

ITEM: IV-B PUBLIC HEARING - ORDINANCE NO. 2 AMENDING THE  
RULES AND REGULATIONS

MEETING DATE: March 11, 1980

BACKGROUND INFORMATION: During the last month discussions have taken place with water suppliers regarding implementation of Ordinance No. 1. These discussions have revealed the following problems with the ordinance as drafted:

1. Meters are often removed if not in use or for non-payment. As drafted, reinstallation of these meters would require a permit. This would inconvenience those individuals without accomplishing a District purpose.
2. As drafted, fire service connections would require permits. These connections are not consumptive and should not be subject to permits.
3. As drafted, new services would be required to wait thirty (30) days after securing a permit. This would unnecessarily inconvenience these individuals.
4. As drafted, copies of permits from delegated agents would only be forwarded to the District on a monthly basis. This would not allow sufficient time to review for appeal.
5. As drafted, water suppliers are not required to report what permits have been implemented. Thus, the District would not have an accurate record of actual building activity.

Attached is Ordinance No. 2 which proposes amendments to the Rules and Regulations to rectify these problems. In order that these amendments can become effective coterminously with Ordinance No. 1 (March 12, 1980). Ordinance No. 2 is being introduced as an emergency ordinance waiving the second reading and making them effective as of March 12, 1980. This Public Hearing has been advertised.

RECOMMENDATION: Open the Public Hearing, consider public input, amend/adopt Ordinance No. 2.

ACTIONS REQUIRED: By motion, adopt Ordinance No. 2.

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NOTE: Copies of the applications, guidelines for implementation, and hand-outs will be distributed at the Board meeting.

ORDINANCE NO. 2 . . .

AN EMERGENCY ORDINANCE OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING THE RULES AND REGULATIONS OF THE DISTRICT

WHEREAS, Ordinance No. 1 becomes effective March 12, 1980; and

WHEREAS, Ordinance No. 1 as drafted would unnecessarily inconvenience individuals without water meters; and

WHEREAS, Ordinance No. 1 as drafted would unnecessarily require fire service connections to secure permits,

NOW THEREFORE, the Board of Directors of the Monterey Peninsula Water Management District ordains that the Rules and Regulations of the District be amended as follows:

1. Amend Rule 101, Connections, third sentence from "where a water measuring device has been removed, the connection shall cease to exist" to "where a water measuring device has been removed for more than five years, the connection shall cease to exist."

2. Amend Rule 101, Connections, by adding a new sentence: "For the purpose of this ordinance, service for fire protection shall not be deemed a connection."

3. Amend Rule 210, B (2) from "disconnections in the previous water year" to "disconnections and a listing of permits filed in the previous water year."

4. Amend Rule 211, B, last sentence, from "thirty (30) days" to "seven (7) days".

5. Amend Rule 211, C (2), first sentence, from "transmit monthly to the District copies of all applications received and permits issued

along . . ." to "transmit daily to the District copies of all permits issued and monthly a summary . . ."

6. Amend Rule 600, first sentence, from "thirty (30) days" to "seven (7) days".

FURTHER, the District Board finds that these amendments are necessary to prevent unnecessary hardship and possible safety problems, and

THEREFORE, further ordains that this ordinance is an emergency ordinance to be read once and to become effective on March 12, 1980.

On motion of Director \_\_\_\_\_ and second 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

ORDINANCE NO. 1

RULES AND REGULATIONS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

REGULATION I. GENERAL PROVISIONS

RULE 100. Title - These rules and regulations shall be known as the Rules and Regulations of the Monterey Peninsula Water Management District.

RULE 101. Definitions - Except as otherwise specified in the Monterey Peninsula Water Management District Law, and except where the context otherwise indicates, the following words shall be defined as indicated:

AQUIFER - "Aquifer" means a geologic formation that stores, transmits, and yields significant quantities of water to wells and springs.

BOARD - "Board" and "Board of Directors" means the governing Board of Directors of the Monterey Peninsula Water Management District.

CONNECTION - "Connection" means the point of intersection where a user gains access to the water distribution system. Where a water measuring device is installed, the water distribution system shall include the water measuring device and the connection shall be the nearest point of user access beyond the water measuring device. Where a water measuring device has been *for more than five years,* removed, the connection shall cease to exist. *For the purpose of this ordinance, service for fire protection shall not be deemed a connection.*

CONTINUE - "Continue" means to postpone action on an item to a specific date.

CREATE - "Create" means the construction and operation of a water distribution system.

DISTRICT - "District" means the Monterey Peninsula Water Management District.

ENVIRONMENTAL REVIEW - "Environmental Review" means the consideration of environmental impacts of a project pursuant to the California Environmental Quality Act and the Monterey Peninsula Water Management District Environmental Guidelines (Resolution 79-7).

B. Minimum Standards for Granting Permit.

(1) An application shall be denied unless it complies with each of the following minimum standards:

- (a) The application identifies at least one responsible party who, at all times, will be available and legally responsible for the proper performance of those things required of a permit holder by this ordinance; and
- (b) The ability of the source of supply to provide water complies with the standards set forth in Title 22 of the State of California Administrative Code; and

(2) Every applicant as a condition to holding a permit pursuant to this rule shall report annually by August 1st in the form and manner prescribed by the District, the quantity of water delivered from each source of supply, total water produced, the average daily number of connections in the system, and the number of new connections and disconnections <sup>and a listing of permits filed</sup> in the previous water year (July 1 to June 30) in each municipal unit, and the identity and address of each responsible party as of June 30th of the previous water year.

C. Findings.

The Board shall determine:

- (1) Whether the system for which a permit is sought would cause unnecessary duplication of the same types of services by any existing system; and
- (2) Whether the permit would result in exportation or importation of water outside or into the District.
- (3) Whether the permit would result in significant environmental affects that cannot be mitigated by conditions attached to the permit.

Notwithstanding the above determinations, no permit shall be granted

near term needs of the applicant. Where such an application as described above is pending, the General Manager or delegated agent shall deny the application. Determinations of the General Manager or delegated agent, either granting or denying a permit, may be appealed to the Board pursuant to Rule 600. A permit issued pursuant to this rule shall be effective <sup>seven (7)</sup> ~~thirty (30)~~ days subsequent to the date of which issued.

C. Delegation of Permit Approval.

The District Board may delegate in writing the authority of granting permits for expansion or extension of a water distribution system to the Building Inspector of the Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Seaside, Sand City, Marina and the County of Monterey. Such delegated agent shall be required to:

- (1) Process applications for permit to expand/extend a water distribution system pursuant to Rule 211-A and Rule 211-B.
- (2) Transmit <sup>daily</sup> ~~monthly~~ to the District copies of all ~~applications~~ <sup>and monthly</sup> ~~received and~~ permits issued ~~along with~~ a summary of permits issued compiled in the form and manner prescribed by the District.

Such delegation of authority to approve permits may be revoked by the District after a public hearing by action of the Board of Directors for violation of the requirements of being a delegated agent or if the Board determines that the delegated agent's municipal unit has exceeded its municipal unit allotment pursuant to Rule 300.

Where the delegated agent processes the application for permit, the fee as prescribed in Rule 500 shall be paid to his jurisdiction.

deemed to have been given when the written notification has been deposited in the mail postpaid, addressed to the municipal unit or when personally delivered to the municipal unit.

#### REGULATION V. FEES

RULE 500. Permit Fees - Every applicant, excepting governmental agencies, shall pay a non-refundable fee at time of application, as follows:

- (1) Fee for Permit to Create/Establish a Water Distribution System - \$150.00.
- (2) Fee for Permit to Expand/Extend a Water Distribution System - \$5.00.
- (3) Fee for Appeal of Determination - \$25.00.
- (4) Fee for Amendment of Permit - \$25.00.
- (5) Fee for Variance - \$25.00.

RULE 501. Publication Fees - When other than a public agency, the fees and charges for publications shall be set forth below:

- (1) Copies of Rules and Regulations - \$5.00.
- (2) Copies of Environmental Guidelines - \$5.00.
- (3) Copies of permits and other materials - 10¢ per page.

#### REGULATION VI. APPEALS

RULE 600. Appeals - Determinations of the General Manager or delegated agent may be appealed to the District Board, in writing, within <sup>seven (7)</sup> ~~thirty (30)~~ days after any such determination. Such appeal shall specify in writing the grounds upon which it is taken and shall be accompanied by the fee prescribed in Rule 400. Within thirty (30) days of receipt of such appeal, the General Manager shall set a hearing on the appeal before the District Board and notify the appellant and/or applicant in writing of the time and place of the hearing at least five (5) days prior to the hearing and give public notice of the hearing date. An appeal may be filed by the

MINUTES

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

March 11, 1980

I. CALL TO ORDER/ROLL CALL

The regular monthly meeting of the Monterey Peninsula Water Management District was called to order at 7:35 p.m. by Chairman Gawthrop on Tuesday, March 11, 1980, in the Seaside City Hall Council Chambers. Roll was called, and all members were present except for Director Sam Farr.

Mr. Kenneth Roberts took photographs of the Board for the District brochure.

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 distributed.

B. WRITTEN COMMUNICATIONS. Manager Buel recommended a response to the letter from Colonel Robert D. Cremer, Jr. Director Gianelli requested that a copy of District Counsel's response be reviewed by the Board before it was sent.

C. ORAL COMMENTS. There was no audience response to this agenda item.

D. PRESENTATIONS. Progress Report, U.S.G.S. Seaside Ground Water Evaluation: Mr. Ken Muir made a report on the Seaside Aquifer Evaluation. He noted up to this point the project has been in the data collection phase, and that U.S.G.S. feels there is sufficient data to proceed with Phase II, which would be evaluation of the data which includes delineation of the geologic framework of the basin, the amount of ground water in storage, the safe yield or perennial yield of the basin, water quality aspects of the basin, natural water quality of the basin, sea water intrusion, and influence of ancient waters. He also noted U.S.G.S. will be delineating the recharge areas for the Seaside Aquifer based on the geologic framework of the system, together with sampling of water level and water quality. He noted that continuation of Phase II would begin after approval by the District Board. Ed Lee asked if there had been an evaluation of salt water intrusion. Based on the data collected, Mr. Muir stated there is indication of salt water intrusion, but not determined as to depth zones or extent. Director Gianelli questioned if the study is on schedule, to which Mr. Muir responded in the affirmative. Manager Buel recommended that the Board authorize proceeding with Phase II of the contract. Director Gianelli so moved, seconded by Director Fry. Motion carried unanimously.



IV. ACTION ITEMS BEFORE THE BOARD

A. PUBLIC HEARING ON THE ANNUAL REPORT. Manager Buel presented background information on the Annual Report which covers the activities of the District in 1979. David Hughes requested that the calculation of the maximum water delivery possible to vacant lots be included in the second annual report. Director Gianelli responded that Mr. Hughes' comments should be addressed to the Technical Advisory Committee for consideration and recommendation back to the Board for appropriate action. Manager Buel recommended that the annual report be considered separately, and that the Water Allocation Technical Advisory Committee be asked for their recommendations on the request of Mr. Hughes. Mr. Hughes was asked to appear before the Technical Advisory Committee at their next meeting.

Director McClintock moved that the Annual Report for 1979 be accepted. Director Fry seconded the motion. Motion carried unanimously.

B. PUBLIC HEARING - ORDINANCE NO. 2. Ordinance No. 2 was presented as an urgency ordinance amending the Rules and Regulations of the Monterey Peninsula Water Management District, to become effective on March 12, 1980.

Director McClintock moved for the adoption of Ordinance No. 2, seconded by Director Fry. Manager Buel read the ordinance for the record. Motion carried unanimously on the roll call vote. Director Farr was recorded absent.

Manager Buel distributed the implementation package for Ordinance No. 1, containing guidelines and samples of the permit process.

*Director Farr arrived at the meeting at 8:30 p.m.*

C. REVIEW OF OFF-CHANNEL RESERVOIR RECONNAISSANCE STUDY. Manager Buel recommended that the report as submitted by John Logan be accepted, but that further investigations recommended in the report be postponed pending further development of the fisheries release study being conducted by the District, and establishment of priorities of other projects included in the current budget. Director McClintock moved for acceptance of the report.

Director Gianelli asked Mr. Logan which of his suggested sites are on streams where there is substantial natural run-off in those streams upon which the dam is located. Mr. Logan noted there are eleven sites in his report that may be of interest to the District. Referring to Table 11 of his report, he designated San Clemente B, San Clemente C, Cachagua A, Cachagua B, and Cachagua C as having appreciable natural inflow. Director Gianelli questioned if these five sites would be affected by the same fishery requirements as any other dam proposal. Mr. Logan replied in the affirmative.

Director Gianelli further questioned Mr. Logan regarding the District's review of off-stream capacity reservoirs, noting that six sites are truly off-stream reservoirs in the report, and asked Mr. Logan to identify the one which would be the best location whereby the District could spend money determining the yield, the cost, and other problems with the off-stream reservoir. Mr. Logan responded that discounting anything with appreciable natural inflow, including a raised San Clemente which will give the District the cheapest storage, the best site, in his opinion, in looking for a pumping lift out of the river, is Chupines B. Director Gianelli further commented on

Chupines B, noting that Table 11 indicated this site has a pumping lift of 420 feet, a capacity of 14,500 AF, but indicated that a further refinement of that site might indicate plus or minus in terms of optimum size. Mr. Logan noted that the capacity of 14,500 AF happens to be his estimate of the amount of water that is available from the river at 25% frequency. Director Gianelli responded he did not want to get into an argument regarding the terms of frequency listed, as that is not the way a reservoir is designed. It is designed three years out of four, if the years 1976 and 1977 are taken into consideration, these are two years in a row. He further suggested that a more accurate study, or follow-up would more normally be operated. He added a refinement would be necessary to provide an estimate of yield through the dry cycle. Mr. Logan noted that his figures do not include reservoir yield, which is different than the impoundment.

Director Williams asked Mr. Logan's opinion of possible sites not excluding the sites that have some amount of natural run-off. Mr. Logan noted that the fishery releases have to be considered, and then answering the question, from an engineering viewpoint only, noted that Cachagua C looks like a great deal for the money.

Chairman Gawthrop called for a second to the motion. Director Williams responded with a second to the motion, which carried unanimously.

D. CONSIDERATION OF COMMITTEE STRUCTURE. The Board of Directors recommended at the adjourned meeting of March 3, 1980, that the following five committees be created: Demand Management, Present Resources, Augmentation, Re-use and Budget. Chairman Gawthrop asked for general approval of the committee structure as outlined, and to designate membership of the committees. Director Fry requested that an alternate be designated for each of the committees. Director Williams moved that the committee structure with designated alternates be approved. Director Fry seconded the motion. Manager Buel requested a meeting with the Chairs of the respective committees to set future meeting dates.

*The meeting was recessed at 9:00 p.m., and reconvened at 9:15 p.m.*

E. AUTHORIZATION TO SAMPLE WATER QUALITY IN CARMEL VALLEY. Manager Buel noted the letter received from the State Department of Water Resources indicated their sampling of wells in Carmel Valley revealed high contents of total nitrogen and orthophosphates. The letter recommended that these tests be conducted this year for update of contamination. Manager Buel reported that the Monterey County Environmental Health has agreed to perform these tests, and that the District will cover the costs under the budget designation of well monitoring.

Director Williams moved that the District authorize up to \$500.00 for the cost of chemical analysis of the Carmel Valley aquifer by Monterey County Environmental Health. Director Farr seconded the motion. Motion carried unanimously.

Manager Buel noted that a monitoring program is eligible for a grant under the State Clean Water Bond Law of 1978. Manager Buel asked for Board approval to submit a grant application for this study. Director Gianelli so moved, seconded by Director Fry. Motion carried unanimously.

F. REVIEW CAL AM REPORT RE DEMAND PER CUSTOMER BY JURISDICTION.

Director McClintock moved to accept the report submitted by Cal Am of water usage for 1978 and 1979 by customers and jurisdictions, that the Manager thank Cal Am for their efforts in assisting the District, and that the report be submitted to the Water Allocation Technical Advisory Committee. Director Williams seconded the motion. Motion carried unanimously.

G. SELECTION OF DISTRICT LOGO. Manager Buel distributed a vote survey by the Board members in choosing a District Logo from those submitted at the February meeting. Director Woodworth moved to adopt Logo #9. Director McClintock seconded the motion. Director Gianelli offered a substitute motion to adopt Logo #2. Director Fry seconded the substitute motion. A roll call vote was taken on the substitute motion, with the following results: Ayes, Directors Farr, Fry, Gianelli and Williams; Noes, Directors McClintock, Woodworth and Gawthrop. The substitute motion carried.

Director Farr moved that Logo #9 be accepted as a Water Conservation Logo. Director Williams seconded the motion. Motion carried unanimously.

V. OTHER MATTERS

A. PROGRESS REPORT - CORPS PROJECT. Manager Buel reported that the Monterey County Board of Supervisors approved transfer of the Local Agency Designation for the Carmel River Project to the Monterey Peninsula Water Management District on February 26, 1980. He reported that a progress report by the Corps of Engineers is scheduled for the April meeting, as well as Board consideration of the Local Agency Designation by a letter of intent. He noted that the earlier letter of intent has not been found by the County or the Corps of Engineers. Manager Buel recommended that a new letter of intent be drafted by the District. Director Gianelli suggested that the clerk of the Board of Supervisors be asked to locate the original letter.

B. PROGRESS REPORT - CAL AM RATE APPLICATION. Manager Buel reported that two days of hearing were conducted by the PUC on the rate application. He reported extensive discussion on the need for the four new wells in Carmel Valley, and if those wells should be included in the rate base. Further hearings are to be scheduled in San Francisco, with Manager Buel to attend to monitor the proceedings as they may apply to the District. It was noted that Cal Am cannot receive any returns on the construction of the four wells until that project is operational.

C. PROGRESS REPORT - WATER CONSERVATION WORKSHOP. Manager Buel reported that the Water Conservation Workshop has been set for Friday, March 28, 1980 under the direction of Laura Brecht, Urban Planner and Environmental Consultant, as part of an Environmental Protection Agency program. The workshop is designed to integrate all aspects of water resource management and planning.

D. PROGRESS REPORT - GROUND WATER CHARGE ZONE. Manager Buel reported responses from Carmel, Monterey, Pacific Grove and Del Rey Oaks indicating their participation in the Ground Water Charge Zone to be formed by the District. He also noted that this matter is still being considered by Seaside and Sand City.

E. REVIEW OF DISTRICT BROCHURE. Members of the Board received a draft layout of the text to be included in the District's brochure which will explain the current projects of the District and future goals. Manager Buel requested Board review for further comments or additions. Director Gianelli responded that he would like additional time to submit his comments. Manager Buel noted that this matter could be referred to the Committee on Demand Management, and that Board members could submit their comments for further Board review and approval.

F. REVIEW OF DROUGHT TOLERANT PLANT LIST. Manager Buel noted that the first draft plant list has been circulated through the California Native Plant Society and other horticulturists to establish drought-tolerant plants adaptive to the Monterey Peninsula area. The list will be circulated to the general public, and used by planning departments, architectural review boards and landscape architects. Director Farr suggested that the final printing format be a fold-out design, and circulated to nurseries as well. It was also suggested that commercial nurseries carrying the varieties of drought-tolerant plants be listed in the brochure.

#### VI. BOARD MEMBER COMMENTS

Director McClintock commented on the Ground Water Charge Zone, and introduced the chairman of the Seaside Water Committee, Mr. Don Likas, noting that he had presented the report of the water committee to the Seaside City Council in the previous week. Seaside City Council will be voting on the ratification of the ground water charge zone at their next meeting.

Director Woodworth commented on a Monterey Peninsula Herald news article dealing with the recent erosion problems along the Carmel River. He stated this problem should be presented at the next Board meeting to determine the District's position in erosion problems in the Carmel Valley particularly. Director Farr noted that the Board of Supervisors will be holding a meeting March 25, 1980 to receive additional information from various districts and for public comments. Chairman Gawthrop designated that matter to the Present Resources Committee. Director Gianelli noted the overlapping of jurisdictions, the undefined role of the District, the lack of financial means to deal with this problem, and questioned the extent to which the District should become involved. He further noted that the County has the responsibility through its flood control district, and that this District is not obligated to assume all the responsibilities of flood control on the Carmel River. Director Woodworth noted that this should be included in the Corps of Engineers' study. Director Williams stated that this would have to be discussed during the formation of next year's budget.

Manager Buel announced that ACWA is having the California Annual Conference in May, and that Mr. Woodworth is requesting permission to attend the meeting with the manager. Chairman Gawthrop noted that after reviewing reimbursement of expenses with the District Counsel, Board members shall not receive compensation for attending meetings other than the District Board meetings inside the District, and that Board members may receive payment for actual expenses, including mileage, incurred in attending meetings outside the District with the approval of the Board and subject to filing a written report detailing the substance of the conference. Director Fry suggested the Board adopt a policy that Board members may attend up to one water related

conference, in state, per year, at the District's expense. Director Farr moved that the Board adopt Director Fry's recommendation. Director Fry seconded the motion. District Counsel noted as a point of clarification that this motion would be incorporated into Resolution 80-3, establishing rules for conducting meetings. Chairman Gawthrop noted the motion and second, and asked for the vote. Motion carried, with Director Gianelli voting "no".

VII. ADJOURNMENT

The meeting was adjourned by motion of Director McClintock, with a unanimous second by the Board at 10:15 p.m.

*Henry McMillan*  
*Secretary*