



FINAL MINUTES
Continued Regular/Special Meeting
Board of Directors
Monterey Peninsula Water Management District
June 19, 2012

The meeting was called to order at 4:30 pm in the MPWMD Conference room.

CALL TO ORDER/ROLL CALL

Directors Present:

David Potter -- Chairperson , Monterey County
Board of Supervisors Representative
David Pendergrass -- Vice Chair, Mayoral
Representative
Judi Lehman -- Division 2 (participated by telephone)
Kristi Markey -- Division 3
Jeanne Byrne -- Division 4
Robert S. Brower, Sr., -- Division 5

Directors Absent:

Brenda Lewis -- Division 1

General Manager present: David J. Stoldt

District Counsel present: David Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The following comments were directed to the Board during Oral Communications. (1) **Tom Rowley** advised the Board that the board meeting television broadcast dates listed on the June 12, 2012 agenda were not accurate. He requested that correct dates be listed in the future. (2) **Nelson Vega** stated that the persons invited to participate in the June 19, 2012 Water Supply Planning committee meetings to develop a compromise on proposed Ordinance No. 152 did not represent the entire community. He asserted that the group should be expanded to include representatives from minority groups, carpenters, trade unions and low-income communities. (3) **John Hanson** expressed displeasure with the District due to millions of dollars it spent without creation of new water. He has asked the Howard Jarvis Taxpayers Association to investigate the District's Proposition 218 proposal. (4) **Sandy Haney**, Chief Executive Officer of the Monterey County Association of Realtors (MCAR), stated that a representative of MCAR would have observed the protest count/verification if the District had given the Association advanced notice. A representative from the District contacted the MCAR office by phone

ORAL COMMUNICATIONS

only five minutes before the protest count/verification was to begin. (5) **Rick Heuer** stated that the District's notification to property owners regarding the protest hearing was insufficient and should have included a ballot, and a secure envelope for the return ballot. He referred to another mailing he had received for a potential property related fee. Mr. Heuer also noted that the Monterey Peninsula Taxpayers Association (MPTA) received no response to the certified letter it mailed to the District requesting participation in the protest count/verification process. (6) **General Manager Stoldt** confirmed that the mailing for a property related fee that Mr. Heuer referenced was for a benefit assessment which is subject to noticing requirements that are different from a Proposition 218 user fee. Mr. Stoldt stated that the certified letter from MPTA was received on June 15, 2012, after the protest count/verification had occurred. Mr. Stoldt explained that at the June 12, 2012 meeting, he gave a personal invitation to a member of MCAR to participate in the June 13, 2012, 10 am review of the protest verification process.

No report.

On a motion of Director Brower and second by Director Pendergrass, the Board voted unanimously to continue items 4, 5 and 8 to June 27, 2012 at 1:30 pm in the District conference room. The motion was approved on a vote of 6 – 0 with Directors Brower, Byrne, Lehman, Markey, Pendergrass and Potter voting in favor. Director Lewis was absent.

General Manager Stoldt reported that 15,709 protest letters were delivered to the District, and of those received 10,343 were valid protests. The invalid protests were described as follows: 207 were completed incorrectly; 2,114 were duplicates; and 3,045 were associated with properties outside of the area subject to the user fee.

Continued to June 27, 2012 at 1:30 pm. See item 4.

The meeting was recessed at 4:45 pm and reconvened at 4:50 pm.

Director Markey offered a motion that was seconded by Director Byrne that Ordinance No. 153 be adopted on second reading, and that the deadline for existing non-residential retrofits not be extended by this ordinance. The extension could be included in an ordinance expected to be submitted for Board consideration in August 2012. The motion was adopted on a vote of 5 – 1. Directors Byrne, Brower, Lehman, Markey and Pendergrass voted in favor of

ATTORNEY'S REPORT

PUBLIC HEARINGS

4. **Consider Second Reading and Adoption of Ordinance No. 152 – Establishment of Annual Water Use Fee**

5. **Consider Adoption of Resolution 2012-06 for Collection of Water Use Fee**

6. **Consider Second Reading and Adoption of Ordinance No. 153 – Extending the Deadline for Existing Non-Residential Retrofits, Adding an Increased Rebate for Cistern Storage Capacity and Amending Definitions**

the motion. Director Potter was opposed. Director Lewis was absent. No comments were directed to the Board during the public comment on this item.

Continued to June 27, 2012 at 1:30 pm. See item 4.

On a motion by Director Brower and second of Director Markey, the Consent Calendar items were approved, except for item 10 that was continued to the June 27, 2012 Board meeting. The motion was adopted unanimously on a vote of 6 – 0. Directors Brower, Byrne, Lehman, Markey, Pendergrass and Potter voted in favor of the motion. Director Lewis was absent.

Approved.

Item continued to June 27, 2012, at 1:30 pm.

Approved.

Approved.

Approved.

Approved.

Approved.

Approved.

Approved.

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

8. **Consider Adoption of Proposed FY 2012-2013 MPWMD Budget and Resolution 2012-07**

CONSENT CALENDAR

9. **Consider Approval of Minutes from March 28, 2012 Board Workshop and May 21, 2012 Regular Meeting of the Board**
10. **Consider Authorization to Renew Vehicle Maintenance Services Agreement with the City of Monterey for Five Years**
11. **Approve Implementation Plan for Rebate Program Within California American Water Service Area**
12. **Ratify Emergency Expenditure of Funds Approved by General Manager for Schulte Irrigation Well Repair**
13. **Consider Contract for Services to Update Canyon Del Rey Master Drainage Plan**
14. **Consider Adoption of Resolution 2012-08 Supporting MPWMD Application to California Department of Water Resources for Local Groundwater Assistance Grant Program**
15. **Consider Expenditure of Reimbursable Funds for Construction Support for Aquifer Storage and Recovery Project Well 4 at Seaside Middle School**
16. **Consider Adoption of Resolution 2012-09 Establishing Article XIII(B) Fiscal Year 2012-2013 Appropriations Limit**
17. **Consider Adoption of Treasurer's Report for April 2012**

INFORMATIONAL ITEMS/STAFF REPORTS

18. **Letters Received**

19. **Committee Reports**
20. **Carmel River Fishery Report for May 2012**
21. **Water Conservation Program Report**
22. **Monthly Allocation Report**
23. **Monthly Water Supply and California American Water Production Report**

The meeting was adjourned at 5:10 pm and continued to Wednesday, June 27, 2012 at 1:30 pm in the District conference room.

ADJOURNMENT

Arlene M. Tavani

Arlene M. Tavani, Deputy District Secretary

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