

ITEM: IV-A SECOND READING AND ADOPTION OF ORDINANCE NO. 1
ESTABLISHING RULES AND REGULATIONS (SECTION 363)

MEETING DATE: February 11, 1980

BACKGROUND INFORMATION: Subsequent to Board action on January 14, 1980, meetings were held with David Hughes and John Logan. Aside from the minor corrections indicated on the following insert pages, the Draft is being presented for adoption as submitted earlier.

Please bring your copy of the Ordinance to the meeting.

RECOMMENDATION: Adopt Ordinance No. 1; and direct the Manager to coordinate with water distribution systems to implement the processes and negotiate agreements with the cities and County to become delegated agents.

ACTION REQUIRED: By motion:

1. Adopt Ordinance No. 1
2. Direct the Manager to coordinate with water distribution systems so that the permit process will be operational by March 11, 1980.
3. Direct the Manager to negotiate agreements with the cities and County to become delegated agents.

NONSALINE WATER - "Nonsaline Water" means water having chemical properties meeting the drinking water standards of Chapter 15, Title 22 of the California Administrative Code, including the short-term levels of Table 7 of said Chapter.

OVERDRAFT - "Overdraft" means the condition of a ground water basin where the amount of water withdrawn by pumping exceeds the amount of water replenishing the basin over a period of time, or where the amount of water withdrawn by pumping results in an unacceptable degradation of the water quality of the ground water within the basin.

OWNER or OPERATOR - "Owner or Operator" means the person to whom a water-gathering facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which a water-gathering facility is located.

PERSON - "Person" means public entities, private corporations, firms, partnerships, individuals or groups of individuals, whether organized or not.

PUMP TEST - "Pump Test" means an experimental pumping of a well to determine sustained yield of that well. This would include a determination of the constant rate of water discharge over a minimum two-hour period and continuation of pumping until at least four consecutive measurements of water level drawdown in the well and the elapsed time since the beginning of the test yields a straight line when the drawdown is plotted against the logarithm of the elapsed time.

RESPONSIBLE PARTY - "Responsible Party" means the person or persons who assume through the permit process legal responsibility at all times for the proper performance of the things required of a permit holder by this ordinance.

REVOKE - "Revoke" means to permanently withdraw authority to act as previously provided by a valid permit.

- SAFE YIELD - "Safe Yield" means the maximum quantity of water which can be withdrawn annually from a ground water supply without causing an overdraft or an unacceptable degradation of supply.
- SALT WATER INTRUSION - "Salt Water Intrusion" means the movement of saline water into nonsaline water aquifers.
- SHALL - "Shall" is mandatory.
- SOURCE OF SUPPLY - "Source of Supply" means the ground water, surface water, or reclaimed water sources where a person, owner or operator gains access by a facility.
- SUSPEND - "Suspend" means to temporarily withdraw authority to act as previously provided by a valid permit.
- SUSTAINED YIELD OF WELL - "Sustained Yield of Well" means the continuous production capacity of a well as determined from a pump test.
- SYSTEM CAPACITY - "System Capacity" is the amount of water in gallons, cubic feet or acre feet that can be produced for annual delivery to a water distribution system based on the cumulative sustained yield of wells adjusted for periodic lowering of the water table and the projected yield of other sources of supply.
- USER - "User" means a customer or consumer of water delivered by a water distribution system. User does not include any owner or operator of a water distribution system.
- WATER DISTRIBUTION SYSTEM - "Water Distribution System" means all works within the District used for the collection, storage, transmission, or distribution of water from the source of supply to the connection of a system providing water service to two or more connections including all water-gathering facilities and water-measuring devices, but excluding the user's piping.
- WATER-GATHERING FACILITY - "Water-Gathering Facility" means any device or method, mechanical or otherwise, for the production of water from dams, ground water, surface water, water courses, or reclaimed water

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OWNER or OPERATOR - "Owner or Operator" means the person to whom a water-gathering facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which a water-gathering facility is located.

PERSON - "Person" means public entities, private corporations, firms, partnerships, individuals or groups of individuals, whether organized or not.

PUMP TEST - "Pump Test" means an experimental pumping of a well to determine yield of that well.

RESPONSIBLE PARTY - "Responsible Party" means the person or persons who assume through the permit process legal responsibility at all times for the proper performance of the things required of a permit holder by this ordinance.

REVOKE - "Revoke" means to permanently withdraw authority to act as previously provided by a valid permit.

SALT WATER INTRUSION - "Salt Water Intrusion" means the movement of saline water into nonsaline water aquifers.

SHALL - "Shall" is mandatory.

SOURCE OF SUPPLY - "Source of Supply" means the ground water, surface water, or reclaimed water sources where a person, owner or operator gains access by a facility.

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SUSTAINED YIELD OF WELL - "Sustained Yield of Well" means the continuous production capacity of a well as determined from a pump test.

SYSTEM CAPACITY - "System Capacity" is the amount of water in gallons, cubic feet or acre feet that can be produced for annual delivery to a water distribution system based on the cumulative sustained yield of wells adjusted for periodic lowering of the water table and the projected yield of other sources of supply.

USER - "User" means a customer or consumer of water delivered by a water distribution system. User does not include any owner or operator of a water distribution system.

WATER DISTRIBUTION SYSTEM - "Water Distribution System" means all works within the District used for the collection, storage, transmission, or distribution of water from the source of supply to the connection of a system providing water service to two or more connections including all water-gathering facilities and water-measuring devices, but excluding the user's piping.

WATER-GATHERING FACILITY - "Water Gathering Facility" means any device or method, mechanical or otherwise, for the production of water from dams, ground water, surface water, water courses, or reclaimed water

if the Board finds and determines that the permit:

- (1) Will create an overdraft or increase an existing overdraft;
or
- (2) Will adversely affect the ability of existing systems to provide water to users.

If the Board approves the permit, it shall establish an expansion capacity limit, the system capacity and municipal unit allocation for that water distribution system. The Board may impose other conditions in granting the permit.

D. Amendments to Permit.

No owner or operator of a water distribution system shall modify, add to or change his source of supply, or expand the system beyond the expansion capacity limit, unless that person first files an application to do so with the District and receives an amended permit. Such applications shall be made in accordance with the provisions of this ordinance, and shall be investigated, considered, determined and acted upon on the same terms and conditions as provided for the approval, conditional approval, or denial of a permit, as provided in this ordinance.

RULE 211. Action on Application for Permit to Expand or Extend a Water Distribution System.

A. Authority to Process Applications.

Application to expand or extend a water distribution system may be submitted either to the General Manager or to an agent holding delegated authority as set forth in Rule 211-C. The General Manager shall process

capacity limit. 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 responsible party, or when personally delivered to the applicant or his representative.

RULE 401. Review of Municipal Unit Compliance with Allotment.

A. Annual Water Demand Report.

The General Manager shall annually by October 1 compile a report stating the amount of water delivered to users, the number of new connections, and an estimate of the water demand from new connections in the preceding water year for each water distribution system in the Cities of Carmel, Del Rey Oaks, Pacific Grove, Monterey, Sand City and Seaside and the portion of Marina and the County of Monterey inside the District. The report will further state the municipal unit allotment for each water distribution system determined by the Board for that year.

B. Findings.

The Board of Directors shall hold a public hearing to review the Annual Water Demand Report and other evidence as necessary, and determine if the previous water year's water delivery to any municipal unit exceeds that municipal unit's allotment for any water distribution system. Where the water deliveries in the previous water year have been exceeded or where the Board finds that a municipal unit's usage exceeds any municipal unit's allotment for any water distribution system, the Board of Directors shall suspend the authority of that municipal unit to issue permits to expand or extend that water distribution system and direct the General Manager to deny any application for permit to expand or extend that water distribution system.

C. Notification.

The General Manager shall, within thirty (30) days, notify all municipal units of the findings of the Board regarding municipal unit compliance with that municipal unit's allotment. Notice of the action shall be

applicant, the General Manager, or any other person. At said hearing the appellant and/or applicant and other persons may present evidence concerning the appeal. The Board may deny, approve or continue any appeal. The General Manager shall notify the appellant and/or applicant within ten (10) days in writing by mail or in person of the Board action taken; namely continuance, approval, conditional approval, or denial. 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 appellant and/or applicant or his representative. Unless the Board otherwise determines, any permit held by an applicant for which an appeal has been filed pursuant to these rules and regulations shall be deemed suspended until the appeal has been resolved.

On motion of Director _____ and seconded by Director _____, the foregoing ordinance is adopted this _____ day of _____, 1980, by the following vote:

AYES:

NAYES:

ABSENT:

I, _____, 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 an ordinance adopted on the _____ day of _____, 1980, and now is of record in my office.

Witness my hand and the seal of the Board of Directors this _____ day of _____, 1980.

Secretary, Monterey Peninsula
Water Management District

MINUTES

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

February 11, 1980

I. CALL TO ORDER/ROLL CALL

The regular monthly meeting of the Monterey Peninsula Water Management District was called to order at 7:30 p.m. by Chairman Gawthrop on Monday, February 11, 1980 in the Monterey City Hall Council Chambers. Roll was called, and all members were present.

II. CONSENT CALENDAR

Director Gianelli moved that the Consent Calendar be approved. Director Fry seconded the motion. Motion carried unanimously.

III. INFORMATIONAL ITEMS BEFORE THE BOARD

A. MANAGER'S REPORT. Manager Buel noted his report as presented in the staff notes.

B. WRITTEN COMMENTS. Manager Buel read a letter from the Forest Committee expressing concerns regarding the water allocation process. Director Fry moved that the letter be tabled. There was no second to the motion. Director Gianelli moved that the letter be referred to the Manager for response. Director Woodworth seconded the motion. Motion carried, with Director Fry casting a "no" vote.

Manager Buel recommended a response to the letter of the Corps of Engineers, proposing that the MPWMD be designated as sponsor of the San Clemente Dam. Director Farr moved that the Chair be directed to address the County on transferring their sponsorship to the MPWMD. Director Fry seconded the motion. Motion carried unanimously.

C. ORAL COMMUNICATION. Ed Lee addressed the subject of water storage on the dam on Carmel River for fish mitigation and future water demand.

D. PRESENTATIONS. 1. U.S.G.S. Progress Report, Carmel Valley Model: Woody Kappel of the U.S.G.S. presented a progress report on the Carmel Valley Aquifer Simulation Model, providing historical background of the project, and a review of its projected function. Mr. Kappel also reviewed the areas of the project that need to be completed, data to be acquired, and the processes necessary to turn the project into a management tool.

2. Statistical Analysis of Stream Flow Data: Dr. James Pitman of U.C. Berkeley presented information regarding the statistical properties, uncertainties and variances in the flow of the Carmel River. He noted that large variances in the flow mean that precise predictions of dry or wet periods cannot be made from the historical flow records compiled from 1902 to the present.

IV. ACTION ITEMS BEFORE THE BOARD

A. SECOND READING AND ADOPTION OF ORDINANCE NO. 1, ESTABLISHING RULES AND REGULATIONS (SECTION 363). Manager Buel recommended that the Board adopt Ordinance No. 1, and direct the Manager to coordinate with water Distribution systems so that the permit process will be operational by March 11, 1980. Manager Buel included in his recommendation that he be directed to negotiate agreements with the cities and County to become delegated agents in issuing the permits for expansions and extensions of water distribution systems. Director Williams moved that the Manager's recommendations be approved. Director Fry seconded the motion. In discussion, Director Gianelli suggested a change in the definition of "Pump Test" by deleting all wording after the first sentence. John Logan suggested that the word "sustained" be removed from the first sentence. Director Woodworth questioned the definition of "Safe Yield" and suggested that it be deleted from the ordinance. By general consensus, Chairman Gawthrop directed that the changes be made in the ordinance as indicated. Chairman Gawthrop called for the vote on the motion. Motion carried unanimously.

B. REVIEW OF CAL AM RATE APPLICATION. Manager Buel distributed a survey of contemporary rate of return for other water companies in California. The results seemed to indicate that Cal Am's request for rate increase is consistent with other rate increases granted by the PUC. Director Williams suggested that another observation well in Seaside should be included in the Manager's presentation at the formal PUC hearing in March. Mr. Pete O'Day responded that it is not considered in this rate application. Mr. Williams withdrew his suggestion. Chairman Gawthrop commented on water conservation by rate structure and Director Gianelli commented on being specific in the amounts of rate increase. Ed Lee commented on several points he felt should be included in the District's Position Paper. His main concern was the assumption that Cal Am will have the four wells, when it is uncertain when they will be in operation. Director Williams moved that the District Board adopt the Position Paper and direct the Manager to present the District's position at the Public Hearing. Director Woodworth seconded the motion. Motion carried unanimously.

Chairman Gawthrop called for a recess at 9:05 p.m. Meeting reconvened at 9:20 p.m. Director Farr left the meeting at the time of recess.

C. REVIEW OF DRAFT ANNUAL REPORT. Director Williams moved to amend the last paragraph of page ten as it was presented at the meeting, as follows: "The Final Report to the Coastal Commission accepted the Public Utility Commission's finding that the maximum amount of water that can prudently be produced by Cal Am's existing facilities in a normal year is 18,000 acre feet. However, all years are not normal, and in the drought year of 1976-77, Cal Am was able to deliver only 8,000 acre feet. The probabilities that Cal Am's production in a given year will fall short of 18,000 acre feet by given amounts can only be estimated, and such estimates have not yet been made. Cal Am has begun the development process for four new wells that would bring its capacity up to 22,000 acre feet in a normal year. Additional water supply may become available from new surface storage, importation, and substitution of reclaimed runoff or sewage, but the feasibility of these sources has yet to be determined. Consumptive use supplied by wells in Carmel Valley and Seaside that do not belong to Cal Am is estimated at 2,000 and 500 acre feet per year."

A discussion on the definition of "normal" followed by Directors Williams and Gianelli. Director Williams agreed to further change his amended paragraph by deleting "all years are not normal" in the second sentence, to read as follows: "However, in the drought year of 1976-77 . . ."

Manager Buel asked that the Draft Annual Report as amended be authorized for submission to the Clerk of the District for public review February 12, 1980. Director Gianelli so moved, with Director McClintock seconding the motion. Motion carried unanimously.

At this point, Lt. Bill Tornatore of the Naval Postgraduate School addressed the subject of Ordinance No. 1, noting that the application of its objectives may not encompass the facilities of the Naval Postgraduate School. He further stated that the position of the Navy is being reviewed by a probate authority and legal counsel, and further advice in this regard will be available at a later date. Joe Cochran, with Utilities Division at Fort Ord, addressed the subject of Ordinance No. 1, noting correspondence received for the Presidio and Fort Ord. He noted that the ordinance is being reviewed and a position will be presented at a later date.

D. CONSIDERATION OF CARMEL VALLEY SANITARY DISTRICT AREA-WIDE FACILITIES PLAN. Manager Buel reviewed the background of the facilities plan, and requested policy guidelines from the Board as to reclamation related activities and protection of the Carmel Valley aquifer in terms of ultimate sewerage. Director Gianelli moved to adopt the policy position as recommended by the Manager.

Mr. Dick Lord of the Pebble Beach Sanitary District addressed the Board in the related subject of the Carmel Sanitary District's Early Start Reclamation Program. Mr. Lord proceeded to state the Pebble Beach Sanitary District's position as approved by their Board's resolution.

Mike Zambory, General Manager of the Carmel Sanitary District, clarified some points regarding subsidization, comparing the reclamation project with an extension of an existing outfall.

Chairman Gawthrop asked for a second to Director Gianelli's motion. Director Williams seconded the motion. After additional discussion, Director Gianelli called for the question. Chairman Gawthrop called for the vote. Motion carried, with Director Woodworth voting "no".

E. CONSIDERATION OF COMMITTEE STRUCTURE. Chairman Gawthrop reviewed his proposals for new committee structure. Director Williams moved that this matter be put over and consider a special workshop meeting, at which point the Board could have an internal review and discussion about the direction in which the Board is going and then develop committees from that consensus. Director McClintock seconded the motion.

Director Gianelli offered a substitute motion that each member of the Board gives to the Chairman his ideas and preferences for committee structure and indicate those committees on which he/she would prefer to serve. That information would be submitted to the chairman for evaluation and assignment. Director Fry seconded the substitute motion. Chairman Gawthrop called for the vote on the substitute motion. Motion carried, with Directors McClintock and Woodworth voting "no".

Director Williams made a second motion that before the next regular Board meeting, that the Board have a special meeting with an open agenda at which time the Board can discuss the direction and future goals of the District, which would be helpful in selecting members for the committees.

By general consensus, it was agreed to adjourn the meeting of February 11 to 4:30 p.m. March 3 in the City Hall Council Chambers for the purpose of discussing District goals and committee structure. Director Gianelli noted that under the original motion, the members will still submit comments to the Chairman before the adjourned meeting.

F. CONSIDER SPONSORING WATER CONSERVATION WORKSHOP BY EPA. Director Fry moved that the District sponsor the EPA workshop through Urban Scientific Educational Research. Director McClintock seconded the motion. Motion carried unanimously.

G. CONSIDERATION OF RAINWATER COLLECTION SYSTEMS PROPOSAL. Director Gianelli suggested an addition to the Scope of Work on Page one, Task b, to include a normal and dry season, as well as the wet season already mentioned, to determine the possibilities in all types of seasons. Director Fry moved that the Manager's recommendations be approved, including Board member comments. Director Williams seconded the motion. Motion carried unanimously.

V. OTHER MATTERS

A. SELECTION OF DISTRICT LOGO. Manager Buel distributed alternative logos for Board review and guidance in selecting a logo for the District. Director McClintock asked if she could submit a logo for consideration also. After consideration, the matter was tabled for further study.

B. PROGRESS REPORT - CARMEL VALLEY WATER QUALITY MONITORING NETWORK. Manager Buel reported further negotiations are being conducted to determine grant eligibility through the 208 (Non-point Pollution) Program.

C. PROGRESS REPORT - OFF-STREAM RESERVOIR RECONNAISSANCE STUDY. The Off-Stream Reservoir Reconnaissance Study administrative draft submitted by John Logan was distributed to the Board, to be reviewed before the next regular meeting.

D. RESOLUTION OF APPRECIATION - MICHAL MOORE. Director Fry moved, Director McClintock seconded, that Resolution 80-4, a resolution of appreciation to Michal Moore be adopted. Manager Buel read the title for the record. Motion carried unanimously.

VI. BOARD MEMBER COMMENTS

None.

VII. ADJOURNMENT

By general consensus, the meeting was adjourned to March 3, 1980, at 4:30 p.m. in the Monterey City Hall Council Chambers. Meeting adjourned at 10:35 p.m.

Shirley McElroy
Secretary