



**Final Minutes
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
April 18, 2022**

REGULAR SESSION | 6:00 P.M.

The meeting was called to order at 6:02 p.m. by Chair Paull. Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.

CALL TO ORDER

Directors Present via Zoom:
Karen Paull, Chair – Division 4
Mary L. Adams, Vice Chair – Monterey County Board of Supervisors Representative
Alvin Edwards – Division 1
George Riley – Division 2
Safwat Malek – Division 3
Amy Anderson – Division 5 (*Joined at 6:09 p.m.*)
Clyde Roberson – Mayoral Representative

ROLL CALL

Directors Absent: None

General Manager present: David J. Stoldt

District Counsel present: Dave Laredo with De Lay and Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

None

ADDITIONS AND CORRECTIONS TO THE AGENDA BY THE GENERAL MANAGER

The following comments were directed to the Board:

ORAL COMMUNICATIONS

a. Tom Rowley: Urged the Board to move from virtual to in-person meetings of the Board.

No further comments were directed to the Board.

Chair Paull acknowledged Director Riley's request to pull Item No. 2. No further requests were received by the Board to pull matters off the Consent Calendar.

CONSENT CALENDAR

A motion was offered by Director Adams with a second by Director Edwards to approve the Consent Calendar Item Numbers 1, 3, 4, 5, 6, 7, 8, 9 and 10. The motion passed on a roll-call vote of 6-Ayes (Edwards, Paull, Adams, Riley,

Malek and Roberson), 0-Noes and 1-Absent (Anderson).

Approved the MPWMD Board of Director's Special and Regular Board Meeting on March 21, 2022, and Special Board Meeting on April 1, 2022 meeting minutes.

Dave Stoldt, General Manager and Dave Laredo, General Counsel briefed the Board on Assembly Bill 361 (Rivas).

The following comments were made to the Board on Item No. 2.

(a) Tom Rowley: Encouraged the Board to return to in-person meetings to avoid potential technical difficulties via teleconferencing means.

(b) Susan Schiavone: Understood Rowley's position, however finds virtual meetings conducive especially for those individuals who may be at an increased risk for contracting COVID-19.

No further comments were directed to the Board.

A motion was offered by Director Riley with a second by Director Adams to adopt Resolution No. 2022-11. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

Adopted the February 2022 Treasurer's Report and financial statements, and ratification of the disbursements made during the month.

Authorized the General Manager to amend an agreement with Telemetrix, Inc. for consultant services in an amount not-to-exceed \$8,060.

[Additional Information: Item Approved, the not-to-exceed amount is \$26,000. The Mid-Year Budget Adjustment adopted on February 24, 2022 includes \$26,000 in funds for this work under Sleepy Hollow Operations Budget line 2-3-1-N Operations Consultant with Web Support. *See staff report for additional details.*]

Declared the items listed on Exhibit 5-A as surplus assets to be either donated or disposed at the Monterey Regional Waste Management District.

Received and Filed the District-Wide Annual Water Distribution System Production Summary Report for Water Year 2021. Staff will complete and file the final report, incorporating any late revisions.

Received and Filed District-Wide Annual Water Production Summary Report for Water Year 2021. Staff will complete

1. Consider Adoption of Minutes of the March 21, 2022 Special & Regular Board Meeting and April 1, 2022 Special Board Meeting

2. Consider Adopting Draft Resolution No. 2022-11 Authorizing Remote Teleconferencing Meetings of all District Legislative Bodies for the Following 30 Days in Accord with the Ralph M. Brown Act and AB 361 (Rivas)

3. Consider Adoption of Treasurer's Report for February 2022

4. Consider Increase of Funds for Consultant Services for Sleepy Hollow Steelhead Rearing Facility Monitoring and Control Systems

5. Declaration of Surplus Assets

6. Receive and File District-Wide Annual Water Distribution System Production Summary Report for Water Year 2021

7. Receive and File District-Wide Annual Water Production Summary

and file the final report, incorporating any late revisions.

Received the Fiscal Year 2020-21 Mitigation Program Annual Report.

Ratified the appointment of Adam Pinterits to serve a two-year term on the Ordinance No. 152 Oversight Panel.

Approved the expenditure of budgeted funds to Corporation Service Company in the amount of \$24,000 for additional recording fees during Fiscal Year 2021-2022.

David J. Stoldt, General Manager presented via MS PowerPoint entitled, “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Decision as of April 2022,” and answered Board questions. *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 slide-deck, and the following points were made:

1. The Monterey Peninsula Water Resources System (October thru March 2022)
 - a. MPWRS Total: Actuals are Below Target
 - b. Seaside Groundwater Basin- Actuals are Above Target
2. Water Projects and Rights for Water Year 2022 (October 2021 thru March 2022)
 - a. Table 13: Reported 68 Acre Feet Recorded.
3. Monthly Production from all Sources for Customer Service: WY2022 (October 2021 thru March 2022)
 - a. Customer Demand: Currently, 37 Acre Feet (AF) below compared to WY2021.
4. Provided an Overview of the following:
 - a. Monthly Recorded Rainfall at San Clemente Rain Gage- Low amount of precipitation recorded since December 2021.
 - b. Daily Rainfall at the San Clemente Rain Gage: The total to date is 12 inches or 2 inches greater than the prior year.
 - c. Estimated Unimpaired Carmel River Flow at Sleepy Hollow WEIR: Less than 2,000 AF of flow in February and March of 2022.

David J. Stoldt, General Manager provided an update on Measure J- Materials. Stoldt presented via MS PowerPoint presentation entitled, “Update on Measure J.” *A copy of the presentation is on file at the District office and can be viewed on the district website.* Stoldt briefed the Board on Measure J, the District’s efforts on the process via the 3-Phase Process, its approaches since the December 6th

Report for Water Year 2021

8. **Receive Fiscal Year 2020-21 Mitigation Program Annual Report**
9. **Ratify Appointment to Ordinance No. 152 Citizen’s Oversight Panel**
10. **Approve Expenditure of Budgeted Funds to Corporation Service Company – Document Recording Fees**

GENERAL MANAGER’S REPORT

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

12. **Update on Measure J – Materials**

LAFCO of Monterey County hearing, materials required to move forward, next steps and answered Board questions.

David J. Stoldt, General Manager presented via MS PowerPoint entitled, “Update on Near-Term Water Supply.” *A copy of the presentation is on file at the District office and can be viewed on the district website.* Stoldt informed the board on Near-Term Water Supply Concerns, How to Address “Shortfall,” Additional Challenges and Solutions to ASR Well No. 1 and Tracer Test for Travel Time and answered Board questions.

13. Update on Near-Term Water Supply Requirements

The following comments were directed to the Board:

- (a) John Tilley: Encouraged the Board to move from strictly virtual meetings to hybrid meetings. Tilley noted the General Manager’s report on Item No. 11 describes drought conditions on the Peninsula and Item No. 12 on the cost of lawsuits related to Measure J. He encouraged the board to focus on water supply and expenditures made by the District.
- (b) Tom Rowley: Disappointed that the presentation provided did not mention the Seaside Groundwater Basin Watermaster as a partner. He believes the District should not bypass LAFCO of Monterey and the law on the District’s ongoing efforts and pursuits of Measure J.
- (c) Susan Schiavone: Informed commentors that Measure J and Desalinization should be viewed separately.

No further comments were directed to the Board.

Additional Presentation on the District’s Branding Ads

David J. Stoldt, General Manager presented via MS PowerPoint on Weekly Branding Ads and answered Board questions. *A copy of the presentation is on file at the District office and can be viewed on the District website.*

District Counsel Laredo provided further remarks and expanded on Item No. 13 of the General Manager’s report. He reminded the Board that CalAm has an open application seeking approval of the Amended and Restated Purchasing Agreement; and provided the board an overview of the various hearing phases on the Application/CA CPUC Case No.: 21-11-024.

Laredo provided a verbal status report on MPWMD, *Petitioner and Plaintiff v. LAFCO of Monterey County, et al., Defendants* filed with the Monterey County Superior Court by Shute, Mihaly and Weinberger, LLP; the

REPORT FROM DISTRICT COUNSEL

- 14. Receive a verbal report on MPWMD, Petitioner and Plaintiff v. LAFCO, et al., Defendants, Petition for Writ of Mandate and Complaint for Injunctive Relief - Monterey County Superior Court Case No. 22CV000925**

District's lead litigation counsel on the matter. He noted LAFCO of Monterey County has been properly served and will rely on Best, Best and Krieger as defense counsel. Laredo informed there is one cause of action included in the District's challenge setting forth and will require a mandatory CEQA conference that will need to be held between May 2 and May 27, 2022 between the District and LAFCO. He noted the parties have agreed that responsive pleadings for all causes of action will be filed 30 days after the Administrative Record is certified and believes the District has a clear path forward on the Matter.

Director Anderson mentioned she had submitted a written Director's Report covering the 2022 Legislative Session held on March 10, 2022 on State Budget Funding for Infrastructure, Drought and Healthy Forests. *A copy of the report can be viewed at the District office and on the District website.*

Director Paull stated that both she and Director Edwards will be attending the Monterey County Special District's Association meeting on April 19, 2022.

Director Edwards noted his attendance at the Monterey One Water (M1W) Board Meeting and Seaside City Council Meeting. Edwards mentioned that at the M1W Board Meeting on March 28, 2022 further progress is being made on Pure Water Monterey: Expansion. Edwards stated he informed the Seaside City Council of the District's redistricting efforts and boundary adjustments being made, specifically to Division I.

Chair Paull provided introductory remarks.

Director Edwards thanked the Public Outreach Committee on their input, suggested edits, and recommended approval of the matter. Director Riley noted the Annual Report provides information and serves as a reminder to the public of the District's work. Director Anderson commented on the Annual Report and shared her astonishment of the District's incredible work during the past year.

The following comments were directed to the Board:

- (a) Susan Schiavone: Concurred with comments made by the Board. She thanked the District for their professionalism and being able to manage a myriad of projects.
- (b) John Tilley: Encouraged the Board to focus on water supply.

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

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

PUBLIC HEARINGS

16. **Consider Adoption of the 2021 MPWMD Annual Report**

No further comments were directed to the Board.

A motion was offered by Director Edwards with a second by Director Adams to close the public hearing and adopt the proposed 2021 MPWMD Annual Report. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

Stephanie Locke, Water Demand Manager provided introductory remarks, summarized her staff note and answered Board questions. She informed the board that the local jurisdictions were made aware of Ordinance No. 188 adopted on April 19, 2021 and will be informed of Ordinance No. 190 following adoption for enforcement purposes.

The following comments were directed to the Board:

- (a) John Tilley: Stated the District should focus on water policy and not on planning matters.

No further comments were directed to the Board.

A motion was offered by Director Edwards with a second by Director Riley to adopt urgency Ordinance No. 190. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

Stephanie Locke, Water Demand Manager presented via MS PowerPoint entitled, “Consider Expenditure of Budgeted Funds for ‘Mulch Madness’ Conservation Event” and answered Board questions. *A copy of the presentation is available at the District office and available on the District’s website.*

No public comments were directed to the Board.

A motion was offered by Director Riley with a second by Director Edwards to approve an expenditure of up to \$10,000 in budgeted funds to co-sponsor the Mulch Madness conservation program with California American Water. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

Chair Paull introduced the matter.

David J. Stoldt, General Manager summarized the staff note, highlighted the District’s focus on Federal/State’s Legislative Advocacy Plan for 2022 and answered board questions.

- 17. **Consider Adoption of Urgency Ordinance No. 190 – 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

- 18. **Consider Approval of Expenditure of Budgeted Funds for the “Mulch Madness” Conservation Event**

- 19. **Consider Approval of District Legislative Advocacy Plan for 2022**

No comments were directed to the Board.

A motion was offered by Director Edwards with a second by Director Anderson to approve the District's Legislative Advocacy Plan for 2022. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

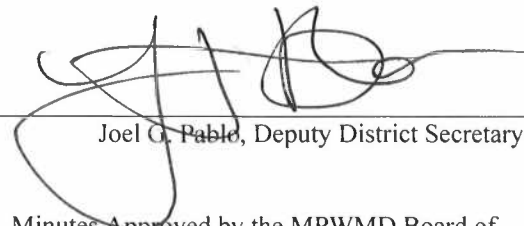
The Board discussed the Mayor Roberson's letter dated March 17, 2022 on the Regional Housing Needs Allocation.

INFORMATIONAL ITEMS/STAFF REPORTS

20. **Report on Activity/Progress on Contracts Over \$25,000**
21. **Status Report on Measure J/Rule 19.8 Phase II Spending**
22. **Letters Received**
23. **Committee Reports**
24. **Monthly Allocation Report**
25. **Water Conservation Program Report**
26. **Carmel River Fishery Report for March 2022**
27. **Monthly Water Supply and California American Water Production Report**
28. **Quarterly Carmel River Riparian Corridor Management Report**
29. **Quarterly Water Use Credit Transfer Status Report**

There being no further business, Chair Paull adjourned the meeting at 8:40 p.m.

ADJOURNMENT



Joel G. Paull, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, May 16, 2022