



FINAL MINUTES

**Regular Meeting
Board of Directors**

Monterey Peninsula Water Management District

Monday, April 19, 2021 at 6:00 PM

*Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20,
the meeting was conducted with virtual participation via Zoom.*

The meeting was called to order at 6:01 pm by Chair Edwards.

CALL TO ORDER

Directors Present via Zoom:

Alvin Edwards, Chair, Division 1
Karen Paull, Vice-Chair, Division 4
George Riley, Division 2
Safwat Malek, Division 3
Amy Anderson, Division 5
Mary Adams – Monterey County Board of Supervisors Rep.
Clyde Roberson – Mayoral Representative

ROLL CALL

Directors Absent: None

General Manager present: David J. Stoldt

District Counsel present: David Laredo, Esq. with De Lay and Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

No Changes.

**ADDITIONS AND CORRECTIONS TO
AGENDA**

No public comment was directed to the board during Oral Communications

ORAL COMMUNICATIONS

Chair Edwards acknowledged Director Riley's request to pull Item No. 4 and 5 from the Consent Calendar to allow for a separate vote and further discussion with district staff. No further requests were received by Chair Edwards to pull matters off of the Consent Calendar from those Directors and members of the public present.

CONSENT CALENDAR

No public comment was received prior to board approval on the Consent Calendar for Items No. 1, 2, 3, 6, 7, 8 and 9.

A motion was made by Director Adams and second by Director Malek to approve the Consent Calendar except for Item No. 4 and 5. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

Item No. 4

No public comment was received prior to board approval on Item No. 4.

A motion was made by Director Riley and second by Director Edwards to approve Item No. 4 on the Consent Calendar. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

Item No. 5

No public comment was received prior to board approval on Item No. 5

A motion was made by Director Riley and second by Director Edwards to approve Item No. 5 on the Consent Calendar. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

Approved the MPWMD Meeting Minutes from February 25, 2021 Regular Meeting, March 12, 2021 Special Meeting and March 26, 2021 Special Meeting.

Adopted

Received

Received

Received

Approved Amendment No. 3 with RJA Management Services to provide facilitated strategic planning services and authorize the General Manager to enter into a contract amendment to raise the maximum authorized by an additional \$3,000 to a total of \$15,000 and allow the contract to be closed out.

Approved a one-year extension of the Local Water Project Grant for the City of Seaside to June 30, 2022 in the amount of \$106,900 (Previously approved and budgeted)

Approved and authorized Cordrey Construction to carry out road maintenance along the access to the Sleepy Hollow

1. **Consider Adoption of Minutes from the February 25, 2021 Regular Meeting, March 12, 2021 Special Meeting and March 26, 2021 Special Meeting.**
2. **Consider Adoption of Treasurer’s Report for February, 2021**
3. **Receive and File District-Wide Annual Water Distribution System Production Summary Report for Water Year 2020**
4. **Receive and File District-Wide Annual Water Production Summary Report for Water Year 2020**
5. **Receive Fiscal Year 2019-2020 Mitigation Program Annual Report**
6. **Consider Approval of RJA Management Services Contract Amendment**
7. **Consider Recommendation to the Board to Approve an Extension of the City of Seaside Local Water Project Grant**
8. **Consider Expenditure of Funds to Maintain the Access Road to the**

Steelhead Rearing Facility and approve the funds for road maintenance not to exceed \$10,000

The Board approve the funds for installation and integration into the PLC not to exceed \$11,800 (including a 15% contingency).

General Manager (GM) Stoldt responded to questions from board members and presented via MS PowerPoint Presentation: Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of April 1, 2021. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

GM Stoldt provided an overview of the Actual versus Target Production tables covering the period from October – March Water Year (WY) 2021 and provided the following highlights: (1) Monterey Peninsula Water Resource System, Pure Water Monterey (PWM) is not on the table and actuals are below target AND (2) Water Projects and Rights- ASR Recovery, is just under 1300 Acre Feet (AF) of stored water; Table 13, withdrawals are down due to low precipitation; PWM, is on par and getting close to Target, 313 AF recovered for company use in March, 2021 and 10 AF injected. Stoldt provided an overview of Monthly Production from all Sources for Customer Service: WY2021 reporting that there is a 254 AF less in demand for customer service than the prior year.

GM Stoldt provided a report on the: (1) Monthly Recorded Rainfall at San Clemente Rain Gage: Water Year 2021 noting the rainfall received in January, 2021 filled the aquifer has more than enough water to meet the District's needs and no rainfall recorded as of yet for the month of April, 2021 and (2) Daily Rainfall Recorded at San Clemente Rain Gage: Water Year 2021 directed attention to the two day period of rainfall in January, 2021. Since then, there has been little to no recorded rain at the San Clemente Rain Gage for the ensuing months leading up to April, 2021.

On the Estimated Unimpaired Carmel River Flow at Sleepy Hollow WEIRD: Water Year 2021 Stoldt in conversations with Greg James, Hydrography Projects Coordinator reported it to be the fourth driest month of the five driest years in the past 30 years.

Lastly, GM Stoldt informed the board that the month of May, 2021 is Water Awareness Month and two workshops have been scheduled for May 11, 2021 and May 25, 2021 and is a collaborative effort between California American Water and the Monterey Peninsula Water Management District.

Sleepy Hollow Steelhead Rearing Facility

9. Consider Expenditure of Funds to Improve Cooling Tower and Rearing Channel Operations at the Sleepy Hollow Steelhead Rearing Facility

GENERAL MANAGER'S REPORT

10. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision.

REPORT FROM DISTRICT COUNSEL

District Counsel Laredo reported out from Closed Session on the Special Meeting Agenda for April 19, 2021 at 5:00 PM mentioned that the board received no public comment received beforehand, a status report, answers and general direction was provided to the board on each of the below items.

a. Conference with Legal Counsel – Existing Litigation (§ 54956.9): Petition to Modify CPUC Decision 18-09-017 filed by Citizens for Just Water (A. 12-04-019).

The Board took no reportable action on item 1.a.

b. Conference with Legal Counsel – Anticipated Initiation; Initiation of litigation pursuant to § 54956.9(c) – one potential case.

Supplemental Information on Reportable Actions as provided by District Counsel received after the conclusion of the meeting for item 1.b.

On April 27, 2021 District Counsel provided a further announcement related to Item b (Conference with Legal Counsel – Anticipated Initiation; Initiation of litigation pursuant to § 54956.9(c) – one potential case) of the closed session held during the meeting of April 19, 2021.

On a Motion of Director Riley, Second by Chair Edwards – all Directors being present – the Board directed General Manager Dave Stoldt, General Counsel David Laredo and Special Counsel Thomas MacBride to draft a Complaint against California-American Water Company (Cal-Am - U210W) to be filed with the California Public Utilities Commission (CPUC).

The Complaint is based upon California Public Utilities Code Sections 451, 701, 761, 762 and 1702, and seeks an order from CPUC directing Cal-Am to enter into a Water Purchase Agreement for additional water supply to be provided by expansion of the Pure Water Monterey project. The Complaint was filed with the CPUC and served on Cal-Am on April 27, 2021.

c. Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to § 54956.9(b) – one potential case.

The Board took no reportable action on item 1.c.

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

Chair Edwards acknowledged the Recycled Water Committee of the Monterey One Water for approving the SEIR and advancing the matter to its Board of Directors for consideration and approval. In addition, Chair Edwards acknowledged General Manager Stoldt for his guest commentary to the Monterey County Herald in an article entitled, *Water District Clarified its "Water for Housing" initiative. A copy of the commentary is on file at the District office and can be viewed on the district website.*

Stephanie Locke, Water Demand Division Manager responded to questions from board members, summarized her staff report and presented via MS PowerPoint Presentation. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

The following comments were directed to the Board:

(a) **Peter Munteer, Marketing and Events Manager with the Pacific Grove Chamber of Commerce:** Thanked staff for bringing forward this ordinance to the board for consideration and appreciates the one (1) year extension, the rationale for the 2:1 ratio and assured the board that restaurants can comply with the provisions of said proposed Ordinance No. 188.

A motion was made by Director Paull and second by Director Anderson to adopt Urgency Ordinance No. 188 to extend the temporary suspension on the limitation on the number of outdoor restaurant seats allowed without requiring a Water Permit and that adds language recognizing other uses required to operate outdoors by California's Blueprint for a Safer Economy. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

GM Stoldt and Dr. Richard Garcia with RJA Management Services responded to questions from board members and presented via MS PowerPoint Presentation. A copy of the presentation is on file at the District office and can be viewed on the district website.

The following comments were directed to the Board:

(a) Susan Schiavone: Congratulated the board for going through the Planning and Strategic Planning Process/Sessions. Schiavone suggested the board consider inserting language to Goal No. 2 that the district is legally mandated by Measure J or it is voter directed pertaining to pursuing public ownership of the water distribution system.

11. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARINGS

12. Consider Adoption of Urgency Ordinance No. 188 – An Ordinance of the Board of Directors of the Monterey Peninsula Water Management District Temporarily Suspending Rules 20-B-6 and 24-B-1-i Pertaining to Exterior Restaurant Seating and the Relocation/Expansion of Group II and Wine Tasting Rooms in Response to California's Blueprint for a Safer Economy

ACTION ITEMS

13. Consider Adoption of Strategic Planning Goals

(b) Melodie Chrislock: Concurs with Susan Schiavone and asked the district to raise its public profile within the community.

Motion No. 1: A motion was made by Director Roberson and second by Director Edwards to adopt the proposed strategic planning goals and objectives AND the proposed revised Mission, Vision and Values as discussed and revised during the hearing. The motion passes unanimously on a roll-call vote of 6-Ayes (Edwards, Riley, Malek, Anderson, Roberson and Adams), 0-Noes and 1-Absent.

Director Karen Paull loses connection and rejoins the Zoom Virtual Meeting- Zoom.

Chair Edwards brings the matter (Item No. 13) back to the table for a motion to reconsider with Director Paull joining in virtually via Zoom.

Motion No. 2 / Re-vote:

A motion was made by Director Roberson and second by Director Edwards to review, discuss, edit as necessary, and adopt the proposed strategic planning goals and objectives, as well as the proposed revised Mission, Vision, and Values. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

Thomas Christensen, Environmental Resources Manager responded to questions from board members and presented via MS PowerPoint Presentation. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

No public comment was received prior to board approval on Item No. 14.

A motion was made by Anderson and seconded by Director Adams to authorize and approve the budget amendment request received from AECOM for the Los Padres Dam & Reservoir Alternatives & Sediment Management Study, AECOM Project No. 60536296 not to exceed \$94,220. It is important to note that Cal-Am has agreed to reimburse the District and fund this budget amendment request. The motion passes unanimously on a roll-call vote of 7-Ayes (Edwards, Riley, Malek, Paull, Anderson, Roberson and Adams), 0-Noes and 0-Absent.

GM Stoldt summarized his staff report, answered questions from the board and provided an overview of the Integrated Regional Water Management (IRWM) Round 1 Grant Agreements for the Monterey Peninsula as administered by the district and provided the following highlights on the following projects:

14. Consider Authorization for General Manager to Amend Contract for Los Padres Dam Alternatives Study

DISCUSSION ITEMS

15. Update on Integrated Regional Water Management Grant Status

Project No. 1: Coe Avenue Recycled Water Distribution Pipeline (Marina Coast Water District)- Project is completed and noted the grant program allows reimbursement retroactive to June, 2020.

Project No. 2: Del Monte Manor Low Impact Development Improvement Project (City of Seaside)- Will provide for a positive social impact for a severely disadvantage community.

GM Stoldt advised the board of the district's role as an administrator of the IRWM Grants and Round 2 Grant Agreement/Process will occur towards the end of CY2021. GM Stoldt informed the board that the district will submit a project consideration with IRWM: Round 2 Grants.

The following comments were directed to the Board:

(a) Susan Schiavone: Applauded and provided kudos to the district for administering and coordinating this program with other local public agencies. On the Federal Level, Schiavone hopes President Biden's infrastructure bill will provide additional funding for local water infrastructure projects.

There was no discussion of these items.

INFORMATIONAL ITEMS/STAFF REPORTS

16. Status Report on Measure J / Rule 19.8 Phase II Spending
17. Report on Activity / Progress on Contracts Over \$25,000
18. Letters Received
19. Committee Reports
20. Monthly Allocation Report
21. Water Conservation Program Report
22. Carmel River Fishery Report for March, 2021
23. Monthly Water Supply and California American Water Production Report
24. Quarterly Carmel River Riparian Corridor Management Report
25. Quarterly Water Use Credit Transfer Status Report

Chair Edwards adjourned the meeting at 8:01 PM.

ADJOURNMENT



Joel G. Pablo, Deputy District Secretary

Approved by the MPWMD Board of Director's on Monday, May 17, 2021.