This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month, except in January and February. The meetings begin at 6:00 PM.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

Agenda
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
****
Monday, April 18, 2022 at 6:00 p.m., *Virtual Meeting*

As a precaution to protect public health and safety, and pursuant to provisions of AB 361 (Rivas), this meeting will be conducted via Zoom Video/Teleconference only.

Join the meeting at this link:
https://us06web.zoom.us/j/84896674174?pwd=MFZrMG1ZK3hVK3h5Vnk5aEY1bU1HQT09
Or join at: https://zoom.us/
Webinar ID: 848 9667 4174
Passcode: 04182022
Participate by phone: (669) 900-9128

For detailed instructions on how to connect to the meeting, please see page 4 of this agenda.

You may also view the live webcast on AMP https://accessmediaproductions.org/
scroll down to the bottom of the page and select the Peninsula Channel

Staff notes will be available on the District web site at
http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/
by 5:00 PM on Friday, April 15, 2022

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO THE AGENDA - *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

Board of Directors
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
Clyde Roberson – Mayoral Representative

General Manager
David J. Stoldt

This agenda was posted at the District office at 5 Harris Court, Bldg. G, Monterey, California on Friday, April 15, 2022. After staff reports have been posted and distributed, if additional documents are produced by the District and provided to a majority of the Board regarding any item on the agenda, they will be posted on the District website. Documents distributed on the afternoon of the meeting will be available upon request, and posted to the web within five days of adjournment of the meeting. The next scheduled meeting of the MPWMD Board of Directors will be on Monday, May 16, 2022.

ORAL COMMUNICATIONS- - *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks "**", Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.

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 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
13. Update on Near-Term Water Supply Requirements

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

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

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

PUBLIC HEARING -- – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

16. Consider Adoption of the 2021 MPWMD Annual Report

<u>Recommended Action:</u> The Board will conduct a public hearing and adopt the proposed 2021 MPWMD Annual Report with any changes or edits as recommended.

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

    Recommended Action: The Board will consider adopting Urgency Ordinance No. 190 known as the 2022 MPWMD Response to Continued Pandemic Risks Ordinance commencing at 12:01 a.m. on April 19, 2022. If adopted, it shall have no force or effect after April 18, 2023.

ACTION ITEMS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

18. Consider Approval of Expenditure of Budgeted Funds for the "Mulch Madness" Conservation Event

    Recommended Action: The Board will consider approving an expenditure of up to $10,000 in budgeted funds to co-sponsor the Mulch Madness conservation program with California American Water.

19. Consider Approval of District Legislative Advocacy Plan for 2022

    Recommended Action: The Board will consider approving the District's Legislative Advocacy Plan for 2022.

INFORMATIONAL ITEMS/STAFF REPORTS - The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.

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 Supplemental Letters Received Packet
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

ADJOURNMENT

Board Meeting Schedule			
Monday, May 16, 2022	Regular Meeting	6:00 p.m.	*Virtual – Zoom*
Thursday, May 26, 2022	Special- Budget Workshop	6:00 p.m.	*Virtual – Zoom*
Monday, June 20, 2022	Regular- Budget Adoption	6:00 p.m.	*Virtual – Zoom*

Board Meeting Television and On-Line Broadcast Schedule **View Live Webcast at** https://accessmediaproductions.org/ **scroll to the bottom of the page and select the Peninsula Channel**	
Television Broadcast	**Viewing Area**
Comcast Ch. 25 (Monterey Channel), Mondays view live broadcast on meeting dates, and replays on Mondays, 7 pm through midnight	City of Monterey
Comcast Ch. 28, Mondays, replays only 7 pm	Throughout the Monterey County Government Television viewing area.

For Xfinity subscribers, go to https://www.xfinity.com/support/local-channel-lineup/ or https://www.xfinity.com/stream/listings - enter your address for the listings and channels specific to your city.	Pacific Grove, Pebble Beach, Sand City, Seaside, Monterey
Internet Broadcast	
Replays – Mondays, 4 pm to midnight at https://accessmediaproductions.org/ scroll to Peninsula Channel	
Replays – Mondays, 7 pm and Saturdays, 9 am www.mgtvonline.com	
YouTube – available five days following meeting date - https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg	

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests by noon on Friday, April 18, 2022 to joel@mpwmd.net, or at (831) 658-5652. Alternatively, you may reach Sara Reyes, Admin Services Division at (831) 658-5610.

Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link: https://us06web.zoom.us/j/84896674174?pwd=MFZrMG1ZK3hVK3h5Vnk5aEY1bU1HQT09 or paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING
(PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: https://www.zoom.us
2. Hit the enter key
3. At the top right-hand corner, click on "Join a Meeting"
4. Where it says "Meeting ID", type in the Meeting ID# above and click "Join Meeting"
5. Your computer will begin downloading the Zoom application. Once downloaded, click "Run" and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click "Test Speaker and Microphone".
2. The client will first ask "Do you hear a ringtone?" •If no, please select "Join Audio by Phone".

• If yes, proceed with the next question:

3.The client will then ask "Speak and pause, do you hear a replay?" •If no, please select "Join Audio by Phone"

• If yes, please proceed by clicking "Join with Computer Audio"

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click "Phone Call"

2. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)

3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap "Join a Meeting"
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap "Join Meeting"
7. Tap "Join Audio" on the bottom left hand corner of your device
8. You may select either ONE of two options: "Call via Device Audio" or "Dial in"

DIAL IN

1. If you select "Dial in", you will be prompted to select a toll-free number to call into.
2. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)

3. The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app
5. You are now connected to the meeting.

Presenting Public Comment

Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes but the Chair could decide to set the time for 2 minutes.

(a) Computer Audio Connection: Select the "raised hand" icon. When you are called on to speak, please identify yourself.

(b) Phone audio connection **with** computer to view meeting: Select the "raised hand" icon. When you are called on to speak, dial *6 to unmute and please identify yourself.

(c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on Monday, April 18, 2022. Comments submitted by noon will be provided to the Board of Directors and compiled as part of the record of the meeting.

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ITEM: CONSENT CALENDAR

1. CONSIDER ADOPTION OF MINUTES OF THE MARCH 21, 2022 SPECIAL & REGULAR BOARD MEETING AND APRIL 1, 2022 SPECIAL BOARD MEETING

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Joel G. Pablo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The Board will review, provide suggested edits, and consider approval of the draft minutes of the MPWMD Board of Director's Special and Regular Board Meeting on March 21, 2022 and Special Board Meeting on April 1, 2022. The draft minutes are attached as **Exhibit 1-A and 1-B** to the staff report.

RECOMMENDATION: The Board will consider approval of the draft minutes of the MPWMD Board of Director's from its Special and Regular Board Meeting on March 21, 2022 and Special Board Meeting on April 1, 2022.

EXHIBIT
1-A MPWMD Board of Director's Special and Regular Meeting on March 21, 2022
1-B MPWMD Board of Director's Special Meeting on April 1, 2022

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 1-A

Draft Minutes
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
March 21, 2022

CLOSED SESSION AT 5:30 PM

CALL TO ORDER

Chair Paull called the meeting to order at 5:30 P.M. Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.

ROLL CALL

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
Clyde Roberson – Mayoral Representative

ADDITIONS AND CORRECTIONS ON THE CLOSED SESSION AGENDA BY DISTRICT COUNSEL

None

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA

No comments were directed to the Board.

CLOSED SESSION

District Counsel Laredo read the Board into Closed Session.

CS 1 Conference with Legal Counsel- the board will confer with District Counsel to review pending litigation pursuant to Government Code Section 54956.9:

a. Jensco, Inc. (JM Electric) v. Mercer-Fraser Co. & MPWMD, et al.: Monterey County Superior Court Case No. 21CV002034

CONVENE TO CLOSED SESSION

RECONVENE TO OPEN SESSION

REGULAR SESSION | 6:00 P.M.

CALL TO ORDER

The meeting reconvened and 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.*

ROLL CALL

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
Clyde Roberson – Mayoral Representative

Directors Absent: None

General Manager present: David J. Stoldt

District Counsel present: Dave Laredo with De Lay and Laredo

PLEDGE OF ALLEGIANCE

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA BY THE GENERAL MANAGER

Pursuant to Government Code Sections 54954.2 of the California Government Code, the following additions and corrections were read by the General Manager:

UNDER ACTION ITEMS

Item No. 10, Revised Title, Revised Recommendation and Revised Exhibits

Title Changed to: Consider Approval of Amendment No. 5 to Agreement for Employment of General Manager

Recommended Action Changed to: The Board will consider approval of Amendment No. 5 to Agreement for Employment of General Manager.

Staff Submitted Two (2) Exhibits: A Clean Version and Red-Line Version for Exhibit 10-A.

Item No. 11, Revised Title and Revised Recommendation

Title Changed to: Consider Approval of Legal Services Contract with De Lay and Laredo, Attorneys at Law.

Recommended Action Changed to: The Board will consider approval of a Legal Services Contract with De Lay and Laredo, Attorneys at Law.

ORAL COMMUNICATIONS

No comments were directed to the Board during Oral Communications.

CONSENT CALENDAR

No requests were received by Chair Paull to pull items from the Consent Calendar.

A motion was offered by Director Malek with a second by Director Riley to approve the Consent Calendar Item Numbers 1, 2 and 3. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Adams, Riley, Malek and Roberson), 0-Noes and 0-Absent.

1. Consider Adoption of Minutes of the February 24, 2022 Regular Board Meeting

The Board approved the meeting minutes of the February 24, 2022 Regular Board Meeting.

2. Consider Adopting Draft Resolution No. 2022-07 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)

Adopted Resolution No. 2022-07.

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

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

PRESENTATION ON REDISTRICTING

4. Presentation of Census Data and Recommended Draft Redistricting Plan(s) from the Redistricting Advisory Commission

David J. Stoldt, General Manager provided introductory remarks.

Jeanne Gobalet, Ph.D with Lapkoff and Gobalet Demographic Research, Inc. (LGDR) delivered and presented via MS PowerPoint presentation entitled, "Post-2020 Census Redistricting: Orientation and Recommendation from your Redistricting Advisory Commission (RAC). *A copy of the presentation is on file at the District office and can be viewed on the District website.* Gobalet provided an overview of LGDR's past redistricting efforts with the District in 1991 and 2011. Gobalet covered the rationale for conducting the redistricting process, reviewed current Election Districts (adopted in 2002), the Federal/State legal requirements Demographers must follow, provided the definition of and examples of communities of interests and noted Division – Director boundaries need to be adjusted to balance populations among the Districts.

Gobalet and Merrill presented the Redistricting Advisory Commission's (Commission) recommendation made on Thursday, March 17, 2022 to have the board consider adopting Redistricting Map Plan 4, provided key elements of the recommended plan, noted that the Standard Deviation for all Division – Director Boundaries are within the legal requirements and answered Board questions.

Board Members and Commissioners Eisenhart, Malkin, and Schiavone provided comments on their experiences serving

on the Commission.

The following comments were directed to the Board:

a. Michael Baer: Thanked the Board, Commissioners and Staff for their efforts in completing the redistricting process.

No further comments were directed to the Board.

David J. Stoldt, General Manager noted action on this matter will take place on Friday, April 1, 2022 at a Special Board of Director's meeting.

GENERAL MANAGER'S REPORT

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

David J. Stoldt, General Manager presented via MS PowerPoint entitled, "Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Decision as of March 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
   a. Carmel River- 675 Acre Feet (AF) below target
   b. Seaside Groundwater Basin- 20 AF Less Negative than the Prior Month
2. Water Projects and Rights for Water Year 2022 (October 2021 thru February 2022)
   a. PWM Recovery- Added 418 AF in February 2022
   b. Table 13- No change
3. Monthly Production from all Sources for Customer Service: WY2022 (October 2021 thru February 2022)
   a. Customer Demand remains lower than the previous water year and during the same period.

Stoldt provided an overview of monthly and daily recorded rainfall at San Clemente Rain Gage noting that the total year to date is 9.96 of rain or 65% of the long-term average and an overview of Estimated Unimpaired River Flow at the Sleepy Hollow WEIR.

6. Update on Development of Water Supply Projects

David J. Stoldt, General Manager provided a verbal status report on Pure Water Monterey (PWM) base project, Deep Injection Well (DIW) 3, DIW 4, PWM Expansion, the Amended and Restated Water Purchasing Agreement and answered Board questions. Stoldt made the following points: (1) PWM has delivered 6100 AF or 2 billion gallons in its 2nd full year of operations; (2) DIW3 and DIW 4 is expected to become usable for injection soon; (3) On PWM Expansion, 90% of the design documents were submitted on March 4, 2022; (4) Mentioned construction start dates and completion dates are dependent on when the water purchasing agreements gets approved by the California

Public Utilities Commission (CPUC); and (5) Stoldt touched upon the CPUC Schedule for Phase 1 proceedings and stated that a proposed decision from the CPUC on the Amended and Restated Water Purchase Agreement will occur within 90 days of reply briefs.

REPORT FROM DISTRICT COUNSEL

7. Report on Action Taken During the Closed Session Meetings on Thursday, February 24, 2022 and Monday, March 21, 2022

District Counsel Laredo reported on action taken on closed session items listed on Thursday, February 24, 2022:

CS 1 | Conference with Legal Counsel – the board will review Significant Exposure to Threatened or Potential Litigation (§ 54956.9). MPWMD v. LAFCO of Monterey County – Case No.: Not Yet Assigned

District Counsel provided background information. Counsel/Staff received general direction from the Board. No reportable action.

CS 1.1 | Conference with Legal Counsel- the board will confer with District Counsel to review pending litigation pursuant to Government Code § 54956.9:

a. Conference with Legal Counsel- (§ 54956.9 (a)) MPTA v. MPWMD: Case No. 21CV003066

District Counsel provided background information. Laredo mentioned on Friday, February 18, 2022 a hearing was held by Judge Panetta who denied the District's demurrer on the matter.

The Board authorized staff to seek an Appellate Writ of Review to challenge the ruling on the demurrer. The vote was 5-Ayes (Edwards, Riley, Paull, Anderson, Adams), 0-Noes and 2-Absent (Malek and Roberson). The writ petition was filed with the 6th District Court of Appeals on Friday, March 18, 2022.

CS 2 | Conference with Labor Negotiators (Gov. Code §54957.6) – Agency Designated Representatives: the MPWMD Board of Directors Unrepresented Employee: General Manager

General direction provided. No reportable action.

CS 3 | Conference with Labor Negotiators (Gov. Code §54957.6) – Agency Designated Representatives: the MPWMD Board of Directors Unrepresented Employee: District Counsel

General direction provided. No reportable action.

District Counsel Laredo reported on action taken on closed session matters on Monday, March 21, 2022:

CS 1 | Conference with Legal Counsel- the board will

confer with District Counsel to review pending litigation pursuant to Government Code Section 54956.9:

a. Jensco, Inc. (JM Electric) v. Mercer- Fraser Co. & MPWMD, et al.: Monterey County Superior Court Case No. 21CV002034

District Counsel provided background information. The Board provided general direction to Counsel and District Staff, however no reportable action was taken.

The following comments were directed to the Board:

(a) Michael Baer: Mentioned and shared his belief that the District must move swiftly in filing a lawsuit against LAFCO of Monterey County.

No further comments were directed to the board.

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

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

Chair Paull and Director Anderson stated they both attended the Association of California Agencies (ACWA) 2022 Virtual Legislative Symposium held on February 18, 2022 featuring panel discussions on Drought and Resilience: A California Way of Life AND State Budget Funding for Infrastructure, Drought and Healthy Forests. The themes of discussions had include: climate change, adapting/managing water resources, funding challenges, holistic state-wide review in addressing water issues, replacing the term water conservation with water efficiency, additional public outreach to inform and educate the public on water efficiency. Director Anderson intends to provide the board an update on State Budget Funding for Infrastructure, Drought and Healthy Forest at the next regularly scheduled meeting of the Board of Directors.

Director Edwards thanked Supervisor/Director Mary L. Adams (District 5- County Supervisor) on the water forum discussions held by the Monterey County Board of Supervisors at their regularly scheduled meeting on Tuesday, March 15, 2022. Edwards echoed Riley's desire for a water bond discussion to take place at a future water forum with the Monterey County Board of Supervisors. Edwards asked staff to schedule and convene a Water Supply Planning Committee meeting to discuss several topics to include: (a) Lifting of the Cease-and-Desist Order; (b) Water for Housing Initiative; and (c) Discuss housing projects in Marina.

Director Mary L. Adams thanked the Board for their attendance at the virtual water forum. Adams informed the board the next water forum is tentatively scheduled to take place on Tuesday, June 21, 2022 and acknowledged

Director Riley's and Edward's request for a water bond discussion.

PUBLIC HEARINGS

9. Consider Adoption of April through June 2022 Quarterly Water Supply Strategy and Budget

Jonathan Lear, Water Resources Manager provided an overview of his staff note, answered board questions, and presented via MS PowerPoint entitled, "Public Hearing Item 9: Consider Adoption of Apr – June 2022 Quarterly Water Supply Strategy and Budget for California American Water." *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) Tom Rowley with the Monterey Peninsula Taxpayer's Association: Encouraged and stressed the need for a diversified water portfolio that includes desalination to address present and future water needs.

(b) Anna Thompson: Informed the Board that the Irvine Ranch Water District (IRWD) has water banking as part of their water supply portfolios and encouraged the District to look into this idea of water banking.

No further comments were directed to the Board.

A motion was made by Director Riley with a second by Director Malek to approve the proposed production strategy for California American Water Distribution Systems for the three-month period of April through June 2022. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

10. Consider Approval of Amendment to Agreement for Employment of General Manager

Board Chair Paull provided an overview of the staff report, answered board questions and recommended approval of Amendment No. 5 to Agreement for Employment of General Manager. *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: Voiced support for an amendment to the David J. Stoldt's amendment to his contract and thanked him for his service with the District.

No further comments were directed to the Board.

Chair Paull and the Board expressed confidence in the General Manager.

A motion was made by Director Malek with a second Director Anderson to approve Amendment No. 5 to agreement for employment of General Manager. The motion passed on a roll-call vote of 7-Ayes (Edwards,

Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

11. Consider Approval of Amendment to Agreement for Employment of District Counsel

David J. Stoldt, General Manager provided an overview of the staff report, answered board questions and recommended approval of a Legal Services Contract with De Lay and Laredo, Attorneys at Law.

The following comments were directed to the Board:

Anna Thompson and Susan Schiavone: Voiced support for approval of the Legal Services Contract with De Lay and Laredo and shared their appreciation of David Laredo's work with the District.

No further comments were directed to the Board.

Chair Paull and the Board expressed confidence in David Laredo, General Counsel.

A motion was made by Director Malek with a second by Director Anderson to approve the proposed contract for legal services with De Lay and Laredo with a retainer of $6,500 per month and $275 per hour for special services with an annual increase of 4.0% commencing on January 1, 2023 and 2024 for the period covering January 1, 2022 through December 31, 2024. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

12. Consider Approval of Funds and a Contract for the Sleepy Hollow Steelhead Rearing Facility Quarantine Tanks Replacement Project

Larry Hampson, District Engineer provided an overview of his staff report, answered board questions and presented via MS PowerPoint entitled, "Action Item 12. Consider Approval of Funds and a Contract for the Sleepy Hollow Steelhead Rearing Facility Quarantine Tanks Replacement Project." *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) John Tilley: Recommended approval of the matter.

No further comments were directed to the Board.

A motion was made by Director Edwards with a second by Director Riley authorizing the General Manager to enter into a contract with Monterey Peninsula Engineering, Inc. for the work in an amount not-to-exceed $233,500 and approved a contingency amount of $29,000 (12.5% of the contract amount) for unforeseen circumstances. The motion passed on a roll-call vote of 6-Ayes (Edwards, Paull, Anderson, Adams, Riley and Roberson), 1-Noes (Malek) and 0-Absent.

13. Consider Adopting Resolution No. 2022-09 Modifying Rule 160 to

Jonathan Lear, Water Resources Manager provided an overview of his staff note, answered board questions and

presented via MS PowerPoint entitled, "Consider Adoption of Resolution Modifying Rule 160 – Regulatory Water Production Targets for California American Water Systems." *A copy of the presentation is on file with the District and can be viewed on the District website.*

No comments were directed to the Board.

A motion was made by Director Edwards with a second by Director Riley to adopt Resolution No. 2022-09 adding the monthly and year-to-date at month-end values for all operational water resources projects to Tables XV-1, XV-2, and XV-3 for District Rule 160 and change Table XV-2 to report water supply from water projects and not production from the Satellite Systems. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

Incorporate All Water Resources Projects to Tables XV-1, XV-2 and XV-3 and modify Table XV-2 to Report Yield from Water Supply Projects Instead of Production from Satellite Systems

Stephanie Locke, Water Demand Manager provided an overview of her staff note, answered board questions and recommended approval of Resolution No. 2022-08.

No comments were directed to the Board on this matter.

A motion was made by Director Anderson with a second by Director Edwards to adopt Resolution 2022-08 amending Rule 25.5, Table 4 to eliminate the credit for installation of a rainwater/Greywater system to flush toilets and wash laundry. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

14. Consider Adoption of Resolution 2022-08 Amending Rule 25.5, Table 4: High Efficiency Appliance Credits, To Delete Credit for Graywater/Rainwater Toilet Flushing and Clothes Washing

Karen Paull, Board Chair and David J. Stoldt, General Manager provided an overview of the staff report/exhibits. Chair Paull noted one area of contention between the subcommittees desire to allow committees to set a meeting calendar and staffs need to have a consistent scheduling for each of the District's committees. Thomas Christensen, Environmental Resources Manager provided background information on the Carmel River Advisory Committee (CRAC) and discussed that it is through the Carmel River Watershed Conservancy – the Carmel River Task Force meets three times each year to discuss issues concerning the Carmel River Watershed comprising of representatives from various public agencies.

The following comments were directed to the Board:

a. John Tilley: Recommended that the Ordinance No. 152 Citizen's Oversight Panel first meeting should be in March as opposed to January of each calendar year.

b. Susan Schiavone: Concurred with Tilley's recommendation. She stated she would find it acceptable if the Panel met three or four times a year.

15. Streamlining and Scheduling of Committee Meetings

No further comments were directed to the Board.

A motion was offered by Director Riley with a second by Director Paull to approve the Exhibit 15-B: The Subcommittee's Recommendation to the Board subject to one condition that the Ordinance No. 152 Citizen's Oversight Panel will at the next meeting determine the Panel's meeting frequency. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

INFORMATIONAL ITEMS/STAFF REPORTS

There was no discussion of the Informational Items/Staff Reports.

16. Report on Activity/Progress on Contracts Over $25,000
17. Status Report on Measure J/Rule 19.8 Phase II Spending
18. Letters Received
19. Committee Reports
20. Monthly Allocation Report
21. Water Conservation Program Report
22. Carmel River Fishery Report for January 2022
23. Monthly Water Supply and California American Water Production Report

ADJOURNMENT

There being no further business, Chair Paull adjourned the meeting at 9:13 p.m.

Joel G. Pablo, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, April XX, 2022

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 1-B

DRAFT MINUTES
Board of Directors – Special Meeting
Friday, April 1, 2022

Pursuant to AB 361 (Rivas), the meeting was conducted with virtual participation via Zoom.

CALL TO ORDER

The meeting was called to order by Chair Paull at 2:01 p.m.

ROLL CALL

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

Directors Absent: None

General Manager Present: David J. Stoldt

Staff members Present: Joel G. Pablo, Board Clerk
Sara Reyes, Sr. Office Specialist
Shelley Lapkoff, Ph.D with Lapkoff and Gobalet Demographic Research, Inc.

District Counsel Present: David Laredo with De Lay and Laredo

PLEDGE OF ALLEGIACE

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO AGENDA

None

PUBLIC COMMENT

No comments were directed to the Board.

ACTION ITEM

1. Consider Adjusted Division Boundaries Recommended by the Redistricting Advisory Commission and Adopt Resolution No. 2022-10 to Adopt Redistricting Map Plan 4 that Establishes New Voter Divisions for District Elections

David J. Stoldt, General Manager provided introductory remarks.

Shelley Lapkoff, Ph.D presented via MS PowerPoint and answered board questions entitled, "Post-2020 Census Redistricting: Recommendation from your Redistricting Advisory Commission (RAC)." *A copy of the presentation can be found on the District webpage and copies can be made available at the District office.*

Lapkoff provided an overview of topics covered at the March 21, 2022 regularly scheduled meeting of the MPWMD Board of Directors to include the need to redistrict, legal requirements when redistricting, Redistricting Advisory Commission (Commission) process, including factors explored/considered and the Commission's recommended Redistricting Map Plan 4 that focused in on a strong LatinX/Black District, continued use of city boundaries (when possible) and population-balanced districts. Lapkoff provided an overview of Redistricting Map Plan 4 by population statistics and detailed map views displayed in: (1) Cities/Unincorporated Communities Color-Shaded; (2) Northern Detail; and (3) noted that the standard deviation for all Division-Director districts is within the legal requirements.

No comments were directed to the Board.

A motion was offered by Director Malek with a second by Director Edwards to closed public comment and adopt Resolution No. 2022-10 to adopt Redistricting Map Plan 4 that establishes new voter divisions for District Elections. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Malek, Adams, Riley and Roberson), 0-Noes and 0-Absent.

ADJOURNMENT

There being no further business, Chair Paull adjourned the meeting at 2:28 p.m.

_____
Joel G. Pablo, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on Monday, April xx, 2022

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ITEM: CONSENT CALENDAR

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)

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**David Laredo**	**Cost Estimate:**	**N/A**

General Counsel Review: ***Prepared by District Counsel***

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

DISCUSSION

Assembly Bill 361 (Rivas) requires the District within 30 days of holding a virtual meeting for the first time, and every 30 days thereafter, to make findings ratifying the state of emergency.

District Counsel has prepared the attached resolution to satisfy the provisions of AB 361. This Resolution can have effect for only 30 days. After 30 days, the District must renew the effect of the resolution by either adopting another, or ratifying it. If no action is taken the resolution shall lapse.

RECOMMENDATION

Consider adopting draft Resolution No. 2022-11 authorizing remote teleconference meetings of all District legislative bodies for the following 30 days in accord with the Ralph M. Brown Act and AB 361 (Rivas).

OPTIONS

Take no action.

FINANCIAL IMPACT

There is no fiscal impact.

EXHIBIT

2-A Draft Resolution No. 2022-11

EXHIBIT 2-A

DRAFT
RESOLUTION NO. 2022-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE STATE OF EMERGENCY PROCLAIMED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF ALL DISTRICT LEGISLATIVE BODIES FOR THE FOLLOWING 30 DAYS IN ACCORD WITH THE RALPH M. BROWN ACT AND AB 361 (RIVAS)

FACTS

1. The Monterey Peninsula Water Management District (District) is public entity established under the laws of the State of California.

2. The District is committed to preserving and nurturing public access and participation in meetings of the District Board and Committees; and

3. All meetings of District legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code sections 54950 – 54963), so that any member of the public may attend, observe, and participate when District legislative bodies conduct business; and

4. The Brown Act, Government Code section 54953(e), enables remote teleconferencing participation in meetings by members of a legislative body, without strict compliance with requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

5. One required condition is that a state of emergency has been declared by the Governor of the State of California pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

6. A proclamation is made that there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the District's jurisdiction, caused by natural, technological, or human-caused disasters; and

7. State or local officials have imposed or recommended measures to promote social distancing, or having the legislative body meet in person would present imminent risks to the health and safety of attendees; and

8. The District Board affirms these conditions now exist in the District. Specifically, on March 4, 2020, the Governor proclaimed a State of Emergency to exist as a result of the threat of COVID-19. That Proclamation has not been terminated by either the Governor or the Legislature pursuant to Government Code section 8629; and

9. Despite sustained efforts to remedy this circumstance, the District Board determines that meeting in person poses an imminent risk to health and safety of attendees due to the COVID-19 virus and its variants; and

10. The District Board finds the emergency created by the COVID-19 virus and its variants has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor and similar local health orders that require social distancing; and

11. As a consequence of the local emergency, the District Board determines that all legislative bodies of the District are required to conduct their meetings without full compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that those District legislative bodies shall comply with the requirements to provide public access to the meetings remotely? as prescribed in paragraph (2) of subdivision (e) of section 54953; and

12. Each District legislative body shall continue to conduct meetings with public access available via call-in or internet-based service options and the public shall be allowed to address the legislative body directly in real time; and

13. This Resolution shall authorize the General Manager to establish and maintain platforms necessary for each District legislative body to hold teleconference meetings and provide an avenue for real-time public comments for such meetings; and

14. The District Board finds the introduction and adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) as the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT:

SECTION 1. RECITALS. The foregoing findings are true and correct and are adopted by the District Board as though set forth in full.

SECTION 2. PROCLAMATION OF LOCAL EMERGENCY. The Board hereby proclaims that a local emergency now exists throughout the District, and meeting in person would present imminent risk as a result of the COVID-19 virus and its variants.

SECTION 3. RATIFICATION OF PROCLAMATION OF A STATE OF EMERGENCY. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

SECTION 4. REMOTE TELECONFERENCE MEETINGS. The General Manager and legislative bodies of the Monterey Peninsula Water Management District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 5. EFFECTIVE DATE OF RESOLUTION. This Resolution shall take effect immediately upon its adoption and shall be remain in effect for a period of 30 days, or until such time the District Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which District legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED on this XX day of March 2022 on a motion by Director _____ and second by Director _____ by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a resolution adopted on XX day of March 2022.

_____
David J. Stoldt,
Secretary to the Board

ITEM: CONSENT CALENDAR

3. CONSIDER ADOPTION OF TREASURER'S REPORT FOR FEBRUARY 2022

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Suresh Prasad**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Administrative Committee considered this item on April 11, 2022 and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Exhibit 3-A comprises the Treasurer's Report for February 2022. **Exhibit 3-B** and **Exhibit 3-C** are listings of check disbursements for the period February 1-28, 2022. Checks, virtual checks (AP Automation), direct deposits of employee's paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of $1,325,303.80. There were $625.00 conservation rebates paid out during the current period. **Exhibit 3-D** reflects the unaudited version of the financial statements for the month ending February 28, 2022.

RECOMMENDATION: The Administrative Committee recommends that the Board adopt the February 2022 Treasurer's Report and financial statements, and ratification of the disbursements made during the month.

EXHIBITS
3-A Treasurer's Report
3-B Listing of Cash Disbursements-Regular
3-C Listing of Cash Disbursements-Payroll
3-D Financial Statements

EXHIBIT 3-A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR FEBRUARY 2022

Description	Checking	MPWMD Money Market	L.A.I.F.	Multi-Bank Securities	MPWMD Total	PB Reclamation Money Market
Beginning Balance	**$804,469.47**	**$5,347,078.52**	**$10,640,036.42**	**$3,422,888.14**	**$20,214,472.55**	**$11,932.40**
Fee Deposits		2,186,102.22			2,186,102.22	472,433.85
MoCo Tax & WS Chg Installment Pymt					0.00	
Interest Received				4,283.90	4,283.90	
Transfer - Checking/LAIF					0.00	
Transfer - Money Market/LAIF					0.00	
Transfer - Money Market/Checking	1,000,000.00	(1,000,000.00)			0.00	
Transfer - Money Market/Multi-Bank					0.00	
Transfer to CAWD					0.00	
Voided Checks		225.00			225.00	
Bank Corrections/Reversals/Errors					0.00	
Bank Charges/Other	(857.50)				(857.50)	
Credit Card Fees	(1,073.92)				(1,073.92)	
Returned Deposits	-				0.00	
Payroll Tax/Benefit Deposits	(93,411.74)				(93,411.74)	
Payroll Checks/Direct Deposits	(130,409.19)				(130,409.19)	
General Checks	(4,423.16)				(4,423.16)	
Bank Draft Payments	(9,670.80)				(9,670.80)	
AP Automation Payments	(1,085,457.49)				(1,085,457.49)	
Ending Balance	**$479,165.67**	**$6,533,405.74**	**$10,640,036.42**	**$3,427,172.04**	**$21,079,779.87**	**$484,366.25**

EXHIBIT 3-B

Check Report

Monterey Peninsula Water Management Dist

By Check Number

Date Range: 02/01/2022 - 02/28/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	**-Bank of America Checking**					
Payment Type: Regular						
04349	American Water Resources Assoc.	02/03/2022	Regular	0.00	179.00	40634
00758	FedEx	02/03/2022	Regular	0.00	2,055.63	40635
00253	AT&T	02/10/2022	Regular	0.00	881.40	40636
05370	California Secretary of State	02/10/2022	Regular	0.00	1.50	40637
01003	Department of Industrial Relations	02/10/2022	Regular	0.00	225.00	40638
00758	FedEx	02/10/2022	Regular	0.00	205.63	40639
06746	POSTMASTER	02/10/2022	Regular	0.00	250.00	40640
			Total Regular:	**0.00**	**3,798.16**	

Check Report **Date Range: 02/01/2022 - 02/28/2022**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Virtual Payment						
00249	A.G. Davi, LTD	02/02/2022	Virtual Payment	0.00	790.00	APA000200
14567	Applicant Information	02/02/2022	Virtual Payment	0.00	99.48	APA000201
12601	Carmel Valley Ace Hardware	02/02/2022	Virtual Payment	0.00	22.28	APA000202
18734	DeVeera Inc.	02/02/2022	Virtual Payment	0.00	7,834.90	APA000203
12655	Graphicsmiths	02/02/2022	Virtual Payment	0.00	160.00	APA000204
04717	Inder Osahan	02/02/2022	Virtual Payment	0.00	1,332.00	APA000205
00222	M.J. Murphy	02/02/2022	Virtual Payment	0.00	16.15	APA000206
00259	Marina Coast Water District	02/02/2022	Virtual Payment	0.00	1,151.83	APA000207
07418	McMaster-Carr	02/02/2022	Virtual Payment	0.00	47.44	APA000208
00118	Monterey Bay Carpet & Janitorial Svc	02/02/2022	Virtual Payment	0.00	1,260.00	APA000209
00274	Monterey One Water	02/02/2022	Virtual Payment	0.00	864,979.45	APA000210
13396	Navia Benefit Solutions, Inc.	02/02/2022	Virtual Payment	0.00	778.00	APA000211
00755	Peninsula Welding Supply, Inc.	02/02/2022	Virtual Payment	0.00	64.50	APA000212
00262	Pure H2O	02/02/2022	Virtual Payment	0.00	65.54	APA000213
20185	The Marketing Department, Inc.	02/02/2022	Virtual Payment	0.00	10,975.60	APA000214
17965	The Maynard Group	02/02/2022	Virtual Payment	0.00	1,525.35	APA000215
00203	ThyssenKrup Elevator	02/02/2022	Virtual Payment	0.00	686.64	APA000216
00207	Universal Staffing Inc.	02/02/2022	Virtual Payment	0.00	972.80	APA000217
01000	A&B Fire Protection & Safety, Inc.	02/10/2022	Virtual Payment	0.00	317.17	APA000218
00010	Access Monterey Peninsula	02/10/2022	Virtual Payment	0.00	1,750.00	APA000277
00983	Beverly Chaney	02/10/2022	Virtual Payment	0.00	63.00	APA000278
01001	CDW Government	02/10/2022	Virtual Payment	0.00	745.78	APA000279
12655	Graphicsmiths	02/10/2022	Virtual Payment	0.00	301.60	APA000280
09927	Hach Company	02/10/2022	Virtual Payment	0.00	2,082.31	APA000281
00083	Hayashi & Wayland Accountancy Corp.	02/10/2022	Virtual Payment	0.00	11,500.00	APA000282
22159	Joel Pablo	02/10/2022	Virtual Payment	0.00	43.00	APA000283
00094	John Arriaga	02/10/2022	Virtual Payment	0.00	3,200.00	APA000284
06999	KBA Docusys	02/10/2022	Virtual Payment	0.00	18,138.36	APA000285
05830	Larry Hampson	02/10/2022	Virtual Payment	0.00	1,010.56	APA000286
00222	M.J. Murphy	02/10/2022	Virtual Payment	0.00	62.11	APA000287
00242	MBAS	02/10/2022	Virtual Payment	0.00	1,295.00	APA000288
07418	McMaster-Carr	02/10/2022	Virtual Payment	0.00	134.62	APA000289
19448	Monroe Stone Insurance Solutions, Inc.	02/10/2022	Virtual Payment	0.00	29.75	APA000290
00274	Monterey One Water	02/10/2022	Virtual Payment	0.00	204.61	APA000291
00154	Peninsula Messenger Service	02/10/2022	Virtual Payment	0.00	713.00	APA000292
13430	Premiere Global Services	02/10/2022	Virtual Payment	0.00	17.35	APA000293
00176	Sentry Alarm Systems	02/10/2022	Virtual Payment	0.00	160.16	APA000294
04709	Sherron Forsgren	02/10/2022	Virtual Payment	0.00	976.80	APA000295
19700	Shute, Mihaly & Weinberger LLP	02/10/2022	Virtual Payment	0.00	1,701.00	APA000296
04719	Telit lo T Platforms, LLC	02/10/2022	Virtual Payment	0.00	1,137.08	APA000297
09425	The Ferguson Group LLC	02/10/2022	Virtual Payment	0.00	8,000.00	APA000298
00024	Three Amigos Pest Control DBA Central Coast Exte	02/10/2022	Virtual Payment	0.00	104.00	APA000299
00225	Trowbridge Enterprises Inc.	02/10/2022	Virtual Payment	0.00	216.99	APA000300
00207	Universal Staffing Inc.	02/10/2022	Virtual Payment	0.00	972.80	APA000301
00271	UPEC, Local 792	02/10/2022	Virtual Payment	0.00	970.00	APA000302
04707	VertiGIS	02/10/2022	Virtual Payment	0.00	5,464.00	APA000303
20230	Zoom Video Communications Inc	02/10/2022	Virtual Payment	0.00	448.69	APA000304
00763	ACWA-JPIA	02/17/2022	Virtual Payment	0.00	313.98	APA000306
00767	AFLAC	02/17/2022	Virtual Payment	0.00	869.48	APA000307
01188	Alhambra	02/17/2022	Virtual Payment	0.00	119.10	APA000308
01015	American Lock & Key	02/17/2022	Virtual Payment	0.00	23.49	APA000309
00028	Colantuono, Highsmith, & Whatley, PC	02/17/2022	Virtual Payment	0.00	11,286.50	APA000310
06001	Cypress Coast Ford	02/17/2022	Virtual Payment	0.00	179.73	APA000311
18734	DeVeera Inc.	02/17/2022	Virtual Payment	0.00	187.41	APA000312
02660	Forestry Suppliers Inc.	02/17/2022	Virtual Payment	0.00	337.26	APA000313
00986	Henrietta Stern	02/17/2022	Virtual Payment	0.00	1,332.00	APA000314
08828	Johnson Construction Enterprise LLC	02/17/2022	Virtual Payment	0.00	750.00	APA000315
00022	Joseph T. King	02/17/2022	Virtual Payment	0.00	2,030.00	APA000316
05830	Larry Hampson	02/17/2022	Virtual Payment	0.00	912.30	APA000317
13431	Lynx Technologies, Inc	02/17/2022	Virtual Payment	0.00	2,625.00	APA000318

Check Report **Date Range: 02/01/2022 - 02/28/2022**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
13396	Navia Benefit Solutions, Inc.	02/17/2022	Virtual Payment	0.00	700.83	APA000319
05053	Pacific Smog	02/17/2022	Virtual Payment	0.00	39.75	APA000320
00755	Peninsula Welding Supply, Inc.	02/17/2022	Virtual Payment	0.00	65.69	APA000321
18739	Reiff Manufacturing	02/17/2022	Virtual Payment	0.00	40,350.00	APA000322
00176	Sentry Alarm Systems	02/17/2022	Virtual Payment	0.00	125.50	APA000323
02838	Solinst Canada Ltd	02/17/2022	Virtual Payment	0.00	1,292.00	APA000324
04719	Telit lo T Platforms, LLC	02/17/2022	Virtual Payment	0.00	244.25	APA000325
09351	Tetra Tech, Inc.	02/17/2022	Virtual Payment	0.00	5,338.83	APA000326
00207	Universal Staffing Inc.	02/17/2022	Virtual Payment	0.00	972.80	APA000327
04348	Water Education Foundation	02/17/2022	Virtual Payment	0.00	1,000.00	APA000328
01015	American Lock & Key	02/24/2022	Virtual Payment	0.00	39.88	APA000329
00760	Andy Bell	02/24/2022	Virtual Payment	0.00	631.00	APA000330
00281	CoreLogic Information Solutions, Inc.	02/24/2022	Virtual Payment	0.00	1,488.56	APA000331
04041	Cynthia Schmidlin	02/24/2022	Virtual Payment	0.00	948.63	APA000332
00046	De Lay & Laredo	02/24/2022	Virtual Payment	0.00	27,808.20	APA000333
00192	Extra Space Storage	02/24/2022	Virtual Payment	0.00	973.00	APA000334
00758	FedEx	02/24/2022	Virtual Payment	0.00	201.25	APA000335
02656	Graniterock	02/24/2022	Virtual Payment	0.00	172.61	APA000336
00277	Home Depot Credit Services	02/24/2022	Virtual Payment	0.00	229.88	APA000337
03857	Joe Oliver	02/24/2022	Virtual Payment	0.00	1,332.00	APA000338
22332	Leigh & Clare Rodney	02/24/2022	Virtual Payment	0.00	640.16	APA000339
00222	M.J. Murphy	02/24/2022	Virtual Payment	0.00	102.91	APA000340
13396	Navia Benefit Solutions, Inc.	02/24/2022	Virtual Payment	0.00	700.83	APA000341
07627	Purchase Power	02/24/2022	Virtual Payment	0.00	500.00	APA000342
13394	Regional Government Services	02/24/2022	Virtual Payment	0.00	1,458.30	APA000343
09425	The Ferguson Group LLC	02/24/2022	Virtual Payment	0.00	72.89	APA000344
20185	The Marketing Department, Inc.	02/24/2022	Virtual Payment	0.00	12,750.00	APA000345
00024	Three Amigos Pest Control DBA Central Coast Exte	02/24/2022	Virtual Payment	0.00	104.00	APA000346
00225	Trowbridge Enterprises Inc.	02/24/2022	Virtual Payment	0.00	350.63	APA000347
00269	U.S. Bank	02/24/2022	Virtual Payment	0.00	8,795.16	APA000348
08105	Yolanda Munoz	02/24/2022	Virtual Payment	0.00	540.00	APA000349
			Total Virtual Payment:	**0.00**	**1,085,457.49**	

Check Report **Date Range: 02/01/2022 - 02/28/2022**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Bank Draft						
00993	Harris Court Business Park	02/25/2022	Bank Draft	0.00	-400.14	DFT0002184
00993	Harris Court Business Park	02/25/2022	Bank Draft	0.00	-364.38	DFT0002185
00252	Cal-Am Water	02/03/2022	Bank Draft	0.00	137.78	DFT0002233
00252	Cal-Am Water	02/03/2022	Bank Draft	0.00	80.57	DFT0002234
00277	Home Depot Credit Services	02/03/2022	Bank Draft	0.00	118.92	DFT0002235
00282	PG&E	02/03/2022	Bank Draft	0.00	10.52	DFT0002236
00266	I.R.S.	02/11/2022	Bank Draft	0.00	12,670.44	DFT0002238
00266	I.R.S.	02/11/2022	Bank Draft	0.00	2,629.10	DFT0002239
00267	Employment Development Dept.	02/11/2022	Bank Draft	0.00	5,203.55	DFT0002240
00266	I.R.S.	02/11/2022	Bank Draft	0.00	487.34	DFT0002241
00252	Cal-Am Water	02/10/2022	Bank Draft	0.00	162.17	DFT0002242
00282	PG&E	02/10/2022	Bank Draft	0.00	37.34	DFT0002243
00282	PG&E	02/10/2022	Bank Draft	0.00	25.39	DFT0002244
18163	Wex Bank	02/10/2022	Bank Draft	0.00	1,937.22	DFT0002245
00769	Laborers Trust Fund of Northern CA	02/10/2022	Bank Draft	0.00	26,859.00	DFT0002246
00267	Employment Development Dept.	02/17/2022	Bank Draft	0.00	450.00	DFT0002248
06268	Comcast	02/17/2022	Bank Draft	0.00	254.20	DFT0002249
00277	Home Depot Credit Services	02/17/2022	Bank Draft	0.00	66.03	DFT0002250
00277	Home Depot Credit Services	02/17/2022	Bank Draft	0.00	-66.03	DFT0002250
00282	PG&E	02/17/2022	Bank Draft	0.00	1,525.22	DFT0002251
00282	PG&E	02/17/2022	Bank Draft	0.00	10.51	DFT0002252
00266	I.R.S.	02/17/2022	Bank Draft	0.00	55.02	DFT0002253
00266	I.R.S.	02/17/2022	Bank Draft	0.00	86.14	DFT0002254
00266	I.R.S.	02/17/2022	Bank Draft	0.00	368.28	DFT0002255
00266	I.R.S.	02/25/2022	Bank Draft	0.00	12,615.27	DFT0002257
00266	I.R.S.	02/25/2022	Bank Draft	0.00	2,624.44	DFT0002258
00267	Employment Development Dept.	02/25/2022	Bank Draft	0.00	5,209.36	DFT0002259
00266	I.R.S.	02/25/2022	Bank Draft	0.00	518.14	DFT0002260
00277	Home Depot Credit Services	02/24/2022	Bank Draft	0.00	64.82	DFT0002261
00282	PG&E	02/24/2022	Bank Draft	0.00	1,932.96	DFT0002262
00282	PG&E	02/24/2022	Bank Draft	0.00	1,504.48	DFT0002263
00221	Verizon Wireless	02/24/2022	Bank Draft	0.00	1,273.72	DFT0002264
00768	ICMA	02/25/2022	Bank Draft	0.00	4,151.59	DFT0002267
00766	Standard Insurance Company	02/24/2022	Bank Draft	0.00	1,359.50	DFT0002275
00768	ICMA	02/11/2022	Bank Draft	0.00	3,901.59	DFT0002280
00256	PERS Retirement	02/15/2022	Bank Draft	0.00	15,582.48	DFT0002281
			Total Bank Draft:	**0.00**	**103,082.54**	

Bank Code APBNK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	12	7	0.00	3,798.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	40	36	0.00	103,082.54
EFT's	0	0	0.00	0.00
Virtual Payments	142	91	0.00	1,085,457.49
	194	**134**	**0.00**	**1,192,338.19**

Check Report **Date Range: 02/01/2022 - 02/28/2022**

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: REBATES-02-Rebates: Use Only For Rebates						
Payment Type: Virtual Payment						
22001	Anita Melvin	02/17/2022	Virtual Payment	0.00	625.00	APA000305
			Total Virtual Payment:	**0.00**	**625.00**	

Bank Code REBATES-02 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
Virtual Payments	1	1	0.00	625.00
	1	**1**	**0.00**	**625.00**

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	12	7	0.00	3,798.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	40	36	0.00	103,082.54
EFT's	0	0	0.00	0.00
Virtual Payments	143	92	0.00	1,086,082.49
	195	**135**	**0.00**	**1,192,963.19**

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	2/2022	1,192,963.19
			1,192,963.19

EXHIBIT 3-C

Payroll Bank Transaction Report

Monterey Peninsula Water Management Dist

By Payment Number

Date: 2/1/2022 - 2/28/2022

Payroll Set: 01 - Monterey Peninsula Water Management District

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
6316	02/11/2022	Regular	1077	Pablo, Joel G	0.00	2,128.57	2,128.57
6317	02/11/2022	Regular	1024	Stoldt, David J	0.00	6,060.03	6,060.03
6318	02/11/2022	Regular	1044	Bennett, Corryn D	0.00	2,002.95	2,002.95
6319	02/11/2022	Regular	1078	Mossbacher, Simona F	0.00	2,194.22	2,194.22
6320	02/11/2022	Regular	1018	Prasad, Suresh	0.00	3,944.72	3,944.72
6321	02/11/2022	Regular	1019	Reyes, Sara C	0.00	2,013.52	2,013.52
6322	02/11/2022	Regular	1042	Hamilton, Maureen C.	0.00	3,414.11	3,414.11
6323	02/11/2022	Regular	6063	Hampson, Larry M	0.00	2,422.30	2,422.30
6324	02/11/2022	Regular	1011	Lear, Jonathan P	0.00	4,369.60	4,369.60
6325	02/11/2022	Regular	1012	Lindberg, Thomas L	0.00	2,775.00	2,775.00
6326	02/11/2022	Regular	1080	Steinmetz, Cory S	0.00	2,253.70	2,253.70
6327	02/11/2022	Regular	1045	Atkins, Daniel N	0.00	2,239.43	2,239.43
6328	02/11/2022	Regular	1004	Chaney, Beverly M	0.00	2,789.97	2,789.97
6329	02/11/2022	Regular	1005	Christensen, Thomas T	0.00	3,816.86	3,816.86
6330	02/11/2022	Regular	1079	Gallagher, Riley M	0.00	2,493.07	2,493.07
6331	02/11/2022	Regular	1007	Hamilton, Cory R	0.00	2,359.24	2,359.24
6332	02/11/2022	Regular	6078	Kneemeyer, Cinthia A	0.00	599.17	599.17
6333	02/11/2022	Regular	1048	Lumas, Eric M	0.00	2,022.29	2,022.29
6334	02/11/2022	Regular	1001	Bravo, Gabriela D	0.00	2,727.73	2,727.73
6335	02/11/2022	Regular	1076	Jakic, Tricia	0.00	2,564.69	2,564.69
6336	02/11/2022	Regular	1010	Kister, Stephanie L	0.00	2,679.17	2,679.17
6337	02/11/2022	Regular	1017	Locke, Stephanie L	0.00	3,597.39	3,597.39
6338	02/11/2022	Regular	1040	Smith, Kyle	0.00	2,580.12	2,580.12
6339	02/17/2022	Regular	7015	Adams, Mary L	0.00	239.07	239.07
6340	02/17/2022	Regular	7020	Anderson, Amy E	0.00	623.36	623.36
6341	02/17/2022	Regular	7019	Paull, Karen P	0.00	374.02	374.02
6342	02/17/2022	Regular	7018	Riley, George T	0.00	374.02	374.02
6343	02/25/2022	Regular	1077	Pablo, Joel G	0.00	2,128.58	2,128.58
6344	02/25/2022	Regular	1024	Stoldt, David J	0.00	6,060.03	6,060.03
6345	02/25/2022	Regular	1044	Bennett, Corryn D	0.00	2,002.95	2,002.95
6346	02/25/2022	Regular	1078	Mossbacher, Simona F	0.00	2,194.22	2,194.22
6347	02/25/2022	Regular	1018	Prasad, Suresh	0.00	3,944.72	3,944.72
6348	02/25/2022	Regular	1019	Reyes, Sara C	0.00	2,013.53	2,013.53
6349	02/25/2022	Regular	1042	Hamilton, Maureen C.	0.00	3,414.12	3,414.12
6350	02/25/2022	Regular	6063	Hampson, Larry M	0.00	2,867.97	2,867.97
6351	02/25/2022	Regular	1011	Lear, Jonathan P	0.00	4,369.61	4,369.61
6352	02/25/2022	Regular	1012	Lindberg, Thomas L	0.00	2,775.01	2,775.01
6353	02/25/2022	Regular	1080	Steinmetz, Cory S	0.00	2,084.30	2,084.30
6354	02/25/2022	Regular	1045	Atkins, Daniel N	0.00	2,126.46	2,126.46
6355	02/25/2022	Regular	1004	Chaney, Beverly M	0.00	2,789.97	2,789.97
6356	02/25/2022	Regular	1005	Christensen, Thomas T	0.00	3,816.87	3,816.87
6357	02/25/2022	Regular	1079	Gallagher, Riley M	0.00	2,334.74	2,334.74
6358	02/25/2022	Regular	1007	Hamilton, Cory R	0.00	2,359.25	2,359.25
6359	02/25/2022	Regular	6078	Kneemeyer, Cinthia A	0.00	219.79	219.79
6360	02/25/2022	Regular	1048	Lumas, Eric M	0.00	2,022.30	2,022.30
6361	02/25/2022	Regular	1001	Bravo, Gabriela D	0.00	2,727.75	2,727.75
6362	02/25/2022	Regular	1076	Jakic, Tricia	0.00	2,564.70	2,564.70
6363	02/25/2022	Regular	1010	Kister, Stephanie L	0.00	2,679.18	2,679.18
6364	02/25/2022	Regular	1017	Locke, Stephanie L	0.00	3,597.39	3,597.39
6365	02/25/2022	Regular	1040	Smith, Kyle	0.00	2,580.13	2,580.13
40641	02/17/2022	Regular	7009	Edwards, Alvin	703.28	0.00	703.28
40642	02/17/2022	Regular	7021	Malek, Safwat	374.02	0.00	374.02
				Total:	**1,077.30**	**129,331.89**	**130,409.19**

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH FEBRUARY 28, 2022

	Mitigation	Conservation	Water Supply	Current Period Activity	FY 2021/2022 Year-to-Date Actual	FY 2021/2022 Annual Budget	Prior FY Year-to-Date Actual
REVENUES							
Property taxes	$ -	$ -	$ -	$ -	$ 1,297,364	$ 2,200,000	$ 1,236,027
Water supply charge			-	-	2,031,182	3,400,000	2,028,469
User fees	763,109	296,836	177,582	1,237,528	3,506,149	5,000,000	3,654,297
Mitigation revenue	-			-	-	-	-
PWM Water Sales			792,459	792,459	6,297,547	9,828,000	2,891,512
Capacity fees			34,548	34,548	362,537	400,000	297,433
Permit fees	-	17,378		17,378	158,388	198,000	119,443
Investment income	-	-	-	-	10,012	130,000	11,078
Miscellaneous	-	-	-	-	19,120	15,000	9,862
Sub-total district revenues	**763,109**	**314,214**	**1,004,590**	**2,081,913**	**13,682,299**	**21,171,000**	**10,248,122**
Project reimbursements	-	-	-	-	1,137,317	1,802,100	713,224
Legal fee reimbursements		750		750	2,850	16,000	1,456
Grants	-	-	-	-	338,823	2,335,200	82,253
Recording fees		4,070		4,070	36,410	10,400	27,385
Sub-total reimbursements	**-**	**4,820**	**-**	**4,820**	**1,515,400**	**4,163,700**	**824,318**
From Reserves	-	-	-	-	-	4,269,000	-
Total revenues	**763,109**	**319,034**	**1,004,590**	**2,086,733**	**15,197,699**	**29,603,700**	**11,072,440**
EXPENDITURES							
Personnel:							
Salaries	70,519	37,727	82,534	190,780	1,694,174	2,611,200	1,622,535
Retirement	6,146	3,597	7,647	17,390	609,373	707,100	550,837
Unemployment Compensation	-	-	-	-	450	12,000	2,584
Auto Allowance	92	92	277	462	3,854	6,000	3,878
Deferred Compensation	151	151	454	757	6,321	10,000	6,193
Temporary Personnel	1,556	1,012	1,323	3,891	23,919	50,000	-
Workers Comp. Ins.	2,879	212	2,078	5,168	47,048	66,800	39,706
Employee Insurance	15,229	8,458	14,488	38,176	302,815	506,900	300,303
Medicare & FICA Taxes	1,408	654	1,409	3,470	29,846	43,600	31,030
Personnel Recruitment	-	-	-	-	743	3,000	-
Other benefits	40	26	34	100	1,478	2,000	1,478
Staff Development	-	125	-	125	1,825	32,800	3,101
Sub-total personnel costs	**98,022**	**52,054**	**110,244**	**260,320**	**2,721,846**	**4,051,400**	**2,561,643**
Services & Supplies:							
Board Member Comp	1,470	1,470	1,515	4,455	22,140	34,000	25,785
Board Expenses	168	109	143	421	2,856	8,000	4,073
Rent	1,012	253	953	2,218	16,894	24,200	17,040
Utilities	983	609	842	2,434	20,380	33,200	18,565
Telephone	1,669	925	1,002	3,596	29,249	50,000	35,208
Facility Maintenance	1,034	672	879	2,585	24,709	56,600	40,718
Bank Charges	773	502	432	1,706	22,318	15,000	11,600
Office Supplies	302	252	221	775	6,794	19,000	8,868
Courier Expense	312	266	203	781	4,734	6,000	3,031
Postage & Shipping	321	209	273	804	2,659	5,900	2,074
Equipment Lease	357	227	288	872	7,795	23,000	8,281
Equip. Repairs & Maintenance	386	251	328	964	1,870	7,000	1,621
Photocopy Expense				-			
Printing/Duplicating/Binding	1	0	1	2	2	500	59
IT Supplies/Services	3,501	2,276	2,976	8,752	196,444	231,000	175,030
Operating Supplies	893	1,354	-	2,247	17,078	16,700	2,425
Legal Services	3,333	3,624	4,373	11,329	192,753	400,000	175,396

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE MONTH FEBRUARY 28, 2022

	Mitigation	Conservation	Water Supply	Current Period Activity	FY 2021/2022 Year-to-Date Actual	FY 2021/2022 Annual Budget	Prior FY Year-to-Date Actual
Professional Fees	12,660	8,229	10,761	31,650	239,217	455,000	219,525
Transportation	2,509	25	561	3,096	22,923	30,000	13,938
Travel	27	-	-	27	3,483	19,600	3,247
Meeting Expenses	529	344	450	1,324	11,181	16,600	7,875
Insurance	4,461	2,900	3,792	11,153	89,271	134,000	67,121
Legal Notices	-	-	-	-	-	3,100	-
Membership Dues	400	260	340	1,000	31,744	35,400	30,112
Public Outreach	-	-	-	-	1,115	2,600	250
Assessors Administration Fee	-	-	-	-	-	30,000	-
Miscellaneous	-	-	-	-	387	3,100	386
Sub-total services & supplies costs	**37,102**	**24,757**	**30,332**	**92,191**	**967,996**	**1,659,500**	**872,228**
Project expenditures	114,802	6,025	810,646	931,473	9,848,397	21,755,000	7,463,787
Fixed assets	-	-	-	-	94,011	298,500	34,270
Contingencies	-	-	-	-	-	70,000	-
Election costs	-	-	-	-	-	-	-
Debt service: Principal				-			
Debt service: Interest	-	-	2	2	52,387	230,000	62,231
Flood drought reserve	-	-	-	-	-	-	-
Capital equipment reserve	-	-	-	-	-	339,300	-
General fund balance	-	-	-	-	-	500,000	-
Debt Reserve	-	-	-	-	-	500,000	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Other				-			
Sub-total other	**114,802**	**6,025**	**810,648**	**931,475**	**9,994,795**	**23,892,800**	**7,560,288**
Total expenditures	**249,926**	**82,836**	**951,225**	**1,283,986**	**13,684,636**	**29,603,700**	**10,994,159**
Excess (Deficiency) of revenues over expenditures	**$ 513,184**	**$ 236,198**	**$ 53,365**	**$ 802,747**	**$ 1,513,063**	**$ -**	**$ 78,280**

ITEM: CONSENT CALENDAR

4. CONSIDER INCREASE OF FUNDS FOR CONSULTANT SERVICES FOR SLEEPY HOLLOW STEELHEAD REARING FACILITY MONITORING AND CONTROL SYSTEMS

Meeting Date:	**April 18, 2022**	**Budgeted:**	**Yes**
From:	**David J. Stoldt, General Manager**	**Program/**	**Protect Environmental Quality**
		Line Item No.:	**2-3-1-N**
Prepared By:	**Thomas Christensen**	**Cost Estimate:**	**$ 8,060**

General Counsel Review: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022 and recommended approval.
CEQA Compliance: Exempt under §15262.

SUMMARY: This item is to authorize an increase of $8,060 for the agreement with Telemetrix (TMX) to provide up to 100 hours of consultant service to assist staff with operations and troubleshooting, maintain a web service to provide remote access to on site controls, provide telecommunications, provide 24-hour alarm monitoring, and to provide operational monitoring data at the Sleepy Hollow Steelhead Rearing Facility (Facility) in Carmel Valley.

RECOMMENDATION: The Administrative Committee recommends that the Board authorize the General Manager to amend an agreement with Telemetrix, Inc. for consultant services in an amount not-to-exceed $8,060. If this item is approved, the not-to-exceed amount would be $26,000.

DISCUSSION: At their July 19, 2021 meeting, the Board authorized entering into an agreement with Telemetrix (TMX) to provide technical support for a one-year period for the Programmable Logic Controller (PLC) that monitors and controls most functions of the Facility. At the time TMX made a proposal for services, the District requirement for consultant liability insurance for this Facility was set at a minimum of $2 million. Subsequently, based on District Counsel recommendation, the District determined that due to the value of improvements at the Facility, the proposed work would require a $5 million policy. The annual cost to the consultant for obtaining the policy was just over $9,000, which significantly reduced the budget for providing technical support and web services.

IMPACTS ON STAFF AND RESOURCES: The mid-year budget adjustment adopted on February 24, 2022 includes $26,000 in funds for this work under Sleepy Hollow Operations Budget Program line item 2-3-1-N Operations Consultant with Web Support. The work would be performed under the direction of District staff involved with Sleepy Hollow Facility operations.

EXHIBIT
None

ITEM: CONSENT CALENDAR

5. DECLARATION OF SURPLUS ASSETS

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt** **General Manager**	**Program/** **Line Item No.:**	**N/A**
Prepared By:	**Suresh Prasad**	**Cost Estimate:**	**N/A**

General Counsel Approval: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022 and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: In accordance with Article 16, Section 6 of the California Constitution, the Monterey Peninsula Water Management District (District), as a public entity, may dispose of property that it no longer needs provided that such property is transferred for fair and adequate value. The District may establish its own internal controls to ensure that value is accurately assessed. In the event the excess property has no value, the District may establish its own rules and protocol for disposal. On July 21, 2003, the Board of Directors adopted a Policy Regarding Disposal of Surplus Property. The guidelines set forth in the District's policy state that Surplus District property that is determined to have no value may be donated to a non-profit organization that is willing to accept it or disposed of at a landfill or by other appropriate manner. Items listed on **Exhibit 5-A** have been determined to be of no value and needs to be declared as surplus.

RECOMMENDATION: The Administrative Committee recommends that the Board declare the items listed on **Exhibit 5-A** as surplus assets to be either donated or disposed at the Monterey Regional Waste Management District.

EXHIBIT
5-A Surplus List

EXHIBIT 5-A

	DESCRIPTION	SERIAL NO.
1	Chainsaw: Stihl Pro MS260	0000 967 3697 SAL
2	Reliance Electrical Pump/Duty Master AC Motor Model #: P25G3704L	1971089616
3	Reliance Electrical Pump/Duty Master AC Motor Model #: P21G2702E	(no serial tag)
4	Pentax Total Station (PTS-10)	741754
5	Tonneau Cover	N/A
6	Netgear Router (2 qty)	N/A
7	Computer keyboard	N/A
8	Pentax Charger	N/A
9	Data Logger	N/A
10	Two-line speaker phone	N/A
11	Norstar telephone	N/A
12	Fax ATA router	N/A
13	Microphones and cables (3 qty)	N/A
14	Tape recorder	N/A
15	Cables and computer chargers (various)	N/A
16	Tripplite battery backups (qty 2)	N/A
17	Tripplite APC battery backups (qty 3)	N/A
18	Norstar modules (qty 4)	N/A
19	Desktop scanner	N/A
20	HP laptop	584037-001
21	Gateway laptop	31210830934
22	Smithroot battery charger	25312
23	HP printer CP2025 color laserjet	CNBST00005
24	ASUS monitor	D7LMTF227863
25	HUMAX Digital video recorder	T800 (Model No.)
26	Samsung monitor	MY24H9LB500271D
27	Planar monitor	25B231700095
28	Samsung monitor	HU24HCGQ600309F
29	LG monitor	404KGTV91025
30	LG monitor	905NDJX7N844
31	T5 Flushmeter	N/A
32	Hard drive	16244041700218
33	Acer monitor	04803705542
34	Staples mini shredder	FK11018781
35	Server	ASO847231132
36	Server	ASO846231491
37	Memotec	00708
38	Desk chair	N/A
39	Server rack and shelving	N/A

ITEM: CONSENT CALENDAR

6. RECEIVE AND FILE DISTRICT-WIDE ANNUAL WATER DISTRIBUTION SYSTEM PRODUCTION SUMMARY REPORT FOR WATER YEAR 2021

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David Stoldt, General Manager**	**Program/ Line Item No.:**	**Hydrologic Monitoring N/A**
Prepared By:	**Thomas Lindberg**	**Cost Estimate:**	**N/A**

General Counsel Approval: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Staff has prepared the draft Water Production Summary Report for Water Distribution Systems (WDSs) within the Monterey Peninsula Water Management District (District) for Water Year (WY) 2021. WY 2021 covers the 12-month period from October 1, 2020 through September 30, 2021. Preliminary computations indicate that 10,336 acre-feet (AF) of water were produced by the 151 recognized WDSs in the District during WY 2021. In general, recognized WDSs refer to systems that either: (a) have received a WDS permit, or (b) have been confirmed as a pre-existing system prior to District rules that expanded WDS permitting requirements. The California American Water (Cal-Am) Main System, which is the largest WDS in the District, accounted for 9,408 AF or approximately 91% of the total production reported by WDSs in WY 2021.

RECOMMENDATION: This report is for informational purposes only. The Board should review the draft summary report and provide staff with any comments or questions. Staff will complete and file the final report, incorporating any late revisions, if this item is approved with the Consent Calendar.

BACKGROUND: All owners and operators of WDSs within the District are required to annually submit water production information to the District. In 1980, District Ordinance No. 1 defined a WDS as *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 any connection including all water-gathering facilities and water-measuring devices*. Therefore, all wells within the District are considered to be WDSs. However, until the adoption of Ordinance No. 96 in 2001, only multiple-parcel WDSs were required to obtain a permit from the District. Other refinements to the Rules and Regulations governing WDSs were added with the adoption of Ordinance No. 105 in 2002; Ordinance No. 106 in 2003; Ordinance No. 118 in 2005; Ordinance No. 122 in 2006; Ordinance 160 in 2014; and Ordinance 175 in 2016. For the fourth consecutive year, no new WDSs were established, although 19 Requests for Confirmation of Exemption were approved during in WY 2021.

Each WDS must report the amount of water produced and where required, the amount of water delivered, in addition to the number of existing and new connections served during the reporting period. The information for WY 2021 is summarized in **Exhibit 6-A**. The WDSs shown are grouped by source area. This information is also incorporated into the District-Wide Water Production Summary Report, presented as the following item of the Consent Calendar of this packet. For comparative purposes, the Annual WDS Production Summary Report for WY 2020 is provided as **Exhibit 6-B**.

In WY 2021, 66 AF that was produced by Cal-Am wells in Carmel Valley was delivered to the Aquifer Storage and Recovery (ASR) project for injection into the Seaside Groundwater Basin. No ASR project water was recovered from the Seaside Groundwater Basin and delivered for customer service to the Cal-Am. 3,027 AF were recovered from the Pure Water Monterey Project for delivery to Cal-Am customer service in WY 2021.

Production figures for three WDSs -- Bishop, Ryan Ranch, and Hidden Hills Units -- are reported separately from the Cal-Am main system, although Cal-Am owns and operates each of these satellite units. The Ryan Ranch Unit was acquired and annexed into the Cal-Am system in November 1989. The Hidden Hills Unit, which formerly reported as the Carmel Valley Mutual Water Company, was acquired and annexed into the Cal-Am system in March 1993. The Bishop Unit, which has been operated by Cal-Am since September 1996, was acquired and annexed into the Cal-Am system in July 1999. Although water production and delivery values for the Bishop, Hidden Hills and Ryan Ranch Units are reported separately from the values for Cal-Am's Main System in this report, they are included in Cal-Am's total production in the District-wide Production Summary Report (**Exhibit 7-A**) as "Cal-Am Wells Within the Water Resources System". An amendment to the Cal-Am WDS in WY2021 allowed for the delivery of 0.55 AF per year from the Mal Paso Entitlement to two parcels in Carmel Valley (Moo Land). Two amendments to the Cal-Am WDS approved in WY2020, allowed for a permanent interconnection between Cal-Am's Main System and their Bishop and Ryan Ranch Units, and permitted delivery of water from the Main System to the Bishop/McIntosh subdivision. No water was transferred from the Main System to Ryan Ranch Unit or the Bishop Unit in WY 2021. 2.13 AF of water was transferred from the Hidden Hills Unit to the Toro System in WY 2021.

Three systems operated by the Cañada Woods Water Company (CWWC) are tracked separately in this report but are part of an interconnected system. Cañada Woods Alluvial, Cañada Woods Upland and Monterra Ranch WDSs have been merged into the CWWC WDS since WY 2005, although they are still reported separately here to facilitate comparisons from one year to another. Production shown in **Exhibit 6-A** for Monterra Ranch includes water produced from wells that was sent to the system's reverse osmosis (RO) desalination plant and un-treated water that was produced for non-potable purposes. Consumption losses for the CWWC include water line flushing and unmetered construction and irrigation uses. Beginning in WY 2010, the system loss calculation was revised by CWWC to present a single composite system loss value.

One additional WDS that was not previously tracked on this list was amended in WY2021. The Wolter Properties LLC was amended to allow 39.41 AF per year to be delivered from its wells to nine parcels in Carmel Valley.

District-wide - Total WDS production within the District for WY 2021 was 10,354 AF. Of this total, the Cal-Am Main System (including the Bishop, Hidden Hills and Ryan Ranch Units) accounted for 91% of the water produced by WDSs within the District. The other 147 systems accounted for the remaining nine percent of production. Total WDS production for WY 2021 is 17 AF (0.2%) less than the production reported for WY 2020. During WY 2021, Cal-Am's Main System production decreased by 59 AF (0.6%), while reported non-Cal-Am WDS production decreased by 178 AF (16.1%), relative to production in WY 2020.

Monterey Peninsula Water Resources System (MPWRS) - Total WDS production from the MPWRS, which includes the Carmel River and its tributaries, the Carmel Valley Alluvial Aquifer, the Seaside Groundwater Basin was 9,983 AF in WY 2021. The comparisons below include production from Cal-Am's satellite systems (Bishop, Hidden Hills and Ryan Ranch Units) that derive their source of supply from the Laguna Seca Subarea (LSS) of the Seaside Groundwater Basin. The LSS was added to the MPWRS with the adoption of Ordinance No. 135 on September 22, 2008. Total WDS production within the MPWRS decreased by 40 AF (0.4%) in WY 2021 compared to production in WY 2020. In WY 2021, production by Cal-Am from within the MPWRS (including Bishop, Hidden Hills and Ryan Ranch Units) decreased by 9 AF (0.1%) and the combined production from 23 other active systems within the MPWRS decreased by 49 AF (11.7%), relative to production reported for WY 2020.

6-A Water Production Summary Report for Water Distribution Systems for Water Year 2021
6-B Water Production Summary Report for Water Distribution Systems for Water Year 2020

EXHIBIT 6-A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
WATER DISTRIBUTION SYSTEM REPORT - WATER YEAR 2021

					CONNECTIONS				
SYSTEM	REPORTING METHOD	PRODUCTION (AF)	DELIVERY (AF)	UNACCOUNTED (%)	ACTIVE	AVG. PROD./ CONNECTION (AF)	AVG. DEL./ CONNECTION (AF)	NEW	SOURCE AREA
CAW (CAL-AM) Main System	WM	9,408.23	8,543.82	9.2%	37,764	0.25	0.23	41	AS1-4, SCS
SEASIDE MUNI	WM	175.16	150.41	14.1%	780	0.22	0.19	1	SCS
MPWMD ASR-1	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	SCS
MONTEREY BAY SHORES	WM	0.00	N.A.	0.0%	0	0.00	0.0	0	SCS
ABADIR (A)	WM	0.00	N.A.	0.0%	0	0.00	0.00	0	AS2
ABADIR C (MANSON)	WM	0.03	N.A.	N.A.	1	0.03	N.A.	0	AS2
ANIMAL FARM	WM	1.03	N.A.	N.A.	1	1.03	N.A.	0	AS2
CARMEL VALLEY ROAD II	WM	2.34	N.A.	N.A.	4	0.59	N.A.	0	AS2
CHANEY/SCHAFFER	LU	0.29	N.A.	N.A.	2	0.15	N.A.	0	AS2
FAIR WEATHER	LU	1.31	N.A.	N.A.	2	0.66	N.A.	0	AS2
GOOD NEIGHBOR	LU	1.23	N.A.	N.A.	2	0.62	N.A.	0	AS2
JONES	LU	2.72	N.A.	N.A.	1	2.72	N.A.	0	AS2
AIELLO	WM	0.21	N.A.	N.A.	1	0.21	N.A.	0	AS3
ALADWELL (ADDISON)	WM	2.62	N.A.	N.A.	2	1.31	N.A.	0	AS3
ALL SAINTS	WM	0.43	N.A.	N.A.	1	0.43	N.A.	0	AS3
CANADA WOODS ALLUVIAL	WM	141.89	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	AS3
LATTA DOM. (was BARDIS 2)	WM	0.19	N.A.	N.A.	1	0.19	N.A.	0	AS3
LATTA IRRIG. (was BARDIS 2)	WM	3.02	N.A.	N.A.	1	3.02	N.A.	0	AS3
RANCHO SAN CARLOS ROAD	WM	2.63	N.A.	N.A.	3	0.88	N.A.	0	AS3
CARMEL BY THE RIVER RV PARK	WM	8.30	N.A.	N.A.	N.A.	N.A.	N.A.	0	AS3
RSCRd#3/HATTON RANCHO	WM	3.20	N.A.	N.A.	3	1.07	N.A.	0	AS3
SAN MARCO	WM	3.60	N.A.	N.A.	3	1.20	N.A.	0	AS3
SCHUT/JONES	LU	2.72	N.A.	N.A.	2	1.36	N.A.	0	AS3
SELLE	LU	0.10	N.A.	N.A.	2	0.05	N.A.	0	AS3
ST. DUNSTAN'S	WM	0.18	N.A.	N.A.	1	0.18	N.A.	0	AS3
WOLTER PROP. LLC	WM	17.81	N.A.	N.A.	3	5.94	N.A.	0	AS3
CARMEL GREENS	WM	7.37	N.A.	N.A.	1	7.37	N.A.	0	AS4
CLARK/WELLS FARGO	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	AS4
MAL PASO	WM	43.43	N.A.	N.A.	0	0.00	0.00	0	AS4
CACHAGUA RD. 1	WM	0.35	N.A.	N.A.	3	0.12	N.A.	0	CAC
CACHAGUA RD. 2	LU	1.93	N.A.	N.A.	9	0.21	N.A.	0	CAC
NASON ROAD	LU	1.40	N.A.	N.A.	4	0.35	N.A.	0	CAC
PRINCES CAMP	WM	5.76	N.A.	N.A.	50	0.12	N.A.	0	CAC
VALLEY CREEK (JENSEN) MHP	WM	3.15	N.A.	N.A.	24	0.13	N.A.	0	CAC
218 RANCH (ZOE)	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
AGUA FRESCA	WM	2.44	N.A.	N.A.	2	1.22	N.A.	0	CVU
AMATYA	WM	0.17	N.A.	N.A.	1	0.00	N.A.	0	CVU
BELLAMY	WM	1.09	N.A.	N.A.	1	1.09	N.A.	0	CVU
BENTLEY (RUSEK)	WM	0.00	N.A.	N.A.	0	0.00	N.A.	0	CVU
ANDERSON (BOOTH)	WM	0.41	N.A.	N.A.	1	0.41	N.A.	0	CVU
BOSSO	WM	2.04	N.A.	N.A.	2	1.02	N.A.	0	CVU
BURLEIGH	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
CANADA WOODS UPLAND	WM	88.82	39.7	3.9%	65	1.37	0.61	1	CVU
CARMEL RESERVES (SEPT. RANCH)	WM	3.65	N.A.	N.A.	1	3.65	N.A.	0	CVU
CASS WDS	WM	1.86	N.A.	N.A.	1	1.86	N.A.	0	CVU
CHAZEN (formerly FRUMKIN)	WM	0.08	N.A.	N.A.	1	0.08	N.A.	0	CVU
CHOPIN	WM	0.00	N.A.	N.A.	0	0.00	N.A.	0	CVU
COOPER (MACHALEK)	WM	0.00	N.A.	0.0%	0	0.00	N.A.	0	CVU
COUNTRY CLUB ROAD	LU	0.70	N.A.	N.A.	5	0.14	N.A.	0	CVU
D. GRIGGS	WM	7.83	N.A.	N.A.	1	7.83	N.A.	0	CVU
DALE	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
DALIRI (from SADDLE RD GROUP)	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
DOBBAS	WM	0.83	N.A.	N.A.	1	0.83	N.A.	0	CVU
DOLLASE	WM	1.96	N.A.	N.A.	4	0.49	N.A.	0	CVU
DUFFY (formerly GUENTHER)	WM	1.06	N.A.	N.A.	1	1.06	N.A.	0	CVU
DYER	WM	0.61	N.A.	N.A.	1	0.61	N.A.	0	CVU
SALMON (formerly FOREMAN)	WM	0.13	N.A.	N.A.	1	0.13	N.A.	0	CVU
FRANKS	WM	1.46	N.A.	N.A.	1	1.46	N.A.	0	CVU
GARZA (formerly GARREN QM)	WM	0.95	N.A.	N.A.	1	0.95	N.A.	0	CVU
GOODRICH-POTRERO	WM	0.00	N.A.	N.A.	0	N.A.	N.A.	0	CVU
GRANITE WDS	WM	0.36	N.A.	N.A.	1	0.36	0.00	0	CVU
GREENWALL-Baigent (was KING)	WM	0.00	N.A.	N.A.	0	N.A.	N.A.	0	CVU
HAMERSLOUGH (LITT)	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	CVU
HELENIUS (LYON) WDS	WM	0.61	N.A.	N.A.	1	0.61	N.A.	0	CVU
HILLTOP RANCH	WM	6.45	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	CVU
HOLBROOK (POSPISHIL) WDS	WM	0.00	N.A.	N.A.	0	N.A.	N.A.	0	CVU
HYLES (RIVERA)	WM	0.18	N.A.	N.A.	1	0.18	N.A.	0	CVU
JABIN/BOUC WDS (PAGE/BOUC)	WM	2.31	N.A.	N.A.	2	1.16	N.A.	0	CVU
JOHNSON	WM	0.18	N.A.	N.A.	1	0.18	N.A.	0	CVU
KAMINSKI	WM	0.12	N.A.	N.A.	1	0.12	N.A.	0	CVU
KORSTANJE (CARDINALLI) WDS	WM	0.09	N.A.	N.A.	1	0.09	N.A.	0	CVU
LARSON	WM	0.00	N.A.	N.A.	1	0.00	0.00	0	CVU
LONG RIDGE SLCSD	WM	4.02	N.A.	N.A.	123	0.03	N.A.	0	CVU
LOS ROBLES ROAD	WM	22.58	N.A.	N.A.	6	3.76	N.A.	0	CVU
MARCUS (TOBEY-WAGNER) WDS	WM	1.07	N.A.	N.A.	1	1.07	N.A.	0	CVU
MARQUEZ (CONDON)	WM	0.02	N.A.	N.A.	1	0.00	N.A.	1	CVU
MESSIER (formerly GIBSON)	WM	29.71	N.A.	N.A.	1	29.71	N.A.	0	CVU
NEWSOME	WM	1.05	N.A.	N.A.	1	1.05	N.A.	0	CVU
NIXON (FLAGLER)	WM	0.002	N.A.	N.A.	1	0.00	0.00	0	CVU
OH WELL/CAMPBELL SEAL)	WM	0.03	N.A.	N.A.	1	0.00	0.00	0	CVU

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
WATER DISTRIBUTION SYSTEM REPORT - WATER YEAR 2021

					CONNECTIONS				
SYSTEM	REPORTING METHOD	PRODUCTION (AF)	DELIVERY (AF)	UNACCOUNTED (%)	ACTIVE	AVG. PROD./ CONNECTION (AF)	AVG. DEL./ CONNECTION (AF)	NEW	SOURCE AREA
SIMON (OUTZEN)	WM	0.11	N.A.	N.A.	1	0.11	N.A.	0	CVU
P&M RANCH	WM	8.87	N.A.	N.A.	6	N.A.	N.A.	0	CVU
PATTERSON (WHITE)	WM	0.21	N.A.	N.A.	1	0.00	0.00	0	CVU
PEBKAR	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
PELIO	WM	4.10	N.A.	N.A.	1	4.10	N.A.	0	CVU
QUAIL MEADOWS DR. (WALTER)	WM	0.05	N.A.	N.A.	1	0.00	0.00	1	CVU
R.J. WDS (R. JONES)	WM	0.31	N.A.	N.A.	1	0.31	N.A.	0	CVU
RANCHO DE ROBLEDEO	WM	9.66	N.A.	N.A.	7	1.38	N.A.	0	CVU
RICHES	WM	4.12	N.A.	N.A.	1	4.12	N.A.	0	CVU
ROBERTS	WM	2.29	N.A.	N.A.	1	2.29	N.A.	0	CVU
RODDICK	WM	0.03	N.A.	N.A.	1	0.03	N.A.	1	CVU
RUHNKE (EVANS) WDS	WM	0.76	N.A.	N.A.	0	N.A.	N.A.	0	CVU
RUTHERFORD (BUCHHOLZ)	WM	2.87	N.A.	N.A.	1	2.87	N.A.	0	CVU
SADDLE MOUNTAIN	WM	4.87	N.A.	N.A.	26	0.19	N.A.	0	CVU
SAXTON	WM	0.05	N.A.	N.A.	1	0.05	N.A.	0	CVU
SCHULTE ROAD	WM	3.35	N.A.	N.A.	5	0.67	N.A.	0	CVU
SCHWARTZ	WM	1.00	N.A.	N.A.	1	0.00	0.00	0	CVU
SLEEPY HOLLOW	WM	33.45	N.A.	N.A.	25	1.34	N.A.	0	CVU
SLEEPY HOLLOW 16/COLLINS	WM	0.00	N.A.	N.A.	0	0.00	N.A.	0	CVU
SLEEPY HOLLOW 17/DOLAH	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	CVU
SMITH (GARCIA)	WM	0.60	N.A.	N.A.	1	0.00	N.A.	1	CVU
STEMPLE	WM	0.00	N.A.	N.A.	0	0.00	N.A.	0	CVU
SYCAMORE STABLES	WM	0.95	N.A.	N.A.	1	0.95	N.A.	0	CVU
TAO WOODS MUTUAL	WM	1.26	N.A.	N.A.	4	0.32	N.A.	0	CVU
UNITARIAN CHURCH	WM	0.28	N.A.	N.A.	2	0.14	N.A.	0	CVU
WARNER (formerly K. GRIGGS)	WM	2.54	N.A.	N.A.	1	2.54	N.A.	0	CVU
WASHBURN	WM	0.00	N.A.	N.A.	1	N.A.	N.A.	0	CVU
WEST	WM	0.35	N.A.	N.A.	1	0.35	N.A.	0	CVU
LEIBOVSKY (formerly PREW)WDS	WM	0.84	N.A.	N.A.	1	0.84	N.A.	0	CVU
ZBES (Belzberg)	WM	0.35	N.A.	N.A.	1	0.35	N.A.	0	CVU
CAW BISHOP UNIT	WM	30.60	126.3	-312.8%	391	0.08	0.32	0	LSS
CAW HIDDEN HILLS UNIT	WM	147.66	94.8	35.8%	449	0.33	0.21	1	LSS
CAW RYAN RANCH UNIT	WM	9.57	38.8	-305.5%	207	0.05	0.19	0	LSS
SPCA	WM	8.37	N.A.	N.A.	2	4.19	N.A.	0	LSS
ADRIAN	WM	2.37	N.A.	N.A.	1	2.37	N.A.	0	MIS
AGUAJITO ROAD	WM	1.79	N.A.	N.A.	4	0.45	N.A.	0	MIS
M. MOTOR SPORTS (ANDERSON)	WM	0.48	N.A.	N.A.	1	0.48	N.A.	0	MIS
AUERBACH (formerly THORP)	WM	0.53	N.A.	N.A.	1	0.53	N.A.	0	MIS
BUTLER (was TROSKY)	WM	0.95	N.A.	N.A.	1	0.00	0.00	0	MIS
CAPPO (formerly TYDINGS)	WM	0.33	N.A.	N.A.	3	0.11	N.A.	0	MIS
CARMEL HILL	WM	0.00	N.A.	N.A.	1	0.00	0.00	0	MIS
CASANOVA WDS	WM	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0	MIS
CITY OF SAND CITY DESAL	WM	131.49	N.A.	N.A.	1	N.A.	N.A.	0	MIS
COFFEY (MELNICK)	WM	0.13	N.A.	N.A.	1	0.13	N.A.	0	MIS
COLGAC	WM	0.13	N.A.	N.A.	1	0.13	N.A.	0	MIS
HAU CHYI (from COX and HARTNETT)	WM	0.49	N.A.	N.A.	1	0.49	N.A.	0	MIS
ABELSON (MAYL)	WM	0.34	N.A.	N.A.	1	0.34	N.A.	0	MIS
DEFIGUEIREDO (HEAD)	WM	5.19	N.A.	N.A.	1	5.19	N.A.	0	MIS
DMC	WM	0.30	N.A.	N.A.	1	0.30	N.A.	0	MIS
DUNNION	WM	0.80	N.A.	N.A.	1	0.80	N.A.	0	MIS
FLAGG HILL	WM	0.50	N.A.	N.A.	2	0.25	N.A.	0	MIS
FLORES 1 (formerly just "FLORES")	WM	0.00	N.A.	N.A.	1	0.00	0.00	0	MIS
FLORES 2 (formerly PISENTI)	WM	0.00	N.A.	N.A.	1	0.00	0.00	1	MIS
GOLLOGY (formerly Garren Highlands)	WM	0.07	N.A.	N.A.	1	0.07	N.A.	0	MIS
HIDDEN MESA	WM	0.31	N.A.	N.A.	3	0.10	N.A.	0	MIS
HULL (formerly KASHFI)	WM	0.00	N.A.	N.A.	1	0.00	N.A.	1	MIS
LAUCH	WM	0.25	N.A.	N.A.	1	0.25	N.A.	0	MIS
LENZ-KENDALL	WM	0.61	N.A.	N.A.	1	0.61	N.A.	0	MIS
MONTERRA RANCH	WM	58.06	34.1	3.9%	121	0.48	0.28	0	MIS
OCEAN VIEW CSD	WM	0.00	N.A.	N.A.	0	0.00	0.00	0	MIS
PT.LOBOS RANCH	WM	4.74	N.A.	N.A.	3	1.58	N.A.	0	MIS
RANCHITOS DE AGUAJITO	WM	6.66	N.A.	N.A.	10	0.67	N.A.	0	MIS
REGAN - ALLEN RANCH	WM	2.85	N.A.	N.A.	1	2.85	N.A.	0	MIS
RILEY RANCH	WM	0.90	N.A.	N.A.	3	0.30	N.A.	0	MIS
RODATOS (GREEK ORTHODOX)	WM	0.01	N.A.	N.A.	1	0.01	N.A.	0	MIS
SENA TRUST	WM	0.00	N.A.	N.A.	2	0.00	N.A.	0	MIS
SILVESTRI	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	MIS
STEPHEN PLACE	WM	0.13	N.A.	N.A.	1	0.00	0.00	1	MIS
STOFER/RANCHO U (was CAROLL)	WM	0.46	N.A.	N.A.	1	0.46	N.A.	0	MIS
SUNRISE SENIOR CENTER	WM	0.66	N.A.	N.A.	1	0.66	N.A.	0	MIS
VAN ESS	WM	0.02	N.A.	N.A.	1	0.00	N.A.	1	MIS
TOTALS:		**10,353.61**			**40,227**			**52**	

WATER DISTRIBUTION SYSTEM REPORT – WATER YEAR 2021

Notes:

1. Information shown is as provided by system owners and operators unless otherwise noted.
2. Methods for reporting production are either Land Use (LU) or Water Meter (WM).
3. The source areas are as follows:
   AS1 – Upper Carmel Valley – San Clemente Dam to Esquiline Bridge
   AS2 – Mid Carmel Valley – Esquiline Bridge to Narrows
   AS3 – Lower Carmel Valley – Narrows to Via Mallorca Bridge
   AS4 – Via Mallorca Bridge to Lagoon
   SCS – Seaside Coastal Subareas
   CAC – Cachagua
   CVU – Carmel Valley Upland
   LSS – Laguna Seca Subarea
   MIS – Peninsula, Carmel Highlands and San Jose Creek areas
4. California American Water (Cal-Am) Main System production includes 4,506.33 AF from Seaside coastal wells and 4,836.47 AF from Carmel Valley wells. No water was transferred to the Seaside Municipal Water System in WY 2021. No water was transferred from Carmel valley to the Ryan Ranch Unit in 2021. 131.49 AF of potable water were produced by the City of Sand City Desalination Plant, provided to the main system, and are shown on the Water Distribution System Report. That 131.49 AF, however, is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. 66.06 AF of water was provided for injection to ASR wells in the Seaside Basin from Cal-Am wells in Carmel Valley. None of the injected ASR water was recovered from Seaside coastal wells in WY 2021. 3,027.17 AF of water was recovered from Pure Water Monterey in WY 2021.
5. Cal-Am's main system deliveries total 8,543.82 AF. This total was derived as shown:

Reported Cal-Am Consumption Water Year 2021 (AF)	
City Total	5,835.22
County Total	2,708.58
subtotal	8,543.80
CV Irrigation	0.02
Total	8,543.82

6. N.A. refers to data that are not available and N.R. refers to systems that did not report.
7. The Mal Paso WDS was approved in WY 2016, which also required an amendment to the CAW WDS that occurred at the end of WY 2015. 43.43 AF of potable water were produced by the from the Mal Paso well in WY 2021, provided to the main system, and are shown on the Water Distribution System Report. That amount is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. Also, the Monterra Ranch, Cañada Woods North (Upland) and Cañada Woods (Alluvial) WDSs were combined to form the *Cañada Woods Water Company WDS* in 2005, although they are reported separately here to facilitate historical comparisons.
8. The names of Cachagua Road #1 and #2 were switched in Reporting Year 1999 to agree with records of the Monterey County Department of Health. Older District records have the names of these two systems reversed.
9. Bishop Unit is operated by Cal-Am; acquired July 1999.
10. Rancho Fiesta has been operated by Cal-Am for over 25 years; all production and delivery is by the main Cal-Am system. Accordingly, the Rancho Fiesta system is not tracked separately in this report.
11. Hidden Hills was formerly referred to as Carmel Valley Mutual. It was annexed to Cal-Am in 1993. In WY 2021, 2.13 AF of water was transferred from the Toro System to Hidden Hills.
12. The Ryan Ranch Unit is owned and operated by Cal-Am. No water produced by wells in Cal-Am's Main System was delivered to the Ryan Ranch Unit in WY 2021.

13. Two amendments to WDS permits were approved in WY 2021. One authorized the Wolter Properties LLC WDS to provide up to 39.41 AF per year to serve nine parcels in Carmel Valley, and the other amended Cal-Am's WDS to allow for up to 0.55 AF of Mal Paso Entitlement water to be delivered to two parcels in Carmel Valley owned by Moo Land Incorporated. Two amendments to Cal-Am's WDS permit were approved in WY 2020; the Cal-Am Bishop/Ryan Ranch WDS and the McIntosh WDS. The first allowed a permanent interconnection between the Bishop and Ryan Ranch Units and the Cal-Am Main System, a practice had been going on intermittently for years and has always been tracked in this note. The latter allows for delivery of Cal-Am Main System water to specific parcels in the Bishop/McIntosh subdivision as previously approved by the Seaside Basin Watermaster.
14. Three systems that are operated by the Cañada Woods Water company are tracked separately in this table but are part of an interconnected system. For the CWWC, consumption loss includes water line flushing and unmetered construction and irrigation uses. Beginning in 2010, system loss calculations were revised by CWWC to present a single composite loss value.

EXHIBIT 6-B

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
WATER DISTRIBUTION SYSTEM REPORT - WATER YEAR 2020

					CONNECTIONS				
SYSTEM	REPORTING METHOD	PRODUCTION (AF)	DELIVERY (AF)	UNACCOUNTED (%)	ACTIVE	AVG. PROD./ CONNECTION (AF)	AVG. DEL./ CONNECTION (AF)	NEW	SOURCE AREA
CAW (CAL-AM) Main System	WM	9,265.97	8,385.10	9.5%	37,723	0.25	0.22	22	AS1-4, SCS
SEASIDE MUNI	WM	181.60	170.99	5.8%	779	0.23	0.22	0	SCS
MPWMD ASR-1	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	SCS
MONTEREY BAY SHORES	WM	0.00	0.0	0.0%	0	0.00	0.0	0	SCS
ABADIR (A)	WM	0.00	0.0	0.0%	0	0.00	0.00	0	AS2
ABADIR C (MANSON)	WM	0.02	N.A.	N.A.	1	0.02	N.A.	0	AS2
ANIMAL FARM	WM	1.06	N.A.	N.A.	1	1.06	N.A.	0	AS2
CARMEL VALLEY ROAD II	WM	3.47	N.A.	N.A.	4	0.87	N.A.	0	AS2
CHANEY/SCHAFFER	LU	0.33	N.A.	N.A.	2	0.17	N.A.	0	AS2
FAIR WEATHER	LU	1.37	N.A.	N.A.	2	0.69	N.A.	0	AS2
GOOD NEIGHBOR	LU	1.23	N.A.	N.A.	2	0.62	N.A.	0	AS2
JONES	LU	0.23	N.A.	N.A.	1	0.23	N.A.	0	AS2
AIELLO	WM	0.12	N.A.	N.A.	1	0.12	N.A.	0	AS3
ALADWELL (ADDISON)	WM	2.50	N.A.	N.A.	2	1.25	N.A.	0	AS3
ALL SAINTS	WM	0.58	N.A.	N.A.	1	0.58	N.A.	0	AS3
CANADA WOODS ALLUVIAL	WM	169.89	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	AS3
LATTA DOM. (was BARDIS 2)	WM	0.12	N.A.	N.A.	1	0.12	0.00	0	AS3
LATTA IRRIG. (was BARDIS 2)	WM	2.28	N.A.	N.A.	1	2.28	N.A.	0	AS3
RANCHO SAN CARLOS ROAD	WM	3.57	N.A.	N.A.	3	1.19	N.A.	0	AS3
CARMEL BY THE RIVER RV PARK	WM	13.86	N.A.	N.A.	N.A.	N.A.	N.A.	0	AS3
RSCRd#3/HATTON RANCHO	WM	3.07	N.A.	N.A.	3	1.02	N.A.	0	AS3
SAN MARCO	WM	1.92	N.A.	N.A.	3	0.64	N.A.	0	AS3
SCHUT/JONES	LU	2.72	N.A.	N.A.	2	1.36	N.A.	0	AS3
SELLE	LU	0.09	N.A.	N.A.	2	0.05	N.A.	0	AS3
ST. DUNSTAN'S	WM	0.18	N.A.	N.A.	1	0.18	N.A.	0	AS3
CARMEL GREENS	WM	20.50	N.A.	N.A.	1	20.50	N.A.	0	AS4
CLARK/WELLS FARGO	WM	0.00	0.0	0.0%	0	0.00	0.00	0	AS4
MAL PASO	WM	60.73	N.A.	0.0%	0	0.00	0.00	0	AS4
CACHAGUA RD. 1	WM	0.32	N.A.	N.A.	3	0.11	N.A.	0	CAC
CACHAGUA RD. 2	LU	0.92	N.A.	N.A.	9	0.10	N.A.	0	CAC
NASON ROAD	LU	0.00	N.A.	N.A.	4	0.00	N.A.	0	CAC
PRINCES CAMP	WM	21.03	N.A.	N.A.	50	0.42	N.A.	0	CAC
VALLEY CREEK (JENSEN) MHP	WM	9.31	N.A.	N.A.	24	0.39	N.A.	0	CAC
218 RANCH (ZOE)	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
AGUA FRESCA	WM	2.24	N.A.	N.A.	2	1.12	N.A.	0	CVU
AMATYA	WM	0.09	N.A.	N.A.	1	0.00	N.A.	0	CVU
BELLAMY	WM	1.09	N.A.	N.A.	1	1.09	N.A.	0	CVU
BENTLEY (RUSEK)	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	CVU
BOOTH	WM	0.32	N.A.	N.A.	1	0.32	N.A.	0	CVU
BOSSO	WM	2.45	N.A.	N.A.	2	1.23	N.A.	0	CVU
BURLEIGH	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
CANADA WOODS UPLAND	WM	58.35	28.4	N.A.	64	0.91	0.44	0	CVU
CARMEL RESERVES (SEPT. RANCH)	WM	1.38	N.A.	N.A.	1	1.38	N.A.	0	CVU
CASS WDS	WM	2.44	N.A.	N.A.	1	2.44	N.A.	0	CVU
CHAZEN (formerly FRUMKIN)	WM	0.21	N.A.	N.A.	1	0.21	N.A.	0	CVU
CHOPIN	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	CVU
COOPER	WM	0.00	0.0	0.0%	0	0.00	N.A.	0	CVU
COUNTRY CLUB ROAD	LU	1.40	N.A.	N.A.	5	0.28	N.A.	0	CVU
D. GRIGGS	WM	8.58	N.A.	N.A.	1	8.58	N.A.	0	CVU
DALE	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
DALIRI (nee SADDLE RD GROUP)	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
DOBBAS	WM	1.00	N.A.	N.A.	1	1.00	N.A.	0	CVU
DOLLASE	WM	2.25	N.A.	N.A.	4	0.56	N.A.	0	CVU
DUFFY (formerly GUENTHER)	WM	1.01	N.A.	N.A.	1	1.01	N.A.	0	CVU
DYER	WM	0.66	N.A.	N.A.	1	0.66	N.A.	0	CVU
FOREMAN	WM	0.00	0.0	0.0%	1	0.00	N.A.	0	CVU
FRANKS	WM	1.25	N.A.	N.A.	1	1.25	N.A.	0	CVU
GARZA (formerly GARREN QM)	WM	1.81	N.A.	N.A.	1	1.81	N.A.	0	CVU
GOODRICH-POTRERO	WM	0.00	N.A.	0.0%	0	N.A.	N.A.	0	CVU
GRANITE WDS	WM	3.21	N.A.	0.0%	1	3.21	0.00	0	CVU
GREENWALL-Baigent (was KING)	WM	0.01	N.A.	N.A.	0	N.A.	N.A.	0	CVU
HAMERSLOUGH (LITT)	WM	0.00	N.A.	0.0%	1	0.00	N.A.	0	CVU
HELENIUS (LYON) WDS	WM	0.28	N.A.	N.A.	1	0.28	N.A.	0	CVU
HILLTOP RANCH	WM	6.14	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	CVU
HOLBROOK (POSPISHIL) WDS	WM	0.00	N.A.	N.A.	0	N.A.	N.A.	0	CVU
HYLES (RIVERA)	WM	0.29	N.A.	N.A.	1	0.29	N.A.	0	CVU
JABIN/BOUC WDS (PAGE/BOUC)	WM	2.66	N.A.	N.A.	2	1.33	N.A.	0	CVU
JOHNSON	WM	0.33	N.A.	N.A.	1	0.33	N.A.	0	CVU
KAMINSKI	WM	0.12	N.A.	N.A.	1	0.12	N.A.	0	CVU
KORSTANJE (CARDINALLI) WDS	WM	0.09	N.A.	N.A.	1	0.09	N.A.	0	CVU
LARSON	WM	0.09	0.1	0.0%	1	0.00	0.00	0	CVU
LONG RIDGE SLCSD	WM	4.00	N.A.	N.A.	123	0.03	N.A.	0	CVU
LOS ROBLES ROAD	WM	20.21	N.A.	N.A.	6	3.37	N.A.	0	CVU
MARCUS (TOBEY-WAGNER) WDS	WM	1.10	N.A.	N.A.	1	1.10	N.A.	0	CVU
MARQUEZ (CONDON)	WM	0.19	0.0	0.0%	1	0.00	N.A.	1	CVU
MESSIER (formerly GIBSON)	WM	15.38	N.A.	N.A.	1	15.38	N.A.	0	CVU
NEWSOME	WM	1.12	N.A.	N.A.	1	1.12	N.A.	0	CVU
NIXON (FLAGLER)	WM	0.00	0.0	0.0%	1	0.00	0.00	0	CVU
OH WELL/CAMPBELL (POOLE)	WM	0.30	0.0	0.0%	1	0.00	0.00	0	CVU
OLSON (OUTZEN)	WM	0.21	N.A.	N.A.	1	0.21	N.A.	0	CVU

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
WATER DISTRIBUTION SYSTEM REPORT - WATER YEAR 2020

SYSTEM	REPORTING METHOD	PRODUCTION (AF)	DELIVERY (AF)	UNACCOUNTED (%)	CONNECTIONS ACTIVE	CONNECTIONS AVG. PROD./ CONNECTION (AF)	CONNECTIONS AVG. DEL./ CONNECTION (AF)	CONNECTIONS NEW	SOURCE AREA
P&M RANCH	WM	N.A.	N.A.	N.A.	6	N.A.	N.A.	0	CVU
PATTERSON (WHITE)	WM	0.06	0.0	0.0%	1	0.00	0.00	0	CVU
PEBKAR	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
PELIO	WM	6.35	N.A.	N.A.	1	6.35	N.A.	0	CVU
QUAIL MEADOWS DR. (Walters)	WM	0.04	0.0	0.0%	1	0.00	0.00	1	CVU
R. JONES	WM	0.14	N.A.	N.A.	1	0.14	N.A.	0	CVU
RANCHO DE ROBLEDEO	WM	8.89	N.A.	N.A.	7	1.27	N.A.	0	CVU
RICHES	WM	0.09	N.A.	N.A.	1	0.09	N.A.	0	CVU
ROBERTS	WM	2.24	N.A.	N.A.	1	2.24	N.A.	0	CVU
RODDICK	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
RUHNKE (EVANS) WDS	WM	1.21	N.A.	N.A.	0	N.A.	N.A.	0	CVU
RUTHERFORD (BUCHHOLZ)	WM	3.34	N.A.	N.A.	1	3.34	N.A.	0	CVU
SADDLE MOUNTAIN	WM	4.42	N.A.	N.A.	26	0.17	N.A.	0	CVU
SAXTON	WM	0.02	N.A.	N.A.	1	0.02	N.A.	0	CVU
SCHULTE ROAD	WM	3.31	N.A.	N.A.	5	0.66	N.A.	0	CVU
SCHWARTZ	WM	0.90	0.0	0.0%	1	0.00	0.00	0	CVU
SLEEPY HOLLOW	WM	40.03	N.A.	N.A.	25	1.60	N.A.	2	CVU
SLEEPY HOLLOW 16/COLLINS	WM	0.00	0.0	0.0%	0	0.00	N.A.	0	CVU
SLEEPY HOLLOW 17/DOLAH	WM	0.00	0.0	0.0%	0	0.00	0.00	0	CVU
SMITH (GARCIA)	WM	0.10	N.A.	0.0%	1	0.00	N.A.	1	CVU
STEMPLE	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	CVU
SYCAMORE STABLES	WM	1.78	N.A.	0.0%	1	1.78	N.A.	0	CVU
TAO WOODS MUTUAL	WM	1.34	N.A.	N.A.	4	0.34	N.A.	0	CVU
UNITARIAN CHURCH	WM	0.17	N.A.	N.A.	2	0.09	N.A.	0	CVU
WARNER (formerly K. GRIGGS)	WM	2.72	N.A.	N.A.	1	2.72	N.A.	0	CVU
WASHBURN	WM	0.00	N.A.	N.A.	1	N.A.	N.A.	0	CVU
WEST	WM	0.29	N.A.	N.A.	1	0.29	N.A.	0	CVU
LEIBOVSKY (formerly PREW)WDS	WM	0.50	N.A.	N.A.	1	0.50	N.A.	0	CVU
ZBES (Belzberg)	WM	0.05	N.A.	N.A.	1	0.05	N.A.	0	CVU
CAW BISHOP UNIT	WM	152.96	130.6	14.6%	391	0.39	0.33	6	LSS
CAW HIDDEN HILLS UNIT	WM	132.54	110.6	16.6%	455	0.29	0.24	0	LSS
CAW RYAN RANCH UNIT	WM	54.03	47.9	11.3%	205	0.26	0.23	0	LSS
SPCA	WM	7.17	N.A.	N.A.	2	3.59	N.A.	0	LSS
ADRIAN	WM	1.10	N.A.	N.A.	1	1.10	N.A.	0	MIS
AGUAJITO ROAD	WM	1.57	N.A.	N.A.	4	0.39	N.A.	0	MIS
ANDERSON	WM	0.31	N.A.	N.A.	1	0.31	N.A.	0	MIS
AUERBACH (formerly THORP)	WM	0.00	N.A.	N.A.	1	0.00	N.A.	0	MIS
BUTLER (was TROSKY)	WM	1.35	0.0	0.0%	1	0.00	0.00	0	MIS
CAPPO (formerly TYDINGS)	WM	0.31	N.A.	N.A.	3	0.10	N.A.	0	MIS
CARMEL HILL	WM	0.03	0.0	N.A.	1	0.00	0.00	0	MIS
CASANOVA WDS	WM	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0	MIS
CITY OF SAND CITY DESAL	WM	196.06	N.A.	N.A.	1	N.A.	N.A.	0	MIS
COFFEY (MELNICK)	WM	0.25	N.A.	N.A.	1	0.25	N.A.	0	MIS
COLGAC	WM	0.10	N.A.	N.A.	1	0.10	N.A.	0	MIS
HAU CHYI (from COX and HARTNETT)	WM	0.33	N.A.	N.A.	1	0.33	N.A.	0	MIS
CULLEN (MAYL)	WM	0.38	N.A.	N.A.	1	0.38	N.A.	0	MIS
DEFIGUEIREDO (HEAD)	WM	6.39	N.A.	N.A.	1	6.39	N.A.	0	MIS
DMC	WM	0.25	N.A.	N.A.	1	0.25	N.A.	0	MIS
DUNNION	WM	0.56	N.A.	N.A.	1	0.56	N.A.	0	MIS
FLAGG HILL	WM	1.17	N.A.	N.A.	2	0.59	N.A.	0	MIS
FLORES 1 (formerly just "FLORES")	WM	0.11	N.A.	N.A.	1	0.00	0.00	0	MIS
FLORES 2 (formerly PISENTI)	WM	0.00	0.0	0.0%	1	0.00	0.00	1	MIS
GOLLOGY (formerly Garren Highlands)	WM	0.04	N.A.	N.A.	1	0.04	N.A.	0	MIS
HIDDEN MESA	WM	0.36	N.A.	N.A.	3	0.12	N.A.	0	MIS
HULL (formerly KASHFI)	WM	0.00	0.0	0.0%	1	0.00	N.A.	1	MIS
LAUCH	WM	0.25	N.A.	N.A.	1	0.25	N.A.	0	MIS
LENZ-KENDALL	WM	1.31	N.A.	N.A.	1	1.31	N.A.	0	MIS
MONTERRA RANCH	WM	61.98	33.9	15.7%	121	0.51	0.28	3	MIS
OCEAN VIEW CSD	WM	0.00	0.0	0.0%	0	0.00	0.00	0	MIS
PT.LOBOS RANCH	WM	3.90	N.A.	N.A.	3	1.30	N.A.	0	MIS
RANCHITOS DE AGUAJITO	WM	5.45	N.A.	N.A.	10	0.55	N.A.	0	MIS
REGAN - ALLEN RANCH	WM	2.05	N.A.	N.A.	1	2.05	N.A.	0	MIS
RILEY RANCH	WM	0.87	N.A.	N.A.	3	0.29	N.A.	0	MIS
RODATOS (GREEK ORTHODOX)	WM	0.02	N.A.	N.A.	1	0.02	N.A.	0	MIS
SENA TRUST	WM	0.00	N.A.	N.A.	2	0.00	N.A.	0	MIS
SILVESTRI	WM	4.40	N.A.	N.A.	1	4.40	N.A.	0	MIS
STEPHEN PLACE	WM	0.13	N.A.	N.A.	1	0.00	0.00	1	MIS
STOFER/RANCHO U (was CAROLL)	WM	0.42	N.A.	N.A.	1	0.42	N.A.	0	MIS
SUNRISE SENIOR CENTER	WM	0.52	N.A.	N.A.	1	0.52	N.A.	0	MIS
VAN ESS	WM	0.00	N.A.	N.A.	0	0.00	N.A.	0	MIS
TOTALS:		**10,371.13**			**40,186**			**39**	

WATER DISTRIBUTION SYSTEM REPORT – WATER YEAR 2020

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   LSS – Laguna Seca Subarea
   MIS – Peninsula, Carmel Highlands and San Jose Creek areas
4. California American Water (Cal-Am) Main System production includes 2,714.6 AF from Seaside coastal wells and 7,274.5 AF from Carmel Valley wells. No water was transferred to the Seaside Municipal Water System in WY 2020. The Carmel Valley well total includes 2.76 AF transferred to the Ryan Ranch Unit in 2020. 196.1 AF of potable water were produced by the City of Sand City Desalination Plant, provided to the main system, and are shown on the Water Distribution System Report. That 196.1 AF, however, is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. 916.5 AF of water was provided for injection to ASR wells in the Seaside Basin from Cal-Am wells in Carmel Valley. 806.05 AF of injected ASR water was recovered from Seaside coastal wells in WY 2020, but is not included as it was already counted when it was originally produced prior to injection. Also, 88.4 AF of water was recovered from Pure Water Monterey in WY 2020.
5. Cal-Am's main system deliveries total 8,385.11 AF. This total was derived as shown:

Reported Cal-Am Consumption Water Year 2020 (AF)	
City Total	5,784.97
County Total	2,600.13
subtotal	8,385.10
CV Irrigation	0.01
Total	8,385.11

6. N.A. refers to data that are not available and N.R. refers to systems that did not report.
7. The Mal Paso WDS was approved in WY 2016, which also required an amendment to the CAW WDS that occurred at the end of WY 2015. 60.73 AF of potable water were produced by the from the Mal Paso well in WY 2020, provided to the main system, and are shown on the Water Distribution System Report. That amount is subtracted from the total production for all systems as it is included as a component of production for the Cal-Am Main System. Also, the Monterra Ranch, Cañada Woods North (Upland) and Cañada Woods (Alluvial) WDSs were combined to form the *Cañada Woods Water Company WDS* in 2005, although they are reported separately here to facilitate historical comparisons.
8. The names of Cachagua Road #1 and #2 were switched in Reporting Year 1999 to agree with records of the Monterey County Department of Health. Older District records have the names of these two systems reversed.
9. Bishop Unit is operated by Cal-Am; acquired July 1999.
10. Rancho Fiesta has been operated by Cal-Am for over 25 years; all production and delivery is by the main Cal-Am system. Accordingly, the Rancho Fiesta system is not tracked separately in this report.
11. Hidden Hills was formerly referred to as Carmel Valley Mutual. It was annexed to Cal-Am in 1993. In WY 2020, 0.08 AF of water was transferred from Hidden Hills to the Toro System.

12. The Ryan Ranch Unit is owned and operated by Cal-Am. 2.76 AF produced by wells in Cal-Am's Main System were delivered to the Ryan Ranch Unit in WY 2020 and were included with Cal-Am Main System total production.
13. Two WDS permits were approved in WY 2020; the Cal-Am Bishop/Ryan Ranch WDS and the McIntosh WDS. Both of these were essentially amendments to the Cal-Am WDS formally allowing transfer of water between these satellite systems and between the Cal-Am Main WDS and these satellites, The practice had been going on for years and has always been tracked in these notes.
14. Three systems that are operated by the Canada Woods Water company are tracked separately in this table but are part of an interconnected system. For the CWWC, consumption loss includes water line flushing and unmetered construction and irrigation uses. Beginning in 2010, system loss calculations were revised by CWWC to present a single composite loss value.

ITEM: CONSENT CALENDAR

7. RECEIVE AND FILE DISTRICT-WIDE ANNUAL WATER PRODUCTION SUMMARY REPORT FOR WATER YEAR 2021

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David Stoldt, General Manager**	**Program/ Line Item No.:**	**Hydrologic Monitoring N/A**
Prepared By:	**Thomas Lindberg**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: Staff has prepared a draft Water Production Summary Report of all registered production sources, i.e., wells and surface water diversions, within the Monterey Peninsula Water Management District (District) for Water Year (WY) 2021. WY 2021 covers the 12-month period from October 1, 2020 through September 30, 2021. Preliminary computations indicate that 14,368 acre-feet (AF) of groundwater were produced from registered wells in the District during WY 2021 (**Exhibit 7-A**). In addition, 60 AF of surface water were diverted by private users. Combined surface and groundwater production from all sources within the District in WY 2020 was calculated at 14,428 AF. This report presents comparisons of California American Water (Cal-Am) and non Cal-Am production in WY 2021 and WY 2010, and compares production with the District's current water allocation program limits.

RECOMMENDATION: This report is for informational purposes only. The Board should review the draft summary report and provide staff with any comments or questions. Staff will complete and file the final report, incorporating any late revisions, if this item is approved with the Consent Calendar.

BACKGROUND: District Rules and Regulations require well owners and operators to submit annual water production information to the District. Well production is calculated by either the Land Use or Water Meter reporting method and is described below.

Number of Wells – Presently, there are 1,305 registered wells in the District. Of this total, 869 wells are active, and 414 wells are inactive. A well is considered active if it has produced any water in the last reporting period, i.e., WY 2020. Information on 22 remaining registered wells is not available because reporting forms were not returned by owners of those wells prior to preparation of this report.

Data Adjustments – For certain wells, staff estimated actual production to more accurately quantify water produced during WY 2021. Data adjustments were required to estimate water production from 96 wells that had either incomplete water meter records or reported water

production for a period longer than the water year. Production from metered wells with incomplete records was estimated by using generalized non Cal-Am monthly distribution factors developed by staff. In 33 cases, production records were incomplete because reported meter readings covered a period shorter than WY 2021. Five of those records were incomplete because meters were not working or were replaced or repaired after the start of WY 2021. The application of monthly distribution factors allowed staff to reasonably account for the percentage of production that was not reported for each of these wells, which was then added to the annual total for these wells. There were 63 cases in which production was reported for a period longer than 12 months. Estimates of the amounts that were over-reported were made based on the monthly distribution factors. These amounts were then subtracted from the reported totals. There were also 8 cases where adjustments were made due to "order of magnitude issues" resulting from well owners incorrectly reading their water meters.

District-wide Production - Preliminary production values for WY 2021 are summarized by reporting method (i.e., Water Meter or Land Use), reporting status (i.e., active, inactive, or not reporting), and source area in **Exhibit 7-A**. For comparison, production values for WY 2020 are presented in **Exhibit 7-B**. The various source areas are shown in **Exhibit 7-C**. The volume of water produced from each source area is shown in **Exhibit 7-D**. The number of active non Cal-Am wells and the volume of water produced by each reporting method from WY 2005 through WY 2021 are shown in **Exhibit 7-E**.

District-wide, total water production increased by 585 AF (4.2%) in WY 2021 compared to WY 2020. Specifically, groundwater withdrawals increased by 656 AF (4.8%), and surface diversions decreased by eight AF (12.0%). No surface water has been diverted within the Cal-Am main system since WY 2003 because of seismic safety and sedimentation concerns at San Clemente Dam and Reservoir. San Clemente dam was removed in 2015.

Monterey Peninsula Water Resources System (MPWRS) – The MPWRS includes surface water in the Carmel River and its tributaries, and groundwater in the Carmel Valley alluvial aquifer, coastal subareas of the Seaside Groundwater Basin, including the Laguna Seca Subarea (LSS) of the Seaside Groundwater Basin. Overall water production within the MPWRS in WY 2021 decreased by 7,516 AF (36.3%) compared to WY 2020. Specifically, Cal-Am production in WY 2021 decreased by 8,176 AF (46.3%), and non Cal-Am well production increased by 661 AF (21.7%). Cal-Am production from Carmel Valley decreased 2,504 AF (34.4%), and Cal-Am production from the Seaside Basin increased by 2,449 AF (109.1%). Non Cal-Am production from Carmel Valley increased by 764 AF (34.4%) compared to WY 2020, and non Cal-Am production from the Seaside Basin decreased by 25 AF (3.4%). In WY 2021, 131 AF of potable water that was produced by the City of Sand City Desalination Plant was added to Cal-Am production because it was delivered to the Cal-Am main system.

In WY 2021, 66 AF were diverted from Cal-Am well sources in Carmel Valley for injection at the Aquifer Storage and Recovery (ASR) Projects in the Seaside Basin. No recovery water was produced for Cal-Am Customer Service in WY 2021. For reference, since the District's Seaside ASR Program began testing in WY 1998 through the end of WY 2021, a total of 10,879 AF has been injected into the Seaside Basin.

Water Allocation Program – With respect to the District's Water Allocation Program limits, Cal-Am production from the MPWRS in WY 2021 was 9,465 AF, or 8,176 AF (46.3%) less than the Cal-Am production limit of 17,641 AF that was established with the adoption of Ordinance No. 87 in 1997. Non-Cal-Am production within the MPWRS in WY 2021 was 3,707 AF, or 661 AF (21.7%) greater than the non-Cal-Am production limit of 3,046 AF established by Ordinance No. 87. Combined production from Cal-Am and non-Cal-Am sources within the MPWRS was 13,171 AF in WY 2021, which is 7,516 acre-feet (36.3%) less than the 20,687 acre-feet production limit set for the MPWRS as part of the District's Water Allocation Program. Therefore, no action is necessary at this time, although staff will continue to monitor production trends within the MPWRS and District-wide. A comparison of reported water production from the MPWRS in Reporting Year 1997, WY 2007, and WY 2020 relative to the District's Water Allocation limits is presented in **Exhibit 7-F**. 1997 was the last time the production limits were adjusted. Prior to 2008, the LSS was not included in the MPWRS, but was added with the adoption of Ordinance 135 on September 22, 2008. However, the production limits in the District's Allocation Program did not change. Production from the MPWRS in RY 1997 and WY 2007 presented in **Exhibit 7-F** has been adjusted to include production from the LSS. Production from non-Cal-Am sources has not fluctuated a great deal, and since production from LSS is included, non-Cal-Am production has been over the production limit several years. Historical Cal-Am production presented in **Exhibit 7-F** was also adjusted to include production from the LSS. Cal-Am production from the MPWRS has greatly decreased, and since Cal-Am represents such a large portion of total production, combined production from Cal-Am and non-Cal-Am sources has also decreased over the last several years.

Lastly, it should be noted that 99% of the groundwater production within the District was reported by the water meter method in WY 2021. In addition, 98% of registered well owners in the District reported annual production for their wells in WY 2021.

EXHIBITS

7-A District-wide Water Production Summary for Water Year 2021
7-B District-wide Water Production Summary for Water Year 2020
7-C MPWMD Water Production Source Areas
7-D Water Production by Source Area for Water Year 2021
7-E District-wide Production and Number of Wells by Reporting Method for non Cal-Am Wells in WY 2005 through WY 2021
7-F Comparison of Reported Production to Production Limits within the MPWRS in RY 2007, WY 2007 and WY 2020

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DRAFT WATER PRODUCTION SUMMARY FOR WATER YEAR 2021

SOURCE AREAS [1, 2]	NON CAW (NON CAL-AM) WELLS						CAW (CAL-AM) WELLS		AQUIFER SUBUNIT TOTALS	
	WATER METER		LAND USE		SUB-TOTAL		WATER METER			
	NO. OF WELLS	PRODUCTION (AF) [3]	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)
AS1	9	81.7	1	0.1	10	81.8	0	0.0	10	81.8
AS2	63	392.4	25	24.7	88	417.2	4	347.7	92	764.9
AS3	137	1,907.9	37	24.2	174	1,932.1	8	[5] 3,509.2	182	5,441.3
AS4	26	202.4	3	0.5	29	202.9	2	913.5	31	1,116.4
SCS	12	716.6	2	1.3	14	717.8	7	4,506.3	21	5,224.2
LSS	9	342.8	1	2.8	10	345.5	4	187.8	14	533.4
CAC	7	25.8	6	8.5	13	34.3	0	0.0	13	34.3
CVU	317	631.0	42	34.4	359	665.3	0	0.0	359	665.3
MIS	137	369.8	10	5.5	147	375.4	0	0.0	147	375.4
ACTIVE	717	4,670.4	127	101.9	844	4,772.3	25	9,464.6	869	14,236.9
INACTIVE	378		30		408		6		414	
NOT REPORTING	13		9		22		0		22	
SAND CITY DESAL							0	131.5		adjusted for SC desal
METHOD TOTALS:	1,108	4,670.4	166	101.9	1,274	4,772.3	31	9,596.0	1,305	14,368.4

NOTES:
1. Shaded areas indicate production within the Monterey Peninsula Water Resources System. The LSS was added to the Monterey Peninsula Water Resources System in Septembter 2008.

2. CAW - California American Water

3. Source areas are as follows:
AS1 - UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
AS2 - MID CARMEL VALLEY - Esquiline Bridge to Narrows
AS3 - LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
AS4 - LOWER CARMEL VALLEY - Via Mallorca Bridge to Lagoon
SCS - SEASIDE COASTAL SUBAREAS
LSS - LAGUNA SECA SUBAREA (Ryan Ranch Area is within LSS)
CAC - CACHAGUA CREEK and UPPER WATERSHED AREAS
CVU - CARMEL VALLEY UPLAND - Hillsides and Tularcitos Creek Area
MIS - PENINSULA, CARMEL HIGHLANDS AND SAN JOSE CREEK AREAS
4. Any minor numerical discrepancies in addition are due to rounding.

5 66.06 AF is included in CAW production from AS3 to account for water delivered to ASR in WY 2021.

6. In Water Year 2021, this total includes water produced in both SCS and LSS, and does not include 3,027.17 AF of Pure Water Monterey water that was recovered for customer service. No water was recovered from ASR this year.

7. No water was transferred to Ryan Ranch from the CAW Main System in WY 2021. No water was delivered to Seaside Municipal System in WY 2021.

DISTRICT-WIDE PRODUCTION	
SURFACE WATER DIVERSIONS:	
CAW Diversions (San Clemente Dam):	0.0
Non Cal-Am Diversions Within MPWRS:	9.4
CAW WELLS:	
[6] SEASIDE:	4,694.1
CARMEL VALLEY:	4,770.4
Within the Water Resources System:	9,464.6
Outside the Water Resources System:	0.0
Sand City Desal	131.5
[7] CAW TOTAL, Wells and Diversion:	9,596.0
NON CAW WELLS:	
Within the Water Resources System:	3,697.4
Outside the Water Resources System:	1,075.0
Non Cal-Am Diversions Outside the MPWRS:	50.7
NON CAW TOTAL, Wells and Diversion:	4,832.4
GRAND TOTAL:	14,428.5

EXHIBIT 7-B

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DRAFT WATER PRODUCTION SUMMARY FOR WATER YEAR 2020

SOURCE AREAS [1, 2]	NON CAW (NON CAL-AM) WELLS						CAW (CAL-AM) WELLS		AQUIFER SUBUNIT TOTALS	
	WATER METER		LAND USE		SUB-TOTAL		WATER METER			
	NO. OF WELLS	PRODUCTION (AF) [3]	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)	NO. OF WELLS	PRODUCTION (AF)
AS1	10	123.3	1	0.1	11	123.4	0	0.0	11	123.4
AS2	63	183.7	27	27.0	90	210.6	4	954.7	94	1,165.3
AS3	141	1,242.0	38	24.8	179	1,266.8	8	[5] 5,879.0	187	7,145.8
AS4	24	216.4	4	0.6	28	216.9	2	440.9	30	657.8
SCS	12	741.9	2	1.3	14	743.2	6	1,908.6	20	2,651.7
LSS	9	392.2	1	2.8	10	395.0	4	336.8	14	731.7
CAC	7	35.7	5	7.1	12	42.8	0	0.0	12	42.8
CVU	313	676.1	43	35.1	356	711.2	0	0.0	356	711.2
MIS	137	345.2	10	5.5	147	350.7	0	0.0	147	350.7
ACTIVE	716	3,956.5	131	104.2	847	4,060.6	24	9,519.9	871	13,580.5
INACTIVE	376		31		407		6		413	
NOT REPORTING	15		5		20		0		20	
SAND CITY DESAL							0	196.1		adjusted for SC desal
METHOD TOTALS:	1,107	3,956.5	167	104.2	1,274	4,060.6	30	9,715.9	1,304	13,776.6

NOTES:
1. Shaded areas indicate production within the Monterey Peninsula Water Resources System. The LSS was added to the Monterey Peninsula Water Resources System in Septembter 2008.

2. CAW - California American Water

3. Source areas are as follows:
AS1 - UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
AS2 - MID CARMEL VALLEY - Esquiline Bridge to Narrows
AS3 - LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
AS4 - LOWER CARMEL VALLEY - Via Mallorca Bridge to Lagoon
SCS - SEASIDE COASTAL SUBAREAS
LSS - LAGUNA SECA SUBAREA (Ryan Ranch Area is within LSS)
CAC - CACHAGUA CREEK and UPPER WATERSHED AREAS
CVU - CARMEL VALLEY UPLAND - Hillsides and Tularcitos Creek Area
MIS - PENINSULA, CARMEL HIGHLANDS AND SAN JOSE CREEK AREAS
4. Any minor numerical discrepancies in addition are due to rounding.

5 916.49 AF is included in CAW production from AS3 to account for water delivered to ASR in WY 2020.

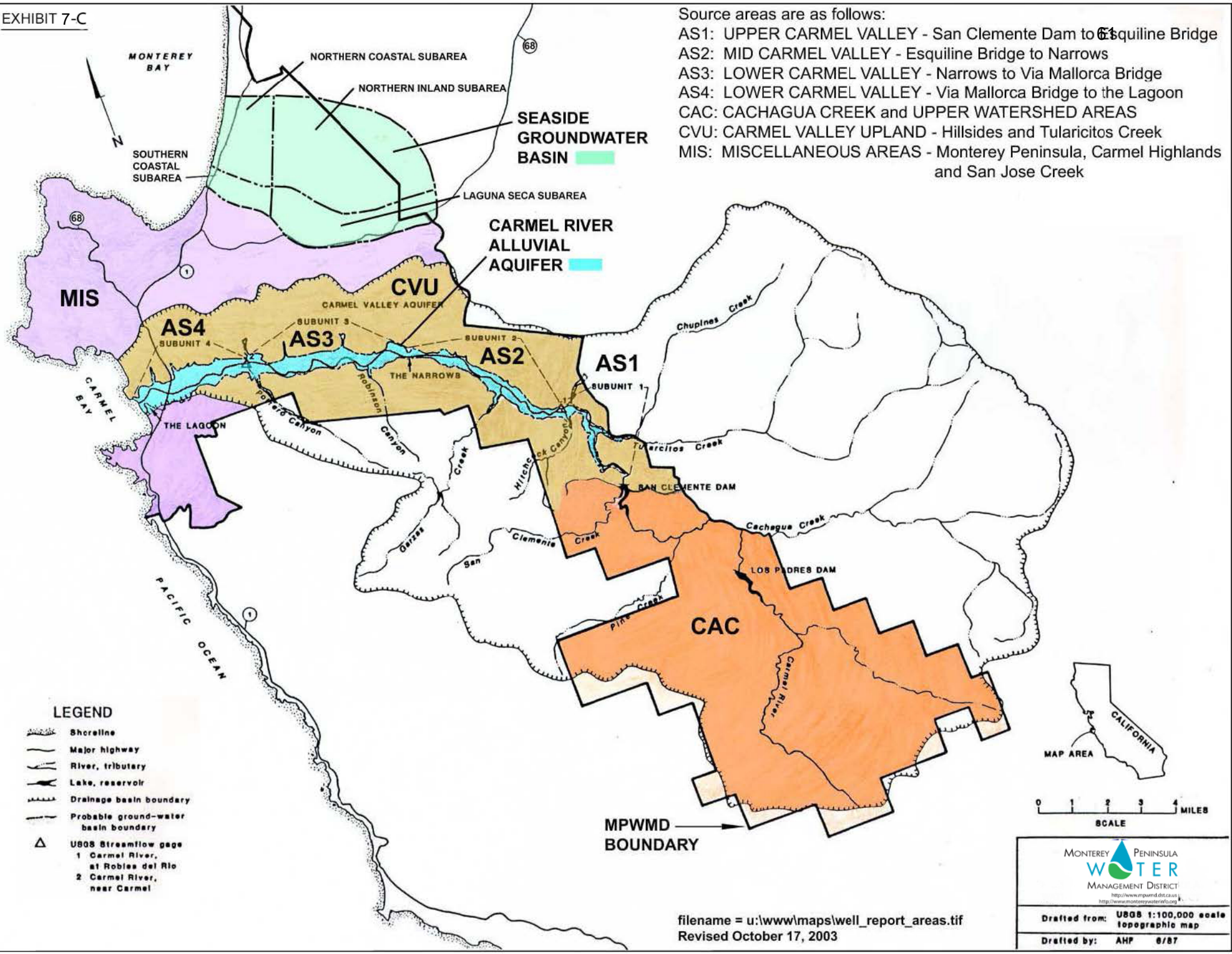
6. In Water Year 2020, this total includes water produced in both SCS and LSS, and does not include 806.05 AF of ASR water or 88.1 AF of Pure Water Monterey water that was recovered for customer service.

7. Production includes 2.76 AF to Ryan Ranch from CAW Main System in WY 2020. No water was delivered to Seaside Municipal System in WY 2020.

DISTRICT-WIDE PRODUCTION	
SURFACE WATER DIVERSIONS:	
CAW Diversions (San Clemente Dam):	0.0
Non Cal-Am Diversions Within MPWRS:	11.9
CAW WELLS:	
[6] SEASIDE:	2,245.3
CARMEL VALLEY:	7,274.5
Within the Water Resources System:	9,519.9
Outside the Water Resources System:	0.0
Sand City Desal	196.1
[7] CAW TOTAL, Wells and Diversion:	9,715.9
NON CAW WELLS:	
Within the Water Resources System:	2,955.9
Outside the Water Resources System:	1,104.7
Non Cal-Am Diversions Outside the MPWRS:	54.9
NON CAW TOTAL, Wells and Diversion:	4,127.4
GRAND TOTAL:	13,843.3

EXHIBIT 7-C

Source areas are as follows:
AS1: UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
AS2: MID CARMEL VALLEY - Esquiline Bridge to Narrows
AS3: LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
AS4: LOWER CARMEL VALLEY - Via Mallorca Bridge to the Lagoon
CAC: CACHAGUA CREEK and UPPER WATERSHED AREAS
CVU: CARMEL VALLEY UPLAND - Hillsides and Tularicitos Creek
MIS: MISCELLANEOUS AREAS - Monterey Peninsula, Carmel Highlands and San Jose Creek



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

WATER PRODUCTION BY SOURCE AREA
WATER YEAR 2021

TOTAL PRODUCTION = 14,429 Acre-Feet (AF)

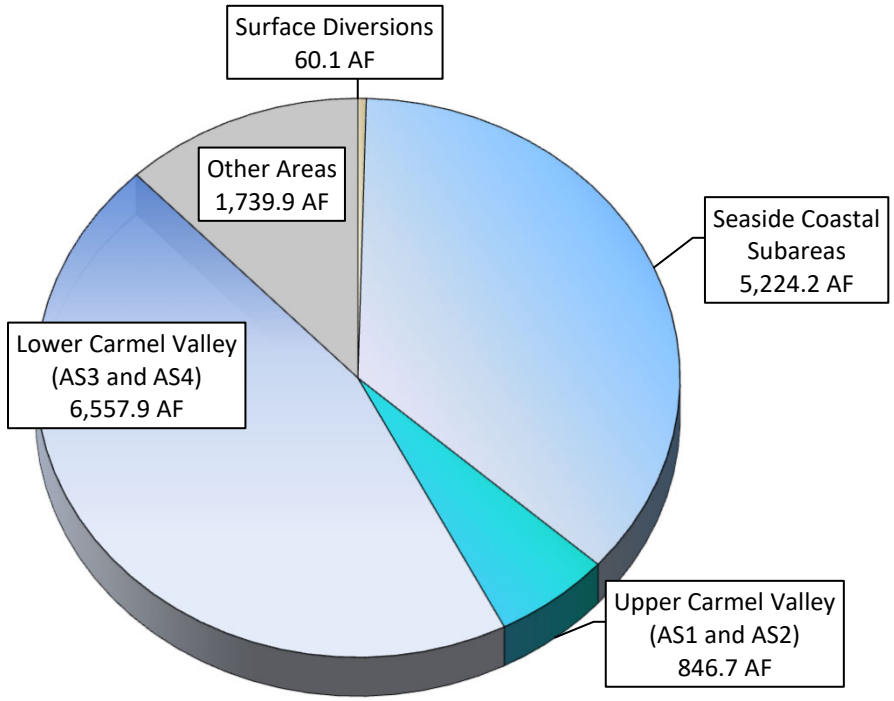


EXHIBIT 7-E

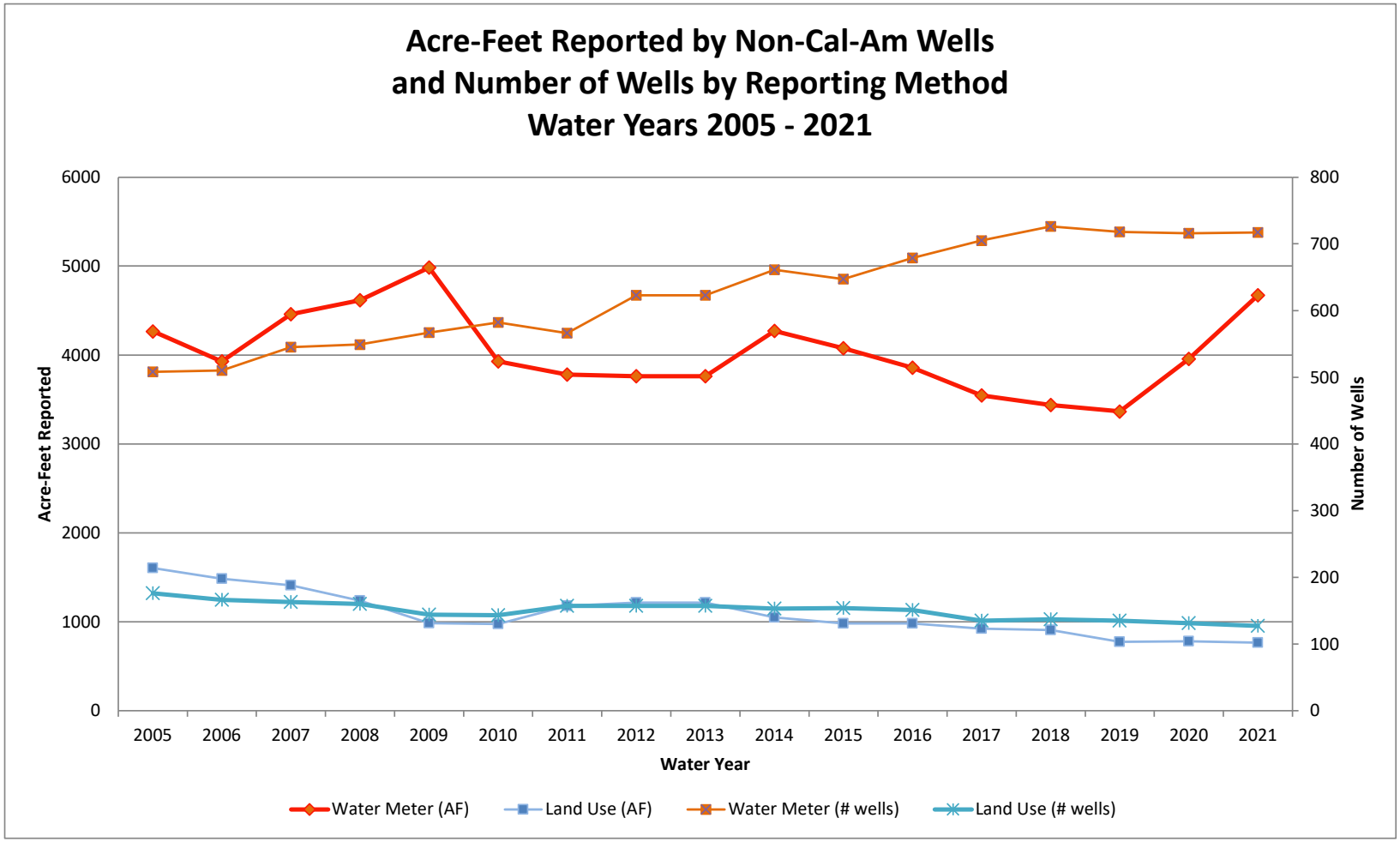
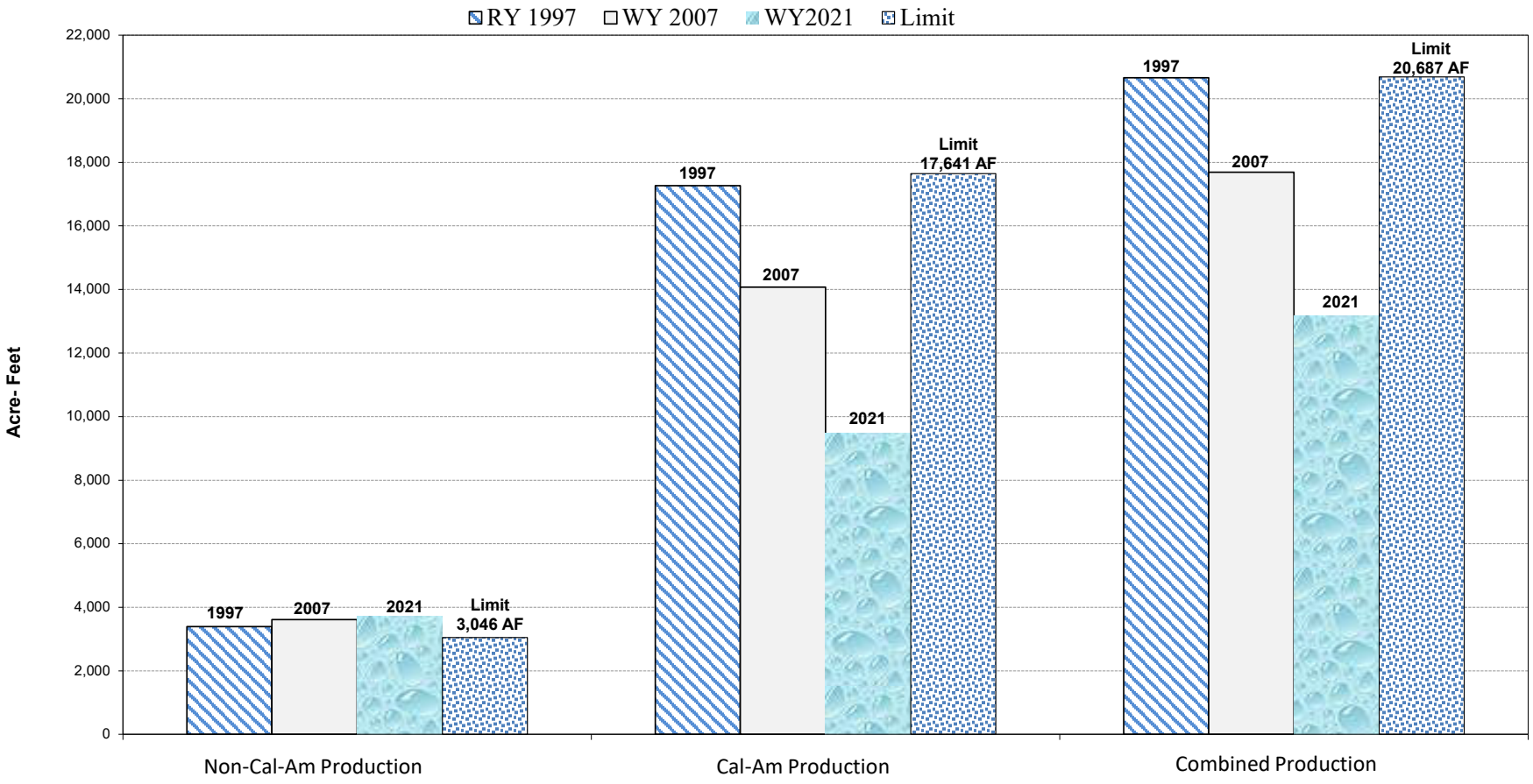

Acre-Feet Reported by Non-Cal-Am Wells
and Number of Wells by Reporting Method
Water Years 2005 - 2021
Acre-Feet Reported
Number of Wells
Water Year
0
1000
2000
3000
4000
5000
6000
0
100
200
300
400
500
600
700
800
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
Water Meter (AF)
Land Use (AF)
Water Meter (# wells)
Land Use (# wells)

EXHIBIT 7-F

Comparison of Reported Production to Allocation Limits within the Monterey Peninsula Water Resources System Reporting Year 1997, Water Year 2007 and Water Year 2021



ITEM: CONSENT CALENDAR

8. RECEIVE FISCAL YEAR 2020-2021 MITIGATION PROGRAM ANNUAL REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt** **General Manager**	**Program/** **Line Item No.:**	**N/A**
Prepared By:	**Thomas Christensen**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY AND RECOMMENDATION: The Board should receive and review the Executive Summary for the 2020-2021 Mitigation Program Annual Report**.** If adopted along with the Consent Calendar, the full report will incorporate any comments if needed and be finalized so it can be distributed to interested agencies and posted to the District's website for public availability. The Executive Summary provides an overview of the major accomplishments, conclusions and/or recommendations. The Executive Summary for the 2020-2021 Mitigation Program Annual Report is attached as **Exhibit 8-A**.

The annual report primarily reviews Monterey Peninsula Water Management District (MPWMD or District) activities that address the effects of community water use on the Carmel River environment in the Fiscal Year (FY), defined as the 12-month period from July 1, 2020 through June 30, 2021. Please note that hydrologic data and well production reporting data are described for Water Year 2021 (October 1, 2020 through September 30, 2021). Use of the Water Year format for these data is consistent with reporting required by the State Water Resources Control Board (SWRCB) and Seaside Basin Watermaster.

This report is the 30th annual report since the Mitigation Program Plan was adopted by the District Board in November 1990, as part of the certification of the MPWMD Water Allocation Environmental Impact Report (Water Allocation EIR), in compliance with the California Environmental Quality Act (CEQA). Copies of the full annual report will be provided to the Board members upon request, and will be provided to the required resource agencies and other interested parties as needed.

BACKGROUND: On November 5, 1990, the Water Allocation EIR was certified by the MPWMD Board. The Board also adopted findings, and passed a resolution that set Option V as the new water allocation limit. Option V resulted in a production limit of 16,744 acre-feet per year (AFY) for the California American Water (Cal-Am) system. Subsequently, this amount was increased to 17,641 AFY based on new supply provided by the completion of the Paralta Well in Seaside in 1993, and other changes since 1993. On October 20, 2009, the SWRCB issued Order 2009-0060, the "Cease and Desist Order" (CDO) against Cal-Am. The CDO refers

to the 1995 SWRCB Order 95-10, noting that compliance with Order 95-10 had not yet been achieved. The CDO institutes a series of cutbacks to Cal-Am production from the Carmel River system and prohibits new or intensified connections in the Cal-Am main system. The CDO reduced the upper limit of diversion from the Carmel River previously set by Order 95-10 at 11,285 AFY to 10,429 AFY beginning in WY 2010, with additional annual reductions thereafter. In 2016, the SWRCB issued State Board Order 2016-0016 changing the production limit on the Carmel River to 8,310 AFY. This was reduced further in WY 2021 to 7,310 AFY.

The Water Allocation EIR determined that even though Option V is the least damaging alternative of the five options analyzed, production at this level still may result in significant, adverse, environmental impacts that must be mitigated. Thus, the CEQA Findings adopted by the Board in 1990 included a "Five-Year Mitigation Program for Option V" and several general mitigation measures. The Five-Year Mitigation Program formally began in July 1991 with the new fiscal year and was slated to run until June 30, 1996. Following public hearings in May 1996 and District Board review of draft reports through September 1996, the Five-Year Evaluation Report for the 1991-1996 comprehensive program, as well as an Implementation Plan for FY 1997 through FY 2001, were finalized in October 1996. In its July 1995 Order WR 95-10, the SWRCB ordered Cal-Am to carry out any aspect of the "Five-Year Mitigation Program for Option V" that the District does not continue after June 1996. To date, as part of its annual budget approval process, the District Board has voted to continue the program. The Mitigation Program presently accounts for a significant portion of the District budget in terms of revenue and expenditures.

For projects or programs that entail significant adverse impacts, CEQA requires that an annual report be prepared documenting: (1) the actual mitigation activities that were carried out by the lead agency, and (2) the effectiveness of the mitigation activities, as measured via a monitoring program. The Water Allocation Mitigation Report responds to these requirements.

The 2020-2021 report reviews District activities relating to water supply and demand, followed by mitigation measures for specific environmental impacts. It also provides a summary of costs for the Mitigation Program as well as references. For each topic, the mitigation measure adopted as part of the certified Allocation EIR is briefly described, followed by a summary of activities carried out that relate to the topic. Monitoring results, where applicable, are then presented. Finally, a summary of conclusions, and/or recommendations are provided, where pertinent.

IMPACT ON STAFF/RESOURCES: Mitigation Program costs for FY 2020-2021 totaled approximately $2.65 million including direct personnel expenses, operating costs, project expenditures, capital equipment, and fixed asset purchases. The annual cost of mitigation efforts varies because several mitigation measures are weather dependent. Expenditures in FY 2020-2021 were $0.54 million lower than the prior fiscal year due to decrease in Mitigation Program costs related to projects that were completed in the prior fiscal year. However, the overall costs have remained constant (average of $2.99 million per year) for last five years. In the past, expenditures had trended upward due to expenditures for the Aquifer Storage Recovery (ASR) Project. ASR Project costs are no longer captured under Mitigation Program Costs. FY 2018-2019 expenditures were $4.63 million; and FY 2019-2020 expenditures were $3.19 million.

During FY 2020-2021, revenues totaled $3.76 million including user fees, grant receipts, investment income, project reimbursements, and miscellaneous revenues. The Mitigation Program Fund Balance as of June 30, 2021 was $6.28 million.

EXHIBIT
8-A Executive Summary for 2020-2021 Annual Mitigation Report

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EXHIBIT 8-A

2020-2021 ANNUAL REPORT
(July 1, 2020 - June 30, 2021)

MPWMD MITIGATION PROGRAM
WATER ALLOCATION PROGRAM ENVIRONMENTAL IMPACT REPORT

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Prepared April 2022

I. EXECUTIVE SUMMARY

INTRODUCTION AND BACKGROUND:

In April 1990, the Water Allocation Program Final Environmental Impact Report (EIR) was prepared for the Monterey Peninsula Water Management District (MPWMD or District) by J.L. Mintier and Associates. The Final EIR analyzed the effects of five levels of annual California American Water (CAW or Cal-Am) production, ranging from 16,744 acre-feet per year (AFY) to 20,500 AFY. On November 5, 1990, the MPWMD Board certified the Final EIR, adopted findings, and passed a resolution that set Option V as the new water allocation limit. Option V resulted in an annual limit of 16,744 AFY for Cal-Am production, and 3,137 AFY for non-Cal-Am production, with a total allocation of 19,881 AFY for the Monterey Peninsula Water Resource System (MPWRS). The MPWRS is the integrated system of water resources from the Carmel River Alluvial Aquifer and Seaside Groundwater Basin that provide the Monterey Peninsula community's water supply via the Cal-Am water distribution network.

Even though Option V was the least damaging alternative of the five options analyzed in the Water Allocation Program EIR, production at this level still resulted in significant, adverse environmental impacts that must be mitigated. Thus, the findings adopted by the Board included a "Five-Year Mitigation Program for Option V" and associated mitigation measures.

In June 1993, Ordinance No. 70 was passed, which amended the annual Cal-Am production limit from 16,744 AF to 17,619 AF, and the non-Cal-Am limit from 3,137 AF to 3,054 AF; the total production limit was increased from 19,881 AF to 20,673 AF per year due to new supply from the Paralta Well in Seaside. In April 1996, Ordinance No. 83 slightly changed the Cal-Am and non-Cal-Am annual limits to 17,621 AF and 3,046 AF, respectively, resulting in a total limit of 20,667 AFY. In February 1997, Ordinance No. 87 was adopted to provide a special water allocation for the planned expansion of the Community Hospital of the Monterey Peninsula, resulting in a new Cal-Am production limit of 17,641 AFY; the non-Cal-Am limit of 3,046 AFY was not changed. These actions did not affect the implementation of mitigation measures adopted by the Board in 1990.

The Five-Year Mitigation Program formally began in July 1991 with the new fiscal year (FY) and was slated to run until June 30, 1996. Following public hearings in May 1996 and District Board review of draft reports through September 1996, the Five-Year Evaluation Report for the 1991-1996 comprehensive program, as well as an Implementation Plan for FY 1996-1997 through FY 2000-2001, were finalized in October 1996. In its July 1995 Order WR 95-10, the State Water Resources Control Board (SWRCB) directed Cal-Am to carry out any aspect of the Five-Year Mitigation Program that the District does not continue after June 1996. To date, as part of the annual budget approval process, the District Board has voted to continue the program. The Mitigation Program has accounted for a significant portion of the District's annual budgets in terms of revenue (derived primarily from a portion of the MPWMD user fee on the Cal-Am bill) and expenditures. It should be noted that this fee was removed from Cal-Am's bill in July 2009, resulting from actions subsequent to a California Public Utilities Commission ruling regarding a Cal-Am rate request. Cal-Am continued to pay the Carmel River Mitigation Program fee under a separate agreement with MPWMD through June 2010. The District and Cal-Am have negotiated an annual funding agreement that funded part of the 2016-2017 mitigation program. In April 2017, the MPWMD resumed collection of its user fee from Cal-Am ratepayers. The District's other revenue sources were used to fund the remainder of the program.

The California Environmental Quality Act (CEQA) (Pub. Res. Code 21081.6) requires that the MPWMD adopt a reporting or monitoring program to insure compliance with mitigation measures when implementing the Water Allocation Program. Findings Nos. 387 through 404 adopted by the Board on November 5, 1990 describe mitigation measures associated with the Water Allocation Program; many entail preparation of annual monitoring reports. This 2020-2021 Annual Report for the MPWMD Mitigation Program responds to these requirements. It covers the fiscal year period of July 1 through June 30. It should be noted that hydrologic data and well reporting data in this report are tabulated using the water year, defined as October 1 through September 30, in order to be consistent with the accounting period used by the SWRCB.

This 2020-2021 Annual Report first addresses general mitigation measures relating to water supply and demand (Sections II through XI), followed by monitoring related to compliance with production limits, drought reserve and supply augmentation (Sections XII through XV), followed by mitigations relating to specific environmental resources (Sections XVI through XIX). Section XX provides a summary of costs for the biological mitigation programs as well as related hydrologic monitoring, water augmentation and administrative costs. Section XXI presents selected references.

Table I-1 summarizes the mitigation measures described in this report. In subsequent chapters, for each topic, the mitigation measure adopted as part of the Final EIR is briefly described, followed by a summary of activities relating to the topic in FY 2020-2021 (July 1, 2020 through June 30, 2021, unless otherwise noted). Monitoring results, where applicable, are also presented. Tables and figures that support the text are found at the end of each section in the order they are introduced in the text.

ACCOMPLISHMENTS:

Many activities are carried out as part of the MPWMD Mitigation Program to address the environmental effects that community water use has upon the Carmel River and Seaside Groundwater Basins. Highlights of the accomplishments in FY 2020-2021 for each major category are shown in **Table I-2**.

OBSERVED TRENDS, CONCLUSIONS AND/OR RECOMMENDATIONS:

The following paragraphs describe observed trends (primarily qualitative), conclusions and/or recommendations for the mitigation program. General conclusions are followed by a summary of selected Mitigation Program categories.

General Overview

Overall, the Carmel River environment with respect to riparian vegetation, river flow, and aquifer levels is in better condition today than it was in 1990 when the Allocation Program EIR was prepared. This improvement is evidenced by increased riparian habitat and higher water tables in the Carmel Valley alluvial aquifer. However, the steelhead fishery was rebounding until the onset of the 2012-2015 drought. During and after the drought, steelhead numbers declined to levels similar to those seen in previous droughts. Then in 2017, with abundant winter rains, adult steelhead were observed in the system and the District did not have to rescue juvenile steelhead in the mainstem of the Carmel River. However, rescues were carried out in the tributaries. This was also the case in the summer of 2019. Then in the summer of 2020 and 2021, because of lower rainfall, rescues resumed in the mainstem of the Carmel River.

The comprehensive MPWMD Mitigation Program is an important factor responsible for helping maintain steelhead populations in the Carmel River. Direct actions such as fish rescues and rearing, and riparian habitat restoration literally enable species to survive and reproduce. Indirect action such as conservation programs, water augmentation, ordinances/regulations and cooperative development of Cal-Am operation strategies result in less environmental impact from human water needs than would occur otherwise. The District's comprehensive monitoring program provides a solid scientific data baseline, and enables better understanding of the relationships between weather, hydrology, human activities and the environment. Better understanding of the MPWRS enables informed decision-making that achieves the District's mission of benefiting the community and the environment.

It is acknowledged that there are other important factors responsible for this improved situation. For example, since Water Year (WY) 1991, the Carmel River has received normal or better runoff in 19 out of 30 years. Actions by federal resource agencies under the Endangered Species Act (ESA) or the SWRCB under its Order WR 95-10 and follow-up orders have provided strong incentive for Cal-Am and other local water producers to examine and amend water production practices to the degree feasible, and for the community to reduce water use. Except for one year in 1997, the community has complied with the production limits imposed on Cal-Am by the SWRCB since Order 95-10 became effective in July 1995.

Despite these improvements, challenges remain due to human influence on the river. The steelhead and red-legged frog remain listed as threatened species under the ESA. At least several miles of the river still dry up in most years, harming habitat for listed fish and frog species. The presence of the one existing dam, flood-plain development and water diversions to meet community and local user needs continue to alter the natural dynamics of the river. Streambank restoration projects may be significantly damaged in large winter storm events, and some people continue to illegally dump refuse into the river or alter their property without the proper permits. Thus, the Mitigation Program (or a comprehensive effort similar to it) will be needed as long as significant quantities of water are diverted from the Carmel River and people live in close proximity to it.

Water Resources Monitoring Program

Streamflow and precipitation data continue to provide a scientific basis for management of the water resources within the District. These data continue to be useful in Carmel River Basin planning studies, reservoir management operations, water supply forecast and budgeting, and defining the baseline hydrologic conditions of the Carmel River Basin. Also, the District's streamflow monitoring program continues to produce high quality and cost-effective data.

There is limited storage of surface water on the Carmel River. Los Padres Reservoir, completed in 1948, holds 1,667 AF of storage (without flashboard), based on 2017 survey data. In addition, San Clemente Reservoir (SCR), completed in 1921, was removed in the fall of 2015 by order of the Department of Water Resources (DWR) due to seismic safety concerns.

Groundwater levels, and consequently groundwater storage conditions, in the Carmel Valley Alluvial Aquifer have maintained a relatively normal pattern in recent years, in contrast to the dramatic storage declines that were observed during the prolonged 1987-1991 drought period. The relatively stable storage in the Carmel Valley alluvial aquifer in recent years is attributable to a combination of periods of more favorable hydrologic conditions and the adoption of improved water management practices that have tended to preserve higher storage conditions in the aquifer. In WY 2021, Carmel Valley Alluvial Aquifer storage was average compared with recent years as this year was classified as "dry."

In contrast, storage conditions in the coastal portion of the Seaside Groundwater Basin have not been stable in recent years, in particular with respect to the deeper Santa Margarita aquifer, from which over 90 percent of the Cal-Am production in the Seaside Basin is derived. This downward trend in water levels reflects the changed production operations in the Seaside Basin stemming primarily from changed practices after SWRCB Order 95-10. The increased annual reliance on production from Cal-Am's major production wells in Seaside, along with significant increases in non-Cal-Am use, have dramatically lowered water levels in this aquifer, and seasonal recoveries have not been sufficient to reverse this trend.

To address this storage depletion trend, the District initiated efforts in the 2000-2001 timeframe to prepare a Seaside Basin Groundwater Management Plan in compliance with protocols set by the State of California (AB 3030, as amended by SB 1938). This process was superseded by litigation filed by Cal-Am in August 2003, requesting a court adjudication of water production and storage rights in the Seaside Basin. The District participated in all litigation proceedings as an intervening

"interested party". The Superior Court held hearings in December 2005 and issued a final adjudication decision in March 2006, which was amended through an additional court filing in February 2007. The final decision established a new, lower "natural safe yield" for the Basin of 3,000 AFY, and an initial Basin "operating safe yield" of 5,600 AFY. Under the decision, the operating safe yield would be reduced by 10% every three years until the operating safe yield matches the natural safe yield of the Basin in 2021. The Court also created a nine-member Watermaster Board (of which the District is a member) to implement the Court's decision. With the triennial reductions in operational yield required by the Seaside Basin Adjudication Decision, water levels have not been declining as fast as previously observed.

One of the means that could potentially mitigate this observed storage depletion trend is a program that the District has been actively pursuing since 1996 -- the Seaside Basin groundwater injection program (also known as aquifer storage and recovery, or ASR). ASR entails diverting excess water flows (typically in Winter/Spring) from the Carmel Valley Alluvial Aquifer through existing Cal-Am facilities and injecting the water into the Seaside Groundwater Basin for later recovery in dry periods.

The primary goal of the MPWMD ASR Project is better management of existing water resources and production facilities to help reduce impacts to the Carmel River, especially during the dry season. The projects are viewed as being complementary to other larger, long-term water augmentation projects that are currently being pursued for the Monterey Peninsula. These projects, also known as Phase 1 and 2 ASR projects, entail a maximum diversion of 2,426 AFY, and 2,900 AFY respectively from the Carmel River for injection. The combined average yield for both projects is estimated at about 2,000 AFY. The operation of the Phase 1 and 2 ASR Projects result in reduced unauthorized pumping of the Carmel River in Summer/Fall and increased storage in the Seaside Basin, which are both considered to be environmentally beneficial.

The ASR water supply efforts in 2020-2021 included: (1) continued work with regulatory and land use agencies on expansion of the Phase 1 Santa Margarita ASR site; (2) continued work on the utility water system for the Phase 2 ASR Project at the Seaside Middle School site; (3) coordination with Cal-Am and other parties to construct the necessary infrastructure for the ASR project expansion; and (4) continued implementation of a Memorandum of Understanding (MOU) with Cal-Am on operation and maintenance at the ASR facilities.

In 2021, Pure Water Monterey continued to inject 3,500 Acre Feet per year into the Santa Margarita for water supply. 1,200 AF was left in the Seaside Basin for Pure Water Monterey Operational Reserve, the rest was recovered for water supply to Peninsula residents. 500 additional Acre Feet of Operational Reserve will be built up over WY 2022.

Groundwater quality conditions in both the Carmel Valley Alluvial Aquifer and Seaside Basin have remained acceptable in terms of potential indicators of contamination from shallow sources such as septic systems. There have been no identifiable trends indicative of seawater intrusion into the principal supply sources the coastal areas of these two aquifer systems to date.

Steelhead Fishery Program

- **Adult Steelhead**

Redd surveys conducted downstream of the former SCD confirm improvements in spawning habitat and increased spawning success in the lower river over the last 23 years. Additionally, juvenile steelhead rescued from the lower river that survive to adulthood may return to reaches lower in the river to spawn.

Variability in adult steelhead counts is likely the result of:

- Highly dynamic ocean conditions, increasing water temperatures, and degraded ocean water quality likely affect the abundance of food resources and at sea survival of returning steelhead.
- Variable river conditions and flow regimes can affect migration and spawning success.
- Variable lagoon conditions, caused by artificial manipulation of the sandbar and/or naturally occurring periods of low winter flows.
- Variable densities of juvenile fish affecting subsequent adult populations.

- **Juvenile Steelhead**

Long-term monitoring of juvenile steelhead at eleven sites along the mainstem Carmel River below LPD suggests that fish density continues to be quite variable between years and among sites, from less than 0.10 fish-per-foot (fpf) of stream to levels frequently above 1.00 fpf, values that are typical of well-stocked steelhead streams. However, fish density has been improving since the last long drought of 2013-15. In this 2021 reporting period, the average population density was 0.92 fpf, much higher than the long-term average of 0.73 fpf for the Carmel River, continuing the strong upward trend.

The variability of the juvenile steelhead population in the Carmel River Basin are influenced by:

Positive Factors:

- General improvements in streamflow, due to favorable natural fluctuations, exemplified by relatively high base-flow conditions between 1995 and 2012 and high precipitation in 2017 and 2019.
- District and SWRCB rules to actively manage the rate and distribution of groundwater extractions and direct surface diversions within the basin, coupled with changes to Cal-Am's operations at LPD, the increased availability of ASR in the summer, and extensive conservation measures, all help provide increased streamflow.
- Restoration and stabilization of the lower Carmel River's stream banks, providing improved riparian habitat (tree cover/shade along the stream, an increase in woody debris and the associated invertebrate food supply) while preventing erosion of silt/sand from filling gravel beds and pool.
- The removal and restoration of the San Clemente Dam and Reservoir and other barriers improved passage and habitat values for adults and juvenile fish.

- Extensive juvenile steelhead rescues by the District over the last 32 years, now totaling 73,690 fish through 2021.
- Rearing and releases of rescued fish from the SHSRF of 105,616 juveniles and smolts into the river and lagoon over the past 25 years (18 years of operation), at sizes generally larger than the naturally reared fish, which could enhance their ocean survival.

Negative Factors:

- Variable lagoon conditions, including highly variable water surface elevation changes caused by mechanical breaching, chronic poor water quality (especially in the fall), and predation by birds and striped bass.
- Barriers or seasonal impediments to juvenile and smolt emigration, such as intermittent periods of low flow below the Narrows during the normal spring outmigration.
- Spring flow variability such as low-flow conditions that could dewater redds prematurely or high flows that could either deposit sediment over redds or completely wash them out.
- Occasionally elevated fall temperature and hydrogen sulfide levels below LPD, and the recent large landslide into LPR that affects the outlet works.
- The potential for enhanced predation on smolts and YOY migrating through the sediment field above LPD.
- Invasive species: striped bass have recently (2015) started migrating up the river from the lagoon and are likely preying on juvenile steelhead. New Zealand Mud Snails (NZMS) were first discovered during BMI surveys at Red Rock (mid-valley) in 2016 and now comprise up to 28% (down from 62%) of the BMI in the lower river. NZMS outcompete native invertebrates and are a poor food item themselves for steelhead.

District staff continues to provide technical expertise and scientific data to CAW engineers and environmental consultants, DWR/DSOD, CDFW, NMFS, U.S. Fish and Wildlife Service, and others involved in addressing the resource management issues associated with both LPD and the area influenced by the SCD Removal and Carmel River Reroute Project. District staff also continues to provide technical expertise and scientific data to California Department Parks and Recreation, Monterey County Water Resources Agency, Monterey County Public Works Department, California Coastal Commission, U. S. Army Corps of Engineers, Carmel Area Wastewater District, and other regulatory agencies and stakeholders involved in the management of the Carmel River, the Carmel River Lagoon and the barrier beach.

Riparian Habitat Mitigation

With the exception of the Rancho Cañada to Rancho San Carlos Road Bridge reach, the Carmel River streamside corridor has stabilized in nearly all reaches that were affected by a combination of increased groundwater extraction, extreme drought and flood events that occurred during the 1970s, 1980s and 1990s. Prior to the 2016-17 winter high flows, a complex channel had developed in the lower 16 miles of the river with improved steelhead spawning substrate, diverse habitat, and a richer riparian community. Areas with perennial or near perennial flow (upstream of Schulte Bridge) or a high groundwater table, such as downstream of Highway 1, experienced vigorous natural recruitment in the channel bottom, which has helped to stabilize streambanks and diversify aquatic habitat. Areas that continue to be dewatered annually have less significant growth.

In areas with perennial flow, natural recruitment has led to vegetation encroachment that, in some areas, may constrict high flows and threaten bank stability. MPWMD continues to monitor these areas closely and to develop a management strategy to balance protection of native habitat with the need to reduce erosion potential. Environmental review of proposed projects and the process of securing permits is quite complex and requires an exhaustive review of potential impacts.

The Soberanes fire in the summer of 2016 combined with the removal of San Clemente Dam and high flows in the winter of 2016-17 proved to be a combination of events that significantly changed the river downstream of the former dam site. Quantities of silt, sand, and debris that had not been seen in the alluvial reach since high flows in 1998 were carried down from the fire-scarred upper watershed into the active channel. Past similar events during 1978-1983 and 1993-1998 contributed to substantial destabilization of streambanks in the lower 15.5 miles of the river; however, the 2016-17 event comes after significant reductions in annual diversions have been made and after long reaches of the river have been actively restored or passively recovered. Thus, streambank instability was limited to the area downstream of Rancho San Carlos Road. Follow-up channel surveys by CSUMB indicate that the increased sediment load during the winter of 2017 were likely due to material being washed out from the Carmel River Reroute at the former San Clemente Dam site.

The recovery of streamside areas subjected to annual dewatering requires monitoring. Plant stress in the late summer and fall is evident in portions of the river that go dry. In these areas, streambanks can exhibit unstable characteristics during high flows, such as sudden bank collapse, because of the lack of healthy vegetation that would ordinarily provide stability. The drought that began with Water Year 2013 (beginning October 2012) and ended in Water Year 2016 is an ongoing concern because of the past history of channel erosion and bank instability after severe droughts in 1976-77 and 1987-1991. Impacts to streamside vegetation can manifest themselves for several years even after the end of a drought.

Based on annual cross-section work by CSUMB, several areas have experienced a filling in of pools with sand. Absent high flows like those that occurred in 2017, it is likely that the sand will be winnowed out and sent downstream over the next several years. When river flows drop in late spring or early summer of 2022, District staff will investigate the overall scour and deposition of the streambed and report on this in next year's mitigation report. Current results still show many of the pools are still filled with sand.

Restoration project areas sponsored by MPWMD since 1984 continue to mature and exhibit more features of relatively undisturbed reaches, such as plant diversity and vigor, complex floodplain topography, and a variety of in-channel features such as large wood, extensive vegetative cover, pools, riffles, and cut banks.

As cited in previous reports, the most significant trends continue to include the following:

- increased encroachment of vegetation into the active channel bottom that can induce debris blockage, bank erosion and increased risks during floods,
- effects to areas with groundwater extraction downstream of Schulte Road,
- channel changes and erosion due to new supply of sediment from upstream associated with

high flows, San Clemente Dam removal, and the Soberanes Fire in Water Year 2017,
- healthy avian species diversity, and
- maturing of previous restoration projects.

Carmel River Erosion Protection and Restoration

With the exception of the channel area between the Via Mallorca Road bridge and the Rancho San Carlos Road bridge, streambanks in the main stem appear to be relatively stable during average water years with "frequent flow" storm events (flows with a return magnitude of less than five years). The program begun by MPWMD in 1984 (and later subsumed into the Mitigation Program) to stabilize streambanks appears to be achieving the goals that were initially set out, i.e., to reduce bank erosion during high flow events up to a 10-year return flow, restore vegetation along the streamside, and improve fisheries habitat.

Consistent with previous reports, it is likely that the following trends will continue:

- Local, State and Federal agencies consider the Carmel River watershed to be a high priority area for restoration, as evidenced by the interest in addressing water supply issues, the removal of San Clemente Dam, proposed projects in the lower Carmel River, and continued oversight with the management of threatened species. Stringent avoidance and mitigation requirements will continue to be placed on activities that could have negative impacts on sensitive aquatic species or their habitats.
- Activities that interrupt or curtail natural stream functions, such as lining streambanks with riprap, have come under increasing scrutiny and now require significant mitigation offsets. Approximately 35% to 40% of the streambanks downstream of Carmel Valley Village have been altered or hardened since the late 1950s. Activities that increase the amount of habitat or restore natural stream functions are more likely to be approved or funded through State and Federal grant programs.
- Additional work to add instream features (such as large logs for steelhead refuge or backwater channel areas for frogs) can restore and diversify aquatic habitat.
- Major restoration projects completed between 1987 and 1999 have had extensive and successful work to diversify plantings. However, maintenance of irrigation systems is ongoing and requires extensive work in water years classified as below normal, dry and critically dry.
- The channel will change due to a new supply of sediment coming from upstream of the old San Clemente Dam and additional sources of sediment associated with the Soberanes Fire of 2016.

Vegetation Restoration and Irrigation

To the maximum extent possible, MPWMD-sponsored river restoration projects incorporate a functional floodplain that is intended to be inundated in relatively frequent storm events (those expected every 1-2 years). For example, low benches at the Red Rock and All Saints Projects have served as natural recruitment areas and are currently being colonized by black cottonwoods, sycamores and willows. In addition, willow and cottonwood pole plantings in these areas were

installed with a backhoe, which allows them to tap into the water table. These techniques have been successful and have reduced the need for supplemental irrigation.

Channel Vegetation Management

Another notable trend relating to the District's vegetation management program was the widening of the channel after floods in 1995 and 1998. With relatively normal years following these floods, the channel has narrowed as vegetation recruits on the channel bottom and gravel bars. Current Federal regulations such as the Endangered Species Act (ESA) "Section 4(d)" rules promulgated by NOAA Fisheries to protect steelhead significantly restrict vegetation management activities. Because of these restrictions, the District can carry out activities only on the most critical channel restrictions and erosion hazards in the lower 15 miles of the river. In the absence of high winter flows capable of scouring vegetation out of the channel bottom, encroaching vegetation may significantly restrict the channel. As vegetation in the river channel matures in the channel bottom, more conflicts are likely to arise between preserving habitat and reducing the potential for property damage during high flows. MPWMD will continue to balance the need to treat erosion hazards in the river yet maintain features that contribute to aquatic habitat quality.

Permits for Channel Restoration and Vegetation Management

In 2018, MPWMD renewed its long-term permits with the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board for routine maintenance and restoration work. In 2014, the District also renewed a long-term Routine Maintenance Agreement (RMA) with the California Department of Fish and Wildlife to conduct regular maintenance and restoration activities in the Carmel River.

Monitoring Program

Vegetative moisture stress fluctuates depending on the rainfall, proximate stream flow, depth to groundwater, and average daily temperatures, and tends to be much lower in above-normal rainfall years. Typical trends for a single season start with little to no vegetative moisture stress in the spring, when the soil is moist and the river is flowing. As the river begins to dry up in lower Carmel Valley (normally around June) and temperatures begin to increase, an overall increase in vegetative moisture stress occurs. For much of the riparian corridor in the lower seven miles of the Carmel River, this stress has been mitigated by supplemental irrigation, thereby preventing the die off of riparian habitat. However, many recruiting trees experience high levels of stress or mortality in areas difficult to irrigate. Riparian vegetation exposed to rapid or substantial lowering of groundwater levels (i.e., below the root zones of the plants) will continue to require monitoring and irrigation during the dry season.

With respect to riparian songbird diversity, populations dropped after major floods in 1995 and 1998 because of the loss of streamside habitat. Since 1998, species diversity recovered and now fluctuates depending on habitat conditions. Values from 2018 avian point count surveys indicate that the District's mitigation program is preserving and improving riparian habitat.

Strategies for the future

A comprehensive long-term solution to overall environmental degradation requires a significant increase in dry-season water flows in the lower river, a reversal of the incision process, and reestablishment of a natural meander pattern. Of these, MPWMD has made progress on increasing summer low flows and groundwater levels by aggressively pursuing a water conservation program, implementing the first and second phases of the Seaside Groundwater Basin Aquifer Storage and Recovery Project, and recommending an increase in summer releases from Los Padres Reservoir.

Reversal, or at least a slowing, of channel incision may be possible if the supply of sediment is brought into better balance with the sediment transport forces. Additional sediment from the tributary watersheds between San Clemente Dam and Los Padres Dam will pass into the lower river in the foreseeable future now that San Clemente Dam has been removed. District staff are already seeing signs of additional sediment in the Carmel River below Esquiline Road Bridge.

Over the long term, an increase in sediment supply could help reduce streambank instability and erosion threats to public and private infrastructure. However, reestablishing a natural supply of sediment and restoring the natural river meander pattern through the lower 15.5 miles of the Carmel Valley presents significant political, environmental, and fiscal challenges, and is not currently being considered as part of the Mitigation Program.

Integrated Regional Water Management (IRWM) Grant Program

The IRWM program promoted by the California DWR encourages planning and management of water resources on a regional scale and promotes projects that incorporate multiple objectives and strategies. In addition, the IRWM process brings stakeholders together and encourages cooperation among agencies in developing mutually beneficial solutions to resource problems.

MPWMD adopted the 2019 Update to the IRWM Plan for a region encompassing Monterey Peninsula areas within the District boundary, the area in the Carmel River watershed outside of the MPWMD boundary, Carmel Bay and the Southern Monterey Bay. The IRWM Plan combines strategies to improve and manage potable water supply, water conservation, stormwater runoff, floodwaters, wastewater, water recycling, habitat for wildlife, and public recreation.

Funding from the IRWM grant program and other programs requiring an adopted IRWM Plan provide the incentive to undertake a set of projects that would continue to improve the Carmel River environment and engage a larger number of organizations in helping to develop and implement a comprehensive solution to water resource problems in the planning region. The Monterey Peninsula region is expecting to take advantage of about $4.3 million from Prop 1 IRWM funds over the next several years. In 2018, $252,693 was awarded to the region as a part of the Disadvantaged Community Involvement grant. In 2020, $2,238,904 was awarded to the region as a part of the Implementation Round 1 grant.

More information about the IRWM Plan and the group of stakeholders in the planning region can be found at the following web site: https://www.mpwmd.net/environmental-stewardship/irwm-program/

Carmel River Lagoon Habitat

The District continues to support and encourage the ongoing habitat restoration efforts in the wetlands and riparian areas surrounding the Carmel River Lagoon. These efforts are consistent with goals that were identified in the Carmel River Lagoon Enhancement Plan, which was partially funded by the District. The District continues to work with various agencies and landowners to implement ongoing restoration of the Odello West property and future restoration of the Odello East property across the highway.

The District expanded its long-term monitoring around the lagoon in 1995 in an attempt to determine if the reduction in freshwater flows due to groundwater pumping upstream might change the size or ecological character of the wetlands. Demonstrable changes have not been identified. Because of the complexity of the estuarine system, a variety of parameters are monitored, including vegetative cover in transects and quadrats, water conductivity, and hydrology. It is notable that due to the number of factors affecting this system, it would be premature to attribute any observed changes solely to groundwater pumping. The following illustrates the Water Year (October 1 – September 30) classifications since 1995 in terms of total annual runoff.

Classification	Number of Years	Water Year
Extremely Wet	4	1995, 1998, 2017, 2019
Wet	2	2005, 2006
Above Normal	5	1996, 1997, 2000, 2010, 2011
Normal	6	1999, 2001, 2003, 2008, 2009, 2020
Below Normal	3	2004, 2016, 2018
Dry	5	2002, 2012, 2013, 2015, 2021
Critically Dry	2	2007, 2014

Thus, the hydrology of the watershed has been at least normal or better 62% of the time during the 27-year period. However, monitoring in 2014 occurred during a Critically Dry Water Year that followed two consecutive Dry Water Years, and 2015 was the first time a fourth year of drought was ever monitored. Other natural factors that affect the wetlands include introduction of salt water into the system as waves overtop the sandbar in autumn and winter, tidal fluctuations, and long-term global climatic change. When the District initiated the long-term lagoon monitoring component of the Mitigation Program, it was with the understanding that it would be necessary to gather data for an extended period in order to draw conclusions about well production drawdown effects on wetland dynamics. It is recommended that the current vegetation, conductivity, topographical and wildlife monitoring be continued in order to provide a robust data set for continued analysis of potential changes around the lagoon.

Lagoon bathymetric cross-sectional surveys, initially conducted in 1988, have been completed annually during the dry season since 1994. These data are useful in assessing changes in the sand supply within the main body of the lagoon and are necessary to answer questions concerning whether or not the lagoon is filling up with sand, thus losing valuable habitat. As indicated in the survey plots, the sandy bed of the lagoon can vary significantly from year to year. Substrate elevations at cross sections 1 through 4 show light sand accumulation between the 2020 and 2021 water yearsIn the recent “Critically Dry” years of WY 2007 and 2014 and “Dry” years of WY

2012 and 2013, no significant changes were documented compared to the respective prior years. The "Extremely Wet" WY 2019 resulted in no significant changes at the cross sections even though 155,000 AF of runoff (measured at the HWY1 gage) passed through the lagoon. This is inconsistent with WY 2017, the last "Extremely Wet" year when significant scour was observed at the cross sections. Although data suggests that substrate elevations at the cross sections generally remain stable in low-flow years, data are now somewhat inconclusive regarding the effects of high flow years on lagoon sand supply.

Program Costs

Mitigation Program costs for FY 2020-2021 totaled approximately $2.65 million including direct personnel expenses, operating costs, project expenditures, capital equipment, and fixed asset purchases. The annual cost of mitigation efforts varies because several mitigation measures are weather dependent. Expenditures in FY 2020-2021 were $0.54 million lower than the prior fiscal year due to decrease in Mitigation Program costs related to projects that were completed in the prior fiscal year. However, the overall costs have remained constant (average of $2.99 million per year) for last five years. In the past, expenditures had trended upward due to expenditures for the Aquifer Storage Recovery (ASR) Project. ASR Project costs are no longer captured under Mitigation Program Costs. FY 2018-2019 expenditures were $4.63 million; and FY 2019-2020 expenditures were $3.19 million.

During FY 2020-2021, revenues totaled $3.76 million including user fees, grant receipts, investment income, project reimbursements, and miscellaneous revenues. The Mitigation Program Fund Balance as of June 30, 2021 was $6.28 million.

Table I-1

SUMMARY OF COMPONENTS OF MPWMD MITIGATION PROGRAM
July 1, 2020 - June 30, 2021

WATER MANAGEMENT

- Monitor Water Resources
- Manage Water Production
- Manage Water Demand
- Monitor Water Usage
- Augment Water Supply
- Allocation of New Supply
- Determine Drought Reserve

STEELHEAD FISHERY

- Capture/Transport Emigrating Smolts in Spring
  -- Smolt rescues
  -- Pit tagging study
- Prevent Stranding of Fall/Winter Juvenile Migrants
  -- Juvenile rescues
- Rescue Juveniles Downstream of Robles del Rio in Summer
- Operate Sleepy Hollow holding/rearing facility
- Monitoring Activities for Mitigation Plan
  -- Juvenile population surveys
- Other Activities not required by Mitigation Plan
  -- Spawning habitat restoration
  -- Modify critical riffles

RIPARIAN VEGETATION AND WILDLIFE

- Conservation and Water Distribution Management
- Oversee Riparian Corridor Management Plan
- Implement Riparian Corridor Management Program
  -- Cal-Am well irrigation (4 wells)
  -- Channel clearing
  -- Vegetation monitoring
  -- Track and pursue violations
  -- River Care Guide booklet
  -- CRMP Erosion Protection Program

LAGOON VEGETATION AND WILDLIFE

- Assist with Lagoon Enhancement Plan Investigations (See Note 1)
- Expand Long-Term Lagoon Monitoring Program
  -- Water quality/quantity
  -- Vegetation/soils
- Identify Alternatives to Maintain Lagoon Volume

AESTHETICS

- Restore Riparian Vegetation (see above)

Note 1: Mitigation measures are dependent on implementation of the Lagoon Enhancement Plan by the California Department of Parks and Recreation, the land owner and CEQA lead agency. Portions of the Enhancement Plan have been implemented by CalTrans as part of a "mitigation banking" project.

Table I-2
Summary of MPWMD Mitigation Program Accomplishments: 2020-2021 Report

MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
Monitor Water Resources	Regularly tracked precipitation, streamflow, surface and groundwater levels and quality, and lagoon characteristics between Los Padres Dam and the Carmel River Lagoon, using real-time methods at numerous data collection stations. Maintained extensive monitoring network, and continuous streamflow recorders below the former San Clemente Dam and other sites.
Manage Water Production	Developed and implemented multi-agency Memorandum of Agreement and quarterly water supply strategies based on normal-year conditions; worked cooperatively with resource agencies implementing the federal Endangered Species Act. Implemented ordinances that regulate wells and water distribution systems.
Manage Water Demand	A total of about **1,410** inspections were conducted in 2021. An estimated **10.467** Acre-Feet ("AF") of water were saved by new retrofits verified this year in these two categories. From January 1, 2021, through December 31, 2021, a total of **1,137** applications for rebates were received, **913** applications were approved with the use of the rebate refund, as described in Section VIII. As of June 30, 2021, a total of 89.079AF of water remained available in the areas served by CAW, as described in Section IX. This includes water from pre- and post-Paralta Allocations and water added to a Jurisdiction's Allocation from Water Use Credit transfers and public retrofits.
Monitor Water Usage	Complied with SWRCB Order 95-10 for Water Year 2021.
Augment Water Supply	Long-term efforts to augment supply included: (1) Continued participation in meetings about Monterey Peninsula Water Supply Project (MPWSP) construction, operations, financing, management, and oversight; (2) Helped fund environmental work to qualify Pure Water Monterey Expansion as a potential alternative; (3) Operated Aquifer Storage and Recovery (ASR) Phase 1 and 2 projects in WY 2021; (4) Held regular coordination meetings with Cal-Am regarding planned infrastructure upgrades to deliver water supply to the ASR project wells at full capacity; (5) Provided project management and technical support to Monterey One Water for the Pure Water

MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
	Monterey Project; (6) Participated in CPUC hearing process on Cal-Am related rate requests. Other ongoing activities included: (1) Served as member of both the Seaside Basin Watermaster Board and as the Technical Advisory Committee; (2) Participation in a technical role regarding alternatives for Los Padres Dam and associated sediment management.
Allocate New Supply	Remained within Water Allocation Program limits.
Determine Drought Reserve	Rationing was not required due to maintenance of adequate storage reserve.
Steelhead Fishery Program	A total of 54 rescue days were conducted in the mainstem of the Carmel River. Rescue operations occurred from late May through late September, yielding 7,844 steelhead, including: 6,780 young-of-the-year (YOY), 1,017 yearlings (1+), 11 adults, and 36 mortalities (0.46%). Staff tagged 3,193 fish of size with Passive Integrated Transponder (PIT) tags before release from the Sleepy Hollow Steelhead Rearing Facility. A total of two rescue days were conducted on Garzas Creek. Rescue operations occurred in mid-June and late July, yielding 117 steelhead, including: 37 young-of-the-year (YOY), 80 yearlings (1+), and no mortalities (0.0%). Since 1989, District staff has rescued 473,690 steelhead from drying reaches of the Carmel River watershed. Compared to previous rescue seasons, total rescued fish in the 2021 dry season was 56% of the 1989-2021 average of 14,354, as described in Section XVI.
Riparian Habitat Program	Continued revegetation efforts at exposed banks with little or no vegetation located between Via Mallorca and Esquiline Roads; Continued long-term monitoring of physical and biological processes along the river in order to evaluate the District's river management activities; Continued the annual inspections of the Carmel River from the upstream end of the lagoon to Camp Steffani; Continued enforcement actions to address serious violations of District riparian ordinances; Carried out vegetation management activities; Operated under Routine Maintenance Agreement with CDFW for MPWMD vegetation maintenance activities.

MITIGATION ACTION	MAJOR ACCOMPLISHMENTS
Lagoon Habitat Program	The District continues to support and encourage the ongoing habitat restoration efforts in the wetlands and riparian areas surrounding the Carmel River Lagoon. These efforts are consistent with goals that were identified in the Carmel River Lagoon Enhancement Plan, which was partially funded by the District. The District continues to work with various agencies and landowners to implement ongoing restoration of the Odello West property and future restoration of the Odello East property across the highway. The District also surveyed and analyzed bathymetric transects, participated in interagency meetings regarding management of lagoon in winter storm events (see also steelhead efforts that benefit lagoon) and monitored lagoon stage.
Aesthetic Measures	See Riparian Habitat Program measures in Section XVII.

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ITEM: CONSENT CALENDAR

9. RATIFY APPOINTMENT TO ORDINANCE 152 CITIZEN'S OVERSIGHT PANEL

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Joel G. Pablo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Ordinance No. 152 created a nine-member Ordinance No. 152 Citizen's Oversight Panel as an advisory group to the Board of Directors on expenditures from the Connection Charge adopted in June 2012. Each Director appoints one (1) person to participate on the panel. In addition, the Monterey Peninsula Taxpayers Association (MPTA) and the Monterey County Association of Realtors (MCAR) each appoint a member to the Panel.

Kevin Stone, CEO with the Monterey County Association of Realtors (MCAR) has appointed Adam Pinterits to the Ordinance No. 152 Oversight Panel replacing panel member Scott Dick who has resigned from MCAR.

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

Appointing Director	Appointee
Monterey County Association of Realtors	Adam Pinterits

EXHIBIT
9-A Letter from Kevin Stone, CEO with the Monterey County Association of Realtors dated April 1, 2022

EXHIBIT 9-A

MCAR
MONTEREY COUNTY ASSOCIATION OF REALTORS®

April 1, 2022

David J. Stoldt
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93940

Subject: Appointment of Adam Pinterits to Ordinance Number 152 Oversight Panel

Dear Mr. Stoldt,

Adam Pinterits is our selection to replace Dr. Scott Dick on the Ordinance No. 152 Oversight Panel.

Please submit his name for membership on the panel.

Sincerely,

Kevin Stone
CEO, Monterey County Association of REALTORS®

ITEM: CONSENT CALENDAR

10. APPROVE EXPENDITURE OF BUDGETED FUNDS TO CORPORATION SERVICE COMPANY – DOCUMENT RECORDING FEES

Meeting Date:	**April 18, 2022**	**Budgeted:**	**Yes**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**Recording Fees 26-05-781900**
Prepared By:	**Stephanie Locke**	**Cost Estimate:**	**$24,000 (partially reimbursed)**

General Counsel Review: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Permit applications have increased 30% over last fiscal year, and the budget for electronic deed restriction recording during Fiscal Year 2021-22 was insufficient. The Board approved a budget increase of $24,000 during the mid-year budget review. Electronic recording costs less than the District's former method of transmitting documents via courier to the Monterey County Recorder's Office. Approximately 40 percent of the recording fees are reimbursed by the applicant. Recorded documents include deed restrictions related to access to water records and limitations on use, Well Confirmation of Exemptions, Water Distribution System Permits, and notices of non-compliance/compliance and removal.

Corporation Service Company (the recording vendor) requires immediate payment at the time a document is recorded. To facilitate this, the District maintains a deposit account that is regularly refilled to cover recording costs. Staff is seeking approval to expend the additional $24,000 of budgeted funds for document recording during Fiscal Year 2021-2022.

RECOMMENDATION: The Administrative Committee recommends that the Board approve the expenditure of $24,000 for recording fees for Fiscal Year 2021-2022.

IMPACT TO STAFF/RESOURCES: Funds for this expenditure were approved in the mid-year budget adjustments for Fiscal Year 2021-2022.

EXHIBITS
None

ITEM: REPORT FROM DISTRICT COUNSEL

14. RECEIVE A VERBAL REPORT ON MPWMD, PETITIONER AND PLAINTIFF V. LAFCO OF MONTEREY COUNTY, ET AL., DEFENDANTS PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE RELIEF - MONTEREY COUNTY SUPERIOR COURT CASE NO. 22CV000925

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David Laredo, District Counsel**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**David Laredo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The Board will receive a verbal report on MPWMD, *Petitioner and Plaintiff* v. LAFCO of Monterey County, et al., *Defendants, Petition For Writ Of Mandate And Complaint For Injunctive Relief* - Monterey County Superior Court Case No. 22cv000925

EXHIBIT

14-A 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

ITEM 14 **[Exempt From Filing Fee Government Code § 6103]**

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Attorneys for Petitioner and Plaintiff
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 4/1/2022 12:54 PM
By: Mariela Hernandez, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, Petitioner and Plaintiff, v. LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY; COMMISSIONERS OF THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY; and DOES 1 through 20, Respondents and Defendants.	Case No. 22CV000925 **PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE RELIEF** CCP §§ 1085, 1094.5; Government Code § 56000 et seq. (Cortese-Knox-Hertzberg Act); Public Resources Code § 21000 et seq. (CEQA)

INTRODUCTION

1. This Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") challenges the February 28, 2022 decision of the Local Agency Formation Commission of Monterey County ("Commission") to deny the Monterey Peninsula Water Management District's ("District") proposal to activate its "latent powers" to provide potable water to retail customers. As explained below, the Commission's actions in denying the District's proposal violated the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Cortese-Knox-Hertzberg Act"), Government Code section 56000 et seq.; the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq.; the CEQA Guidelines, 14 California Code of Regulations section 15000 et seq. ("CEQA Guidelines"), and state fair hearing requirements.

2. In 2018, voters on the Monterey Peninsula adopted Measure J, which directs the District to acquire the private utility system that provides their water. The current owner of that water system—California-American Water ("Cal-Am")—has mismanaged the Monterey water system for decades, leading to recurring moratoria on water connections and some of the highest water rates in the country.

3. Following Measure J's adoption, the District has worked to comply with the voter's directive to acquire Cal-Am's system. The District prepared an economic feasibility study in 2019 and an environmental impact report ("EIR") in 2020 to study acquisition of the Cal-Am system. Cal-Am filed a lawsuit in Monterey Superior Court challenging the District's EIR, but this Court concluded that Cal-Am's suit was meritless. *California-American Water Co. v. Monterey Peninsula Water Management Dist.*, No. 20CV003201 (Sup. Ct. Monterey County, Nov. 19, 2021).

4. The District also applied to the Commission to annex 58 parcels and to update its Municipal Service Review and Sphere of Influence Study. At the same time, the District requested that the Commission activate its "latent power" to sell water to retail customers, a power the District believes it has already used, but felt Commission approval would reinforce.

5. Local Agency Formation Commissions (LAFCOs) are agencies that oversee the physical boundaries and structures of local governments. The Cortese-Knox-Hertzberg Act, which governs LAFCO proceedings, includes a procedure for special districts to request activation of a "latent service or power"—a power granted by enabling legislation but that a district does not currently exercise.

6. Having failed in its CEQA challenge, Cal-Am selected the Commission's proceeding as the next front in its campaign against Measure J. Throughout the Commission's review process, Cal-Am repeatedly demanded additional studies and raised a host of phantom concerns about the District's proposal. In response, the Commission hired an independent financial consultant who concluded that the District's proposal would result in cost savings to Cal-Am's customers under a range of reasonable assumptions. The Commission's Executive Officer agreed and recommended that the Commission approve the District's proposal.

7. On December 6, 2021, following relentless lobbying by Cal-Am, the LAFCO Commissioners voted 5-2 to reject staff's recommendation. The Commissioners' vote revealed that parochial interests and Cal-Am's alarmism had eclipsed reasoned decision-making. The Commissioners cited a range of unsubstantiated and irrelevant concerns, several of which flatly contradicted the project's certified EIR, which this Court upheld. Multiple Commissioners revealed bias against the District, including one Commissioner who stated openly that he believed that public agencies were incapable of providing services effectively. Another Commissioner, who had co-authored the official ballot argument against Measure J, renewed her preconceived objections to Measure J and voted against staff's recommendation.

8. The Commission voted to reject the District's proposal without a written basis for its decision, but then instructed staff to prepare a post-hoc resolution to justify the decision. The Commission's final resolution departed from the grounds of the December 6 deliberations in significant ways, omitting some of the Commissioners' indefensible statements and citing new evidence that went unmentioned at the December 6 hearing.

9. On January 31, 2022, the District sought reconsideration and then requested that several of the Commissioners recuse themselves from further consideration of the District's

proposal. On February 28, 2022, the Commission denied those requests and terminated the proceeding.

10. As explained below, the Commission's decision fails to satisfy the requirements of the Cortese-Knox-Hertzberg Act and violates key provisions of CEQA and state law. Among other errors, the Commission mishandled the essential inquiry for a latent powers proposal: whether the District would have sufficient revenue to carry out its proposal. The Commission disregarded both CEQA and its own internal policies when it engaged in an unstructured and ill-informed review of potential environmental impacts of the District's proposal. And the Commission denied the District a neutral and unbiased hearing. For these reasons and the additional reasons stated below, this Court must overturn the Commission's decision.

PARTIES

11. Petitioner and Plaintiff Monterey Peninsula Water Management District is a public agency that manages the Monterey Peninsula's water resources. The Legislature established the District in 1977 and granted it "broad powers to manage and regulate water use and distribution" on the Monterey Peninsula. *Monterey Peninsula Water Management Dist. v. Public Utilities Comm'n* (2016) 62 Cal.4th 693, 695. The District uses these powers to promote water conservation and environmental protection, and to develop water supply projects to address the Peninsula's chronic water shortages.

12. The District has a direct and beneficial interest in the Commission's compliance with the Cortese-Knox-Hertzberg Act and CEQA. These interests have been directly and adversely affected by the Commission's denial of the District's proposal. The Commission's denial violates provisions of law as set forth in this Petition and interferes with the District's ability to implement Measure J. The maintenance and prosecution of this action will confer a substantial benefit on the public by advancing the voter-adopted Measure J and by remedying the Commission's violations of the Cortese-Knox-Hertzberg Act and CEQA.

13. Respondent and Defendant Local Agency Formation Commission of Monterey County is a public agency that oversees changes to the boundaries and structure of local governments in Monterey County. Respondent's responsibilities include, but are not limited to,

implementing and complying with the provisions of CEQA, the Cortese-Knox-Hertzberg Act, and other law. Respondent issued the decision denying the District's proposal that is challenged in this action. In addition, Respondent is a "responsible agency" under CEQA. Pub. Resources Code § 21069. As such, Respondent is responsible for complying with the requirements of CEQA and the CEQA Guidelines with respect to the District's acquisition of Cal-Am's system. Respondent committed acts and omissions in the CEQA process that are challenged in this action.

14. Respondents and Defendants Commissioners of the Local Agency Formation Commission of Monterey County ("Commissioners") are the members of the governing board of Respondent Local Agency Formation Commission of Monterey County. The Commissioners are responsible for complying with the law, including CEQA and the Cortese-Knox-Hertzberg Act. The Commissioners made the decisions that are challenged in this action.

15. The District does not know the true names and capacities, whether individual, corporate, associate or otherwise, of Respondents and Defendants DOE 1 through DOE 20, inclusive, and therefore sues said Respondents under fictitious names. The District will amend this Petition to show their true names and capacities when they are known.

JURISDICTION AND VENUE

16. This Court has jurisdiction over the matters alleged in this Petition pursuant to Code of Civil Procedure sections 1085 and 1094.5, Government Code section 56107, and Public Resources Code sections 21168, 21168.5, and 21168.9.

17. Because this is an action or proceeding against a local agency, venue is proper in this Court pursuant to Code of Civil Procedure section 394(a). Moreover, the proposal will be implemented in Monterey County, Respondent denied the proposal in Monterey County, and the impact on voters and ratepayers will be felt in Monterey County. As such, venue is proper in this Court pursuant to Code of Civil Procedure section 393(b) because the causes of action alleged in this Petition arose in Monterey County.

18. The District complied with the requirements of Public Resources Code section 21167.5 by serving written notice on March 30, 2022 of the District's intention to commence

this action against Respondent. A copy of this written notice and proof of service is attached as Exhibit A to this Petition.

19. The District is complying with the requirements of Public Resources Code section 21167.6 by concurrently filing a notice of its election to prepare the administrative record for this action.

20. The District will promptly send a copy of the Petition to the California Attorney General, thereby complying with the requirements of Public Resources Code section 21167.7.

21. The District has performed any and all conditions precedent to filing this action and has exhausted any and all available administrative remedies to the extent required by law.

22. The District has no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate. In the absence of such remedies, Respondent's denial will remain in effect in violation of State law.

STATEMENT OF FACTS

I. Adoption and Implementation of Measure J

A. Ballot Initiative

23. On November 6, 2018, the District's voters enacted Measure J, which directs the District to acquire Cal-Am's water system.

24. Measure J was a response to the Monterey Peninsula's ongoing water crisis. For decades, residents and businesses have struggled with increasing water prices, scarce water supply, and recurring moratoria on new water connections. Measure J's findings catalogued the inadequacies of Cal-Am's service, noting the following:

a. "Under Cal Am's ownership and management, the Monterey Peninsula's water service has become the most expensive water service in the entire United States, according to a Food and Water Watch report in June 2017."

b. "Since 2007, the total cost of water billed to ratepayers by Cal Am, including surcharges, increased from $2,501 to $6,484 per acre-foot, a 159 percent increase. During the same period, the consumer price index increased by merely 12.5 percent."

c. "In 1995, the State Water Resources Control Board ('State Board') ordered Cal Am to cease illegal pumping from the Carmel River, and to plan for a new water supply. In 2009, the State Board issued a follow-up enforcement order, and threatened Cal Am with mandatory water rationing for its failure to make adequate progress after its initial order 14 years earlier."[1]

d. "In 2007, a Monterey County Superior Court ordered Cal Am to cease its over-pumping from the Seaside Groundwater Basin that threatened the long-term sustainability of the Basin."

e. "Cal Am has failed to complete three water supply projects it initiated after 1995 (Carmel River Dam, Moss Landing Desalination, and Regional Desalination Project). As a result, stranded costs in excess of $34 million were approved by the CPUC to be charged to Cal Am's ratepayers."

f. "Cal Am's record shows it lacks the capacity to manage the Peninsula's water system to ensure provision of reliable, efficient, cost-effective water service to ratepayers."

25. Measure J found that, in contrast to Cal-Am, the District has achieved a successful track record of developing and managing water supply projects, including complex water storage and reclamation projects that have expanded the region's water supply. After noting that 85 percent of consumers in the United States receive water from public agencies, Measure J concluded that:

> "Public ownership of the Monterey Peninsula's water system will benefit residential and business customers and ratepayers by lowering water service costs, guaranteeing transparency in meetings and actions by governing bodies, assuring public access to records, and [providing] full accountability of local elected officials in water system management and water service delivery."

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[1] The State Board's order, extended in 2016, remains in effect. *See* State Water Resources Control Bd., *Matter of the Unauthorized Diversion and Use of Water by the California American Water Co.*, Order WR 2009-0060 (Oct. 20, 2009) ("2009 Cease and Desist Order"), *as amended by* Order WR 2016-0016 (July 19, 2016).

26. Measure J directed the District to adopt a new policy to acquire and maintain water systems in its territory as public assets. The measure specifically directed the District to acquire Cal-Am's water system via a negotiated purchase or, if necessary, eminent domain.

27. Mary Ann Leffel, a current LAFCO Commissioner, was a vocal opponent to Measure J. Commissioner Leffel co-authored the official ballot argument against the initiative, arguing that public takeover would be costly and that Cal-Am would soon rectify its chronic failure to secure a reliable water supply.

28. The District's voters disagreed with Commissioner Leffel's assessment. On November 6, 2018, Monterey residents voted to enact Measure J by a margin of 56% to 44%.

B. Feasibility Determination

29. As directed by Measure J, the District took steps to determine whether the acquisition of Cal-Am's system would be economically feasible.

30. On or about September 24, 2019, the District obtained a Letter of Confidence from its investment banker, Barclays Capital, Inc ("Barclays"). The Barclays letter affirmed that the District would have sufficient access to financing to fund both the acquisition of Cal-Am's system and future capital needed to operate the system.

31. On or about October 29, 2019, the District's financial consultant, Raftelis Financial Consultants, Inc., completed a study of the feasibility of acquiring Cal-Am's system ("Raftelis Report"). The Raftelis Report concluded that public ownership would likely lead to significant savings for the District's residents. The Raftelis Report highlighted many advantages of acquisition, including the District's lower costs of public financing, reduced administrative overhead, and tax-exempt status. The Raftelis Report further noted that public acquisition would eliminate the need to generate shareholder profits above and beyond the cost of providing service, resulting in substantial savings for ratepayers.

C. Environmental Review

32. The District, acting as the lead agency under CEQA, subsequently prepared an Environmental Impact Report to evaluate potential impacts from acquiring and operating Cal-Am's system.

33. On June 18, 2020, the District circulated a Draft EIR ("DEIR") for public comment. The DEIR studied numerous potential environmental impacts, including potential impacts to regional water supply, and concluded that the District's proposal, in combination with required mitigation measures, would not result in any significant environmental impacts.

34. The EIR identified the Commission as a responsible agency under CEQA that could oversee subsequent approvals related to the project. The Commission actively participated in the CEQA process, including by providing comments in response to both the District's Notice of Preparation of an EIR and Draft EIR.

35. Notably, the Commission requested language explaining that the Commission would use the EIR when considering any future latent power proposals. At no point, however, did the Commission identify any perceived deficiencies in the EIR's analysis of environmental impacts or conclusions.

36. The District certified the Final EIR on October 29, 2020.

37. Shortly thereafter, Cal-Am filed a petition for writ of mandate in this Court challenging the EIR and alleging a laundry list of perceived CEQA deficiencies. *California-American Water Co. v. Monterey Peninsula Water Management Dist.*, No. 20CV003201 (Sup. Ct. Monterey County, Nov. 19, 2021).

38. The Commission did not seek to intervene in that lawsuit or otherwise challenge the District's EIR.

39. On November 19, 2021, this Court denied Cal-Am's writ petition. The Court specifically rejected Cal-Am's claim that the EIR's analyses of hydrology and groundwater impacts were deficient.

II. LAFCO Proceedings

A. The Role of LAFCOs

40. The Legislature established LAFCOs for each county in the state to "encourage planned, well-ordered, efficient urban development patterns" and to promote the "orderly formation and development of local agencies." *Community Water Coalition v. Santa Cruz County Local Agency Formation Comm'n* (2011) 200 Cal.App.4th 1317, 1324.

41. LAFCOs govern changes to the structure and number of local governments within their jurisdictions. Among other functions, LAFCOs approve or disapprove proposals to form, merge, and dissolve local agencies. LAFCOs also oversee the geographic boundaries of local governments by considering proposals to annex territory and by determining each agency's "sphere of influence." Gov. Code § 56425.[2]

42. The Cortese-Knox-Hertzberg Act, Government Code sections 56000 et seq., governs LAFCO proceedings. In 2001, the Legislature amended the Act to give LAFCOs specific authority to review proposals by special districts to "exercise . . . new or different functions or classes of services." Gov. Code § 56021(m). Those proposals are often called "latent power proposals."[3]

43. When reviewing a special district's application to provide a new or different service, a LAFCO's principal task is to determine whether the special district will have "sufficient revenues to carry out the proposed new or different functions or class of services." Gov. Code § 56824.14(a). After holding a public hearing, a LAFCO may approve, conditionally-approve, or deny a special district's proposal. *Id*.

B. The District Applies for LAFCO Approval

44. On February 26, 2021, the District submitted a proposal to the Commission that included several requests related to implementing Measure J.

45. First, the District sought to align its territory with Cal-Am's primary service area. To do so, the District asked to amend its sphere of influence and annex 58 parcels.

46. Second, the District proposed to activate its latent powers to provide water service to retail customers. The Legislature granted the District broad powers in its enabling legislation to sell and distribute water and to set water rates and charges. The District currently exercises

[2] A sphere of influence is a "plan for the probable physical boundaries and service area of a local agency." Gov. Code § 56076. To prepare and update spheres of influence, a LAFCO conducts municipal "service reviews," which are evaluations of an agency's ability to serve local community needs. Gov. Code § 56430.

[3] The Cortese-Knox-Hertzberg Act defines a "latent service or power" as "those services, facilities, functions, or powers authorized by the principal act under which the district is formed, but that are not being exercised." Gov. Code § 56050.5.

those powers in multiple ways, including by selling water wholesale to Cal-Am, producing water from the District's Aquifer Storage and Recovery project, and delivering water directly to retail customers. Nonetheless, Cal-Am claimed in a January 27, 2020 letter that the District required LAFCO approval to implement Measure J by providing water to Cal-Am's customers. In response, out of an abundance of caution, the District applied to the Commission to activate its latent powers to do so.[4]

47. In support of its latent power application, the District provided a range of materials, including the Raftelis Report, the Barclay's Letter of Confidence, the District's EIR, and a plan for providing services.

48. On March 28, 2021, the Commission informed the District that its application was not complete. The District filed an amended proposal on May 3, 2021, which explained in greater detail the District's plan for providing water services.

49. At the Commission's request, the District also contracted with a financial consulting firm, HdL Coren & Cone, to analyze the proposal's effect on property tax revenues for other local agencies ("HdL Report").

C. Independent Consultant's Report

50. On or about June 28, 2021, the Commission engaged Berkson Associates as its independent consultant.

51. On or about October 11, 2021, Berkson Associates released its report ("Berkson Associates Report"). The Berkson Associates Report concluded that the District's proposal would result in lower water rates under a range of reasonable assumptions. The Berkson Associates Report further explained that the total cost of the proposal was contingent on the final acquisition price for Cal-Am's system. That price would not be known until the parties completed negotiations or an eminent domain valuation trial. Nonetheless, the Berkson

[4] The District maintains that its powers to deliver water to retail customers is active and therefore does not need the Commission's approval to provide water to Cal-Am's customers. Moreover, even if the District did need the Commission's approval to serve Cal-Am's customers, the District retains authority to condemn Cal-Am's property and engage a third party to provide retail water service.

Associates Report concluded that the District's proposal could produce savings for ratepayers even if the cost of acquiring Cal-Am's system substantially exceeded the District's projections. The report concluded the District would have sufficient revenues to acquire the system and to provide the services, but further highlighted that if the Commission were concerned about a risk of insufficient revenues, it could require as a condition of approval that the District raise revenue from additional sources to cover the costs of acquiring Cal-Am's system.

D. Commission Staff Recommends Approval

52. On October 13, 2021, the Commission's Executive Officer filed a report and proposed resolution recommending that the Commission conditionally approve the District's proposal ("Staff Report").

53. The Staff Report concluded that the proposal met the requirements for activating latent powers under the Cortese-Knox-Hertzberg Act. Staff's conclusion was based upon an array of evidence, including but not limited to the following:

a. The Berkson Associates Report, Raftelis Report, and other record evidence demonstrated that the District's acquisition of Cal-Am's system could result in lower costs for ratepayers.

b. The District has "broad financial powers," including the ability to raise revenue through water rates and charges. Those powers would give the District sufficient revenues to carry out its proposal, even if the District's costs were greater than anticipated.

c. The District and Cal-Am are currently developing a replacement water supply to comply with the State Water Resources Control Board's 2009 Cease and Desist Order (as extended in 2016). The District's acquisition of Cal-Am's system would not affect the development of a replacement water supply.

54. To address potential lost property tax revenues to local taxing agencies, staff recommended that the Commission conditionally approve the proposal. Under staff's proposed condition, the District could not receive final approval to activate its latent powers until it made best efforts to enter into revenue sharing agreements with the 14 largest affected local taxing

agencies. Staff concluded that this condition would effectively mitigate fiscal impacts to those agencies.

55. Finally, staff recommended that the Commission, as a responsible agency under CEQA, certify that the District's EIR adequately documents the environmental impacts of the acquisition. Staff noted that the Final EIR incorporated detailed responses to comments, including comments provided by the Commission. Consistent with that recommendation, the Staff Report and proposed resolution relied heavily on the EIR's conclusions concerning the potential environmental impacts of the project.

56. Staff further recommended that the Commission approve the District's other request to amend its sphere of influence and annex 58 parcels. In support of that recommendation, staff conducted a sphere of influence study and municipal review ("Municipal Service Review"). In the Municipal Service Review, staff concluded that the District was effectively and dependably carrying out its mission and found that the District has a consistent track record of successfully providing water services for its residents, including retail water service to some customers. Staff recommended that the Commission adopt the findings of the Municipal Service Review and approve the District's annexation request.

E. The Commission's December 6, 2021 Vote to Reject the District's Latent Powers Proposal

57. On December 6, 2021, the LAFCO Commissioners voted 5-2 to reject the District's proposal to activate its latent powers.

58. The five Commissioners voting against the proposal cited a range of unsubstantiated and statutorily invalid concerns, including but not limited to the following:

a. Contrary to the analysis in the District's EIR, Commissioner Craig raised the specter that approving the proposal would lead to a loss of water in the Salinas Valley, asserting: "[W]hat we are talking about is water. In the Salinas Valley, the water used in the Salinas Valley is absolutely part of this discussion . . . [and] I know people have danced around the water subject for decades, quite literally decades, and it is clear to me that the Peninsula

needs desal[ination]. It's clear to me that Peninsula doesn't want desal[ination]. And so there is quite a bit of discussion over whether or not that water comes from the Salinas Valley."

b. Chair Lopez claimed that the proposal would increase water rates in Chualar, one of Cal-Am's remaining satellite systems, notwithstanding the fact that Chualar is protected by a rate-case settlement that prevents water rates from rising faster than inflation.

c. Commissioners Poitras and Leffel both voiced concerns that other local agencies would lose property tax revenue. Neither Commissioner explained why staff's proposed condition of approval addressing this issue would fail to protect the local taxing agencies.

59. Several of the denying Commissioners' statements openly revealed bias in the proceeding, including but not limited to the following:

a. Commissioner Gourley, who introduced the motion to deny staff's recommendation, expressed animus against public entities providing public services, stating: "I'm definitely from a private sector [background], not the public sector. I don't think the government can run anything efficiently, and I think we've seen that." Commissioner Gourley's views on public service provision were directly refuted by the Commission's simultaneous determination in the Municipal Service Review, approved at the same meeting, that the District capably and efficiently provides a range of water services.

b. Commissioner Poitras demonstrated bias on behalf of the Monterey County Regional Fire District ("Fire District") and against the proposal, stating: "The district I represent, personally, is Monterey County Regional Fire District. They are slated to lose $140,000 per year if this goes through. That is a considerable concern to me." Commissioner Poitras further indicated that he had been coordinating with the Fire District and represented that district's unique interests. Referencing a letter the Water District sent to the Fire District, Commissioner Poitras stated that the "Water Management District *sent us a letter*, which arrived around 11:00 a.m. on Friday . . . and we've just now . . . gotten it to *our attorneys*" (emphasis added). Commissioner Poitras's open advocacy on behalf of Fire District directly violates the Cortese-Knox-Hertzberg Act's mandate for LAFCO Commissioners to "represent the interests

of the public as a whole and not solely the interests" of the constituency that appointed them. Gov. Code § 56331.4.

60. The Commission proceeded to reject staff's recommendation without a coherent description of the reasons for its decision, prompting confusion among the Commissioners. Commissioner Oglesby inquired: "what are the findings we're looking for? Because I didn't hear them, and some of them, as far as I'm concerned, [are] illegal to be putting down in a document, right?" Similarly, Commissioner Root Askew asked: "[C]an you explain or could we have county counsel . . . explain what the conditions of denial are that we're voting on right now. I'm unclear what the . . . rationale for denial would be."

61. Nonetheless, the Commissioners voted to reject the District's latent powers proposal and directed staff to prepare a post-hoc resolution that would document the reasons for its decision.

62. At the same hearing, and notwithstanding the Commission's vote on the latent powers proposal, the Commissioners adopted staff's second proposed resolution and approved the District's requests to annex new territory and amend its sphere of influence.

63. The second resolution adopted the findings in the Municipal Service Review, and contained findings that directly contradicted statements made by the Commissioners concerning the District's latent powers proposal. For instance, the second resolution expressly found that the Commission's Municipal Service Review and Sphere of Influence Study "support[] the requested activation of these latent powers throughout the District."

64. The Commission's Municipal Service Review also found that the District's diverse sources of revenue, including its ability to levy water rates and charges, showed that the District would have "the means to ensure it will have sufficient revenue to carry out retail potable water services." The Municipal Service Review further acknowledged that the District had grown its operating reserves significantly in recent years and concluded that the District's "proactive financial policies and practices will allow the District to build reserve funds to meet future needs." And contrary to Commissioner Gourley's views on public service provision, the Municipal Service Review concluded that the District had a consistent and successful track

record of providing water supply and management services, and had received several awards for its transparent and prudent fiscal practices.

F. The January 5, 2022 Resolution

65. On January 5, 2022, the Commission's staff presented a new resolution that purported to document the basis for the Commission's December 6, 2021 vote.

66. The January 5 resolution failed to adequately reflect the basis for the December 6 vote. For instance, the resolution omitted any discussion of the need for new desalination projects, a key consideration for Commissioner Craig. The resolution similarly omitted Commissioner Gourley's claims that the District, as a government agency, would not be able to provide services in an efficient manner.

67. At the same time, the resolution discussed supposed evidence and determinations that the Commissioners never raised at the December 6 hearing. Indeed, when introducing the resolution, staff admitted that they had searched the record for evidence that went beyond the evidence cited by the Commissioners at the December 6 hearing.

68. At the January 5, 2022 hearing, the District alerted the Commission to several serious flaws in the December 6 decision. For example, the District noted that the issue of water supply, cited in the resolution, was irrelevant to the District's application because the District proposed to acquire Cal-Am's existing water portfolio. The District further explained that the analysis in the HdL Report showed that property tax losses to local taxing agencies—much of which would be "backfilled" by the State[5]—would be *de minimis*, and the ongoing negotiations between the District and local taxing authorities would mitigate even those minimal losses.

69. A majority of the Commissioners ignored these concerns and the serious flaws in staff's proposed resolution, and voted to adopt the new resolution by a 5-2 vote.

[5] The HdL Report and Berkson Associates Report both explained that the State guarantees school districts a certain level of funding, and "backfills" any difference between local revenues and the guaranteed funding level.

G. Application for Reconsideration and Request for Recusal

70. On January 31, 2022, the District timely filed an application for reconsideration, and on February 25, 2022, the District filed a supplemental letter and request for recusal in support of its application for reconsideration.

71. The District's reconsideration request reiterated the concerns that the District had previously expressed, highlighting numerous errors with the December 6 decision and January 5 resolution, including:

a. The Commission misapplied the key statutory criterion under the Cortese-Knox-Hertzberg Act: whether the District would have sufficient revenues to carry out its plan of services. The Commission focused exclusively on low-probability financial risks and failed to consider the District's broad financial powers and ability to cover those risks. Those financial powers include the ability to borrow money to cover unexpected shortfalls, to raise revenue through water charges—a power the District already exercises to fund projects related to water supply and conservation—and to set water rates in exchange for providing retail service.

b. The Commission relied upon a variety of inappropriate factors under the Cortese-Knox-Hertzberg Act. For instance, the Commission exceeded its role under the Act when it attempted to use a latent powers proceeding to dictate the selection of future water supply projects in the region.

c. The Commission lacked substantial evidence to conclude that the District's proposal would harm groundwater in the Salinas Valley.

d. The Commission lacked substantial evidence to conclude that property tax losses would be significant, or that staff's proposed condition of approval would fail to mitigate those losses.

e. The Commission engaged in unsubstantiated speculation when it concluded that the California Public Utilities Commission ("CPUC") would allow rates to increase in Cal-Am's remaining small satellite systems, even though CPUC policy seeks to spread the cost of serving small water systems across larger areas.

f. The Commission violated CEQA by rejecting the District's proposal based on environmental concerns that the EIR did not identify.

g. The Commission exceeded its authority when it considered the costs of an unsuccessful eminent domain action as a basis for denying the District's proposal. Moreover, the Commission substantially over-estimated the District's exposure to legal costs and ignored the District's ability to raise revenues to cover those costs, if necessary.

72. The District also requested that Commissioners Gourley, Leffel, and Poitras recuse themselves from further participation in the proceedings. As part of its request, the District highlighted Commissioner Leffel's leadership in opposition to Measure J, noting that prior public opposition to a project is a hallmark of decisionmaker bias. The District further described how Commissioner Gourley's animus against public service provision prevented him from serving as a neutral reviewer of the District's proposal, and how Commissioner Poitras had openly coordinated with one interested party, the Fire District, to advance its unique interests rather than represent the public as a whole as required by Government Code section 56331.4.

73. On February 28, 2022, the Commission denied the District's application for reconsideration.

74. At the February 28, 2022 hearing, the Commission did not attempt to rebut the evidence that Commissioners Leffel, Gourley, and Poitras were unable to serve as neutral and unbiased decisionmakers. Instead, the Commission's General Counsel contended that the Commissioners' patent bias was irrelevant to a latent powers proceeding.

FIRST CAUSE OF ACTION

Decisionmaker Bias

(Violations of Code of Civ. Pro. §§ 1085, 1094.5)

75. The District realleges and incorporates by reference the preceding paragraphs in their entirety.

76. A special district seeking LAFCO approval for the activation of a latent power has a right to an unbiased hearing. An unbiased decisionmaker is one who "has *no conflict of interest*, has *not prejudged* the specific facts of the case, and is *free of prejudice* against or in

favor of any party." *Petrovich Dev. Co., LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 973 (emphasis in original). The participation of even a single biased decisionmaker renders a decision invalid. *See Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1022; *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 485.

77. The Commission failed to conduct a fair and lawful hearing, and prejudicially abused its discretion, by allowing biased decisionmakers to participate in the latent powers proceeding. The evidence of decisionmaker bias includes, but is not limited to, the following:

a. Commissioner Leffel's longstanding public opposition to the District's acquisition of Cal-Am system, including her authorship of the official ballot argument against Measure J.

b. Commissioner Gourley's open animus against the provision of public services by public entities.

c. Commissioner Poitras's coordination with the Fire District and attempt to coopt the proceeding to advance that party's unique interests.

78. The Commission continued to allow biased decisionmakers to participate in the proceeding, even after the District and other members of the public alerted the Commission to compelling evidence of decisionmaker bias.

79. As a result of the foregoing defects, the Commission prejudicially abused its discretion and denied the District a fair and impartial hearing. Accordingly, the Commission's denial of the District's proposal must be set aside.

SECOND CAUSE OF ACTION

Violations of the Cortese-Knox-Hertzberg Act

(Gov. Code § 56000 et seq.; Code of Civ. Pro. §§ 1085, 1094.5)

80. The District realleges and incorporates by reference the preceding paragraphs in their entirety.

81. The Legislature created LAFCOs to "encourage the orderly formation and development of local agencies." *Community Water Coalition v. Santa Cruz County Local Agency Formation Comm'n* (2011) 200 Cal.App.4th 1317, 1324 (quotation omitted). LAFCOs

pursue that mission primarily by reviewing applications from local governments to annex territory and institute other changes to the structure of local government.

82. The Cortese-Knox-Hertzberg Act governs LAFCO proceedings. The Act prohibits a LAFCO from committing prejudicial abuses of discretion and requires invalidation of any decision that lacks substantial evidence. Gov. Code § 56107.

83. The Act further requires a LAFCO to adequately consider all relevant factors when making a decision. For each decision, a LAFCO must provide a statement of basis that demonstrates a rational connection between the factors the LAFCO considered, the choice it made, and the purposes of the Cortese-Knox-Hertzberg Act. *McBail & Co. v. Solano County Local Agency Formation Comm'n* (1998) 62 Cal.App.4th 1223, 1228.

84. Government Code sections 56824.10, 56824.12, and 56824.14 contain the procedures and statutory criteria that govern proposals by a special district to exercise a new or different function or class of service. When reviewing such proposals, a LAFCO's principal task is to determine whether the special district will have sufficient revenues to carry out its proposed plan for providing services. Gov. Code § 56824.14(a).

85. In addition, the Cortese-Knox-Hertzberg Act requires a LAFCO to establish written policies and procedures and exercise its powers "in a manner consistent with those policies and procedures." Gov. Code § 56300(a). The Commission has adopted local procedures. *See* Monterey County LAFCO, *Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization* (Feb. 24, 2020), available at: https://www.co.monterey.ca.us/home/showpublisheddocument/72662/637202228138370000 ("Policies and Procedures").

86. The Commission's Policies and Procedures include procedures for evaluating the environmental impacts of a proposal. Those procedures mandate that the Commission review all potential environmental impacts of a proposal in accordance with CEQA and the State's CEQA Guidelines. *See* Policies and Procedures at 28. The Commission's Policies and Procedures include specific procedures for identifying and evaluating groundwater impacts from a proposal. *Id.* at 32-33. Those procedures assign the CEQA lead agency responsibility for identifying

groundwater impacts and include specific notice and informational requirements that must be followed after an agency identifies potential groundwater impacts.

87. The Cortese-Knox-Hertzberg Act further mandates that LAFCO Commissioners exercise independent judgment on behalf of the public as a whole and avoid narrowly representing a single constituency. Gov. Code § 56331.4.

88. The Commission failed to proceed in a manner required by law, prejudicially abused its discretion, and violated the Cortese-Knox-Hertzberg Act by misapplying the key statutory criterion that governs latent power proposals: revenue sufficiency. The Commission's errors include, but are not limited to, the following:

a. The Commission failed to consider the District's broad financial powers and its ability to raise revenues sufficient to cover financial risks associated with the proposal. Those powers include, but are not limited to: the power to levy charges to pay for water supply projects; the power to set rates in exchange for providing retail water service; and the ability to borrow money to cover unexpected shortfalls.

b. The Commission failed to address its concerns about revenue sufficiency through appropriate conditions of approval.

c. The Commission over-estimated the financial risks the District faces, including the risks from an unsuccessful condemnation action.

89. The Commission failed to proceed in a manner required by law, prejudicially abused its discretion, and violated the Cortese-Knox-Hertzberg Act by considering factors that are legally irrelevant to the District's application. Those factors include, but are not limited to, the following:

a. Factors from Government Code section 56668 that do not apply to latent power proposals.

b. Effects of the District's proposal on water supply.

c. The District's exposure to legal costs if it lost or abandoned an eminent domain action.

90. The Commission failed to proceed in a manner required by law, prejudicially abused its discretion, and violated the Cortese-Knox-Hertzberg Act by making determinations that lack substantial evidence. The Commission's unsupported determinations include, but are not limited to, the following:

a. The District lacked sufficient revenues to carry out its proposal.

b. The proposal would negatively affect the region's water supply.

c. Property tax losses would significantly and adversely affect local taxing authorities and staff's proposed condition of approval would be inadequate to mitigate those losses.

d. The proposal would harm environmental justice.

e. Water rates for customers in Cal-Am's remaining satellite systems would increase.

f. The District would face up to $34 million in legal fees if it lost or abandoned the eminent domain action, and the District would be unable to cover those fees.

91. The Commission failed to proceed in a manner required by law, prejudicially abused its discretion, and violated the Cortese-Knox-Hertzberg Act by failing to include an adequate statement of basis for its decision. The Commission's January 5 resolution constitutes an improper post-hoc rationalization.

92. The Commission failed to proceed in a manner required by law, prejudicially abused its discretion, and violated the Cortese-Knox-Hertzberg Act by considering the environmental impacts of the District's proposal in a manner that is inconsistent with its Policies and Procedures. Those inconsistencies include, but are not limited to, the following:

a. The Commission conducted an unstructured, *de novo* review of the proposal's potential impacts on water supply outside of the CEQA process, even though its Policies and Procedures require the Commission to rely exclusively on the CEQA process to evaluate the environmental effects of a proposal.

b. The Commission failed to treat the District's EIR as adequate, as required by CEQA.

c. The Commission failed to follow the procedures in CEQA and the CEQA Guidelines for informing the District of perceived shortcomings in the draft EIR and/or issuing a supplemental EIR.

d. The Commission violated its own specific policies for evaluating groundwater impacts. Those policies assign the responsibility for identifying adverse groundwater impacts to the CEQA lead agency, not the Commission.

e. After the Commission improperly identified potential groundwater impacts, it failed to follow its local procedures for notifying affected water agencies and soliciting expert advice, resulting in an *ad hoc* and ill-informed determination on the potential groundwater impacts of the proposal.

93. The LAFCO Commissioners failed to proceed in a manner required by law, prejudicially abused their discretion, and violated the Cortese-Knox-Hertzberg Act by failing to exercise independent judgment and represent the public as a whole.

94. The foregoing defects substantially and adversely affected the District. As such, the Commission's denial of the District's proposal must be set aside.

THIRD CAUSE OF ACTION

Violations of CEQA

(Public Resources Code § 21000 et seq.; Code of Civ. Pro. § 1094.5)

95. The District realleges and incorporates by reference the preceding paragraphs in their entirety.

96. CEQA is designed to ensure that the long-term protection of the environment be the guiding criterion in public decisions. An EIR is the cornerstone of the CEQA process. Under CEQA, the lead agency is responsible for preparing the EIR and determining the extent of potential environmental impacts from its project. Pub. Resources Code § 21067. CEQA carefully distinguishes the role of the lead agency from that of a responsible agency. A responsible agency is an agency, other than the lead agency, that has responsibility for carrying out or approving a project. Pub. Resources Code § 21069.

97. Under CEQA, a responsible agency's role is tightly circumscribed. CEQA and the CEQA Guidelines impose an affirmative duty on responsible agencies to provide specific comments on a draft EIR and to inform lead agencies of any perceived deficiencies in the draft EIR. CEQA Guidelines § 15096. After the lead agency has certified an EIR, a responsible agency must treat the EIR as adequate. Responsible agencies must "use the EIR prepared by the lead agency, even if they believe it to be inadequate." *Central Delta Water Agency v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 245, 274. When an EIR is challenged in court, CEQA instructs that responsible agencies "shall assume that the environmental impact report" is valid. Pub. Resources Code § 21167.3(a).

98. Under certain circumstances, a responsible agency can undertake additional environmental review through the preparation of a subsequent or supplemental impact report. Pub. Resources Code § 21166. To do so, the responsible agency must follow the relevant procedures set forth in CEQA and the CEQA Guidelines. *See, e.g.*, CEQA Guidelines §§ 15162, 15163.

99. The Commission's own Policies and Procedures state that it must follow the CEQA process for studying the environmental impacts of a proposal. Indeed, in the present proceeding, staff recommended that the Commission adopt the District's EIR and relied heavily upon it for conclusions with respect to the environmental impacts of the project.

100. The Commission failed to proceed in a manner required by law and violated CEQA by failing to treat the District's certified EIR as adequate.

101. The Commission failed to proceed in a manner required by law and violated CEQA by making new environmental determinations without following the CEQA process for preparing a supplemental EIR.

102. As a result of these actions, the Commission improperly denied the District's proposal in violation of CEQA, the CEQA Guidelines, and the Commission's Policies and Procedures for implementing CEQA. As such, this Court must set aside the Commission's denial.

PRAYER FOR RELIEF

WHEREFORE, the District prays for judgment as follows:

1. For alternative and peremptory writs of mandate directing Respondent to vacate and set aside its denial of the District's proposal and to reconsider that proposal in compliance with all applicable law;

2. For a preliminary and permanent injunction directing Commissioners Leffel, Gourley, and Poitras to recuse themselves from further participation in proceedings related to the District's proposal;

3. For alternative and peremptory writs of mandate directing Respondent to comply with CEQA and the CEQA Guidelines, and to take any other action as required by Public Resources Code section 21168.9 or otherwise required by law;

4. For costs of the suit;

5. For attorneys' fees as authorized by Code of Civil Procedure Section 1021.5 and/or other provisions of law; and

6. For such other and further relief as the court deems just and proper.

DATED: April 1, 2022

SHUTE, MIHALY & WEINBERGER LLP

By:

GABRIEL M.B. ROSS
EDWARD T. SCHEXNAYDER
Attorneys for Petitioner and Plaintiff
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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EXHIBIT A

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March 30, 2022

Via E-Mail and U.S. Mail

Ms. Kate McKenna, AICP
Executive Officer
Local Agency Formation Commission of Monterey County
132 W. Gabilan Street, Suite 102
Salinas, California 93901
mckennak@monterey.lafco.ca.gov

Re: Notice of Commencement of CEQA Litigation

Dear Ms. McKenna:

This letter is to notify you that the Monterey Peninsula Water Management District ("District") will file suit against the Local Agency Formation Commission of Monterey County ("LAFCO") and the Commissioners of LAFCO ("Commissioners") for failure to observe the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Cortese-Knox-Hertzberg Act"), Government Code section 56000 et seq.; the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq.; the CEQA Guidelines, 14 California Code of Regulations section 15000 et seq. ("CEQA Guidelines"), and state requirements for a fair hearing that culminated in the decision of LAFCO to deny the District's proposal to activate its "latent powers" to provide potable water to retail customers ("Project"). This notice is given pursuant to Public Resources Code section 21167.5.

Pursuant to Public Resources Code section 21167.6, the record of proceedings for LAFCO's actions includes, among other items, all "internal agency communications, including staff notes and memoranda related to the project or to compliance with [CEQA]." Because all e-mails and other internal communications—including communications by the Commissioners—related to the Project are part of the administrative record for the lawsuit to be filed by the District, LAFCO and the Commissioners may not destroy or delete such documents prior to preparation of the record in this case.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Edward T. Schexnayder

cc: Kelly L. Donlon, Deputy County Counsel, LAFCO General Counsel
donlonkl@co.monterey.ca.us

PROOF OF SERVICE

Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County et al.

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, California 94102.

On March 30, 2022, I served true copies of the following document(s) described as:

NOTICE OF COMMENCEMENT OF CEQA LITIGATION

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Larkin@smwlaw.com to the person(s) at the e-mail address(es) listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 30, 2022, at San Francisco, California.

Patricia Larkin

Patricia Larkin

SERVICE LIST

Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County et al.

Ms. Kate McKenna, AICP
Executive Officer
Local Agency Formation Commission of Monterey County
132 W. Gabilan Street, Suite 102
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1487748.2

ITEM: PUBLIC HEARING

16. CONSIDER ADOPTION OF 2021 MPWMD ANNUAL REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt** **General Manager**	**Program/** **Line Item No.:**	**N/A**
Prepared By:	**David J. Stoldt**	**Cost Estimate:**	**N/A**

General Counsel Approval: N/A
Committee Recommendation: Public Outreach Committee met April 14, 2022 and directed staff to make certain edits and recommend approval to the Board.
CEQA Compliance: Action does not constitute a project as defined by CEQA

SUMMARY: Attached as **Exhibit 16-A** is a draft Annual Report for 2021. The District's enabling legislation requires production of an annual written report of the activities of the District in the protection and augmentation of water supplies of the District. The legislation further requires that a public hearing be held each year regarding the contents of the report before it is finalized.

RECOMMENDATION: It is recommended the Board conduct a public hearing and adopt the proposed 2021 MPWMD Annual Report with any changes or edits as recommended.

EXHIBIT
16-A Draft 2021 Annual Report

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2021 Annual Report
Monterey Peninsula Water Management District

Accomplishments

- **Pure Water Monterey Project** – The District provided project management for the 1st Quarter startup of the Project, working in partnership with Monterey One Water, which owns and operates the system. The project injected 3,591 AF (Acre Feet) into the Seaside Groundwater Basin and Cal-Am recovered 3,122 AF for customer service. The remainder was used to build up the Operational Reserve for the Project. At 3,500 AF per year, it is the largest project to come online to date to help offset the Cease and Desist Order.

Pure Water Monterey Groundwater Replenishment Project | Recipient of the American Society of Civil Engineers – 2022 Honor Award

- **Aquifer Storage and Recovery (ASR)** –Since inception of the ASR program in 1998, a total of 10,873 AF has been diverted from the Carmel River for storage and subsequent recovery through the end of Water Year (WY) 2020. Cal-Am continued to use District facilities to treat produced waters recovered from ASR and Pure Water Monterey.

- **Pumping's Effect on the River** – The District has made progress on developing models to help understand how changes in groundwater pumping impact Carmel River flows. In cooperation with the United States Geological Survey (USGS), the District finished an integrated groundwater/surface water model known as GSFLOW/MODFLOW. In addition, the District completed a draft instream flow study and hydraulic model to simulate flow requirements for steelhead in the Carmel River. These models will allow the District to simulate different water supply scenarios and their impacts on the Carmel River environment. The simulations will be used in the Los Padres Dam alternatives study (see below) currently underway.

- **Los Padres Dam Alternatives** – MPWMD and Cal-Am are working with a team of engineering and science consultants to investigate the technical, biological, and economic feasibility of a broad suite of alternatives for Los Padres Dam and Reservoir. Alternatives include removal, sediment management, expansion of storage by dredging, and fish passage improvements. This study has been partially funded by Cal-Am, the owner and operator of the dam. The final report is anticipated to be complete in October of 2022.

- **Integrated Regional Water Management Program (IRWM)** – The District continued to manage an IRWM Implementation Round 1 Grant agreement for the Monterey Peninsula region in the amount of $2,238,904. The District, as "Grantee", has many duties including: (a) administration of the agreement with California Department of Water Resources; (b) invoicing, with documentation, on behalf of the Local Project Sponsors; and (c) progress reporting. There are three projects – all non-District—that are being supported by this Grant: (1) The Coe Avenue Recycled Water Pipeline in Seaside sponsored by Marina Coast Water District; (2) the Del Monte Manor Low Impact Development Project sponsored by the City of Seaside; and (3) the West End Stormwater Improvement Project in Sand City.

- **Legally-Mandated Carmel River Mitigation and Stewardship** – The District carries out the Mitigation Program associated with its Water Allocation Environmental Impact Report required by the California Environmental Quality Act. This Mitigation Program is designed to offset the impacts associated with water extraction in the Carmel River Alluvial Aquifer and ultimately the flows in the Carmel River. The Mitigation Program includes rescue

and rearing of threatened steelhead from drying portions of the Carmel River, streambank restoration and maintenance, and lagoon habitat monitoring.

Fish Release into the Carmel River from the Sleepy Hollow Rearing Facility

The District successfully rescued 7,961 steelhead from the Carmel River Basin in 2021, including 11 adult steelhead (kelts) trying to get back out to the ocean. Approximately 7,724 rescued steelhead were taken to the Sleepy Hollow Steelhead Rearing Facility (SHSRF). Over 5,000 were released back into the Carmel River from SHSRF, including 3,200 implanted with a tag in January 2022.

A total of 123 adults were counted at the District's steelhead counting station in 2021. Of those, 100 were implanted with a tag in order to collect data on fish migration and survival. These data assist with ongoing studies that the District and NOAA Fisheries have been collaborating on. The District also monitors the health of the juvenile population, which is continuing to increase since the last drought, which ended in 2015.

District crews carries out the Vegetation Management Program in the active channel of the Carmel River at six sites to prevent debris dams and erosion. This includes trimming back encroaching vegetation and reducing the hazard of downed trees in preparation for winter flows. Trash was removed from the active channel of the river before winter rains washed it into the ocean. District staff also planted native trees on exposed banks to improve habitat value, protect water quality, and reduce bank erosion.

District staff continued revegetation and irrigation at the Carmel River Bank Stabilization Project just downstream of Rancho San Carlos Road. This work prevented streambanks from further collapse during the 2021-2022 winter season. MPWMD employed an environmentally friendly stabilization technique consisting of logs, rocks, and native plantings built into a cribwall at the site.

- **Salinas and Carmel Rivers Basin Study** – The District continued work on a Basin Study to evaluate future water demands and water supplies taking into account the effects of climate change. The area includes all the Salinas River Valley through Monterey and San Luis Obispo Counties, the Monterey Peninsula, and the Carmel River Basin. The U.S. Bureau of Reclamation is providing $1.8 million in grant funds for the effort. The study began in 2017 and expected to be completed in 2022. In 2021, study metrics and refining of hydrologic modeling of ASR operations were carried out.

- **Well Permitting** – MPWMD approved 2 amendments to Cal-Am Water Distribution Systems, one for the Wolter properties and the other for Moo Land Company. Nineteen Confirmation of Exemptions from the Water Distribution System permit requirements were issued for private properties that met criteria established in District Rules and Regulations. Applications were reviewed for potential impacts to the water resource system and other water users.

- **Conservation –** The Conservation and Permits office reopened to the public after COVID shutdown on July 6, 2021. During 2021, the District approved 913 rebate applications in the amount of $341,997, for quantifiable annual savings of 12.127-plus acre-feet of water. Properties transferring ownership continued to self-certify compliance with the water efficiency requirements, and the District provided a Certification of Compliance as verification.

  During 2021, the District issued 761 Water Permits and 85 Water Use Permits to Benefited Properties (i.e., properties eligible to receive a portion of a Water Entitlement).

  As the regional entity responsible for compliance with State landscaping regulations, the District issued 62 Water Permits for new and refurbished landscapes. A total of 213,823 square feet of new landscape area was permitted. Rehabilitated area totaled127,357 square feet. Staff completed 815 property inspections to verify compliance with

water efficiency standards for changes of ownership and use and 595 inspections were done to verify compliance with Water Permits. Staff implemented COVID-19 protocols for safety.

- **Community Outreach** – The District hosted four virtual classes on water conservation topics such as rainwater capture, composting to improve soil water holding capacity, landscape design, and removing lawn. Staff distributed water conservation devices at various community events including the Carmel Valley Fiesta, Monterey County Fair, and the West End Celebration. The District posted regular updates to its Facebook page and Twitter account. As a partner with the Water Awareness Committee for Monterey County, the District participated in presentations and assemblies at local schools. The District also ran monthly ads covering District activities in local media.

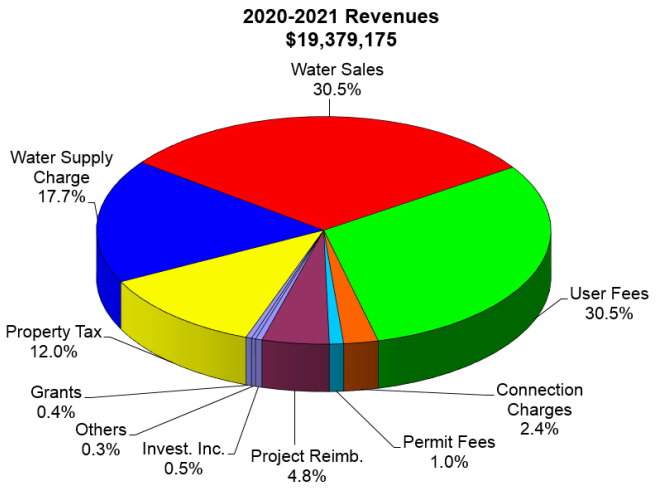
- **Summer Splash** – With the continued spread of COVID-19 and the inability to gather in-person throughout much of 2021, the District, in partnership with Cal-Am, again sponsored a fun family-oriented conservation game called *Summer Splash Water Challenge Giveaway 2*. The challenge was to complete an educational gameboard where participants visited the event website and watched water efficiency videos to find the answers to the gameboard questions. The Challenge was designed for families and was launched in the summer when children were out of school. Completed gameboards could be submitted for an entry into a sweepstakes to win prizes. The prizes offered included a High Efficiency Clothes Washer, Amazon Gift Cards, and an iPad. The gameboards were printed in the newspaper, and the event was promoted on Facebook. The challenge went for one month and received 65 entries for the sweepstakes.

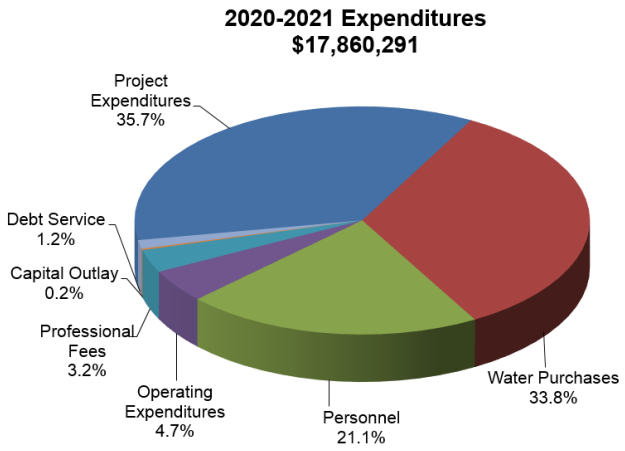
Photo of Paul DeGiere from Monterey for Winning a Brand New iPad- 2021 Summer Splash 2

- **Measure J** – In November 2018, voters passed an initiative requiring the District to acquire the local water supply and distribution facilities of California American Water, if feasible. In 2021, the District prepared an application to the Monterey County Local Agency Formation Commission (LAFCO) to annex 58 parcels (Yankee Point and Hidden Hills), update its Municipal Services Review (MSR), and to "activate" the District's authority to provide water service directly to end-use customers. LAFCO approved the annexation and MSR but denied the activation of powers. The District challenged that denial in a petition for writ of review filed in April 2022.

Financial Analysis

The District prepared its seventh consecutive Annual Comprehensive Financial Report (ACFR), which is a set of government financial statements comprising a report that complies with the accounting requirements promulgated by the Government Accounting Standards Board, as well as relevant statistical information about the District. MPWMD received a clean financial audit report with no material weakness or deficiencies. The audit for fiscal year 2020-2021 was conducted by Hayashi Wayland, an independent auditing firm. The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the District for its ACFR for the fiscal year ended June 30, 2020. The District has received the ACFR award for six consecutive years. As shown on the next page, total revenues in Fiscal Year 2020-2021 were $19,379,175, while expenditures totaled $17,860,291, generating an increase in fund balance of $1,518,884. As of June 30, 2021, the District's total fund balance was $19,610,793. The budget for Fiscal Year 2021-2022 anticipates revenues of $24,495,700 and expenditures of $27,297,800 with $2,802,100 coming from fund balance.





Future Financing Methods

Until 2012, the District paid for costs associated with water supply projects on a pay-as-you-go basis, with the majority of the funding coming from User Fees. User Fees were the district's largest and most fluid revenue source. However, the User Fee was suspended by the Public Utilities Commission in 2012. Since then, the District has been funding its water supply projects from the Water Supply Charge established in 2012. In 2016 the California Supreme Court reinstated the User Fee, which the District resumed collecting in April 2017. Possible sources of funds to pay for construction of future water supply projects include ongoing revenue increases, user fees, water supply charge, property tax, Pure Water Monterey water sales, new revenue categories, grants, and bond financing.[1] Actual funding sources will depend on the type of project, the amount of funding needed, and other variables.

Water Supply

- **Available Water Supplies**: In WY 2021, approximately 9,850 AF of water was legally available to serve Cal-Am customers within the District, assuming 1,474 AFY from Seaside Groundwater sources, 200 AFY from the Sand City Desalination Facility, 1,300 AFY from Aquifer Storage and Recovery, 3,500 AFY from Pure Water Monterey and 3,376 AFY from Carmel River sources. Approximately 3,046 AF of water were assumed to be available to serve non-Cal-Am users extracting water from the Carmel Valley Aquifer and the Seaside Basin.

- **Future Capital Improvements:** Because of legal and regulatory constraints on taking water from the Carmel River and Seaside Aquifer, long-term water supplies available to Cal-Am's customers in the future will be reduced and new, permanent replacement water supplies will be required. Cal-Am continues to pursue a 6,252 AFY desalination plant in North Marina which was supposed to become operational by December 2021. However, Cal-Am's efforts to obtain a Coastal Development Permit have been unsuccessful, and as of April 2022, a separate legal challenge to the project brought by the City of Marina is still pending before an appellate court. The District's assessment is that expansion of Pure Water Monterey is more affordable and better for the environment. A Water Purchase Agreement to support a 2,250 AFY expansion of the Pure Water Monterey project was submitted to the California Public Utilities Commission for approval in 2021. The District is advocating for its approval.

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[1] ***Groundwater Charge Zone****: In June 1980, the District Board approved formation of a groundwater charge (or fee) zone to provide a revenue source for a well-monitoring program consisting of well registration, well metering, and water production reporting. However, the District has abandoned groundwater charges as a source of revenue. No groundwater charges were established during 2021.*

ITEM: PUBLIC HEARING

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

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A N/A**
Prepared By:	**Stephanie Locke**	**Cost Estimate:**	**N/A**

General Counsel Review: Completed.
CEQA Compliance: This ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities, as these amendments relate to permitting and alterations of existing facilities.

SUMMARY: Urgency Ordinance No. 190 (**Exhibit 17-A**) continues the District's outdoor seating exemption adopted in Ordinance No. 186 and 188 to suspend enforcement of outdoor seating and the outdoor operation of tasting rooms during the current pandemic. As an urgency ordinance, it will expire after one year.

On May 18, 2020, the District adopted Urgency Ordinance No. 186 suspending enforcement of Water Permit requirements for outdoor seating at restaurants to facilitate the state's long-awaited guidelines for reopening the economy after the March 2020 Stay Home Order. Ordinance No. 188 was adopted April 19, 2021, to continue to support safe outdoor dining.

Although indoor restaurant seating is currently available, there remains a need for outdoor operations to minimize crossflow of customers in enclosed environments. Jurisdictions have supported social distancing at restaurants, bars, tasting rooms and other Group II uses by shutting down parking spaces and sidewalks to allow businesses to operate outdoors.

RECOMMENDATION: Staff recommends the Board adopt Urgency Ordinance No. 190 known as the 2022 MPWMD Response to Continued Pandemic Risks commencing at 12:01 a.m. on April 19, 2022 and shall have no force or effect after April 18, 2023.

EXHIBIT
17-A Ordinance No. 190

EXHIBIT 17-A

DRAFT
ORDINANCE NO. 190

AN URGENCY 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 ONGOING PANDEMIC PRECAUTIONS

FINDINGS

1. The Monterey Peninsula Water Management District ("District" or "Water Management District") is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.

2. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.

3. On May 12, 2020, California Governor Gavin Newsom announced California's long-awaited guidelines for the reopening of restaurants for sit-down dining, including extensive guidelines for physical distancing. These guidelines prompted the District's adoption of Urgency Ordinance No. 186 to facilitate outdoor dining. This was continued with the urgency adoption of Ordinance No. 188 in April 2021.

4. Outdoor areas for food and beverage service have generally been prioritized over inside seating to minimize exposure of customers in enclosed environments.

5. Jurisdictions have allowed outdoor seating to facilitate social distancing, including shutting down parking spaces and sidewalks to create open air dining areas.

6. Urgency Ordinance No. 186 was adopted in May 2020 to respond to guidelines that required certain businesses to operate outdoors that conflicted with the District's permanent rules. The circumstances have not been fully reversed by April 2022 and may be reinstated, and until there is no requirement for outdoor food and beverage services in response to the pandemic, the exception made by Ordinance No. 186 needs to remain in place.

7. MPWMD Rule 24 regulates the number of outdoor seats that a Restaurant can have before a Water Permit is required. A Restaurant may have one-half the number of Interior Restaurant Seats for outdoor dining without a requirement for a Water Permit (e.g. "standard exterior seat allowance"). Any seating above the standard exterior seat allowance requires a Water Permit, which may require water from a Jurisdiction's Allocation or an Entitlement.

8. MPWMD Rule 24 regulates bars and tasting rooms to calculate Capacity based on the User's California Department of Alcoholic Beverage Control (ABC) map of the area allowed for beverage consumption as shown on the User's Liquor License. During the Covid-19 emergency, the ABC has allowed bars and wine tasting rooms to expand to outdoor areas, and the District has not enforced this relocation in use. Upon expiration of this ordinance, Water Permits shall be required for Users who amend their ABC permits to allow greater use of outdoor spaces.

9. This ordinance continues the suspension of the standard exterior seat allowance (Rule 24-B-1-i). This suspension allows a full-service restaurant to have two outdoor seats for every lawfully permitted indoor seat in keeping with Finding 11 of Ordinance No. 164 and with the Jurisdiction's Codes.

10. This ordinance recognizes that certain uses (e.g. wine tasting rooms, bars, etc.) have had to move parts of their operations to outdoor spaces, and the District has not enforced the Water Permit requirement for those relocated uses during the pandemic.

11. This ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities, as these amendments relate to permitting and alterations of existing facilities.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as 2022 MPWMD Response to Continued Pandemic Risks.

Section Two: Purpose

This ordinance suspends Rule 24-B-1-i for Restaurants that remove Interior Restaurant Seats and increase Exterior Restaurant Seats and suspends enforcement of expansion/relocation of Group II uses and wine tasting rooms that must operate outdoors as a response to changing Covid-19 conditions.

Section Three: Limited Suspension of Rule 20-B-6

Rule 20-B-1-i states:

> Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.

For the duration of this ordinance, a Water Permit shall not be required to relocate or expand Group II businesses and Group I wine tasting to outdoor areas.

Section Four: Limited Suspension of Rule 24-B-1-i

Rule 24-B-1-i states:

> A Restaurant's Water Use Capacity shall be determined by the maximum Interior Restaurant Seat count authorized by the Jurisdiction and District. Exterior Restaurant Seats may be maintained for al fresco dining without a requirement for a new or amended Water Permit provided the maximum number of Exterior Restaurant Seats does not exceed one-half the number of authorized Interior Restaurant Seats (the "standard exterior seat allowance"). Exterior Restaurant Seating not in compliance with this paragraph shall require a new or amended Water Permit.

For the duration of this ordinance, a Water Permit shall not be required to increase the Exterior Restaurant Seats above the standard exterior seat allowance at Restaurants that have a seat count on file with the District.

Section Five: **Publication and Application**

The provisions of this ordinance shall not cause the republication of the Rules and Regulations of the Monterey Peninsula Water Management District.

Section Six: **Effective Date and Sunset**

This ordinance shall be adopted with urgency and take effect at 12:01 a.m. on April 19, 2022. Insofar as this Ordinance has been enacted as an urgency measure, it shall have no force or effect after April 18, 2023.

Section Seven: **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

PASSED AND ADOPTED on this XX day of April 2022 on motion by Director _____, and second by Director _____, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is an ordinance adopted on XX day of April 2022.

_____

David J. Stoldt, Secretary to the Board

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ITEM: ACTION ITEM

18. CONSIDER APPROVAL OF EXPENDITURE OF BUDGETED FUNDS FOR THE "MULCH MADNESS" CONSERVATION EVENT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**Yes**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**Conservation Program 4-2-2-O**
Prepared By:	**Stephanie Locke**	**Cost Estimate:**	**NTE $10,000**

General Counsel Approval: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022, and recommended approval.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The District, in partnership with California American Water (CAW), has planned a spring "Mulch Madness" event to promote water conservation in the landscape by providing reduced cost mulch to District occupants. Mulch is a layer of organic material, usually bark/wood chips, leaves, and grasses, but can include items such as newspaper, straw and hay. It is applied in the landscape to the surface of the soil to conserve soil moisture, improve fertility, regulate soil temperature, and reduce weed growth. Mulch can reduce water use by 20-25 percent. As an organic product, it decomposes into soil over time and needs to be topped off annually.

As part of the first joint MPWMD/CAW mulch conservation program, staff requests approval of funding not to exceed $10,000 for a mulch giveaway event in late Spring 2022 **(Exhibit 18-A)**. "Mulch Madness" will provide two cubic yards of free mulch to MPWMD/CAW customers, both commercial and residential properties. The mulch will be provided by Tope's Sustainable Garden Center, 115 Monterey Salinas Hwy, Salinas, at a heavily discounted rate of $15/cubic yard (cu yd) compared to the normal $35/cu yd, for a total cost of $30 per customer, plus tax (two other Peninsula vendors refused to offer a discount). Customers must pick up the mulch or pay a delivery cost. Two cubic yards will fit in a truck bed or in the back of most cars. Tope's has agreed to offer additional mulch to the customer at $25/cu yd, a discount of nearly 30% off the normal price. Maximum discounted mulch amount will be set by Tope's and communicated to customers in the advertising. The type of mulch is recycled green waste from local tree trimming/removal vendors, primarily Monterey Pine and Monterey Cypress.

The giveaway will be promoted by email using CAW's email database, through MPWMD/CAW social media pages, and with print ads in local papers. To confirm eligibility, customers will be required to fill out a form on Montereywaterinfo.org which will be reviewed by CAW staff. Once approved, they will be issued a voucher to present to Tope's. Tope's will bill MPWMD/CAW for the number of vouchers redeemed. The initial budget proposed for the program is $20,000 (see estimate at **Exhibit 18-B**.) In the event the program is a huge success (as it surely will be!), additional mulch funding is available from both organizations.

RECOMMENDATION: The Administrative Committee recommends that the Board approve the expenditure of up to $10,000 to partner with CAW for the Mulch Madness conservation program.

IMPACT TO STAFF/RESOURCES: Funds for this expenditure were included in item 4-2-2-O in the Fiscal Year 2021-2022 budget.

EXHIBITS
18-A Mulch Madness Proposal
18-B Quotes from Vendors

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EXHIBIT 18-A

2022 MPWMD/CAW
Mulch Madness Conservation Program – Budget and Advertising Plan

Description: The Monterey Peninsula Water Management District (MWPMD), in partnership with California American Water (CAW), proposes a co-sponsored mulch promotional event during the late Spring or Summer of 2022. "Mulch Madness" will provide two cubic yards of natural mulch for free to residents and commercial accounts within the MPWMD and CAW service areas. This amount of mulch covers approximately 300 square feet of landscaping 2" thick. Customers will receive an additional 30% discount for mulch purchased beyond the first 2 cubic yards offered free by MPWMD/CAW. Natural mulch from Tope's landscape consists of locally sourced recycled green waste from its tree service. Ninety-five percent of the material is Monterey Pine and Monterey Cypress. The materials are ground up twice through an inch and half size screen.

Tope's regular price of $35 per cubic yard of natural mulch will be reduced to a cost of $15 per cubic yard for the first 2 cubic yards per customer. This will be billed to MPWMD/CAW. The mulch price for customers who purchase natural mulch above the 2 free cubic yards will be offered at $25 per cubic yard, a discount of almost 30%. Sales tax is additional.

Mulch Program can be extended if demand warrants, as there is additional money available in the budget. Program may be repeated in coming years. Program collateral will be produced in Year 1 and can be reused in future years.

Potential Water Savings

20-25 percent when compared to non-mulched areas per Bob Costa, Landscape Irrigation Consultant. Drip irrigation is most efficient/effective delivery system.

Advertising Plan

Webpage at Montereywaterinfo.org will include offer, application, legal disclaimer. Customers will sign up for mulch on the website and provide documentation, name, service address, account number etc. MPWMD/CAW will verify customer of record and then send a numbered voucher to the customer. Vendor (Tope's Sustainable Garden Center) will periodically receive updated list of customers who sign up for the program through a shared excel spreadsheet on SharePoint.

Primary Advertising will be through CAW Email Blasts	FREE
Print Ads for 4 Weeks: Pinecone, MC Weekly, Pacific Grove Press	$8,000
Facebook Ads for 4 Weeks	$500
Design Work	$2,500
Mulch program webpage on MontereyWaterInfo.org	$600

Mulch Budget

Mulch budget (approximately 228 vouchers)	$7,500

TOTAL Budget

Budget	$19,100
Contingency for legal review, etc.	$900
Total Budget (to be split between MPWMD and CAW)	*$20,000*

Legal Review

Product liability disclaimer to be developed that states MPWMD/CAW will not be responsible for mulch quality or effects of mulch on plants, etc.

Additional Costs

Legal Review

Customer Eligibility Requirements

- Only customers of California American Water or MPWMD boundaries are eligible to participate in this event
- Limit one service address/Parcel per participant.
- For personal use only, not for resale or commercial use.
- Supplies are limited and offered on a first-come, first-served basis.
- Limit of two free cubic yards of mulch that covers approximately 300 square feet of landscaping. Additional costs are the responsibility of the applicant.
- Customer can purchase additional mulch above the two free cubic yards of mulch at a cost of $25 per cubic yard, which is almost a 30% discount from normal price
- Does not include CAW wastewater-only customers

Stephanie Kister

From: Andrew Tope <andrew@topestreeservice.com>
Sent: Monday, March 14, 2022 4:16 PM
To: Joseph L Dimaggio
Cc: Stephanie Kister
Subject: Re: Water Saving Groundcover Offer -

Joe, The mulch is made up from recycled green waste from our tree service, all locally sourced… I'd say about 95% of the material is Monterey pine and Monterey Cypress. The materials ground up twice through an inch and a half size screen.

Andrew Tope
Topes Tree Service Inc.
831-238-3655

On Mar 14, 2022, at 9:05 AM, Joseph L Dimaggio <Joe.DiMaggio@amwater.com> wrote:

Andrew, we are leaning on the natural much only.

Can you please tell us the source of the mulch? Whats inside the mulch, tree trimming etc.

Thanks Joe

From: Andrew Tope <andrew@topestreeservice.com>
Sent: Friday, March 4, 2022 10:17 AM
To: Joseph L Dimaggio <Joe.DiMaggio@amwater.com>
Cc: Andy Falconer <andy@topesgardencenter.com>; Stephanie Kister <skister@mpwmd.net>; Bob Costa <pacwater@sbcglobal.net>; Andy Tope <andy@topestreeservice.com>
Subject: Re: Water Saving Groundcover Offer -

EXTERNAL EMAIL: The Actual Sender of this email is andrew@topestreeservice.com "Think before you click!".

Hi Joe,

We can offer Cal Am our natural mulch @ $15 per yard plus tax, you guys pick how many yards you would like to buy for your customers. Then you could promote to your customers that you will provide x amount of free wood chips… as the customers come in we will keep a tally of the yardage and bill you, setting a budget not to exceed. Each additional yardage the customer wants to purchase over the amount cal am will provide will be discounted to $25 per yard. This will be by far the most cost effective and we will get the most square footage coverage which would equal the most water savings.

Additionally we can offer the same promotion with the colored mulches (chocolate, mahogany, black, red) @ $30 per yard …Each additional yardage the customer wants to purchase over the amount cal am will provide will be discounted to $35 per yard.
The coupon will also give a 10% discount on our Nursery's plants and synthetic turfs.

Thanks, look forward to hearing your thoughts. I agree getting this going before our Earth Day event in April would be huge.

Andrew Tope
Topes Tree Service Inc.
831-238-3655

On Mar 2, 2022, at 11:12 AM, Joseph L Dimaggio <Joe.DiMaggio@amwater.com> wrote:

Hi Andrew,

It was a pleasure meeting you last week and planning our event.

How is the proposal coming along?

Is there any way you can also do a reduction in the delivery charge to entice customers?>

Looking forward to hearing from you soon.

Just as you stated, hoping we can get this through for Earth Day.

Thanks Joe

From: Andrew Tope <andrew@topestreeservice.com>
Sent: Wednesday, February 2, 2022 9:00 AM
To: Joseph L Dimaggio <Joe.DiMaggio@amwater.com>
Cc: Andy Falconer <andy@topesgardencenter.com>; Stephanie Kister <skister@mpwmd.net>
Subject: Re: Water Saving Groundcover Offer - Nothing attached

EXTERNAL EMAIL: The Actual Sender of this email is andrew@topestreeservice.com "Think before you click!"

Sounds great, I personally would really try to push are natural mulch. It's a great value price wise and it has good water holding capacity with its size.

Andrew Tope
Topes Tree Service Inc.
831-238-3655

Graniterock
License #22

SKU	Description	UOM	Price	Aggregate Price Sheet
004	3/4"x1/2" batched	Ton	$ 49.00	**Working Class**
008	1/2" batched	Ton	$ 55.00	
1002990	Batched mix	Ton	$ 62.50	
345	*Lightweight Agg	Ton	$ 195.50	*Check for Availability Call 831-392-3750
033A	Recycled Base Rock	Ton	$ 31.50	
060	Concrete Sand (Gray)	Ton	$ 59.00	
649	Oly Washed Fine Sand	Ton	$ 85.00	
303	#2 Coarse	Ton	$ 85.00	
271	Utility Trench Sand	Ton	$ 52.00	
011	1/4"x10 Granite (Roofing)	Ton	$ 64.00	**Prices as of 03/14/2022**
024	Drain Rock 3/4"	Ton	$ 55.00	**Prices Subject to change!**
022	Drain Rock 1-1/2"	Ton	$ 55.00	**Prices Subject to change!**
254	Round Rock 3/4"	Ton	$ 52.00	
374	Pea Gravel 3/8"	Ton	$ 53.00	
033	Base Rock Class 2	Ton	$ 49.00	
131	Cold mix	Ton	$ 199.00	
1016398	Calif Gold 1/4"	Ton	$ 82.00	**Decorative Rocks**
1000945	Calif Gold 3/4"	Ton	$ 75.00	
1000944	Calif Gold 3/8"	Ton	$ 75.00	
1005362	Cobbles 1 1/2"	Ton	$ 166.00	
1000950	Cobbles 2-4"	Ton	$ 166.00	
1000951	Cobbles 4-8"	Ton	$ 166.00	
1004103	Coral Sea 1/2"	Ton	$ 580.00	You may go to www.graniterock.com
610	Decomposed Granite	Ton	$ 75.00	to use our online Calculator
1000937	Desert Amber 3/4"	Ton	$ 155.00	to compute quanities needed!
1017045	Mex Pebble La Paz 1/8-1/4	Ton	$ 363.00	
1017038	Mex Pebble La Paz 1/4-1/2	Ton	$ 363.00	
1018325	Multi Colored Cobble	Ton	$ 402.00	
1000954	Pixi/Pami 3/8"	Ton	$ 600.00	
1000955	Pixi/Pami 3/4"	Ton	$ 600.00	
1008125	Pixi/Pami Cobble	Ton	$ 417.00	

Graniterock
License #22

1000934	Yuba Quartz 3/8"	Ton	$ 116.00		
1000933	Yuba Quartz 3/4"	Ton	$ 116.00		
1015719	Cedar Chips (Premium)	Cu Yd	$ 60.00	**Ground Covers & Soils**	
1000949	Fir Small Deco Bark	Cu Yd	$ 85.00		
1000967	Gorilla Hair	Cu Yd	$ 53.00		
1000964	Fir Walk on bark	Cu Yd	$ 65.00		
1420420	Happy Mix	Cu Yd	$ 85.00	Sold by yard only	
1022840	**Organic Compost**	**Ton**	**$ 85.00**	Sold by the TON	
1018264	**50/50 Blend**	**Ton**	**$ 99.00**	Sold by the TON (50%Soil&50%Org.Compost)	
1019005	Beach Lava Stone 1/2-1" 50#	Sack	$ 71.00	**Sacked Products**	
1017824	Beach Lava Stone 1-2" 50#	Sack	$ 71.00		
1017825	Beach Lava Stone 2-4" 50#	Sack	$ 71.00		
1014802	La Paz 3/8 - 5/8" 75#	Sack	$15		
1015024	Mexican Pebble Blk 1/2-1" 75#	Sack	$ 17.85		0
1010455	Mexican Pebble Blk 1-2" 75#	Sack	$ 17.85		
1010457	Mexican Pebble Blk 2-3" 75#	Sack	$ 17.85		
1015025	Mexican Pebble Blk 3-5" 75#	Sack	$ 15.00		
1000652	Granitepatch 50#	Sack	$ 15.30		
				Revised as of 03/14/2022	

HANA GARDENS - DEL REY OAKS

901 Angelus Way Del Rey Oaks, CA 93940
831-920-1231

Delivery Information

No minimum - Please schedule 2 days in advance.

Standard Dump Truck - 20 CYD bark, 5 tons rock.
Transfer Truck - 23 tons rock.

Delivery Rates

Loads greater than 5 tons are priced at an hourly rate.

Del Rey Oaks, Seaside	$55
Monterey, Pasadera, York Rd, Marina, PG	$90
Carmel, Pebble Beach, Salinas, Corral de Tierra	$105
Carmel Valley to CV Village	$130 min
Past CV Village, Santa Lucia Preserve, Big Sur, Hollister	Hourly Rate

Hourly rate as follows: Standard dump $95/hr, Transfer $130/hr

Bulk material sold in self-serve quantities are priced as follows. We provide the bags, you fill them!

1 BAG = 33 Gal. Heavy Duty Contractor Bag

Bark	Bag Price	CYD Price
Mini Bark, 1/8"-3/8"	$15.99	$77
Small Bark, 1/4"-3/4"	$15.99	$77
Medium Bark, 3/4"-1.5"	$15.99	$77
Walk On Bark	$14.99	$60
Cedar Woodchips	$13.99	$58
Mahogany Woodchips	$11.99	$46
Gorilla Hair	$10.99	$42
Redwood Sawdust	$9.99	$40

Soil	1/2 Bag Price	CYD Price
Organic Compost	$5.49	$43
Topsoil	$7.49	$57
Premium Planting Mix	$8.00	$65
Happy Hippie Potting Mix	$10.99	$98

Rock	LB Price	Ton Price
Baja Cresta Stone	$0.32	$330
Carmel Ledge Stone	$0.40	$640
Old Mission Cobbles	$0.28	$280
Grey Cobbles	$0.28	$280
Holle Fieldstone	$0.28	$280
Mexican Beach Pebbles	$0.34	$380
Mountain Gate Boulders	$0.34	$380
Mule Creek Rock	$0.38	$380
Napa Stone	$0.34	$380
Paskenta Blue Stone	$0.34	$380
Sierra Granite Boulders	$0.38	$380
Sonoma Fieldstone	$0.15	$150

Bagged Products	Size	Price
#16 Kiln Dry Silica Sand	100 LB	$12.79
#30 Mesh Silica Sand	100 LB	$6.49
Erosion Control Sand	50 LB	$3.99
Concrete Mix	60 LB	$4.69
Fence Post Mix	60 LB	$3.25
Portland Cement Mix	47 LB	$6.99
Cold Patch Asphalt	60 LB	$18.79

1 SACK = 0.5 CF Poly Sand Bag

Gravel, Sand, & Aggregates	Sack Price	Ton Price
1/4" California Gold Gravel	$6.49	$75.00
3/8" California Gold Gravel	$6.49	$75.00
3/4" California Gold Rock	$6.49	$75.00
DG	$5.49	$75.00
3/8" Hollister Pea Gravel	$4.99	$53.00
3/4" Hollister Rock	$4.99	$53.00
River Cobbles	$7.49	$199.00
3/4" Crushed Drain Rock	$4.99	$58.00
Recycled Base Rock Class II	$3.49	$32.00
Granite Dust	$4.99	$59.00

Flagstone	LB Price	Ton Price
Antique Brown	$0.41	$754.00
Autumn Gold Quartzite	$0.41	$765.00
Bluestone	$0.53	$895.00
Buckskin Quartzite	$0.45	$695.00
Cherokee Red Sandstone	$0.34	$625.00
Classic Oak Sandstone	$0.34	$625.00
Fish Creek Brown Quartzite	$0.41	$695.00
French Vanilla	$0.39	$665.00
Pink Oak Sandstone	$0.34	$625.00
Storm Mountain Quartzite	$0.39	$665.00

We reserve the right to change or modify pricing at any time. Material availability subject to stock on hand

Revised 03/15/22

ITEM: ACTION ITEM

19. CONSIDER APPROVAL OF DISTRICT LEGISLATIVE ADVOCACY PLAN FOR 2022

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**David J. Stoldt**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Legislative Advocacy Committee reviewed this item on March 29, 2022 and recommended APPROVAL.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The attached **Exhibit 19-A** shows the proposed legislative advocacy plan for 2022. It was reviewed and discussed by the Legislative Advocacy Committee during its meeting on March 29, 2022.

RECOMMENDATION: It is recommended the Board approve the legislative advocacy plan for 2022.

EXHIBIT
19-A Proposed Legislative Advocacy Plan for 2022

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 19-A

2022 Legislative Advocacy Plan

This plan establishes the Monterey Peninsula Water Management District legislative and government affairs priorities for 2022.

Federal Strategy

1) Continue relationship and services with The Ferguson Group:
    - Identifying legislation or proposed regulatory changes that may impact the District.
    - Track additional Title XVI and WIIN Act funding for Pure Water Monterey
    - Track Biden Administration budget actions and Infrastructure Funding/Financing Proposals
    - Consult with staff to develop positions on relevant legislation.
    - Advocate the District's position on bills and matters of interest.
    - Identify funding opportunities and notify of timing, requirements, and advocate on behalf of District or District's partners (e.g. WaterSMART) for, but not limited to:
        - ✓ Fisheries and watersheds
        - ✓ Pure Water Monterey Expansion
        - ✓ CSIP Annexations
        - ✓ Desalination (if proceeding)
    - Prepare materials for briefing – talking points, briefing books, letters, as necessary
    - Coordinate with other water district lobbyists and organizations
    - Maintain close relationships with Monterey legislative delegation

2) Maintain Washington DC profile:
    - Work with The Ferguson Group to organize timely trips as needed, but at least once a year separate from ACWA trip (remains Covid-19 dependent)
    - Both Congressional delegation and regulatory departments related to water, including but not limited to BLM, NOAA (NMFS), USBR, USDA, and EPA.
    - Develop relationships with new legislative staff.
    - Attend ACWA trip each year or every other year
    - Direct contact with associations including ACWA, WateReuse, etc.

3) Provide support for relevant legislation.

4) Perform on existing federal grants:
    - Salinas and Carmel Rivers Basin Study ($900,000 USBR to be completed in 2022)

State of California Strategy

1) Monitor and pursue grant opportunities:
    - Fisheries Restoration Grant Program (FRGP): Position the District for a 2023 application for Monitoring Watershed Restoration (MO) for Carmel River in the aftermath of the San Clemente dam removal.
    - IRWM: Will maintain our effort to attain State funding in the next IRWM round of Prop 1 moneys

2) Maintain Sacramento profile:
    - Work with JEA Associates to organize timely trips as needed, but at least once a year separate from needs-based visits.
    - Follow through on the "Water for Housing" application to SWRCB and develop and execute advocacy plan.
    - Pursue other grant and/or special legislation opportunities.
    - Visit w/ Governor Newsom's appointee's in relevant key positions
    - Meet with legislative team locally
    - Attend CSDA, ACWA, and/or WateReuse legislative days

3) Provide support/opposition for relevant legislation.
    - Maintain JEA bill-tracking
    - Provide letters of support or opposition on legislation and regulations that affect the water industry. Current effort on proposed SWRCB regulations.

4) Develop helpful relationships: ACWA, WateReuse, others

Local Strategy

1) Maintain District role in regional water issues related to:
    - Pure Water Monterey expansion
    - Los Padres Dam and Reservoir studies
    - Manage local IRWM effort
    - Groundwater Sustainability
    - Regionalism in water, generally

2) Encourage information flow and public participation in Rule 19.8/Measure J feasibility analysis where possible.

3) Participate in County-wide efforts (CEQA, OES, Water planning, Carmel River/Lagoon)

4) Maintain outreach to local associations government affairs committees (Chambers, MCAR, MCHA, Coalition of Peninsula Businesses, jurisdictions' mayors and councils); Meet new councilmembers and board members.

5) Better articulate CPUC activities to local ratepayer groups

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

20. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER $25,000

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Suresh Prasad**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review is **Exhibit 20-A**, monthly status report on contracts over $25,000 for the period February 2022. This status report is provided for information only, no action is required.

EXHIBIT
20-A Status on District Open Contracts (over $25k)

EXHIBIT 20-A

Monterey Peninsula Water Management District

Status on District Open Contracts (over $25K)

For The Period February 2022

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Expected Completion	Current Period Acitivity	P.O. Number
1	Montgomery & Associates	Annual Groundwater Modeling support	11/15/2021	$ 50,000.00	$ -	$ 1,449.00	$ 1,449.00		Current period billing for groundwater monitoring support	PO02849
2	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	$ 114,960.00	$ -	$ 14,192.50	$ 14,192.50		Current period billing for Prop 1 IRWM grant administration services	PO02847
3	Shute, Mihaly & Weinberger LLP	Measure J LAFCO Litigation Legal Services	1/1/2022	$ 50,000.00	$ 1,701.00		$ 1,701.00			PO02843
4	Reiff Manufacturing	Quarantine tanks with for the Sleepy Hollow steelhead facility	10/18/2022	$ 48,000.00	$ 40,350.00		$ 40,350.00			PO02824
5	Psomas	Measure J/Rule 19.8 MPWMD Survey Services	9/20/2021	$ 28,000.00	$ 25,308.49	$ 591.51	$ 25,900.00		Current period billing for LAFCO Measure J survey services	PO02791
6	Hayashi & Wayland	Audit services	6/15/2020	$ 69,500.00	$ 54,065.80	$ 11,500.00	$ 65,565.80		Current period billing for auditing services	PO02783
7	Regional Government Services	Human Resouces contractual services	6/21/2021	$ 70,000.00	$ 21,616.40	$ 4,635.75	$ 26,252.15		Current period billing for HR services	PO02698
8	The Marketing Department	Outreach Consultant Contract FY 2021/2022	6/21/2021	$ 51,000.00	$ 21,250.00	$ 4,250.00	$ 25,500.00		Current period retainer billing for outreach services	PO02696
9	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	6/21/2021	$ 67,500.00	$ 11,785.12		$ 11,785.12			PO02693
10	DeVeera Inc.	Dell PE R740XD Series Server (2)	6/21/2021	$ 60,000.00	$ -		$ -			PO02666
11	Zim Industries, Inc.	ASR 1 Rehabilitation	2/25/2021	$ 113,350.00	$ 106,277.25		$ 106,277.25			PO02650
12	DeVeera Inc.	BDR Datto Services Contract FY 2021/2022	6/21/2021	$ 26,352.00	$ 15,372.00	$ 2,196.00	$ 17,568.00		Current period billing for IT backup services	PO02646
13	DeVeera Inc.	IT Managed Services Contract for FY 2021/2022	6/21/2021	$ 58,728.00	$ 34,253.80	$ 4,893.40	$ 39,147.20		Current period billing for IT managed services	PO02647
14	The Ferguson Group LLC	2021-22 - Legislative and Administrative Services	6/21/2021	$ 99,500.00	$ 56,593.85	$ 8,064.73	$ 64,658.58		Current period retainer billing	PO02645
15	JEA & Associates	Legislative and Administrative Services	6/21/2021	$ 43,400.00	$ 22,400.00	$ 3,200.00	$ 25,600.00		Current period retainer billing	PO02644
16	Lynx Technologies, Inc	Geographic Information Systems contractual services	6/21/2021	$ 35,000.00	$ 8,150.00		$ 8,150.00			PO02637
17	Pueblo Water Resources, Inc.	ASR Operations Support	6/21/2021	$ 75,000.00	$ 53,807.14		$ 53,807.14			PO02630
18	MBAS	ASR Water Quality	6/21/2021	$ 40,000.00	$ 35,417.50	$ 1,295.00	$ 36,712.50		Current period billing related to ASR water quality testing	PO02627
19	Monterey One Water	PWM Deep Injection Well #4 Design/Construction	9/21/2020	$ 4,070,000.00	$ 1,109,051.76		$ 1,109,051.76			PO02604
20	Goodin, MacBride, Squeri & Day, LLP	Legal Fee Related MPWSP	4/1/2021	$ 50,000.00	$ 29,848.31		$ 29,848.31			PO02601
21	Local Agency Formation Commission (LAFCO) of Monterey County	Measure J/Rule 19.8 MPWMD LAFCO Application Proces	5/17/2021	$ 232,800.00	$ 198,117.23		$ 198,117.23			PO02598
22	FISHBIO	Carmel River Fish Weir	8/17/2020	$ 130,000.00	$ 126,799.07		$ 126,799.07			PO02586
23	Shute, Mihaly & Weinberger LLP	Measure J CEQA Litigation Legal Services	12/23/2020	$ 200,000.00	$ 134,820.57		$ 134,820.57			PO02490
24	De Lay & Laredo	Measure J/Rule 19.8 3rd Party Operations Phase II	12/16/2019	$ 87,000.00	$ 18,690.50		$ 18,690.50			PO02398
25	Weston Solutions, Inc.	UXO Support Services	6/15/2020	$ 26,378.70	$ 5,677.76		$ 5,677.76			PO02371
26	Denise Duffy & Assoc. Inc.	CEQA addemdum for ASR Parallel Pipeline	4/20/2020	$ 28,567.00	$ 25,970.44		$ 25,970.44			PO02363
27	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/MAI Services	6/15/2020	$ 120,000.00	$ 76,032.00		$ 76,032.00			PO02316

Monterey Peninsula Water Management District
Status on District Open Contracts (over $25K)
For The Period February 2022

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Expected Completion	Current Period Acitivity	P.O. Number
28	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/Rate Study Phase II	12/16/2019	$ 200,000.00	$ 188,683.75		$ 188,683.75			PO02282
29	De Lay & Laredo	Measure J/Rule 19.8 Operations Plan - Phase II	12/16/2019	$ 145,000.00	$ 62,077.50		$ 62,077.50			PO02281
30	De Lay & Laredo	Measure J/Rule 19.8 CEQA Services Consultant	12/16/2019	$ 134,928.00	$ 134,779.54		$ 134,779.54			PO02273
31	Rutan & Tucker, LLP	Rule 19.8 Eminent Domain Legal Services - Phase II	12/16/2019	$ 200,000.00	$ 167,535.44		$ 167,535.44			PO02236
32	Norton Rose Fulbright	Cal-Am Desal Structuring & Financing Order	4/20/2015	$ 307,103.13	$ 38,557.29		$ 38,557.29			PO02197
33	Pueblo Water Resources, Inc.	ASR SMWTF Engineering Services During Construction	10/21/2019	$ 148,100.00	$ 142,709.87		$ 142,709.87			PO02163
34	U.S. Bank Equipment Finance	Copier machine leasing - 60 months	7/15/2019	$ 52,300.00	$ 25,400.12	$ 871.81	$ 26,271.93	6/30/2024	Current period billing for photocopy machine lease	PO02108
35	Monterey One Water	Supplemental EIR Costs for PWM Expansion Project	3/18/2019	$ 750,000.00	$ 731,336.70		$ 731,336.70			PO02095
36	Monterey One Water	Pre-Construction Costs for PWM Expansion Project	11/13/2017	$ 360,000.00	$ 312,617.94		$ 312,617.94			PO02094
37	DUDEK	Consulting Services for Prop 1 grant proposal	4/15/2019	$ 95,600.00	$ 94,315.05		$ 94,315.05			PO01986
38	Denise Duffy & Associates	Consulting Services IRWM plan update	12/17/2018	$ 55,000.00	$ 53,322.32		$ 53,322.32			PO01985
39	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	7/16/2018	$ 30,000.00	$ 26,878.87		$ 26,878.87			PO01880
40	Colantuono, Highsmith, & Whatley, PC	Legal Services for MCWD vs PUC Matter for FY 2018-2019	7/1/2018	$ 60,000.00	$ 54,628.80		$ 54,628.80	6/30/2022		PO01874
41	Ecology Action of Santa Cruz	IRWM HEART Grant	4/16/2018	$ 152,600.00	$ 86,362.33		$ 86,362.33			PO01824
42	Pueblo Water Resources, Inc.	ASR Backflush Basin Expansion, CM services	7/16/2018	$ 96,034.00	$ 68,919.39		$ 68,919.39			PO01778
43	Rural Community Assistance Corporation	IRWM DAC Needs Assessment	4/16/2018	$ 100,000.00	$ 99,250.00		$ 99,250.00			PO01777
44	Mercer-Fraser Company	Sleepy Hollow Intake upgrade project	7/16/2018	$ 2,075,000.00	$ 1,944,949.80	$ 93,755.91	$ 2,038,705.71		Current period billing for SH facility intake upgrade construction	PO01726
45	Colantuono, Highsmith, & Whatley, PC	MPTA Legal Matter	7/1/2018	$ 50,000.00	$ 39,964.43		$ 39,964.43			PO01707
46	Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	$ 68,679.00	$ 57,910.25	$ 1,971.10	$ 59,881.35			PO01628
47	Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	$ 94,437.70	$ 44,318.11		$ 44,318.11			PO01510
48	Normandeau Associates, Inc.	Assistance with IFIM Study	11/13/2017	$ 35,000.00	$ 31,482.50		$ 31,482.50			PO01509
49	Balance Hydrologics, Inc	Design Work for San Carlos Restoration Project	6/19/2017	$ 51,360.00	$ 50,894.32		$ 50,894.32			PO01321
50	AECOM Technical Services, Inc.	Los Padres Dam Alternatives Study	1/25/2017	$ 700,700.00	$ 625,812.50	$ 7,455.00	$ 633,267.50		Current period billing for Los Padres Dsam Study	PO01268
51	Denise Duffy & Assoc. Inc.	MMRP Services for Monterey Pipeline	1/25/2017	$ 80,000.00	$ 73,144.06		$ 73,144.06			PO01202
52	Goodin,MacBride,Squeri,Day,Lamprey	User Fee PUC Proceedings Legal Fee	7/1/2016	$ 50,000.00	$ 49,318.05		$ 49,318.05	6/30/2022		PO01100
53	Whitson Engineers	Carmel River Thawleg Survey	9/19/2018	$ 52,727.43	$ 49,715.00		$ 49,715.00			PO01076
54	HDR Engineering, Inc.	Los Padres Dam Fish Passage Study	4/18/2016	$ 320,000.00	$ 316,085.56		$ 316,085.56			PO01072

Monterey Peninsula Water Management District
Status on District Open Contracts (over $25K)
For The Period February 2022

Contract		Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Expected Completion	Current Period Acitivity	P.O. Number
55	Michael Hutnak	GS Flow Modeling for Water Resouces Planning	8/19/2013	$ 71,800.00	$ 65,880.00		$ 65,880.00			PO00123
56	Justin Huntington	GS Flow Modeling for Water Resouces Planning	8/19/2013	$ 59,480.00	$ 53,918.98		$ 53,918.98			PO00122

ITEM: INFORMATIONAL ITEM/STAFF REPORT

21. STATUS REPORT ON MEASURE J/RULE 19.8 PHASE II SPENDING

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Suresh Prasad**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: The Administrative Committee reviewed this item on April 11, 2022.
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: Attached for review is **Exhibit 21-A**, monthly status report on Measure J/Rule 19.8 Phase II spending for the period February 2022. This status report is provided for information only, no action is required.

EXHIBIT
21-A Status on Measure J/Rule 19.8 Phase II Spending

EXHIBIT 21-A

Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase II
Through February 2022

	Contract	Date Authorized	Contract/Approved Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	$ 345,000.00	$ 167,535.44		$ 167,535.44	$ 177,464.56	PA00005-01
2	CEQA Work	12/16/2019	$ 134,928.00	$ 134,779.54		$ 134,779.54	$ 148.46	PA00005-02
3	Appraisal Services	12/16/2019	$ 430,000.00	$ 188,683.75		$ 188,683.75	$ 241,316.25	PA00005-03
4	Operations Plan	12/16/2019	$ 145,000.00	$ 94,860.00		$ 94,860.00	$ 50,140.00	PA00005-04
5	District Legal Counsel	12/16/2019	$ 40,000.00	$ 150,501.56	$ 2,815.10	$ 153,316.66	$ (113,316.66)	PA00005-05
6	MAI Appraiser	12/16/2019	$ 170,000.00	$ 76,032.00		$ 76,032.00	$ 93,968.00	PA00005-06
7	Jacobs Engineering	12/16/2019	$ 87,000.00	$ 86,977.36		$ 86,977.36	$ 22.64	PA00005-07
8	LAFCO Process	12/16/2019	$ 240,000.00	$ 205,317.23		$ 205,317.23	$ 34,682.77	PA00005-08
8	PSOMAS	9/20/2021	$ 28,000.00	$ 25,308.49		$ 25,308.49	$ 2,691.51	PA00005-09
9	Contingency/Miscellaneous/Uncommitted	12/16/2019	$ 289,072.00	$ 35,697.45	$ 591.51	$ 36,288.96	$ 252,783.04	PA00005-20
	Total		**$ 1,909,000.00**	**$ 1,165,692.82**	**$ 3,406.61**	**$ 1,169,099.43**	**$ 739,900.57**	
1	Measure J CEQA Litigation Legal Services	12/23/2000	$ 200,000.00	$ 134,820.57		$ 134,820.57	$ 65,179.43	PA00005-15
1	Measure J LAFCO Litigation Legal Services	1/1/2022	$ 50,000.00	$ 1,701.00		$ 1,701.00	$ 48,299.00	PA00005-16

Phase I Costs

Status on Measure J/Rule 19.8 Spending

Through November 2019

	Contract	Date Authorized	Contract Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	$ 100,000.00	$ 148,802.21	$ 12,195.95	$ 160,998.16	$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	$ 30,000.00	$ -	$ 27,000.00	$ 27,000.00	$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consulta	2/21/2019	$ 355,000.00	$ 247,690.63	$ 39,274.54	$ 286,965.17	$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	$ 100,000.00	$ 84,221.69		$ 84,221.69	$ 15,778.31	PA00002-04
5	District Legal Counsel		$ 35,000.00	$ 33,763.61	$ 8,133.98	$ 41,897.59	$ (6,897.59)	PA00002-05
6	Contingency/Miscellaneous		$ 30,000.00	$ 9,931.83	$ 33,814.12	$ 43,745.95	$ (13,745.95)	PA00002-10
	Total		**$ 650,000.00**	**$ 524,409.97**	**$ 120,418.59**	**$ 644,828.56**	**$ 5,171.44**	

ITEM: INFORMATIONAL ITEM/STAFF REPORT

22. LETTERS RECEIVED

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Joel G. Pablo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

A list of letters submitted to the Board of Directors or General Manager and received between March 16, 2022 and April 12, 2022 is shown below. The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's website at www.mpwmd.net.

Author	Addressee	Date	Topic
Clyde Roberson	Board of Directors	March 17, 2022	City of Monterey Regional Housing Needs Allocation
Valerie Ralph	Board of Directors	March 17, 2022	Request for Input from the County of Monterey, re: Request to Consolidate Elections of an Independent East Garrison Community Services District Board of Directors with Statewide General Elections
Kevin Stone	General Manager	April 1, 2022	Appointment of Adam Pinterits to Ordinance No. 152 Oversight Panel
Amy Clymo	General Manager	April 1, 2022	Request for Input on the Draft FY2022-23 Budget and Fee Rules

ITEM: INFORMATIONAL ITEM/STAFF REPORT

23. COMMITTEE REPORTS

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Joel G. Pablo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

Attached for your review as **Exhibits 23-A through 23-D** are the final minutes of the committee meetings listed below.

EXHIBITS
23-A Legislative Advocacy Committee: August 24, 2021
23-B Water Supply Planning Committee: September 7, 2021
23-C Water Supply Planning Committee: November 1, 2021
23-D Administrative Committee: March 14, 2022

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 23-A

FINAL MINUTES
Legislative Advocacy Committee of the
Monterey Peninsula Water Management District
Tuesday, August 24, 2021 at 2:00 p.m.

Call to Order
The meeting was called to order at 2:00 p.m. by Chair Riley. *Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.*

Committee members present:	George Riley, Chair Karen Paull Safwat Malek
Committee members absent:	None
Staff members present:	David J. Stoldt, General Manager Joel G. Pablo, Board Clerk
District Counsel present:	David Laredo with De Lay and Laredo
Legislative Consultant:	John Arriaga, JEA & Associates Laurie Johnson, JEA & Associates Roger Gwinn, The Ferguson Group Stephanie Missert, The Ferguson Group Rebecca Bliss, The Ferguson Group
Comments from the Public:	No comments

Discussion Items

1. Report from JEA & Associates on Legislative Status and Bill Tracking

John Arriaga with JEA & Associates provided introductory remarks. Johnson answered committee questions and reviewed Exhibit 1-A: JEA Associates Update Memorandum and Exhibit 1-B: MPWMD Legislative Tracking- in brief. Stoldt and Johnson provided the committee with the District's ongoing efforts with the water for housing initiative, letters sent to the State's budget committees relative to the inclusion of $510 million in statewide funding for the Integrated Regional Water Management regions and letters of support for Assembly Bill (AB) 252 (Rivas), AB 315 (Stone) and other letters found in Exhibit 1-C.

No members of the public comment were in attendance. No public comment received.

2. Report from The Ferguson Group on Federal Legislative and Regulatory Activities

Stephanie Missert provided an overview of topics to be covered during the presentation to include: (a) The Infrastructure Investment and Jobs Act (HR 3684); (b) the budget reconciliation process; (c) FY2022 Appropriations; (d) Western Water Infrastructure Package; and (e) the Federal Legislative bill tracker. Missert noted the U.S. Senate on August 10, 2021 passed a negotiated Infrastructure Investment and Jobs Act (H.R. 3684, as amended) by a vote of 69-30. The Ferguson Group produced a detailed summary of the legislation and is included as Exhibit 2-A: Excerpts of the Infrastructure Investment and Jobs Act (IIJA). Missert provided a few highlights of the bill to include:

a. $2.12 Billion to the Department of Interior for Ecosystem Restoration
b. $8.3 Billion to the Bureau of Reclamation, *a portion to cover Surface and Groundwater Storage matters*
c. $172 Million to the Pacific Salmon Recovery Program
d. $7 Million to the State of California for sewer overflow and stormwater reuse municipal grants. *The legislation would provide an addition $280 million annually from 2022 through 2026*
e. Programs for Stormwater Control Infrastructure Projects, a New Clean Water Infrastructure Resiliency and Sustainability Program to protect water systems from weather events, funding for engineering design and construction on alternative water source projects just to name a few.

Missert noted that the House of Representatives have inserted a procedural rule that the proposed Infrastructure Bill shall be voted on by September 27, 2021 and stated Congress has established a budget reconciliation package tied to H.R. 3684 to be voted on and signed by the President by the end of September 2021. Included in the Budget Reconciliation package includes funding for clean energy, coastal resiliency, clean water, CDBG funding and reducing carbon emissions just to name a few.

Gwinn provided a verbal status report on Fiscal Year 2022 Appropriations and noted that 10 of the 12 appropriation bills have been acted upon. He touched upon water and energy appropriations, funding for aquatic ecosystem restoration, clean water initiatives, water recuse program, drought relief funding through the Bureau of Reclamation and available funding for 17 Western States for drought relief funding and other programs/funding.

Bliss highlighted three bills covered in the Exhibit 2-B: Federal Legislative Tracker previously not covered at the Legislative Advocacy meeting on May 25, 2021 to include HR 1015, *Water Recycling Investment and Improvement Act,* HR 3404, *FUTURE Western Water Infrastructure and Drought Resiliency Act* and HR 4099, *Large-Scale Water Recycling Project Investment Act.*

Stoldt stated that he will review the Infrastructure Package once it is passed and will work with The Ferguson Group to identify programs, funding or grants that the District can apply for. He noted the District is interested in seeing the cap on Title 16 projects go up from $20 million to $30 millions dollars. He touched upon letters sent to Congressman Panetta, U.S. Senator Feinstein and Padilla on various matters to include Reclamation's Title XVI program and support for Expansion of Pure Water Monterey – Letter of Support.

No members of the public comment were in attendance. No public comment received.

3. Report from General Manager on Recent or Upcoming Legislative Actions

David J. Stoldt, General Manager presented via MS PowerPoint entitled, "Monterey Peninsula Water Issues | MPWMD Meeting with Senator Laird – August 9, 2021)." *A copy of the presentation is on file with the District and can be viewed on the District website.* Stoldt provided a status report on progress made on the following matters and answered committee questions: (a) Measure J / Acquisition of Monterey Water System- Progress and Barricades; (b) Water Supply Solution and the Lifting of the Cease and Desist Order; (c) Water for Housing Initiative; and (d) Actions and Ideas Going Forward.

No members of the public comment were in attendance. No public comment received.

4. Suggest Items to be Placed on Future Agendas

None

Other Items

None

Adjournment:

There being no further business, Chair Riley adjourned the meeting at 3:21 p.m.

Approved by the MPWMD Legislative Advocacy Committee on March 29, 2022
Received by the MPWMD Board of Director's on April 18, 2022

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 23-B

Final Minutes
Water Supply Planning Committee of the
Monterey Peninsula Water Management District
Tuesday, September 7, 2021

Pursuant to Governor Newsom's Executive Order N-29-20 and N-33-20, this meeting was conducted using teleconferencing means.

Call to Order: The Zoom virtual meeting was called to order by Chair Riley at 4:00 pm.

Committee Members Present: George Riley, Chair
Karen Paull, Committee Member
Alvin Edwards, Alternate Committee Member

Committee Members Absent: Mary L. Adams, Committee Member

Staff Members Present: David J. Stoldt, General Manager
Jonathan Lear, Water Resources Division Manager
Maureen Hamilton, Senior Water Resources Engineer
Joel G. Pablo, Board Clerk

District Counsel present: Dave Laredo, Esq. with De Lay & Laredo

Comments from the Public: No Comments

Action Items

1. Consider Adoption of August 2, 2021 Committee Meeting Minutes

Public Comment: None

A motion was made by Edwards and second by Paull to approve the committee meeting minutes of August 2, 2021. The motion passed on a vote of 3-Ayes (Riley, Paull and Edwards), 0-Noes, and 0-Absent.

Discussion Items

2. Update on Pure Water Monterey Project

David J. Stoldt, General Manager provided introductory remarks.

Maureen Hamilton, Senior Water Resources Engineer provided an update on Deep Injection Well (DIW) 3 and DIW 4 on General Jim Moore near San Pablo. She anticipates that both wells are slated to start up in December 2021, however noted due to COVID-19, supply chain constraints and staff turnover at the City of Seaside the projected start date for both wells may be affected. Jon Lear, Water Resources Manager provided the committee an update on the intrinsic tracer test results, the physical results, modeling and moving onto the extrinsic phase of the test study with a target date of September 16, 2021 and answered committee questions.

Public Comment: None

3. Update on Pure Water Monterey (PWM) Expansion

David J. Stoldt, General Manager provided a verbal status update on Pure Water Monterey: Expansion and answered questions from the Committee. Stoldt reiterated some of the previous comments made by Hamilton and noted that there is an executive schedule on the expansion with a projected completion date and beginning operations date of December of 2023. He mentioned that the pending application on the Water Purchasing Agreement with the CA Public Utilities Commission may present or will present an issue to the District as it seeks to apply for the State's Revolving Fund Application and Water Infrastructure Finance and Innovation Act (WIFIA) loan. He noted that an approved application will be needed at the time of application or at some point during the application process to move forward with Federal and/or State funding needed for the PWM Expansion project. Stoldt and the committee had further discussion on various funding concepts for the Pure Water Monterey Expansion to include financing, grants, and Federal earmarks. The committee members noted that other revenue stream alternatives, if needed should be addressed with the full Board of Directors and the public and as previously discussed at the Water Supply Planning Committee on May 3, 2021. Stoldt touched upon the proposed Infrastructure Package being vetted out in Washington, D.C. He informed the board he will look at and apply to various programs, grants and aid that will assist the District in advancing its goals on water conservation and determine whether the $19.6 million in grant money from the Bureau of Reclamation can be moved from the Pure Water Monterey: Base Project to the Pure Water Monterey Expansion once the Infrastructure Bill is signed into law.

Public Comment: None

4. Further Updates on the Seaside Fort Ord Wells

David J. Stoldt, General Manager provided introductory remarks and Jon Lear, Water Resources Manager provided a verbal status update on: (a) the destruction of Fort Ord Shallow Well No. 9 (FO-09); (b) A replacement monitoring well; and (c) answered committee questions. Lear touched on FO-09, a coastal monitoring well in the Seaside Basin and the need for well to be destroyed. Lear stated the District went out to bid for destruction of FO-09 shallow, the bid closed on August 11, 2021 and one bid package was received from Maggiora Brothers Drilling, Inc. that will be brought forward to the Administrative Committee and the Board of Directors at its September 2021 meeting. Stoldt directed attention to Exhibit 4-A and 4-B letters dated September 1, 2021 addressed to Chair Paul Bruno of the Seaside Basin Watermaster and General Manager Scherzinger of the Marina Coast Water District. In both letters, Stoldt noted within that letter he requested both entities to determine the project lead on building a replacement well, a cost sharing agreement and to bring the matter back to the District for further consideration on their proposal.

Public Comment: None

Suggest Items to be Placed on Future Agendas

- George Riley: (1) Update on the District's Application with LAFCo of Monterey County (2) Review of the Rationing Steps

Adjournment

There being no further business, Chair Riley adjourned the meeting at 5:09 p.m.

Approved by the MPWMD Water Supply Planning Committee on April 4, 2022
Received by the MPWMD Board of Director's on April 18, 2022

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 23-C
FINAL MINUTES
Water Supply Planning Committee of the
Monterey Peninsula Water Management District
Monday, November 1, 2021
Pursuant to Governor Newsom's Executive Order N-29-20 and N-33-20, this meeting was conducted using teleconferencing means.

Call to Order: The Zoom virtual meeting was called to order by Chair Riley at 4:01 PM.

Committee members present: George Riley, Chair
Karen Paull, Committee Member
Mary L. Adams, Committee Member

Committee members absent: None

Staff members present: David J. Stoldt, General Manager
Jonathan Lear, Water Resources Division Manager
Maureen Hamilton, Senior Water Resources Engineer
Joel G. Pablo, Board Clerk

District Counsel present: Dave Laredo, Esq. with De Lay & Laredo

Comments from the Public: No Comments

Action Items

1. Consider Adoption of October 4, 2021 Committee Meeting Minutes

Paull offered a correction to the meeting minutes to strike-out "Tiley" and insert "Tilley" under Item No. 3.

No comments were directed to the Committee on Item No. 1.

A motion was made by Paull with a second by Adams to approve the October 4, 2021 Committee Meeting Minutes with one editorial change. The motion passed on a vote of 3-Ayes (Paull, Adams and Riley), 0-Noes and 0-Absent.

2. Review and Approve Committee Meeting Schedule for January and February 2022
No comments were directed to the committee on Item No. 2.

A motion was made by Adams with a second by Paull to approve the Committee Meeting Schedule for January and February 2022. The motion passed on a vote of 3-Ayes (Paull, Adams and Riley), 0-Noes and 0-Absent.

Discussion Items

3. Update on Pure Water Monterey Project

The committee heard a progress report by General Manager Stoldt on the District's complaint before the California Public Utilities Commission (CPUC) on an Amended and Restated Water Purchasing Agreement with Monterey One Water (M1W) and California-American Water (Cal-Am). It was reported by Stoldt that the Administrative Law Judge handling the CPUC Complaint is requiring Cal-Am to file an application for the Water Purchasing Agreement (WPA) within 30 days and noted Cal-Am will send over a one-page agreement to sign the WPA. In addition, he informed and provided details on the 6th Amendment Cost Sharing Agreement to fund Pure Water Monterey Expansion to be brought before the Board in either November or December 2021. The committee learned of further progress had and supply chain issues on Deep Injection Well No. 3 at Pure Water Monterey and an image was shared by GM Stoldt. *A copy of the image is on file at the District office and be viewed on the District website.*

No comments were directed to the committee on this matter.

4. Update on Preparations for Aquifer Storage and Recover Season (*Verbal Report)*
David J. Stoldt, General Manager provided introductory remarks.

Jon Lear, Water Resources Manager displayed a table, provided an overview and answered committee questions. *A copy of the table is on file at the District office and can be viewed on the District website.*

The following comment was directed to the committee:

John Tilley: Questioned and asked staff for further comment as to the change in six month to two month travel time between injection wells.

5. Update on Sand City Desal Replacement Wells (*Verbal Report)*

David J. Stoldt, General Manager provided an update on the Sand City Desal Replacement Wells, sought committee consensus on the matter and answered questions from Committee members. He noted that the Sand City Desal Project provides a 300 Acre-Foot per year reverse osmosis facility; or more specifically, is a brackish water treatment facility that does not exceed the approximate salinity of seawater and meets wastewater discharge permits. However, over time he noted that the four intake wells have received increased salinity and there is a proposal to move some of the wells and build a new well to lower salinity levels based on the results of a recent field study that would be at the intersection of West Bay Street and Sand Dunes Drive in Sand City. The new well is estimated to produce 300-acre foot of brackish water and if the results are favorable construct additional wells to the site. Stoldt mentioned that CalAm has the Coastal Development Permit approved in February 2020 to proceed with the project and will take approximately 11 months to complete once they initiate the project.

The following commented was directed to the Committee:

(a) John Tilley: Suggested for the Committee to plan for and assume zero inches of rain and develop a plan to address for no rainfall.

Suggest Items to be Placed on Future Agendas

None

Adjournment
There being no further business, Chair Riley adjourned the meeting at 5:02 p.m.

Approved by the MPWMD Water Supply Planning Committee on April 4, 2022
Received by the MPWMD Board of Director's on April 18, 2022
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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

EXHIBIT 23-D

FINAL MINUTES
Monterey Peninsula Water Management District
Administrative Committee
March 14, 2022

As a precaution to protect public health and safety, and pursuant to provisions of AB 361, this meeting was conducted via Zoom Video/Teleconference only.

Call to Order
The virtual meeting was called to order at 2:03 PM via Zoom.

Committee members present:	Amy Anderson, Chair Alvin Edwards Karen Paull
Committee members absent:	None
District staff members present:	David Stoldt, General Manager Suresh Prasad, Administrative Services Manager/Chief Financial Officer Thomas Christensen, Environmental Resources Manager Larry Hampson, District Engineer Simona Mossbacher, HR Coordinator/Contracts Specialist Sara Reyes, Sr. Office Specialist
District Counsel present:	David Laredo with De Lay and Laredo

Additions / Corrections to Agenda: None

Comments from the Public: None

Items on Board Agenda for March 21, 2022

1. **Consider Adoption of February 16 ,2022 Committee Meeting Minutes**
   On a motion by Edwards and second by Paull, the minutes of the February 16, 2022 meeting were approved on a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

2. **Consider Approval of Funds and a Contract for the Sleepy Hollow Steelhead Rearing Facility Quarantine Tanks Replacement Project**
   On a motion by Anderson and second by Edwards, the Administrative Committee recommended that the Board authorize the General Manager to enter into a contract with Monterey Peninsula Engineering for the work in an amount not-to-exceed $233,500 plus a contingency amount of $29,000 (12.5% of the contract amount) for unforeseen circumstances. The motion was approved on a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

3. Consider Approval of Amendment No. 5 to Agreement for Employment of General Manager
On a motion by Edwards and second by Anderson, the Administrative Committee recommended that the Board approve compensation changes as shown in "Amendment 5 to Agreement for Employment of General Manager" and with a modification to the scheduled pay increase as suggested by the committee. The motion was approved on a roll call vote of 3 – 0 by Paull, Edwards and Anderson.

4. Consider Approval of Legal Services Contract with DeLay and Laredo, Attorneys at Law
On a motion by Paull and second by Edwards, the Administrative Committee recommended that the Board approve the proposed contract for legal services with De Lay and Laredo with a retainer of $6,500 per month and $275 per hour for special services with an annual increase of 4.0% commencing on January 1, 2023 and 2024 for the period covering January 1, 2022 through December 2024. The motion was approved on a roll call vote of 3 – 0 by.

5. Review Draft March 21, 2022 Board Meeting Agenda
General Manager reviewed the agenda with the Committee. The Committee made no changes to the agenda.

Suggest Items to be Placed on Future Agendas
None

Adjournment
The meeting adjourned at 3:15 PM.

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

24. MONTHLY ALLOCATION REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program: Line Item No.:**	**N/A**
Prepared By:	**Gabriela Bravo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

SUMMARY: As of March 31, 2022, a total of **26.467** acre-feet **(7.8%)** of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **32.787** acre-feet is available to the Jurisdictions, and **28.932** acre-feet is available as public water credits.

Exhibit 24-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in March 2022 ("changes"), and the quantities remaining. The Paralta Allocation had no debits in March 2022.

Exhibit 24-A also shows additional water available to each of the Jurisdictions. Additional water from expired or canceled permits that were issued before January 1991 are shown under "PRE-Paralta." Water credits used from a Jurisdiction's "public credit" account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction's Allocation are included as "public credits." **Exhibit 24-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement and the Malpaso Water Entitlement.

BACKGROUND: The District's Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 24-C**.

EXHIBITS
24-A Monthly Allocation Report
24-B Monthly Entitlement Report
24-C District's Water Allocation Program Ordinances

EXHIBIT 24-A
MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of March 2022

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Water	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.048 Cr	0.293	50.659	0.000	0.181	38.121	0.000	2.451	2.925
Monterey County	87.710	0.000	10.579	13.080	0.000	0.352	7.827	0.058	1.717	12.648
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.063	0.002	0.016
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
Seaside	65.450	0.000	0.000	34.438	0.192	31.159	2.693	0.000	1.144	32.303
District Reserve	9.000	0.000	9.000	N/A			N/A			9.000
TOTALS	**342.720**	**0.048 Cr**	**26.467**	**101.946**	**0.000**	**32.787**	**90.142**	**0.063**	**28.869**	**88.123**

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.020	9.788	2.972

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

EXHIBIT 24-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of March 2022

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. [1]	208.540	0.970	32.261	176.279
Del Monte Forest Benefited Properties [2] (Pursuant to Ord No. 109)	156.460	0.878	67.098	89.362
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	1.848	114.188	265.812

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	7.677	198.323
Malpaso Water Company	80.000	0.230	20.258	59.742
D.B.O. Development No. 30	13.950	0.000	3.784	10.166
City of Pacific Grove	38.390	0.181	7.137	31.253
Cypress Pacific	3.170	0.000	3.170	0.000

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 24-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpaso Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

ITEM: INFORMATIONAL ITEM/STAFF REPORTS

25. WATER CONSERVATION PROGRAM REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.**	**N/A**
Prepared By:	**Kyle Smith**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm Kitchen, Utility, and Bar Sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is occasionally conducted to verify compliance. Properties that do not require an inspection are issued a Conservation Certification document.

A. Changes of Ownership
Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is compared against the properties that have submitted WCCs. Details on **137** property transfers that occurred between March 1, 2022, and March 31, 2022, were added to the database.

B. Certification
The District received **100** WCCs between March 1, 2022, and March 31, 2022. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

C. Verification
From March 1, 2022, and March 31, 2022, **79** properties were verified compliant with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **79** verifications, **42** properties verified compliance by submitting certification forms and/or receipts. District staff completed **63** Site inspections. Of the **63** properties verified, **37 (58%)** passed.

D. CII Compliance with Water Efficiency Standards
Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are sent notification of the requirements

and a date that inspectors will be on Site to check the property. In March, District inspectors performed **two** verification inspections.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate Non-Residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses. Properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During March 2021, MPWMD referred **no** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waste occurrences at www.mpwmd.net or www.montereywaterinfo.org. There were **three** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

As of July 6, 2021, the District has been processing both electronic and in person applications for Water Permits. Information can be found at https://www.mpwmd.net/regulations/water-permits.

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **78** Water Permits from March 1, 2022, and March 31, 2022. **Twelve** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpaso Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account. In addition to those Water Permits issued in March, **eight** Meter Permits and **ten** Hydrant Meter Permits were issued. All Water Permits have a disclaimer informing applicants of the Cease-and-Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Dwelling Unit. Of the **50** Water Permits issued from March 1, 2022, and March 31, 2022, **two** were issued under this provision.

B. Permit Compliance

District staff completed **no** conditional Water Permit finals during March 2021. Staff completed **44** site inspections. **Twenty-eight** properties passed and **14** failed due to unpermitted fixtures.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. District staff provided Notary services for **40** Water Permits with deed restrictions.

D. Rebates

The full list of available rebates can be found in Rule 141: https://www.mpwmd.net/rules/Rule141-TableXIV-1.pdf. Below is the rebate information for March 2022.

	REBATE PROGRAM SUMMARY	March-2022				2022 YTD		1997 - Present	
I.	Application Summary								
A.	Applications Received	87				181		29,414	
B.	Applications Approved	64				179		23,018	
C.	Single Family Applications	61				171		25,973	
D.	Multi-Family Applications	3				8		1,572	
E.	Non-Residential Applications	0				0		358	
II.	Type of Devices Rebated	Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF	
A.	High Efficiency Toilet (HET)	13	$975.00	0.065000	21,180	38	$2,850.00	0.19000	
B.	Ultra HET	1	$125.00	0.010000	3,259	5	$625.00	0.05000	
C.	Toilet Flapper			0.000000	0	0	$0.00	0.00000	
D.	High Efficiency Dishwasher	12	$1,500.00	0.036000	11,731	34	$4,250.00	0.10200	
E.	High Efficiency Clothes Washer - Res	34	$16,796.60	0.547400	178,371	94	$46,796.60	1.51340	
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	$0.00	0.00000	
G.	Instant-Access Hot Water System	1	$200.00	0.005000	1,629	3	$600.00	0.01500	
H.	Zero Use Urinals			0.000000	0	0	$0.00	0.00000	
I.	Pint Urinals			0.000000	0	0	$0.00	0.00000	
J.	Cisterns	4	$2,575.00	0.000000	0	9	$17,535.00	0.00000	
K.	Smart Controllers	1	$98.99	0.000000	0	5	$458.99	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	0	$0.00	0.00000	
N.	Lawn Removal & Replacement			0.000000	0	0	$0.00	0.00000	
O.	Graywater			0.000000	0	0	$0.00	0.00000	
P.	Smart Flowmeter	1	$149.00	0.000000	0	1	$149.00	0.00000	
III.	TOTALS	67	$22,419.59	0.663400	216,170	189	$73,264.59	1.87040	
IV.	TOTALS Since 1997					Paid Since 1997:	$ 6,432,019	563.3	Acre-Feet Per Year Saved Since 1997 (from quantifiable retrofits)

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

26. CARMEL RIVER FISHERY REPORT FOR MARCH 2022

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Beverly Chaney**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

AQUATIC HABITAT AND FLOW CONDITIONS: Dry conditions continued in March as the watershed received below normal precipitation for the third month. Carmel River steelhead migration conditions were "poor" in the mainstem and tributaries, while rearing conditions are "fair".

March's mean daily streamflow at the Sleepy Hollow Weir ranged from 39 to 17 cfs (monthly mean 23.5 cfs) resulting in 1,440 acre-feet (AF) of runoff, while the streamflow at the Highway 1 gage ranged from 40 to 16 cfs (monthly mean 22.1 cfs) resulting in 1,360 acre-feet (AF) of runoff.

There were 1.69 inches of rainfall in March as recorded at the San Clemente gauge. The rainfall total for WY 2022 (which started on October 1, 2021) is 11.65 inches, or 62% of the long-term year-to-date average of 18.69 inches.

CARMEL RIVER LAGOON: During March, the lagoon water surface elevation (WSE) ranged from ~ 3.9 to 13.0 feet as the river mouth opened and closed (North American Vertical Datum of 1988; NAVD 88) (See graph below).

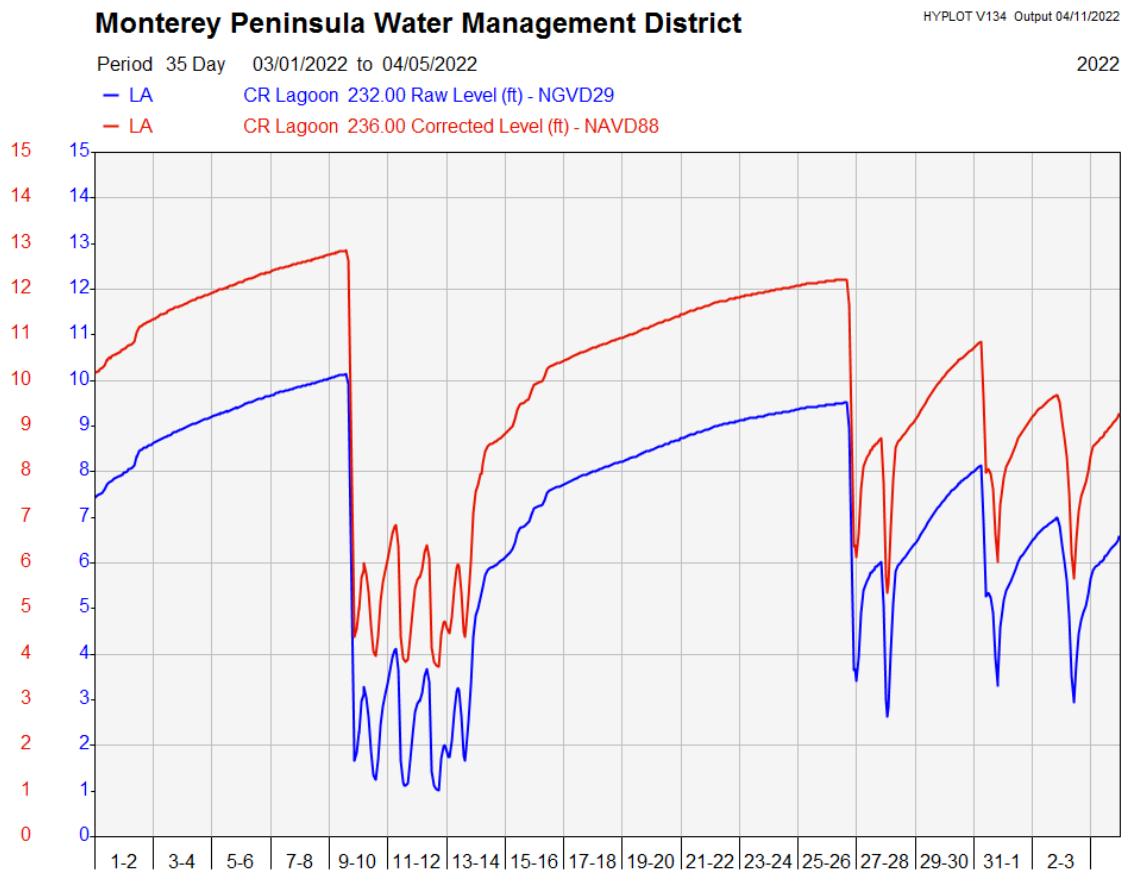
Water quality depth-profiles were conducted at five sites on March 21, 2022, while the lagoon mouth was closed, water surface elevation was 8.80 feet, and river inflow was 22 cfs. Steelhead rearing conditions were generally "good". Salinity increased with depth, ranging from 1 - 30 ppt, dissolved oxygen (DO) levels ranged from 6 - 10 mg/l, while water temperatures were warmer this month, ranging from 56 - 65 degrees F.

LOS PADRES DAM ADULT STEELHEAD COUNT: Los Padres Reservoir filled and spilled on December 14, 2021, reaching a peak daily mean outflow of 629 on December 23, 2021. The fish ladder and trap began operating on December 22, 2021. To date, there have been 33 adult steelhead counted (January - 1, February - 8, March - 24), including nine recaptured (previously tagged) fish.

RESISTANCE BOARD WEIR: As part of the District's steelhead life-cycle monitoring program, a fish weir was installed in the lower river to temporarily trap upstream migrating adult steelhead for tagging and measurement. The weir was installed January 6, 2022, and the first fish were captured on January 7th.

Through March, 71 adult, sea-run steelhead have been captured, including 56 PIT tagged fish and three recaptured fish. Lengths ranged from 450 mm to 750 mm (avg. 654 mm, 26 inches) (18.4 – 30.7 inches).

Carmel River Lagoon Plot:



ITEM: INFORMATIONAL ITEM/STAFF REPORT

27. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Jonathan Lear**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 27-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **April 1, 2022**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 27-A** is for Water Year (WY) 2022 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **March** 2022 totaled **1.69 inches** and brings the cumulative rainfall total for WY 2022 to **11.65 inches,** which is **62%** of the long-term average through **March**. Estimated unimpaired runoff through **March** totaled **1,427 acre-feet (AF)** and brings the cumulative runoff total for WY 2022 to **20,198 AF,** which is **38%** of the long-term average through **March**. Usable storage for the MRWPRS was **28,230 acre-feet**, which is **91%** of average through **March,** and equates to **85%** percent of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 4,110 AF of water from the Carmel River in WY 2022. Through **March**, using the CDO accounting method, Cal-Am has produced **2,113 AF** from the Carmel River (including ASR capped at 600 AF in, Table 13, and Mal Paso in Calendar Year 2022.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,474 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2022. Through **March**, Cal-Am has produced **294 AF** from the Seaside Groundwater Basin. Through **March**, **71 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **68 AF** have been diverted under Table 13 water rights, and **1,859 AF** of Pure Water Monterey recovered. Cal-Am has produced **4,265 AF** for customer use from all sources through **March**. **Exhibit 27-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

EXHIBITS
27-A Water Supply Status: **April 1, 2022**
27-B Monthly Cal-Am production by source: WY 2022

EXHIBIT 27-A

Monterey Peninsula Water Management District
Water Supply Status
April 1, 2022

Factor	Oct – Mar 2021	Average To Date	Percent of Average	Oct – Mar 2020
Rainfall (Inches)	11.65	18.68	62%	10.81
Runoff (Acre-Feet)	20,198	52,772	38%	13,521
Storage [5] (Acre-Feet)	28,230	31,020	91%	28,850

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2020 and 1902-2021 periods respectively.

2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.

3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2021 period. The storage estimates are end-of-month values for the dates referenced in the table.

4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

EXHIBIT 27-B

Production vs. CDO and Adjudication to Date: WY 2022

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				
	Carmel River Basin [2, 6]	Seaside Groundwater Basin			MPWRS Total	ASR Recovery	PWM Recovery	Table 13 [7]	Sand City [3]	Water Projects and Rights Total
		Coastal	Laguna Seca	Ajudication Compliance						
Target	2,795	150	0	150	**2,945**	0	1,884	174	150	**2,208**
Actual [4]	2,113	237	58	294	**2,408**	0	1,859	68	60	**1,987**
Difference	681	-87	-58	-144	**537**	0	0	106	90	**221**
WY 2021 Actual	2,291	828	88	916	**3,207**	0	17	1,097	64	**1,178**

1. This table is current through the date of this report.
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Board.
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources projects.
4. To date, 71 AF and 68 AF have been produced from the River for ASR and Table 13 respectively.
5. All values are rounded to the nearest Acre-Foot.
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY.
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking.

Monthly Production from all Sources for Customer Service: WY 2022

(All values in Acre-Feet)

	Carmel River Basin	Seaside Basin	ASR Recovery	PWM Recovery	Table 13	Sand City	Mal Paso	Total
Oct-21	438	41	0	344	0	0	7	829
Nov-21	407	45	0	234	0	6	7	698
Dec-21	361	39	0	162	42	28	7	639
Jan-22	268	39	0	301	26	2	3	639
Feb-22	230	40	0	419	0	0	3	692
Mar-22	253	92	0	400	0	24	0	368
Apr-22								
May-22								
Jun-22								
Jul-22								
Aug-22								
Sep-22								
Total	**1,957**	**294**	**0**	**1,859**	**68**	**60**	**27**	**4,265**
WY 2021	**2,178**	**916**	**0**	**1,097**	**17**	**64**	**31**	**4,302**

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

ITEM: INFORMATIONAL ITEM/STAFF REPORT

28. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**Dave Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Thomas Christensen**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

IRRIGATION OF RIPARIAN VEGETATION: Supplemental watering of riparian mitigation plantings and irrigation system tune-ups took place during low rainfall from January through March.

Water Use in Acre-Feet (AF)	
January - March 2022	0.20 AF
Year-to-date	0.20 AF

MONITORING OF RIPARIAN VEGETATION: During the winter season, the District suspended the riparian vegetation monitoring program. The monitoring of soil moisture, groundwater levels, and canopy defoliation (a measure of vegetation moisture stress) will resume in June 2022. During the months of June through October, staff will take monthly measurements of depth to groundwater and canopy vigor in areas where willow and cottonwood trees may be impacted by lowered water levels caused by groundwater extraction. The areas monitored are in the vicinity of California American Water's (Cal-Am) Cañada and San Carlos wells, and the District's Valley Hills (next to Cal-Am's Cypress Well) and Schulte (next to Cal-Am's Schulte Well) Restoration Projects. The District's monitoring provides insight into the status of soil moisture through the riparian corridor by collecting and analyzing monthly readings from the District's array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the Cal-Am system.

OTHER TASKS PERFORMED SINCE THE JANUARY 2022 QUARTERLY REPORT:

1. **Los Padres Alternatives Study:** District staff have participated in multiple Technical Review Committee (TRC) meetings with Cal-Am, AECOM, National Marine Fisheries Service, and California Department of Wildlife with regards to the Los Padres Reservoir Alternatives Study. This study is evaluating Los Padres Reservoir including alternatives such as: reservoir dredging, dam removal, and volitional fish passage. AECOM has recently circulated a draft Alternatives Development Technical Memorandum for the TRC to review. The final report is

scheduled to be released in October 2022.

2. **Sleepy Hollow Steelhead Rearing Facility (SHSRF):** District staff have been preparing for quarantine tank replacement, chiller replacement, and electrical work at the SHSRF. Monterey Peninsula Engineering has been awarded the bid and work started on April 4, 2022.

3. **Steelhead Permit Reporting Requirements:** The District has been uploading steelhead rescue data from last year's steelhead rescue season to state and federal databases. This reporting is required to keep the District's Scientific Collecting Permit valid as well as help regulators understand the current state of steelhead on the Carmel River.

EXHIBITS
None

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ITEM: INFORMATIONAL ITEM/STAFF REPORT

29. QUARTERLY WATER USE CREDIT TRANSFER STATUS REPORT

Meeting Date:	**April 18, 2022**	**Budgeted:**	**N/A**
From:	**David J. Stoldt, General Manager**	**Program/ Line Item No.:**	**N/A**
Prepared By:	**Gabriela Bravo**	**Cost Estimate:**	**N/A**

General Counsel Review: N/A
Committee Recommendation: N/A
CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

Information about Water Use Credit transfer applications will be reported as applications are received. There are no pending Water Use Credit transfer applications.

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Supplement to 04/18/2022 MPWMD Board Packet

Attached are copies of letters received between March 16, 2022 and April 12, 2022. These letters are listed in the March 2022 Board packet under Letters Received.

Author	Addressee	Date	Topic
Clyde Roberson	Board of Directors	March 17, 2022	City of Monterey Regional Housing Needs Allocation
Valerie Ralph	Board of Directors	March 17, 2022	Request for Input from the County of Monterey, re: Request to Consolidate Elections of an Independent East Garrison Community Services District Board of Directors with Statewide General Elections
Kevin Stone	General Manager	April 1, 2022	Appointment of Adam Pinterits to Ordinance No. 152 Oversight Panel
Amy Clymo	General Manager	April 1, 2022	Request for Input on the Draft FY2022-23 Budget and Fee Rules

RECEIVED
MAR 21 2022
MPWMD

Mayor:
CLYDE ROBERSON

Councilmembers:
DAN ALBERT
ALAN HAFFA
ED SMITH
TYLLER WILLIAMSON

City Manager:
HANS USLAR

March 17, 2022

Monterey Peninsula Water Management District Board of Directors
alvinedwards420@gmail.com
georgetriley@gmail.com
safwat@enviro-international.com
karenppaul!@gmail.com
carmelcellogal@comcast.net
district5@co.monterey.ca.us
roberson@monterey.org

RE: City of Monterey Regional Housing Needs Allocation

Dear Board of Directors,

The City of Monterey wanted to update the Monterey Peninsula Water Management District on the immediate need for water by 2023.

The Association of Monterey Bay Area Governments recently completed its State-mandated task of designating the number of housing units that will need to be planned for in each jurisdiction from 2023 to 2031. The State's goal is for those units to be constructed during this timeframe as well.

The City of Monterey wants to build the expected housing units that are ultimately assigned by our fellow jurisdictions through the AMBAG RHNA process.

Monterey was assigned 3,654 housing units (1,177 very low income, 769 low income, 462 moderate-income, and 1,246 market rate) to place housing closer to jobs and address equity metrics such as placing more housing in communities that are predominately white with higher incomes. The aspirational goal to address these issues is impossible without an immediate water supply.

The City has reviewed with MPWMD staff the water credits needed per residential type. The City estimates needing between **367- 406 acre feet by 2023** to meet the regionally and State required RHNA.

The City also wanted to update the Board on its efforts to construct housing. In terms of upcoming development, the City continues to lose out on housing development opportunities. While the City's implementation of new policies is working and have attracted experienced and solvent developers, the inability of the SWRCB to respond to requests made by the City and the Monterey Peninsula Water Management District has

led to a significant reduction in the scopes of the projects. Stated differently, while the State's legislature and the Governor have repeatedly prioritized increasing the supply of affordable housing opportunities, the SWRCB remains tone-deaf to the requests expressed by the City, the Monterey Peninsula Water Management District, Senator Laird, and housing advocates.

The following example demonstrates what our rental community is losing:

The Garden Road area allows 405 new housing units. The City received applications to construct housing at four sites along Garden Road. The original anticipated unit count was 298 units if the City could obtain additional water from the Water District's reserve category. The District conditionally allocated reserve water; however, the State Water Resources Control Staff indicated it would violate the Cease and Desist Order unless the project used no more water than it did before rezoning. As a result, this opportunity was lost, and projects were reduced to 180 units consistent with the onsite water credits/use. A loss of 118 units could have housed between 300 and 400 residents.

Table 1
Garden Road Housing Opportunities

Address	Original Application - # of Units	Downsized Projects due to Water	Project Status
2000 Garden Road	72	34	AR Preliminary and Final Permit Approved
2300 Garden Road	64	64	ARC Review Scheduled 3/15
2560 Garden Road	63	25	Application Incomplete 2/2022
2600 Garden Road	99	57	AR Preliminary Review Approved
Total	**298**	**180**	

Source: City of Monterey Community Development Department

There is no quick fix to reverse this fate. The projects were re-scoped, and plans were redrawn. Costs borne by the developers have been incurred.

The City has also inventoried its properties for affordable housing projects. Four sites were identified for 100% affordable housing projects, and a Request for Proposal was released. The City has selected two affordable housing developers for Exclusive Negotiating Agreement (ENA) discussions. These developers can potentially build 150 units that are 100% affordable housing. However, these sites do not have adequate-sized water meters or supply for the housing to be constructed.

In sum, there have been 118 affordable housing units lost as a result of water unavailability for the Garden Road area, and 150 low-income units are in abeyance.

The City of Monterey wanted the Monterey Peninsula Water Management District to understand from our perspective the quandary of meeting State-mandated housing

requirements, being designated additional housing units to be constructed between 2023-2031, and the need for water supply to be available in 2023 to meet the City and region's housing targets. The City would appreciate a letter from the MPWMD detailing from their perspective if water will be available by 2023. When will water be available for allocation? If not, what can the City of Monterey City Council do to make this happen?

Furthermore, the City requests that the MPWMD pass a resolution requesting that the State Water Resources Control Board immediately lift the Cease and Desist Order since the illegal diversions have ceased. If the CDO is lifted, developers could set new water meters and work within the Monterey Peninsula Water Management District credit system.

Sincerely,

Clyde Roberson,
Mayor

e: David Stoldt, General Manager, Monterey Peninsula Water Management District (dstoldt@mpwmd.net)
Senator John Laird, 17th Senate District
Assemblymember Mark Stone, 29th Assembly District

MONTEREY COUNTY

PUBLIC WORKS, FACILITIES & PARKS

Randell Ishii, MS, PE, TE, PTOE, Director
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527
(831) 755-4800
www.co.monterey.ca.us

RECEIVED
MAR 21 2022
MPWMD

Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

March 17, 2022

Dear Joel G. Pablo, Executive Assistant

The County of Monterey Board of Supervisors has received a resolution from the East Garrison Community Services District requesting that any regularly scheduled election date for directors be changed from November of odd-numbered years to November of even-numbered years.

California Elections Code Section 10404, 10404.5 and 10405.7 requires the Board of Supervisors to notify all districts of the receipt of such resolutions and request input from each district on the effect of the consolidation. If your district would like to provide input, please provide a written response to Valerie Ralph, Clerk of the Board of Supervisors, County of Monterey, 168 W. Alisal St., 1st Floor, Salinas, CA 93901, no later than **April 11, 2022.**

If you have any questions, please contact the Clerk of the Board's office at (831) 755-5066.

Very truly yours,

Valerie Ralph
Clerk of the Board
County of Monterey

cc: Gina Martinez, Registrar of Voters

MCAR

April 1, 2022

David J. Stoldt
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93940

Subject: Appointment of Adam Pinterits to Ordinance Number 152 Oversight Panel

Dear Mr. Stoldt,

Adam Pinterits is our selection to replace Dr. Scott Dick on the Ordinance No. 152 Oversight Panel.

Please submit his name for membership on the panel.

Sincerely,

Kevin Stone
CEO, Monterey County Association of REALTORS®

Monterey Bay Air Resources District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411

Notice of Availability of Air District Fee Rule Revisions and Public Meeting Schedule

RECEIVED
APR 01 2022
MPWMD

March 28, 2022

Dear Permit Holder,

A public workshop and Board meetings will be held by the Monterey Bay Air Resources District (MBARD) to consider the Fiscal Year (FY) 2022-2023 Budget and fee rules. MBARD is considering a fee increase of 4.2% which is the San Francisco Area Consumer Price Index (CPI). We request your input on the draft FY 2022-2023 budget and fee rules. Copies of the budget items will be available on the website (www.mbard.org) or upon request beginning on March 28, 2022. **Any changes to MBARD fees would be effective on July 1, 2022.**

These proposed regulatory actions are categorically exempt from the requirements of Public Resources Code Section 21000 et seq., under the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, for Class 8 exemptions. Since there are no new control standards being proposed, the proposed regulatory action described herein is exempt from California Health and Safety Code (HSC) Section 40727.2, which requires that a comparative alternative analysis of any new control standard be performed.

Please let us know your comments by participating in one of the following events. Written comments can be emailed to aclymo@mbard.org or mailed to: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA 93940 by June 3, 2022.

Event	Date/Time/Location
Public Workshop	April 12, 2022; 11:00 AM; REMOTE ONLY VIA ZOOM WEBINAR **Please check our website one week prior to the meeting for the Zoom link:** https://www.mbard.org
Initial Board Presentation First Public Hearing	May 18, 2022; 1:30 PM; **Please check our website one week prior to the meeting for the Zoom link and/or whether meeting will be in-person:** https://www.mbard.org/board-of-directors.
Board Adoption Public Hearing	June 15, 2022; 1:30 PM; **Please check our website one week prior to the meeting for the Zoom link and/or whether meeting will be in-person:** https://www.mbard.org/board-of-directors

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Aviso de Disponibilidad de Revisiones y Reglas de Tarifas del Distrito de Aire Calendario de reuniones públicas

28 de marzo de 2022

Titular del permiso,

El Distrito de Recursos del Aire de la Bahía de Monterey (MBARD) llevará a cabo un taller público y reuniones de la Junta para considerar el presupuesto del año fiscal (FY) 2022-2023. MBARD está considerando un aumento de tarifa del 4.2%, que es el índice de precios al consumidor (IPC) del área de San Francisco. Solicitamos su aporte o comentarios sobre la propuesta del presupuesto del año fiscal 2022-2023 y las reglas de tarifas. Las copias de las partidas presupuestarias estarán disponibles en el sitio web (www.mbard.org) o previa solicitud a partir del 28 de marzo de 2022. **Cualquier cambio en las tarifas de MBARD entraría en vigencia el 1 de julio de 2022.**

Estas acciones regulatorias propuestas están categóricamente exentas de los requisitos de la Sección 21000 et seq. del Código de Recursos Públicos, conforme a las Guías de CEQA, Código de Regulaciones de California, Título 14, Capítulo 3, Sección 15308, para las excepciones de Clase 8. Dado que no se proponen nuevos estándares de control, la acción regulatoria propuesta que se describe en este documento está excempto de la Sección 40727.2 del Código de Salud y Seguridad de California (HSC), que requiere que se realice un análisis alternativo comparativo de cualquier nuevo estándar de control.

Por favor déjenos saber sus aportes o comentarios participando en uno de los siguientes eventos. Los comentarios escritos pueden enviarse por correo electrónico a aclymo@mbard.org o enviados por correo a: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA 93940 antes del 3 de junio de 2022.

Evento	Fecha/Hora/Ubicación
Taller Público	12 de abril de 2022; 11:00 AM; ZOOM WEBINAR **Consulte nuestro sitio web una semana antes de la reunión para ver el enlace de Zoom:** https://www.mbard.org
Reunión inicial de la junta Primera Audiencia Pública	18 de mayo de 2022; 1:30 PM; **Consulte nuestro sitio web una semana antes de la reunión para ver el enlace de Zoom y/o si la reunión será en persona:** https://www.mbard.org/board-of-directors.
Adopción de la Junta Audiencia pública	June 15, 2022; 1:30 PM; **Consulte nuestro sitio web una semana antes de la reunión para ver el enlace de Zoom y/o si la reunión será en persona:** https://www.mbard.org/board-of-directors