

FINAL MINUTES
Rules and Regulations Review Committee
of the
Monterey Peninsula Water Management District
November 8, 2007

Call To Order

The meeting was called to order at 10:05 AM in the District conference room.

Committee members present:

Judi Lehman, Chair

David Pendergrass

Larry Foy (participated by telephone)

Committee members absent:

None

Staff members present:

David A. Berger, General Manager

Henrietta Stern, Project Manager/Public Information Officer

Arlene Tavani, Executive Assistant

District Counsel present:

David C. Laredo

Comments from Public

No comments from the public.

Action Items

1. Receive Minutes of October 3, 2007 Committee Meeting

On a motion by Director Pendergrass and second by Director Foy, the minutes were received on a vote of 3 – 0.

2. Review and Discussion of MPWMD Concept Ordinance – Add New Rule 23.6 to Establish a Water Entitlement for Sand City and Amending Rules 11, 21 and 23.1 to Reflect the Process for Issuing Water Use Permits

Director Foy made a motion that was seconded by Director Lehman, to amend the concept ordinance per the discussion shown below, and that the amended ordinance be presented to the Board for first reading. The ordinance should also include a rule that would exempt recipients of water from the Sand City Water Entitlement from any moratorium on water use permits in the event of a water emergency, water moratorium or other circumstance affecting the California American Water (CAW) system. The motion was adopted unanimously on a vote of 3 – 0.

Jim Heisinger, representing the City of Sand City, submitted a memo that addressed the policy issues outlined in the staff report on item 2. The committee reviewed the memo and made the following determinations regarding the policy issues.

Policy Issue 1 – District counsel will review language submitted by City of Sand City and incorporate appropriate language for Board review upon first reading of the ordinance.

Policy Issue 2 – Concurrence by committee.

Policy Issue 3 – Concurrence by committee.

Policy Issue 4 – The committee recommended that language be included in the ordinance that specifies the definition of a service “interruption” and what happens in a short-term or long-term failure of the project, similar to language in Ordinance No. 109.

Policy Issue 5 – Concurrence by committee.

Policy Issue 6 – Concurrence by committee.

Policy Issue 7 – A new finding should be included in the ordinance that identifies the lease cost.

Policy Issue 8 – Concurrence by committee.

Policy Issue 9 – Concurrence by committee that language proposed by the City of Sand City is appropriate to address the issue.

Policy Issue 10 – Concurrence by committee that language proposed by the City of Sand City should be incorporated into the ordinance.

Policy Issue 11 – Concurrence with staff recommendation.

Public Comment:

(1) **Jim Heisinger**, Counsel for the City of Sand City, submitted proposed language for the ordinance that would exempt recipients of water from the Sand City Water Entitlement from any moratorium on water use permits in the event of a water emergency, water moratorium or other circumstance affecting the CAW system. He referred to Ordinance No. 109 that established a similar rule for water allocated from the Carmel Area Wastewater District/Pebble Beach Community Services District Recycled Water Project. (2) **Tim Miller**, Corporate Counsel for CAW, stated that he could not comment on Mr. Heisinger’s request to exempt the project water from any moratorium on water use permits until he has reviewed Ordinance No. 109. He stated that CAW’s main concern is that rules apply equally to all customers that are connected to the CAW system.

Other Items

No discussion.

Schedule Next Meeting Date

No action taken.

Adjournment

The meeting was adjourned at 10:55 AM.