

FINAL MINUTES  
**Technical Advisory Committee of the  
Monterey Peninsula Water Management District**  
*February 2, 2010*

**Call to Order**

The meeting was called to order at 9:30 AM in the District Conference room.

**Committee Members Present**

|                           |                         |
|---------------------------|-------------------------|
| City of Carmel-by-the-Sea | Sean Conroy             |
| City of Monterey          | Tod Bennett, Vice Chair |
| City of Pacific Grove     | Sarah Hardgrave, Chair  |
| City of Sand City         | Steve Matarazzo         |
| City of Seaside           | Tim O'Halloran          |
| County of Monterey        | Jennifer Bodensteiner   |

**Committee Members Absent:**

|  |               |
|--|---------------|
| City of Del Rey Oaks                   | Daniel Dawson |
| Monterey Peninsula<br>Airport District | Thomas Greer  |

**District Staff Members Present:**

Darby Fuerst, General Manager  
Stephanie Pintar, Water Demand Manager  
Henrietta Stern, Project Manager  
Arlene Tavani, Executive Assistant

**District Counsel Present:**

David Laredo

**Comments from the Public**

At the request of Chair Hardgrave, District Counsel Laredo provided an update on legal proceedings related to the State Water Resources Control Board (SWRCB) Cease and Desist Order WR 2009-0060, and negotiations with the Public Utilities Commission on the Coastal Water Project. Mr. Laredo reported that the change of venue for SWRCB proceedings regarding the Cease and Desist Order was granted and will be heard in Santa Clara. The MPWMD plans to file a petition challenging the change of venue. The cities of Carmel, Monterey, Seaside and Sand City, and California American Water will join in that position. A new date has not been set for the hearing on whether or not the stay will be lifted. The MPWMD continues to issue water permits for jurisdictions that have water remaining in their allocations. All parties to formal proceedings related to the Public Utilities Commission review of the Coastal Water Project are involved in alternative dispute resolution, which could result in an all-party settlement or a partial settlement. These negotiations are confidential. The Superior Court Judge ruling on this

dispute has determined that by May 2010 the parties must either agree to settle, or contest the settlement agreement.

### **Presentations**

**1. Presentation from Craig Anthony, General Manager of California American Water, Regarding Water Rates**

A summary of Mr. Anthony's presentation is on file at the District office. Mr. Anthony responded to questions from the committee regarding the new rate schedule.

### **Action Items**

**2. Receive Minutes of January 5, 2010 Committee Meeting**

The minutes were received with the following amendments. (1) The fifth sentence under Comments from the Public was replaced with the following sentence: Ms. Hardgrave noted that the City of Pacific Grove is developing a declaration in support of the Writs of Mandate that were filed by California American Water and the MPWMD. (2) The last sentence under Comments from the Public was replaced with the following sentence: Ms. Hardgrave requested that in the future, the committee should discuss a reassessment of future water needs of the jurisdictions.

### **Discussion Items**

**3. Update on January 28, 2010 Board Action Regarding Consideration of Urgency Ordinance No. 143 Temporarily Suspending Processing and Receipt of Applications for Water Distribution Systems in Fractured Rock Formations**

Henrietta Stern, Project Manager, reported that the Board did not adopt an urgency ordinance on January 28, 2010, but instead, referred future action on this issue to the Water Demand, Rules and Regulations Review and Technical Advisory committees. District staff is developing a legal review of the issues, and a technical review of wells that are currently in fractured rock formations. Staff is looking for evidence of any cumulative environmental effects caused by those wells. Results of the study will be presented to the Water Demand Committee within 60 days, and also provided to the Rules and Regulations Review Committee. The goal is to develop a long-term ordinance, in conjunction with the County of Monterey. Any ordinance developed by the Water Demand Committee will be submitted to the Technical and Policy Advisory committees for review before it is considered by the Board of Directors.

During the public comment period on this item, Jim Barker asked Ms. Stern to identify areas where wells in fractured rock formations were going dry, and to describe the Carmel Valley upland area.

**4. Update on Formation of Committee to Develop Regional Landscape Ordinance**

Stephanie Pintar, Water Demand Manager, confirmed that she sent a letter to the jurisdictions advising them that the State of California determined that the District's adoption of Ordinance No. 141 does bring the jurisdictions into compliance with the requirement that they adopt the Model Water Efficient Landscape Ordinance. Chair Hardgrave requested that at a future Technical Advisory Committee meeting, the District provide information on implementation of the new rules. It was suggested that building

department staff from the jurisdictions should also be invited to participate in the discussion.

**Adjournment**

The meeting was adjourned at approximately 10:45 AM.