



This meeting is not subject to Brown Act noticing requirements. The agenda is subject to change.

Rules and Regulations Review Committee
Andrew Clarke, Chair
Brenda Lewis
Kristi Markey

Jeanne Byrne: Alternate

Staff Contact
Arlene Tavani,
Executive Assistant

After staff reports have been distributed, if additional documents are produced by the District and provided to the Committee regarding any item on the agenda, they will be made available at 5 Harris Court, Building G, Monterey, CA during normal business hours. In addition, such documents may be posted on the District website at www.mpwmd.net. Documents distributed at the meeting will be made available in the same manner.

AGENDA
Rules and Regulations Review Committee
Of the Monterey Peninsula Water Management District

Thursday, May 21, 2015, 3:30 p.m.
District Conference Room, 5 Harris Court, Building G, Monterey, CA

Call to Order

Comments from Public

The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.

Action Items – Public comment will be received on all Action Items

1. Consider Adoption of December 10, 2014 Committee Meeting Minutes
2. Consider Amendment to Rotation Schedule for Watermaster Representative
3. Review and Approve Deed Restriction Template No. 1.8 – Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Sub-Metering

Other Items

Schedule Next Meeting Date

Adjournment

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 send a description of the requested materials and preferred alternative format or auxiliary aid or service by 5 PM on Wednesday, May 20, 2015. 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.

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RULES AND REGULATIONS REVIEW COMMITTEE**ITEM: ACTION ITEMS****1. CONSIDER ADOPTION OF MINUTES OF DECEMBER 10, 2014 COMMITTEE MEETING****Meeting Date: May 21, 2015****From: David J. Stoldt,
General Manager****Prepared By: Arlene Tavani**

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the December 10, 2014 Rules and Regulations Review Committee meeting.**RECOMMENDATION:** The Committee should receive the minutes by motion.**EXHIBIT****1-A** Draft Minutes of the December 10, 2014 Rules and Regulations Review Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES Rules and Regulations Review Committee of the Monterey Peninsula Water Management District *December 10, 2014*

Call to Order

The meeting was called to order at 3:30 pm in the MPWMD conference room.

Committee members present: Andrew Clarke, Chair
Brenda Lewis
Kristi Markey

Staff members present: David J. Stoldt, General Manager
Arlene Tavani, Executive Assistant

District Counsel present: David C. Laredo

Comments from the Public: No comments.

Action Items

1. **Consider Adoption of March 4, 2014 Committee Meeting Minutes**
On a motion by Markey and second of Lewis, minutes of the March 4, 2014 committee meeting were approved on a vote of 3 – 0 by Markey, Lewis and Clarke.

2. **Develop Recommendation on Rotation of Directors into the Positions of Board Chair and Vice Chair**
On a motion by Markey and second of Lewis, the committee recommended that the Board of Directors: (a) select the sequence shown below for the rotation of Board Chair and Vice Chair; and (b) that the revised rotation sequence amend Board Meeting Rule 2.5. The motion was adopted on a vote of 2 – 1 with Markey and Lewis in support and Clarke opposed. No public comment was directed to the committee on this item.

Div. 1 - Lewis (Chair)
Div. 4 - Byrne (Vice Chair)
Mayor Appointee - Pendergrass
Div. 5 - Brower
Div. 2 - Clarke
Supervisor Appointee - Potter
Div. 3 - Markey

Other Items

Clarke noted that Board Meeting Rule No. 12 states that the Board of Directors will meet at the Monterey City Council Chambers. Staff will bring Rule No. 12 forward for an amendment at the January 28, 2015 Board meeting.

Set Next Meeting Date

No date was set. The committee may need to meet in February to discuss the District's water rationing program regulations.

Adjournment

The meeting was adjourned at 4:10 pm.

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Watermaster. As a result, in 2012 and 2103 the District’s Watermaster representative was appointed by the Chair and confirmed by the Board. This practice was continued in 2014 and 2015.

The current text of Rule 7.D is as follows:

D. Seaside Groundwater Basin Watermaster

Representation on the Seaside Groundwater Basin Watermaster shall be determined as follows. Annual rotation of Directors into the position of representative and alternate to the Watermaster will begin in 2011 with Voter Division 5. If the Director rotating in declines to accept the position, the next Director in the rotation will be eligible to participate. If the Director rotating into the position represents another jurisdiction on the Watermaster, that Director must decide to represent either the MPWMD or the other jurisdiction.

Rotation Schedule for Watermaster Representative and Alternate		
Year	Representative	Alternate
January 2011	Division 5	Board of Supervisors Rep.
October 2012	Board of Supervisors Rep.	Mayoral Representative
January 2013	Mayoral Representative	Division 1
October 2014	Division 1	Division 2
January 2015	Division 2	Division 3
October 2016	Division 3	Division 4
January 2017	Division 4	Division 5

The proposed revised text is contained in the “Recommendation” above.

EXHIBIT

None

RULES AND REGULATIONS COMMITTEE

ITEM: ACTION ITEM

3. REVIEW AND APPROVE DEED RESTRICTION TEMPLATE NO. 1.8 – NOTICE AND DEED RESTRICTION REGARDING LIMITATION ON USE OF WATER ON A PROPERTY WITH SUB-METERING

Meeting Date:	May 21, 2015	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: N/A

SUMMARY: On July 21, 2014, the Board of Directors adopted Ordinance No. 161, amending Rule 23-A-1-I regarding Water Measuring Device Requirements. The ordinance establishes conditions under which sub-metering is allowed as a condition of a Water Permit. Conditions of approval are to be recorded on the title of the property. To accomplish this action, Deed Restriction Template No. 1.8 – Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Sub-Metering (**Exhibit 3-A**) was prepared and reviewed by General Counsel.

The Rules and Regulations Committee must review modifications to deed restriction templates and refer the approval to the Board.

RECOMMENDATION: Staff recommends the Rules and Regulations Committee approve the template.

BACKGROUND: Deed restrictions are authorized for enforcement of District Rules and Regulations by Rule 116. The documents are used to enforce Water Permit and Water Distribution System Permit conditions, restrictions or violations, and to notify current and future property owners thereof. They are also used to enforce the District’s Conservation and Rationing Regulations, Well Monitoring Program, River Work, and River Access Permits. Deed restrictions are routinely prepared and recorded by the Water Demand Division, the Planning & Engineering Division, and by the Water Resources Division.

The District has the authority to enforce its Rules and Regulations, including its permitting and conservation requirements, using deed restrictions. The current deed restriction process has been very successful. Few people express concern about the specific language of the deed restrictions being recorded on the title of the property when a Water Permit is issued. Deed restrictions noticing violations and restrictions are efficient and effective.

IMPACT ON STAFF/RESOURCES: The proposed template will not result in additional workload.

EXHIBIT

3-A Deed Restriction Template No. 1.8 – Notice and Deed Restriction Regarding Limitation On Use of Water On A Property With Sub-Metering

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**Recording Requested by:**

Monterey Peninsula Water Management District

And When Recorded Mail To:

Monterey Peninsula Water Management District
 Post Office Box 85
 Monterey, California 93942-0085

**NOTICE AND DEED RESTRICTION
 REGARDING LIMITATION ON USE
 OF WATER ON A PROPERTY
 WITH SUB-METERING**

NOTICE IS GIVEN that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

NOTICE IS FURTHER GIVEN that the real property affected by this document is situated in the **City of <JURISDICTION>**:

**<PropertyAddress>
 {<LegalDescriptionOfProperty>}
 ASSESSOR'S PARCEL NUMBER <ApnNum>**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **<PropertyOwnerNames>**, (hereinafter referred to as "Owner(s)"), are record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree that **{TYPE OF USE}** on the Subject Property shall be supplied water by an existing California American Water Company Connection on the site and that each individual User shall have a separate Water Meter (sub-meter) installed in the supply line to that User. Owner(s) shall have California American Water Company Water Meters installed for each User within ninety (90) days of the conclusion of a Connection moratorium.

At no time may water supplied by California American Water be used for a **{TYPE OF USE}** on the Subject Property without sub-meters to measure water usage from the existing Connection. The sub-metering is allowed pursuant to Water Management District Rule 23-A-1-i, and remains a requirement of the Subject Property as a condition of Water Permit No. **<Permit No>**.

Owner(s) shall provide the General Manager at the conclusion of each Water Year



(September 30), or within thirty (30) days of a change in tenancy, the individual monthly consumption for each User. Owner(s) shall provide additional information and monthly reporting shall be provided during water Rationing.

Owner(s) acknowledges that the conditions allowing sub-metering for each User has been voluntarily accepted as a condition of Water Permit No. **{INSERT PERMIT NO.}** and is permanent and irrevocable, unless amended by the removal of this deed restriction.

NOTICE IS FURTHER GIVEN that the installation of sub-metering has been approved or authorized pursuant to Water Management District Rule 23-A-1-i and includes each and every condition contained therein. Conclusion of a Connection moratorium shall require installation of separate Water Meters maintained by the Water Distribution System Operator for each sub-metered User(s).

NOTICE IS FURTHER GIVEN that this agreement is binding and has been voluntarily entered into by Owner(s), and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

NOTICE IS FURTHER GIVEN that this deed restriction and the conditions herein apply to the Assessor's Parcel Number(s) where the Project supplied by the sub-meter is located and to the Assessor's Parcel Number served by the Connection. At such time as a new Assessor's Parcel Number is assigned to the sub-metered Site, the Owner shall notify the Water Management District and a new deed restriction shall be recorded.

NOTICE IS FURTHER GIVEN that present and/or future use of water at the Subject Property Site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any action requiring a Water Permit as described in Water Management District Rule 20, will require prior written authorization and a Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to Intensify Water Use at this site. If any request to Intensify Water Use on the Subject Property is approved, Connection Charges (Capacity Fees) and other administrative fees may be required as a condition of approval.

NOTICE IS FURTHER GIVEN that modification or Intensification of Water Use on the Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under



its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. <Permit No>. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Submetering. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder’s Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.

(Signatures must be notarized)

By: _____
 <OwnersSeparateLines>

Dated: _____

By: _____
Gabriela Ayala, Conservation Representative
Monterey Peninsula Water Management District

Dated: _____