Flexible Benefits Plan is provided. This plan provides the opportunity to participate in an Unreimbursed Medical Expenses Plan and a Dependent-care Expense Reimbursement Plan on a pre-tax basis. Participants may contribute up to \$2,550 per year (subject to change per Internal Revenue Service). The District does not contribute to the Section 125 Flexible Benefits Plan.
- C. Supplemental insurance coverage is also available through AFLAC Insurance. Employees pay premiums for this coverage.

ARTICLE 6 RETIREMENT BENEFITS

District employees are covered by the California Public Employees Retirement System (PERS) under two tiers.

Tier 1 - Employees hired before January 2013 or considered Classic Members by CalPERS

Tier 1 employees are covered by the PERS 2% at 55 formula. The District also provides them with the PERS Employer Paid Member Contribution (EPMC) under Government Code section 20636, section (C)(4), pursuant to Government Code section 20691, by including the value of the EPMC in salary reported to PERS as compensation. Tier 1 employees have the one-year final compensation benefit for calculating their retirement annuity.

Tier 1 employees contribute towards the District's total normal cost by making contributions of 3% to both the EPMC and the Employer Contribution. Effective July 1, 2018, an additional 2% for a total of 5% of each Tier 1 employee's salary will also be applied to the Employer Contribution portion of the PERS premium. However, the percentage of contributions paid by the employee in each year of the contract shall in no circumstance be more than 50 percent of the total normal cost up to a maximum contribution of 8% of the employee's salary.

Tier 2 - Employees hired after January 2013 and those employees not considered Classic Members by CalPERS - Subject to AB 340, the "California Public Employee's Pension Reform Act" (PEPRA).

Tier 2 employees are covered by the PERS 2% at 62 formula with no PERS EPMC. Tier 2 employees must contribute 50% of the total normal cost rate for PERS to a maximum of 8% of their salary. The District's total normal cost for new members in 2013 is 12.5%. The normal cost rate is subject to change over time, as it will be impacted by risk pool demographics and the actuarial assumptions used in retirement benefit funding. The three-year final compensation period is used to calculate a Tier 2 employee's retirement annuity.

Annual pensionable compensation that can be used to calculate final compensation is capped. The 2013 cap for District employees is \$136,440.

Tiers 1 and 2

The District shall provide the PERS 1959 Survivor Benefit, Fourth Level, at no cost to the employee.

In accordance with the California Public Employee's Pension Reform Act", if a public employee is convicted of a felony arising from the performance of public duties, or connected with obtaining salary or other benefits for public service, the employee forfeits the portion of his or her pension accruing after the crime.

ARTICLE 7 HEALTH AND WELFARE BENEFITS

Medical, dental, vision, life insurance, short-term disability insurance, long-term disability insurance, and an employee assistance plan shall be provided for all regular employees, introductory employees, and their eligible dependents. Medical insurance will also be provided to eligible retirees and their eligible dependents, as stated in Article 10, Section C. The terms and conditions of enrollment and the benefits provided under all health plans are subject to the plan documents and practices, which are controlling.

A. **Premium Payment:** During the term of this agreement the District will pay the below designated amounts towards employee benefits. Should employees be required to make any premium payment, such payments shall be made by payroll deduction.

1. **Life, Survivor, LTD & EAP:** The District shall pay 100% of premiums for life insurance, survivor benefit, long-term disability insurance, and the employee assistance plan premiums for all regular and introductory employees.
2. **SDI:** The District shall pay 50% of the premium for short-term disability insurance. Employees will be required to pay the other 50% of that premium.
3. **Employee Health Insurance**

Effective January 1, 2014, employees have been enrolled in the Laborers Northern California Trust Special Plan.

Effective 07/01/2016: The District will pay the higher of \$1055.45 per month or 95% of the then-current premiums for all eligible employees and their dependents.

B. **Employee Health Insurance Opt-Out:**

Employees who have health coverage available through another family member may opt out of the District medical dental, or vision plan. The District shall reimburse the employee for that portion of the premium cost which is incurred, if any, to cover the employee and his/her eligible dependents under his/her family members' health plan up to a maximum amount equal to 75% of the total District premium payment for employee health premiums as stated in Section 7-A.

This opt-out provision will be cancelled, in whole or part, in the event the District transitions to a health provider that requires an employee participation rate that would, by necessity, include employees who had previously opted out of health insurance through the District. The option to opt out will be offered on a first-come, first-serve basis up to the maximum number allowable by the applicable District plan. In addition to reimbursing the opt-out employees for dependent coverage under their spouses' plan, the District will pay the premiums for employee elected AFLAC supplemental insurance policies. The cap at 75% of District health plan cost at the level applicable to the employee will be retained. Employees choosing to opt out of the District health plan shall receive no additional compensation beyond that described in this section.

B. Retiree Medical Premiums

The District contribution towards retiree medical premiums will be available only to those retirees and their dependents or survivors who meet the eligibility criteria established by the District and/or the medical care provider.

Retirees may be enrolled in the plan of their choice or in effect for members of the bargaining unit from which they retired if they meet that plan's eligibility requirements. Retirees who are ineligible, due to a change in the medical plan for active employees, may enroll in an alternate health plan and be reimbursed for their premiums, according to the vesting schedules described below.

Retirees eligible for Medicare must enroll in a Medicare supplemental plan. To be eligible for paid retiree medical from the District, the retiree must not be entitled to receive equivalent health care through current or prior employment or the military. Reimbursement for the Medicare Part B costs shall be available from any unused portion of the retiree medical premium.

Vesting Schedule:

Tier 1 - Employees hired before July 2013

- a. Less than 15 years of District service: The District will reimburse retirees up to \$540 per month for retiree medical premiums paid to its medical plan provider.
- b. 15 or more years of District service: The District will reimburse retirees up to \$1149.00 per month, as of July 1, 2016, for retiree medical premiums paid to

its medical plan provider. The District reimbursement will increase by 3% effective July 1st of each successive calendar year.

Tier 2 - Employees hired after July 2013

The District will contribute up to \$540 per month for reimbursement of retiree medical premiums.

Retirees must submit evidence of medical insurance payment each month to receive reimbursement from the District. Retirees have up to three (3) months to submit requests for retiree medical insurance reimbursement.

Tiers 1 and 2

Survivor Premiums

For a period of one year, the District shall continue to provide and pay for medical coverage for the surviving dependent(s) of an employee or retiree whose death occurs when the dependent(s) are receiving medical benefits from the District.

ARTICLE 8 VACATION

A. **Eligibility.** Each full-time regular employee shall be eligible for vacation with full pay after six (6) months continuous employment. All vacations shall be scheduled upon prior approval of the Division Manager or General Manager. Introductory and contract employees shall not be entitled to vacation.

B. **Accrual Rates**

Tier 1 - Employees hired before July 2013

Eligible full-time regular employees shall accrue annual vacation on the following basis:

<u>YEARS OF COMPLETED FULL-TIME ANNUAL VACATION</u>	<u>ACCRRUAL</u>
<u>TIME CONTINUOUS SERVICE</u>	
0 - 1 years	10 days per year
1+ year - 5 years	15 days per year
5+ years – 15 years	20 days per year
15+ years	22 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 60 days (480 hours).

Tier 2 - Employees hired after July 2013

**YEARS OF COMPLETED FULL-TIME ANNUAL VACATION
TIME CONTINUOUS SERVICE**

<u>YEARS OF COMPLETED FULL-TIME ANNUAL VACATION TIME CONTINUOUS SERVICE</u>	<u>ACCRUAL</u>
1 - 3 years	10 days per year
4 year - 8 years	15 days per year
8+ years	20 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 45 days (360 hours).

- C. Compensation in Lieu of Vacation. Each regular employee who separates from the District shall be entitled to compensation for all accrued but unutilized vacation, not to exceed the maximum allowed accrual of 60 days (480 hours) for Tier 1 employees and 45 days (360 hours) for Tier 2 employees. Vacation is accrued daily.
- D. Policy on Vacation Usage. Employees are encouraged to utilize their yearly vacation accrual on an annual basis.
- E. Management Leave. In addition to vacation accrual pursuant to the preceding paragraphs of this section, each unit employee shall also be granted six (6) days of management leave each fiscal year. This leave may be taken only in the year in which it is granted, and no accrual or carry-over of unused management leave shall be allowed. No payment for unutilized management leave shall be allowed.

ARTICLE 9 SICK LEAVE

Sick leave shall be available to employees for time off associated with sickness, disability or other health issues.

- A. Credits, Accumulation, Compensation. Sick leave with full pay shall be accrued by every regular and introductory employee at the rate of one day per month. Part-time employees shall accrue sick leave at this same rate, pro-rated in proportion to the hours they actually serve, calculated on a daily basis. All unused days of sick leave shall be accumulated. There is no accrual limit for unutilized sick leave. At the time of termination of service, Tier 1 employees, hired prior to July 2013, shall be paid for a maximum of 75 days (600 hours) of accumulated sick leave. Tier 2 employees, hired after July 2013, shall be paid for a maximum of 30 days (240 hours) of accumulated sick leave. Any regular employee, Tier 1 or Tier 2, separated from service with less than one year's longevity as a regular employee shall not be entitled to payment for unused sick leave. An employee whose retirement date is within four months of his or her separation date from the District may choose to convert all or a

portion of their unused sick leave to a credit of .004 years of service for each unused day of sick leave.

- B. Charges. Sick leave shall be charged against an employee's credit only for regular working days and shall not be charged for time absent on holidays or other authorized days off. Employees may charge absences related to Pregnancy Disability Leave or Family Medical Leave against accrued sick leave. When sickness or injury is work-related, the regulations of the California Workers' Compensation Law shall apply. Sick leave shall not be granted to an employee for work-related sickness or injury incurred while employed elsewhere.
- C. Notification and Certification. In order to be granted sick leave for any period of time, employees shall, no later than four hours after the time established for reporting to work, notify their supervisor of their inability to report for work and the reason therefore. When an employee requests credit for more than three (3) consecutive days of sick leave or more than four (4) days of sick leave in any one thirty (30) day period, said employee shall file with his supervisor a certificate from a physician stating the justification for such absence.

ARTICLE 10 OTHER LEAVES

- A. BEREAVEMENT OR CRITICAL FAMILY ILLNESS LEAVE. Up to three (3) days of leave with pay per year may be requested by an employee to attend to the critical illness or the funeral of any member of the immediate family. Members of the immediate family are the mother, father, grandmother, grandfather, grandchild of the employee, the spouse/domestic partner of the employee, step-children, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any relative or person living in the immediate household of the employee. There shall be no accrual of bereavement leave.
- B. JURY OR WITNESS DUTY. In accordance with the provisions of Government Code Section 1230.1, deductions in the amount paid as witness or jury fees shall be made from the salary of an employee who is subpoenaed or appears as a witness or is called to jury duty.

Employees summoned to jury or witness duty shall receive only their regular salary for a period not exceeding 8 weeks per annum and shall, unless they elect to take vacation or other leave, be excused from their regular duty only to the extent necessary to fulfill their obligations as jurors or witnesses. Except as provided below, no other form of premium or extra compensation shall be paid for any time spent while serving as a witness or juror.

If an employee is subpoenaed as a witness in connection with his/her official duties as a District employee, the time actually spent serving as a witness shall be considered work time.

This section shall not apply to an employee who is a party or an expert witness.

C. LEAVES OF ABSENCE.

1. Non-disability Leave of Absence. A leave of absence without pay may be granted by the General Manager for a regular employee for a period not to exceed two months. Granting of such leave is dependent upon the needs of the District and is totally discretionary. Requests for such leaves and action thereon will be in written form
 - a. The Employee shall, except in extraordinary circumstances, notify the District thirty (30) days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits cease to accrue once the leave of absence is commenced.
 - c. During any non-disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the employee's expense, subject to the restrictions of the policies. The employee will be placed on leave of absence status with PERS. Employees are responsible for timely payment of the entire premium payment while on leave of absence exceeding one full calendar month and are subject to plan termination in the event such payment is not received by the District.
2. Disability Leave of Absence. Based upon medical evidence of disability and a written request from the employee, any employee shall be entitled to a disability leave of absence for a period of time up to 120 days.
 - a. The employee shall, insofar as possible, notify the District 14 days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on disability leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits will cease to accrue once the leave of absence is commenced.
 - c. During a disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the District's expense, subject to the restrictions of the policies. The employee will be placed on a leave of absence status with PERS.

- d. Actual duration and scheduling of the disability leave shall be based upon the doctor's certification of disability. The District reserves the right to have a physician of the District's selection verify the disability.

It is possible that non-disability and disability leaves of absence could be utilized sequentially.

For a leave of absence requested by the employee, the employee's position will be held open for that employee during the leave of absence, or if that is not possible, a different but similar position will be made available when the employee returns to work.

Once the approved leave period has lapsed, the employee must return to work or be terminated. Any employee who fails to report for duty as scheduled after a leave of absence shall be considered to have abandoned and constructively resigned his/her position unless the General Manager has granted an extension.

Notwithstanding any other provision of this section, the Board of Directors may, by resolution, make provisions for other leaves of absence without pay.

ARTICLE 11 HOLIDAYS

A. HOLIDAYS.

The District shall be observed the following listed days as legal holidays:

New Year's Day	Thanksgiving Day
Martin Luther King's Birthday	Day after Thanksgiving
Presidents' Day	Christmas Eve
Memorial Day	Christmas Day
Independence Day	Veterans Day
Labor Day	

- B. If one of the above listed holidays falls on Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the above-listed holidays falls on a Saturday, the preceding Friday shall be the holiday in lieu of the day observed. When the day on which a District holiday is observed on an employee's regularly scheduled day off, during the employee's regularly scheduled vacation, or if the General Manager requests the employee to work on that day, the worker shall be entitled to holiday pay of up to 8 hours. In addition, all actual hours required to be worked on a holiday shall be converted to vacation time at the rate of 1-1/2 times and added to the employee's vacation leave balance.

C. FLOATING HOLIDAYS

Regular full-time and regular part-time employees shall be given two floating holidays each fiscal year. Floating holidays will be defined as entire days off, with up to 8 hours paid time. Use of floating holidays will be subject to prior approval by the employee's supervisor. They will be granted after consideration of operational needs, in the same manner as vacation time. Both floating holidays must be used within the fiscal year that they are issued or they will be lost.

ARTICLE 12 SALARY TABLES

- A. The salary ranges listed in Appendix C are hereby established as a basic salary plan. An employee shall be eligible for promotion to the next salary step by the General Manager upon recommendation of the Division Manager following six months satisfactory service in the first step and twelve months satisfactory service in each subsequent step.
- B. For the purposes of promotion eligibility, the determination of satisfactory services shall be a District right as defined within Article 4 of this Memorandum of Understanding. The General Manager may, in his discretion, approve an employee's promotion to any higher salary step at any time in order to make equitable salary adjustments or to compensate capable employees properly.
- C. A Y-rated employee is an employee whose rate of pay has been set above the highest step in the salary range by the Board of Directors.
- D. Salary Survey Recommendation. Annually, preceding the setting of the budget, the General Manager may make a recommendation to the Board of Directors regarding the initiation of a survey of compensation and or classification for the coming year. If such a survey is conducted, it shall be implemented in accordance with the approach described in Appendix B, and the results will be submitted to the Board with implementation recommendations. The information contained in the survey shall be shared with the Unit representatives at the same time, and shall be made part of the meet and confer process.
- E. Cost of Living Adjustment.

The Board may grant a cost-of living adjustment to employees on an annual basis to help maintain purchasing power.

Effective July 1, 2016, there shall be a cost of living salary increase of 3.0%.

Effective the first pay period in FY17/18, a salary increase of 2.0% will be implemented.

Effective the first pay period in FY18/19, a salary increase of 3.0% will be implemented.

- F. **Salary Survey Implementation.** The compensation study that has been prepared by the District will be implemented upon the reestablishment and collection of the District's User Fee with all positions that are less than 95% of median receiving a salary adjustment to the level of 95% of median.

At the time the survey is implemented, the salary ranges/steps will be adjusted for uniformity and will look like the **Attachment B** titled "Salary Chart After Survey Adjustment" which includes the 3.0% COLA. Employees will be placed in the appropriate range and step for their new salary adjusted for the survey. The revised placements are shown in the **Attachment C** titled "Salary Range Adjustments by Position after Salary Survey Adjustment."

Should the compensation study not be implemented by June 30, 2018, the Unit shall have the right to reopen this Memorandum of Understanding.

ARTICLE 13 OVERTIME

- A. Only FLSA non-exempt employees shall receive pay for overtime.
- B. Overtime work is performed either before or after the normal or assigned work schedule in excess of forty hours per week. Overtime also refers to hours employees are called back to work which fall outside of their regular work schedule. Time spent on District property which is not time spent working, either before or after work, or during the lunch period, shall not be included as overtime worked.
- C. Pay for overtime shall be at the rate of one and one-half times the rate of regular pay for any hours worked beyond 40 straight-time hours actually worked in a week. Additionally, the eight hours paid for holidays shall be included in the computation of the 40 hours required before overtime is paid.
- D. Overtime is reported in quarter hour increments.
- E. Overtime shall be worked only upon the approval of a Division Manager or his/her designee if absent. Approval may be verbal and documented at a later date and shall indicate the time to be worked and the reason for the overtime.
- F. The District work week is Monday through Sunday. Unless otherwise defined, the work period is eight hours each day, to begin at 8 AM and end at 5 PM, Monday through Friday. Each employee is entitled to one hour for lunch between noon and 1

- PM. These hours apply to all employees unless the Division Manager approves other arrangements.
- G. The General Manager shall maintain a current classification of employee positions that are exempt and non-exempt under the Fair Labor Standards Act.
- H. The General Manager shall establish for each non-exempt position the designated work period, the designated work hours and the designated rate of pay. All such determinations shall be provided to each employee and shall be filed in the personnel file.
- I. Compensatory Time — Exempt employees will receive compensatory time for any “overtime” worked. Compensated time will be granted on an hour-for-hour basis and must be used by the end of the six-month period in which it was accrued, or it will be lost. The cut-off dates in which to use the compensatory time accrued within a six-month period are June 30th for January 1 – June 30 and December 31st for July 1 – December 31 of each calendar year. At the start of each six-month period, each exempt employee will have a zero balance of compensatory time, unless otherwise approved by the General Manager. The District will not pay cash or otherwise offer compensation for accumulated compensatory time under any circumstance.

ARTICLE 14 MILEAGE ALLOWANCE

Any employee of the Monterey Peninsula Water Management District other than the General Manager who is required to operate his/her own or a privately owned automobile for the execution of official duties shall be allowed, reimbursed and paid the rate equivalent to that specified in current IRS guidelines.

ARTICLE 15 TRAVEL EXPENSE

In addition to the mileage allowance provided for, an employee of the Monterey Peninsula Water Management District is entitled to receive reimbursement for his/her actual and necessary expenses for other transportation and for meals, lodging, and incidentals incurred as a result of travel assigned as part of his/her official duties upon prior authorization of the Division Manager and approval of the General Manager.

ARTICLE 16 TRAINING.

The District strongly encourages training and education and shall reimburse tuition fees, cost of study materials, or other incidental training expenses when directly related to the functions of the employee, providing that the employee show proof of attaining a grade of

C or better in a graded course or a satisfactory completion in a non-graded course. Tuition reimbursement shall not exceed \$3,000 per year. Approval for such training shall be at the discretion of the General Manager. The General Manager shall not authorize utilization of normal working hours for long-term schooling without prior Board approval.

ARTICLE 17 DISCIPLINARY ACTIONS

- A. **Disciplinary Actions.** The General Manager, for just cause, may take disciplinary action against any employee in the service of Monterey Peninsula Water Management District, provided that the rules and regulations prescribed herein are followed. Only a regular employee, not on introductory status, who has over six (6) months of continuous service, has the right to appeal pursuant to this section. As used in this section, "Disciplinary Action" shall mean dismissal, suspension, or formal written reprimand. No full or part-time employee serving on an introductory status is entitled to appeal pursuant to this Section 21, or any of its sub-parts.

Cause for discipline may include but is not limited to:

1. Incompetence, inefficiency or dereliction in the performance of the duties of his/her position.
2. Inability to perform assigned duties due to failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, and failure to pass required tests).
3. Insubordination (including, but not limited to, refusal to do assigned work).
4. Carelessness or negligence in the performance of duty or in the care or use of District property.
5. Discourteous, offensive, or abusive conduct or language toward other employees, directors, or the public.
6. Dishonesty.
7. Possession of or drinking of alcoholic beverages on the job or reporting for work while intoxicated.
8. Addiction to the use of narcotics or a restricted substance, possession or use of narcotics or restricted substances while on the job or reporting to work while under the influence of a narcotic or restricted substances.

9. Personal conduct unbecoming an employee of the District in the course of performing her/his duties. Such conduct is defined as that which would undermine District goals and objectives and/or the employee's ability to perform the duties of his/her position.
 10. Engaging in political activity during assigned hours of employment (including, but not limited to, campaigning on behalf of any candidate for public office, including himself or herself, whether by speaking, soliciting funds or support, distributing handbills, using any District property, equipment or facility for any political purpose during regular duty hours or after duty hours unless the use thereof is by law for such purposes and the employee has obtained prior written authorization from the General Manager or his authorized representative.
 11. Conviction of any crime involving moral turpitude.
 12. Absence without leave for three consecutive days or repeated tardiness.
 13. Abuse of illness leave privileges.
 14. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other District records.
 15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
 16. Willful or persistent violation of the rules and regulations of the District.
 17. Any willful conduct tending to injure the public service.
 18. Abandonment of position or excessive absenteeism.
 19. Physical or mental incapacity.
- B. Notice of Disciplinary Action. Disciplinary actions, except reprimands, shall be taken against an employee having regular status by service upon such employee of a written notice of such action.

The notice of disciplinary action shall include the following:

1. The nature of the disciplinary action;
 2. The effective date of the action;
 3. The causes for the action and the material on which it is based, in ordinary concise language with the dates and places thereof, when known;
 4. A statement that the material upon which the action is based is available for inspection; and
 5. A statement as to the right of representation and appeal that shall include a referral to the section of this MOU titled "Grievance Procedure".
- C. Service of a Notice of Disciplinary Action shall be made as provided below, except when emergency or other special circumstances require immediate action:
1. Delivery to the employee, either personally or by United States Postal Service to the current address listed in the employee's personnel file, shall be made no less than five (5) calendar days prior to the effective date of any punitive action against the employee. In emergency situations, the five (5) day prior notice requirement shall not apply to the following disciplinary actions but may be given within a reasonable time after the commencement of such discipline:
 - a. Reprimand.
 - b. Suspension without pay of five (5) days
 - c. Suspension with pay of twenty (20) days or less.
 2. The notice of disciplinary action is accompanied by the advice that the employee may respond either verbally or in writing to the representative imposing the action prior to its effective date and may be represented in the response.
- D. Reprimand. The General Manager may reprimand an employee by furnishing him/her with a statement, in writing, of the specific reasons for such reprimand. A copy of notice of the reprimand shall be included in the employee's personnel file and the employee shall have the right of rebuttal. The General Manager may correct the reprimand or notice of reprimand at his/her discretion.
- E. Suspension Without Pay. Any suspension invoked as a disciplinary action under this section against an employee, whether for one or more periods, shall not

exceed fifteen (15) calendar days in any one (1) calendar year; provided, however, that where a suspension is made because of criminal information or indictment filed against such employee, the period of suspension may exceed ninety (90) calendar days and continue until, but not after, the dropping of charges or the judgment or conviction or acquittal of the offense charged in the complaint, or indictment has become final. Employees suspended shall forfeit all rights, privileges, and salary while on such suspension.

- F. Suspension With Pay. Notwithstanding other provisions of this section, an employee may be suspended with pay and benefits for a period not to exceed twenty (20) working days upon a determination by the General Manager that circumstances exist that make the immediate removal of the employee to be in the best interests of the Monterey Peninsula Water Management District, and that the employee cannot be effectively used in his/her job.

Notwithstanding the above provision, the General Manager may suspend an employee at any time for reasons of investigation for disciplinary action. Written notice of such suspension shall be given the suspended employee as soon as possible, but not later than seventy-two (72) hours after such action is taken. Such suspension is not a disciplinary action and shall not be subject to appeal unless it, or any portion of it, subsequently becomes a disciplinary action. The General Manager may reinstate any such suspended employee to his/her position for good cause and shall, upon reinstatement, restore his/her rights and privileges with back pay for time lost.

- G. Dismissal. The continued tenure of each employee shall be subject to his/her satisfactory conduct and the rendering of efficient service. Should the cause for disciplinary action so warrant, an employee may be dismissed.
- H. Absence Without Leave Termination. An employee who takes an unauthorized leave of three or more days may be deemed to have resigned their position.

ARTICLE 18 GRIEVANCE PROCEDURE

- A. Purpose. The purpose of the grievance procedure is to promote improved employer-employee relations by establishing a procedure for the prompt settlement of certain disputes, herein after defined as grievances.

A grievance shall be defined as a claim by an employee or group of employees of a violation, misinterpretation and misapplication, or improper application of written regulations, resolutions, ordinances, or a memorandum of understanding

applicable to the employee. Any appeal of the disciplinary actions of demotion, suspension or dismissal shall be filed and processed pursuant to this section.

B. Applicability. Notwithstanding the foregoing, the grievance procedure is not applicable and shall not be used with the following:

1. The exercising of management rights by Monterey Peninsula Water Management District, as defined in Article 4, District Rights.
2. Any matter for which a statutory appeal procedure exists;
3. Complaints relating to Equal Opportunity, Occupational Health and Safety, or Workers Compensation;
4. The imposition of disciplinary action with respect to an employee on introductory status;

C. Format. All grievances must be in writing. Grievances must explicitly specify the policy or the particular section of the agreement, rule, resolution or ordinance, the violation of which is being alleged as the basis for the grievance. The remedy requested must also be specified. An employee is entitled to individual representation at the employee's expense at any step of the grievance procedure.

D. Processing Grievances.

1. The grievant shall be granted reasonable time off with pay from regularly scheduled duty hours to process a grievance, provided that the time off will be devoted to the prompt and efficient investigation and handling of grievances.
2. In no case shall Monterey Peninsula Water Management District vehicles be used for transportation by employee representatives in connection with the processing of grievances nor will reimbursement be considered for the use of private vehicles.

E. Grievance Procedure Steps.

1. Informal Discussion.
 - a. The grievance shall first be discussed on an informal basis by the aggrieved with his/her immediate supervisor within twenty-one (21) calendar days from the date of the action causing the grievance.

b. Every effort shall be made to resolve the grievance at this level.

2. Formal Written Grievance.

a. In the event the employee believes the grievance has not been satisfactorily resolved, the employee shall submit the grievance in writing to the General Manager.

b. Within five (5) working days of receipt of the grievance, the General Manager shall schedule a meeting with the grievant, and the grievant's representative, if she/he so chooses, to discuss the grievance. Within five (5) working days of the grievance meeting, the General Manager shall deliver a written decision to the grievant. Any grievance settled at this step shall be subject to Board review.

3. Appeal to the Board

Board review will only be initiated upon written application. Said written appeal shall be filed with the Clerk to the Board and state the basis of the appeal. Any appeal based upon a disciplinary action shall contain a specific admission or denial of the material allegations contained in the notice of disciplinary action.

At the next regularly scheduled meeting of the Monterey Peninsula Water Management District Board, after the filing of the order and appeal with the said Clerk, the Board shall determine whether it will hear the appeal or appoint a hearing officer for this purpose. If the Board determines to hear the appeal, it will set a time and place for such hearing and provide notice to the appellant. If the Board determines to appoint a hearing officer, the hearing officer shall be mutually agreed upon between the Board's representative and the representatives of the Unit. In the event that the parties cannot mutually agree on a hearing officer, the parties shall request a list from the California State Conciliation and Mediation Service. The Hearing Officer shall then be selected by the parties alternately striking names until one remains. The Hearing Officer shall commence a hearing on the appeal as soon as possible. The appellant and General Manager may appear personally and the appellant may be represented by a Unit representative and/or by counsel at the hearing. The hearing shall be public unless the appellant requests a private hearing.

Before the hearing has commenced and during the course of the hearing, the hearing officer shall issue subpoenas "duces tecum" at the request of either party. Oral evidence shall be taken only on oath or affirmation. The

appellant and the General Manager shall each have the right to call and examine witnesses, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witness and to rebut the evidence against him/her. Technical rules relating to evidence and witnesses do not have to apply to such hearings. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. At the hearing, the burden of proof shall be upon the appellant except in matters of discipline where the District is the moving party and therefore has the sole burden of proof.

At the conclusion of the hearing, the Board or the hearing officer shall prepare a summary record of the proceedings and prepare findings, conclusions and decision.

Where the Board has determined that a hearing officer will hear the appeal, the hearing officer shall submit a copy of said record and draft findings, conclusions and decision to the Board.

Within thirty (30) days after the filing of the record and recommended findings, conclusions and decision of the hearing officer with the Board, the Board shall adopt such recommended findings, conclusion and decision, or shall reject the recommendations of the hearing officer and adopt its own findings, conclusions and decision after a review of the record. The Board shall affirm, modify or reverse the order of the General Manager. The decision of the Board shall be final, and any review of said determination must be commenced within the time set forth in the Code of Civil Procedure, Section 1094.6.

ARTICLE 19 OTHER EMPLOYMENT.

No employee shall engage in any occupational or outside activity which is incompatible with his/her employment.

An employee engaging in any occupation or outside activity for compensation shall inform his or her Supervisor of the time required and the nature of such activity. An employee engaging in any occupation or outside activity which may be incompatible with Monterey Peninsula Water Management District employment or for compensation, who fails to inform his/her supervisor of such occupation or activity, may be subject to disciplinary action up to and including dismissal.

ARTICLE 20 JOB SHARING.

The General Manager may hire two part-time employees to fill a regular full-time position if the Division Manager determines that the duties of the position can be shared.

ARTICLE 21 REDUCTION IN FORCE

A. General.

From time to time reductions in staff may be necessary. These reductions, (layoffs) occur without prejudice and without fault on the part of any employee. Reductions usually happen as a result of decrease or curtailment in revenues, reorganization of staff, termination of a program or activity, modification or change in service requirements or in the interest of efficiency or economy. Such changes are inevitable given the nature and mission of MPWMD. Alternatives to avoid or limit layoffs will be carefully considered. Unit representatives shall be given at least ten (10) days advance notice before a reduction in force that effects Confidential Staff Unit employees is presented to the Board for action and sixty (60) days advance notice before a reduction in force is implemented. Upon request, the District shall meet with the Unit representatives to discuss alternatives to an impending layoff. However, if the District deems layoffs necessary, the parties shall meet and confer over the effects of such layoffs on the employees within the bargaining units. The District retains full authority to determine what measures are most appropriate under the circumstances.

B. Definition

A reduction in force or layoff is an involuntary separation of an employee from a class of position and from District service. Depending on the circumstances, it may be temporary or permanent.

C. Notice

An employee with one or more year's continuous service with the District shall receive as much notice as possible, but in no event shall notice be given less than two weeks before their effective layoff date.

D. Procedures

In the instance where reduction is necessitated by the termination of a program, employees will be laid off as dictated by mission requirements determined by the General Manager. Employees will be placed on a layoff list, within their job classification, according to their category of employment. For purposes of layoff, categories are rank ordered as follows:

1. Limited-Term employees
2. Employees in introductory periods
3. Part-time regular employees

4. Full-time regular employees

An employee's position on the layoff list shall be based on the employee's total continuous service with MPWMD. For this purpose, continuous service includes employment as a limited-term, temporary, and part-time employee, excluding any break in service.

E. Recall.

If within six months of being laid off it is necessary for the District to increase the work force, laid off employees may be recalled to a vacancy in the last position held with the District or to a comparable position for which she or he is qualified. Such recalls will be according to continuity of employment, i.e., employees with greater continuity of employment e.g., higher in the layoff list, will be recalled from layoff first and placed in available positions, provided they have the necessary skills to perform the required tasks efficiently and are available. Recall notice to employees on layoff will be sent by certified mail to the employee's last known address. An employee must make a written commitment to return to work from layoff within four working days after receipt of notice to return to work and, return to work with the District within 15 days of first notification or lose all recall privileges.

Employees who have been on layoff status longer than six months are not eligible to be recalled, but may apply for advertised employment opportunities and be considered for employment with the District.

Regular employees who are laid off will be notified of advertised vacancies for which their employment records indicate they may be qualified, for 12 months following layoff, if they keep the District advised of their current address and telephone number.

F. Benefits.

Employees who have been laid off are not entitled to benefits. However, they may be eligible for a continuation of some benefits under COBRA and for state unemployment insurance. Information on these topics will be provided by the Human Resource Analyst.

G. District Dissolution or Merger

MPWMD recognizes that a set of changed circumstances would arise, having an effect upon terms and conditions of employment with the District, in the event the District was dissolved, or its functions merged into another existing agency. The District agrees to meet and confer with the Confidential Unit to discuss whether these changed circumstances provide cause to modify terms and conditions of employment. Accordingly, this agreement shall be re-opened, and subject to modification as to wages, hours, terms of employment and working conditions, upon approval of legislation by both the California State Assembly and Senate, the

effect of which would be to dissolve the District, or merge its functions into another existing public agency.

ARTICLE 22 DRUG-FREE WORKPLACE POLICY

The District is committed to maintaining a work environment free from the influence of alcohol and drugs in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. Illegal drugs in the workplace are a danger to all of us. They impair health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The use of any controlled substances is inconsistent with the behavior expected of our employees. It subjects all employees as well as visitors to our facilities and work sites to unacceptable safety risks and undermines the District's ability to operate effectively and efficiently.

In this connection, any location at which Monterey Peninsula Water Management District business is conducted, whether on District property or at any other site, is declared to be a drug-free workplace. This means that:

1. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off our premises. Any employee violating the policy is subject to discipline, up to and including termination for the first offense.
2. Should an employee be required to take any kind of prescription or nonprescription medication that could affect job performance, the employee is required to report this to his/her supervisor. The supervisor will determine if it is necessary to temporarily place the employee on another work assignment or to take other action as appropriate.
3. Employees have the right to know the dangers of drug abuse in the workplace, the District's policy about it, and what help is available to combat drug problems. The District will provide educational material and conduct training for all employees on this subject. The District also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct their problem before it impairs their performance and jeopardizes their employment. One source of treatment for drug/alcohol dependency is provided to District employees through their coverage under the District's Employee Assistance Plan.
4. Any employee convicted of violating a criminal drug statute in this agency's workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence.
5. The District reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug

abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

ARTICLE 23 VIOLENCE IN THE WORKPLACE POLICY

The Monterey Peninsula Water Management District recognizes the importance of maintaining a safe and violence-free workplace. In that spirit, all weapons are banned from the District. No District employee, customer, or visitor is allowed to carry weapons of any sort on District property or in a District vehicle. All employees are required to immediately report any sightings of weapons or violent behavior on the premises or at their work sites.

It should be noted that a good deal of District business is conducted off of District property. Therefore, employees must be aware of the need to always take safety and security precautions when performing their duties on private property. However, District employees are prohibited from carrying weapons while conducting District business. Any violent behavior directed at District employees, either while they are conducting District business or related to the conduct of District business, should be immediately reported to the General Manager.

ARTICLE 24 WELLNESS PROGRAM

Employees are encouraged to participate in a fitness program. However, participation is voluntary, and employees do it at their own risk. To further encourage the wellness of its employees, the District authorizes employees (upon approval of an employee's supervisor) who participate in aerobic physical exercise (walking, jogging, swimming, etc.) to use up to 30 minutes of regular work time for this purpose.

Exercise is normally done over the lunch hour, with an extension of 30 minutes. This amount of time is intended to allow the exercising employee the opportunity to receive a thorough aerobic workout, and time to return to work refreshed and relieved of stress. A shower is available for employee use. Approval of wellness time will be dependent upon the division workload and coordination with the schedules of co-workers.

ARTICLE 25 SEVERABILITY

If any section, sub-section, paragraph, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being hereby expressly declared that this resolution and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 26 TERM OF AGREEMENT

This Agreement shall be effective on the 1st day of July 2016 and shall remain in full force and effect without change, addition or amendment through June 30, 2019, and shall be renewed thereafter subject to reopening by either party upon written notice to the other party no more than 120 days prior to June 30, 2019 or any June 30 anniversary date thereafter.

 David J. Stoldt
 General Manager
 Monterey Peninsula Water Management District

 Date

 Suresh Prasad
 Confidential Staff Bargaining Unit Member

 Date

 Cynthia Schmidlin
 Confidential Staff Bargaining Unit Member

 Date

 Arlene Tavani
 Confidential Staff Bargaining Unit Member

 Date

APPENDIX A - JOB CLASSIFICATIONS - CONFIDENTIAL BARGAINING UNIT

Administrative Services Manager/Chief Financial Officer
Executive Assistant
Human Resources Analyst

APPENDIX B - PERSONNEL COMPENSATION POLICY

A. PURPOSE:

The purpose of this policy is to detail the Monterey Peninsula Water Management District's (or "District's") policy for setting the compensation for its employees. The District's compensation policy is important since it establishes the framework in which compensation decisions are made. Adoption of this policy by the District shows consensus regarding the District's compensation practices, and the information presented in each of the following areas will assist District staff in managing the plan over time:

1. Compensation Goals and Objectives
2. Criteria for Selection of Labor Market Survey Agencies
3. Use of Private Sector Employers
4. Labor Market Position
5. Point of Comparison
6. Survey Classification Selection
7. Compensation Survey Scope

B. COMPENSATION GOALS AND OBJECTIVES

The District's compensation plan is an important element of its personnel system and should accomplish the following goals and objectives:

1. Ensure that the Monterey Peninsula Water Management District has the ability to attract and retain well-qualified personnel
2. Provide a defensible and technically sound basis for compensating employees
3. Allow flexibility and adaptability for making District-wide compensation decisions based on changing market conditions
4. Recognize the Monterey Peninsula Water Management District's responsibility as a public agency in establishing a pay plan which is consistent with prudent public practices
5. Ensure that the District's compensation practices are competitive and consistent with those of comparable employers

C. CRITERIA FOR SELECTION OF LABOR MARKET SURVEY AGENCIES

The general objective in selecting survey agencies is to define as accurately as possible the District's "labor market." A labor market is generally that group of

agencies with which the District competes in terms of recruiting and retaining personnel. Because of the uniqueness of the Monterey Peninsula Water Management District, the selection of the labor market survey agencies for the District involves the analysis of a variety of (special) factors. In order to select a list of comparable agencies, the following guidelines should be used:

1. Geographic Proximity Since the Monterey Peninsula Water Management District resides within Monterey County, competing area agencies within this county and/or its closest adjacent counties are the primary survey agencies to consider. Ideally, the geographic area should be limited to a region, which contains a sufficient number of comparably sized agencies (these are arguably the District's closest market competitors). Since, in the case of the Monterey Peninsula Water Management District, insufficient comparable water management agencies exist within close geographic proximity, a more extensive regional labor market is necessary.
2. Employer Size While employer size is a consideration, it is more important to find agencies which provide similar services within the geographic region. Since there are not many agencies which fit this initial criterion, size should not be used as a key selection component in Monterey Peninsula Water Management District's case.
3. Nature of Services Provided Another criterion typically utilized in identifying an organization's labor market is the nature of services provided. This criterion is important for the following reasons:
 - a) Employers who provide similar services are most likely to compete with one another for employees
 - b) These employers are most likely to have comparable jobs
 - c) These employers are most likely to have similar organizational and economic characteristics

This factor requires that the labor market include a significant number of comparable water agencies. This is difficult in the case of the Monterey Peninsula Water Management District, given the water and resource management role of the agency.

4. Cost of Living Differences To ensure consistency in the cost of living of each survey location, a cost of living index should be used for comparison with the District. This index identifies the percentage difference in cost of living between each survey location and the Monterey Peninsula Water Management District. Any location with a cost of living index greater than 100 has a higher cost of living while indices less than 100 indicate a lower cost of living. Generally, differences of less than five percent are not

statistically significant. The use of a cost of living index minimizes the possibility of significant data skewing.

While it is impossible to find agencies that are exactly comparable to the Monterey Peninsula Water Management District, the agencies selected should provide a representative "picture" of comparable agencies. In order to ensure that a sufficient and valid sample of data is collected, 12 to 15 survey agencies should be used. The agencies used for comparison will be subject to review and revision in future compensation studies.

E. LABOR MARKET POSITION

It is necessary for the District Board of Directors to define the position in the labor market at which the District desires to compete. Considering that the survey agencies represent both a comprehensive and balanced set of employers, it is recommended that all initial analyses be based on the labor market *median*, versus the mean (average) or a percentile rank based statistic, in which a percentage of the data is above or below a specific point. The market median is the most stable statistical measure, in which half of the data is above the median and half the data is below. This statistic is based on the ranking of the data and represents the "middle" of the data set. The median statistic is stable for highly variable data sets and will not be significantly skewed by unusually high or low payers, or the addition of some larger survey agencies. Some key elements for consideration when setting the labor market position include:

1. The District's ability to pay
2. Priority of compensation versus other expenditures
3. Recruitment and retention problems
4. Private sector trends and their priority
5. Quality of staff required

A solid, defensible labor market position relies on a balancing of these factors in order to meet the District's compensation goals and objectives. This compensation policy sets the labor market median as the labor market position for the Monterey Peninsula Water Management District. The District may choose to place certain classes above the market median when characteristics unique to the District's position vs. labor market comparable positions, merit this consideration. For example:

1. Difficulty in recruitment and retention
2. High public contact and/or visibility
3. High level of responsibility and autonomy

F. POINT OF COMPARISON

When comparing District salaries with market agencies, it is important to establish a consistent point of comparison. Since all the agencies used in the market survey utilize pay range structures, a critical analysis is needed to find the salary range "control point." This is the top step or range maximum for those agencies that use the range maximum as the control point. Control point salaries are used if the agency's range structure utilizes a mid-point or similar reference point. The range control point is that point in the salary range that:

1. Is used to "anchor" the pay range to the labor market
2. Employees will attain through step increases or other increases based on satisfactory performance (range progression beyond the control point is usually based on superior job performance)

Since the District allows employees to reach the range maximum through usual salary range progression, the range maximum is used as the point of comparison with the market agencies.

G. SURVEY CLASSIFICATION SELECTION

Survey classifications represent a sample of all classifications contained in the District's classification plan and provide a reference point for the extrapolation of salary recommendations for non-survey classes. The criteria utilized in selecting these survey classifications are as follows:

1. Survey classes should have a clear and identifiable relationship to other classes in their occupational group. This assures that they will make good references in relating and establishing salaries for other classes.
2. They should be reasonably well known, and clearly and concisely described.
3. They should be commonly used classes such that counterparts may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These factors ensure that appropriate data can be collected in order to select benchmark classes and to determine appropriate internal salary relationships. Because of the size of the District and the unique characteristics of certain job classes, all job families should be represented in the scope of the survey.

H. COMPENSATION SURVEY SCOPE

A systematic methodology and approach supporting the collection and analysis of labor market survey data will provide the District with the guidelines it needs to update the survey in future years.

In addition to collecting base salary information, total compensation data should also be obtained.

A systematic approach taken to collect the survey data will ensure the accuracy of the labor market data and will also serve to assist the District in maintaining a consistent, fair, and defensible compensation plan over time.

Future classification/compensation surveys will be considered as changes in the labor market become apparent, the District experiences difficulty in recruitment, hiring, or employee retention, or at such other times deemed appropriate by the Board.

ATTACHMENT A – SALARY CHART PRIOR TO SALARY SURVEY ADJUSTMENT

Attachment A

MPWMD SALARY SCHEDULE
Rates Effective July 1, 2016
POSITION LISTING FOR FY 2016-2017

Rates by Step on Monthly Basis						
RANGE	A	B	C	D	E	ANNUAL
1	2853.93	2979.64	3111.90	3250.71	3398.09	40753.08
2	2916.25	3047.41	3181.85	3323.95	3472.60	41671.20
3	2980.73	3112.99	3252.89	3398.27	3552.40	42628.80
4	3048.50	3182.94	3325.05	3473.70	3631.09	43573.08
5	3115.17	3254.00	3399.36	3553.49	3714.17	44570.04
6	3184.04	3328.32	3475.88	3633.28	3798.33	45579.96
7	3256.18	3401.54	3555.67	3715.26	3883.58	46602.96
8	3329.41	3476.97	3635.47	3799.42	3973.21	47678.52
9	3402.66	3556.77	3717.45	3886.86	4059.57	48714.84
10	3479.15	3638.56	3801.61	3974.31	4157.93	49895.16
11	3558.95	3720.72	3890.15	4067.22	4251.94	51023.28
12	3638.74	3803.79	3976.50	4161.22	4351.41	52216.92
13	3721.61	3891.24	4068.31	4254.13	4450.88	53410.56
14	3804.68	3979.78	4163.40	4353.59	4554.72	54666.64
15	3893.42	4070.50	4256.32	4453.06	4659.65	55915.80
16	3981.96	4165.59	4355.78	4556.91	4767.85	57214.20
17	4072.68	4256.50	4455.24	4661.84	4879.36	58552.32
18	4166.66	4357.96	4559.09	4770.05	4990.84	59990.08
19	4261.78	4457.44	4664.03	4882.63	5108.71	61280.52
20	4360.15	4561.27	4773.33	4984.12	5228.02	62738.24
21	4480.71	4666.21	4884.82	5112.17	5350.46	64205.52
22	4583.46	4776.60	4997.40	5230.22	5473.97	65687.64
23	4666.39	4887.00	5114.35	5352.64	5602.94	67235.28
24	4776.79	5000.68	5233.50	5476.15	5735.20	68822.40
25	4964.61	5199.60	5448.82	5706.79	5981.14	71773.88
26	5002.86	5235.69	5479.44	5738.48	6008.48	72101.52
27	5119.81	5358.10	5609.50	5871.83	6149.47	73793.64
28	5237.87	5481.62	5741.76	6010.65	6293.74	75524.88
29	5360.28	5613.87	5876.20	6152.75	6444.59	77335.08
30	5486.00	5743.95	6013.93	6298.12	6595.43	79145.16
31	5616.06	5879.49	6156.02	6447.67	6751.73	81020.78
32	5747.22	6017.21	6302.50	6617.63	6948.50	83382.00
33	5882.76	6160.39	6452.24	6757.20	7076.37	84918.44
34	6021.58	6306.87	6603.08	6917.87	7245.79	86949.48
35	6164.78	6455.51	6760.48	7082.93	7418.48	89021.76
36	6310.14	6609.64	6922.25	7250.16	7595.56	91148.72
37	6458.79	6764.85	7086.20	7423.96	7778.11	93397.32
38	6612.92	6925.52	7255.63	7599.94	7963.92	95587.04
39	6768.13	7089.48	7427.24	7782.47	8154.11	97849.32
40	6926.81	7258.91	7604.30	7968.30	8349.77	100197.24
41	7093.66	7431.60	7785.76	8157.39	8549.79	102597.46
42	7263.28	7607.56	7971.57	8354.14	8756.37	105076.44
43	7434.89	7791.22	8161.76	8555.25	8965.15	107581.80
44	7614.15	7975.95	8358.51	8760.76	9181.57	110178.64
45	7796.68	8168.32	8560.72	8970.61	9402.37	112828.44
46	7982.50	8362.88	8765.12	9187.03	9629.72	115556.64
47	8256.85	8656.91	9077.73	9519.32	9982.77	119793.24
48	8368.35	8769.49	9191.40	9635.19	10099.74	121196.88
49	8569.47	8980.46	9413.29	9868.00	10343.49	124121.66
50	8773.87	9198.88	9639.56	10105.20	10593.79	127125.46
51	8985.92	9418.76	9872.37	10350.04	10850.65	130207.80
52	9202.34	9645.02	10110.68	10599.28	11110.80	133329.80
53	9665.11	10135.61	10631.73	11149.05	11693.13	140317.58
54	9649.39	10116.12	10604.72	11117.36	11658.42	139901.04
55	10006.82	10494.32	11006.96	11544.72	12108.74	145304.88
56	10122.68	10610.17	11127.19	11663.67	12231.17	148774.04
57	10366.42	10868.14	11394.98	11948.06	12528.47	150341.64
58	10616.75	11132.65	11671.53	12236.62	12832.35	153988.20
59	10873.61	11402.64	11953.53	12535.04	13144.95	157739.40
60	11138.12	11676.99	12246.46	12839.99	13467.40	161608.80

Office Specialist I

Office Specialist II

River Maintenance Worker

Office Services Supervisor / Conservaton Rep I / River Maintenance Specialist

Conservation Technician II

Conservation Representative II
Executive Assistant

Accountant / Conservation Analyst / HR Analyst / GIS Specialist

Associate Fisheries Biologist / Associate Hydrologist

Riparian Proj Coord / Hydrography Prog Coord /Asst Water Res Engineer
Senior Fisheries Biologist

Water Demand Mgr /Project Mgr /Sr. Hydrogeologist/Water Res Engineer

Information Technology Manager

Water Resources Manager

Senior Water Resources Engineer

Administrative Services Manager/Chief Financial Officer

Planning and Engineering Manager/District Engineer

ATTACHMENT B – SALARY CHART AFTER SALARY SURVEY ADJUSTMENT

Attachment B

MPWMD SALARY SCHEDULE
 General, Management & Confidential Unit
 Rates Effective with Salary Survey Adjustment
 Position Listing for FY 2016-2017

Percentages between Ranges: **2.5%**
 Percentages between Steps: **5.0%**
 COLA Percentage Increase: **3.0%**

RANGE	Rates by Step on Monthly Basis					STEP E	CLASSIFICATION
	A	B	C	D	E	ANNUAL	
1	2,793	2,933	3,080	3,234	3,396	40,752	
2	2,863	3,006	3,156	3,314	3,480	41,760	
3	2,935	3,082	3,236	3,398	3,568	42,816	
4	3,008	3,158	3,318	3,482	3,656	43,872	
5	3,083	3,237	3,399	3,569	3,747	44,964	
6	3,160	3,318	3,484	3,658	3,841	46,092	
7	3,239	3,401	3,571	3,750	3,938	47,256	
8	3,320	3,486	3,660	3,843	4,035	48,420	Office Specialist I
9	3,403	3,573	3,752	3,940	4,137	49,644	
10	3,488	3,662	3,845	4,037	4,239	50,868	
11	3,575	3,754	3,942	4,139	4,346	52,152	
12	3,664	3,847	4,039	4,241	4,453	53,436	Office Specialist II
13	3,756	3,944	4,141	4,348	4,565	54,780	
14	3,850	4,043	4,245	4,457	4,680	56,160	
15	3,946	4,143	4,350	4,568	4,798	57,552	
16	4,045	4,247	4,459	4,682	4,916	58,992	
17	4,146	4,353	4,571	4,800	5,040	60,480	River Maint. Worker
18	4,250	4,463	4,688	4,920	5,166	61,992	
19	4,356	4,574	4,803	5,043	5,295	63,540	Office Services Sup.
20	4,465	4,688	4,922	5,168	5,426	65,112	
21	4,577	4,806	5,046	5,298	5,563	66,756	River Maint. Specialist
22	4,691	4,926	5,172	5,431	5,703	68,436	
23	4,808	5,046	5,300	5,565	5,843	70,116	
24	4,928	5,174	5,433	5,705	5,990	71,880	
25	5,051	5,304	5,569	5,847	6,139	73,688	
26	5,177	5,436	5,708	5,993	6,293	75,516	Exec. Asst./Cons. Rep. I
27	5,306	5,571	5,850	6,143	6,450	77,400	
28	5,439	5,711	5,997	6,297	6,612	79,344	GIS Specialist
29	5,575	5,854	6,147	6,454	6,777	81,324	Accountant/Cons. Technician
30	5,714	6,000	6,300	6,615	6,946	83,352	Cons. Rep. II
31	5,857	6,150	6,458	6,781	7,120	85,440	HR Analyst/Assoc. Hydrologist
32	6,003	6,303	6,618	6,949	7,296	87,552	
33	6,153	6,461	6,784	7,123	7,479	89,748	Assoc. Fisheries Biologist
34	6,307	6,622	6,953	7,301	7,666	91,992	
35	6,465	6,788	7,127	7,483	7,857	94,284	Cons. Analyst
36	6,627	6,958	7,306	7,671	8,055	96,660	
37	6,793	7,133	7,490	7,865	8,258	99,096	
38	6,963	7,311	7,677	8,061	8,464	101,568	Hydrography Proj. Cord.
39	7,137	7,494	7,869	8,262	8,675	104,100	
40	7,315	7,681	8,065	8,468	8,891	106,692	
41	7,498	7,873	8,267	8,680	9,114	109,368	
42	7,685	8,069	8,472	8,896	9,341	112,092	WR Engineer/Riparian Proj. Cord.
43	7,877	8,271	8,685	9,119	9,575	114,900	IT Mgr/Snr. Fisheries Biologist
44	8,074	8,478	8,902	9,347	9,814	117,768	
45	8,276	8,690	9,125	9,581	10,060	120,720	
46	8,483	8,907	9,352	9,820	10,311	123,732	
47	8,695	9,130	9,587	10,066	10,569	126,828	
48	8,912	9,358	9,826	10,317	10,833	129,996	WDD Mgr
49	9,135	9,592	10,072	10,576	11,105	133,260	Snr. Hydrogeologist
50	9,363	9,831	10,323	10,839	11,361	136,572	
51	9,597	10,077	10,581	11,110	11,666	139,992	
52	9,837	10,329	10,845	11,387	11,956	143,472	
53	10,083	10,587	11,116	11,672	12,256	147,072	
54	10,335	10,852	11,395	11,965	12,563	150,756	
55	10,593	11,123	11,679	12,263	12,876	154,512	ASD Mgr/P&E Mgr
56	10,858	11,401	11,971	12,570	13,199	158,388	
57	11,129	11,685	12,269	12,882	13,526	162,312	
58	11,407	11,977	12,576	13,205	13,865	166,380	
59	11,692	12,277	12,891	13,536	14,213	170,556	
60	11,984	12,583	13,212	13,673	14,587	174,804	

**ATTACHMENT C – SALARY RANGE ADJUSTMENTS BY POSITION AFTER
SALARY SURVEY ADJUSTMENT**

SALARY SURVEY ADJUSTMENT
FROM CURRENT RANGE AND STEP
TO REVISED RANGES AND STEPS AFTER SURVEY IMPLEMENTED

	Current Range	Revised Range
<u>ASD Mgr/CFO</u>	53 E	55 E
<u>P&E Mgr/District Engineer</u>	55 E	55 E
<u>Water Resources Manager</u>		
<u>Senior Hydrogeologist</u>	43 E	49 E
<u>Water Demand Manager</u>	43 E	48 E
<u>Information Technology Mgr</u>	45 E	43 E
<u>Senior Fisheries Biologist</u>	39 E	43 E
<u>Water Resources Engineer</u>	43 B	42 B
<u>Riparian Projects Coordinator</u>	38 E	42 E
<u>Hydrography Prog Coordinator</u>	39 E	38 E
<u>GIS Specialist</u>	30 E	28 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Conservation Analyst</u>	30 E	35 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>Associate Fisheries Biologist</u>	33 E	33 E
<u>HR Analyst</u>		
<u>Associate Hydrologist</u>	33 E	31 E
<u>Accountant</u>	30 E	29 E
<u>Conservation Technician</u>	22 E	29 E
<u>Executive Assistant</u>	25 E	26 E
<u>Conservation Representative I</u>	20 B	26 C
<u>Conservation Representative I</u>	20 B	26 C
<u>River Maintenance Specialist</u>	20 E	21 E
<u>Office Services Sup</u>	20 E	19 E
<u>River Maintenance Worker</u>	18 E	17 E
<u>Office Specialist</u>	12 E	12 E

10/7/2016

ITEM: CONSENT CALENDAR**8. CONSIDER ADOPTION OF TREASURER'S REPORT FOR JULY 2016**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Suresh Prasad	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation:** The Administrative Committee reviewed this item on October 10, 2016 and recommended approval.**CEQA Compliance:** N/A

SUMMARY: Exhibit 8-A comprises the Treasurer's Report for July 2016. Exhibit 8-B, Exhibit 8-C and Exhibit 8-D are listings of check disbursements for the period July 1-31, 2016. Check Nos. 26443 through 26638, the direct deposits of employee's paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$760,091.65. That amount included \$0 for conservation rebates. Exhibit 8-E reflects the unaudited version of the financial statements for the month ending July 31, 2016.

RECOMMENDATION: District staff recommends adoption of the July 2016 Treasurer's Report and financial statements, and ratification of the disbursements made during the month. The Administrative Committee reviewed this item at its October 10, 2016 meeting and voted 2 to 0 to recommend approval.

EXHIBIT

- 8-A** Treasurer's Report
- 8-B** Listing of Cash Disbursements-Regular
- 8-C** Listing of Cash Disbursements-Payroll
- 8-D** Listing of Other Bank Items
- 8-E** Financial Statements

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR JULY 2016**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>L.A.I.F.</u>	<u>Wells Fargo Investments</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance	\$144,844.22	\$79,055.28	\$1,199,050.78	\$1,501,942.98	\$ 2,924,893.26	\$10,199.53
Transfer to/from LAIF		500,000.00	(500,000.00)		0.00	
Fee Deposits		186,016.87			186,016.87	602,134.23
Interest		1.64	2,390.74	2,119.89	4,512.27	3.02
Transfer-Money Market to Checking	\$680,000.00	(680,000.00)			0.00	
Transfer-Money Market to W/Fargo					0.00	
Transfer-W/Fargo to Money Market					0.00	
W/Fargo-Investment Purchase					0.00	
Transfer Ckg to MPWMD M/Mrkt					0.00	
MoCo Tax & WS Chg Installment Pymt					0.00	
Transfer to CAWD					0.00	(602,000.00)
Voided Cks					0.00	
Bank Corrections/Reversals/Errors					0.00	
Bank Charges/Rtn'd Deposits/Other	(\$312.92)	(38.85)			(351.77)	(6.00)
Payroll Tax Deposits	(27,546.78)				(27,546.78)	
Payroll Checks/Direct Deposits	(126,661.80)				(126,661.80)	
General Checks	(605,570.15)				(605,570.15)	
Bank Draft Payments					0.00	
Ending Balance	\$64,752.57	\$85,034.94	\$701,441.52	\$1,504,062.87	\$2,355,291.90	\$10,330.78

Check Report

By Check Number

Date Range: 07/01/2016 - 07/31/2016



Monterey Peninsula Water Management Dist

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
00254	MoCo Recorder	07/21/2016	Regular	0.00	-32.00	26210
00254	MoCo Recorder	07/07/2016	Regular	0.00	26.00	26450
00254	MoCo Recorder	07/07/2016	Regular	0.00	29.00	26451
00254	MoCo Recorder	07/07/2016	Regular	0.00	61.00	26452
00254	MoCo Recorder	07/07/2016	Regular	0.00	70.00	26453
00254	MoCo Recorder	07/07/2016	Regular	0.00	32.00	26454
00249	A.G. Davi, LTD	07/07/2016	Regular	0.00	395.00	26455
00252	Cal-Am Water	07/07/2016	Regular	0.00	182.53	26456
00028	Colantuono, Highsmith, & Whatley, PC	07/07/2016	Regular	0.00	1,884.50	26457
07632	Debra Martin	07/07/2016	Regular	0.00	62.76	26458
00267	Employment Development Dept.	07/07/2016	Regular	0.00	3,953.95	26459
00287	Eric Sandoval	07/07/2016	Regular	0.00	1,520.37	26460
03964	EWING	07/07/2016	Regular	0.00	106.90	26461
07624	Franchise Tax Board	07/07/2016	Regular	0.00	85.99	26462
07624	Franchise Tax Board	07/07/2016	Regular	0.00	35.00	26463
00285	Gabby Ayala	07/07/2016	Regular	0.00	117.32	26464
00768	ICMA	07/07/2016	Regular	0.00	5,380.41	26465
00222	M.J. Murphy	07/07/2016	Regular	0.00	20.43	26466
00117	Marina Backflow Company	07/07/2016	Regular	0.00	60.00	26467
00282	PG&E	07/07/2016	Regular	0.00	57.65	26468
00282	PG&E	07/07/2016	Regular	0.00	15.95	26469
00159	Pueblo Water Resources, Inc.	07/07/2016	Regular	0.00	19,824.70	26470
00987	SDRMA - Prop & Liability Pkg	07/07/2016	Regular	0.00	40,860.65	26471
00988	SDRMA - Workers Comp. Insurance	07/07/2016	Regular	0.00	41,664.50	26472
03973	Stephanie Kister	07/07/2016	Regular	0.00	90.08	26473
00207	Universal Staffing Inc.	07/07/2016	Regular	0.00	811.20	26474
00221	Verizon Wireless	07/07/2016	Regular	0.00	629.77	26475
00254	MoCo Recorder	07/08/2016	Regular	0.00	94.00	26476
00254	MoCo Recorder	07/14/2016	Regular	0.00	88.00	26477
00254	MoCo Recorder	07/14/2016	Regular	0.00	14.00	26478
00254	MoCo Recorder	07/14/2016	Regular	0.00	35.00	26479
00254	MoCo Recorder	07/14/2016	Regular	0.00	35.00	26480
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26481
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26482
00254	MoCo Recorder	07/14/2016	Regular	0.00	26.00	26483
00254	MoCo Recorder	07/14/2016	Regular	0.00	32.00	26484
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26485
00254	MoCo Recorder	07/14/2016	Regular	0.00	29.00	26486
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26487
00254	MoCo Recorder	07/14/2016	Regular	0.00	29.00	26488
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26489
00763	ACWA-JPIA	07/14/2016	Regular	0.00	472.10	26490
00760	Andy Bell	07/14/2016	Regular	0.00	810.00	26491
00263	Arlene Tavani	07/14/2016	Regular	0.00	16.66	26492
00253	AT&T	07/14/2016	Regular	0.00	716.52	26493
00232	Balance Hydrologics, Inc	07/14/2016	Regular	0.00	34,786.45	26494
00036	Bill Parham	07/14/2016	Regular	0.00	650.00	26495
00250	Bio-Oregon	07/14/2016	Regular	0.00	251.34	26496
00252	Cal-Am Water	07/14/2016	Regular	0.00	93.67	26497
00252	Cal-Am Water	07/14/2016	Regular	0.00	87.03	26498
00243	CalPers Long Term Care Program	07/14/2016	Regular	0.00	40.56	26499
12184	Cassie Chapple	07/14/2016	Regular	0.00	135.00	26500
01001	CDW Government	07/14/2016	Regular	0.00	71.64	26501
00281	CoreLogic Information Solutions, Inc.	07/14/2016	Regular	0.00	466.00	26502

EXHIBIT 8-B

218

Check Report

Date Range: 07/01/2016 - 07/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
11670	Duraframe Dipnet	07/14/2016	Regular	0.00	570.97	26503
12185	Edges Electrical Group	07/14/2016	Regular	0.00	17.60	26504
03964	EWING	07/14/2016	Regular	0.00	195.53	26505
00986	Henrietta Stern	07/14/2016	Regular	0.00	1,149.00	26506
04717	Inder Osahan	07/14/2016	Regular	0.00	1,149.00	26507
00100	J M Electric	07/14/2016	Regular	0.00	1,222.00	26508
00769	Laborers Trust Fund of Northern CA	07/14/2016	Regular	0.00	26,664.00	26509
00242	MBAS	07/14/2016	Regular	0.00	2,620.00	26510
07418	McMaster-Carr	07/14/2016	Regular	0.00	47.20	26511
00078	Michael Hutnak	07/14/2016	Regular	0.00	2,880.00	26512
00254	MoCo Recorder	07/14/2016	Regular	0.00	61.00	26513
00756	Monterey Bay Air Resources District	07/14/2016	Regular	0.00	267.00	26514
00118	Monterey Bay Carpet & Janitorial Svc	07/14/2016	Regular	0.00	1,000.00	26515
01002	Monterey County Clerk	07/14/2016	Regular	0.00	50.00	26516
00225	Palace Office Supply	07/14/2016	Regular	0.00	89.19	26517
00154	Peninsula Messenger Service	07/14/2016	Regular	0.00	723.00	26518
00282	PG&E	07/14/2016	Regular	0.00	20.65	26519
00282	PG&E	07/14/2016	Regular	0.00	22.28	26520
04736	Pitney Bowes Global Financial Svc, LLC	07/14/2016	Regular	0.00	387.79	26521
01190	Progressive Business Publications	07/14/2016	Regular	0.00	299.00	26522
00262	Pure H2O	07/14/2016	Regular	0.00	64.49	26523
08925	Quinn Company	07/14/2016	Regular	0.00	988.65	26524
00987	SDRMA - Prop & Liability Pkg	07/14/2016	Regular	0.00	140.49	26525
04709	Sherron Forsgren	07/14/2016	Regular	0.00	637.86	26526
03979	Special Districts Association of Monterey County	07/14/2016	Regular	0.00	30.00	26527
01351	Staples Credit Plan	07/14/2016	Regular	0.00	20.62	26528
04719	Telit Wireless Solutions	07/14/2016	Regular	0.00	157.62	26529
00207	Universal Staffing Inc.	07/14/2016	Regular	0.00	1,460.16	26530
00254	MoCo Recorder	07/18/2016	Regular	0.00	94.00	26531
00254	MoCo Recorder	07/21/2016	Regular	0.00	26.00	26534
00254	MoCo Recorder	07/21/2016	Regular	0.00	61.00	26535
00254	MoCo Recorder	07/21/2016	Regular	0.00	32.00	26536
00254	MoCo Recorder	07/21/2016	Regular	0.00	29.00	26537
00254	MoCo Recorder	07/21/2016	Regular	0.00	61.00	26538
00254	MoCo Recorder	07/21/2016	Regular	0.00	26.00	26539
00254	MoCo Recorder	07/21/2016	Regular	0.00	32.00	26540
00254	MoCo Recorder	07/21/2016	Regular	0.00	61.00	26541
00254	MoCo Recorder	07/21/2016	Regular	0.00	32.00	26542
00254	MoCo Recorder	07/21/2016	Regular	0.00	29.00	26543
00254	MoCo Recorder	07/21/2016	Regular	0.00	26.00	26544
00254	MoCo Recorder	07/21/2016	Regular	0.00	29.00	26545
01188	Alhambra	07/21/2016	Regular	0.00	182.41	26546
00263	Arlene Tavani	07/21/2016	Regular	0.00	604.89	26547
00253	AT&T	07/21/2016	Regular	0.00	716.72	26548
09124	California Municipal Treasurers Association	07/21/2016	Regular	0.00	155.00	26549
01001	CDW Government	07/21/2016	Regular	0.00	13,142.21	26550
00224	City of Monterey	07/21/2016	Regular	0.00	697.75	26551
01352	Dave Stoldt	07/21/2016	Regular	0.00	215.72	26552
08894	Department of Treasury	07/21/2016	Regular	0.00	6.49	26553
08697	Elizabeth Flores	07/21/2016	Regular	0.00	30.00	26554
00267	Employment Development Dept.	07/21/2016	Regular	0.00	3,937.26	26555
00287	Eric Sandoval	07/21/2016	Regular	0.00	439.60	26556
00192	Extra Space Storage	07/21/2016	Regular	0.00	716.00	26557
07624	Franchise Tax Board	07/21/2016	Regular	0.00	35.00	26558
07624	Franchise Tax Board	07/21/2016	Regular	0.00	85.99	26559
00285	Gabby Ayala	07/21/2016	Regular	0.00	183.87	26560
00277	Home Depot Credit Services	07/21/2016	Regular	0.00	1,331.29	26561
00768	ICMA	07/21/2016	Regular	0.00	5,380.41	26562
00094	John Arriaga	07/21/2016	Regular	0.00	2,500.00	26563
06999	KBA Docusys	07/21/2016	Regular	0.00	1,187.47	26564
12183	Margot McKeon Grych	07/21/2016	Regular	0.00	795.00	26565

EXHIBIT 8-B

219

Check Report

Date Range: 07/01/2016 - 07/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00242	MBAS	07/21/2016	Regular	0.00	2,080.00	26566
07418	McMaster-Carr	07/21/2016	Regular	0.00	80.42	26567
00225	Palace Office Supply	07/21/2016	Regular	0.00	85.99	26568
00755	Peninsula Welding Supply, Inc.	07/21/2016	Regular	0.00	84.87	26569
00256	PERS Retirement	07/21/2016	Regular	0.00	195,212.00	26570
00256	PERS Retirement	07/21/2016	Regular	0.00	14,225.25	26571
00282	PG&E	07/21/2016	Regular	0.00	7,525.27	26572
00282	PG&E	07/21/2016	Regular	0.00	37.69	26573
00282	PG&E	07/21/2016	Regular	0.00	10,577.31	26574
00752	Professional Liability Insurance Service	07/21/2016	Regular	0.00	40.38	26575
00228	Ryan Ranch Printers	07/21/2016	Regular	0.00	543.72	26576
01349	Suresh Prasad	07/21/2016	Regular	0.00	329.02	26577
12187	Toro Petroleum Cop.	07/21/2016	Regular	0.00	478.93	26578
00269	U.S. Bank	07/21/2016	Regular	0.00	864.85	26579
01008	U.S. Postal Service	07/21/2016	Regular	0.00	1,220.00	26580
00207	Universal Staffing Inc.	07/21/2016	Regular	0.00	811.20	26581
06827	Waterline Envirotech Ltd	07/21/2016	Regular	0.00	822.83	26582
00254	MoCo Recorder	07/26/2016	Regular	0.00	32.00	26583
00254	MoCo Recorder	07/28/2016	Regular	0.00	32.00	26584
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26585
00254	MoCo Recorder	07/28/2016	Regular	0.00	29.00	26586
00254	MoCo Recorder	07/28/2016	Regular	0.00	35.00	26587
00254	MoCo Recorder	07/28/2016	Regular	0.00	26.00	26588
00254	MoCo Recorder	07/28/2016	Regular	0.00	29.00	26589
00254	MoCo Recorder	07/28/2016	Regular	0.00	26.00	26590
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26591
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26592
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26593
00254	MoCo Recorder	07/28/2016	Regular	0.00	29.00	26594
00254	MoCo Recorder	07/28/2016	Regular	0.00	26.00	26595
00254	MoCo Recorder	07/28/2016	Regular	0.00	29.00	26596
00254	MoCo Recorder	07/28/2016	Regular	0.00	67.00	26597
00254	MoCo Recorder	07/28/2016	Regular	0.00	35.00	26598
00254	MoCo Recorder	07/28/2016	Regular	0.00	29.00	26599
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26600
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26601
00254	MoCo Recorder	07/28/2016	Regular	0.00	32.00	26602
00254	MoCo Recorder	07/28/2016	Regular	0.00	61.00	26603
00767	AFLAC	07/28/2016	Regular	0.00	1,289.16	26604
00760	Andy Bell	07/28/2016	Regular	0.00	810.00	26605
00253	AT&T	07/28/2016	Regular	0.00	59.06	26606
00236	AT&T Long Distance	07/28/2016	Regular	0.00	11.41	26607
00243	CalPers Long Term Care Program	07/28/2016	Regular	0.00	40.56	26608
00024	Central Coast Exterminator	07/28/2016	Regular	0.00	104.00	26609
06268	Comcast	07/28/2016	Regular	0.00	205.30	26610
02835	DeepWater Desal, Inc	07/28/2016	Regular	0.00	25,000.00	26611
02833	Greg James	07/28/2016	Regular	0.00	56.16	26612
12191	Gutierrez Consultants	07/28/2016	Regular	0.00	868.00	26613
00993	Harris Court Business Park	07/28/2016	Regular	0.00	721.26	26614
00277	Home Depot Credit Services	07/28/2016	Regular	0.00	284.23	26615
00100	J M Electric	07/28/2016	Regular	0.00	1,554.00	26616
02839	Justin Huntington	07/28/2016	Regular	0.00	3,400.00	26617
06745	KBA Docusys - Lease Payments	07/28/2016	Regular	0.00	946.13	26618
00120	Martin B. Feeney, PG, CHG	07/28/2016	Regular	0.00	11,125.16	26619
00254	MoCo Recorder	07/28/2016	Regular	0.00	101.00	26620
00225	Palace Office Supply	07/28/2016	Regular	0.00	252.24	26621
01020	Paula Soto	07/28/2016	Regular	0.00	282.10	26622
00282	PG&E	07/28/2016	Regular	0.00	2,113.36	26623
00282	PG&E	07/28/2016	Regular	0.00	4,134.95	26624
00282	PG&E	07/28/2016	Regular	0.00	6,352.57	26625
00159	Pueblo Water Resources, Inc.	07/28/2016	Regular	0.00	17,900.50	26626

EXHIBIT 8-B

220

Check Report

Date Range: 07/01/2016 - 07/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00262	Pure H2O	07/28/2016	Regular	0.00	64.49	26627
00251	Rick Dickhaut	07/28/2016	Regular	0.00	1,023.00	26628
00283	SHELL	07/28/2016	Regular	0.00	620.37	26629
00766	Standard Insurance Company	07/28/2016	Regular	0.00	1,566.25	26630
00286	Stephanie L Locke	07/28/2016	Regular	0.00	49.00	26631
00258	TBC Communications & Media	07/28/2016	Regular	0.00	10,063.21	26632
00229	Tyler Technologies	07/28/2016	Regular	0.00	18,732.56	26633
00269	U.S. Bank	07/28/2016	Regular	0.00	2,379.88	26634
00207	Universal Staffing Inc.	07/28/2016	Regular	0.00	811.20	26635
08105	Yolanda Munoz	07/28/2016	Regular	0.00	540.00	26636
06009	yourservicesolution.com	07/28/2016	Regular	0.00	18,939.00	26637
00754	Zone24x7	07/28/2016	Regular	0.00	4,221.50	26638

Payment Type	Bank Code APBNK		Summary	
	Payable Count	Payment Count	Discount	Payment
Regular Checks	230	187	0.00	605,602.15
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-32.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	230	188	0.00	605,570.15

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	7/2016	605,570.15
			<hr/>
			605,570.15

EXHIBIT 8-C

Payroll Bank Transaction Report - MPWMD



Monterey Peninsula Water Management Dist

By Payment Number

Date: 7/1/2016 - 7/31/2016

Payroll Set: 01 - Monterey Peninsula Water Management District

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
2339	07/08/2016	Regular	1024	Stoldt, David J	0.00	5,913.84	5,913.84
2340	07/08/2016	Regular	1025	Tavani, Arlene M	0.00	1,899.86	1,899.86
2341	07/08/2016	Regular	1006	Dudley, Mark A	0.00	2,878.01	2,878.01
2342	07/08/2016	Regular	1039	Flores, Elizabeth	0.00	1,941.67	1,941.67
2343	07/08/2016	Regular	1018	Prasad, Suresh	0.00	3,583.00	3,583.00
2344	07/08/2016	Regular	1019	Reyes, Sara C	0.00	1,856.02	1,856.02
2345	07/08/2016	Regular	1020	Sandoval, Eric J	0.00	1,933.30	1,933.30
2346	07/08/2016	Regular	1021	Schmidlin, Cynthia L	0.00	1,802.01	1,802.01
2347	07/08/2016	Regular	1022	Soto, Paula	0.00	1,420.10	1,420.10
2348	07/08/2016	Regular	1002	Bekker, Mark	0.00	1,627.14	1,627.14
2349	07/08/2016	Regular	1005	Christensen, Thomas T	0.00	2,548.32	2,548.32
2350	07/08/2016	Regular	1008	Hampson, Larry M	0.00	3,199.25	3,199.25
2351	07/08/2016	Regular	1013	Lyons, Matthew J	0.00	1,602.65	1,602.65
2352	07/08/2016	Regular	1023	Stern, Henrietta L	0.00	811.75	811.75
2353	07/08/2016	Regular	6028	Atkins, Daniel N	0.00	575.43	575.43
2354	07/08/2016	Regular	6035	Besson, Jordan C.	0.00	771.80	771.80
2355	07/08/2016	Regular	1004	Chaney, Beverly M	0.00	2,177.57	2,177.57
2356	07/08/2016	Regular	1007	Hamilton, Cory R	0.00	2,028.05	2,028.05
2357	07/08/2016	Regular	1009	James, Gregory W	0.00	2,932.79	2,932.79
2358	07/08/2016	Regular	6034	Kleven, Alana K	0.00	229.59	229.59
2359	07/08/2016	Regular	1011	Lear, Jonathan P	0.00	2,731.28	2,731.28
2360	07/08/2016	Regular	1012	Lindberg, Thomas L	0.00	2,156.92	2,156.92
2361	07/08/2016	Regular	1016	Oliver, Joseph W	0.00	2,645.69	2,645.69
2362	07/08/2016	Regular	1026	Urquhart, Kevan A	0.00	1,868.33	1,868.33
2363	07/08/2016	Regular	6039	Wilson, Emily E.	0.00	101.58	101.58
2364	07/08/2016	Regular	1001	Ayala, Gabriela D	0.00	1,653.91	1,653.91
2365	07/08/2016	Regular	1041	Gonnerman, Maryan C	0.00	1,507.97	1,507.97
2366	07/08/2016	Regular	1010	Kister, Stephanie L	0.00	1,838.32	1,838.32
2367	07/08/2016	Regular	1017	Locke, Stephanie L	0.00	2,686.68	2,686.68
2368	07/08/2016	Regular	1014	Martin, Debra S	0.00	1,816.97	1,816.97
2369	07/22/2016	Regular	1024	Stoldt, David J	0.00	5,913.84	5,913.84
2370	07/22/2016	Regular	1025	Tavani, Arlene M	0.00	1,899.86	1,899.86
2371	07/22/2016	Regular	1006	Dudley, Mark A	0.00	2,878.00	2,878.00
2372	07/22/2016	Regular	1039	Flores, Elizabeth	0.00	1,941.69	1,941.69
2373	07/22/2016	Regular	1018	Prasad, Suresh	0.00	3,583.00	3,583.00
2374	07/22/2016	Regular	1019	Reyes, Sara C	0.00	1,856.04	1,856.04
2375	07/22/2016	Regular	1020	Sandoval, Eric J	0.00	1,933.31	1,933.31
2376	07/22/2016	Regular	1021	Schmidlin, Cynthia L	0.00	1,802.01	1,802.01
2377	07/22/2016	Regular	1022	Soto, Paula	0.00	1,420.09	1,420.09
2378	07/22/2016	Regular	1002	Bekker, Mark	0.00	1,627.15	1,627.15
2379	07/22/2016	Regular	1005	Christensen, Thomas T	0.00	2,548.32	2,548.32
2380	07/22/2016	Regular	1008	Hampson, Larry M	0.00	3,199.25	3,199.25
2381	07/22/2016	Regular	1013	Lyons, Matthew J	0.00	1,602.65	1,602.65
2382	07/22/2016	Regular	1023	Stern, Henrietta L	0.00	566.54	566.54
2383	07/22/2016	Regular	6028	Atkins, Daniel N	0.00	913.23	913.23
2384	07/22/2016	Regular	6035	Besson, Jordan C.	0.00	701.03	701.03
2385	07/22/2016	Regular	1004	Chaney, Beverly M	0.00	2,177.57	2,177.57
2386	07/22/2016	Regular	1007	Hamilton, Cory R	0.00	2,028.05	2,028.05
2387	07/22/2016	Regular	1009	James, Gregory W	0.00	2,932.79	2,932.79
2388	07/22/2016	Regular	6034	Kleven, Alana K	0.00	138.18	138.18
2389	07/22/2016	Regular	1011	Lear, Jonathan P	0.00	2,731.28	2,731.28
2390	07/22/2016	Regular	1012	Lindberg, Thomas L	0.00	2,156.93	2,156.93
2391	07/22/2016	Regular	1016	Oliver, Joseph W	0.00	2,645.69	2,645.69
2392	07/22/2016	Regular	1026	Urquhart, Kevan A	0.00	1,868.33	1,868.33
2393	07/22/2016	Regular	1001	Ayala, Gabriela D	0.00	1,653.91	1,653.91
2394	07/22/2016	Regular	1041	Gonnerman, Maryan C	0.00	1,507.97	1,507.97
2395	07/22/2016	Regular	1010	Kister, Stephanie L	0.00	1,838.32	1,838.32

EXHIBIT 8-C

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
2396	07/22/2016	Regular	1017	Locke, Stephanie L	0.00	2,686.68	2,686.68
2397	07/22/2016	Regular	1014	Martin, Debra S	0.00	1,816.97	1,816.97
26443	07/08/2016	Regular	6037	Brown, Ashley M.	104.77	0.00	104.77
26444	07/08/2016	Regular	6038	Chow, Kaitlyn S.	106.67	0.00	106.67
26445	07/08/2016	Regular	6007	Delay, Thomas E	68.11	0.00	68.11
26446	07/08/2016	Regular	6004	Malloway, Geoffrey J	335.23	0.00	335.23
26447	07/08/2016	Regular	6036	Medina, Lucian A.	168.25	0.00	168.25
26448	07/08/2016	Regular	6033	Suwada, Joseph	901.40	0.00	901.40
26449	07/08/2016	Regular	1040	Smith, Kyle	1,472.52	0.00	1,472.52
26532	07/22/2016	Regular	6033	Suwada, Joseph	723.85	0.00	723.85
26533	07/22/2016	Regular	1040	Smith, Kyle	1,472.52	0.00	1,472.52
Totals:					5,353.32	121,308.48	126,661.80

EXHIBIT 8-D



Monterey Peninsula Water Management Dist

Bank Transaction Report

Transaction Detail

Issued Date Range: 07/01/2016 - 07/31/2016

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Bank Account: 111 - Bank of America Checking - 0000 8170 8210							
07/08/2016	07/31/2016	DFT0000756	I.R.S.	Accounts Payable	Cleared	Bank Draft	-10,885.05
07/08/2016	07/31/2016	DFT0000757	I.R.S.	Accounts Payable	Cleared	Bank Draft	-2,372.38
07/08/2016	07/31/2016	DFT0000758	I.R.S.	Accounts Payable	Cleared	Bank Draft	-643.68
07/15/2016	07/31/2016	SVC0000091	To Post July/2016 Bank Service Charge	General Ledger	Cleared	Service Charge	-312.92
07/22/2016	07/31/2016	DFT0000760	I.R.S.	Accounts Payable	Cleared	Bank Draft	-10,829.15
07/22/2016	07/31/2016	DFT0000761	I.R.S.	Accounts Payable	Cleared	Bank Draft	-2,334.56
07/22/2016	07/31/2016	DFT0000762	I.R.S.	Accounts Payable	Cleared	Bank Draft	-481.96
Bank Account 111 Total: (7)							-27,859.70
Report Total: (7)							-27,859.70

EXHIBIT 8-D

Bank Transaction Report

226

Issued Date Range: 07/01/2016 - 07/31/2016 Cleared Date Range: -

Summary

Bank Account	Count	Amount
111 Bank of America Checking - 0000 8170 8210	7	-27,859.70
Report Total:	7	-27,859.70

Cash Account	Count	Amount
99 99-10-100100 Pool Cash Account	7	-27,859.70
Report Total:	7	-27,859.70

Transaction Type	Count	Amount
Bank Draft	6	-27,546.78
Service Charge	1	-312.92
Report Total:	7	-27,859.70



Monterey Peninsula Water Management Dist

Statement of Revenue Over Expense - No Decimals
Group Summary

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Revenue								
R100 - Water Supply Charge	0	283,220	-283,220	0.00 %	0	3,400,000	-3,400,000	0.00 %
R110 - Mitigation Revenue	0	209,791	-209,791	0.00 %	0	2,518,500	-2,518,500	0.00 %
R120 - Property Taxes Revenues	0	133,280	-133,280	0.00 %	0	1,600,000	-1,600,000	0.00 %
R130 - User Fees	4,529	7,914	-3,384	-57.23 %	4,529	95,000	-90,471	-4.77 %
R140 - Connection Charges	26,659	17,701	8,958	-150.61 %	26,659	212,500	-185,841	-12.55 %
R150 - Permit Processing Fee	23,509	14,578	8,932	-161.27 %	23,509	175,000	-151,491	-13.43 %
R160 - Well Registration Fee	575	0	575	0.00 %	575	0	575	0.00 %
R180 - River Work Permit Application	25	0	25	0.00 %	25	0	25	0.00 %
R190 - WDS Permits Rule 21	3,755	4,665	-910	-80.50 %	3,755	56,000	-52,245	-6.71 %
R200 - Recording Fees	1,357	666	691	-203.63 %	1,357	8,000	-6,643	-16.96 %
R210 - Legal Fees	399	833	-434	-47.90 %	399	10,000	-9,601	-3.99 %
R220 - Copy Fee	40	0	40	0.00 %	40	0	40	0.00 %
R230 - Miscellaneous - Other	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R250 - Interest Income	2,122	1,666	456	-127.34 %	2,122	20,000	-17,878	-10.61 %
R265 - CAW - Los Padres Reimbursement	0	41,650	-41,650	0.00 %	0	500,000	-500,000	0.00 %
R270 - CAW - Rebates	25,976	83,300	-57,325	-31.18 %	25,976	1,000,000	-974,025	-2.60 %
R280 - CAW - Conservation	0	27,797	-27,797	0.00 %	0	333,700	-333,700	0.00 %
R290 - CAW - Miscellaneous	0	35,561	-35,561	0.00 %	0	426,900	-426,900	0.00 %
R300 - Watermaster	0	6,214	-6,214	0.00 %	0	74,600	-74,600	0.00 %
R308 - Reclamation Project	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R310 - Other Reimbursements	0	2,999	-2,999	0.00 %	0	36,000	-36,000	0.00 %
R320 - Grants	0	27,522	-27,522	0.00 %	0	330,400	-330,400	0.00 %
R510 - Operating Reserve	0	143,613	-143,613	0.00 %	0	1,724,050	-1,724,050	0.00 %
Total Revenue:	88,946	1,046,302	-957,356	-8.50 %	88,946	12,560,650	-12,471,704	-0.71 %

EXHIBIT 8-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	92,909	200,478	107,569	46.34 %	92,909	2,406,700	2,313,791	3.86 %
1110 - Manager's Auto Allowance	231	500	269	46.17 %	231	6,000	5,769	3.85 %
1120 - Manager's Deferred Comp	631	700	69	90.14 %	631	8,400	7,769	7.51 %
1130 - Unemployment Compensation	0	250	250	0.00 %	0	3,000	3,000	0.00 %
1140 - Insurance Opt-Out Supplemental	1,414	808	-606	175.00 %	1,414	9,700	8,286	14.58 %
1150 - Temporary Personnel	2,271	3,432	1,161	66.18 %	2,271	41,200	38,929	5.51 %
1160 - PERS Retirement	212,793	33,953	-178,839	626.73 %	212,793	407,600	194,807	52.21 %
1170 - Medical Insurance	25,331	27,814	2,483	91.07 %	25,331	333,900	308,569	7.59 %
1180 - Medical Insurance - Retirees	6,524	4,823	-1,701	135.26 %	6,524	57,900	51,376	11.27 %
1190 - Workers Compensation	3,343	4,048	705	82.58 %	3,343	48,600	45,257	6.88 %
1200 - Life Insurance	409	541	133	75.45 %	409	6,500	6,092	6.28 %
1210 - Long Term Disability Insurance	1,121	1,225	103	91.55 %	1,121	14,700	13,579	7.63 %
1220 - Short Term Disability Insurance	223	283	61	78.58 %	223	3,400	3,177	6.55 %
1250 - Moving Expense Reimbursement	116	0	-116	0.00 %	116	0	-116	0.00 %
1260 - Employee Assistance Program	66	125	59	52.65 %	66	1,500	1,434	4.39 %
1270 - FICA Tax Expense	688	458	-230	150.25 %	688	5,500	4,812	12.52 %
1280 - Medicare Tax Expense	2,383	2,999	616	79.46 %	2,383	36,000	33,617	6.62 %
1290 - Staff Development & Training	1,025	2,341	1,316	43.79 %	1,025	28,100	27,075	3.65 %
1300 - Conference Registration	820	367	-453	223.73 %	820	4,400	3,580	18.64 %
1310 - Professional Dues	0	183	183	0.00 %	0	2,200	2,200	0.00 %
1320 - Personnel Recruitment	0	541	541	0.00 %	0	6,500	6,500	0.00 %
Total Level1: 100 - Personnel Costs:	352,296	285,869	-66,427	123.24 %	352,296	3,431,800	3,079,504	10.27 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	2,025	3,082	1,057	65.70 %	2,025	37,000	34,975	5.47 %
2020 - Board Expenses	0	833	833	0.00 %	0	10,000	10,000	0.00 %
2040 - Rent	2,477	1,933	-544	128.17 %	2,477	23,200	20,723	10.68 %
2060 - Utilities	2,728	3,182	454	85.72 %	2,728	38,200	35,472	7.14 %
2120 - Insurance Expense	0	3,757	3,757	0.00 %	0	45,100	45,100	0.00 %
2130 - Membership Dues	155	2,424	2,269	6.39 %	155	29,100	28,945	0.53 %
2140 - Bank Charges	261	333	72	78.45 %	261	4,000	3,739	6.54 %
2150 - Office Supplies	2,413	1,166	-1,246	206.88 %	2,413	14,000	11,587	17.23 %
2160 - Courier Expense	644	650	6	99.12 %	644	7,800	7,156	8.26 %
2170 - Printing/Photocopy	0	825	825	0.00 %	0	9,900	9,900	0.00 %
2180 - Postage & Shipping	1,220	533	-687	228.84 %	1,220	6,400	5,180	19.06 %
2190 - IT Supplies/Services	5,196	7,747	2,551	67.07 %	5,196	93,000	87,804	5.59 %
2200 - Professional Fees	6,600	14,161	7,561	46.61 %	6,600	170,000	163,400	3.88 %
2220 - Equipment Repairs & Maintenance	513	625	111	82.16 %	513	7,500	6,987	6.84 %
2235 - Equipment Lease	1,334	1,166	-168	114.38 %	1,334	14,000	12,666	9.53 %
2240 - Telephone	2,820	3,574	754	78.90 %	2,820	42,900	40,080	6.57 %
2260 - Facility Maintenance	1,672	3,157	1,485	52.96 %	1,672	37,900	36,228	4.41 %

EXHIBIT 8-E

229

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 07/31/2016**

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2270 - Travel Expenses	1,799	2,674	875	67.26 %	1,799	32,100	30,302	5.60 %
2280 - Transportation	508	2,216	1,708	22.92 %	508	26,600	26,092	1.91 %
2300 - Legal Services	0	33,320	33,320	0.00 %	0	400,000	400,000	0.00 %
2380 - Meeting Expenses	0	675	675	0.00 %	0	8,100	8,100	0.00 %
2420 - Legal Notices	0	358	358	0.00 %	0	4,300	4,300	0.00 %
2460 - Public Outreach	135	425	290	31.78 %	135	5,100	4,965	2.65 %
2480 - Miscellaneous	0	300	300	0.00 %	0	3,600	3,600	0.00 %
2500 - Tax Administration Fee	0	1,666	1,666	0.00 %	0	20,000	20,000	0.00 %
2900 - Operating Supplies	7,234	1,566	-5,668	461.95 %	7,234	18,800	11,566	38.48 %
Total Level1: 200 - Supplies and Services:	39,733	92,346	52,613	43.03 %	39,733	1,108,600	1,068,867	3.58 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	74,665	562,283	487,618	13.28 %	74,665	6,750,100	6,675,435	1.11 %
4000 - Fixed Asset Purchases	1,426	9,621	8,196	14.82 %	1,426	115,500	114,074	1.23 %
5000 - Debt Service	0	19,159	19,159	0.00 %	0	230,000	230,000	0.00 %
6000 - Contingencies	0	6,248	6,248	0.00 %	0	75,000	75,000	0.00 %
6500 - Reserves	0	70,776	70,776	0.00 %	0	849,650	849,650	0.00 %
Total Level1: 300 - Other Expenses:	76,091	668,087	591,996	11.39 %	76,091	8,020,250	7,944,159	0.95 %
Total Expense:	468,120	1,046,302	578,183	44.74 %	468,120	12,560,650	12,092,530	3.73 %
Report Total:	-379,174	0	-379,174		-379,174	0	-379,174	

EXHIBIT 8-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Fund Summary

Fund	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
24 - MITIGATION FUND	-181,072	0	-181,072		-181,072	0	-181,072	
26 - CONSERVATION FUND	-63,171	0	-63,171		-63,171	0	-63,171	
35 - WATER SUPPLY FUND	-134,930	0	-134,930		-134,930	0	-134,930	
Report Total:	-379,174	0.01	-379,174		-379,174	0	-379,174	



Monterey Peninsula Water Management Dist

Statement of Revenue Over Expense - No Decimals
Group Summary

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 24 - MITIGATION FUND								
Revenue								
R110 - Mitigation Revenue	0	209,791	-209,791	0.00 %	0	2,518,500	-2,518,500	0.00 %
R130 - User Fees	3,823	7,289	-3,465	-52.46 %	3,823	87,500	-83,677	-4.37 %
R160 - Well Registration Fee	575	0	575	0.00 %	575	0	575	0.00 %
R180 - River Work Permit Application	25	0	25	0.00 %	25	0	25	0.00 %
R190 - WDS Permits Rule 21	3,755	4,665	-910	-80.50 %	3,755	56,000	-52,245	-6.71 %
R230 - Miscellaneous - Other	0	833	-833	0.00 %	0	10,000	-10,000	0.00 %
R250 - Interest Income	0	208	-208	-0.22 %	0	2,500	-2,500	-0.02 %
R290 - CAW - Miscellaneous	0	35,561	-35,561	0.00 %	0	426,900	-426,900	0.00 %
R310 - Other Reimbursements	0	2,416	-2,416	0.00 %	0	29,000	-29,000	0.00 %
R320 - Grants	0	16,660	-16,660	0.00 %	0	200,000	-200,000	0.00 %
R510 - Operating Reserve	0	8,688	-8,688	0.00 %	0	104,300	-104,300	0.00 %
Total Revenue:	8,179	286,111	-277,932	-2.86 %	8,179	3,434,700	-3,426,521	-0.24 %

EXHIBIT 8-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	39,396	84,766	45,370	46.48 %	39,396	1,017,600	978,204	3.87 %
1110 - Manager's Auto Allowance	46	100	54	46.17 %	46	1,200	1,154	3.85 %
1120 - Manager's Deferred Comp	126	142	15	89.09 %	126	1,700	1,574	7.42 %
1130 - Unemployment Compensation	0	108	108	0.00 %	0	1,300	1,300	0.00 %
1140 - Insurance Opt-Out Supplemental	372	267	-105	139.42 %	372	3,200	2,828	11.61 %
1150 - Temporary Personnel	0	42	42	0.00 %	0	500	500	0.00 %
1160 - PERS Retirement	89,830	14,369	-75,461	625.16 %	89,830	172,500	82,670	52.08 %
1170 - Medical Insurance	10,575	11,729	1,153	90.17 %	10,575	140,800	130,225	7.51 %
1180 - Medical Insurance - Retirees	2,740	2,074	-666	132.10 %	2,740	24,900	22,160	11.00 %
1190 - Workers Compensation	2,077	2,482	405	83.68 %	2,077	29,800	27,723	6.97 %
1200 - Life Insurance	182	242	59	75.42 %	182	2,900	2,718	6.28 %
1210 - Long Term Disability Insurance	470	525	55	89.53 %	470	6,300	5,830	7.46 %
1220 - Short Term Disability Insurance	93	117	23	80.05 %	93	1,400	1,307	6.67 %
1250 - Moving Expense Reimbursement	116	0	-116	0.00 %	116	0	-116	0.00 %
1260 - Employee Assistance Program	27	50	23	53.58 %	27	600	573	4.46 %
1270 - FICA Tax Expense	585	292	-294	200.69 %	585	3,500	2,915	16.72 %
1280 - Medicare Tax Expense	1,091	1,266	175	86.17 %	1,091	15,200	14,109	7.18 %
1290 - Staff Development & Training	0	841	841	0.00 %	0	10,100	10,100	0.00 %
1300 - Conference Registration	0	125	125	0.00 %	0	1,500	1,500	0.00 %
1310 - Professional Dues	0	67	67	0.00 %	0	800	800	0.00 %
1320 - Personnel Recruitment	0	225	225	0.00 %	0	2,700	2,700	0.00 %
Total Level1: 100 - Personnel Costs:	147,727	119,827	-27,900	123.28 %	147,727	1,438,500	1,290,773	10.27 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	871	1,291	420	67.44 %	871	15,500	14,629	5.62 %
2020 - Board Expenses	0	350	350	0.00 %	0	4,200	4,200	0.00 %
2040 - Rent	1,131	900	-231	125.73 %	1,131	10,800	9,669	10.47 %
2060 - Utilities	1,149	1,341	192	85.66 %	1,149	16,100	14,951	7.14 %
2120 - Insurance Expense	0	1,574	1,574	0.00 %	0	18,900	18,900	0.00 %
2130 - Membership Dues	65	841	776	7.74 %	65	10,100	10,035	0.64 %
2140 - Bank Charges	141	142	0	99.87 %	141	1,700	1,559	8.32 %
2150 - Office Supplies	1,066	475	-591	224.44 %	1,066	5,700	4,634	18.70 %
2160 - Courier Expense	270	275	4	98.40 %	270	3,300	3,030	8.20 %
2170 - Printing/Photocopy	0	175	175	0.00 %	0	2,100	2,100	0.00 %
2180 - Postage & Shipping	512	225	-287	227.82 %	512	2,700	2,188	18.98 %
2190 - IT Supplies/Services	2,196	3,257	1,061	67.43 %	2,196	39,100	36,904	5.62 %
2200 - Professional Fees	2,772	5,948	3,176	46.61 %	2,772	71,400	68,628	3.88 %
2220 - Equipment Repairs & Maintenance	216	267	51	80.88 %	216	3,200	2,984	6.74 %
2235 - Equipment Lease	574	491	-82	116.71 %	574	5,900	5,326	9.72 %
2240 - Telephone	1,217	1,474	257	82.55 %	1,217	17,700	16,483	6.88 %
2260 - Facility Maintenance	709	1,341	632	52.90 %	709	16,100	15,391	4.41 %

EXHIBIT 8-E

233

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 07/31/2016**

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2270 - Travel Expenses	13	883	870	1.43 %	13	10,600	10,587	0.12 %
2280 - Transportation	351	858	507	40.97 %	351	10,300	9,949	3.41 %
2300 - Legal Services	0	9,330	9,330	0.00 %	0	112,000	112,000	0.00 %
2380 - Meeting Expenses	0	200	200	0.00 %	0	2,400	2,400	0.00 %
2420 - Legal Notices	0	158	158	0.00 %	0	1,900	1,900	0.00 %
2460 - Public Outreach	57	175	118	32.41 %	57	2,100	2,043	2.70 %
2480 - Miscellaneous	0	125	125	0.00 %	0	1,500	1,500	0.00 %
2900 - Operating Supplies	126	192	66	65.55 %	126	2,300	2,174	5.46 %
Total Level1: 200 - Supplies and Services:	13,436	32,287	18,851	41.61 %	13,436	387,600	374,164	3.47 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	27,489	58,464	30,975	47.02 %	27,489	701,850	674,361	3.92 %
4000 - Fixed Asset Purchases	599	2,132	1,534	28.08 %	599	25,600	25,001	2.34 %
6000 - Contingencies	0	2,624	2,624	0.00 %	0	31,500	31,500	0.00 %
6500 - Reserves	0	70,776	70,776	0.00 %	0	849,650	849,650	0.00 %
Total Level1: 300 - Other Expenses:	28,088	133,996	105,908	20.96 %	28,088	1,608,600	1,580,512	1.75 %
Total Expense:	189,251	286,111	96,859	66.15 %	189,251	3,434,700	3,245,449	5.51 %
Total Revenues	8,179	286,111	-277,932	-2.86 %	8,179	3,434,700	-3,426,521	-0.24 %
Total Fund: 24 - MITIGATION FUND:	-181,072	0	-181,072		-181,072	0	-181,072	

EXHIBIT 8-E

234

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 07/31/2016**

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 26 - CONSERVATION FUND								
Revenue								
R120 - Property Taxes Revenues	0	83,433	-83,433	0.00 %	0	1,001,600	-1,001,600	0.00 %
R130 - User Fees	706	625	81	-112.94 %	706	7,500	-6,794	-9.41 %
R150 - Permit Processing Fee	23,509	14,578	8,932	-161.27 %	23,509	175,000	-151,491	-13.43 %
R200 - Recording Fees	1,357	666	691	-203.63 %	1,357	8,000	-6,643	-16.96 %
R210 - Legal Fees	399	833	-434	-47.90 %	399	10,000	-9,601	-3.99 %
R250 - Interest Income	1	292	-291	-0.28 %	1	3,500	-3,499	-0.02 %
R270 - CAW - Rebates	25,976	83,300	-57,325	-31.18 %	25,976	1,000,000	-974,025	-2.60 %
R280 - CAW - Conservation	0	27,797	-27,797	0.00 %	0	333,700	-333,700	0.00 %
R310 - Other Reimbursements	0	500	-500	0.00 %	0	6,000	-6,000	0.00 %
R320 - Grants	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R510 - Operating Reserve	0	200	-200	0.00 %	0	2,400	-2,400	0.00 %
Total Revenue:	51,947	213,889	-161,943	-24.29 %	51,947	2,567,700	-2,515,753	-2.02 %

EXHIBIT 8-E

235

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	29,495	46,556	17,061	63.35 %	29,495	558,900	529,405	5.28 %
1110 - Manager's Auto Allowance	46	100	54	46.17 %	46	1,200	1,154	3.85 %
1120 - Manager's Deferred Comp	126	142	15	89.09 %	126	1,700	1,574	7.42 %
1130 - Unemployment Compensation	0	58	58	0.00 %	0	700	700	0.00 %
1140 - Insurance Opt-Out Supplemental	372	267	-105	139.42 %	372	3,200	2,828	11.61 %
1150 - Temporary Personnel	2,271	3,357	1,086	67.66 %	2,271	40,300	38,029	5.64 %
1160 - PERS Retirement	43,602	7,247	-36,355	601.64 %	43,602	87,000	43,398	50.12 %
1170 - Medical Insurance	7,441	7,489	48	99.36 %	7,441	89,900	82,459	8.28 %
1180 - Medical Insurance - Retirees	1,761	1,158	-604	152.13 %	1,761	13,900	12,139	12.67 %
1190 - Workers Compensation	167	208	41	80.38 %	167	2,500	2,333	6.70 %
1200 - Life Insurance	93	117	24	79.63 %	93	1,400	1,307	6.63 %
1210 - Long Term Disability Insurance	292	300	8	97.22 %	292	3,600	3,308	8.10 %
1220 - Short Term Disability Insurance	58	67	9	86.94 %	58	800	742	7.24 %
1260 - Employee Assistance Program	19	33	14	57.47 %	19	400	381	4.79 %
1270 - FICA Tax Expense	30	83	53	36.19 %	30	1,000	970	3.02 %
1280 - Medicare Tax Expense	614	708	94	86.77 %	614	8,500	7,886	7.23 %
1290 - Staff Development & Training	1,025	758	-267	135.22 %	1,025	9,100	8,075	11.26 %
1300 - Conference Registration	820	133	-687	615.25 %	820	1,600	780	51.25 %
1310 - Professional Dues	0	50	50	0.00 %	0	600	600	0.00 %
1320 - Personnel Recruitment	0	150	150	0.00 %	0	1,800	1,800	0.00 %
Total Level1: 100 - Personnel Costs:	88,233	68,981	-19,252	127.91 %	88,233	828,100	739,867	10.65 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	486	833	347	58.34 %	486	10,000	9,514	4.86 %
2020 - Board Expenses	0	225	225	0.00 %	0	2,700	2,700	0.00 %
2040 - Rent	365	225	-140	162.36 %	365	2,700	2,335	13.52 %
2060 - Utilities	726	850	124	85.39 %	726	10,200	9,474	7.11 %
2120 - Insurance Expense	0	1,016	1,016	0.00 %	0	12,200	12,200	0.00 %
2130 - Membership Dues	42	950	908	4.41 %	42	11,400	11,358	0.37 %
2140 - Bank Charges	98	92	-7	107.42 %	98	1,100	1,002	8.95 %
2150 - Office Supplies	371	325	-47	114.34 %	371	3,900	3,529	9.52 %
2160 - Courier Expense	174	175	1	99.40 %	174	2,100	1,926	8.28 %
2170 - Printing/Photocopy	0	525	525	0.00 %	0	6,300	6,300	0.00 %
2180 - Postage & Shipping	329	133	-196	247.15 %	329	1,600	1,271	20.59 %
2190 - IT Supplies/Services	1,361	2,083	722	65.35 %	1,361	25,000	23,639	5.44 %
2200 - Professional Fees	1,782	3,823	2,041	46.61 %	1,782	45,900	44,118	3.88 %
2220 - Equipment Repairs & Maintenance	139	167	28	83.19 %	139	2,000	1,861	6.93 %
2235 - Equipment Lease	332	317	-15	104.81 %	332	3,800	3,468	8.73 %
2240 - Telephone	749	941	193	79.55 %	749	11,300	10,551	6.63 %
2260 - Facility Maintenance	430	791	362	54.31 %	430	9,500	9,070	4.52 %
2270 - Travel Expenses	1,710	1,075	-636	159.17 %	1,710	12,900	11,190	13.26 %

EXHIBIT 8-E

236

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2280 - Transportation	128	500	371	25.69 %	128	6,000	5,872	2.14 %
2300 - Legal Services	0	3,998	3,998	0.00 %	0	48,000	48,000	0.00 %
2380 - Meeting Expenses	0	325	325	0.00 %	0	3,900	3,900	0.00 %
2420 - Legal Notices	0	58	58	0.00 %	0	700	700	0.00 %
2460 - Public Outreach	36	117	80	31.26 %	36	1,400	1,364	2.60 %
2480 - Miscellaneous	0	83	83	0.00 %	0	1,000	1,000	0.00 %
2500 - Tax Administration Fee	0	600	600	0.00 %	0	7,200	7,200	0.00 %
2900 - Operating Supplies	7,016	1,225	-5,792	572.97 %	7,016	14,700	7,684	47.73 %
Total Level1: 200 - Supplies and Services:	16,275	21,450	5,175	75.87 %	16,275	257,500	241,225	6.32 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	10,225	115,929	105,703	8.82 %	10,225	1,391,700	1,381,475	0.73 %
4000 - Fixed Asset Purchases	385	5,839	5,454	6.59 %	385	70,100	69,715	0.55 %
6000 - Contingencies	0	1,691	1,691	0.00 %	0	20,300	20,300	0.00 %
Total Level1: 300 - Other Expenses:	10,610	123,459	112,849	8.59 %	10,610	1,482,100	1,471,490	0.72 %
Total Expense:	115,118	213,889	98,771	53.82 %	115,118	2,567,700	2,452,582	4.48 %
Total Revenues	51,947	213,889	-161,943	-24.29 %	51,947	2,567,700	-2,515,753	-2.02 %
Total Fund: 26 - CONSERVATION FUND:	-63,171	0	-63,171		-63,171	0	-63,171	

EXHIBIT 8-E

237

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 07/31/2016**

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 35 - WATER SUPPLY FUND								
Revenue								
R100 - Water Supply Charge	0	283,220	-283,220	0.00 %	0	3,400,000	-3,400,000	0.00 %
R120 - Property Taxes Revenues	0	49,847	-49,847	0.00 %	0	598,400	-598,400	0.00 %
R140 - Connection Charges	26,659	17,701	8,958	-150.61 %	26,659	212,500	-185,841	-12.55 %
R220 - Copy Fee	40	0	40	0.00 %	40	0	40	0.00 %
R230 - Miscellaneous - Other	0	833	-833	0.00 %	0	10,000	-10,000	0.00 %
R250 - Interest Income	2,120	1,166	954	-181.81 %	2,120	14,000	-11,880	-15.14 %
R265 - CAW - Los Padres Reimbursement	0	41,650	-41,650	0.00 %	0	500,000	-500,000	0.00 %
R300 - Watermaster	0	6,214	-6,214	0.00 %	0	74,600	-74,600	0.00 %
R308 - Reclamation Project	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R310 - Other Reimbursements	0	83	-83	0.00 %	0	1,000	-1,000	0.00 %
R320 - Grants	0	9,196	-9,196	0.00 %	0	110,400	-110,400	0.00 %
R510 - Operating Reserve	0	134,725	-134,725	0.00 %	0	1,617,350	-1,617,350	0.00 %
Total Revenue:	28,820	546,302	-517,482	-5.28 %	28,820	6,558,250	-6,529,430	-0.44 %

EXHIBIT 8-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	24,017	69,156	45,138	34.73 %	24,017	830,200	806,183	2.89 %
1110 - Manager's Auto Allowance	138	300	161	46.17 %	138	3,600	3,462	3.85 %
1120 - Manager's Deferred Comp	378	417	38	90.86 %	378	5,000	4,622	7.57 %
1130 - Unemployment Compensation	0	83	83	0.00 %	0	1,000	1,000	0.00 %
1140 - Insurance Opt-Out Supplemental	671	275	-396	244.01 %	671	3,300	2,629	20.33 %
1150 - Temporary Personnel	0	33	33	0.00 %	0	400	400	0.00 %
1160 - PERS Retirement	79,361	12,337	-67,024	643.29 %	79,361	148,100	68,739	53.59 %
1170 - Medical Insurance	7,314	8,597	1,282	85.08 %	7,314	103,200	95,886	7.09 %
1180 - Medical Insurance - Retirees	2,022	1,591	-431	127.11 %	2,022	19,100	17,078	10.59 %
1190 - Workers Compensation	1,099	1,358	259	80.92 %	1,099	16,300	15,201	6.74 %
1200 - Life Insurance	133	183	50	72.82 %	133	2,200	2,067	6.07 %
1210 - Long Term Disability Insurance	360	400	40	89.96 %	360	4,800	4,440	7.49 %
1220 - Short Term Disability Insurance	71	100	29	71.29 %	71	1,200	1,129	5.94 %
1260 - Employee Assistance Program	20	42	22	47.66 %	20	500	480	3.97 %
1270 - FICA Tax Expense	73	83	10	87.78 %	73	1,000	927	7.31 %
1280 - Medicare Tax Expense	677	1,025	347	66.11 %	677	12,300	11,623	5.51 %
1290 - Staff Development & Training	0	741	741	0.00 %	0	8,900	8,900	0.00 %
1300 - Conference Registration	0	108	108	0.00 %	0	1,300	1,300	0.00 %
1310 - Professional Dues	0	67	67	0.00 %	0	800	800	0.00 %
1320 - Personnel Recruitment	0	167	167	0.00 %	0	2,000	2,000	0.00 %
Total Level1: 100 - Personnel Costs:	116,336	97,061	-19,275	119.86 %	116,336	1,165,200	1,048,864	9.98 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	668	958	290	69.76 %	668	11,500	10,832	5.81 %
2020 - Board Expenses	0	258	258	0.00 %	0	3,100	3,100	0.00 %
2040 - Rent	981	808	-173	121.38 %	981	9,700	8,719	10.11 %
2060 - Utilities	853	991	138	86.07 %	853	11,900	11,047	7.17 %
2120 - Insurance Expense	0	1,166	1,166	0.00 %	0	14,000	14,000	0.00 %
2130 - Membership Dues	48	633	585	7.59 %	48	7,600	7,552	0.63 %
2140 - Bank Charges	22	100	78	21.56 %	22	1,200	1,178	1.80 %
2150 - Office Supplies	975	367	-609	266.14 %	975	4,400	3,425	22.17 %
2160 - Courier Expense	200	200	0	99.86 %	200	2,400	2,200	8.32 %
2170 - Printing/Photocopy	0	125	125	0.00 %	0	1,500	1,500	0.00 %
2180 - Postage & Shipping	378	175	-203	216.20 %	378	2,100	1,722	18.01 %
2190 - IT Supplies/Services	1,639	2,407	769	68.07 %	1,639	28,900	27,261	5.67 %
2200 - Professional Fees	2,046	4,390	2,344	46.61 %	2,046	52,700	50,654	3.88 %
2220 - Equipment Repairs & Maintenance	159	192	32	83.05 %	159	2,300	2,141	6.92 %
2235 - Equipment Lease	429	358	-70	119.65 %	429	4,300	3,871	9.97 %
2240 - Telephone	854	1,158	304	73.72 %	854	13,900	13,046	6.14 %
2260 - Facility Maintenance	533	1,025	492	52.00 %	533	12,300	11,767	4.33 %
2270 - Travel Expenses	76	716	641	10.54 %	76	8,600	8,524	0.88 %

EXHIBIT 8-E

239

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Level...	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2280 - Transportation	28	858	830	3.26 %	28	10,300	10,272	0.27 %
2300 - Legal Services	0	19,992	19,992	0.00 %	0	240,000	240,000	0.00 %
2380 - Meeting Expenses	0	150	150	0.00 %	0	1,800	1,800	0.00 %
2420 - Legal Notices	0	142	142	0.00 %	0	1,700	1,700	0.00 %
2460 - Public Outreach	42	133	91	31.40 %	42	1,600	1,558	2.62 %
2480 - Miscellaneous	0	92	92	0.00 %	0	1,100	1,100	0.00 %
2500 - Tax Administration Fee	0	1,066	1,066	0.00 %	0	12,800	12,800	0.00 %
2900 - Operating Supplies	93	150	57	61.82 %	93	1,800	1,707	5.15 %
Total Level1: 200 - Supplies and Services:	10,022	38,610	28,588	25.96 %	10,022	463,500	453,478	2.16 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	36,950	387,891	350,940	9.53 %	36,950	4,656,550	4,619,600	0.79 %
4000 - Fixed Asset Purchases	442	1,649	1,207	26.79 %	442	19,800	19,358	2.23 %
5000 - Debt Service	0	19,159	19,159	0.00 %	0	230,000	230,000	0.00 %
6000 - Contingencies	0	1,933	1,933	0.00 %	0	23,200	23,200	0.00 %
Total Level1: 300 - Other Expenses:	37,392	410,632	373,239	9.11 %	37,392	4,929,550	4,892,158	0.76 %
Total Expense:	163,750	546,302	382,552	29.97 %	163,750	6,558,250	6,394,500	2.50 %
Total Revenues	28,820	546,302	-517,482	-5.28 %	28,820	6,558,250	-6,529,430	-0.44 %
Total Fund: 35 - WATER SUPPLY FUND:	-134,930	0	-134,930		-134,930	0	-134,930	
Report Total:	-379,174	0	-379,174		-379,174	0	-379,174	

EXHIBIT 8-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 07/31/2016

Fund Summary

Fund	July Activity	July Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
24 - MITIGATION FUND	-181,072	0	-181,072		-181,072	0	-181,072	
26 - CONSERVATION FUND	-63,171	0	-63,171		-63,171	0	-63,171	
35 - WATER SUPPLY FUND	-134,930	0	-134,930		-134,930	0	-134,930	
Report Total:	-379,174	0.01	-379,174		-379,174	0	-379,174	

ITEM: CONSENT CALENDAR**9. CONSIDER ADOPTION OF TREASURER'S REPORT FOR AUGUST 2016**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Suresh Prasad	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation:** The Administrative Committee considered this item on October 10, 2016 and recommended approval.**CEQA Compliance:** N/A

SUMMARY: Exhibit 9-A comprises the Treasurer's Report for August 2016. Exhibit 9-B, Exhibit 9-C and Exhibit 9-D are listings of check disbursements for the period August 1-31, 2016. Check Nos. 26641 through 27075, the direct deposits of employee's paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$665,416.25. That amount included \$78,211.72 for conservation rebates. Exhibit 9-E reflects the unaudited version of the financial statements for the month ending August 31, 2016.

RECOMMENDATION: District staff recommends adoption of the August 2016 Treasurer's Report and financial statements, and ratification of the disbursements made during the month. The Administrative Committee reviewed this item at its October 10, 2016 meeting and voted 2 to 0 to recommend approval.

EXHIBIT

- 9-A** Treasurer's Report
- 9-B** Listing of Cash Disbursements-Regular
- 9-C** Listing of Cash Disbursements-Payroll
- 9-D** Listing of Other Bank Items
- 9-E** Financial Statements

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR AUGUST 2016**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>L.A.I.F.</u>	<u>Wells Fargo Investments</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance	\$64,752.57	\$85,034.94	\$701,441.52	\$1,504,062.87	\$ 2,355,291.90	\$10,330.78
Transfer to/from LAIF		0.00	-		0.00	
Fee Deposits		744,652.94			744,652.94	953,300.29
Interest		2.69	-	0.91	3.60	3.09
Transfer-Money Market to Checking	\$598,101.32	(598,101.32)			0.00	
Transfer-Money Market to W/Fargo					0.00	
Transfer-W/Fargo to Money Market					0.00	
W/Fargo-Investment Purchase					0.00	
Transfer Ckg to MPWMD M/Mrkt					0.00	
MoCo Tax & WS Chg Installment Pymt					0.00	
Transfer to CAWD					0.00	(628,000.00)
Voided Cks					0.00	
Bank Corrections/Reversals/Errors					0.00	
Bank Charges/Rtn'd Deposits/Other	(\$310.51)	(31.50)			(342.01)	(6.00)
Payroll Tax Deposits	(36,482.42)				(36,482.42)	
Payroll Checks/Direct Deposits	(141,735.52)				(141,735.52)	
General Checks	(486,887.80)				(486,887.80)	
Bank Draft Payments					0.00	
Ending Balance	(\$2,562.36)	\$231,557.75	\$701,441.52	\$1,504,063.78	\$2,434,500.69	\$335,628.16

Check Report

By Check Number

Date Range: 08/01/2016 - 08/31/2016



Monterey Peninsula Water Management Dist

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
00254	MoCo Recorder	08/04/2016	Regular	0.00	-88.00	26477
00254	MoCo Recorder	08/04/2016	Regular	0.00	-32.00	26540
00254	MoCo Recorder	08/03/2016	Regular	0.00	29.00	26643
00254	MoCo Recorder	08/03/2016	Regular	0.00	26.00	26644
00254	MoCo Recorder	08/03/2016	Regular	0.00	14.00	26645
00254	MoCo Recorder	08/03/2016	Regular	0.00	32.00	26646
00254	MoCo Recorder	08/03/2016	Regular	0.00	26.00	26647
00254	MoCo Recorder	08/03/2016	Regular	0.00	26.00	26648
00254	MoCo Recorder	08/03/2016	Regular	0.00	61.00	26649
00254	MoCo Recorder	08/03/2016	Regular	0.00	61.00	26650
00249	A.G. Davi, LTD	08/04/2016	Regular	0.00	395.00	26651
00252	Cal-Am Water	08/04/2016	Regular	0.00	92.51	26652
00252	Cal-Am Water	08/04/2016	Regular	0.00	86.25	26653
00237	Chevron	08/04/2016	Regular	0.00	417.52	26654
00230	Cisco WebEx, LLC	08/04/2016	Regular	0.00	113.80	26655
00028	Colantuono, Highsmith, & Whatley, PC	08/04/2016	Regular	0.00	1,022.00	26656
00281	CoreLogic Information Solutions, Inc.	08/04/2016	Regular	0.00	5,950.00	26657
00761	Delores Cofer	08/04/2016	Regular	0.00	405.00	26658
00267	Employment Development Dept.	08/04/2016	Regular	0.00	6,609.70	26659
07624	Franchise Tax Board	08/04/2016	Regular	0.00	85.99	26660
00285	Gabby Ayala	08/04/2016	Regular	0.00	114.96	26661
02832	GeoCue Corporation	08/04/2016	Regular	0.00	1,398.00	26662
00072	Goodin,MacBride,Squeri,Day,Lamprey	08/04/2016	Regular	0.00	5,478.50	26663
00768	ICMA	08/04/2016	Regular	0.00	5,380.41	26664
11223	In-Situ	08/04/2016	Regular	0.00	3,194.07	26665
03857	Joe Oliver	08/04/2016	Regular	0.00	612.92	26666
00769	Laborers Trust Fund of Northern CA	08/04/2016	Regular	0.00	26,664.00	26667
05830	Larry Hampson	08/04/2016	Regular	0.00	980.80	26668
00259	Marina Coast Water District	08/04/2016	Regular	0.00	154.88	26669
00259	Marina Coast Water District	08/04/2016	Regular	0.00	56.84	26670
01012	Mark Dudley	08/04/2016	Regular	0.00	80.24	26671
04032	Normandeu Associates, Inc.	08/04/2016	Regular	0.00	22,814.97	26672
00225	Palace Office Supply	08/04/2016	Regular	0.00	1,592.58	26673
00256	PERS Retirement	08/04/2016	Regular	0.00	13,894.73	26674
07627	Purchase Power	08/04/2016	Regular	0.00	579.98	26675
01349	Suresh Prasad	08/04/2016	Regular	0.00	653.34	26676
12180	The Roseanne Ruiz 2007 Revocable Trust	08/04/2016	Regular	0.00	152.66	26677
00258	TBC Communications & Media	08/04/2016	Regular	0.00	2,194.75	26678
00207	Universal Staffing Inc.	08/04/2016	Regular	0.00	811.20	26679
00221	Verizon Wireless	08/04/2016	Regular	0.00	560.55	26680
00254	MoCo Recorder	08/09/2016	Regular	0.00	14.00	26760
00254	MoCo Recorder	08/11/2016	Regular	0.00	29.00	26765
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26766
00254	MoCo Recorder	08/11/2016	Regular	0.00	29.00	26767
00254	MoCo Recorder	08/11/2016	Regular	0.00	29.00	26768
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26769
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26770
00254	MoCo Recorder	08/11/2016	Regular	0.00	32.00	26771
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26772
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26773
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26774
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26775
00254	MoCo Recorder	08/11/2016	Regular	0.00	32.00	26776
00254	MoCo Recorder	08/11/2016	Regular	0.00	91.00	26777

EXHIBIT 9-B

246

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26778
00254	MoCo Recorder	08/11/2016	Regular	0.00	61.00	26779
00254	MoCo Recorder	08/11/2016	Regular	0.00	91.00	26780
	Void	08/11/2016	Regular	0.00	0.00	26781
	Void	08/11/2016	Regular	0.00	0.00	26782
	Void	08/11/2016	Regular	0.00	0.00	26783
	Void	08/11/2016	Regular	0.00	0.00	26784
	Void	08/11/2016	Regular	0.00	0.00	26785
	Void	08/11/2016	Regular	0.00	0.00	26786
	Void	08/11/2016	Regular	0.00	0.00	26787
	Void	08/11/2016	Regular	0.00	0.00	26788
	Void	08/11/2016	Regular	0.00	0.00	26789
	Void	08/11/2016	Regular	0.00	0.00	26790
	Void	08/11/2016	Regular	0.00	0.00	26791
	Void	08/11/2016	Regular	0.00	0.00	26792
	Void	08/11/2016	Regular	0.00	0.00	26793
	Void	08/11/2016	Regular	0.00	0.00	26794
	Void	08/11/2016	Regular	0.00	0.00	26795
	Void	08/11/2016	Regular	0.00	0.00	26796
	Void	08/11/2016	Regular	0.00	0.00	26797
	Void	08/11/2016	Regular	0.00	0.00	26798
	Void	08/11/2016	Regular	0.00	0.00	26799
	Void	08/11/2016	Regular	0.00	0.00	26800
	Void	08/11/2016	Regular	0.00	0.00	26801
	Void	08/11/2016	Regular	0.00	0.00	26802
	Void	08/11/2016	Regular	0.00	0.00	26803
	Void	08/11/2016	Regular	0.00	0.00	26804
	Void	08/11/2016	Regular	0.00	0.00	26805
	Void	08/11/2016	Regular	0.00	0.00	26806
	Void	08/11/2016	Regular	0.00	0.00	26807
	Void	08/11/2016	Regular	0.00	0.00	26808
	Void	08/11/2016	Regular	0.00	0.00	26809
00253	AT&T	08/11/2016	Regular	0.00	1,371.54	26810
00252	Cal-Am Water	08/11/2016	Regular	0.00	182.36	26811
01001	CDW Government	08/11/2016	Regular	0.00	256.74	26812
04735	Cheryl Halpern	08/11/2016	Regular	0.00	2,376.02	26813
00761	Delores Cofer	08/11/2016	Regular	0.00	405.00	26814
00267	Employment Development Dept.	08/11/2016	Regular	0.00	37.00	26815
02660	Forestry Suppliers Inc.	08/11/2016	Regular	0.00	131.19	26816
07624	Franchise Tax Board	08/11/2016	Regular	0.00	35.00	26817
00277	Home Depot Credit Services	08/11/2016	Regular	0.00	137.02	26818
04717	Inder Osahan	08/11/2016	Regular	0.00	1,149.00	26819
07418	McMaster-Carr	08/11/2016	Regular	0.00	182.70	26820
01353	Monterey Peninsula Chamber of Commerce	08/11/2016	Regular	0.00	571.00	26821
00274	MRWPCA	08/11/2016	Regular	0.00	148.21	26822
11819	MuniQuip, LLC	08/11/2016	Regular	0.00	12,284.11	26823
04361	OneSource Office Systems	08/11/2016	Regular	0.00	143.26	26824
00225	Palace Office Supply	08/11/2016	Regular	0.00	249.79	26825
00154	Peninsula Messenger Service	08/11/2016	Regular	0.00	644.00	26826
00282	PG&E	08/11/2016	Regular	0.00	5,280.16	26827
00282	PG&E	08/11/2016	Regular	0.00	77.38	26828
07627	Purchase Power	08/11/2016	Regular	0.00	513.30	26829
08925	Quinn Company	08/11/2016	Regular	0.00	536.61	26830
12271	Rafic & Lina Kreik	08/11/2016	Regular	0.00	689.84	26831
04703	Schaaf & Wheeler	08/11/2016	Regular	0.00	3,314.00	26832
04709	Sherron Forsgren	08/11/2016	Regular	0.00	637.86	26833
04720	Teletec Communications, Inc.	08/11/2016	Regular	0.00	190.00	26834
00203	ThyssenKrup Elevator	08/11/2016	Regular	0.00	563.91	26835
00207	Universal Staffing Inc.	08/11/2016	Regular	0.00	811.20	26836
04340	Valley Trophies & Detectors	08/11/2016	Regular	0.00	113.05	26837
12272	William & Victoria Yakobovich	08/11/2016	Regular	0.00	346.13	26838

EXHIBIT 9-B

247

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26841
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26842
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26843
00254	MoCo Recorder	08/18/2016	Regular	0.00	14.00	26844
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26845
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26846
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26847
00254	MoCo Recorder	08/18/2016	Regular	0.00	87.00	26848
00254	MoCo Recorder	08/18/2016	Regular	0.00	67.00	26849
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26850
00254	MoCo Recorder	08/18/2016	Regular	0.00	32.00	26851
00254	MoCo Recorder	08/18/2016	Regular	0.00	75.00	26852
00254	MoCo Recorder	08/18/2016	Regular	0.00	61.00	26853
01188	Alhambra	08/18/2016	Regular	0.00	216.71	26854
00760	Andy Bell	08/18/2016	Regular	0.00	810.00	26855
00232	Balance Hydrologics, Inc	08/18/2016	Regular	0.00	1,508.81	26856
00036	Bill Parham	08/18/2016	Regular	0.00	650.00	26857
12188	Brown and Caldwell	08/18/2016	Regular	0.00	10,161.88	26858
00243	CalPers Long Term Care Program	08/18/2016	Regular	0.00	40.56	26859
01001	CDW Government	08/18/2016	Regular	0.00	4,886.60	26860
00224	City of Monterey	08/18/2016	Regular	0.00	2,935.53	26861
00046	De Lay & Laredo	08/18/2016	Regular	0.00	49,681.38	26862
07632	Debra Martin	08/18/2016	Regular	0.00	42.14	26863
00267	Employment Development Dept.	08/18/2016	Regular	0.00	3,956.42	26864
00192	Extra Space Storage	08/18/2016	Regular	0.00	716.00	26865
07624	Franchise Tax Board	08/18/2016	Regular	0.00	35.00	26866
07624	Franchise Tax Board	08/18/2016	Regular	0.00	85.99	26867
00285	Gabby Ayala	08/18/2016	Regular	0.00	400.98	26868
01194	Guest Access International	08/18/2016	Regular	0.00	6,985.64	26869
00768	ICMA	08/18/2016	Regular	0.00	4,572.09	26870
12190	Lights, Lux, & Lumens Energy Solutions	08/18/2016	Regular	0.00	2,868.65	26871
09986	Monterey Peninsula Airport District	08/18/2016	Regular	0.00	12,500.00	26872
08700	Monterey Regional Waste Management District	08/18/2016	Regular	0.00	36.04	26873
01020	Paula Soto	08/18/2016	Regular	0.00	241.98	26874
00256	PERS Retirement	08/18/2016	Regular	0.00	330.53	26875
00256	PERS Retirement	08/18/2016	Regular	0.00	14,193.13	26876
00282	PG&E	08/18/2016	Regular	0.00	22.26	26877
00752	Professional Liability Insurance Service	08/18/2016	Regular	0.00	50.24	26878
09925	QED Environmental Systems	08/18/2016	Regular	0.00	2,192.49	26879
00176	Sentry Alarm Systems	08/18/2016	Regular	0.00	125.50	26880
00283	SHELL	08/18/2016	Regular	0.00	782.08	26881
03973	Stephanie Kister	08/18/2016	Regular	0.00	152.56	26882
00286	Stephanie L Locke	08/18/2016	Regular	0.00	40.00	26883
00258	TBC Communications & Media	08/18/2016	Regular	0.00	14,200.00	26884
00269	U.S. Bank	08/18/2016	Regular	0.00	1,723.37	26885
00207	Universal Staffing Inc.	08/18/2016	Regular	0.00	811.20	26886
00271	UPEC, Local 792	08/18/2016	Regular	0.00	1,039.28	26887
06009	yourservicesolution.com	08/18/2016	Regular	0.00	271.00	26888
00254	MoCo Recorder	08/25/2016	Regular	0.00	61.00	27017
00254	MoCo Recorder	08/25/2016	Regular	0.00	61.00	27018
00254	MoCo Recorder	08/25/2016	Regular	0.00	14.00	27019
00254	MoCo Recorder	08/25/2016	Regular	0.00	32.00	27020
00254	MoCo Recorder	08/25/2016	Regular	0.00	61.00	27021
00254	MoCo Recorder	08/25/2016	Regular	0.00	29.00	27022
00254	MoCo Recorder	08/25/2016	Regular	0.00	61.00	27023
00254	MoCo Recorder	08/25/2016	Regular	0.00	29.00	27024
00254	MoCo Recorder	08/25/2016	Regular	0.00	29.00	27025
00254	MoCo Recorder	08/25/2016	Regular	0.00	61.00	27026
00253	AT&T	08/26/2016	Regular	0.00	60.30	27027
00253	AT&T	08/26/2016	Regular	0.00	59.15	27028
04042	Cabelas Government Outfitters	08/26/2016	Regular	0.00	415.90	27029

EXHIBIT 9-B

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00252	Cal-Am Water	08/26/2016	Regular	0.00	402.71	27030
00024	Central Coast Exterminator	08/26/2016	Regular	0.00	104.00	27031
00237	Chevron	08/26/2016	Regular	0.00	635.40	27032
00224	City of Monterey	08/26/2016	Regular	0.00	165.00	27033
06441	City of Pacific Grove	08/26/2016	Regular	0.00	40,256.08	27034
00028	Colantuono, Highsmith, & Whatley, PC	08/26/2016	Regular	0.00	868.50	27035
00281	CoreLogic Information Solutions, Inc.	08/26/2016	Regular	0.00	985.33	27036
00268	ESRI, Inc.	08/26/2016	Regular	0.00	10,494.72	27037
00758	FedEx	08/26/2016	Regular	0.00	29.80	27038
00277	Home Depot Credit Services	08/26/2016	Regular	0.00	26.85	27039
00094	John Arriaga	08/26/2016	Regular	0.00	2,500.00	27040
00222	M.J. Murphy	08/26/2016	Regular	0.00	24.74	27041
00259	Marina Coast Water District	08/26/2016	Regular	0.00	53.62	27042
00259	Marina Coast Water District	08/26/2016	Regular	0.00	187.03	27043
00242	MBAS	08/26/2016	Regular	0.00	2,905.00	27044
11819	MuniQuip, LLC	08/26/2016	Regular	0.00	301.29	27045
04032	Normandeau Associates, Inc.	08/26/2016	Regular	0.00	9,648.00	27046
00225	Palace Office Supply	08/26/2016	Regular	0.00	220.36	27047
00755	Peninsula Welding Supply, Inc.	08/26/2016	Regular	0.00	212.35	27048
00282	PG&E	08/26/2016	Regular	0.00	2.92	27049
00282	PG&E	08/26/2016	Regular	0.00	20,418.41	27050
00282	PG&E	08/26/2016	Regular	0.00	5,769.48	27051
00282	PG&E	08/26/2016	Regular	0.00	106.48	27052
00282	PG&E	08/26/2016	Regular	0.00	8,409.93	27053
09925	QED Environmental Systems	08/26/2016	Regular	0.00	20.26	27054
00251	Rick Dickhaut	08/26/2016	Regular	0.00	1,023.00	27055
03973	Stephanie Kister	08/26/2016	Regular	0.00	247.17	27056
04720	Teletec Communications, Inc.	08/26/2016	Regular	0.00	190.00	27057
04719	Telit Wireless Solutions	08/26/2016	Regular	0.00	161.69	27058
09351	Tetra Tech, Inc.	08/26/2016	Regular	0.00	7,252.87	27059
00258	TBC Communications & Media	08/26/2016	Regular	0.00	6,000.00	27060
00271	UPEC, Local 792	08/26/2016	Regular	0.00	1,039.28	27061
11451	Western Weather Group	08/26/2016	Regular	0.00	5,971.14	27062
08105	Yolanda Munoz	08/26/2016	Regular	0.00	540.00	27063
00754	Zone24x7	08/26/2016	Regular	0.00	3,146.75	27064
00254	MoCo Recorder	08/31/2016	Regular	0.00	14.00	27067
00254	MoCo Recorder	08/31/2016	Regular	0.00	32.00	27068
00254	MoCo Recorder	08/31/2016	Regular	0.00	32.00	27069
00254	MoCo Recorder	08/31/2016	Regular	0.00	29.00	27070
00254	MoCo Recorder	08/31/2016	Regular	0.00	29.00	27071
00254	MoCo Recorder	08/31/2016	Regular	0.00	61.00	27072
00254	MoCo Recorder	08/31/2016	Regular	0.00	29.00	27073
00254	MoCo Recorder	08/31/2016	Regular	0.00	125.00	27074
00254	MoCo Recorder	08/31/2016	Regular	0.00	26.00	27075

	Bank Code APBNK		Summary	
	Payable Count	Payment Count	Discount	Payment
Regular Checks	225	189	0.00	408,796.08
Manual Checks	0	0	0.00	0.00
Voided Checks	0	31	0.00	-120.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	225	220	0.00	408,676.08

EXHIBIT 9-B

249

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: REBATES-02-Rebates: Use Only For Rebates						
10690	KD LANDHOLDINGS LLC	08/02/2016	Regular	0.00	-325.00	24128
12262	ALEC MURDOCK	08/05/2016	Regular	0.00	500.00	26681
12228	Amy Hjort-Robertson	08/05/2016	Regular	0.00	500.00	26682
12206	ANDREW ALLISON	08/05/2016	Regular	0.00	100.00	26683
12215	ANN READEY	08/05/2016	Regular	0.00	125.00	26684
12233	ASHLEIGH ANDERSON	08/05/2016	Regular	0.00	500.00	26685
12261	BARBARA WHEELER	08/05/2016	Regular	0.00	500.00	26686
12229	BIEU BONNEY	08/05/2016	Regular	0.00	500.00	26687
12257	Bradley Jay Owens & Alka Joshi	08/05/2016	Regular	0.00	500.00	26688
12196	CHERI MILLER	08/05/2016	Regular	0.00	100.00	26689
12198	Cheri Padin	08/05/2016	Regular	0.00	100.00	26690
12207	CHRISTOPHER D LEIB	08/05/2016	Regular	0.00	100.00	26691
12259	DAN FIELD	08/05/2016	Regular	0.00	500.00	26692
12238	DAVID FISHER	08/05/2016	Regular	0.00	500.00	26693
12252	DAVID GAUVREAU	08/05/2016	Regular	0.00	200.00	26694
12241	David Stamm	08/05/2016	Regular	0.00	500.00	26695
12200	DAVID TERRY	08/05/2016	Regular	0.00	100.00	26696
12217	EDWIN BAPTISTA	08/05/2016	Regular	0.00	125.00	26697
12221	ERIKA TRAWICK	08/05/2016	Regular	0.00	500.00	26698
12195	FRANCOISE AVERY	08/05/2016	Regular	0.00	298.00	26699
12255	FRANK P ZABROWSKI	08/05/2016	Regular	0.00	100.00	26700
12265	GALDINO A HERNANDEZ	08/05/2016	Regular	0.00	100.00	26701
12201	GUY RIINA	08/05/2016	Regular	0.00	200.00	26702
12270	HARI SAHDEO	08/05/2016	Regular	0.00	500.00	26703
12216	JAMES MOLINARO	08/05/2016	Regular	0.00	125.00	26704
12242	JAY SINCLAIR	08/05/2016	Regular	0.00	285.00	26705
12231	JEAN MOUTON	08/05/2016	Regular	0.00	500.00	26706
12240	JIELU ZHAO	08/05/2016	Regular	0.00	500.00	26707
12203	John Carminati	08/05/2016	Regular	0.00	178.00	26708
12226	JOHN COMER	08/05/2016	Regular	0.00	500.00	26709
12249	JOHN DUNN	08/05/2016	Regular	0.00	200.00	26710
12247	JOHN L NASH TRUST	08/05/2016	Regular	0.00	1,641.00	26711
12213	JOYCE A JEWETT	08/05/2016	Regular	0.00	625.00	26712
12268	JR WHEELWRIGHT	08/05/2016	Regular	0.00	500.00	26713
12254	KATHRYN PICETTI	08/05/2016	Regular	0.00	100.00	26714
10690	KD LANDHOLDINGS LLC	08/05/2016	Regular	0.00	325.00	26715
12264	KUSHMA MAHARAJ	08/05/2016	Regular	0.00	500.00	26716
12256	LEE BALLARD	08/05/2016	Regular	0.00	500.00	26717
12224	Lindley Sloan	08/05/2016	Regular	0.00	500.00	26718
12235	MARGARET MC CREA	08/05/2016	Regular	0.00	500.00	26719
12219	MARJORIE BRAND	08/05/2016	Regular	0.00	500.00	26720
12237	Mick Pfaff	08/05/2016	Regular	0.00	500.00	26721
12232	Mindy Maschmeyer	08/05/2016	Regular	0.00	500.00	26722
12260	Nicole Laidlaw	08/05/2016	Regular	0.00	500.00	26723
12267	NICOLE SANKS	08/05/2016	Regular	0.00	88.00	26724
12193	NORMA I HAUGHEY	08/05/2016	Regular	0.00	500.00	26725
12205	Paramount Properties	08/05/2016	Regular	0.00	89.00	26726
12222	PATRICIA E HAUSER TRUST	08/05/2016	Regular	0.00	500.00	26727
12236	Patrick Lynch	08/05/2016	Regular	0.00	500.00	26728
12210	PETER BROWN	08/05/2016	Regular	0.00	298.00	26729
12218	PETER NODZENSKI	08/05/2016	Regular	0.00	125.00	26730
12266	Preston Flatley	08/05/2016	Regular	0.00	100.00	26731
12197	QUENTIN BENNETT	08/05/2016	Regular	0.00	600.00	26732
12225	RAMESH PATEL	08/05/2016	Regular	0.00	500.00	26733
12258	REZA KHODAVERDIAN	08/05/2016	Regular	0.00	500.00	26734
12230	RICHARD AARON	08/05/2016	Regular	0.00	500.00	26735
12263	RICHARD CLEVINGER	08/05/2016	Regular	0.00	500.00	26736
12269	ROBERT EDWARDS	08/05/2016	Regular	0.00	500.00	26737
12202	ROBERT K DIXON	08/05/2016	Regular	0.00	149.00	26738
12251	ROBERT SLEEPER	08/05/2016	Regular	0.00	200.00	26739

EXHIBIT 9-B

250

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
12253	RUDY D MARTIN	08/05/2016	Regular	0.00	298.00	26740
12248	RYDELL TODICHEENEY	08/05/2016	Regular	0.00	500.00	26741
12234	SAVITA D LAL	08/05/2016	Regular	0.00	500.00	26742
12246	Susan Wheelwright	08/05/2016	Regular	0.00	600.00	26743
12227	T. McCANN	08/05/2016	Regular	0.00	500.00	26744
12223	THOMAS P PARKS	08/05/2016	Regular	0.00	500.00	26745
12208	THOMAS REDFERN	08/05/2016	Regular	0.00	100.00	26746
12212	THOMAS URETSKY	08/05/2016	Regular	0.00	125.00	26747
12199	Timothy Errington	08/05/2016	Regular	0.00	100.00	26748
12220	Tinna Dinesen	08/05/2016	Regular	0.00	500.00	26749
12250	Victoria Osinski	08/05/2016	Regular	0.00	149.00	26750
12245	VIRGINIA & ED ECKERMAN	08/05/2016	Regular	0.00	102.50	26751
12243	VIRGINIA ECKERMAN	08/05/2016	Regular	0.00	200.00	26752
12194	VIRGINIA ECKERMAN	08/05/2016	Regular	0.00	200.00	26753
12211	VIRGINIA ECKERMAN	08/05/2016	Regular	0.00	125.00	26754
12239	WALTER WHITE	08/05/2016	Regular	0.00	500.00	26755
12214	WARREN HOY	08/05/2016	Regular	0.00	125.00	26756
12209	WES KELLEY	08/05/2016	Regular	0.00	100.00	26757
12244	WILLIAM L DUDDING	08/05/2016	Regular	0.00	200.00	26758
12204	WILLIE J PEARSON	08/05/2016	Regular	0.00	100.00	26759
12364	Achmad Hidajat	08/22/2016	Regular	0.00	500.00	26889
12348	Adam Heieck	08/22/2016	Regular	0.00	100.00	26890
12594	ADRIANNA DINIHANIAN	08/22/2016	Regular	0.00	100.00	26891
12337	ALYCE AUSTIN	08/22/2016	Regular	0.00	500.00	26892
12401	ANDREWS JEFFREY G & RANDI J	08/22/2016	Regular	0.00	710.00	26893
12548	ANNA GRAZIANO	08/22/2016	Regular	0.00	99.00	26894
12388	ANNE HESS	08/22/2016	Regular	0.00	17.25	26895
12553	ANNETTA J BEACH	08/22/2016	Regular	0.00	300.00	26896
12588	ANTHONY LEON GUERRERO	08/22/2016	Regular	0.00	180.00	26897
12574	Antoinette McDaniel	08/22/2016	Regular	0.00	500.00	26898
12341	BARBARA MEAZELL	08/22/2016	Regular	0.00	500.00	26899
12333	BARBARA MEAZELL	08/22/2016	Regular	0.00	125.00	26900
12551	BARBARA RASMUSSEN	08/22/2016	Regular	0.00	100.00	26901
12367	Barry & Jeanne Frew	08/22/2016	Regular	0.00	500.00	26902
12560	BILL ROBNETT	08/22/2016	Regular	0.00	200.00	26903
12369	Brian & Barbara Robinson	08/22/2016	Regular	0.00	500.00	26904
12591	BUENA VISTA LAND COMPANY	08/22/2016	Regular	0.00	100.00	26905
12578	Cara Cohen	08/22/2016	Regular	0.00	500.00	26906
12555	CECELIA E ROMAN	08/22/2016	Regular	0.00	200.00	26907
12343	Charles Lafrades	08/22/2016	Regular	0.00	110.00	26908
12395	CHARLES WINSTON	08/22/2016	Regular	0.00	500.00	26909
12558	CHRISTOPHE BERAUD	08/22/2016	Regular	0.00	100.00	26910
12571	CONSTANCE ELLIS	08/22/2016	Regular	0.00	500.00	26911
12398	CYNTHIA DUSENBURY	08/22/2016	Regular	0.00	149.00	26912
12377	Daniel Hedges	08/22/2016	Regular	0.00	100.00	26913
12376	Daniel Hedges	08/22/2016	Regular	0.00	100.00	26914
12351	Daniel Hernandez	08/22/2016	Regular	0.00	298.00	26915
12391	DANIEL VOHL	08/22/2016	Regular	0.00	100.00	26916
12356	David Nelson	08/22/2016	Regular	0.00	100.00	26917
12576	DAVID YAMADA	08/22/2016	Regular	0.00	500.00	26918
12353	Debra Weakley	08/22/2016	Regular	0.00	149.00	26919
12322	DON LOCKE	08/22/2016	Regular	0.00	200.00	26920
12334	DONALD ENGLUND	08/22/2016	Regular	0.00	125.00	26921
12354	Donna Leather	08/22/2016	Regular	0.00	149.00	26922
12344	DORIS BOGAN	08/22/2016	Regular	0.00	100.00	26923
12570	ELIZABETH DOLGOS	08/22/2016	Regular	0.00	500.00	26924
12547	Emily Higuera	08/22/2016	Regular	0.00	100.00	26925
12585	ERIC KAWASHIMA	08/22/2016	Regular	0.00	2,675.00	26926
12585	ERIC KAWASHIMA	08/22/2016	Regular	0.00	-2,675.00	26926
12583	EUSEBIO SEBASTIAN ESCOBEDO	08/22/2016	Regular	0.00	500.00	26927
12359	Evelyn G Monge	08/22/2016	Regular	0.00	100.00	26928

EXHIBIT 9-B

251

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
12363	Frank Amato	08/22/2016	Regular	0.00	125.00	26929
12592	FRANK GRAZIANO	08/22/2016	Regular	0.00	178.00	26930
12389	FRED E. PETERS	08/22/2016	Regular	0.00	89.00	26931
12332	GABRIELE WILLIAMS	08/22/2016	Regular	0.00	100.00	26932
12589	GARRY ST CLAIR	08/22/2016	Regular	0.00	100.00	26933
12326	GARY SIMON	08/22/2016	Regular	0.00	100.00	26934
12399	GASPARE ALIOTTI TRS	08/22/2016	Regular	0.00	100.00	26935
12385	GREG OGDEN	08/22/2016	Regular	0.00	300.00	26936
12379	H.S.G. Enterprises, Inc.	08/22/2016	Regular	0.00	200.00	26937
12360	Hanya Burni	08/22/2016	Regular	0.00	100.00	26938
12347	Heather Ferreira	08/22/2016	Regular	0.00	825.00	26939
12581	HILLTOP RANCH & VINEYARD, LLC	08/22/2016	Regular	0.00	-49,999.00	26940
12581	HILLTOP RANCH & VINEYARD, LLC	08/22/2016	Regular	0.00	49,999.00	26940
12390	J ARTHUR WHITE	08/22/2016	Regular	0.00	100.00	26941
12336	JAMES N AZEVEDO	08/22/2016	Regular	0.00	500.00	26942
12582	JAMIE DOW	08/22/2016	Regular	0.00	500.00	26943
12396	JANELLE GISTELLI & JOHNNY APODACA	08/22/2016	Regular	0.00	500.00	26944
12358	Janette Moody	08/22/2016	Regular	0.00	248.00	26945
12566	JASON D SLINGERLEND	08/22/2016	Regular	0.00	125.00	26946
12324	JIMMIE SMITH	08/22/2016	Regular	0.00	100.00	26947
12382	Joachim Hofmann	08/22/2016	Regular	0.00	149.00	26948
12556	JOAN BUCHANAN	08/22/2016	Regular	0.00	200.00	26949
12590	JOAN SMITH	08/22/2016	Regular	0.00	100.00	26950
12559	JOAN SMITH	08/22/2016	Regular	0.00	100.00	26951
12329	Joanne Mattison	08/22/2016	Regular	0.00	100.00	26952
12381	John And Cynthia Michael	08/22/2016	Regular	0.00	2,240.00	26953
12370	John Dunn	08/22/2016	Regular	0.00	500.00	26954
12339	JOHN KRISHER	08/22/2016	Regular	0.00	500.00	26955
12586	JOHN TENANES	08/22/2016	Regular	0.00	9,412.00	26956
12586	JOHN TENANES	08/22/2016	Regular	0.00	-9,412.00	26956
12335	JOSEPH & RENATE TALBERT	08/22/2016	Regular	0.00	125.00	26957
12580	JULIA AIKINS	08/22/2016	Regular	0.00	500.00	26958
12573	KATHLEEN ROGERS	08/22/2016	Regular	0.00	500.00	26959
12340	KERRY K SANCHEZ	08/22/2016	Regular	0.00	500.00	26960
12349	Kim Cruz	08/22/2016	Regular	0.00	200.00	26961
12383	KIMBERLE HERRING	08/22/2016	Regular	0.00	149.00	26962
12362	Ladd Strnad	08/22/2016	Regular	0.00	125.00	26963
12587	MALCOLM BARLOW	08/22/2016	Regular	0.00	1,625.00	26964
12355	Margaret Manning	08/22/2016	Regular	0.00	300.00	26965
12328	MAX S BELL	08/22/2016	Regular	0.00	100.00	26966
12397	MICHAEL THOMAS & PATRICIA POWELL	08/22/2016	Regular	0.00	6,375.00	26967
12392	Mike Horan	08/22/2016	Regular	0.00	500.00	26968
12400	Mission Laundry Equipment	08/22/2016	Regular	0.00	4,000.00	26969
12563	MOHSEN BANUAZIZI	08/22/2016	Regular	0.00	149.00	26970
12562	MOHSEN BANUAZIZI	08/22/2016	Regular	0.00	298.00	26971
12564	MOHSEN BANUAZZI	08/22/2016	Regular	0.00	149.00	26972
12572	NAN BORRESON	08/22/2016	Regular	0.00	500.00	26973
12330	NATHAN PIOTRKOWSKI	08/22/2016	Regular	0.00	100.00	26974
12569	NEIL OKAMOTO	08/22/2016	Regular	0.00	500.00	26975
12346	ORLANDO F USOG	08/22/2016	Regular	0.00	100.00	26976
12345	ORLANDO F USOG	08/22/2016	Regular	0.00	100.00	26977
12394	PAMELA OSTROW	08/22/2016	Regular	0.00	500.00	26978
12325	PATRICIA EMERY	08/22/2016	Regular	0.00	298.00	26979
12331	PATRICK A GODFREY	08/22/2016	Regular	0.00	136.44	26980
12593	PEGGY SORENSON	08/22/2016	Regular	0.00	100.00	26981
12372	Penny Morris	08/22/2016	Regular	0.00	500.00	26982
12366	Randy Tunnell	08/22/2016	Regular	0.00	500.00	26983
12384	RANJEET & SAVITA LAL	08/22/2016	Regular	0.00	100.00	26984
12549	REV WELTON MCGEE	08/22/2016	Regular	0.00	100.00	26985
12378	Richard Kim	08/22/2016	Regular	0.00	500.00	26986
12373	Richard Smallwood	08/22/2016	Regular	0.00	500.00	26987

EXHIBIT 9-B

252

Check Report

Date Range: 08/01/2016 - 08/31/2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
12561	Robert Lee Garland & Thomas Warren Ethington	08/22/2016	Regular	0.00	298.00	26988
12380	Rod Goya	08/22/2016	Regular	0.00	100.00	26989
12375	Roger Craig	08/22/2016	Regular	0.00	750.00	26990
12371	Ronald D. Mcnay	08/22/2016	Regular	0.00	500.00	26991
12554	RUTH HORN	08/22/2016	Regular	0.00	300.00	26992
12352	S.K. Hershewe	08/22/2016	Regular	0.00	100.00	26993
12575	SALLY JONES	08/22/2016	Regular	0.00	500.00	26994
12327	SALOME S CABRALTR	08/22/2016	Regular	0.00	100.00	26995
12387	SARAH CHMIELEWSKI	08/22/2016	Regular	0.00	178.00	26996
12338	SARAH LANETTE ZIMMERMAN	08/22/2016	Regular	0.00	500.00	26997
12568	SCOTT RUDONI	08/22/2016	Regular	0.00	500.00	26998
12374	Shaun Mcgeary	08/22/2016	Regular	0.00	2,825.00	26999
12567	SHAWNAE GROENEWOUD	08/22/2016	Regular	0.00	500.00	27000
12342	SHEN ZHU	08/22/2016	Regular	0.00	500.00	27001
12565	SHERYL STEWART	08/22/2016	Regular	0.00	125.00	27002
12550	STEVEN DOOLITTLE	08/22/2016	Regular	0.00	100.00	27003
12357	Steven P Lepiane	08/22/2016	Regular	0.00	100.00	27004
12361	Sue Ortenburger	08/22/2016	Regular	0.00	298.00	27005
12577	SUMIT VARMA	08/22/2016	Regular	0.00	500.00	27006
12584	TANI SNOW	08/22/2016	Regular	0.00	500.00	27007
12368	Teresa Scattini	08/22/2016	Regular	0.00	500.00	27008
12579	THOMAS ANDERSON	08/22/2016	Regular	0.00	500.00	27009
12350	Thomas B Pelikan	08/22/2016	Regular	0.00	298.00	27010
12393	THOMAS H LIGHT	08/22/2016	Regular	0.00	500.00	27011
12552	THOMAS WALGENBACH	08/22/2016	Regular	0.00	100.00	27012
12323	Tristan Tschudin	08/22/2016	Regular	0.00	144.53	27013
12386	WILLIAM MOCO	08/22/2016	Regular	0.00	200.00	27014
12365	William White	08/22/2016	Regular	0.00	500.00	27015
12557	WINIFRED EDDINGTON	08/22/2016	Regular	0.00	200.00	27016

Bank Code REBATES-02 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	207	207	0.00	140,622.72
Manual Checks	0	0	0.00	0.00
Voided Checks	0	4	0.00	-62,411.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	207	211	0.00	78,211.72

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	8/2016	486,887.80
			<hr/>
			486,887.80

EXHIBIT 9-C

Payroll Bank Transaction Report - MPWMD



Monterey Peninsula Water Management Dist

By Payment Number

Date: 8/1/2016 - 8/31/2016

Payroll Set: 01 - Monterey Peninsula Water Management District

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
2398	08/05/2016	Regular	1024	Stoldt, David J	0.00	5,913.84	5,913.84
2399	08/05/2016	Regular	1025	Tavani, Arlene M	0.00	1,899.86	1,899.86
2400	08/05/2016	Regular	1006	Dudley, Mark A	0.00	2,878.01	2,878.01
2401	08/05/2016	Regular	1039	Flores, Elizabeth	0.00	1,941.68	1,941.68
2402	08/05/2016	Regular	1018	Prasad, Suresh	0.00	3,583.00	3,583.00
2403	08/05/2016	Regular	1019	Reyes, Sara C	0.00	1,856.04	1,856.04
2404	08/05/2016	Regular	1020	Sandoval, Eric J	0.00	1,933.30	1,933.30
2405	08/05/2016	Regular	1021	Schmidlin, Cynthia L	0.00	1,802.01	1,802.01
2406	08/05/2016	Regular	1022	Soto, Paula	0.00	1,296.90	1,296.90
2407	08/05/2016	Regular	1002	Bekker, Mark	0.00	1,627.14	1,627.14
2408	08/05/2016	Regular	1005	Christensen, Thomas T	0.00	2,548.32	2,548.32
2409	08/05/2016	Regular	1008	Hampson, Larry M	0.00	3,199.25	3,199.25
2410	08/05/2016	Regular	1013	Lyons, Matthew J	0.00	1,602.65	1,602.65
2411	08/05/2016	Regular	1023	Stern, Henrietta L	0.00	642.63	642.63
2412	08/05/2016	Regular	6028	Atkins, Daniel N	0.00	924.00	924.00
2413	08/05/2016	Regular	6035	Besson, Jordan C.	0.00	796.87	796.87
2414	08/05/2016	Regular	1004	Chaney, Beverly M	0.00	2,177.57	2,177.57
2415	08/05/2016	Regular	1007	Hamilton, Cory R	0.00	2,028.05	2,028.05
2416	08/05/2016	Regular	1009	James, Gregory W	0.00	2,932.78	2,932.78
2417	08/05/2016	Regular	1011	Lear, Jonathan P	0.00	2,731.28	2,731.28
2418	08/05/2016	Regular	1012	Lindberg, Thomas L	0.00	2,156.93	2,156.93
2419	08/05/2016	Regular	1016	Oliver, Joseph W	0.00	16,404.28	16,404.28
2420	08/05/2016	Regular	1026	Urquhart, Kevan A	0.00	1,868.33	1,868.33
2421	08/05/2016	Regular	1001	Ayala, Gabriela D	0.00	1,653.91	1,653.91
2422	08/05/2016	Regular	1041	Gonnerman, Maryan C	0.00	1,507.97	1,507.97
2423	08/05/2016	Regular	1010	Kister, Stephanie L	0.00	1,838.32	1,838.32
2424	08/05/2016	Regular	1017	Locke, Stephanie L	0.00	2,686.68	2,686.68
2425	08/05/2016	Regular	1014	Martin, Debra S	0.00	1,816.97	1,816.97
2426	08/12/2016	Regular	7013	Clarke, Andrew	0.00	249.34	249.34
2427	08/12/2016	Regular	7014	Evans, Molly F	0.00	124.67	124.67
2428	08/12/2016	Regular	7003	Lewis, Brenda	0.00	246.57	246.57
2429	08/19/2016	Regular	1024	Stoldt, David J	0.00	5,913.84	5,913.84
2430	08/19/2016	Regular	1025	Tavani, Arlene M	0.00	1,899.87	1,899.87
2431	08/19/2016	Regular	1006	Dudley, Mark A	0.00	2,878.01	2,878.01
2432	08/19/2016	Regular	1039	Flores, Elizabeth	0.00	1,941.67	1,941.67
2433	08/19/2016	Regular	1018	Prasad, Suresh	0.00	3,583.00	3,583.00
2434	08/19/2016	Regular	1019	Reyes, Sara C	0.00	1,856.02	1,856.02
2435	08/19/2016	Regular	1020	Sandoval, Eric J	0.00	1,933.30	1,933.30
2436	08/19/2016	Regular	1021	Schmidlin, Cynthia L	0.00	1,802.01	1,802.01
2437	08/19/2016	Regular	1022	Soto, Paula	0.00	1,420.09	1,420.09
2438	08/19/2016	Regular	1002	Bekker, Mark	0.00	1,627.14	1,627.14
2439	08/19/2016	Regular	1005	Christensen, Thomas T	0.00	2,548.31	2,548.31
2440	08/19/2016	Regular	1042	Hamilton, Maureen C.	0.00	2,716.56	2,716.56
2441	08/19/2016	Regular	1008	Hampson, Larry M	0.00	3,199.25	3,199.25
2442	08/19/2016	Regular	1013	Lyons, Matthew J	0.00	1,602.65	1,602.65
2443	08/19/2016	Regular	1023	Stern, Henrietta L	0.00	921.68	921.68
2444	08/19/2016	Regular	6028	Atkins, Daniel N	0.00	1,015.46	1,015.46
2445	08/19/2016	Regular	6035	Besson, Jordan C.	0.00	649.36	649.36
2446	08/19/2016	Regular	1004	Chaney, Beverly M	0.00	2,177.57	2,177.57
2447	08/19/2016	Regular	1007	Hamilton, Cory R	0.00	2,028.05	2,028.05
2448	08/19/2016	Regular	1009	James, Gregory W	0.00	2,932.79	2,932.79
2449	08/19/2016	Regular	6034	Kleven, Alana K	0.00	161.21	161.21
2450	08/19/2016	Regular	1011	Lear, Jonathan P	0.00	2,731.28	2,731.28
2451	08/19/2016	Regular	1012	Lindberg, Thomas L	0.00	2,156.93	2,156.93
2452	08/19/2016	Regular	1026	Urquhart, Kevan A	0.00	1,868.33	1,868.33
2453	08/19/2016	Regular	1001	Ayala, Gabriela D	0.00	1,702.39	1,702.39
2454	08/19/2016	Regular	1041	Gonnerman, Maryan C	0.00	1,507.97	1,507.97

Payment Number	EXHIBIT 9-C		Employee		Check Amount	Direct Deposit		Total Payment
	Payment Date	Payment Type	Number	Employee Name		Amount	256	
2455	08/19/2016	Regular	1010	Kister, Stephanie L	0.00	1,846.29		1,846.29
2456	08/19/2016	Regular	1017	Locke, Stephanie L	0.00	2,686.68		2,686.68
2457	08/19/2016	Regular	1014	Martin, Debra S	0.00	1,816.97		1,816.97
26641	08/05/2016	Regular	6033	Suwada, Joseph	836.84	0.00		836.84
26642	08/05/2016	Regular	1040	Smith, Kyle	1,472.52	0.00		1,472.52
26761	08/12/2016	Regular	7006	Brower, Sr., Robert S	249.34	0.00		249.34
26762	08/12/2016	Regular	7007	Byrne, Jeannie	498.69	0.00		498.69
26763	08/12/2016	Regular	7001	Pendergrass, David K	374.02	0.00		374.02
26764	08/12/2016	Regular	7004	Potter, David L	124.67	0.00		124.67
26839	08/19/2016	Regular	6033	Suwada, Joseph	713.09	0.00		713.09
26840	08/19/2016	Regular	1040	Smith, Kyle	1,472.52	0.00		1,472.52
Totals:					5,741.69	135,993.83		141,735.52

EXHIBIT 9-D



Monterey Peninsula Water Management Dist

Bank Transaction Report

Transaction Detail

Issued Date Range: 08/01/2016 - 08/31/2016

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Bank Account: 111 - Bank of America Checking - 0000 8170 8210							
08/05/2016	08/31/2016	DFT0000764	I.R.S.	Accounts Payable	Cleared	Bank Draft	-19,375.42
08/05/2016	08/31/2016	DFT0000765	I.R.S.	Accounts Payable	Cleared	Bank Draft	-2,336.58
08/05/2016	08/31/2016	DFT0000766	I.R.S.	Accounts Payable	Cleared	Bank Draft	-514.64
08/12/2016	08/31/2016	DFT0000768	I.R.S.	Accounts Payable	Cleared	Bank Draft	-2.77
08/12/2016	08/31/2016	DFT0000769	I.R.S.	Accounts Payable	Cleared	Bank Draft	-58.76
08/12/2016	08/31/2016	DFT0000770	I.R.S.	Accounts Payable	Cleared	Bank Draft	-251.10
08/15/2016	08/31/2016	SVC0000093	To Post Aug/2016 Bank Service Charge	General Ledger	Cleared	Service Charge	-310.51
08/19/2016	08/31/2016	DFT0000772	I.R.S.	Accounts Payable	Cleared	Bank Draft	-10,925.83
08/19/2016	08/31/2016	DFT0000773	I.R.S.	Accounts Payable	Cleared	Bank Draft	-2,459.88
08/19/2016	08/31/2016	DFT0000774	I.R.S.	Accounts Payable	Cleared	Bank Draft	-557.44
Bank Account 111 Total: (10)							-36,792.93
Report Total: (10)							-36,792.93

EXHIBIT 9-D

Bank Transaction Report

258

Issued Date Range: 08/01/2016 - 08/31/2016 Cleared Date Range: -

Summary

Bank Account	Count	Amount
111 Bank of America Checking - 0000 8170 8210	10	-36,792.93
Report Total:	10	-36,792.93

Cash Account	Count	Amount
99 99-10-100100 Pool Cash Account	10	-36,792.93
Report Total:	10	-36,792.93

Transaction Type	Count	Amount
Bank Draft	9	-36,482.42
Service Charge	1	-310.51
Report Total:	10	-36,792.93



Monterey Peninsula Water Management Dist

Statement of Revenue Over Expense - No Decimals
Group Summary

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Revenue								
R100 - Water Supply Charge	-2,376	283,220	-285,596	0.84 %	-2,376	3,400,000	-3,402,376	0.07 %
R110 - Mitigation Revenue	0	209,791	-209,791	0.00 %	0	2,518,500	-2,518,500	0.00 %
R120 - Property Taxes Revenues	0	133,280	-133,280	0.00 %	0	1,600,000	-1,600,000	0.00 %
R130 - User Fees	4,286	7,914	-3,628	-54.15 %	8,815	95,000	-86,185	-9.28 %
R140 - Connection Charges	17,197	17,701	-505	-97.15 %	43,856	212,500	-168,644	-20.64 %
R150 - Permit Processing Fee	18,695	14,578	4,118	-128.25 %	42,204	175,000	-132,796	-24.12 %
R160 - Well Registration Fee	25	0	25	0.00 %	600	0	600	0.00 %
R180 - River Work Permit Application	0	0	0	0.00 %	25	0	25	0.00 %
R190 - WDS Permits Rule 21	1,910	4,665	-2,755	-40.94 %	5,665	56,000	-50,335	-10.12 %
R200 - Recording Fees	1,695	666	1,029	-254.35 %	3,052	8,000	-4,948	-38.15 %
R210 - Legal Fees	228	833	-605	-27.37 %	627	10,000	-9,373	-6.27 %
R220 - Copy Fee	33	0	33	0.00 %	73	0	73	0.00 %
R230 - Miscellaneous - Other	60	1,666	-1,606	-3.60 %	60	20,000	-19,940	-0.30 %
R250 - Interest Income	-3,601	1,666	-5,267	216.17 %	-1,480	20,000	-21,480	7.40 %
R265 - CAW - Los Padres Reimbursement	0	41,650	-41,650	0.00 %	0	500,000	-500,000	0.00 %
R270 - CAW - Rebates	30,345	83,300	-52,955	-36.43 %	56,320	1,000,000	-943,680	-5.63 %
R280 - CAW - Conservation	0	27,797	-27,797	0.00 %	0	333,700	-333,700	0.00 %
R290 - CAW - Miscellaneous	0	35,561	-35,561	0.00 %	0	426,900	-426,900	0.00 %
R300 - Watermaster	0	6,214	-6,214	0.00 %	0	74,600	-74,600	0.00 %
R308 - Reclamation Project	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R310 - Other Reimbursements	0	2,999	-2,999	0.00 %	0	36,000	-36,000	0.00 %
R320 - Grants	0	27,522	-27,522	0.00 %	0	330,400	-330,400	0.00 %
R510 - Operating Reserve	0	143,613	-143,613	0.00 %	0	1,724,050	-1,724,050	0.00 %
Total Revenue:	68,496	1,046,302	-977,806	-6.55 %	157,442	12,560,650	-12,403,208	-1.25 %

EXHIBIT 9-E

260

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	201,490	200,478	-1,012	100.50 %	294,399	2,406,700	2,112,301	12.23 %
1110 - Manager's Auto Allowance	462	500	38	92.34 %	692	6,000	5,308	11.54 %
1120 - Manager's Deferred Comp	631	700	69	90.14 %	1,262	8,400	7,138	15.02 %
1130 - Unemployment Compensation	0	250	250	0.00 %	0	3,000	3,000	0.00 %
1140 - Insurance Opt-Out Supplemental	1,414	808	-606	175.00 %	2,828	9,700	6,872	29.16 %
1150 - Temporary Personnel	4,056	3,432	-624	118.18 %	6,327	41,200	34,873	15.36 %
1160 - PERS Retirement	18,006	33,953	15,947	53.03 %	230,799	407,600	176,802	56.62 %
1170 - Medical Insurance	25,495	27,814	2,319	91.66 %	50,826	333,900	283,074	15.22 %
1180 - Medical Insurance - Retirees	6,101	4,823	-1,278	126.50 %	12,625	57,900	45,275	21.80 %
1190 - Workers Compensation	3,791	4,048	258	93.64 %	7,134	48,600	41,466	14.68 %
1200 - Life Insurance	411	541	130	75.91 %	820	6,500	5,681	12.61 %
1210 - Long Term Disability Insurance	1,122	1,225	103	91.59 %	2,243	14,700	12,457	15.26 %
1220 - Short Term Disability Insurance	223	283	61	78.61 %	445	3,400	2,955	13.09 %
1250 - Moving Expense Reimbursement	0	0	0	0.00 %	116	0	-116	0.00 %
1260 - Employee Assistance Program	66	125	59	52.65 %	132	1,500	1,368	8.77 %
1270 - FICA Tax Expense	653	458	-195	142.58 %	1,342	5,500	4,158	24.39 %
1280 - Medicare Tax Expense	2,426	2,999	573	80.89 %	4,809	36,000	31,192	13.36 %
1290 - Staff Development & Training	327	2,341	2,013	13.98 %	1,352	28,100	26,748	4.81 %
1300 - Conference Registration	0	367	367	0.00 %	820	4,400	3,580	18.64 %
1310 - Professional Dues	0	183	183	0.00 %	0	2,200	2,200	0.00 %
1320 - Personnel Recruitment	25	541	516	4.62 %	25	6,500	6,475	0.38 %
Total Level1: 100 - Personnel Costs:	266,698	285,869	19,171	93.29 %	618,993	3,431,800	2,812,807	18.04 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	1,890	3,082	1,192	61.32 %	3,915	37,000	33,085	10.58 %
2020 - Board Expenses	0	833	833	0.00 %	0	10,000	10,000	0.00 %
2040 - Rent	1,761	1,933	172	91.12 %	4,238	23,200	18,962	18.27 %
2060 - Utilities	2,655	3,182	527	83.45 %	5,383	38,200	32,817	14.09 %
2120 - Insurance Expense	0	3,757	3,757	0.00 %	0	45,100	45,100	0.00 %
2130 - Membership Dues	571	2,424	1,853	23.56 %	726	29,100	28,374	2.49 %
2140 - Bank Charges	348	333	-15	104.53 %	610	4,000	3,390	15.24 %
2150 - Office Supplies	2,237	1,166	-1,071	191.83 %	4,650	14,000	9,350	33.21 %
2160 - Courier Expense	487	650	163	74.95 %	1,131	7,800	6,669	14.50 %
2170 - Printing/Photocopy	0	825	825	0.00 %	0	9,900	9,900	0.00 %
2180 - Postage & Shipping	102	533	431	19.17 %	1,322	6,400	5,078	20.66 %
2190 - IT Supplies/Services	30,300	7,747	-22,553	391.12 %	35,496	93,000	57,504	38.17 %
2200 - Professional Fees	6,600	14,161	7,561	46.61 %	13,200	170,000	156,800	7.76 %
2220 - Equipment Repairs & Maintenance	0	625	625	0.00 %	513	7,500	6,987	6.84 %
2235 - Equipment Lease	946	1,166	220	81.13 %	2,280	14,000	11,720	16.29 %
2240 - Telephone	4,302	3,574	-729	120.39 %	7,122	42,900	35,778	16.60 %
2260 - Facility Maintenance	2,810	3,157	347	89.00 %	4,482	37,900	33,418	11.83 %

EXHIBIT 9-E

261

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2270 - Travel Expenses	1,230	2,674	1,444	46.00 %	3,029	32,100	29,071	9.43 %
2280 - Transportation	1,576	2,216	640	71.13 %	2,084	26,600	24,516	7.83 %
2300 - Legal Services	30,218	33,320	3,102	90.69 %	30,218	400,000	369,782	7.55 %
2380 - Meeting Expenses	651	675	24	96.46 %	651	8,100	7,449	8.04 %
2420 - Legal Notices	0	358	358	0.00 %	0	4,300	4,300	0.00 %
2460 - Public Outreach	300	425	125	70.62 %	435	5,100	4,665	8.53 %
2480 - Miscellaneous	36	300	264	12.02 %	36	3,600	3,564	1.00 %
2500 - Tax Administration Fee	0	1,666	1,666	0.00 %	0	20,000	20,000	0.00 %
2900 - Operating Supplies	429	1,566	1,137	27.39 %	7,663	18,800	11,137	40.76 %
Total Level1: 200 - Supplies and Services:	89,450	92,346	2,896	96.86 %	129,184	1,108,600	979,416	11.65 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	185,635	562,283	376,649	33.01 %	260,300	6,750,100	6,489,800	3.86 %
4000 - Fixed Asset Purchases	1,498	9,621	8,124	15.57 %	2,923	115,500	112,577	2.53 %
5000 - Debt Service	0	19,159	19,159	0.00 %	0	230,000	230,000	0.00 %
6000 - Contingencies	0	6,248	6,248	0.00 %	0	75,000	75,000	0.00 %
6500 - Reserves	0	70,776	70,776	0.00 %	0	849,650	849,650	0.00 %
Total Level1: 300 - Other Expenses:	187,132	668,087	480,955	28.01 %	263,223	8,020,250	7,757,027	3.28 %
Total Expense:	543,280	1,046,302	503,022	51.92 %	1,011,400	12,560,650	11,549,250	8.05 %
Report Total:	-474,784	0	-474,784		-853,958	0	-853,958	

EXHIBIT 9-E**Statement of Revenue Over Expense - No Decimals**

262

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Fund Summary

Fund	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
24 - MITIGATION FUND	-174,152	0	-174,152		-355,225	0	-355,225	
26 - CONSERVATION FUND	-115,158	0	-115,158		-178,329	0	-178,329	
35 - WATER SUPPLY FUND	-185,474	0	-185,474		-320,404	0	-320,404	
Report Total:	-474,784	0.01	-474,784		-853,958	0	-853,958	



Monterey Peninsula Water Management Dist

Statement of Revenue Over Expense - No Decimals
Group Summary

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 24 - MITIGATION FUND								
Revenue								
R110 - Mitigation Revenue	0	209,791	-209,791	0.00 %	0	2,518,500	-2,518,500	0.00 %
R130 - User Fees	3,618	7,289	-3,671	-49.64 %	7,441	87,500	-80,059	-8.50 %
R160 - Well Registration Fee	25	0	25	0.00 %	600	0	600	0.00 %
R180 - River Work Permit Application	0	0	0	0.00 %	25	0	25	0.00 %
R190 - WDS Permits Rule 21	1,910	4,665	-2,755	-40.94 %	5,665	56,000	-50,335	-10.12 %
R230 - Miscellaneous - Other	0	833	-833	0.00 %	0	10,000	-10,000	0.00 %
R250 - Interest Income	1	208	-208	-0.32 %	1	2,500	-2,499	-0.04 %
R290 - CAW - Miscellaneous	0	35,561	-35,561	0.00 %	0	426,900	-426,900	0.00 %
R310 - Other Reimbursements	0	2,416	-2,416	0.00 %	0	29,000	-29,000	0.00 %
R320 - Grants	0	16,660	-16,660	0.00 %	0	200,000	-200,000	0.00 %
R510 - Operating Reserve	0	8,688	-8,688	0.00 %	0	104,300	-104,300	0.00 %
Total Revenue:	5,554	286,111	-280,557	-1.94 %	13,732	3,434,700	-3,420,968	-0.40 %

EXHIBIT 9-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	81,436	84,766	3,330	96.07 %	120,833	1,017,600	896,767	11.87 %
1110 - Manager's Auto Allowance	92	100	8	92.34 %	138	1,200	1,062	11.54 %
1120 - Manager's Deferred Comp	126	142	15	89.09 %	252	1,700	1,448	14.84 %
1130 - Unemployment Compensation	0	108	108	0.00 %	0	1,300	1,300	0.00 %
1140 - Insurance Opt-Out Supplemental	372	267	-105	139.42 %	743	3,200	2,457	23.23 %
1150 - Temporary Personnel	0	42	42	0.00 %	0	500	500	0.00 %
1160 - PERS Retirement	7,580	14,369	6,789	52.75 %	97,410	172,500	75,090	56.47 %
1170 - Medical Insurance	10,871	11,729	858	92.69 %	21,446	140,800	119,354	15.23 %
1180 - Medical Insurance - Retirees	2,562	2,074	-488	123.54 %	5,302	24,900	19,598	21.30 %
1190 - Workers Compensation	2,210	2,482	272	89.04 %	4,287	29,800	25,513	14.39 %
1200 - Life Insurance	190	242	52	78.59 %	372	2,900	2,528	12.83 %
1210 - Long Term Disability Insurance	484	525	41	92.16 %	954	6,300	5,346	15.14 %
1220 - Short Term Disability Insurance	96	117	21	82.40 %	189	1,400	1,211	13.53 %
1250 - Moving Expense Reimbursement	0	0	0	0.00 %	116	0	-116	0.00 %
1260 - Employee Assistance Program	27	50	23	54.92 %	54	600	546	9.04 %
1270 - FICA Tax Expense	550	292	-259	188.80 %	1,136	3,500	2,364	32.44 %
1280 - Medicare Tax Expense	1,125	1,266	141	88.83 %	2,216	15,200	12,984	14.58 %
1290 - Staff Development & Training	327	841	514	38.90 %	327	10,100	9,773	3.24 %
1300 - Conference Registration	0	125	125	0.00 %	0	1,500	1,500	0.00 %
1310 - Professional Dues	0	67	67	0.00 %	0	800	800	0.00 %
1320 - Personnel Recruitment	25	225	200	11.12 %	25	2,700	2,675	0.93 %
Total Level1: 100 - Personnel Costs:	108,075	119,827	11,752	90.19 %	255,802	1,438,500	1,182,698	17.78 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	813	1,291	478	62.94 %	1,683	15,500	13,817	10.86 %
2020 - Board Expenses	0	350	350	0.00 %	0	4,200	4,200	0.00 %
2040 - Rent	823	900	76	91.51 %	1,954	10,800	8,846	18.10 %
2060 - Utilities	1,127	1,341	215	84.00 %	2,275	16,100	13,825	14.13 %
2120 - Insurance Expense	0	1,574	1,574	0.00 %	0	18,900	18,900	0.00 %
2130 - Membership Dues	0	841	841	0.00 %	65	10,100	10,035	0.64 %
2140 - Bank Charges	144	142	-2	101.43 %	285	1,700	1,415	16.77 %
2150 - Office Supplies	920	475	-445	193.76 %	1,986	5,700	3,714	34.84 %
2160 - Courier Expense	205	275	70	74.41 %	475	3,300	2,825	14.39 %
2170 - Printing/Photocopy	0	175	175	0.00 %	0	2,100	2,100	0.00 %
2180 - Postage & Shipping	78	225	147	34.55 %	590	2,700	2,110	21.86 %
2190 - IT Supplies/Services	12,804	3,257	-9,547	393.11 %	15,000	39,100	24,100	38.36 %
2200 - Professional Fees	2,772	5,948	3,176	46.61 %	5,544	71,400	65,856	7.76 %
2220 - Equipment Repairs & Maintenance	0	267	267	0.00 %	216	3,200	2,984	6.74 %
2235 - Equipment Lease	407	491	85	82.78 %	980	5,900	4,920	16.62 %
2240 - Telephone	2,191	1,474	-717	148.62 %	3,409	17,700	14,291	19.26 %
2260 - Facility Maintenance	1,180	1,341	161	87.99 %	1,890	16,100	14,210	11.74 %

EXHIBIT 9-E

265

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 08/31/2016**

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2270 - Travel Expenses	302	883	581	34.22 %	315	10,600	10,285	2.97 %
2280 - Transportation	1,190	858	-332	138.68 %	1,541	10,300	8,759	14.96 %
2300 - Legal Services	15,118	9,330	-5,788	162.04 %	15,118	112,000	96,882	13.50 %
2380 - Meeting Expenses	332	200	-132	165.89 %	332	2,400	2,068	13.82 %
2420 - Legal Notices	0	158	158	0.00 %	0	1,900	1,900	0.00 %
2460 - Public Outreach	126	175	49	72.03 %	183	2,100	1,917	8.70 %
2480 - Miscellaneous	15	125	110	12.12 %	15	1,500	1,485	1.01 %
2900 - Operating Supplies	0	192	192	0.00 %	126	2,300	2,174	5.46 %
Total Level1: 200 - Supplies and Services:	40,545	32,287	-8,258	125.58 %	53,981	387,600	333,619	13.93 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	31,086	58,464	27,378	53.17 %	58,576	701,850	643,274	8.35 %
4000 - Fixed Asset Purchases	0	2,132	2,132	0.00 %	599	25,600	25,001	2.34 %
6000 - Contingencies	0	2,624	2,624	0.00 %	0	31,500	31,500	0.00 %
6500 - Reserves	0	70,776	70,776	0.00 %	0	849,650	849,650	0.00 %
Total Level1: 300 - Other Expenses:	31,086	133,996	102,910	23.20 %	59,174	1,608,600	1,549,426	3.68 %
Total Expense:	179,706	286,111	106,404	62.81 %	368,957	3,434,700	3,065,743	10.74 %
Total Revenues	5,554	286,111	-280,557	-1.94 %	13,732	3,434,700	-3,420,968	-0.40 %
Total Fund: 24 - MITIGATION FUND:	-174,152	0	-174,152		-355,225	0	-355,225	

EXHIBIT 9-E

266

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 08/31/2016**

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 26 - CONSERVATION FUND								
Revenue								
R120 - Property Taxes Revenues	0	83,433	-83,433	0.00 %	0	1,001,600	-1,001,600	0.00 %
R130 - User Fees	668	625	43	-106.87 %	1,373	7,500	-6,127	-18.31 %
R150 - Permit Processing Fee	18,695	14,578	4,118	-128.25 %	42,204	175,000	-132,796	-24.12 %
R200 - Recording Fees	1,695	666	1,029	-254.35 %	3,052	8,000	-4,948	-38.15 %
R210 - Legal Fees	228	833	-605	-27.37 %	627	10,000	-9,373	-6.27 %
R250 - Interest Income	-480	292	-771	164.60 %	-479	3,500	-3,979	13.69 %
R270 - CAW - Rebates	30,345	83,300	-52,955	-36.43 %	56,320	1,000,000	-943,680	-5.63 %
R280 - CAW - Conservation	0	27,797	-27,797	0.00 %	0	333,700	-333,700	0.00 %
R310 - Other Reimbursements	0	500	-500	0.00 %	0	6,000	-6,000	0.00 %
R320 - Grants	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R510 - Operating Reserve	0	200	-200	0.00 %	0	2,400	-2,400	0.00 %
Total Revenue:	51,151	213,889	-162,739	-23.91 %	103,098	2,567,700	-2,464,602	-4.02 %

EXHIBIT 9-E

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	41,975	46,556	4,582	90.16 %	71,470	558,900	487,430	12.79 %
1110 - Manager's Auto Allowance	92	100	8	92.34 %	138	1,200	1,062	11.54 %
1120 - Manager's Deferred Comp	126	142	15	89.09 %	252	1,700	1,448	14.84 %
1130 - Unemployment Compensation	0	58	58	0.00 %	0	700	700	0.00 %
1140 - Insurance Opt-Out Supplemental	372	267	-105	139.42 %	743	3,200	2,457	23.23 %
1150 - Temporary Personnel	4,056	3,357	-699	120.82 %	6,327	40,300	33,973	15.70 %
1160 - PERS Retirement	4,120	7,247	3,127	56.86 %	47,722	87,000	39,278	54.85 %
1170 - Medical Insurance	7,045	7,489	444	94.08 %	14,486	89,900	75,414	16.11 %
1180 - Medical Insurance - Retirees	1,647	1,158	-489	142.27 %	3,409	13,900	10,491	24.52 %
1190 - Workers Compensation	159	208	49	76.56 %	327	2,500	2,173	13.07 %
1200 - Life Insurance	95	117	22	81.10 %	187	1,400	1,213	13.39 %
1210 - Long Term Disability Insurance	277	300	23	92.48 %	569	3,600	3,031	15.80 %
1220 - Short Term Disability Insurance	55	67	12	82.74 %	113	800	687	14.14 %
1260 - Employee Assistance Program	18	33	15	54.62 %	37	400	363	9.34 %
1270 - FICA Tax Expense	28	83	55	33.78 %	58	1,000	942	5.83 %
1280 - Medicare Tax Expense	587	708	121	82.92 %	1,201	8,500	7,299	14.13 %
1290 - Staff Development & Training	0	758	758	0.00 %	1,025	9,100	8,075	11.26 %
1300 - Conference Registration	0	133	133	0.00 %	820	1,600	780	51.25 %
1310 - Professional Dues	0	50	50	0.00 %	0	600	600	0.00 %
1320 - Personnel Recruitment	0	150	150	0.00 %	0	1,800	1,800	0.00 %
Total Level1: 100 - Personnel Costs:	60,653	68,981	8,327	87.93 %	148,886	828,100	679,214	17.98 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	454	833	379	54.45 %	940	10,000	9,060	9.40 %
2020 - Board Expenses	0	225	225	0.00 %	0	2,700	2,700	0.00 %
2040 - Rent	193	225	32	85.95 %	558	2,700	2,142	20.68 %
2060 - Utilities	697	850	152	82.08 %	1,423	10,200	8,777	13.95 %
2120 - Insurance Expense	0	1,016	1,016	0.00 %	0	12,200	12,200	0.00 %
2130 - Membership Dues	571	950	379	60.13 %	613	11,400	10,787	5.38 %
2140 - Bank Charges	92	92	-1	100.77 %	191	1,100	909	17.34 %
2150 - Office Supplies	592	325	-267	182.21 %	963	3,900	2,937	24.70 %
2160 - Courier Expense	131	175	43	75.17 %	305	2,100	1,795	14.54 %
2170 - Printing/Photocopy	0	525	525	0.00 %	0	6,300	6,300	0.00 %
2180 - Postage & Shipping	11	133	122	8.55 %	341	1,600	1,259	21.30 %
2190 - IT Supplies/Services	7,849	2,083	-5,766	376.88 %	9,210	25,000	15,790	36.84 %
2200 - Professional Fees	1,782	3,823	2,041	46.61 %	3,564	45,900	42,336	7.76 %
2220 - Equipment Repairs & Maintenance	0	167	167	0.00 %	139	2,000	1,861	6.93 %
2235 - Equipment Lease	227	317	89	71.74 %	559	3,800	3,241	14.71 %
2240 - Telephone	986	941	-45	104.78 %	1,735	11,300	9,565	15.35 %
2260 - Facility Maintenance	759	791	33	95.86 %	1,188	9,500	8,312	12.51 %
2270 - Travel Expenses	662	1,075	413	61.60 %	2,372	12,900	10,528	18.39 %

EXHIBIT 9-E

268

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 08/31/2016**

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2280 - Transportation	142	500	357	28.50 %	271	6,000	5,729	4.51 %
2300 - Legal Services	4,329	3,998	-331	108.28 %	4,329	48,000	43,671	9.02 %
2380 - Meeting Expenses	112	325	213	34.46 %	112	3,900	3,788	2.87 %
2420 - Legal Notices	0	58	58	0.00 %	0	700	700	0.00 %
2460 - Public Outreach	81	117	36	69.46 %	117	1,400	1,283	8.39 %
2480 - Miscellaneous	10	83	74	11.68 %	10	1,000	990	0.97 %
2500 - Tax Administration Fee	0	600	600	0.00 %	0	7,200	7,200	0.00 %
2900 - Operating Supplies	429	1,225	796	35.03 %	7,445	14,700	7,255	50.65 %
Total Level1: 200 - Supplies and Services:	20,110	21,450	1,339	93.76 %	36,385	257,500	221,115	14.13 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	84,047	115,929	31,881	72.50 %	94,273	1,391,700	1,297,427	6.77 %
4000 - Fixed Asset Purchases	1,498	5,839	4,342	25.65 %	1,883	70,100	68,217	2.69 %
6000 - Contingencies	0	1,691	1,691	0.00 %	0	20,300	20,300	0.00 %
Total Level1: 300 - Other Expenses:	85,545	123,459	37,914	69.29 %	96,155	1,482,100	1,385,945	6.49 %
Total Expense:	166,309	213,889	47,581	77.75 %	281,427	2,567,700	2,286,273	10.96 %
Total Revenues	51,151	213,889	-162,739	-23.91 %	103,098	2,567,700	-2,464,602	-4.02 %
Total Fund: 26 - CONSERVATION FUND:	-115,158	0	-115,158		-178,329	0	-178,329	

EXHIBIT 9-E

269

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 08/31/2016**

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Fund: 35 - WATER SUPPLY FUND								
Revenue								
R100 - Water Supply Charge	-2,376	283,220	-285,596	0.84 %	-2,376	3,400,000	-3,402,376	0.07 %
R120 - Property Taxes Revenues	0	49,847	-49,847	0.00 %	0	598,400	-598,400	0.00 %
R140 - Connection Charges	17,197	17,701	-505	-97.15 %	43,856	212,500	-168,644	-20.64 %
R220 - Copy Fee	33	0	33	0.00 %	73	0	73	0.00 %
R230 - Miscellaneous - Other	60	833	-773	-7.20 %	60	10,000	-9,940	-0.60 %
R250 - Interest Income	-3,122	1,166	-4,288	267.72 %	-1,002	14,000	-15,002	7.16 %
R265 - CAW - Los Padres Reimbursement	0	41,650	-41,650	0.00 %	0	500,000	-500,000	0.00 %
R300 - Watermaster	0	6,214	-6,214	0.00 %	0	74,600	-74,600	0.00 %
R308 - Reclamation Project	0	1,666	-1,666	0.00 %	0	20,000	-20,000	0.00 %
R310 - Other Reimbursements	0	83	-83	0.00 %	0	1,000	-1,000	0.00 %
R320 - Grants	0	9,196	-9,196	0.00 %	0	110,400	-110,400	0.00 %
R510 - Operating Reserve	0	134,725	-134,725	0.00 %	0	1,617,350	-1,617,350	0.00 %
Total Revenue:	11,792	546,302	-534,510	-2.16 %	40,612	6,558,250	-6,517,638	-0.62 %

EXHIBIT 9-E

270

Statement of Revenue Over Expense - No Decimals

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
Expense								
Level1: 100 - Personnel Costs								
1100 - Salaries & Wages	78,079	69,156	-8,924	112.90 %	102,097	830,200	728,103	12.30 %
1110 - Manager's Auto Allowance	277	300	23	92.34 %	415	3,600	3,185	11.54 %
1120 - Manager's Deferred Comp	378	417	38	90.86 %	757	5,000	4,243	15.14 %
1130 - Unemployment Compensation	0	83	83	0.00 %	0	1,000	1,000	0.00 %
1140 - Insurance Opt-Out Supplemental	671	275	-396	244.01 %	1,342	3,300	1,958	40.65 %
1150 - Temporary Personnel	0	33	33	0.00 %	0	400	400	0.00 %
1160 - PERS Retirement	6,306	12,337	6,031	51.11 %	85,666	148,100	62,434	57.84 %
1170 - Medical Insurance	7,579	8,597	1,017	88.16 %	14,893	103,200	88,307	14.43 %
1180 - Medical Insurance - Retirees	1,891	1,591	-300	118.88 %	3,914	19,100	15,186	20.49 %
1190 - Workers Compensation	1,421	1,358	-63	104.65 %	2,520	16,300	13,780	15.46 %
1200 - Life Insurance	127	183	57	69.07 %	260	2,200	1,940	11.82 %
1210 - Long Term Disability Insurance	361	400	39	90.16 %	720	4,800	4,080	15.00 %
1220 - Short Term Disability Insurance	71	100	29	71.43 %	143	1,200	1,057	11.89 %
1260 - Employee Assistance Program	20	42	22	48.36 %	40	500	460	8.00 %
1270 - FICA Tax Expense	75	83	9	89.60 %	148	1,000	852	14.78 %
1280 - Medicare Tax Expense	714	1,025	311	69.67 %	1,391	12,300	10,909	11.31 %
1290 - Staff Development & Training	0	741	741	0.00 %	0	8,900	8,900	0.00 %
1300 - Conference Registration	0	108	108	0.00 %	0	1,300	1,300	0.00 %
1310 - Professional Dues	0	67	67	0.00 %	0	800	800	0.00 %
1320 - Personnel Recruitment	0	167	167	0.00 %	0	2,000	2,000	0.00 %
Total Level1: 100 - Personnel Costs:	97,970	97,061	-908	100.94 %	214,305	1,165,200	950,895	18.39 %
Level1: 200 - Supplies and Services								
2000 - Board Member Compensation	624	958	334	65.11 %	1,292	11,500	10,208	11.23 %
2020 - Board Expenses	0	258	258	0.00 %	0	3,100	3,100	0.00 %
2040 - Rent	744	808	64	92.13 %	1,725	9,700	7,975	17.79 %
2060 - Utilities	831	991	160	83.87 %	1,685	11,900	10,215	14.16 %
2120 - Insurance Expense	0	1,166	1,166	0.00 %	0	14,000	14,000	0.00 %
2130 - Membership Dues	0	633	633	0.00 %	48	7,600	7,552	0.63 %
2140 - Bank Charges	112	100	-12	112.36 %	134	1,200	1,066	11.16 %
2150 - Office Supplies	725	367	-359	197.86 %	1,701	4,400	2,699	38.65 %
2160 - Courier Expense	151	200	49	75.52 %	351	2,400	2,049	14.61 %
2170 - Printing/Photocopy	0	125	125	0.00 %	0	1,500	1,500	0.00 %
2180 - Postage & Shipping	13	175	162	7.48 %	391	2,100	1,709	18.63 %
2190 - IT Supplies/Services	9,648	2,407	-7,240	400.76 %	11,286	28,900	17,614	39.05 %
2200 - Professional Fees	2,046	4,390	2,344	46.61 %	4,092	52,700	48,608	7.76 %
2220 - Equipment Repairs & Maintenance	0	192	192	0.00 %	159	2,300	2,141	6.92 %
2235 - Equipment Lease	312	358	46	87.17 %	741	4,300	3,559	17.23 %
2240 - Telephone	1,125	1,158	33	97.14 %	1,978	13,900	11,922	14.23 %
2260 - Facility Maintenance	871	1,025	154	85.01 %	1,404	12,300	10,896	11.41 %
2270 - Travel Expenses	266	716	450	37.15 %	342	8,600	8,258	3.97 %

EXHIBIT 9-E

271

Statement of Revenue Over Expense - No Decimals**For Fiscal: 2016-2017 Period Ending: 08/31/2016**

Level...	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
2280 - Transportation	244	858	614	28.42 %	272	10,300	10,028	2.64 %
2300 - Legal Services	10,771	19,992	9,221	53.88 %	10,771	240,000	229,229	4.49 %
2380 - Meeting Expenses	207	150	-57	138.23 %	207	1,800	1,593	11.51 %
2420 - Legal Notices	0	142	142	0.00 %	0	1,700	1,700	0.00 %
2460 - Public Outreach	93	133	40	69.78 %	135	1,600	1,465	8.43 %
2480 - Miscellaneous	11	92	80	12.19 %	11	1,100	1,089	1.02 %
2500 - Tax Administration Fee	0	1,066	1,066	0.00 %	0	12,800	12,800	0.00 %
2900 - Operating Supplies	0	150	150	0.00 %	93	1,800	1,707	5.15 %
Total Level1: 200 - Supplies and Services:	28,795	38,610	9,815	74.58 %	38,817	463,500	424,683	8.37 %
Level1: 300 - Other Expenses								
3000 - Project Expenses	70,501	387,891	317,390	18.18 %	107,451	4,656,550	4,549,099	2.31 %
4000 - Fixed Asset Purchases	0	1,649	1,649	0.00 %	442	19,800	19,358	2.23 %
5000 - Debt Service	0	19,159	19,159	0.00 %	0	230,000	230,000	0.00 %
6000 - Contingencies	0	1,933	1,933	0.00 %	0	23,200	23,200	0.00 %
Total Level1: 300 - Other Expenses:	70,501	410,632	340,131	17.17 %	107,893	4,929,550	4,821,657	2.19 %
Total Expense:	197,265	546,302	349,037	36.11 %	361,015	6,558,250	6,197,235	5.50 %
Total Revenues	11,792	546,302	-534,510	-2.16 %	40,612	6,558,250	-6,517,638	-0.62 %
Total Fund: 35 - WATER SUPPLY FUND:	-185,474	0	-185,474		-320,404	0	-320,404	
Report Total:	-474,784	0	-474,784		-853,958	0	-853,958	

EXHIBIT 9-E**Statement of Revenue Over Expense - No Decimals**

272

For Fiscal: 2016-2017 Period Ending: 08/31/2016

Fund Summary

Fund	August Activity	August Budget	Variance Favorable (Unfavorable)	Percent Used	YTD Activity	Total Budget	Variance Favorable (Unfavorable)	Percent Used
24 - MITIGATION FUND	-174,152	0	-174,152		-355,225	0	-355,225	
26 - CONSERVATION FUND	-115,158	0	-115,158		-178,329	0	-178,329	
35 - WATER SUPPLY FUND	-185,474	0	-185,474		-320,404	0	-320,404	
Report Total:	-474,784	0.01	-474,784		-853,958	0	-853,958	

ITEM: PUBLIC HEARING**14. CONSIDER SECOND READING OF ORDINANCE NO. 174 - SUSPENDING AUTHORITY TO ACCEPT WATER PERMIT APPLICATIONS FOR NEW CONNECTIONS BASED UPON PARALTA ALLOCATION, PRE-PARALTA ALLOCATION, QUAIL MEADOWS SUBDIVISION ANNEXATION, AND WATER WEST RESERVE**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: Yes.**Committee Recommendation: N/A****CEQA Compliance: Exempt. This is not a “project” under CEQA.**

SUMMARY: Ordinance No. 174 suspends authority to accept Water Permit applications for new Connections to the Main California American Water System (Cal-Am) when the application is based on water from the following water accounts: A Jurisdiction’s Paralta Allocation, a Jurisdiction’s pre-Paralta credit, the Water West Reserve, or California-American Water Company’s system capacity limits for the Quail Meadows Subdivision Annexation. This ordinance supports the California Public Utility Commission (CPUC) ordered moratorium on new Connections to the Cal-Am system and State Water Resources Control Board (SWRCB) Order WR 2009-0060 and the Cease and Desist Order (CDO) on Cal-Am. New Connections resulting from use of an Entitlement (e.g. Malpasos, Pebble Beach, and Sand City) would not be subject to this action.

By Urgency Ordinance on August 15, 2016, the District suspended staff’s ability to accept applications for New Connections that rely on water from a Jurisdiction’s Paralta or pre-Paralta Allocations. Until that time, District staff had no option other than to accept and process permit applications despite the SWRCB CDO and the CPUC-ordered moratorium, each of which apply directly and only to Cal-Am. Staff was providing notice to the applicant, and the Water Permit warned that even with a MPWMD permit, the project may be restricted by reason of SWRCB and CPUC regulations. When the applicant presented the MPWMD Water Permit to Cal-Am seeking to set a new Water Meter, Cal-Am refused to install the new meter. Urgency Ordinance No. 173 took effect immediately and will remain in place for one year or until superseded. Ordinance No. 174 (**Exhibit 14-A**) replaces the urgency ordinance and will remain in place until the CPUC moratorium or the CDO is lifted, or until the Board takes action to allow new Connections.

In addition to suspending authority to accept applications for new Connections using either a Jurisdiction’s Paralta Allocation or pre-Paralta Allocation, Ordinance No. 174 suspends staff’s authority to accept Water Permit applications for new Connections that utilize water from either

the Quail Meadows Annexation (0.763 AF remains) or the Water West Reserve (3.751 AF). These four sources of water for development are subject to the SWRCB CDO moratorium.

RECOMMENDATION: The Board should approve the second reading and adoption of Ordinance No. 174.

EXHIBIT

14-A Draft Ordinance No. 174

Second Reading Draft

ORDINANCE NO. 174

**AN ORDINANCE OF
THE BOARD OF DIRECTORS OF
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
SUSPENDING AUTHORITY TO ACCEPT WATER PERMIT APPLICATIONS
FOR NEW CONNECTIONS BASED UPON A JURISDICTION'S PARALTA
ALLOCATION, A JURISDICTION'S PRE-PARALTA CREDIT, THE WATER WEST
RESERVE, OR CALIFORNIA-AMERICAN WATER COMPANY'S SYSTEM
CAPACITY LIMITS FOR THE QUAIL MEADOWS SUBDIVISION ANNEXATION**

FINDINGS

1. The Monterey Peninsula Water Management District ("District" or "MPWMD") was authorized in 1977 by the California Legislature (Chapter 527 of the Statutes of 1977, as amended, found at West's Water Law Appendix Section 118-1, et seq.). Voters of the Monterey Peninsula ratified its creation in June 1978. The District holds comprehensive authority to integrate management of the ground and surface water resources in the Monterey Peninsula area. MPMWD governs the Allocation of limited water supplies distributed by California American Water ("Cal-Am").
2. The Monterey District of Cal-Am has a continuing water supply deficit. It relies on scarce water resources. A sizeable portion of water demand within the District is based upon water diverted from the Carmel River without any basis in right. State water rights orders limit Cal-Am's supply, and physically adequate supplies are available only due to deferred enforcement.
3. MPWMD conceived the Paralta Well in 1989, which was thereafter constructed by Cal-Am based on permits cooperatively acquired by the District and Cal-Am. This well provides water from the Seaside Coastal Groundwater Basin to create a new water supply in accord with District Resolutions 93-11 and 93-12.
4. On October 9, 1989, the District adopted Findings of Approval and Conditions of Approval of the Annexation of Quail Meadows (APN 157-121-17) into the

California-American Water Company Service Area. This approval was based on the applicant's retrofitting the Irrigation Systems at the Carmel Valley Golf and Country Club Golf Course to demonstrate a permanent annual savings of at least 65 acre-feet (AF), as well as other conditions. The agreed-upon base amount (historical use) for the golf course was stipulated to be 318.55 AF/year. With the 65 AF savings, the new agreed-upon Production Limit for golf course irrigation was 253.55 AF/year. The estimated water production needed for the proposed subdivision was 35 AF/year (equivalent to 32.9 AF/year metered sales). The combined California American Water and non-California American Water production to serve the golf course and subdivision is 288.55 AF/year. As of September 13, 2016, 0.763 AF remains available for Water Permits in the subdivision.

5. MPWMD accounted for Water Use Capacity for construction projects and Changes of Use that received but did not complete Water Permits issued prior to the District's Water Allocation Program Environmental Impact Report in 1990. Water Use Capacity from abandoned or reduced Capacity projects was returned to the Jurisdiction for future use when the Paralta Well Allocations were released.
6. In 1993, the District accounted for water from the Paralta Well by enacting Ordinance No. 70 to modify Jurisdictional Water Allocations and to allow this supply to be used for new and expanded water uses. District Ordinance No. 70 ended the water Connection moratorium previously enacted by District Ordinance No. 52.
7. District Ordinance No. 70 effectively eliminated the previously recognized water use deficit of 230 Acre-Feet (calculated against water available under Supply Option V in the Water Allocation EIR) recognized by District Ordinance No. 52, and allocated 385 Acre Feet of additional Paralta Well production among the District Jurisdictions.
8. District Ordinance No. 70, confirmed in *Currier v. MPWMD* (Case No. M59299) established the Water West Adjustment Reserve (Water West Reserve). A special reserve was established to replenish the Monterey County Allocation for new water use which occurs within the boundaries of the former Water West Water Distribution System. Replenishment of Monterey County's Allocation from this special reserve shall occur upon the approval of water use for real property within the Water West boundary. The total quantity of water use to replenish Monterey County's Allocation was 12.76 acre feet (sales). As of September 13, 2016, 3.751 AF remains.

9. In 1995, the State Water Resources Control Board (SWRCB) issued Order WR 95-10 to affirm Cal-Am held rights to divert only 3,376 Acre-Feet annually (“AFA”) from the Carmel River. This order required Cal-Am to reduce former river diversions of 14,106 AFA in 1995 to 11,285 AFA in 1997.
10. District Resolution No. 2004-11 noted Order WR 95-10 directed water production from the Seaside Basin be maximized to serve existing Connections, honor existing Allocation commitments, and to reduce diversions from the Carmel River. Resolution No. 2004-11 also recognized the use of pre-Paralta credits and public credits.
11. In 2007, the Monterey County Superior Court in *California-American Water Company v. City of Seaside*, et al. (Case No. M66343) issued a comprehensive order to adjudicate the Seaside Groundwater Basin and impose a declining pumping schedule from the Seaside Groundwater Basin for Cal-Am and others.
12. In 2009, SWRCB Order WR 2009-0060 issued a Cease and Desist Order (CDO) on Cal-Am that required Cal-Am to (a) reduce Carmel River diversions from 11,285 AFA to 10,429 AFA until 2017, (b) set 3,376 AFA as the Carmel River diversion limit beginning in 2017, and (c) required Cal-Am to impose a moratorium on new Connections.
13. In 2011, the California Public Utilities Commission (CPUC) issued Decision (D.) 11-03-048, entitled “Decision Directing Tariff Modifications to Recognize Moratorium Mandated by State Water Resources Control Board.” D.11-03-048 prohibits new Cal-Am Connections and certain increased uses of water be served by diversions from the Carmel River to the extent such service would violate the terms of Condition 2 of SWRCB Order WR 2009-0060.
14. Since adoption of SWRCB Order WR 2009-0060, Cal-Am’s diversions complied with limits set in that Order, but remained thousands of Acre-Feet per year above the amount available under Cal-Am’s lawful water rights.
15. SWRCB Order WR 2016-0016 superseded requirements of Orders WR 95-10, WR 2009-0060 and other SWRCB orders, and extended to December 31, 2021, the date by which Cal-Am must terminate unlawful diversions from the Carmel River. Order WR 2016-0016 also set an Effective Diversion Limit from the Carmel River of 8,310 AFA starting Water Year 2015-2016.

16. This ordinance is adopted to enhance the District’s ability to prevent diminution of waters within the District, to protect environmental values, and is consistent with the District’s authority to reasonably regulate all water resources within District boundaries. The Board of Directors’ General Counsel finds it necessary to adopt this ordinance to protect the public health, welfare and safety of the District by ensuring the continuing water supply is physically adequate to meet demand. This measure is necessary to support moratorium requirements set by the CPUC in D. 11-03-048, and moratorium requirements set by the SWRCB in its Orders WR 2009-0060 and WR 2016-0016.

17. Enactment of this ordinance to suspend acceptance of applications for Water Permits for new Connections based upon a Jurisdiction’s Paralta Allocation, a Jurisdiction’s pre-Paralta credit, the Water West Reserve, or California-American Water Company’s system capacity limits for the Quail Meadows Subdivision Annexation does not constitute a “Project” as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in section 15378). Furthermore, the Board finds that there is no possibility that the adoption of this measure could have a significant effect on the environment; therefore, no further environmental review is necessary in accordance with Section 15061(b)(3) of the CEQA Guidelines.

18. This ordinance shall not amend the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the 2016 Monterey Peninsula Water Management District Water Permit Deferral Ordinance for New Connections Subject to the Cease and Desist Order Against California American Water.

Section Two: Purpose

This ordinance suspends authority of the District to accept any Water Permit application for a new Connection to the Main California-American Water Company Water Distribution System

based upon a Jurisdiction’s Paralta Allocation, a Jurisdiction’s pre-Paralta credit, the Water West Reserve, or California-American Water Company’s system capacity limits for the Quail Meadows Subdivision Annexation.

Section Three: **Publication and Application**

The provisions of this ordinance shall not cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. During the period it has force and effect, however, the full text of this ordinance shall be bound together with those permanent Rules and Regulations, and a reference to this ordinance shall be annotated in each copy of the official set of those Rules and Regulations at Rule 20-B and Rule 21-B.

Section Four: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. thirty (30) days after adoption.

This Ordinance shall become null and void, and cease to have any continuing effect on any of the following events, whichever may first occur: (a) removal of the SWRCB CDO issued in SWRCB Order WR 2009-0060 on Cal-Am, or (b) removal of the CPUC moratorium, or (c) the effective date of any District ordinance that explicitly rescinds or repeals this ordinance.

Section Five: **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____ day of _____ 2016, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the ___ day of August 2016.

Witness my hand and seal of the Board of Directors this ____ day of _____, 2016.

David J. Stoldt, Secretary to the Board

ITEM: PUBLIC HEARING**15. CONSIDER FIRST READING OF ORDINANCE NO. 175 - MODIFICATION OF DISTRICT RULES RE USE OF WATER FROM THE CARMEL VALLEY ALLUVIAL AQUIFER FOR WATER SUPPLY**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Larry Hampson	Cost Estimate:	N/A

General Counsel Review: Yes.

Committee Recommendation: The Water Supply Planning Committee reviewed this item on September 20, 2016 and recommended approval.

CEQA Compliance: Exempt. This is not a “project” under CEQA.

SUMMARY: Draft Ordinance No. 175 (**Exhibit 15-A**) would implement the amended District policy approved by the Board at its August 15, 2016 meeting (**Exhibit 15-B**) for setting production limits for certain new developments that depend on the Carmel Valley Alluvial Aquifer (CVAA) for a water supply. The District has a joint interest with Monterey County in reversing the trend of seasonal dewatering of the CVAA and in meeting the goal of Monterey County General Plan Policy PS-3.2 that requires proof of a long-term sustainable water supply for new development requiring a discretionary permit. **Exhibit 15-C** provides a list of MPWMD Rules concerning issuance of Water Distribution System (WDS) Permits that would be amended by Ordinance No. 175.

It is also noted that the 2006 District policy for setting a historical baseline for production limits from the CVAA, which is part of the Implementation Guidelines for issuing permits for WDS Permits, should be modified. The current definition of “actual historical use” is based solely on production records. In addition to an evaluation of a 10-year history of production (or other appropriate period), potential changes in consumptive use should also be considered. For proposals that fall outside of the August 15, 2016 policy, production limits should be set such that there is no net increase in either production or consumptive use in the CVAA.

STAFF RECOMMENDATION: The Board should approve the first reading of Ordinance No. 175 and direct staff to revise the Implementation Guidelines and application forms for Water Distribution System Permits and Exemptions.

DISCUSSION: At its May 24, 2016 meeting, the Water Supply Planning committee reviewed both the District’s 2006 policy for setting production limits for WDS Permits that rely on the CVAA and the 2010 Monterey County General Plan Update Policy PS-3.2 for discretionary permits for new development. Subsequently, at its July 12, 2016 meeting the committee recommended the policy that the Board adopted at its meeting on August 15, 2016, as set forth in **Exhibit 15-B**. Also at that meeting, staff was directed to bring back to the Board an ordinance

reflecting changes in the District Rules and Regulations as a result of the adopted policy. The Water Supply Planning Committee reviewed a draft ordinance at their September 20, 2016 meeting and directed staff to make changes to the procedures for processing an application, which are reflected in **Exhibit 15-A**.

With the enactment of State Water Resources Control Board Cease-and-Desist Order 2009-0060, Cal-Am production was significantly reduced, and a significant reversal of the trend in seasonal dewatering of the Carmel River began (see the chart contained in **Exhibit 15-B**). The proposed revisions to the District Rules should result in a continued reversal of the trend in seasonal dewatering. A key goal is to demonstrate a long-term sustainable water supply using the Monterey County General Plan Policy PS-3.2 factors such as:

- Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and
- Effects of additional extraction or diversion of water on the environment including on instream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

The Ordinance text refers to the Implementation Guidelines for guidance on how the consumptive use and other calculations will be performed. Rule 11, Definitions, is amended to define “Consumptive Use” and other terms.

2006 Policy on Protocol for Applications Involving Wells in the CVAA

At its October 16, 2006 meeting, the Board approved a policy to address cumulative impacts from the combined effects of Cal-Am and non-Cal-Am extraction from the CVAA. Essentially, the Board adopted a policy of no net increase in production, as measured from data at the well head. However, in some cases, proposals to convert to other uses or add other uses should also consider what changes in consumptive use may occur. This is due to the effect of “return flow” to the CVAA that benefits river flow. This may result from both indoor (e.g., septic return flow) and outdoor use (e.g., from landscape irrigation). Therefore, for proposals that fall outside of the District’s August 15, 2016 policy, in addition to submitting historical well production data, applicants should be required to demonstrate that post-conversion consumptive use is equal to or less than pre-conversion levels. Such analysis should be carried out by qualified hydrologists or experts with similar qualifications.

EXHIBITS

15-A Draft Ordinance No. 175

15-B Staff report from the August 15, 2016 MPWMD Board meeting

15-C List of Rules Amended by Draft Ordinance No. 175

EXHIBIT 11-A**DRAFT
ORDINANCE NO. 175****AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING REGULATION OF THE SYSTEM CAPACITY OF WATER
DISTRIBUTION SYSTEMS
IN THE CARMEL VALLEY ALLUVIAL AQUIFER
(RULES 11, 20, 20.4, 21, 22, 40 AND 60)****FINDINGS**

1. The Monterey Peninsula Water Management District (MPWMD or District) is charged under the District Law with the integrated management of the ground and surface water supplies in the Monterey Peninsula area.
2. The District has enacted, by ordinance, a set of Rules and Regulations to implement its statutory authority. District Rule 11 defines the terms used in the regulation of Water Distribution Systems (WDS). District Rules 20, 20.4, 21, 22, 40, 54-56, 60 and 173 further define procedural and substantive rules that regulate these systems. Regulation of WDS first occurred in 1980 with the adoption of Ordinance No. 1 and the District Rules governing WDS have since been amended from time to time. Significant changes and additions to the Rules and Regulations governing WDS were adopted as part of Ordinance No. 96 in March 2001, Ordinance No. 105 in December, 2005, Ordinance No. 122 in August 2005, Ordinance No. 124 in July 2006, Ordinance No. 128 in June 2007, Ordinance No. 145 in September 2010, Ordinance No. 150 in May 2012, and Ordinance No. 160 in April 2014.
3. In August 1993, Monterey County approved the *Amended Memorandum of Agreement No. A-06181 with Monterey Peninsula Water Management and Pajaro Valley Water Management Agency Regarding Exercise of Jurisdiction in Overlapping Territories* (MOA). The parties entered into the MOA "... in order to prevent any conflicts that might otherwise occur as a result of this overlap, to encourage and facilitate cooperation with one another, to insure that resource management efforts are not inappropriately duplicated, and to insure that public funds are used effectively."
4. Since Water Year 1995, when the State Water Resources Control Board first ordered California America Water (Cal-Am) to reduce its unauthorized diversions from the Carmel Valley Alluvial Aquifer (CVAA), Cal-Am has reduced production from the

CVAA by 46%, which has made a significant contribution to reversing the trend of seasonal dewatering. During the same time period, non-Cal-Am pumping in the CVAA has generally remained at or above the 1995 level of production and there has been no trend toward a reduction of seasonal dewatering of the Carmel River due to this group of pumpers.

5. On October 26, 2010, Monterey County adopted a General Plan Update that included Policy PS-3.2, which requires that the General Manager of the Monterey County Water Resources Agency make a determination of a “Long Term Sustainable Water Supply” for new development. A key factor in making such a determination is the ability to reverse trends contributing to an overdraft condition and effects of diversion of water on the environment. The District has a joint interest with Monterey County in reversing the trend of seasonal dewatering in the Carmel River and environmental degradation due to the combined effects of Cal-Am and non-Cal-Am pumping in the CVAA.
6. On August 15, 2016, the MPWMD Board of Directors approved a revised policy for WDS that draw from the CVAA when there is a new or changed use. The Board’s intent is to provide regulatory consistency with Monterey County for alluvial water systems and further MPWMD’s environmental stewardship of the Carmel River Basin.
7. This ordinance would amend the regulatory process described in Rule 40-A for certain WDS dependent on the CVAA for water supply, based on policy direction provided by the MPWMD Board of Directors at their August 15, 2016 meeting. Other rules are also amended to clarify their intent, provide internal consistency among rules, or correct minor errors.
8. This ordinance shall amend the MPWMD Rules and Regulations. Specifically, this ordinance shall revise or add certain terms in Rule 11 (Definitions). This ordinance shall amend certain text for Rule 20-A (Permits Required), Rule 20-C (Exemptions), Rule 20.4 (Permit Non-Compliance), Rule 21-A (Applications), Rule 22-A (Application Process), Rule 22-B (Required Findings, Rule 22-C (minimum Standards), Rule 22-F (Cancellation of Application), Rule 40-A (Determination of System Limits), and Rule 60 (Fees and Charges). Several rules refer to Implementation Guidelines for specific protocols. The Implementation Guidelines shall also be revised to reflect these Rule changes.
9. The District Board of Directors determines that this ordinance is not considered to be a “project” under California Environmental quality Act (CEQA) Guidelines Section 15378 because the function of the ordinance (and its associated Implementation Guidelines) is to refine permit processing protocol, and the ordinance does not have the potential to result

in either a direct physical effect or reasonably foreseeable indirect physical effect on the environment. Each future WDS application received will continue to be subject to environmental review in order to determine what action the District must take pursuant to the applicable CEQA sections.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the Carmel Valley Alluvial Aquifer System Capacity Ordinance (Rules 11, 20, 20.4, 21, 22, 40 and 60).

Section Two: Purpose

This ordinance shall revise the permanent Rules and Regulations of the District concerning procedures used to set the System Capacity (water production limit) for Water Distribution Systems in the Carmel Valley Alluvial Aquifer. It also clarifies the intent of certain rules, and makes corrections to ensure internal consistency among rules.

Section Three: Amendment of Rule 11 (Definitions)

District Rule 11 shall be amended by deleting the following provisions shown in strikethrough text (~~strikethrough~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

CONSUMPTIVE USE -- “Consumptive Use” refers to the amount of water produced by a Water Distribution System, as measured at the Project Site, that is not returned to the water-bearing aquifer or geologic formation beneath the property. Consumptive Use is determined as described in the Implementation Guidelines for Water Distribution Systems.

MONTEREY PENINSULA WATER RESOURCE SYSTEM – “Monterey Peninsula Water Resource System” (“MPWRS”) shall mean the surface water in the Carmel River and its tributaries (***as listed in the definition of “Sensitive Environmental Receptor”***), Groundwater ***flowing in known and definite channels*** in the Carmel Valley Alluvial Aquifer which underlies the Carmel River, and Groundwater in the Seaside Groundwater

Basin, *including shallow brackish Groundwater from the Aromas Sands Formation used by the Sand City Desalination Facility.*

The District shall maintain a current list of Water Distribution Ssystems within the Monterey Peninsula Water Resource System.

Section Four: Amendment of Rule 20-A (Permit to Create/Establish a WDS)

District Rule 20-A shall be amended by deleting the following provisions shown in ~~strikeout~~ text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

RULE 20 - PERMITS REQUIRED

A. PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM

Before any Person Creates or Establishes a Water Distribution System or a Mobile Water Distribution System, such Person shall ~~first~~ ***either*** obtain a written Confirmation of Exemption ***from the Water Distribution System Permit requirements*** or a ***Water Distribution System*** Permit from the District, ~~execute and record a notice on the title of the property, and pay all applicable fees.~~

Desalination, reclamation or importation facilities located within the District are not exempt because the Source of Supply is considered to be the water emanating from a facility within the District.

Persons who hold a valid permit for construction and operation of a Water Distribution System from the Monterey County Health Department (***Monterey County Environmental Health Bureau***), prior to March 12, 1980, or a Water Distribution System in existence prior to that date, shall be deemed to have been issued a Permit in compliance with these Rules and Regulations. Persons who filed a completed application to the Monterey County Health Department (***Monterey County Environmental Health Bureau***), date-stamped by the Department on or before March 19, 2001, for construction of a Well serving a Single-Parcel Connection System shall be deemed to have been issued a Permit in compliance with these Rules and Regulations provided all of the following actions were taken: (1) the Applicant received a valid well construction permit from the Monterey County Health Department (***Monterey County Environmental***

Health Bureau), made the Well active, metered the Well, had the Well inspected by MPWMD and received an approved MPWMD Water Meter Installation Inspection form issued on or before October 15, 2001; and (2) each Water-Gathering Facility of that system was registered with the District on or before October 15, 2001.

No Mobile Water Distribution System shall be issued a Permit under the provisions of the previous paragraph. Each such system shall be required to apply for and obtain a written Confirmation of Exemption or Permit in accord with Rules 21 and 22.

The Expansion Capacity Limit and System Capacity of ~~previously-existing~~ ***Water Distribution*** Systems shall be determined pursuant to Rule 40-A, ***which considers the system location in relation to the Monterey Peninsula Water Resource System, and whether criteria are met*** ~~unless they meet the criteria~~ for a Confirmation of Exemption or Level 1 WDS Permit, or ***whether do not have a*** water rights ***are*** specified in the Seaside Basin Adjudication Final Decision (as amended), or in a permit issued by the State Water Resources Control Board, ***or other water rights are determined to apply.***

An Owner or Operator of a Water Distribution System shall not modify, add to or change his/her Source of Supply, location of uses, change the System Capacity (if applicable) or Expansion Capacity Limit (if applicable), or expand the Service Area unless that Person first files an application to do so with the District and receives an amended creation/establishment Permit or written Confirmation of Exemption.

Section Five: Amendment of Rule 20-C (Exemptions for Water Distribution System Permit)

District Rule 20-C shall be amended by deleting the following provisions shown in ~~strikeout~~ text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

C. EXEMPTIONS FOR WATER DISTRIBUTION SYSTEM PERMIT

Exemptions for a Water Distribution System Permit for a Well shall only be considered following receipt of a ***complete Request for Confirmation of Exemption package as described in Rule 21 and in the Implementation***

Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. ~~Well Construction Permit from the Monterey County Environmental Health Bureau and a State Department of Water Resources Well Completion Report. The Well must be properly registered with MPWMD, metered, inspected, and have an approved MPWMD Water Meter Installation Inspection form on file.~~ *The application package shall be processed as described in Rule 21 (Applications) and Rule 22 (Action on Application for Permit to Create/Establish a Water Distribution System).* ~~Additional requirements are described in the Implementation Guidelines.~~

An MPWMD Water Distribution System Permit is not required for the situations enumerated below. Unless noted otherwise, a written and recorded Confirmation of Exemption prepared by MPWMD staff is required.

1. For properties that lie outside the District boundary, where both: (a) the property to be served is wholly outside of the boundaries of the Monterey Peninsula Water Management District; and (b) the water source is also located outside of the District boundary. A written Confirmation of Exemption is not required.
2. For properties that straddle the District boundary, where both: (a) the portion of the property served by the Water Distribution System is outside of the District boundary; and (b) the Source of Supply is outside of the District boundary. A written Confirmation of Exemption is not required.
3. For a Well (or Wells) which serves fewer than four Parcels and is located more than 1,000 feet from the boundary of any component of the Monterey Peninsula Water Resource System as defined in Rule 11.
4. For a Well (or Wells) that serves fewer than four Parcels located less than or equal to 1,000 feet from components of the Monterey Peninsula Water Resource System for which the well log shows no connectivity to these components as determined by qualified MPWMD staff.
5. For a Single-Parcel Connection System located within the Seaside Groundwater Basin with overlying water rights to percolating Groundwater for which annual production shall total less than 5.0 Acre-Feet per year.

6. To Reactivate, Refurbish or Replace existing Wells that are registered with the District, as defined in Rule 11. To qualify for this exemption, the Reactivated, Refurbished or Replacement Well must have substantially the same or lower Capacity of the *existing Well*. ~~structure replaced~~. The replacement structure must be consistent with other MPWMD Rules and Regulations. This exemption from the MPWMD permitting process does not *remove* ~~affect in any way~~ the Applicant's obligation to comply with permit requirements by other regional, state or federal agencies. This exemption shall not apply to an Abandoned Well, or replacement or refurbishment of an Abandoned Well, or Wells that have been Inactive for more than three *consecutive* years from the date of receipt of the ~~Application Form~~ *Form* described in Rule 21-A.

[Note: Subsections #7 through #14 remain unchanged]

Section Six: **Amendment of Rule 20.4-A (Permit Rule Noncompliance Notice)**

District Rule 20.4-A shall be amended by deleting the following provisions shown in strikethrough text (~~strikethrough~~), and by adding the following provisions set forth in italicized and bold face type (*bold face*).

RULE 20.4 - PERMIT RULE NONCOMPLIANCE

A. NOTIFICATION

When the General Manager first becomes aware that a Water Distribution System is operating without a Permit or is in violation of current Permit conditions, particularly the System Limits, he/she shall provide written notification to the Owner or Operator, if known, of the Water Distribution System that District Rule 20 has been violated. Copies of this notice shall be provided to each property owner receiving water from the unpermitted or non-complying Water Distribution System, to the extent known. Notice shall be deemed to have been given when the written notification has been deposited in the U.S. mail, postpaid, addressed to the Responsible Party, or when personally delivered. The Owner of the Water Distribution System shall file an application for a Permit to Create or Amend a Water Distribution System in accord with District Rule 21 or take action in accordance with District Rule 40 within sixty (60) days of notification.

For incomplete applications submitted in response to this Rule, failure to submit all information requested within the time limit specified by the General Manager shall result in enforcement pursuant to Rule 20.4-B, 20.4-C, and 20.4-D, unless due diligence is demonstrated and a written extension with a revised deadline is approved by the General Manager.

If a Water Distribution System had System Limits imposed prior to May 21, 2014 (the effective date of Ordinance No. 160), and meets the criteria for a Confirmation of Exemption without System Limits or a Level 1 Water Distribution System Permit without System Limits, the Owner may submit an application to remove the System Limits pursuant to the procedures specified in Rule 21-A and the Implementation Guidelines.

Section Seven: Amendment of Rule 21-A (Permit Applications)

District Rule 21-A shall be amended by deleting the following provisions shown in strikethrough text (~~strikethrough~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

RULE 21 - APPLICATIONS

A. APPLICATION PACKAGE FOR PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM AND APPLICATION PACKAGE FOR A CONFIRMATION OF EXEMPTION

1. The Applicant for a Permit to Create/Establish a Water Distribution System ~~or for a Confirmation of Exemption~~ shall submit the following information, based on guidance provided in the Implementation Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. The application package shall include the following:

1. a. A completed written Application Form signed by the system Owner, in the manner and form prescribed by the Implementation Guidelines. Based on the information provided in the Application, the General Manager shall determine: (a) whether the application qualifies for an exemption under Rule 20; (b) whether ministerial or discretionary action is needed by MPWMD; and (c) which type of Permit is applicable to the project as prescribed by Rule 22 and

~~the Implementation Guidelines. Depending on the situation, the Application package may be required to include some or all of the remaining numbered elements of this Rule 21-A; and~~

- ~~2.~~ **b.** Environmental information as required by the California Environmental Quality Act (CEQA); ~~and~~
- ~~3.~~ **c.** Zoning and land use designations for the property; **including identification of identify** land-use approvals which may be required for the proposed Project by the ~~Municipal Unit Jurisdiction~~ in which the proposed system would be located (i.e., tentative map, use permit, etc.), or by other Governmental agencies, consistent with state and local regulations that require proof of available water supply; ~~and~~
4. **d.** Identify type of water right claimed to exist with each Water-Gathering Facility and each Source of Supply for the system (e.g., riparian, pre-1914, appropriative, overlying or other). Provide written verification of legal water rights applicable to type of right claimed (*see Implementation Guidelines for further detail*). The verification shall include, but shall not be limited to the following forms of documentation, **as applicable**:
 - ~~(1a)~~ Condition of Title Report, prepared by a title company at the Applicant's expense, and any and all supporting documentation to indicate whether legal water rights have been subordinated or severed; this documentation may include a judicial declaration of right or a full title opinion prepared by an attorney with expertise in water law;
 - ~~(2b)~~ **Information** that describes the legal basis or authority for diversion and extraction of water;
 - ~~(3e)~~ **If** Groundwater is being pumped from a Groundwater basin that has not been adjudicated; **or declared to be in a state of overdraft**, a statement to that effect in addition to a copy of the current deed to the property is sufficient documentation to satisfy this requirement; or

- (4d) ~~If~~ the source of the water is subject to permit requirements under the State Water Resources Control Board, a copy of the SWRCB water rights permit or domestic registration must be included, ~~;~~ and
5. ~~e.~~ *e.* A copy of ~~(a)~~ an approved Water Well Construction Permit issued by the Monterey County Environmental Health Bureau, including the associated impact assessment ~~conducted~~ **conducted** by the Monterey County Water Resources Agency (if applicable); ~~(b)~~
- f.* A **copy of** the State of California Well Completion Report submitted to the California Department of Water Resources (“well log”);
- g.* A **copy of the** ~~and (c)~~ Monterey County Environmental Health Bureau “Source Water Quality and Quantity Analysis Certification Form,” “**Source Capacity Test**,” or similar approval document from that agency (if applicable); ~~and~~
6. *h.* The name and address of each Responsible Party; ~~and~~
7. *i.* The results of Well Capacity ~~(Aquifer Pumping)~~ Tests (**Aquifer Pumping Tests**) as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant, and which may be observed by a District representative or agent; ~~and~~
8. *j.* The results of water quality tests as specified by the Implementation Guidelines, the cost of which shall be borne by the Applicant; ~~and~~
9. *k.* An evaluation of the hydrogeologic information in the manner and form required in the Implementation Guidelines. This evaluation shall be prepared by a qualified individual or firm as determined by the District. Qualified consultants shall include a certified hydrogeologist, a licensed professional geologist with a specialty in hydrogeology, a certified engineering geologist with a specialty in hydrogeology, or a registered civil engineer with a specialty in hydrology; these specialists shall be certified in, registered or

licensed by the State of California. The costs of this evaluation shall be borne by the Applicant. ~~;~~ ~~and~~

- ~~10.~~ *l.* Documentation regarding notification to Neighboring Well owners, if applicable. If required by the District, the Applicant shall provide notice to Neighboring Well owners regarding the opportunity to monitor Wells as specified in the Implementation Guidelines. Applicant shall provide documentation of notice to, and responses (if any) by, Neighboring Well owners to the District prior to the commencement of Well Capacity (Aquifer Pumping) Tests, as specified in the Implementation Guidelines.
- m. Current Well registration with MPWMD, and the Well must be metered and in compliance with Regulation V, Well Monitoring.*
- ~~11.~~ *n.* For a Mobile Water Distribution System, documentation about the source of supply, quantity and intended uses, including written approval from the agency with regulatory authority over the source (if source is located outside of the MPWMD boundary). ~~;~~ ~~and~~
- ~~12.~~ *o.* The applicable fees prescribed in Rule 60.

2. Application for a Confirmation of Exemption.

The Applicant for a Confirmation of Exemption shall submit the following shall submit the following information, based on guidance provided in the Implementation Guidelines for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems. The application package shall include the following:

- a. A completed written Request for Confirmation of Exemption signed by the system Owner.*
- b. A copy of an approved Water Well Construction Permit issued by the Monterey County Environmental Health Bureau, including the associated impact assessment conducted by the Monterey County Water Resources Agency.*

- c. *A copy of the State of California Well Completion Report submitted to the California Department of Water Resources (“well log”).*
 - d. *A copy of the Monterey County Environmental Health Bureau “Source Water Quality and Quantity Analysis Certification Form,” “Source Capacity Test,” or similar approval document from that agency as applicable.*
 - e. *The name and address of each Responsible Party.*
 - f. *Current Well registration with MPWMD, and the Well must be metered and in compliance with Regulation V, Well Monitoring.*
 - g. *An evaluation of the hydrogeologic information in the manner and form required in the Implementation Guidelines. This evaluation shall be prepared by a qualified individual or firm as determined by the District. Qualified consultants shall include a certified hydrogeologist, a licensed professional geologist with a specialty in hydrogeology, a certified engineering geologist with a specialty in hydrogeology, or a registered civil engineer with a specialty in hydrology; these specialists shall be certified in, registered or licensed by the State of California. The costs of this evaluation shall be borne by the Applicant.*
- 11. *For a Mobile Water Distribution System: Documentation about the source of supply, quantity and intended uses, including written approval from the agency with regulatory authority over the source (if source is located outside of the MPWMD boundary).*
 - 12. *The applicable fees prescribed in Rule 60.*

Section Eight: Amendment of Rule 22-A (Process for Application for WDS Permit)

District Rule 22-A shall be amended by deleting the following provisions shown in strikeout text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

**RULE 22 - ACTION ON APPLICATION FOR PERMIT TO CREATE/
ESTABLISH OR AMEND A WATER DISTRIBUTION SYSTEM,
REQUEST A CONFIRMATION OF EXEMPTION**

A. PROCESS

1. Review of Application Package and Notification to Applicant

The General Manager shall review each ~~Application Form (and attachments)~~ *application package* to Create/Establish a Water Distribution System or Mobile Water Distribution System, or to amend such a system. If the ~~A~~ *application package* is determined to be complete pursuant to **Rule 21 and** the Implementation Guidelines *for Processing Applications for Water Distribution Systems and Mobile Water Distribution Systems*, the General Manager shall confirm the proper Permit Review Level as defined in Rule 11, Definitions. The General Manager shall notify the ~~a~~ Applicant in writing *within 30 days* to confirm the Permit Review Level determination and the associated process steps, including the required recordation of notice on the title of the property, if applicable, and potential additional fees. If the ~~A~~ *application package* is determined to be incomplete, the General Manager shall notify the ~~a~~ Applicant *within 30 days* in writing of the missing or deficient information, and request the Applicant to submit that information *within a reasonable time period*. *Application packages that are not completed within the specified time may be subject to Rule 22-F.*

2. Determination of Permit Review Level

Based on the information in the ~~A~~ *application package*, the General Manager shall determine the Permit Review Level as follows, using Table 22-A as a guide and consistent with the protocol provided in the Implementation Guidelines, and with the California Environmental Quality Act (CEQA). The Permit Review Levels are as follows:

Exempt: A system meets the criteria identified in Rule 20. *An exemption is a ministerial action not subject to review under CEQA or to requirements of the Permit Streamlining Act.*

Level 1 Water Distribution System Permit (Basic-Non-MPWRS): For a Water Distribution System or Mobile Water Distribution System located

outside of the Monterey Peninsula Water Resource System that does not meet the exemption criteria specified in Rule 20, but does qualify for a Permit to be issued without System Limits as a condition of approval, consistent with the criteria in these Rules and the Implementation Guidelines. *Unless the proposed project qualifies for a CEQA categorical exemption, Level 1 permits are a discretionary action subject to requirements of the Permit Streamlining Act.*

Level 2 Water Distribution System Permit (Basic—Seaside Groundwater Basin): For a Water Distribution System or Mobile Water Distribution System located within the Seaside Groundwater Basin that does not meet the exemption criteria in Rule 20, but does qualify for a Permit to be issued with System Limits consistent with ~~production triggers in~~ the Seaside Basin Adjudication Final Decision (March 2006 as amended), and consistent with the criteria specified in Rules 21, 22 and 173, and the associated Implementation Guidelines specified in those rules. *Level 2 permits are subject to the Permit Streamlining Act and CEQA review unless the project qualifies for a CEQA categorical exemption or unless the project is covered by the previous action of the Superior Court which supersedes CEQA.*

Level 3 Water Distribution System Permit (Project-Specific Limits in MPWRS/Other): For a Water Distribution System or Mobile Water Distribution System located within the Monterey Peninsula Water Resource System, or a system located outside the Monterey Peninsula Water Resource System that does not meet the exemption criteria in Rule 20, or does not meet the criteria for a Level 1 or Level 2 Permit, in Rules 21, 22 and 173, and the associated Implementation Guidelines specified in those rules. The Level 3 Permit is issued with System Limits as a condition of approval, and other restrictions as necessary to protect the MPWRS. *Unless the proposed project qualifies for a CEQA categorical exemption, Level 3 permits are a discretionary action subject to requirements of the Permit Streamlining Act.*

Each application shall be reviewed pursuant to CEQA, except those projects which meet the CEQA criteria for a ministerial or categorical exemption (CEQA Guidelines Section 15268 and Article 19). *Government Code §65941 (c) requires the responsible agency to begin processing an application for Level 1, 2, and 3 permits for a development*

project if so asked by the Applicant “to the extent that the information necessary to commence the processing is available.” Information necessary to begin permit processing is described in the Implementation Guidelines.

3. Protocol for Exempt System

Unless specified otherwise in Rule 20, the General Manager shall provide a written Confirmation of Exemption to the Applicant in the form and manner prescribed in the Implementation Guidelines, including the applicable fee described in Rule 60. *A Water Distribution System located within the Carmel Valley Alluvial Aquifer that qualifies for a Confirmation of Exemption is potentially subject to a System Capacity (annual production) limit pursuant to Rule 40-A. A Notice of Deed Restriction Regarding Confirmation of Exemption* on the title of the property shall be recorded by the District prior to issuance of the written Confirmation of Exemption. District action is ministerial and is exempt from the requirements of CEQA (Guidelines Section 15268). Notice of the staff action shall be provided to the public via the “Appealable Decisions” section of the District website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, “Appeals.”

4. Protocol for Level 1 Permit (Basic Non-MPWRS)

The General Manager shall review the application package in the form and manner prescribed in Rules 21 ~~and 22~~. ~~to determine if the submitted application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information, in which the application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F.~~ If the application is determined to be complete, and all criteria specified in Rule 22-A-2 and the Implementation Guidelines are met, the General Manager shall issue a Level 1 Permit ~~within a goal of sixty (60) days~~ that specifies terms and conditions that are ~~independent of, but~~ consistent with, Rules 22. ~~-B, 22-C and 22-D~~. The Level 1 Permit does not set System Limits. However, a mandatory condition of approval shall state, “There shall be no permanent intertie to any other water system *that is required to reduce water use*, and there shall be no intertie to the California American

Water system *that relies on Cal-Am water rights*, ~~under any circumstances~~, including a temporary emergency, until there is full compliance with SWRCB Order WR 95-10 (as amended), compliance with the Seaside Groundwater Basin Adjudication Final Decision of 2006 (as amended), and water is available in the respective Jurisdiction's Allocation for release to the Parcel(s)." District action is discretionary and the application is subject to CEQA review unless the project qualifies for a CEQA categorical exemption (CEQA Guidelines Article 19). Notice of the staff action shall be provided to the public via the "Appealable Decisions" section of the District website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, "Appeals."

5. Protocol for Level 2 Permit (Basic Seaside Groundwater Basin)

The General Manager shall review the ~~A~~application package in the form and manner prescribed in Rules 21 *and* 22. ~~to determine if the submitted application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information, in which the application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F.~~ If the ~~A~~application is determined to be complete, and all criteria specified in Rule 22-A-2 and the Implementation Guidelines are met, the General Manager shall issue a Level 2 Permit ~~within a goal of sixty (60) days that specifies terms and conditions that are consistent with Rules 22-B and 22-C, and in compliance with Rule 22-D, unless a specific condition is not applicable.~~ District action is discretionary and the ~~A~~application is subject to CEQA review unless the project qualifies for a CEQA categorical exemption (CEQA Guidelines Article 19) or unless the ~~p~~Project is covered by the previous action of the Superior Court, which supersedes CEQA. Notice of the staff action shall be provided to the public via the "Appealable Decisions" section of the District website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, "Appeals."

6. Protocol for Level 3 Permit (Project-Specific Limits in MPWRS/Other)

- a. The General Manager shall review the ~~A~~application package in the form and manner prescribed in Rules 21 *and* 22. ~~to determine if~~

~~the submitted application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information, in which the application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F. If the application is determined to be complete, and all criteria specified in Rule 22-A-2 and the Implementation Guidelines are met, the General Manager shall issue a Level 3 Permit within a goal of 120 days that specifies terms and conditions that are consistent with Rules 22-B and 22-C, and in compliance with Rule 22-D unless a specific condition is not applicable. A *Water Distribution System located within the Carmel Valley Alluvial Aquifer is subject to a System Capacity (annual production) limit pursuant to Rule 40-A. Usually complex applications may take longer than 120 days.* District action is discretionary and the ~~A~~application is subject to CEQA review unless the project qualifies for a CEQA categorical exemption (CEQA Guidelines Article 19).~~

- b. The General Manager shall consult with the Board Chairperson to determine if the project is large, complex or controversial enough to be taken directly to the Board of Directors as a public hearing. If a hearing is scheduled before the Board of Directors, the standard Board protocol for such a quasi-judicial hearing shall be followed. The Chairperson may direct that a hearing be scheduled before the General Manager (or his/*her* designee) as the sole hearing officer, as described in subsections (c), (d) and (e) below. The Chairperson could direct that certain Single-Parcel Connection Systems do not require a public hearing. In that case, notice of the staff action shall be provided to the public via the “Appealable Decisions” section of the District website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, “Appeals.”
- c. At a hearing before the staff hearing officer, the Applicant shall be entitled to present evidence in support of the ~~A~~application. Interested Persons may present evidence in opposition or support of the ~~A~~application. The hearing officer, in conducting the public hearing, may request hydrologic, geologic, legal opinions or other

studies necessary to obtain information required for his/her decision. The cost of such studies shall be borne by the Applicant. For every ~~A~~application for which a Controversy, based on factual evidence already in the record or introduced into the record, arises concerning the extent or adequacy of water rights, the hearing officer may require and will specify additional documentation needed to support each water right claim. The hearing officer shall continue the public hearing on the ~~A~~application until the specified information is provided by the Applicant.

- d. The hearing officer may deny, approve, or continue the Permit ~~A~~application based on the minimum standards as set forth in Rule 22-C and its findings pursuant to Rule 22-B. The hearing officer may impose such conditions on the Permit that he/she deems necessary and proper, which must include the “Mandatory Conditions of Approval” specified in Rule 22-D, unless a specific condition is not applicable. The General Manager shall notify the Applicant within thirty (30) days in writing by mail or in person of the hearing officer action taken; namely continuance, approval, conditional approval, or denial of the ~~A~~application. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the Application, or when personally delivered to the Applicant or the Applicant’s representative. Notice of the hearing officer’s action shall be provided to all MPWMD Board members.
- e. The hearing officer’s decision may be appealed to the MPWMD Board of Directors pursuant to Rule 70, “Appeals,” upon payment of the fee specified in Rule 60. Permits granted under this provision may be appealed to the Board of Directors for a *de novo* hearing. That hearing shall convene under the rules of process set in Rule 70, “Appeals.”

Section Nine: **Amendment of Rule 22-B (Findings)**

District Rule 22-B shall be amended by deleting the following provisions shown in ~~strikeout~~ text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

B. FINDINGS

In order to protect public trust resources, prior to making its discretionary decision to grant or deny any Permit to Create or Establish any Water Distribution System, or to Create or Establish any Mobile Water Distribution System, the Board (or the General Manager for certain systems) shall determine:

1. Whether the system for which a Permit is sought would cause unnecessary duplication of the same types of services by any existing system; and
2. Whether the Permit would result in exportation or importation of water outside or into the District; and
3. Whether the proposed Water Distribution System would result in significant environmental effects that cannot be mitigated by conditions attached to the Permit; and
4. Whether the ~~A~~application adequately identifies the claim of right for each Source of Supply for the Water Distribution System, whether it provides adequate supporting verification documentation thereto, and/or whether the system relies on any non-existent or questionable claim of right; and
5. Whether the ~~A~~application demonstrates ~~the existence of a long-term reliable Source of Supply~~ *that the proposed Water-Gathering Facility produces a long-term reliable supply* as ~~demonstrated~~ *required* by standard methodology adopted by the Monterey County Environmental Health Bureau and/or MPWMD testing procedures identified in the Implementation Guidelines; and
6. *Whether the Source of Supply is the Carmel Valley Alluvial Aquifer, and if the MPWMD protocol established in Rule 40-A has been applied to setting the System Capacity.*
67. Whether the Source of Supply is shared by any other Water Distribution System, and if the system affects the Monterey Peninsula Water Resource System, the extent to which cumulative impacts may affect each Source of Supply, and species and habitat dependent upon those Sources of Supply; and

78. Whether the Source of Supply derives from (a) the Monterey Peninsula Water Resource System, and/or (b) waters within the jurisdiction of the State Water Resource Control Board, and/or (c) waters tributary to the Source of Supply for any other system; and
89. Whether the proposed Water Distribution System (a) shall intertie to any other system, (b) shall be able to obtain emergency supplies in the event of system failure, (c) shall provide fire flow requirements for development served by that system; and (d) the extent other Water Distribution Systems shall be required to provide emergency supplies and/or meet fire flow requirements; and
910. Whether the proposed Water Distribution System shall incorporate adequate cross contamination and backflow measures to protect other systems and Sources of Supply.

Section Ten: Amendment of Rule 22-C (Minimum Standards for Granting Permit)

District Rule 22-C shall be amended by deleting the following provisions shown in ~~strikeout~~ text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

C. **MINIMUM STANDARDS FOR GRANTING PERMIT**

An application may be considered for approval if it complies with each of the following minimum standards; if any one of the following standards is not met, the application shall be denied:

1. The application identifies at least one Responsible Party who, at all times, will be available and legally responsible for the proper performance of those things required of a Permit holder by this regulation.
2. ~~The ability of the Source of Supply for any Water Distribution System designed to deliver water any Potable use to other than a Single Parcel Connection System, to provide water that complies with the standards set forth in Title 22 of the California Administrative Code or standards set forth by the Monterey County Environmental Health Bureau.~~

32. The ~~A~~application identifies the location of each Source of Supply for the Water Distribution System or Mobile Water Distribution System, and the location of each use supplied by the system.
3. *The application demonstrates that the proposed Water-Gathering Facilities produce a long-term reliable supply for the intended purposes; and for any Potable use other than a Single-Parcel Connection System, that the system complies with the standards set forth in Title 22 of the California Administrative Code or standards set forth by the Monterey County Environmental Health Bureau.*
4. The proposed Water Distribution System will not create an Overdraft or increase an existing Overdraft, unless a valid superior right is proven.
5. The proposed Water Distribution System will not adversely affect the ability of existing systems to provide water to Users unless a valid superior right is proven.
6. *The proposed Water Distribution System, if its Source of Supply is the Carmel Valley Alluvial Aquifer (CVAA), is consistent with the MPWMD Policy for the CVAA adopted on August 15, 2016.*

Section Eleven: **Amendment of Rule 22-F (Cancellation of Applications)**

District Rule 22-F shall be amended by deleting the following provisions shown in strikethrough text (~~strikethrough~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

F. CANCELLATION OF APPLICATION

In processing an application for a Permit to Create/Establish a Water Distribution System, an Applicant who receives an “incomplete” letter *or interim Permit processing fee invoice* must ***respond to the District’s request*** ~~provide the needed information~~ within the period of time specified in the letter. Failure to comply shall result in cancellation of the application, without prejudice.

Section Twelve: **Amendment of Rule 40-A (Determination of System Limits)**

District Rule 40-A shall be amended by deleting the following provisions shown in strikeout text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

RULE 40 - DETERMINATION OF SYSTEM CAPACITY AND EXPANSION CAPACITY LIMITS

A. DETERMINATION OF SYSTEM CAPACITY (PRODUCTION) AND EXPANSION CAPACITY (CONNECTION) LIMITS (“SYSTEM LIMITS”)

Pursuant to Rule 20, the District shall determine both the System Capacity (annual production) Limit and the Expansion Capacity (Connection) Limit for ~~existing~~ Water Distribution Systems ***that do not meet the requirements for a Confirmation of Exemption***. The term “System Limits” is used to refer to the System and Expansion Capacity (production and Connection) Limits. ~~The term “existing” in this context refers to systems existing prior to April 18, 2001, the effective date of MPWMD Ordinance No. 96.~~

1. ~~Existing~~ Water ***Distribution*** Systems with System Limits Previously Determined by MPWMD

The District need not re-determine the System Limits for Water Distribution Systems that have been issued Permits ~~prior to April 18, 2001~~ that include defined System Limits. ***For Water Distribution Systems that meet either of the criteria in Rule 40-A-3 below, the Applicant may request that the District waive the System Limits through the Confirmation of Exemption process specified in Rule 22.***

2. ~~Existing~~ Water ***Distribution*** Systems with System Limits Not Previously Defined by MPWMD

The District General Manager shall determine the System Limits for all Water Distribution Systems that meet either of the following two characteristics:

- a. the system was issued an MPWMD Water Distribution System Permit prior to April 18, 2001 (***the effective date of MPWMD Ordinance No. 96***) that did not include defined System Limits; or

- b. the system existed prior to January 15, 2003 (*the effective date of MPWMD Ordinance No. 105*) and never received an MPWMD Permit, but is considered lawful due to age or an exemption described in Rule 20.

Paragraphs A-3 and A-4 below describe two possible scenarios.

3. Existing Water *Distribution* Systems with System Limits Not Previously Defined by MPWMD and that Meet All Criteria to Be Treated as a Class

Properties with ~~W~~water *Distribution* ~~S~~systems existing prior to January 15, 2003 and which meet *either of* the ~~two-three~~ criteria specified below in this paragraph A-3 shall be treated as a class. The District does not calculate individual numerical System Limits for each property within this class. The System Limits for this class are *may be* defined *by the Monterey County Environmental Health Bureau*, as the ~~water use associated with the structures and activities allowed by the zoning and land use regulations of the Jurisdiction in which the property is located. All of the following three criteria must be met in order for the system to be treated as part of this class:~~

- a. ~~The~~ *Water Distribution* ~~S~~system is located outside of, and more than 1,000 feet from, any component of the Monterey Peninsula Water Resource System or Sensitive Environmental Receptor as defined in Rule 11 a Single-Parcel Connection System that existed prior to April 18, 2001; or
- b. the *Water Distribution* ~~S~~system is located outside of, and less than 1,000 feet from, any component of the Monterey Peninsula Water Resource System or Sensitive Environmental Receptor as defined in Rule 11, and the well log(s) shows no connectivity to these components as determined by qualified MPWMD staff. ~~the single Parcel is zoned primarily for single-family Residential use (such as R1, RDR, LDR zoning designations); and~~
- e. ~~the single Parcel is no larger than 2.5 acres in size.~~

Other valid reasons may be considered by the District Board on appeal (Rule 70).

4. *New or Amended Water Distribution Systems Located Within the Carmel Valley Alluvial Aquifer with System Limits Not Previously Defined by MPWMD Must*

Be Treated on a Case-by-Case Basis

Water Distribution Systems located within the Carmel Valley Alluvial Aquifer which do not meet the criteria specified in paragraph A-3 above shall be treated on a case-by-case basis. The System Limits shall be determined as follows as described more fully in the Implementation Guidelines:

- a. *For a Vacant Lot, or conversion of agricultural use, to a single Residential Connection, the System Capacity (production limit) is determined by the existing Consumptive Use on the Site as adjusted for the new Project's Consumptive Use;*
 - b. *For a Vacant Lot, or conversion of agricultural use, or conversion of a single Residential Connection to two or three Residential Connections, the System Capacity (production limit) is determined by eighty-five percent (85%) of the existing Consumptive Use on the Site as adjusted for the new Project's Consumptive Use; the remaining 15% is designated for environmental benefits;*
 - c. *For a Vacant Lot, or conversion of agricultural use, or conversion of two or three Residential Connections to four or more Residential Connections, or to Non-Residential Use, or to a Mixed-Use Project, the System Capacity (production limit) is determined by seventy-five percent (75%) of the existing Consumptive Use on the Site as adjusted for the new Project's Consumptive Use; the remaining 25% is for environmental benefits.*
5. **Existing New or Amended Water Distribution Systems Located Outside of the Carmel Valley Alluvial Aquifer but within the Monterey Peninsula Water Resource System with System Limits Not Previously Defined by MPWMD Which Must Be Treated on a Case-by-Case Basis**

Water *Distribution* Ssystems existing prior to January 15, 2003 but which do not meet the criteria specified in paragraph A-3 above shall be treated on a case-by-case basis. The System Limits shall be determined based on an assessment that may consider any or all of the following information:

- a. ***Historical consumptive water use and/or water production records (especially the 10-year period prior to the date of assessment).***

- b. ~~The~~ physical capabilities of the existing system.;
- c. *Anticipated future water use based on* new or expanded activities that could occur without the need for ~~p~~Permits by any Governmental agency *other than the District.*;
- d. *Anticipated future water use based on* development plans approved by the Jurisdiction in which the property is located prior to ~~January 15, 2003~~ *submittal of the Water Distribution System application.*;
- e. ~~C~~onclusions about environmental effects.;
- f. ~~W~~water rights, *including Seaside Groundwater Basin Adjudication determinations made by the Superior Court, or other relevant determinations.*; and/or
- g. ~~A~~ny other information submitted by the system Owner and deemed relevant by the General Manager.

Other valid reasons may be considered by the District Board on appeal (Rule 70).

~~6. New Water Systems Created or Amended on or After January 15, 2003 Are to Be Treated on a Case-by-Case Basis~~

~~Determination of System Limits for any Water Distribution System Created or Amended on or after January 15, 2003 and requiring an MPWMD Permit is guided by MPWMD Rules and Regulations. Each system shall be considered on a case by case basis. The System Limits shall be determined based on an assessment that may consider the relevant criteria described in paragraph A 4 above, in addition to documentation regarding any or all of the following:~~

- ~~a. — anticipated future water use;~~
- ~~b. — the physical capabilities of the proposed system;~~
- ~~c. — new or expanded activities or development plans for which permit applications submitted to Governmental agencies have been deemed complete and are being processed by those entities;~~

- d. ~~findings on environmental effects;~~
- e. ~~water rights, *including Seaside Groundwater Basin Adjudication determinations made by the Superior Court, or other relevant litigation;* and/or~~
- f. ~~any other information submitted by the system Owner and deemed relevant by the General Manager.~~

~~Other valid reasons may be considered by the District Board on appeal (Rule 70).~~

The System Limits of any system may be amended by the Board upon request by the Permit holder pursuant to Rule 22.

Section Thirteen: Amendment of Rule 60 (Fees and Charges)

District Rule 60 shall be amended by deleting the following provisions shown in strikeout text (~~strikeout~~), and by adding the following provisions set forth in italicized and bold face type (***bold face***).

RULE 60 – FEES AND CHARGES

[Note: Sections A through G, Section L and Section M remain unchanged]

J. FEES RELATING TO CHALLENGES TO PERMITS

1. An Administrative Fee based on MPWMD staff time shall be imposed and collected at a ***the*** rate of ~~\$70.00 per hour~~ ***shown in the Fees and Charges Table*** for all activity associated with any challenge to the issuance, validity or denial of any Permit under the District Rules and Regulations, including, but not be limited to, efforts expended by District staff pursuant to any indemnification agreement.
2. A Legal Defense Fee shall be imposed and collected for any legal work performed by MPWMD Counsel associated with responding to any challenge to the issuance, validity or denial of any Permit under the District Rules and Regulations, to the imposition or validity of any condition imposed on such a Permit, or to any defect in process relating to the review and action on the Permit or Permit conditions. This fee shall be

charged at actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered. This fee shall include, but not be limited to, efforts expended by District Counsel pursuant to any indemnification agreement.

K. FEES RELATING TO PERMIT MODIFICATION OR ENFORCEMENT

1. An Administrative Fee based on MPWMD staff time shall be imposed and collected at *the* rate of ~~\$70.00 per hour~~ *shown in the Fees and Charges Table* for any Permit violation, condition compliance, Water Distribution System or Expansion Capacity Limit modification, or other enforcement activity.
2. A Legal Enforcement Fee shall be imposed and collected for any legal work performed by MPWMD Counsel associated with any Permit violation, condition compliance, Water Distribution System or Expansion Capacity Limit modification, or other enforcement activity. This fee shall be charged at actual cost, based on the hourly rate of retained MPWMD legal counsel at the time services are rendered. This fee shall include, but not be limited to, efforts expended by District Counsel pursuant to any indemnification agreement.

Section Fourteen: Publication and Application

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

Section Fifteen: Effective Date and Sunset

This ordinance shall be given effect at 12:01 a.m. on the 30th day following the date of its adoption on second reading.

Section Sixteen: Severability

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other

provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____th day of _____, 2016 by the following vote:

AYES: Directors _____

NAYS: Directors _____

ABSENT: Directors _____

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the ____th day of _____, 2016.

Witness my hand and seal of the Board of Directors this __ day of _____, 2016.

David J. Stoldt, Secretary to the Board

U:\staff\Boardpacket\2016\20161017\PublicHrngs\15\Item-15-Exh-A.docx

EXHIBIT 15-B**ITEM: ACTION ITEM****12. CONSIDER APPROVAL OF POLICY THAT WILL ADDRESS MONTEREY COUNTY GENERAL PLAN REQUIREMENTS FOR CARMEL VALLEY ALLUVIAL AQUIFER****Meeting Date: August 15, 2016** **Budgeted: N/A****From: David J. Stoldt** **Program/**
General Manager **Line Item No.: N/A****Prepared By: David J. Stoldt** **Cost Estimate: N/A****General Counsel Approval: N/A****Committee Recommendation: Water Supply Planning approved 3-0****CEQA Compliance: N/A**

SUMMARY: At its July 12, 2016 meeting, the Water Supply Planning Committee considered the Monterey County General Plan policy for approving discretionary permits to use water produced from the Carmel Valley Alluvial Aquifer (CVAA) for new commercial and residential development projects. The Committee asked staff to develop a recommendation about modifying the District’s current policy for Water Distribution System permits and permit amendments in light of the General Plan Policy. The key question that must be addressed is whether the Carmel River (and associated CVAA) can be described as a long-term sustainable water supply using the factors set out in the General Plan policy. Two of the key factors involved in determining whether the CVAA can be considered a long-term sustainable water supply include the following from Policy PS-3.2:

- e. Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and
- f. Effects of additional extraction or diversion of water on the environment including on instream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

District staff met with County representatives on July 27, 2016 at which time the policy was discussed. County staff stopped short of affirming that the policy is consistent with their General Plan, but encouraged the District to go ahead and adopt the policy.

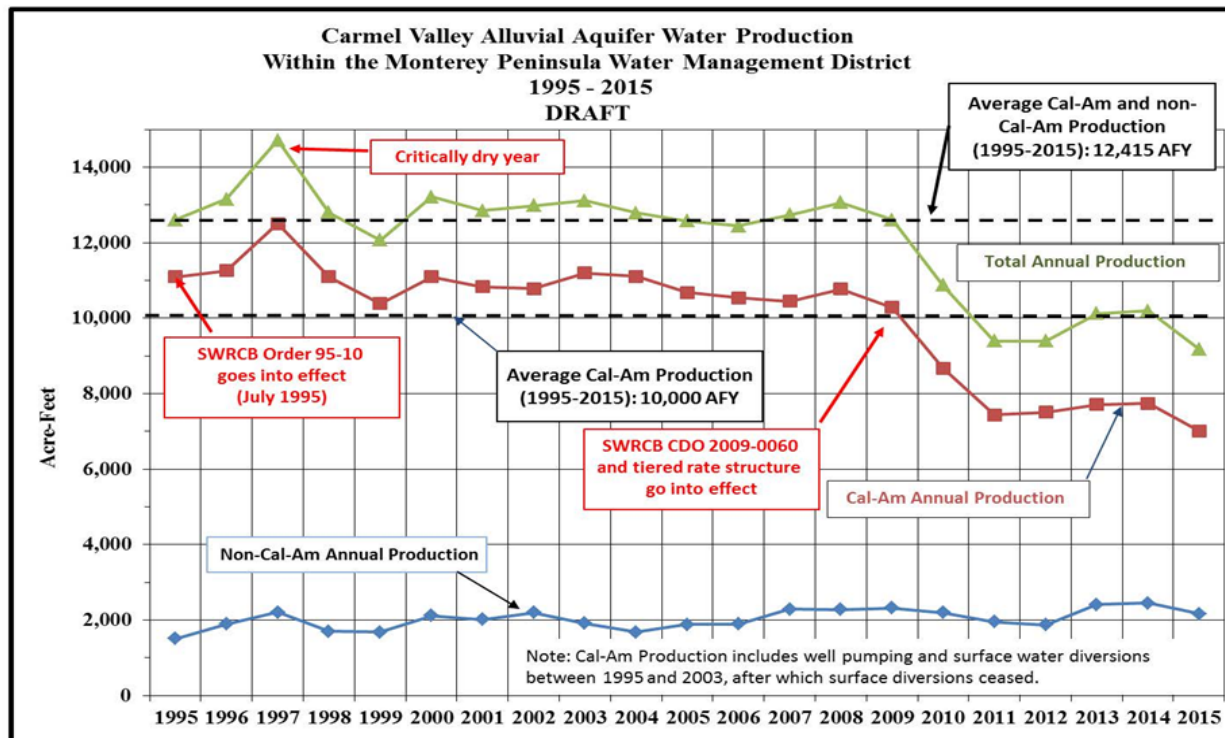
STAFF RECOMMENDATION: The District’s Water Supply Planning Committee met July 12, 2016 and recommends a new production limit for a site in the CVAA be established as follows:

- Upon conversion from vacant or agricultural to single connection residential: Determine existing consumptive use on site (evaporation & transpiration) and set as new production limit (adjusted for new project's consumptive use.)
- Upon conversion from vacant or agricultural, or single connection residential, to 2 or 3 residential connections: Establish new limit at 85% of existing consumptive use and “retire” 15% to the benefit of the river.
- Upon conversion from vacant or agricultural, or from less than 4 residential connections, to 4 or more connections or to non-residential: Establish new limit at 75% of existing consumptive use and “retire” 25% to the benefit of the river.

Staff shall be directed to bring back to the Board an ordinance reflecting changes in the District Rules and Regulations as a result of the adopted policy.

DISCUSSION: Combined production from Cal-Am and non-Cal-Am wells in the CVAA likely peaked in the late 1980s as a result of the 1987-91 drought. Although Cal-Am has been required to report daily production data to MPWMD, accurate methods to determine non-Cal-Am production were not put in place until the early 1990s (e.g., see Ordinances 48 and 56).

The chart below shows CVAA diversions for all diverters for the period from 1995 to 2015. Total production from the aquifer did not drop off significantly until the issuance of Cease-and-Desist Order 2009-0060 by the State Water Resources Control Board and the adoption of a steeply tiered water rate structure for Cal-Am deliveries, also in 2009. Non-Cal-Am producers are not affected by either the CDO or Cal-Am rates and remained at nearly the same level (about 2,000 AFY) for the 1995-2015 period, showing that non-Cal-Am pumpers have not significantly contributed to a reversal of trends contributing to an overdraft condition or otherwise affecting supply, nor toward minimizing impacts on the environment and species.



Currently, most non-Cal-Am pumpers in the CVAA have riparian rights to divert flow. The SWRCB declined to evaluate riparian rights in Order 95-10, stating that there was not enough information provided by non-Cal-Am pumpers; however, MPWMD requires an evaluation and demonstration of riparian rights in order to process a WDS permit or amendment for wells in the CVAA. This is not a determination of a right, but is a basis for MPWMD to confirm that the permittee has a long-term right to divert flow.

Riparian pumpers generally return a variable portion of the applied water and a portion of indoor water use back into the aquifer (the latter amount through septic system return flow in areas not served by the Carmel Area Wastewater District). The amount of applied water returned depends on land use. For example, agricultural production may require a different volume of water per acre than either turf irrigation or domestic landscape irrigation. To reverse the trend in seasonal dewatering, a baseline amount of water use should be established and a reduction factor applied to the baseline. Staff recommends that project proponents be required to provide an analysis of the consumptive use of water on the property under existing conditions for a period of 10 years (note that the consumptive use amount will be less than the historical pumped amount). The consumptive use amount would become the baseline.

Staff recommends that the Committee consider applying a minimum of a 15% reduction to the baseline for any conversion greater than a single residential connection in order to continue reversing the trend of dewatering of the aquifer and reducing flows when steelhead are migrating through the river. This is consistent with District's 1984 goal of a 15% reduction in demand by the year 2020¹ as shown in its 1984 Water Conservation Plan, as supported by the Board in

¹ The District has achieved the 15% goal and has, in fact, reduced demand by 43% since Order 95-10

Resolution 84-4. The 15% goal was also indicated on page VI-9 in the Water Allocation Program Final Environmental Report (SCH87030309) certified by the Board in 1990. The same 15% goal is highlighted in Rule 25.5 B and was applied to the City of Monterey's public water credit for the El Estero irrigation conversion project and to the City of Pacific Grove's local water project. A higher permanent retirement was undertaken in the Pebble Beach (52.5%) and Malpaso LLC (35%) water entitlements. The Sand City water entitlement applied approximately 31% to offset Cal-Am Carmel River pumping.

For larger developments, a 25% set-aside would be required, up to a 10% portion of which may be temporarily placed in the District Reserve for re-allocation to Public Benefit Projects until the Cease and Desist Order is lifted, provided continued progress in a reduction below the State's Effective Diversion Limit has been made. After that time, the District would have no legal right to the water and such Public Benefit Project will be served with the new replacement water supply, thus ensuring the full 25% is rededicated to the river.

Here, District Reserve refers to the reserve referenced by District Rules 30A and 33B and Public Benefit Projects refers to projects determined by a jurisdiction to be in the public interest, and includes publicly-owned facilities, non-profits, and/or projects with benefits to the public as determined by the jurisdiction. Both definitions will likely need to be better described in an enacting ordinance.

EXHIBIT

None

EXHIBIT 15-C**List of Rules Amended by Draft Ordinance 175**

RULE	TOPIC	CHANGES
Rule 11	Definitions	Add definition for Consumptive Use, and amend definition of MPWRS
Rule 20-A	Applications	Amend fifth paragraph re: setting System Limits for previously existing systems
Rule 20-C-6	Exemptions	Amend text to clarify that period of inactivity is three <i>consecutive</i> years without water production
Rule 20.4	Noncompliance/System Limits	Add sentence regarding enforcement for incomplete applications and an option to request rescission of production limit for qualifying systems
Rule 21-A-4	Water Rights Documentation	Amend water rights text to refer to Implementation Guidelines for required information
Rule 22-A-1	Applications	Deadline for Permit Review (in compliance with Permit Streamlining Act); incomplete application packages subject to cancellation
Rule 22-A-2	Applications	Noted which applications are subject to Permit Streamlining Act
Rule 22-A-3	Exemption Protocol	Expand text to note that CVAA wells may have production limits imposed pursuant to August 2016 Board policy
Rule 22-A-4	Permit Protocol	Remove redundant language re: determination of complete package. Add text to clarify that no connections to Cal-Am system are allowed based on Cal-Am water rights until replacement supplies are completed.
Rule 22-A-5	Permit Protocol	Remove redundant language re: determination of complete package
Rule 22-A-6	Permit Protocol	Remove redundant language re: determination of complete package. Expand text to note that CVAA wells will have production limits imposed pursuant to August 2016 Board policy
Rule 22-B-5	Required Findings	Long-term reliable supply to be demonstrated
Rule 22-B-6	Required Findings	New Finding #6 stating CVAA wells will have production limits imposed pursuant to August 2016 Board policy
Rule 22-C- 2, and 22-C-3	Minimum Standards	Amend order of Finding #2 and #3; clarify that focus is physical ability to meet supply
Rule 22-C-6	Minimum Standards	Add new Standard #6 stating CVAA wells must be consistent with adopted MPWMD Policy for the CVAA
Rule 22-F	Cancellation of Application	Amends text to allow cancellation of permit applications when processing fees are overdue

Rule 40-A	Setting System Limits	Rule changed to be in conformance with August 15, 2016 Board policy on production limits for CVAA wells plus previous Ordinance 160 changes to delete production limits for upland wells
Rule 60-J and 60-K	Fees and Charges	Correct text to state the hourly staff rate is provided in the Fees and Charges Table 22-A, which is amended by Board action and not part of the ordinance. Amend text to incorporate updated costs for specific WDS tasks and add rows for challenges and enforcement

U:\staff\Boardpacket\2016\20161017\PublicHrngs\15\Item-15-Exh-C.docx

ITEM: PUBLIC HEARING**16. CONSIDER FIRST READING OF ORDINANCE NO. 176 – AMENDING RULES 11, 21, 24, 25.5, 60, 64, 141, 143 AND 144**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: Yes.**Committee Recommendation: The Water Demand Committee reviewed this ordinance October 3, 2016 and recommended approval.****CEQA Compliance: Categorical Exemption.**

SUMMARY: Attached as **Exhibit 16-A** is Ordinance No. 176, “2016 Rule Amendment Ordinance II.” This ordinance amends and clarifies certain actions necessary to process and issue Water Permits and Water Distribution System Permits and clarifies certain permitting and conservation requirements. This ordinance also updates the User fee rule and adds Rebates for Non-Residential new technology and the removal of whirlpool tubs in Visitor-Serving Facilities.

DISCUSSION: The following is a summary of the sections of Ordinance No. 176:

- Rule 11 (Definitions) is amended to add definitions for “Accredited Institution of Higher Education Site” and “Jurisdiction Site” and to amend the definitions for “Parcel” and “Site.” These definitions are in keeping with Board action to allow Public School District’s flexibility in the use of Water Credits. The Water Demand Committee supports the definitions to encourage investments in water efficiency within these institutions.
- Rule 21 (Application for Permit to Connect to or Modify a Connection to a Water Distribution System) is amended to clarify that an amended Water Permit is required when there are changes to the fixture count or Water Use Capacity of an active permit.
- Rule 24, Table 2: Non-Residential Water Use Factors, is amended to require additional Water Use Capacity for the installation of multiple Showerheads in Visitor-Serving Facilities.
- Rule 25.5 (Water Use Credits and On-Site Water Credits) is amended to correct a mislabeled reference to Rule 25.5-H and to clarify that eight years of water records shall be submitted to document historic consumption. The current Rule is contradictory and contains reference to both eight years and ten years of water records.

- Rule 25.5 is also amended to allow recorded documentation of Water Credit on a Parcel when new Assessor's Parcel Numbers are assigned to the Site and the previous Assessor's Parcel Number becomes inactive.
- Rule 60-M (Refunds of Fees and Charges) is amended to specify how a refund is issued when the party who initially paid a fee is unknown.
- Rule 64 (Water Distribution System User Fees) is amended to reflect the current process based on prior ordinances.
- Rule 141 (Water Conservation Rebates) is amended to add a Rebate for removal of a whirlpool bathtub in a Visitor-Serving Facility. Removal of whirlpool bathtubs is encouraged due to the high water use associated with cleaning the whirlpool pipes of soap, oil, and other debris.
- Rule 141 (Water Conservation Rebates) is amended to establish a process for consideration of Non-Residential Rebates for water saving technology not listed in Rule 141.
- Rule 143 (Water Efficiency Standards for Existing Non-Residential Uses) is amended to set a standards for Non-Residential Clothes Washers that are unable to comply with the 5.0 Water Factor.
- Rule 144-C (Retrofit Exemptions) is deleted as the exemption in the rule will no longer be applicable upon the effective date of the ordinance.

RECOMMENDATION: The Board should review the ordinance and approve the first reading.

EXHIBIT

16-A Draft Ordinance No. 176

**DRAFT
ORDINANCE NO. 176**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULES 11, 21, 24, 25.5, 60, 64, 141, 142, AND 143**

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West’s Water Code, Appendix, Section 118-1, et seq.).
2. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, set standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. The Monterey Peninsula Water Management District has found and determined that it is in the best interests of the Monterey Peninsula Water Management District and its inhabitants to define, implement and enforce water efficient plumbing standards and requirements for the conservation of Potable water supplies. Retrofit or replacement of existing plumbing fixtures lessens consumption of the limited water resources available on the Monterey Peninsula. Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources.
4. Rule 11, Definitions, is amended to add definitions for “Accredited Institution of Higher Education Site” and “Jurisdiction Site” and to amend the definitions for “Parcel” and “Site.”

5. Rule 21, Application for Permit to Connect to or Modify a Connection to a Water Distribution System, is amended to clarify that an amended Water Permit is required when there are changes to the fixture count or Water Use Capacity of an active permit.
6. Rule 24, Table 2: Non-Residential Water Use Factors, is amended to require additional Water Use Capacity for the installation of multiple Showerheads in Visitor-Serving Facilities.
7. Rule 25.5, Water Use Credits and On-Site Water Credits, is amended to correct a mislabeled reference to Rule 25.5-H and to clarify that eight years of water records shall be submitted to document historic consumption. The current Rule is contradictory and contains reference to both eight years and ten years of water records.
8. Rule 25.5, Water Use Credits and On-Site Water Credits, is amended to allow recorded documentation of Water Credit on a Parcel when new Assessor's Parcel Numbers are assigned to the Site and the previous Assessor's Parcel Number becomes inactive.
9. Rule 60-M, Refunds of Fees and Charges, is amended to specify how a refund is issued when the party who initially paid a fee is unknown.
10. Rule 64, Water Distribution System User Fees, is amended to reflect the current process based on prior ordinances.
11. Rule 141, Water Conservation Rebates, is amended to add a Rebate for removal of a whirlpool bathtub in a Visitor-Serving Facility. Removal of whirlpool bathtubs is encouraged due to the high water use associated with cleaning the whirlpool pipes of soap, oil, and other debris.
12. Rule 141, Water Conservation Rebates, is amended to establish a process for consideration of Non-Residential Rebates for water saving technology not listed in Rule 141.
13. Rule 143, Water Efficiency Standards for Existing Non-Residential Uses, is amended to set a standards for Non-Residential Clothes Washers that are unable to comply with the 5.0 Water Factor.
14. Rule 144-C, Retrofit Exemptions, is deleted as the exemption in the rule will no longer be applicable upon the effective date of the ordinance.

15. This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the 2016 Rule Amendment Ordinance II of the Monterey Peninsula Water Management District.

Section Two: Purpose

The Monterey Peninsula Water Management District enacts this ordinance to amend and clarify certain actions necessary to process and issue Water Permits and Water Distribution System Permits, and to clarify permitting and conservation requirements. This ordinance also updates the User fee rule and adds Rebates for Non-Residential new technology and the removal of whirlpool tubs in Visitor-Serving Facilities.

Section Three: Amendment of Rule 11, Definitions

The following definitions in Rule 11 shall be amended as shown in bold italics (*bold italics*) and strikeout (~~strike through~~). Numbering is provided for reference only.

1. ***ACCREDITED INSTITUTION OF HIGHER EDUCATION SITE - “Accredited Institution of Higher Education Site” shall mean all facilities and properties owned by a single regional, national faith-related, national career-related or programmatic accreditor that is or has been recognized by the Council for Higher Education Accreditation (CHEA) or the U.S. Department of Education (USDE) or both that is located within the MPWMD and that is supplied water by California American Water.***
2. ***JURISDICTION SITE - “Jurisdiction Site” shall mean all facilities and properties owned by a single Jurisdiction that are located within the MPWMD and that are supplied water by California American Water.***
3. PARCEL – “Parcel” shall mean any unit of land which qualifies as a Parcel ~~or lot~~ under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, and (3) ~~which~~ have an identical present use; ***or***

(4) are an Accredited Institution of Higher Education Site, a Jurisdiction Site, or a Public School District Site. The term “Parcel” shall be given the same meaning as the term “Site”.

4. SITE -- “Site” shall mean any unit of land which qualifies as a Parcel ~~or lot~~ under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, and (3) ~~which~~ have an identical present use; *or (4) are an Accredited Institution of Higher Education Site, a Jurisdiction Site, or a Public School District Site.* The term “Site” shall be given the same meaning as the term “Parcel.”

Section Four: Amendments to Rule 21-B, Application for Permit to Connect to or Modify a Connection to a Water Distribution System

Rule 21-B-1 and 21-B-2 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.

B. APPLICATION FOR PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Each application for a Water Permit shall follow the process set forth in Rule 23. A proper Applicant for a Water Permit may be the prospective User of the proposed or existing Connection as the real party in interest, the property owner, or any agent thereof. The application for a Water Permit to Connect to or modify a water use Connection shall be deemed complete when the Applicant submits all of the following:

1. A Water Release Form pertaining to the Site on which the water use shall occur shall be signed by the authorized official of the applicable Jurisdiction. When the completed ~~P~~project has fewer fixture units than the number permitted (Residential Water Permits), or has a smaller Water Use Capacity than permitted (Non-Residential Water Permits), the Applicant shall not be required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form *to amend the Water Permit*. It shall be the responsibility of the Jurisdiction to complete any applicable Environmental Review on a Project prior to authorizing a

Water Permit release via the Water Release Form.

2. Complete Construction Plans that reflect water use pursuant to Tables 1 or 2 of Rule 24. **The Applicant shall apply for and receive an amended Water Permit to reflect** ~~together with~~ any amendment, addition, or modification ~~of~~ **to the water fixtures and/or Water Use Capacity** ~~these plans~~ which may be made prior to use or occupancy of the ~~Project~~, ~~and any plans which may be submitted to the Jurisdiction for land use or building approvals.~~

Section Five: Amendments to Rule 24, Table 2: Non-Residential Water Use Factors

- A. Rule 24, Table 2: Non-Residential Water Use Factors (**Attachment 1**), shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to add a factor for multiple Showerheads in Visitor-Serving Facilities.

Section Six: Amendments to Rule 25.5, Water Use Credits and On-Site Water Credits

- A. Rule 25.5-A shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.
 - A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may receive a Water Use Credit for the permanent abandonment of some or all of the prior water use on that Site by one of the methods set forth in this Rule. Water Use Credits shall be documented by written correspondence between the District and the property owner, and shall remain valid unless prohibited by this Rule. Water Use Credits shall not be documented by notice on a property title, except as specified in Rule 25.5-**GH**. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site.
- B. Rule 25.5-F-2 shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~). References to submitting ten (10) years of water records to document previous consumption in Rule 25.5-F-2 shall be changed to eight (8) years to reflect the records retention policy of the utility. Rule 25.5 currently is inconsistent and lists both eight and ten years.

2. Quantify the Water Use Capacity of the Site using the water use factors from Rule 24, Tables 1 and/or 2. If no factor is available on Table 2 or if the use is substantially different than any of the uses shown on Table 2, the General Manager may make an estimate based upon water records showing the average use over a minimum of ~~ten~~ **eight** years.
- C. Rule 25.5-F-4-d (1) and (2) shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~). References to submitting ten (10) years of water records to document previous consumption in Rule 25.5-F-2 shall be changed to eight (8) years to reflect the records retention policy of the utility. Rule 25.5 currently is inconsistent and lists both eight and ten years.
- d. Non-Residential Water Use Credit for retrofits with Ultra-Low Consumption Technology shall be documented under the following circumstances and shall be granted for the increment of water savings beyond the water savings anticipated from the installation of Low Water Use Plumbing Fixtures and other District mandates:
 - (1) Application for Water Use Credit Post-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) along with two or more years of post-retrofit water history for the use (i.e. bills or correspondence from the Water Distribution System Operator). When ~~ten~~ **eight (8)** years of water history for a use is unavailable or when less than two years of post-retrofit water history is available, the Applicant shall obtain an independent third party's review of the projected water savings. The District shall maintain a list of Persons qualified to prepare a third party water conservation analysis. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.
 - (2) Application for Water Use Credit Pre-Retrofit. The Applicant shall submit clear and convincing evidence of water savings. This shall be accomplished by providing the District with a minimum of eight (8) years of documented pre-retrofit water history for the use from the Water

Distribution System (i.e. bills or correspondence from the Water Distribution System Operator) to establish a baseline consumption level. When ~~ten~~ ***eight (8)*** years of pre-retrofit water history for a use is unavailable, the factor from Rule 24, Table 2: Non-Residential Water Use Factors shall be used as the historic use baseline. To substantiate projected water savings resulting from the proposed retrofit(s), the Applicant shall submit additional documentation to support the estimated water savings. When District staff is not able to verify the estimated water savings, the Applicant may be required to reimburse the District for costs to obtain an independent third party's review of the projected water savings. The District shall verify the installation of Ultra-Low Consumption Technology by conducting an inspection.

- (3) When a Non-Residential Water Use Credit is requested for a Site that cannot demonstrate that the Site was equipped with Low Water Use Plumbing Fixtures for the full period of the water records used, there shall be a 15 percent reduction of the final calculated Water Use Credit.
- (4) In the event that the General Manager disagrees with the amount of water savings resulting from the installation of Ultra-Low Consumption Technology, the complete Water Use Credit application shall be presented to the Board for further consideration.

D. Rule 25.5-H shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.

H. When a Water Use Credit on a Site results from demolition of a building that straddled a lot line, the property owner shall specify in writing the quantity of water credit assigned to each of the lots formerly occupied by that building. ***When a Site with a valid documented Water Use Credit is assigned new Assessor's Parcel Numbers and the original Assessor's Parcel Number becomes inactive, the Site owner shall specify in writing the quantity of water credit assigned to each of the Parcels. This Such*** designation shall be recorded upon the title of each ~~of the lots~~ ***Parcel***.

Section Seven: Amendments to Rule 60-M, Refunds of Fees and Charges

Rule 60-M shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) for consistency with Rule 24-F, Capacity Fee Refunds.

M. REFUNDS OF FEES AND CHARGES

Fees and charges pursuant to Regulation VI are paid to or due the District in consideration of, and as reimbursement for, District incurred costs and expenses relating to the administration and processing of applications, Permits, variances, appeals, notices, investigations, and District enforcement activities. These include, but are not limited to, costs and expenses incurred by the District in planning for, acquiring, reserving, protecting, and maintaining Capacity in present or future water distribution facilities, water resources, and conservation activities. At the conclusion of any activity (e.g. issuance or cancellation of a Permit, conclusion of an enforcement action, or any other final action on a matter) the General Manager may refund remaining fees or charges paid by the Applicant to the extent the remainder exceeds costs or expenses incurred by the District for that matter. Requests for refunds shall be in writing, include a clear reference to the Water Permit number or otherwise identify the matter, and state clearly the reason a refund has been requested. This provision authorizes the General Manager to calculate and issue a refund to the extent that the remainder exceeds costs or expenses incurred by the District for that matter, but shall not confer a right upon any Applicant to receive a refund. Any refund shall be determined as a delegated exercise of the General Manager's discretion. Any refund shall be made solely to the party who initially paid the fee or charge *when that party's current address is known, or the refund shall be made to the current title holder of the property.*

Section Eight: Amendment of Rule 64, Water Distribution System User Fees

Rule 64 (Ordinance No. 22) shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~). Rule 64 has been superseded by numerous ordinances.

~~Water Distribution System User fees shall be administered pursuant to this regulation.~~

A. Each Water Distribution System which possesses 50 or more Connections and derives all or a part of its Potable water supply from the Carmel River watershed, or from Carmel Valley aquifers shall be subject to a Water Distribution System user fee *as established by the Board from time to time through Ordinance or Resolution*. The Owner or Operator of each Water Distribution System shall pay the fee specified herein.

~~B. CALCULATION OF Water Distribution System USER FEES~~

~~1. The Board of Directors shall determine annually the amount of Water Distribution System User fee to be collected pursuant to this regulation after receiving the recommendation of the Carmel River Advisory Committee (CRAC). The maximum basic fee to be collected to fund programs undertaken pursuant to Regulation XII of these Rules and Regulations shall not exceed a District wide aggregate of \$117,000 per fiscal year, provided, however that such maximum basic fee shall increase or decrease each year by the consumer price index (CPI) inflator as determined by the County of Monterey for its budget setting purposes, provided, however, that the total District wide aggregate basic User fee shall not exceed \$234,000 for any reason. In addition to the basic fee collected pursuant to this rule, the Board of Directors may establish an additional surcharge upon the basic fee to fund estimated administrative overhead and noncollectible fees which may necessarily result from the imposition of the basic fee upon District Water Distribution Systems. No User fee shall be made pursuant to this rule which will fund programs undertaken pursuant to Regulation XII of these Rules and Regulations on or after July 1, 1993.~~

~~2. The basic User fee for fiscal year 1983/1984 shall be a District wide aggregate of \$117,000, and the surcharge shall be 10% of that basic fee (\$11,700), the proportionate share of which shall be charged against each applicable Water Distribution System according to the following formula:~~

$$\frac{\text{basic fee} + \text{number of Users in the User fee chargeable to each surcharge}}{\text{total number of Users all Water Distribution Systems subject to User fees}} \times \text{Water Distribution System} = \text{Water Distribution System}$$

- 3B. Prior to setting the User fee and surcharge to be collected for *each* fiscal year 1984/1985, and for each subsequent year, the District Board shall first conduct a public hearing regarding river management *District* needs, Water Distribution System services utility user, and Water Distribution System concerns *which provide a benefit and/or service to existing water Users for which the fee shall be collected.*, and seek the advice of the Carmel River Advisory Committee. At the close of such hearing, the Board shall determine by resolution:
- a1. *The amount of money needed to fund general river management District activities which provide a benefit and/or service to existing water Users for which the fee shall be collected.* pursuant to Regulation XII;
 - b. ~~the estimated amount of assessments which will fund specific river management works;~~
 - e2. *The total amount of basic User fee rate, as a percentage, to be collected on the Water Distribution System monthly bill* collected pursuant to this Rule 64;
 - d. ~~the total amount of additional surcharge to be collected pursuant to this Rule 64;~~
 - e. ~~the total amount of any other User fee to be charged;~~
 - f. ~~the total amount of general funds, if any, to be used to fund river management activities pursuant to Regulation XII; and~~
 - g. ~~an estimate of the number of User Connections in each Water Distribution System subject to the User fee, effective July 1st of each year.~~
- 4C. Water Distribution System User fees established by the Board shall be collected annually from each applicable Water Distribution System following the formula set forth above in this Rule 64. Each Water Distribution System may elect to *shall* pay its User fee to the District in *monthly* installments during the following fiscal year. ~~Each Water Distribution System may elect to pay future User fees to the District in quarterly installments, provided that full payment is tendered during that fiscal year.~~ Water Distribution Systems are required by this Rule 64 to tender payment of User fees for fiscal years 1983/1984 on or before June 30, 1985

within thirty (30) days of the monthly Water Distribution System billing cycle. An alternate collection and remittance cycle may be established by agreement between the District and the Water Distribution System.

5. ~~In the event that the California Public Utilities Commission, following an application for approval submitted by a regulated utility, should fail to allow that utility to collect from its customers the User fees imposed pursuant to this Rule 64, the User fees enacted herein shall have no further force or effect.~~

Section Nine: Amendments to Rule 141, Water Conservation Rebates

Rule 141, Rebates, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

A. Rule 141-A, Qualifying Devices, shall be amended to add:

26. Removal of whirlpool bathtubs in Visitor-Serving Facilities.

27. Non-Residential Rebates for technology not listed in Rule 141 shall be considered on a case-by-case basis by the Water Demand Committee. The Water Demand Committee shall make a recommendation to the Board.

B. Rule 141-B, Table XIV-1, Rebate Amounts, shall be amended to add:

Non-Residential Rebates for technology not shown on Table XIV-1 shall be considered on a case-by-case basis by the Board.

C. Rule 141-B, Table XIV-1, Rebate Amounts, shall be amended to add:

Removal of whirlpool bathtubs in Visitor-Serving Facilities - \$250.

Section Ten: Amendments to Rule 143-F, Water Efficiency Standards for Existing Non-Residential Uses

Rule 143-F, Water Efficiency Standards for Existing Non-Residential Uses, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

- F. All Non-Residential Clothes Washers shall meet the definition of High Efficiency Clothes Washer rated with a Water Factor of 5.0 or below by December 31, 2013. *Clothes Washers that do not comply with the 5.0 Water Factor shall be programmed by a manufacturer/vendor technician to only function on the low water setting (non-user selected setting). A written statement shall be provided to MPWMD by the manufacturer/vendor's technician stating that the machines have been programmed to only use the low water setting and that there is no way to manipulate the water usage via a user setting. This statement shall be maintained by MPWMD.*

Section Eleven: Amendments to Rule 144-C, Retrofit Exemptions

Rule 144-C, Retrofit Exemptions, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~).

- C. ~~RETROFIT EXEMPTIONS~~ When a Site has ULF toilets that were installed prior to December 31, 2012, those toilets ~~hall be exempt from this rule until December 31, 2016. This exemption shall not apply to toilets required to be replaced with lower flush volume fixtures as a condition of a Water Permit or other District action.~~

Section Twelve: Publication and Application

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 21, 24, 25.5, 60, 64, 141, 143, and 144 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Thirteen: Effective Date and Sunset

This ordinance shall take effect at 12:01 a.m. January 1, 2017.

This Ordinance shall not have a sunset date.

Section Fourteen: Severability

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District’s express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____ day of _____, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true, and correct copy of an ordinance duly adopted on the ____ day of _____, 2016.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2016.

David J. Stoldt, Secretary to the Board

TABLE 2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Auto Uses	Retail	Warehouse	Dental Clinic	Office	Bank	Supermarket
Church	Nail Salon	Family Grocery	Medical Clinic	Wine Tasting Room	Fast Photo	Convenience Store
Dry Cleaner (No On-Site Laundry)			Veterinary Clinic	School	Gym	

Group II 0.0002 AF/SF

Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Pizza must be served on reusable platters or on disposable plates. Glassware may be used to serve beverages.

Bakery	Pizza	Coffee House	Ice Cream Shop	Dry Cleaner (On-Site Laundry)
Catering	Deli	Bistro	Sandwich Shop	

Group III

Assisted Living (more than 6 beds) ¹	0.085 AF/Bed
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dormitory ²	0.040 AF/Room
Laundromat	0.2 AF/Machine
Meeting Hall/Banquet Room	0.00053 AF/SF
Motel/Hotel/Bed & Breakfast	0.1 AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
w/Each additional Showerhead beyond one (Add to room factor)	0.02 AF/Showerhead
Irrigated Areas beyond ten feet of any building	ETWU
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Restaurant (including Bar/Brewpub Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” ³	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

Group IV - MODIFIED NON-RESIDENTIAL USES

Users listed in this category have reduced water Capacity from the types of uses listed in Groups I-III and have received a Water Use Credit for modifications. Please inquire for specific property information.

All New Connections: Refer to Rule 24-B, Exterior Non-Residential Water Demand Calculations

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as “other” and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site.

¹ Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.

² Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table 2.

³ See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

ITEM: ACTION ITEM**17. CONSIDER ADOPTION OF RESOLUTION NO. 2016-17- RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE DISTRICT'S CONTRACT WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt General Manager	Program/ Line Item No.:	N/A N/A
Prepared By:	Cynthia Schmidlin	Cost Estimate:	N/A

General Counsel Approval: N/A**Committee Recommendation:** The Administrative Committee reviewed this item on October 10, 2016, and recommended approval.**CEQA Compliance:** N/A

SUMMARY: The District's current labor agreements with its three bargaining units include the provision that 3% of the salaries for Classic Members of the California Public Employees' Retirement System (CalPERS), hired before January 1, 2013, be applied to the Employer Contribution portion of the CalPERS premium. The employee deductions, however, are not officially applied to the members' accounts without the completion of a formal CalPERS contract amendment process. This process requires that the governing body of an agency first approve a resolution stating its intention to amend its contract. The resolution is attached as **(Exhibit 17-A)**.

RECOMMENDATION: Authorize approval of Resolution 2016-17, **(Exhibit 17-A)** stating the District's approval of an amendment of its Retirement Contract with CalPERS to provide Section 20516 (Employees Sharing Additional Cost) of 3% for classic local miscellaneous members.

IMPACTS TO STAFF/RESOURCES: Amendment of the District's Retirement Contract to provide for the District's classic local miscellaneous members sharing 3% of the Employer premium contribution would have no cost impact.

BACKGROUND: On October 1, 2013, District employees began sharing 1% of the cost of the Employer Contribution portion of the CalPERS premium. That portion increased to 2%, effective July 1, 2014, and 3% effective July 1, 2015. Correspondingly, District employees began contributing equal amounts to the Member Contribution portion of the CalPERS premium, making the total employee contribution 6% of salary. Contributions to the Member portion have been applied to the employees' accounts, as a result of Resolutions approved by the Board in 2013. The process by which CalPERS applies employee contributions to the Employer portion to individual accounts is more complex. It includes an initial resolution, a formal vote of effected members, and a final resolution to amend the contract. During negotiations on successor contracts to the current Memorandums of Understanding, representatives of United Public

Employees of California, Local 792/Laborers International Union of North America, requested that the formal contract amendment process be initiated. This is the first step in that process.

EXHIBIT

17-A Proposed District Resolution 2016-17

17-B Certification of Compliance with Government Code Section 7507

U:\staff\Boardpacket\2016\20161017\ActionItems\17\Item-17.docx



EXHIBIT 17-A

**RESOLUTION NO. 2016-17
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT REGARDING
PROVIDING SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) OF 3%
FOR CLASSIC LOCAL MISCELLANEOUS MEMBERS**

The Board of Directors of the Monterey Peninsula Water Management District hereby adopts a Resolution of Intention to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the Board of Directors Monterey Peninsula Water Management District.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Monterey Peninsula Water Management District does hereby give notice of intention to approve a resolution of intention to amend the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said resolution being appended hereto as Attachment I and by this reference made a part hereof.

On motion of Director _____, and second by Director _____, the foregoing resolution is duly adopted this 17th day of October, 2016, by the following votes:

AYES:

NAYES:

ABSENT:

I, David J. Stoldt, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted on the 17th day of October, 2016.

Witness my hand and seal of the Board of Directors, this _____ day of October, 2016.

David J. Stoldt, Secretary to the Board

Monterey Peninsula Water Management District

By: _____

Date: _____

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD OF DIRECTORS
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 3% for classic local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved

**EXHIBIT**

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Directors
Monterey Peninsula Water Management District

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1980, and witnessed December 10, 1979, and as amended effective August 1, 1987, August 1, 1999, July 17, 2001 and July 1, 2008 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective July 1, 2008, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members and age 62 for new local miscellaneous members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1980 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ALL SAFETY EMPLOYEES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

8. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - b. Section 20965 (Credit for Unused Sick Leave).
 - c. Section 20042 (One-Year Final Compensation) for classic members only.
 - d. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 3% for classic local miscellaneous members.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

9. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
11. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS
MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT

BY _____
CHERYL EASON
CHIEF FINANCIAL OFFICER
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"
PLEASE DO NOT SIGN "EXHIBIT ONLY"

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Financial Office | Pension Contract Management

Services & Prefunding Programs

P.O. Box 942703 Sacramento, CA 94229-2703

888 CalPERS (or 888-225-7377)

TTY: (877) 249-7442 | Fax: (916) 795-4673

www.calpers.ca.gov

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

_____ of the
(governing body)

(public agency)

on _____
(date)

Clerk/Secretary

Title

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Financial Office | Pension Contract Management
Services & Prefunding Programs
P.O. Box 942703 Sacramento, CA 94229-2703
888 CalPERS (or 888-225-7377)
TTY: (877) 249-7442 | Fax: (916) 795-4673
www.calpers.ca.gov

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary for the increase/change in retirement Benefit(s) have been made public at a public meeting of the _____
(governing body)

of the _____ on _____
(public agency) (date)

which is at least two weeks prior to the adoption of the Resolution / Ordinance.

Adoption of the retirement benefit increase/change will not be placed on the consent calendar.

Clerk/Secretary

Title

Date _____

ITEM: ACTION ITEM**18. CONSIDER ADOPTION OF RESOLUTION NO. 2016-18 DIRECTING CALIFORNIA AMERICAN WATER TO CONTINUE COLLECTION AND REMITTANCE OF THE DISTRICT WATER DISTRIBUTION SYSTEM USER FEE**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	Dave Stoldt, General Manager	Program/ Line Item No.:	
		Cost Estimate:	N/A

General Counsel Review: Yes**Committee Recommendation: N/A****CEQA Compliance: The resolution does not constitute a project as defined by CEQA.**

SUMMARY: During California American Water’s 2008 General Rate Case, the California Public Utilities Commission (CPUC or Commission) issued Decision 09-07-021 declining to permit California American Water to continue collecting the District’s User Fee. In 2010, California American Water submitted Application 10-01-012 wherein the active parties to the proceeding, the District, Office of Ratepayer Advocates (ORA), and California American Water, moved for approval of an All-Party Settlement pursuant to which California American Water would resume collecting the User Fee. The Commission rejected the settlement on March 25, 2011 in Decision 11-03-035, denied the District’s application for rehearing in Decision 13-01-040, and closed the proceeding in 13-05-001.

On June 26, 2013, the California Supreme Court (Supreme Court) granted the District’s Petition for review of Commission Decision 11-03-035 and on January 25, 2016, in a unanimous opinion, the Supreme Court vacated Commission Decision 11-03-035 (*Monterey Peninsula Water Management District v. Public Utilities Commission* (2016) 62 Cal.4th 693).

The Supreme Court held that since the User Fee originated with the District, the Commission had no authority to regulate local fees of public agencies (like the District) collected through a public utility’s customer bills and remitted to the government entity. The Supreme Court set aside Commission Decisions 11-03-035 and 13-01-040 and remanded the matter back to the Commission.

This resolution republishes as though fully set forth herein Resolution 2011-09 and orders California American Water to collect and remit the 8.325% User Fee as required by Ordinance No. 123 and authorizes District Counsel to act to remove the Stay Order in Monterey Superior Court Case No. M113336 and either dismiss the case or proceed with the litigation.

RECOMMENDATION: Adopt Resolution No. 2016-18 requiring Cal-Am to collect and remit to the District the Water Distribution System User Fee.

BACKGROUND: Since 1983, Cal-Am has been required to collect and remit a user fee to MPWMD. See District Rule 64, enacted by Ordinance No. 10 (7/26/83) and amended by Ordinances No. 12 (4/9/84), and No. 22 (3/11/85). Ordinance 67 defines the purposes for which the fee may be used quite broadly and “allow[s]” the Board “discretion” to allocate the fee as it sees fit, as long as there is a “benefit and/or service to existing water users.” Finding 4 states Ordinance 67 was required “to permit continuation of mandated and essential District programs.” It bears noting that Ordinance 78, enacted in 1995 to finance the New Los Padres Dam, states the user fee was “established to fund costs of water conservation, and programs to ameliorate environmental impacts caused by water production.” Ordinance 78 was repealed by 1996’s Ordinance 82 when the voters rejected the dam proposal, but Ordinance 82’s findings state that the user fees in place on the date of Ordinance 78’s approval “shall remain in force and be unaffected” because the measure failed. More recently, the Cal-Am user fee has been set by District Ordinance 123 (8/15/2005) with 1.2% dedicated to ASR and related water supply activities. The District may use revenues from the 7.125 percent component of the fee to provide any benefit or service to water users due to the very broad language of Ordinance 67 which was restated and reinforced in Ordinance 123.

On June 20, 2005, the MPWMD Board approved the District’s 2005-06 budget and set the Cal-Am User Fee at 8.325%. The Cal-Am User Fee of 8.325% went into effect on the Cal-Am water bill on October 14, 2005.

The WDS User Fee provides funds for the Mitigation Program legally required to address the environmental impacts of Cal-Am operations on both the Carmel River and Seaside Groundwater Basins in accord with California Environmental Quality Act (CEQA), Public Resources Code §§21000 – 21178. These impacts have been determined to significantly affect the Carmel River populations of steelhead and red-legged frog, which are listed as threatened species under the federal Endangered Species Act. State Water Resources Control Board (SWRCB) Order 95-10 (Order 95-10) and Order WR 2009-0060 recognize the Mitigation Program.¹

Prior to July 9, 2009, the California Public Utilities Commission (CPUC) acknowledged the propriety of Cal-Am’s collection of the User Fee through its action on Application 08-01-027.

¹ See, generally: (a) Mitigation Program for Water Allocation Program EIR (Final EIR: MPWMD, Water Allocation Program Final Environmental Impact Report, certified by MPWMD Board November 5, 1990); (b) MPWMD, Five Year Mitigation Program for Option V – 16,700 AF Cal-Am Production, adopted by MPWMD Board November 1990; (c) MPWMD, Annual Mitigation Program Reports; (d) MPWMD Carmel River Riparian Corridor Irrigation Program; (e) Monterey County Use Permits issued by the Monterey County Planning Commission to California-American Water Company, December 1980: PC-3794 for Cypress Well, PC-3795 for San Carlos Well, PC-3796 for Rancho Canada Well, and PC-3797 for Pearce Well; (f) January 14, 1981 Agreement between MPWMD and California-American Water Company for management of riparian vegetation in the area of the four Cal-Am wells (Cypress, San Carlos, Rancho Canada, and Pearce Wells); (g) Carmel River Management Program; MPWMD, Carmel River Management Plan, March 1984; and (g) MPWMD, Final EIR, Carmel River Management Plan and Boronda Erosion Control Project, certified October 29, 1984

CPUC Decision 90-08-055 recognized assessment of the fee as set by the MPWMD Board and deferred to MPWMD any question regarding application of the fee to vacant lots.

On July 9, 2009, the CPUC in Decision 09-07-021 further examined the Cal-Am WDS User Fee and directed Cal-Am to file an application to address collection of funds to support MPWMD programs. The Commission stated, “We would also like to better understand the growing role of the Monterey Peninsula Water Management District in allocating costs to Cal-Am’s customers....”

In September, 2009, following issuance of Decision 09-07-021, Cal-Am entered into an agreement with MPWMD to continue funding of this Program and filed Advice Letter No 785-A to establish a User Fee Memorandum Account. Cal-Am continued to make payments to MPWMD to fund the Mitigation Program and ASR Program so that those projects could receive the same funding as these programs would have received, had the User Fee continued. Payments to MPWMD were recorded in the User Fee Memorandum Account.

It should be noted that during the interruption of the collection of the User Fee on the Cal-Am system, the District continued to collect the User Fee on other non-Cal-Am Water Distribution Systems unabated.

Following CPUC issuance of Decision 09-07-021, MPWMD continued to receive the funds necessary for its Mitigation Program and ASR Program. Both Cal-Am and the District pursued the course set by Decision 09-07-021 to address concerns expressed by the CPUC while receiving funds through payments recorded by Cal-Am in the User Fee Memorandum Account. On January 5, 2010, Cal-Am filed Application 10-01-012 with the CPUC seeking authorization to continue to collect MPWMD’s User Fee and remit it to MPWMD. As directed by the CPUC in Decision 09-07-021, Cal-Am met and conferred with MPWMD to discuss funding for, and implementation of, both the Mitigation Program and the ASR Project. Based on these meetings, Cal-Am, MPWMD and the CPUC Division (now Office) of Ratepayer Advocates (ORA), agreed to a comprehensive All-Party Settlement that embraced the following points:

1. The Mitigation Program is non-duplicative, reasonable, and prudent,
2. The ASR Program is non-duplicative, reasonable, and prudent, and
3. Cal-Am should be authorized to collect MPWMD’s user fee (at a rate set by MPWMD) and remit it to MPWMD.

Although the Parties filed a motion seeking approval of the All-Party Settlement, the Commission instead issued Decision 11-03-035 on March 25, 2011, directing Cal-Am to amend its application to either (1) propose a joint program by which Cal-Am would fund MPWMD performance of its Mitigation measures program and MPWMD’s portion of the ASR program, or (2) offer an implementation plan for Cal-Am to assume direct responsibility for the MPWMD mitigation program. Cal-Am was also allowed to recover the balance in its MPWMD User Fee Memorandum Account over a 12-month period.

During the pendency of those proceedings, Cal-Am and MPWMD, on September 24, 2009, entered into a Reimbursement Agreement that called for Cal-Am to reimburse MPWMD for

costs of its Mitigation and ASR Programs. On March 30, 2011, however, Cal-Am provided notice that it intended to terminate the Reimbursement Agreement, effective May 23, 2011.

As an alternative, and to ensure minimal funding of the Mitigation Program pending further decision of the CPUC, Cal-Am entered into a further funding Agreement to comply with SWRCB Order 95-10 and SWRCB Order 2009-0060.

The District Board enacted Resolution 2011-09 on May 27, 2011 ordering California American Water to collect and remit the 8.325% User Fee as required by Ordinance 123 in installments during the fiscal year, provided full payment was tendered during that fiscal year, but on July 21, 2011, California American Water filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the District in Monterey Superior Court, Case No. M113336, challenging the approval of Resolution 2011-09. The relief sought by California American Water included vacating the Resolution and having the Court declare the Resolution invalid through a Reverse Validation action. However, in October 2011, the District and California American Water stipulated to a stay of the Superior Court case while various matters were pending at the Commission.

In order to fund ongoing water supply related activities during the loss of the User Fee, the District adopted Ordinance No. 152 on June 27, 2012, imposing an annual water supply services, facilities and activities charge (the Water Supply Charge) on parcels served by the main California American Water distribution system to replace and augment a portion of the User Fee formerly collected by California American Water. The District Board adopted Resolution 2012-10 to certify the Water Supply Charge complied with Proposition 218 requirements to assess property related fees and charges.

On June 26, 2013, the California Supreme Court (Supreme Court) granted the District's Petition for review of Commission Decision 11-03-035 and on January 25, 2016, in a unanimous opinion, the Supreme Court vacated Commission Decision 11-03-035 (*Monterey Peninsula Water Management District v. Public Utilities Commission* (2016) 62 Cal.4th 693).

The Supreme Court held that since the User Fee originated with the District, the Commission had no authority to regulate local fees of public agencies (like the District) collected through a public utility's customer bills and remitted to the government entity. The Supreme Court set aside Commission Decisions 11-03-035 and 13-01-040 and remanded the matter back to the Commission.

EXHIBIT

18-A Draft Resolution 2016-18

18-B Resolution 2011-09



EXHIBIT 18-A

RESOLUTION NO. 2016-18

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDERING CALIFORNIA AMERICAN WATER TO COLLECT AND REMIT
THE WATER DISTRIBUTION SYSTEM USER FEE**

WHEREAS, the Monterey Peninsula Water Management District (the District) first enacted a User Fee on Water Distribution Systems in 1983 to protect the Carmel River and its riparian corridor including visual aspects and value as wildlife habitat, stabilize the river channel, and promote the public health and safety by lessening potential local erosion damage and flood related hazards; and

WHEREAS, by 1991, the District User Fee had been expanded to include water supply activities including the five year mitigation program and conservation/rationing programs in the aggregate amount of 8.125% of the California American Water bill and to other Water Distribution Systems of fifty (50) connections or more; and

WHEREAS, the User Fee was modified again in 1992 when the drought induced water supply emergency ended, lowering the fee to 7.125%; and

WHEREAS, Ordinance No. 67, effective January 1, 1993, expanded the User Fee allocation to District programs relating to conservation, rationing, irrigation, erosion control, mitigation, water supply planning, and/or water augmentation program expenses at the Board of Director's (Board) discretion provided that all such expenses must confer benefit and/or service to existing water users; and

WHEREAS, in August 2005, the User Fee was increased by 1.2% for California American Water customers only, increasing the fee to 8.325%. Ordinance No. 123 identified the increase was needed to fund the Phase 1 expansion effort and proposed future Aquifer Storage and Recovery (ASR) expansion costs; and

WHEREAS, Ordinance No. 138 in 2008 authorized and extended collection of the 1.2% User Fee specific to ASR and Water Supply in compliance with the requirements of Article XIII D, §6(a) of the California Constitution, as construed by the California Supreme Court in *Bighorn-Desert View Water Agency v. Verjil*, 39 Cal.4th 205 (2006) and as clarified by the Proposition 218 Omnibus Implementation Act (A.B. 1260 of 2007), codified in California Government Code §53750 et seq.; and

WHEREAS, the 2008 Ordinance also provided that proceeds of the 1.2% fee could also be expended in accord with Resolutions adopted at the discretion of the Board for other purposes including water rights acquisition; and

WHEREAS, during California American Water's 2008 General Rate Case, the California Public Utilities Commission (CPUC or Commission) issued Decision 09-07-021 declining to permit California American Water to continue collecting the District's User Fee and directing California American Water to present an alternate proposal for assuming responsibility for the District's activities or performing them as a "joint project;" and

WHEREAS, on September 24, 2009, the District and California American Water entered into a reimbursement agreement to continue payments to the District to fund the District's Carmel River Mitigation Program and ASR Project but that California American Water would terminate the agreement effective May 23, 2011; and

WHEREAS, in 2010, California American Water submitted Application 10-01-012 wherein the active parties to the proceeding, the District, Office of Ratepayer Advocates (ORA), and California American Water, moved for approval of an All-Party Settlement pursuant to which California American Water would resume collecting the User Fee; and

WHEREAS, the Commission rejected the settlement on March 25, 2011 in Decision 11-03-035, denied the District's application for rehearing in Decision 13-01-040, and closed the proceeding in 13-05-001; and

WHEREAS, the District Board enacted Resolution 2011-09 on May 27, 2011 ordering California American Water to collect and remit the 8.325% User Fee as required by Ordinance 123 in installments during the fiscal year, provided full payment was tendered during that fiscal year; and

WHEREAS, on July 21, 2011, California American Water filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the District in Monterey Superior Court, Case No. M113336, challenging the approval of Resolution 2011-09; and

WHEREAS, the relief sought by California American Water included vacating the Resolution and having the Court declare the Resolution invalid through a Reverse Validation action; and

WHEREAS, in October 2011, the District and California American Water stipulated to a stay of the Superior Court case while various matters were pending at the Commission; and

WHEREAS, the District adopted Ordinance No. 152 on June 27, 2012, imposing an annual water supply services, facilities and activities charge (the Water Supply Charge) on parcels served by the main California American Water distribution system to replace and augment a portion of the User Fee formerly collected by California American Water; and

WHEREAS, the Board adopted Resolution 2012-10 to certify compliance with Proposition 218 requirements to assess property related fees and charges; and

WHEREAS, on June 26, 2013, the California Supreme Court (Supreme Court) granted the District's Petition for review of Commission Decision 11-03-035; and

WHEREAS, on January 25, 2016, in a unanimous opinion, the Supreme Court vacated Commission Decision 11-03-035 (*Monterey Peninsula Water Management District v. Public Utilities Commission* (2016) 62 Cal.4th 693); and

WHEREAS, the Supreme Court held that since the User Fee originated with the District, the Commission had no authority to regulate local fees of public agencies (like the District) collected through a public utility's customer bills and remitted to the government entity; and

WHEREAS, the Supreme Court set aside Commission Decisions 11-03-035 and 13-01-040 and remanded the matter back to the Commission "for further proceedings consistent with the views expressed herein;" and

WHEREAS, the Commissioner and Administrative Law Judge assigned to 10-01-012 have issued rulings in that action, but have not yet directed California American Water to collect and remit the User Fee to the District in compliance with the Supreme Court order; and

WHEREAS, California American Water's compliance with District Resolution No. 2011-09 no longer conflicts with any order of the Commission; and

WHEREAS, California American Water's continued failure to comply with District Resolution No. 2011-09 and Ordinance No. 123 compromises efforts of the District to achieve the purposes required by the District's Mitigation and ASR programs, as well as its efforts to augment the supply of water available to the Monterey Peninsula. California American Water's failure to remit the full User Fee to the District interferes with mitigations required by the California Environmental Quality Act (CEQA) and significantly and adversely affects Carmel River populations of steelhead and red-legged frog, in contravention of State Water Resources Control Board (SWRCB) Order No. WR 95-10 and Order WR 2009-0060.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Monterey Peninsula Water Management District hereby republishes as though fully set forth herein Resolution 2011-09 and orders California American Water to collect and remit the 8.325% User Fee as required by Ordinance No. 123 in installments during the fiscal year, provided full payment is tendered during that fiscal year.

BE IT FURTHER RESOLVED AND ORDERED that California American Water continue to set and remit the User Fee at 8.325% of each California American Water water bill factored upon actual water use and variable as to the amount of water consumed, as required by District Ordinance No. 123.

BE IT FURTHER RESOLVED AND ORDERED that the Monterey Peninsula Water Management District act to remove the Stay Order in Monterey Superior Court Case No. M113336 and either dismiss the case or proceed with the litigation.

On motion of Director _____ and second by Director _____ the foregoing resolution is duly adopted this 17th day of October 2016 by the following votes:

Ayes: Directors

Nays:

Absent:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 17th day of October, 2016.

Witness my hand seal of the board of Directors this ___ day of _____, 2016.

David J. Stoldt, Secretary to the Board

U:\staff\Boardpacket\2016\20161017\ActionItems\18\Item-18-Exh-A.docx

DRAFT

**RESOLUTION NO. 2011-09****A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDERING CALIFORNIA AMERICAN WATER TO COLLECT AND REMIT
THE WATER DISTRIBUTION SYSTEM USER FEE
IN ACCORD WITH DISTRICT ORDINANCE 123**

WHEREAS, The Monterey Peninsula Water Management District (MPWMD or MPWMD) first established its User Fee in 1983. On June 20, 2005, the MPWMD Board approved the District's 2005-06 budget and set the California American Water (Cal-Am) Water Distribution System (WDS) User Fee at 8.325%. Ordinance 123 was approved at second reading on August 15, 2005 and the Notice of Exemption was subsequently filed with the Monterey County Clerk. The present MPWMD WDS User Fee of 8.325% of the Cal-Am water bill went into effect on October 14, 2005; and,

WHEREAS, Ordinance 123 requires Cal-Am to collect from its water users a fee factored upon actual water use and variable as to the amount of water consumed; and,

WHEREAS, Cal-Am may elect to pay this User fee to the District in installments during the fiscal year, provided that full payment is tendered during that fiscal year; and,

WHEREAS, The WDS User Fee provides funds for the MPWMD Mitigation Program that is legally required to address the environmental impacts of Cal-Am operations on both the Carmel River and Seaside Groundwater Basins in accord with California Environmental Quality Act (CEQA), Public Resources Code §§21000 – 21178. These impacts have been determined to significantly affect the Carmel River populations of steelhead and red-legged frog, which are listed as threatened species under the federal Endangered Species Act. State Water Resources Control Board (SWRCB) Order 95-10 (Order 95-10) and Order WR 2009-0060 recognize the MPWMD Mitigation Program. Specifically, Ordering Paragraph 11 of Order 95-10 provides that Cal-Am is to implement all measures in the Mitigation Program for the MPWMD Water Allocation Program if those measures are "not implemented by MPWMD" and Ordering Paragraph 9 of Order 2009-0060 requires Cal-Am to comply with all requirements of Order 95-10, except as provided therein; and,

WHEREAS, Cal-Am, the CPUC Division of Ratepayer Advocates (DRA), and the Water Management District agreed both the Mitigation Program and ASR Program are non-duplicative, reasonable, and prudent; and,

WHEREAS, In September, 2009 Cal-Am entered into an agreement with MPWMD to continue full payment to MPWMD to fund MPWMD's Carmel River Mitigation Program (Mitigation Program) and its Aquifer Storage and Recovery (ASR) Project; and,

WHEREAS, On September 24, 2009, Cal-Am entered into a Reimbursement Agreement that called for Cal-Am to reimburse MPWMD for the costs of its Mitigation and ASR Programs, but Cal-Am provided notice of its intent to terminate the Reimbursement Agreement effective May 23, 2011;

WHEREAS, Cal-Am's decision to discontinue its past practice of collecting and remitting to MPWMD the full 8.325% user fee set by District Ordinance 123, shall compromise efforts of the District to achieve the purposes required by the MPWMD Mitigation and ASR programs. Cal-Am's failure to remit the full user fee to MPWMD shall interfere with mitigations required by CEQA, and significantly and adversely affect Carmel River populations of steelhead and red-legged frog, in contravention of Order 95-10 and Order WR 2009-0060.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Monterey Peninsula Water Management District orders Cal-Am to collect and remit the 8.325% user fee as required by Ordinance 123 in installments during the fiscal year, provided full payment is tendered during that fiscal year.

BE IT FURTHER RESOLVED AND ORDERED that Cal-Am continue to set and remit the User Fee at 8.325% of each Cal-Am water bill factored upon actual water use and variable as to the amount of water consumed, as required by District Ordinance 123.

On a motion by Director Markey and second by Director Potter the foregoing resolution is duly adopted this 26th day of May 2011 by the following votes.

Ayes: Directors Brower, Potter, Lewis, Lehman, Markey, Doyle, and Pendergrass
Nays: None
Absent: None

I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 26th day of May 2011.


Witness my hand and seal of the Board of Directors this 27th day of May 2011.



Darby Fuerst, Secretary to the Board

COPY CERTIFICATION

I, Darby Fuerst, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Resolution No. 2011-09 duly adopted on the 26th of May 2011.



Darby Fuerst, Secretary to the Board



Date

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**19. LETTERS RECEIVED****Meeting Date:** October 17, 2016 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Arlene Tavani **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

A list of letters that were submitted to the Board of Directors or General Manager and received between September 8, 2016 and October 6, 2016 is shown below. The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's web site at www.mpwmd.net.

Author	Addressee	Date	Topic
Eric Sabolsice	Barbara Evoy cc: D Stoldt	9/27/16	SWRCB Order 2016-0016, Satisfaction of Milestone 1
Keith Van Der Maaten	David Stoldt	9/21/16	Groundwater Sustainability Agency
David L Hobbs	Anthony Cerasuolo cc: D Stoldt	9/21/16	Potable Water Wheeling Agreement, dated April 8, 2009
David L Hobbs	Eric Sabolsice cc: D Stoldt	9/14/16	Potable Water Wheeling Agreement, dated April 8, 2009
Michael Picker	Jeanne Byrne	9/7/16	February 2016 User Fee Decision Upon Remand by the California Supreme Court

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**20. COMMITTEE REPORTS****Meeting Date: October 17, 2016** **Budgeted: N/A****From: David J. Stoldt, General Manager** **Program/Line Item No.: N/A****Prepared By: Arlene Tavani** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: N/A**

Attached for your review as **Exhibits 20-A and 20-B**, respectively, are final minutes of the committee meetings listed below.

EXHIBIT**20-A** Final Minutes of September 12, 2016 Administrative Committee Meeting**20-B** Final Minutes of July 12, 2016 Water Supply Planning Committee Meeting



EXHIBIT 20-A

FINAL MINUTES
Monterey Peninsula Water Management District
Administrative Committee
September 12, 2016

Call to Order

The meeting was called to order at 3:38 PM in the District Conference Room.

Committee members present: Andrew Clarke
 Brenda Lewis (arrived at 3:40)
 David Pendergrass

Staff present: Suresh Prasad, Administrative Services Manager/Chief Financial Officer
 Cynthia Schmidlin, Human Resources Analyst
 Larry Hampson, Planning and Engineering Manager/District Engineer
 Sara Reyes, Office Services Supervisor

Oral Communications

None

1. **Approve Minutes of August 8, 2016 Committee Meeting**
 On a motion by Clarke and second by Pendergrass, the minutes of the August 8, 2016 meeting were approved on a vote of 2 to 0.

Items on Board Agenda for September 19, 2016

2. **Consider Approval of Reorganization Changes to the District's Organization Chart and Addition of Hydrology Technician Position**
 On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board authorize a change from the current District Organization Chart to reflect the reorganization changes of combining the Water Resources and Planning and Engineering Divisions.
3. **Consider Adoption of Resolution 2016-15 – Public Records Act Policy**
 On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board adopt the Public Records Act policy.
4. **Consider Contract with Whitson Engineers to Conduct a Survey of the Carmel River Channel**
 On a motion by Clarke and second by Lewis, the committee voted 3 to 0 to recommend the General Manager amend an existing agreement with Whitson Engineers for survey work to increase the not-to-exceed amount by \$45,000 to conduct a survey in the Carmel River channel.

5. Consider Approval of June 2016 Treasurer’s Report

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board adopt the June 2016 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.

6. Receive and File Fourth Quarter Financial Activity Report for Fiscal Year 2015-2016

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board receive and file the Fourth Quarter Financial Activity Report for Fiscal Year 2015-2016.

7. Consider Approval of Fourth Quarter Fiscal Year 2015-2016 Investment Report

On a motion by Clarke and second by Lewis, the committee voted 3 to 0 to recommend the Board approve the Fourth Quarter Fiscal Year 2015-2016 Investment Report.

Other Business

8. Review Draft September 19, 2016 Board Meeting Agenda

A revised agenda was submitted to the committee for review. No changes were made by the committee.

Adjournment

The meeting was adjourned at 4:07 PM.

U:\staff\Boardpacket\2016\20161017\InfoItems\20\Item-20-Exh-A.docx



EXHIBIT 20-B

**FINAL MINUTES
Water Supply Planning Committee of the
Monterey Peninsula Water Management District
July 12, 2016**

Call to Order The meeting was called to order at 2:05 pm in the MPWMD conference room.

Committee members present: Robert S. Brower, Sr. - Committee Chair
 Jeanne Byrne
 David Pendergrass

Committee members absent: None

Staff members present: David Stoldt, General Manager
 Larry Hampson, Planning & Engineering Division Manager
 Joseph Oliver, Water Resources Division Manager
 Arlene Tavani, Executive Assistant

District Counsel present David Laredo

Comments from the Public: No comments.

Action Items

1. **Consider Adoption of Committee meeting Minutes of June 14, 2016**
 On a motion by Pendergrass and second of Byrne, the minutes of the June 14, 2016 committee were adopted on a vote of 3 – 0 by Pendergrass, Byrne and Brower.

2. **Consider Adoption of Policy that will Address Monterey County General Plan Requirements for Carmel Valley Alluvial Aquifer**
 On a motion by Pendergrass and second of Byrne, the committee expressed support for Options 2, 3 and 4 as outlined in the staff report. The committee requested that General Manager Stoldt present to Monterey County representatives the proposed options along with water recharge data. The County should be advised that the proposed water production reductions, in combination with installation of low-flow water fixtures and groundwater recharge will result in sustainability over the long-term. If the County of Monterey agrees with the proposal, this policy can be presented to the Board of Directors for approval. The motion was approved on a unanimous vote of 3 – 0 by Pendergrass, Byrne and Brower. Stoldt noted that the next step would be to identify MPWMD rules that must be modified, and incorporate those changes into an ordinance for consideration in September or October. One comment from the committee was that

the issue of non-Cal-Am pumpers must be addressed, as they are not subject to the Cease and Desist Order and their water production has not been reduced since 1995.

Luke Coletti addressed the committee during the public comment period on this item. He stated that Monterey County intends to ensure there is a sustainable water supply for projects, and that the Water Management District's proposal may not address monitoring or groundwater recharge.

Set Next Meeting Date: The meeting was scheduled for August 25, 2016, at 9 am.

Adjournment: The meeting was adjourned at 2:35 pm

ITEM: INFORMATIONAL ITEM/STAFF REPORTS**21. MONTHLY ALLOCATION REPORT**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program:	N/A
		Line Item No.:	
Prepared By:	Gabriela Ayala	Cost Estimate:	N/A

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: N/A

SUMMARY: As of September 30, 2016, a total of **25.830** acre-feet (**7.5%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **35.561** acre-feet is available to the Jurisdictions, and **30.384** acre-feet is available as public water credits.

Exhibit 21-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in September 2016 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in September 2016.

Exhibit 21-A also shows additional water available to each of the Jurisdictions and the information regarding the Community Hospital of the Monterey Peninsula (Holman Highway Facility). Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 21-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement.

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 21-C**.

EXHIBITS

- 21-A** Monthly Allocation Report
- 21-B** Monthly Entitlement Report
- 21-C** District’s Water Allocation Program Ordinances

EXHIBIT 21-A

MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of September 2016

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Credits	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.397	1.081	0.000	1.081	0.910	0.000	0.182	2.660
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.203	50.659	0.000	0.030	38.121	0.000	3.661	3.894
Monterey County	87.710	0.000	10.284	13.080	0.000	0.000	7.827	0.000	1.891	12.175
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.012	15.874	0.000	0.133	0.145
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
Seaside	65.450	0.000	8.749	34.438	0.000	34.438	2.693	0.000	1.144	44.331
TOTALS	342.720	0.000	25.830	101.946	0.000	35.561	90.142	0.000	30.384	91.775

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.040	32.277	0.723
Water West	12.760	0.023	9.062	3.728

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

EXHIBIT 21-B

**MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of September 2016**

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. ¹	236.380	0.900	25.994	210.386
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	128.620	0.578	44.538	84.082
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.809	0.191
CAWD/PBCSD Project Totals	380.000	1.478	84.936	295.064

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	165.000	0.000	2.999	162.001
Malpas Water Company	80.000	0.500	0.446	79.554
D.B.O. Development No. 30	13.95	0.000	0.000	13.95
City of Pacific Grove	66.000	0.000	0.000	66.000
Cypress Pacific	3.170	0.000	0.000	3.170

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 21-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

ITEM: INFORMATIONAL ITEM/STAFF REPORTS**22. WATER CONSERVATION PROGRAM REPORT**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Kyle Smith	Cost Estimate:	N/A

Committee Recommendation: N/A**CEQA Compliance: N/A**

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 2.2 gpm faucet aerators, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is often conducted to verify compliance.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is entered into the database and compared against the properties that have submitted WCCs. Details on **123** property transfers that occurred in September 2016 were entered into the database.

B. Certification

The District received **30** WCCs between September 1, 2016, and September 30, 2016. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

C. Verification

In September, **70** properties were verified to be in compliance with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **84** verifications, **53** properties verified compliance by submitting certification forms and/or receipts. District staff completed **31** site inspections. Of the **31** properties inspected **17 (54%)** were in compliance. **None** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards.

District inspectors are tracking toilet replacement with High Efficiency Toilets (HET) in place of ULF toilets. These retrofits are occurring in remodels and new construction, and are the toilet of choice for Rule 144 compliance. State law mandated the sale and installation of HET by January 1, 2014, with a phase-in period that began in 2010. The majority of toilets sold in California are HET.

Savings Estimate

Water savings from HET retrofits triggered by Rule 144 verified in September 2016 are estimated at **0.260** acre-feet annually (AFA). Water savings from retrofits that exceeded requirements (i.e., HETs to Ultra High Efficiency Toilets) is estimated at **0.260** AFA (26 toilets). Year-to-date estimated savings occurring as a result of toilet retrofits is **9.120** AFA.

D. CII Compliance with Water Efficiency Standards

Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are being sent notification of the requirements and a date that inspectors will be on site to check the property. This month, District inspectors performed **32** inspections. Of the **32** inspections certified, **20 (62%)** were in compliance. **six** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards; the remainder complied without a reinspection.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate non-residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses, however, properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During September 2016, MPWMD referred **1** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

In response to the State's drought emergency conservation regulation effective June 1, 2016, the District has increased its Water Waste enforcement. The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waster occurrences at www.mpwmd.net or www.montereywaterinfo.org. There were **seven** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **75** Water Permits in September 2016. **Eleven** Water Permits were issued using Water Entitlements (Macomber, Pebble Beach Company, Griffin Estates, etc). No Water Permit involved a debit to a Public Water Credit Account.

All Water Permits have a disclaimer informing applicants of the Cease and Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water. All Water Permit recipients with property supplied by a California American Water Distribution System will continue to be provided with the disclaimer.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Single-Family Dwelling on a Single-Family Residential Site. Of the **75** Water Permits issued in September, **six** were issued under this provision.

B. Permit Compliance

District staff completed **67** Water Permit final inspections during September 2016. **Seven** of the final inspections failed due to unpermitted fixtures. Of the **49** properties that were in compliance, **41** passed on the first visit. In addition, **six** pre-inspection were conducted in response to Water Permit applications received by the District.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. In the month of September, the District prepared **67** deed restrictions. Of the **75** Water Permits issued in September, **42 (56%)** required deed restrictions. District staff provided Notary services for **67** Water Permits with deed restrictions.

III. JOINT MPWMD/CAW REBATE PROGRAM

Participation in the rebate program is detailed in the following chart. The table below indicates the program summary for Rebates for California American Water Company customers.

REBATE PROGRAM SUMMARY		September-2016				2016 YTD	1997 - Present	
I. <u>Application Summary</u>								
A.	Applications Received	199				1561	22,396	
B.	Applications Approved	155				1224	17,579	
C.	Single Family Applications	187				1445	20,182	
D.	Multi-Family Applications	9				74	1,121	
E.	Non-Residential Applications	3				42	294	
II. <u>Type of Devices Rebated</u>		Number of devices	Rebate Paid	Estimated AF	Gallons Saved	YTD Quantity	YTD Paid	YTD Est AF
A.	High Efficiency Toilet (HET)	21	2100.00	0.876708	285,676	166	16,445.00	6.930168
B.	Ultra-Low Flush to HET	55	5403.00	0.550000	179,218	328	32,294.57	3.28
C.	Ultra HET	9	1281.00	0.090000	29,327	182	26,777.80	1.82
D.	Toilet Flapper	0	0.00	0.000000	0	2	17.25	0
E.	High Efficiency Dishwasher	19	2375.00	0.057000	18,574	141	17,625.00	0.423
F.	High Efficiency Clothes Washer	61	30330.59	0.982100	320,018	440	221,171.81	7.486072
G.	Instant-Access Hot Water System	3	600.00	0.000000	0	24	4,490.00	0
H.	On Demand Systems	0	0.00	0.000000	0	5	500.00	0
I.	Zero Use Urinals	0	0.00	0.000000	0	0	0.00	0
J.	High Efficiency Urinals	0	0.00	0.000000	0	0	0.00	0
K.	Pint Urinals	0	0.00	0.000000	0	0	0.00	0
L.	Cisterns	3	1037.50	0.000000	0	50	57,724.75	0
M.	Smart Controllers	5	719.00	0.000000	0	10	1,383.12	0
N.	Rotating Sprinkler Nozzles	20	80.00	0.000000	0	20	80.00	0
O.	Moisture Sensors	0	0.00	0.000000	0	0	0.00	0
P.	Lawn Removal & Replacement	0	0.00	0.000000	0	20	24,547.00	2.198174
Q.	Graywater	0	0.00	0.000000	0	0	0.00	0
R.	Ice Machines	0	0.00	0.000000	0	0	0.00	0
III. <u>Totals: Month; AF; Gallons; YTD</u>		196	43926.09	2.555808	832,813	1388	403,056.30	22.137414
						2016 YTD	1997 - Present	
IV. <u>Total Rebated: YTD; Program</u>						403,056.30	5,297,349.36	
V. <u>Estimated Water Savings in Acre-Feet Annually*</u>						22.137414	506.874379	

* Retrofit savings are estimated at 0.041748 AF/HET; 0.01 AF/UHET; 0.01 AF/ULF to HET; 0.003 AF/dishwasher; 0.0161 AF/residential washer; 0.0082 AF/100 square feet of lawn removal.

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**23. CARMEL RIVER FISHERY REPORT FOR SEPTEMBER 2016****Meeting Date:** October 17, 2016 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Beverly Chaney **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

AQUATIC HABITAT AND FLOW CONDITIONS: September flow conditions in the lower Carmel River were poor for migration and fair to poor for rearing for all steelhead life stages. Rearing conditions in the upper watershed were good to fair.

Mean daily streamflow at the Sleepy Hollow Weir ranged from 6.2 to 7.3 cubic feet-per-second (cfs) (monthly mean 6.8 cfs) resulting in 391 acre-feet (AF) of runoff, while Highway 1 remained dry.

No September rainfall was recorded at Cal-Am's San Clemente gauge. The rainfall total for WY 2016 (which started on October 1, 2015) was 22.25 inches, or 105% of the long-term year-to-date average of 21.12 inches.

WY 2016 is classified as a "Normal" year with 44,340 AF of runoff measured at the Sleepy Hollow Weir.

CARMEL RIVER LAGOON: September water surface elevations (WSE) rose slightly from approximately 5.7 to 6.2 feet above mean-sea-level due to wave overtopping (see graph below).

Water-quality profiles were conducted in mid-September at five lagoon sites. Water conditions in the main body, north, and lower south arms were generally "fair" for steelhead rearing in the upper 1-meter of the water column, but "poor" in the deeper areas due to high salinity and low dissolved oxygen (DO) levels. Lagoon water temperatures ranged from 64-66 degrees Fahrenheit, DO from 1-11 mg/L, while salinity levels were between 1-15 parts per thousand (ppt).

STEELHEAD RESCUES: Only one rescue was needed in early September where 15 fish were removed from an isolated pool in the River Meadows reach. No addition rescues are anticipated this year. After drying back to the Begonia Well area in Mid-Valley (RM 7.8) in late summer, the river has started to advance again, rewetting approximately 1.1 miles of habitat, and is now near Schulte Bridge (RM 6.7).

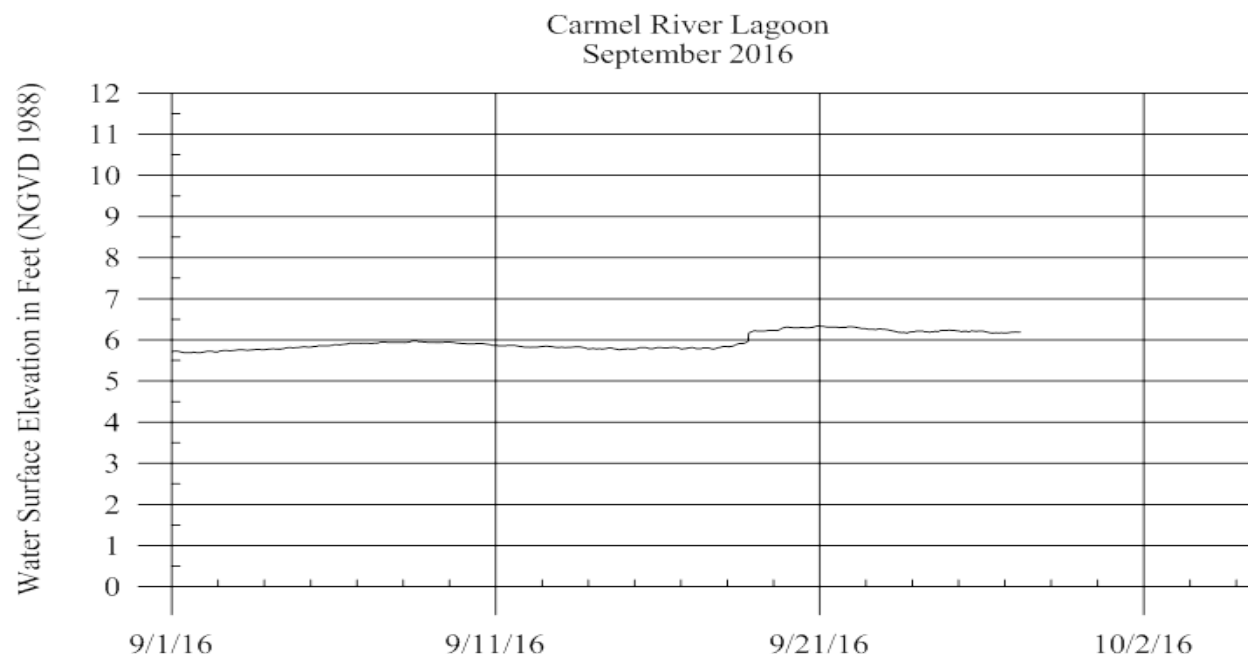
Mainstem - Summer steelhead rescues started on June 13, 2016 in the main-stem. Through the end of the September a total of 670 fish have been rescued, including 425 young-of-the-year (YOY), 122 age 1+ year juveniles (1+), 117 age 2+ year residents (2+). There were six mortalities (0.90%).

Of the 670 rescued fish, 242 were from the drying and isolated plunge pool below Los Padres Dam. They were released back into the river ~100m downstream. An additional 14 rescued fish were released in the Robles Del Rio area when access to SHSRF was limited due to the Soberanes Fire (now at ~132,000 acres).

Tributaries - Rescues were conducted on the lower sections of three tributaries in late May/June. A total of 247 fish were captured and released into the Carmel River near the confluences. Hitchcock Creek – 177 fish (mostly YOY); Robinson Canyon Cr. – 0 fish; Garzas Cr. – 70 fish (mix of YOY and 1+ fish). There were also two mortalities (0.81%).

SLEEPY HOLLOW STEELHEAD REARING FACILITY: The first rescued fish were brought to the Facility on June 13, 2016. On August 24th, District and NMFS staff PITT tagged (Passive Integrated Transponder Tags) and transferred 361 fish from holding tanks to the rearing channel. PIT tagged fish are individually numbered and can be tracked as they migrate past fixed electrical arrays placed in the river. An additional 15 fish were tagged on September 19 and placed in the rearing channel September 22.

At the end of September there were 350 steelhead in the Facility including: 239 small/medium YOY/1+, 94 large 1+ fish, and 17 extra-large 2+ fish. There have been 57 mortalities (all smaller fish) (14%) (six in quarantine, 26 post-tagging mortality, and 25 missing/presumed cannibalism).



ITEM: INFORMATIONAL ITESM/STAFF REPORTS**24. QUARTERLY WATER USE CREDIT TRANSFER STATUS REPORT**

Meeting Date: October 17, 2016 **Budgeted:** N/A

From: David J. Stoldt, **Program/** N/A
 General Manager **Line Item No.:**

Prepared By: Gabriela Ayala **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: N/A

Information about Water Use Credit transfer applications will be reported as applications are received. There are no pending Water Use Credit transfer applications.

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**25. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT****Meeting Date:** October 17, 2016 **Budgeted:** N/A**From:** Dave Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Thomas Christensen and
Larry Hampson **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

IRRIGATION OF RIPARIAN VEGETATION: The supplemental watering of riparian restoration plantings has resumed for the summer season in 2016 at seven Monterey Peninsula Water Management District (District) riparian habitat restoration sites. The following irrigation systems were in use April through September: deDampierre, Trail and Saddle Club, Begonia, Schulte, Schulte Bridge, Valley Hills, and the Dow property.

Water Use in Acre-Feet (AF)
(preliminary values subject to revision)

April - June 2016	1.58 AF
July – September 2016	<u>4.41</u>
Year-to-date	5.99 AF

MONITORING OF RIPARIAN VEGETATION: During May through September 2016, staff recorded bi-monthly observations of canopy vigor on target willow and cottonwood trees to provide an indication of plant water stress and corresponding soil moisture levels. Four locations (Rancho Cañada, San Carlos, Valley Hills, and Schulte) are monitored bi-monthly for canopy ratings based on a scale from one to ten. This scale evaluates characteristics such as yellowing leaves and percentages of defoliation (see scale on **Exhibit 25-A**). A total of 12 willows and 12 cottonwoods at these locations provide a data set of established and planted sample trees that are representative of trees in the Carmel River riparian corridor. Combined with monthly readings from the District’s array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the California American Water service area, the District’s monitoring provides insight into the status of soil moisture through the riparian corridor.

Current monitoring results for the 2016 monitoring season to date show that riparian vegetation is below threshold stress levels. At present, the river has dried back to approximately Schulte Bridge. However, it should be noted that the District is irrigating in the vicinity of Cal-Am’s

major municipal production wells to help offset the impacts to riparian vegetation in the critical drawdown areas. The graph in **Exhibit 25-A** shows average canopy ratings for willows and cottonwoods in selected restoration sites in the lower Carmel Valley. The graph in **Exhibit 25-B** shows impacts to water table elevations.

The types of monitoring measurements made during May through September 2016 are as follows:

Monitoring Measurement

Canopy ratings	(See Exhibit 25-A for trends.)
Groundwater levels (monitoring wells)	(See Exhibit 25-B for trends.)
Groundwater pumping (production wells)	

OTHER TASKS PERFORMED SINCE THE JULY 2016 QUARTERLY REPORT:

1. **Carmel River Vegetation Management:** District staff completed the majority of “vegetation management” work along the Carmel River during September 2016. Vegetation and debris piles were selectively removed from 13 critical areas with vegetation encroachment in the channel bottom. These sites were chosen to minimize the potential that high flows would be directed from the center of the channel toward the bank, possibly causing erosion and property damage.
2. **Sleepy Hollow Steelhead Rearing Facility Upgrade:** Staff worked with TetraTech, Inc., the consultant for the project, to complete and circulate an Initial Study and Mitigated Negative Declaration for the proposed project in compliance with the California Environmental Quality Act. Due to lengthy preparation of the CEQA document, the project is now behind schedule and may not be completed until 2018.
3. **Proposition 1 Grant Programs:** Staff worked with other Central Coast regions to develop a proposal for the Department of Water Resources to consider in awarding approximately \$4.4 million to the Central Coast for planning and implementation projects involving Disadvantaged Communities (communities with a median household income of 80% or less of the California median household income). The Monterey Peninsula region should be eligible for up to \$466,000 of grant funds.
4. **Public Outreach:** Staff attends periodic meeting of the Carmel Valley Association’s Water Committee and provides updates on District activities affecting the Carmel River.

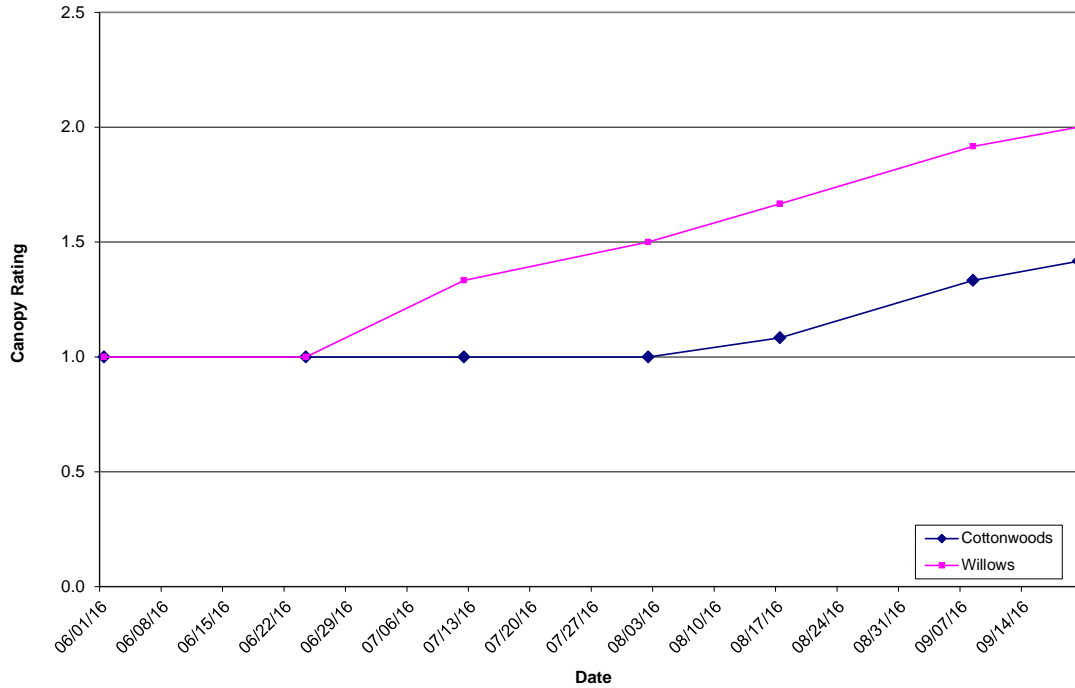
EXHIBIT

25-A Average Willow and Cottonwood Canopy Rating

25-B Depth to Groundwater

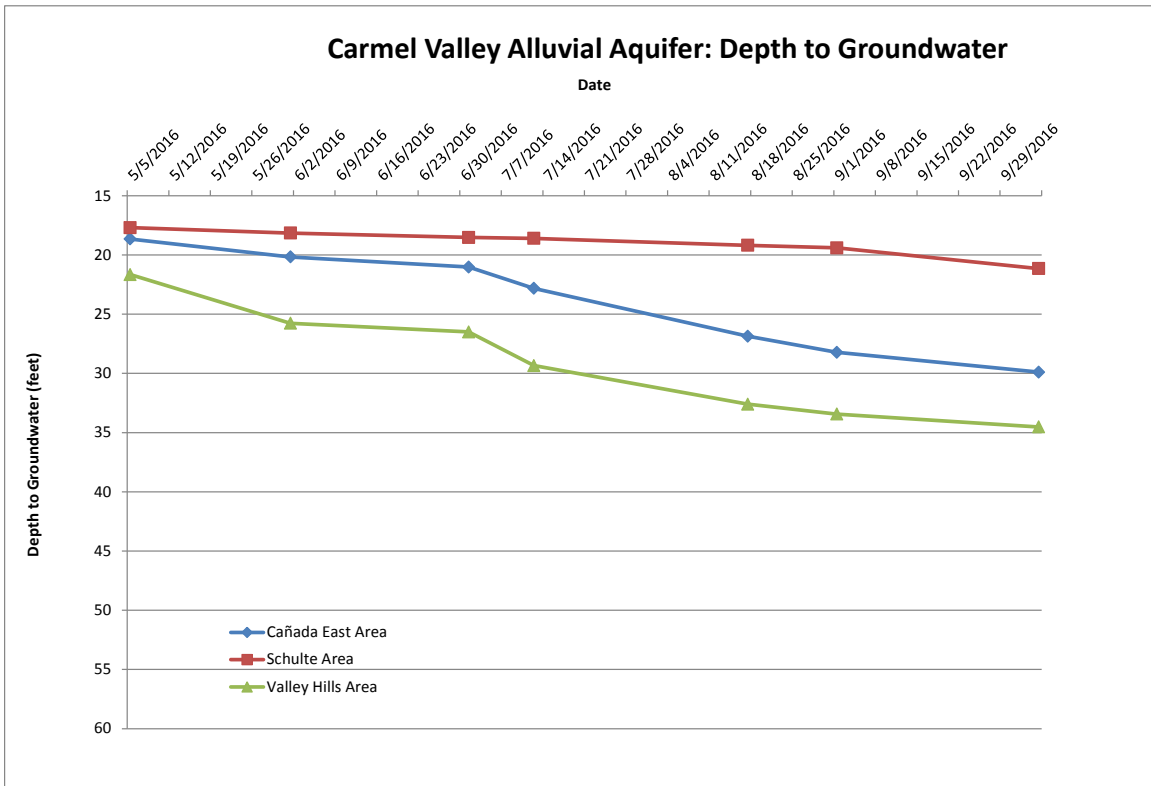
EXHIBIT 25-A

**Carmel River Riparian Vegetation:
Average Canopy Rating for Cottonwoods and Willows**



Canopy Rating Scale		Stress Level
1=	Green, obviously vigorous	none, no irrigation required
2=	Some visible yellowing	low, occasional irrigation required
3=	Leaves mostly yellowing	moderate, regular irrigation required
4=	< 10% Defoliated	moderate, regular irrigation required
5=	Defoliated 10% to 30%	moderate, regular irrigation required
6=	Defoliated 30% to 50%	moderate to high, additional measures required
7=	Defoliated 50% to 70%	high stress, risk of mortality or canopy dieback
8=	Defoliated 70% to 90%	high stress, risk of mortality or canopy dieback
9=	> 90% Defoliated	high stress, risk of mortality or canopy dieback
10=	Dead	consider replanting

EXHIBIT 25-B



ITEM: INFORMATIONAL ITEMS/STAFF REPORT**26. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT**

Meeting Date:	October 17, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Jonathan Lear	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: N/A**




Exhibit 26-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **October 1, 2016**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 26-A** is for Water Year (WY) 2016 and focuses on four factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: As shown, rainfall in **September** 2016 totaled **0.00 inches** and brings the cumulative rainfall total for WY 2016 to **22.25 inches**, which is **105%** of the long-term average through **September**. Estimated unimpaired runoff during **September** 2016 totaled **135 acre-feet (AF)** and brings the cumulative runoff total for WY 2016 to **44,923 AF**, which is **67%** of the long-term average through **September**. Usable storage, which includes surface and groundwater, was **27,960** or **95%** of the long-term average at the end of **September**. This storage equates to **74%** of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2009-0060, California American Water (Cal-Am) is allowed to produce no more than 9,703 AF of water from the Carmel River in WY 2016. In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 2,251AF of water from the Coastal Subareas and 48 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2016. Altogether, Cal-Am is currently allowed to produce 11,954 AF from Carmel River and Seaside Coastal sources for customers in its main Monterey system and 48 AF from the Laguna Seca Subarea for customers in Ryan Ranch, Hidden Hills, and Bishop Systems (not adjusted for Sand City Desalination). For WY 2016 through **September**, Cal-Am has produced **9,577 AF** from the Carmel River (including ASR and Table 13), and Seaside Basin. This water production is **2,425 AF** or **20.2 % less** than the target specified for Cal-Am's production from the MPWRS for WY 2016 to date. Cal-Am has produced **9,648 AF** for customer use through **September**. A breakdown of Cal-Am's production for WY 2016 is included as **Exhibit 26-B**. For WY 2016 through **September**, **699 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **609 AF** have been recovered for customer use and **137 AF** have been diverted under Table 13. **Exhibit 26-C** shows production breakdown from all sources for all uses. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

EXHIBIT**26-A** Water Supply Status: **October 1, 2016****26-B** Monthly Cal-Am Diversions from Carmel River and Seaside Groundwater Basins: Water Year 2016**26-C** Monthly Cal-Am production by source: WY 2016

EXHIBIT 26-A

Monterey Peninsula Water Management District Water Supply Status October 1, 2016					
	Factor	Water Year 2016	Average To Date	Percent of Average	Water Year 2015
	Rainfall (Inches)	22.25	21.12	105%	15.99
	Runoff (Acre-Feet)	44,923	67,442	67%	22,209
	Storage (Acre-Feet)	27,960	28,100	95%	26,770

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.1 inches and 67,442 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2015 and 1902-2015 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2015 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum usable storage capacity for the MPWRS at this time, with the flashboard in at Los Padres Dam and no capacity at San Clemente Dam, is 37,639 acre-feet.

California American Water Production by Source: Water Year 2016

	Carmel Valley Wells ¹						Seaside Wells ²						Total Wells			Sand City Desal		
	Actual		Anticipated ³		Under Target		Actual		Anticipated		Under Target		Actual	Anticipated	Acre-Feet Under Target	Actual	Anticipated	Under Target
	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet
Oct-15	0	568	0	568	0	0	258	31	400	5	142	-26	856	973	117	11	25	14
Nov-15	0	479	0	479	0	0	166	21	300	3	134	-18	665	782	116	0	25	25
Dec-15	0	527	35	637	35	110	97	20	100	3	3	-17	644	775	131	0	25	25
Jan-16	85	662	0	725	-85	63	69	19	100	3	31	-16	835	828	-7	2	25	23
Feb-16	53	622	0	926	-53	304	25	19	100	2	75	-17	719	1,028	309	5	25	20
Mar-16	154	731	0	1,011	-154	280	119	19	100	3	-19	-16	1024	1,114	90	15	25	10
Apr-16	24	729	0	994	-24	265	29	25	0	3	-29	-22	807	997	190	28	25	-3
May-16	24	736	0	1,191	-24	455	68	30	0	5	-68	-25	859	1,196	337	22	25	3
Jun-16	0	614	0	959	0	345	282	33	150	5	-132	-28	928	1,114	186	20	25	5
Jul-16	0	680	0	1,027	0	347	261	35	300	6	39	-29	976	1,333	357	9	25	16
Aug-16	0	583	0	796	0	213	346	34	321	5	-25	-29	963	1,122	159	23	25	2
Sep-16	0	432	0	645	0	213	446	32	350	5	-96	-27	910	1,000	90	25	25	0
To Date	342	7,363	35	9,957	-307	2,594	2,165	317	2,221	48	56	-269	10,187	12,261	2,075	160	300	140

Total Production: Water Year 2016

	Actual	Anticipated	Acre-Feet Under Target
Oct-15	867	998	131
Nov-15	666	807	141
Dec-15	644	800	156
Jan-16	837	853	16
Feb-16	723	1,053	329
Mar-16	1,039	1,139	100
Apr-16	835	1,022	187
May-16	881	1,221	340
Jun-16	948	1,139	191
Jul-16	986	1,358	372
Aug-16	987	1,147	160
Sep-16	935	1,025	90
To Date	10,347	12,561	2,214

1. Carmel Valley Wells include upper and lower valley wells. Anticipate production from this source includes monthly production volumes associated with SBO 2009-60, 20808A, and 20808C water rights. Under these water rights, water produced from the Carmel Valley wells is delivered to customers or injected into the Seaside Groundwater Basin for storage.
2. Seaside wells anticipated production is associated with pumping native Seaside Groundwater (which is regulated by the Seaside Groundwater Basin Adjudication Decision) and recovery of stored ASR water (which is prescribed in a MOA between MPWMD, Cal-Am, California Department of Fish and Game, National Marine Fisheries Service, and as regulated by 20808C water right).
3. Current "anticipated" water budget reflects "Normal" Carmel River inflow conditions and monthly distribution of production based on long-term averages for the Cal-Am system.

Production vs. CDO and Adjudication to Date: WY 2016

(All values in Acre-Feet)

Year-to-Date Values	Carmel River Basin ²	Seaside Groundwater Basin		Water Rights and Projects ⁷			MPWRS ³ Total	Percent Below Target
		Coastal	Laguna Seca	ASR Recovery	Table 13	Sand City ¹		
Target	9,403	2,251	48	600	227	300	12,002	20.2%
Actual	7,705	1,556	317	609	137	160	9,577	
Difference	1,698	695	-269	-9	91	140	2,425	

1. Sand City Desal production is subject to the one for one offset for Carmel River production.
2. For CDO compliance, ASR and Table 13 diversions are included in River production per State Board.
3. Sand City Desal is not part of the MPWRS production and is tracked as a new source.
4. To date, 699 AF and 137 AF have been produced from the River for ASR and Table 13 respectively.

Monthly Production from all Sources for Customer Service: WY 2016

(All values in Acre-Feet)

	Carmel River Basin	Seaside Basin	ASR Recovery	Table 13	Sand City	Total
Oct-15	568	288	0	0	11	867
Nov-15	479	187	0	0	0	666
Dec-15	527	117	0	0	0	644
Jan-16	495	87	0	42	2	627
Feb-16	606	44	0	10	5	664
Mar-16	427	139	0	81	15	662
Apr-16	698	54	0	3	28	783
May-16	761	98	0	0	22	881
Jun-16	614	165	149	0	20	948
Jul-16	680	141	155	0	9	986
Aug-16	583	225	155	0	23	987
Sep-16	432	328	150	0	25	935
Total	6,869	1,872	609	137	160	9,648

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.



Supplement to 10/17/16 MPWMD Board Packet

Attached are copies of letters received between September 8, 2016 and October 6, 2016. These letters are listed in the October 17, 2016 Board packet under Letters Received.

Author	Addressee	Date	Topic
Eric Sabolsice	Barbara Evoy cc: D Stoldt	9/27/16	SWRCB Order 2016-0016, Satisfaction of Milestone 1
Keith Van Der Maaten	David Stoldt	9/21/16	Groundwater Sustainability Agency
David L Hobbs	Anthony Cerasuolo cc: D Stoldt	9/21/16	Potable Water Wheeling Agreement, dated April 8, 2009
David L Hobbs	Eric Sabolsice cc: D Stoldt	9/14/16	Potable Water Wheeling Agreement, dated April 8, 2009
Michael Picker	Jeanne Byrne	9/7/16	February 2016 User Fee Decision Upon Remand by the California Supreme Court

U:\staff\Boardpacket\2016\20161017\LettersRecd\LettersRecd.docx



Eric J. Sabolsics
Director, Operations
Coastal Division
511 Forest Lodge Road, Suite 100
Pacific Grove, CA 93950
eric.sabolsics@amwater.com

P 831.646.3291
C 831.236.1011
F 831.375.4367

September 27, 2016

RECEIVED

OCT 04 2016

VIA CERTIFIED MAIL & EMAIL

MPWMD

Barbara Evoy
Deputy Director, Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, California 95812

Re: SWRCB Order 2016-0016, Satisfaction of Milestone 1

Dear Ms. Evoy,

California-American Water Company ("Cal Am") is pleased to report that the first milestone set forth in State Water Resources Control Board Order WR 2016-0016 has been satisfied.

As you know, for purposes of calculating any reduction to the Effective Diversion Limit for Carmel River water diversions by Cal Am, Order WR 2016-0016 set forth seven separate milestones with respective deadlines by which each milestone must be met. The first milestone, with a deadline of December 31, 2016, required the following to occur:

CPUC approval of (1) the Water Purchase Agreement for Cal-Am's purchase of Pure Water Monterey water, and of (2) construction of the Cal-Am components of the Pure Water Monterey conveyance facilities, including the Monterey Pipeline and pump station.

On September 22, 2016, the California Public Utilities Commission ("CPUC") issued Decision 16-09-021 (the "Decision") which, among other things, authorized Cal Am to enter into the revised Water Purchase Agreement for Pure Water Monterey Project (the "WPA") among Cal Am, the Monterey Regional Water Pollution Control Agency, and the Monterey Peninsula Water Management District. The WPA provides for the purchase by Cal Am of advanced treated recycled water derived from the Pure Water Monterey groundwater replenishment project to serve Cal Am's customers within its service area. The Decision also authorized construction and operation of the Monterey Pipeline and pump station that had been evaluated in the environmental impact report prepared for the Pure Water Monterey Groundwater Replenishment Project. Immediately following issuance of the Decision, on September 23, 2016, Cal Am executed the WPA.

Moreover, on September 21, 2016, Cal Am issued a Notice to Proceed to its contractor, Garney Pacific, Inc., for construction of the Monterey Pipeline. Thus, Cal Am is well positioned to meet the second milestone in Order WR 2016-0016, requiring the start of construction of the pump station and pipeline for the Pure Water Monterey project on or before September 30, 2017.

Please let us know if you have any questions.

Sincerely,



Eric Sabolsice
Director of Operations, Coastal Division
California-American Water Company

- cc: Felicia Marcus, State Water Resources Control Board
Frances Spivy-Weber, State Water Resources Control Board
Tam Doduc, State Water Resources Control Board
Steven Moore, State Water Resources Control Board
Dorene D'Adamo, State Water Resources Control Board
Tom Howard, State Water Resources Control Board
John O'Hagan, State Water Resources Control Board
Marianna Aue, State Water Resources Control Board
David Stoldt, Monterey Peninsula Water Management District
Mayor Bill Kampe, Monterey Peninsula Regional Water Authority



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD • MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 • FAX: (831) 883-5995

September 21, 2016

Monterey Peninsula Water Management District
Mr. David Stoldt
5 Harris Court, Building G
Monterey, CA 93940

RECEIVED

SEP 23 2016

MPWMD

Re: Groundwater Sustainability Agency

Dear Mr. Stoldt;

After many months of research, study and discussion, the Marina Coast Water District (MCWD) Board of Directors on **September 6, 2016** conducted a public hearing on **whether** to form one or two Exclusive Groundwater Sustainability Agencies (GSAs) for the Seaside Area and Corral de Tierra Subbasins within our service area. At that hearing, the Board voted **unanimously** to proceed with the formation of a GSA for each of the afore mentioned areas. The Board did not form a third GSA for its service area within the 180/400 Foot Aquifer Subbasin, which has been designated by the State as a Critically Overdrafted Subbasin, but reserves the right to do so if necessary to protect MCWD's groundwater rights. Attached are the exhibit maps for the proposed MCWD GSA areas that were submitted to the Department of Water Resources.

I think it is important that you, as a regional leader and stakeholder, understand MCWD's motivations to pursue this path to avoid any misunderstanding.

The 2014 State Groundwater Management Act defines "basin" as subbasin or basin and the Department of Water Resources' staff have further explained that in multi-subbasin groundwater basins, SGMA GSA and Groundwater Sustainability Plan (GS Plan) requirements apply to each subbasin and not to the larger basin as a whole. It's fundamental to the implementation of SGMA that each subbasin be viewed as the individual building block for effective sustainable groundwater management. Under SGMA, each subbasin is required to have one or more GSAs and a GS Plan or coordinated GS Plans. While it's still early in this process and the eventual outcomes are unknown at this time, I can assure you that MCWD will approach the development of GS Plans for the respective GSA areas in a collaborative fashion with other GSAs serving the Salinas Valley Groundwater Basin (SVGB).

MCWD has a unique profile of customers. Our approximately 33,000 customers are almost exclusively residential users with a diverse socio-economic demographic profile. Formation of GSAs within the MCWD service areas ensures that our ratepayers have a voice in the management of their only water source. In a recent survey of our ratepayers, we learned of their strong desire for MCWD to focus on regional collaboration to secure future water supplies and to keep rates affordable. We view formation of GSAs very much in keeping with the desires of the ratepayers to whom we are ultimately accountable.

September 21, 2016

Page 2

MCWD has proven its commitment to collaboratively identify regional solutions to secure future water supplies for the Monterey Region. Examples include the recent completion of the Urban Water Management Plan; water facility master planning; implementing the Regional Urban Water Augmentation Plan (RUWAP); securing 1,427 acre-feet per year of advanced treated water (Pure Water Monterey) for the Ord Community; entering into an agreement with MRWPCA to design, finance, construct, own and operate the Pure Water Monterey transmission pipeline; entering into a three-party agreement with FORA and MRWPCA to identify 973 acre-feet of water to satisfy the vision established via the Fort Ord Base Reuse Plan. Implementation of SGMA will require that the GS Plan be consistent and complimentary with these efforts. Establishing GSAs as MCWD has proposed will also allow us the flexibility to pursue the most cost effective solutions.

For nearly 60 years, MCWD has effectively and responsibly managed its water supply and defended its rights while collaborating with organizations and leaders such as yourself. We have given the formation of GSAs a great deal of study and thought and do not take this policy decision lightly. If you have any questions or require any additional information, I am happy to meet at a mutually convenient time.

Sincerely,
MARINA COAST WATER DISTRICT



Keith Van Der Maaten,
General Manager

Attachments:





Attachment 1: "Exhibit 5: MCWD GSA Map- Seaside Area Subbasin"

Attachment 2: "Exhibit 3: MCWD GSA Map-Corral De Tierra Subbasin"


Attachment 1



Exhibit 5: MCWD GSA Map - Seaside Area Subbasin

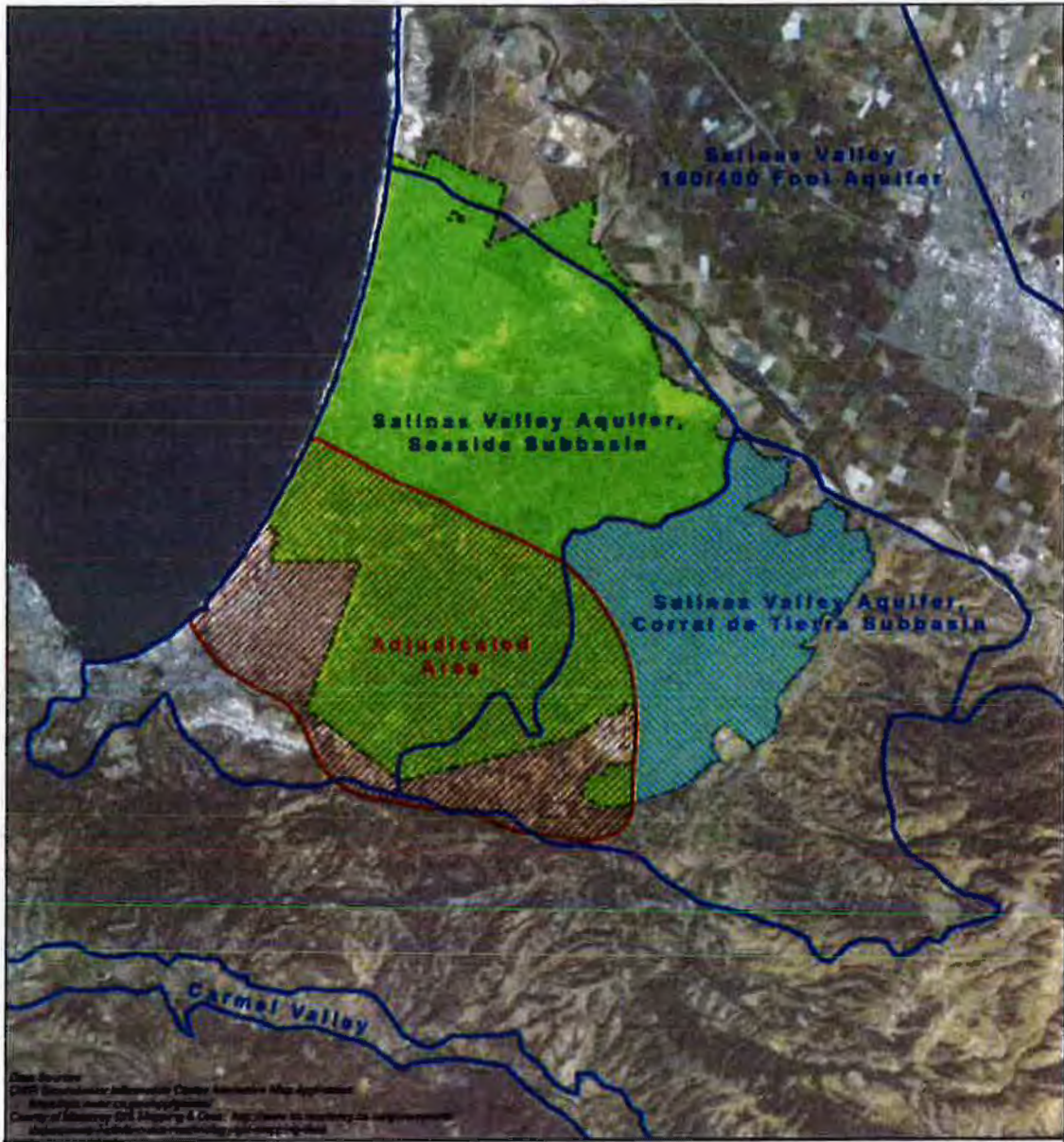
	Marina Coast Water District service area
	Proposed MCWD GSA Area - Seaside Subbasin
	Adjudicated Seaside Groundwater Basin
	Bulletin 118 Groundwater Basin boundary

N
0 1 2 Miles
1 Inch = 2 miles







Map Date: September 2016

Attachment 2



Data Source:
GIS: Groundwater Information Center - Interactive Map Application
http://gis.water.ca.gov/gisapp/groundwater
County of Monterey GIS Mapping & Data Application for monitoring and management
http://www.water.ca.gov/monterey/groundwater/groundwater.html

Exhibit 3: MCWD GSA Map - Corral de Tierra Subbasin

-  Marina Coast Water District service area
-  Proposed MCWD GSA Area - Corral de Tierra Subbasin
-  Adjudicated Seaside Groundwater Basin
-  Bulletin 118 Groundwater Basin boundary



Map Date: September 2016

RECEIVED ⁷

SEP 26 2016

GRIFFITH & MASUDA

A PROFESSIONAL LAW CORPORATION

517 E. Olive Avenue
Turlock, California 95380
Telephone: (209) 667-5501
Facsimile: (209) 667-8176
www.calwaterlaw.com
Founded 1920

W. Coburn Cook, 1892-1953
Lin H. Griffith, 1923-2014

David L. Hobbs
dhobbs@calwaterlaw.com

MPWMD

*Celebrating Our
96th Anniversary*

September 21, 2016

VIA CERTIFIED MAIL & EMAIL

Mr. Anthony J. Cerasuolo, Vice-President, Legal
California-American Water Company
655 W. Broadway, Ste. 1410
San Diego, CA 92101
ACerasuolo@amwater.com

Re: Potable Water Wheeling Agreement, dated April 8, 2009

Dear Mr. Cerasuolo:

I am in receipt of your correspondence dated September 19, 2016. Please be advised that Mr. Keith Van Der Maaten, MCWD's General Manager and Mr. Eric Sabolsice, Cal-Am's Operations Director, have agreed to meet in approximately one-week to discuss the issues raised in my prior letter and your response. At some point thereafter, MCWD proposes that representatives from the Monterey Peninsula Water Management District and the Monterey Regional Water Pollution Control Agency be invited to participate, since the outcome of these discussions directly affects their respective agencies.

In any event, for purposes of the Dispute Resolution requirements under the Potable Water Wheeling Agreement, to the extent the parties are unable to waive or otherwise toll the initial fifteen-day resolution period, MCWD proposes to commence the first fifteen-day dispute resolution period upon the initial meeting between our clients. If you are unable to agree on the fifteen-day issue, please advise. Otherwise, feel free to contact me should you have any concerns.

Regards,


David L. Hobbs

Cc: Marina Coast Water District; David Stoldt, Monterey Peninsula Water Management District; Paul Sciuto, Monterey Regional Water Pollution Control Agency; Jim Cullen, Monterey Peninsula Regional Water Authority; Eric Sabolsice, Cal Am Water Co. – Coastal Division

GRIFFITH & MASUDA

A PROFESSIONAL LAW CORPORATION

W. Coburn Cook, 1892-1953
Lin H. Griffith, 1923-2014

517 E. Olive Avenue
Turlock, California 95380
Telephone: (209) 667-5501
Facsimile: (209) 667-8176
www.calwaterlaw.com
Founded 1920

*Celebrating Our
96th Anniversary*

David L. Hobbs
dhobbs@calwaterlaw.com

September 14, 2016

VIA CERTIFIED MAIL & FACSIMILE (831) 375-4367

California-American Water Company
Attn: Eric Sabolsice
511 Forest Lodge Road, Ste. 100
Pacific Grove, CA 93950

RECEIVED
SEP 19 2016
MPWMD

Re: Potable Water Wheeling Agreement, dated April 8, 2009

Dear Mr. Sabolsice:

The purpose of this correspondence is to advise you that the Marina Coast Water District ("MCWD") has recently been made aware of activities by California-American Water Company ("CAW") that MCWD believes are not allowed under the Potable Water Wheeling Agreement, dated April 8, 2009, as and between MCWD and CAW (the "Agreement"). MCWD requests that CAW contact MCWD's General Manager, Keith Van Der Maaten, so that CAW's proposals, if any, for the MCWD/CAW joint pipeline (the "Subject Facility") can be discussed.

Specifically, MCWD was contacted by the Underground Service Alert ("USA") that CAW had recently provided USA with notice of its intent to perform some digging or trenching on or near the Subject Facility.

This proposed interference with the Subject Facility is of great concern to MCWD, as it appears that CAW may intend to intertie with the Subject Facility in exceedance of CAW's express rights under the Agreement.

The Agreement plainly states that CAW's capacity rights in the Subject Facility are solely limited to conveyance of Carmel River water for the Monterey Peninsula Water Management District's Phase 1 Aquifer Storage Recovery ("ASR") Project, and for no other purposes. (See Recital B; Section 1.2.)

It would appear that CAW's activities near the southern end of the Subject Facility are an attempt to intertie with the Subject Facility for purposes other than the conveyance of Carmel River sourced water, such as for the GWR Project or even CAW's proposed desalination project.

Mr. Eric Sabolsice
September 14, 2016
Page 2

Neither of these potential uses is authorized under the Agreement, nor has MCWD been provided with even the courtesy of being informed of the extent of CAW's intended plans or goals regarding its current activities at the Subject Facility.

I note that both the terms and the spirit of the Agreement call for mutual cooperation and information sharing respecting the parties' joint use of the Subject Facility.

MCWD firmly supports the GWR and nothing in this letter should be construed otherwise. However, MCWD must prevent any unauthorized use of the District's property, which CAW appears to be preparing to do.

To the extent there may be excess capacity in the Subject Facility such that there is a potential for the conveyance of GWR-sourced water, MCWD is certainly willing to negotiate with all interested parties to explore such a possibility. However, at this time given the fact that CAW has provided no information to MCWD regarding CAW's intended plans for additional use of the Subject Facility, MCWD requests that CAW contact MCWD so that CAW's proposals, if any, for the Subject Facility can be discussed.

MCWD looks forward to hearing from you in order that we can successfully resolve the matters outlined above.

Regards,

GRIFFITH & MASUDA



David L. Hobbs

Cc: Marina Coast Water District
Western States Divisional General Counsel
David Stoldt, Monterey Peninsula Water Management District
Paul Sciuto, Monterey Regional Water Pollution Control Agency
Jim Cullem, Monterey Peninsula Regional Water Authority



PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
505 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102

REC - VED

SEP - 9 2016

MPWMD

TEL (415) 703-2444
FAX: (415) 703-1903

MICHAEL PICKER
COMMISSIONER

September 7, 2016

Jeanne Byrne
Chair, Monterey Peninsula Water Management District
5 Harris Court
Building G
Monterey, CA 93940

Dear Ms. Byrne,

Thank you for your letter of August 22, 2016, regarding the California Public Utilities Commission's (CPUC) response to the January 2016 User Fee decision upon remand by the California Supreme Court.

The CPUC cannot reinstate the user fee on California-American Water Company customer water bills as you request without going through the procedural process to resolve the issue. CPUC Commissioner Randolph is the assigned Commissioner in proceeding A.10-01-012 (Application of California-American Water Company (U210W) for an Order Authorizing the Collection and Remittance of the Monterey Peninsula Water Management District User Fee) which was reopened in March 2016. On August 24, 2016, Commissioner Randolph issued a Ruling to begin to resolve this issue.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Picker", with a long horizontal flourish extending to the right.

Michael Picker
President, California Public Utilities Commission