

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, *unless otherwise noted.*



**Agenda**  
**Regular Meeting**  
**Board of Directors**  
**Monterey Peninsula Water Management District**  
\*\*\*\*\*

**Monday, August 15, 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://mpwmd-net.zoom.us/j/83981802155?pwd=Qk9FYXJlU0lSS2dNRlczdGMrdz09>

Or join at: <https://zoom.us/>

Webinar ID: 839 8180 2155

Passcode: 08152022

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 AMP 1.

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 P.M. on Friday, August 12, 2022

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**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, August 12, 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, September 19, 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 Special and Regular Board Meeting on July 18, 2022
2. Consider Adopting Draft Resolution No. 2022-23 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*)

**GENERAL MANAGER’S REPORT**

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

**REPORT FROM DISTRICT COUNSEL**

4. Report Out from Closed Session Meeting on Monday, July 18, 2022 (*Verbal Report*)

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

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

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

6. Consider First Reading of Ordinance No. 192 to Define Montage Health’s Main Campus, Carmel Hill Professional Center, and Ryan Ranch Campus as a Site for Purposes of the “Hospital Water Use Limit”

*Recommended Action:* *The Board should approve the first reading of Ordinance No. 192.*

7. Consider Adoption of Ordinance No. 191 Repealing and Deleting Rule 120- Carmel River Advisory Committee

*Recommended Action:* *The Board will consider adopting Ordinance No. 191 repealing and deleting Rule 120- Carmel River Advisory Committee.*

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

8. Consider Authorization of Expenditure of Funds for Services Related to the Acquisition of the Monterey Water System (Measure J)

*Recommended Action:* *The board will consider authorization of expenditure of funds for Monterey Water System Appraisal Services (not-to-exceed \$160,000), Additional Real Estate Appraisal Services (not-to-exceed \$80,000) and Water Rights Appraisal Services (not-to-exceed \$75,000) related to the acquisition of the Monterey Water System (Measure J).*

9. Consider Authorization of Expenditure of Funds for Prepayment of a Portion of Mechanics Bank Loan

*Recommended Action: The Board should consider authorizing its Administrative Services Manager/Chief Financial Officer to prepay the Mechanics Bank loan in the amount of \$500,000.*

**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.*

10. Report on Activity/Progress on Contracts Over \$25,000
11. Status Report on Measure J / Rule 19.8 Phase II Spending
12. Letters Received and Sent Supplemental Letter Packet
13. Committee Reports
14. Monthly Allocation Report
15. Water Conservation Program Report
16. Carmel River Fishery Report for July 2022
17. Monthly Water Supply and California American Water Production Report

#### ADJOURNMENT

Board Meeting Schedule			
Monday, September 19, 2022	Regular Meeting	6:00 p.m.	Virtual – Zoom
Thursday, September 29, 2022	Special Meeting	6:00 p.m.	Virtual – Zoom
Monday, October 17, 2022	Regular Meeting	6:00 p.m.	Virtual – Zoom

Board Meeting Television and On-Line Broadcast Schedule	
<b>Television Broadcast</b>	<b>Viewing Area</b>
Comcast Ch. 24   View live broadcast on meeting dates, and replays on Mondays, Tuesdays and Thursdays at 4:00 p.m.	All Peninsula Cities
Comcast Ch. 28 (Monterey County Government Channel) Replays only at 9:00 a.m. on Saturdays	Throughout the Monterey County Government Television viewing area.
<b>Internet Broadcast</b>	
AMP 1   View live broadcast on meeting dates, and replays on Mondays, Tuesdays, and Thursdays at 4:00 p.m. and at <a href="https://accessmediaproductions.org/">https://accessmediaproductions.org/</a> scroll to <b>AMP 1</b> .	
Monterey County Government Channel   Replays only at 9:00 a.m. on Saturdays at <a href="http://www.mgtvonline.com">www.mgtvonline.com</a>	
MPWMD YouTube Page – View live broadcast on meeting dates. Recording/Replays available five (5) days following meeting date - <a href="https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg">https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg</a>	

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, August 12, 2022 to [joel@mpwmd.net](mailto:joel@mpwmd.net), or at (831)

658-5652. You may reach out to Sara Reyes, Admin Services Division at (831) 658-5610 or at [sara@mpwmd.net](mailto:sara@mpwmd.net).

### 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://mpwmd-net.zoom.us/j/83981802155?pwd=Q0NUYTBLWTJxVk1rbWd3b1B3dTZVQT09> or copy / 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”.
  - a. 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](mailto: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, August 15, 2022. Comments submitted by noon will be provided to the Board of Directors and compiled as part of the record of the meeting.



**ITEM: CONSENT CALENDAR**

**1. CONSIDER ADOPTION OF MINUTES OF THE SPECIAL AND REGULAR BOARD MEETING ON JULY 18, 2022**

**Meeting Date: August 15, 2022**

**Budgeted:** N/A

**From:** David J. Stoldt,  
General Manager

**Program/** **N/A**  
**Line Item No.:**

**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 July 18, 2022. The draft minutes are attached as **Exhibit 1-A** to the staff report.

**RECOMMENDATION:** The Board will consider approval of the draft minutes of the MPWMD Board of Director's Special and Regular Board Meeting on July 18, 2022

**EXHIBIT**

**1-A** MPWMD Board of Director's Special and Regular Meeting on July 18, 2022







## **EXHIBIT 1-A**

**Draft Minutes  
Special and Regular Meeting  
Board of Directors  
Monterey Peninsula Water Management District  
Monday, July 18, 2022**

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

### **CLOSED SESSION**

Chair Paull called the meeting to order at 5:01 p.m.

#### **CALL TO ORDER**

*Directors Present via Zoom:*

Karen Paull, Chair – Division 4

Mary L. Adams, Vice Chair – Monterey County Board of  
Supervisors Representative

Alvin Edwards – Division 1

George Riley – Division 2

Safwat Malek – Division 3 (*Joined at 5:06 p.m.*)

Amy Anderson – Division 5

Clyde Roberson – Mayoral Representative

#### **ROLL CALL**

*Directors Absent:* None

*General Manager present:* David J. Stoldt

*Administrative Services Manager/CFO present:* Suresh  
Prasad

*District Counsel present:* Dave Laredo with De Lay and  
Laredo

None

#### **ADDITIONS AND CORRECTIONS ON THE CLOSED SESSION AGENDA BY DISTRICT COUNSEL**

None

#### **PUBLIC COMMENT ON THE CLOSED SESSION AGENDA**

#### **CLOSED SESSION**

David Laredo, District Counsel read the board into Closed  
Session.

**CS 1    Threat to Public Services or  
Facilities (Government Code §  
54957)**

**a.    Consultation with District  
Staff, re: Cybersecurity  
Assessment and Report**

**CS 2 Conference with Labor  
Negotiations (Government Code  
54957.6)**

**a. Agency Designated  
Representatives: David J. Stoldt,  
General Manager and Suresh  
Prasad, Administrative Services  
Managers**

**Employee Organization: General  
Staff and Management Units  
Represented by United Public  
Employees of California/LIUNA,  
Local 492**

The Board convened into Closed Session at 5:03 p.m.

**CONVENE TO CLOSED SESSION**

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**REGULAR SESSION**

Chair Paull called the meeting to order at 6:00 p.m.

**CALL TO ORDER**

*Directors Present via Zoom:*

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

**ROLL CALL**

*Directors Absent:* None

*General Manager present:* David J. Stoldt

*District Counsel present:* Dave Laredo with De Lay and  
Laredo

The assembly recited the Pledge of Allegiance.

**PLEDGE OF ALLEGIANCE**

None

**ADDITIONS AND CORRECTIONS TO  
THE AGENDA**

No comments were directed to the Board.

**ORAL COMMUNICATIONS**

Director Adams directed attention to Item No. 8. Adams  
commended the District's work and collaboration with the  
County of Monterey on the Carmel River Lagoon.

**CONSENT CALENDAR**

David J. Stoldt, General Manager (GM) directed attention  
to Items No. 4, 5 and 6. Stoldt noted the Board convened  
into Closed Session prior to the regular session to discuss  
Item No. 6 at length over the Cybersecurity Vulnerability

and Security Posture Report. Stoldt noted the District successes has had in working with both Federal and State lobbyists in securing funding for the Pure Water Monterey Base Project and Pure Water Monterey – Expansion.

A motion was offered by Director Adams with a second by Director Anderson to approve Consent Calendar Items No. 1 through 9. The motion passed on a roll-call vote of 7-Ayes (Paull, Adams, Riley, Edwards, Anderson, Roberson and Malek), 0-Noes and 0-Absent.

Approved the MPWMD Board of Director’s Regular Board Meeting on June 20, 2022 and Special Board Meeting on July 8, 2022.

Adopted Resolution No. 2022 – 21.

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

Approved the proposed agreement with JEA & Associates for FY 2022-23 in an amount not-to-exceed \$40,800 plus expenses.

Approved the proposed agreement with The Ferguson Group for FY 2022-23 in an amount not-to-exceed \$75,500 plus expenses.

Received the Cybersecurity Vulnerability Assessment Report. *Implementation strategy is not part of this action.*

Adopted Resolution No. 2022 – 22.

Authorized District Staff to procure two drones and accessories and contract for technical support from the UCSC CITRIS Initiative and CSUMB Drone Camp Technical Support, for an amount not to exceed \$10,000.

1. **Consider Adoption of Minutes of the Regular Board Meeting on June 20, 2022 and Special Board Meeting on July 8, 2022**
2. **Consider Adopting Draft Resolution No. 2022-21 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 May 2022**
4. **Consider Renewal of Contract with JEA & Associates for Legislative and Administrative Services**
5. **Consider Renewal of Contract with Ferguson Group for Legislative and Administrative Services**
6. **Receive Cybersecurity Vulnerability Assessment and Security Posture Report**
7. **Consider Adoption of Resolution No. 2022-22 Amending MPWMD Rule 24, Table 1: Residential Fixture Unit Count Values**
8. **Consider Approving MPWMD Staff to Work with UCSC CITRIS Initiative and CSUMB Drone Camp Technical Support to Purchase Unmanned Drones and Establish a Vegetation Monitoring Program for the Carmel River Lagoon to Comply with the Allocation EIR Mitigation Program**

Authorized the District Staff to enter into a contract amendment with Martin Feeney to complete the installation of a down hold sampling pump in Paralta Test Well in an amount not to exceed \$30,000.

David J. Stoldt, General Manager presented via MS PowerPoint entitled, “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of July 1, 2022.” *A copy of the presentation is available at the District office and can be found on the District website.*

GM Stoldt provided an overview of the slide-deck and the following points were made:

1. Monterey Peninsula Water Resources System (MPWRS), Actual vs. Target Production from October through June of Water Year 2022:
  - a. Both the Carmel River Basin and current MPWRS: Actuals are below target.
2. Water Projects and Rights, Actual vs. Target Production from October through June of Water Year 2022:
  - a. Pure Water Monterey is a significant contributor and accounts for 37% of water being delivered to customers over the last year.
3. Production for Customer Service for Water Year 2022:
  - a. The total production is below last water year and demand is 78 Acre Feet (AF) lower than it was during the last year at the same time.
4. Production for Customer Service First Nine Months – Last 7 Years:
  - a. Provided a snapshot and noted production for 2022 is lower than the last three years.
5. Displayed Graph on the Monthly Recorded Rainfall at San Clemente Rain Gage: Water Year 2022
6. Daily Rainfall Recorded at the San Clemente Rain Gage: Water Year 2022:
  - a. No reported activity over the past 2 ½ months.

9. **Consider Contracting with Martin Feeney to Install a Permanent Down Hole Sampling Pump in Paralta Test to Comply with Regional Water Quality Control Board General Permit 2012-0010**

#### **GENERAL MANAGER’S REPORT**

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

7. Estimated Unimpaired Carmel River Flow at Sleepy Hollow WEIR: Water Year 2022:  
Streamflow is significantly below normal.

### **Continued General Manager's Report**

David J. Stoldt, General Manager presented via MS PowerPoint. Stoldt provided the Board an update on the Mulch Madness event sponsored by both California American Water and the District, Fish Rescues, July MPWMD Outreach Ad and answered Board questions. On Fish Rescues, Stoldt presented new information adding that 9,800 rescued steelhead fish have been accounted for as of July 18, 2022. *A copy of the presentation is available at the District office and can be found on the District website.*

David J. Stoldt, General Manager provided a verbal status report on the Development of Water Supply Projects:

1. Pure Water Monterey: Deep Injection Well 3 and 4 have been operating at steady injection capacity for a few months.
2. Amended Title 22 Engineering Report filed and pending a review with the State Division of Drinking Water (DDW). Following DDW Review, the Regional Water Quality Control Board will review the documents to consider approval and issuance of an Injection Permit.
3. Pure Water Monterey Expansion
  - a. Amended and Restated Water Purchase Agreement pending a decision by the California Public Utilities Commission.
  - b. The District has a tentative approval from the Environmental Protection Agency for the Innovation ACT and WIFIA financing program.
  - c. The expansion project is experiencing longer procurement lead times for equipment and material.
4. District Staff is working with Monterey One Water and the City of Seaside on the final easement acquisition for both the Pure Water Monterey Base and Expansion Projects.

David J. Stoldt, General Manager presented via MS PowerPoint Presentation entitled, "Progress on Strategic Planning Goals" and answered board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

### **11. Update on Development of Water Supply Projects (Verbal Report)**

### **12. Progress Report on Strategic Planning Goals Adopted February 24, 2022**

District Counsel Laredo reported out from the Closed Session Meeting on Friday, July 8, 2022 Special Board Meeting on the following items:

**REPORT FROM DISTRICT COUNSEL  
13. Report Out from Closed Session  
Meeting on Friday, July 8, 2022**

**CS 1** | Conference with Legal Counsel – Significant exposure to litigation pursuant to § 54956.9(b): (one potential case) involving: (a) Threatened breach of contract relating to the Storage and Recovery Agreement and the Water Purchase Agreement between Cal-Am and MPMWD.

No reportable action.

**CS 2** | Conference with Real Property Negotiators - As permitted by Government Code §54956.7 to review real property negotiations: (a) The board will meet with its real property negotiators, General Manager Stoldt and General Counsel Laredo, to consider acquisition of private utility properties owned by California American Water Company (and described in Measure J of 2018); the conference will address both price and terms of payment.

No reportable action.

**CS 3** | Public Employee Performance Evaluation, (Pursuant to CA Gov Code Sec. 54957 of the Government Code) – Title: General Manager

No reportable action.

District Counsel Laredo reported out from the Closed Session Meeting on July 18, 2022 at 5:00 p.m.

**Report Out from Closed Session:  
Monday, July 18, 2022**

**CS 1** | Threat to Public Services or Facilities (Government Code § 54957)

- a. Consultation with District Staff, re: Cybersecurity Assessment and Report

No reportable action.

**CS 2** | Conference with Labor Negotiations (Government Code 54957.6)

- a. Agency Designated Representatives: David J. Stoldt, General Manager and Suresh Prasad, Administrative Services Managers Employee Organization: General Staff and Management Units Represented by United Public Employees of California/LIUNA, Local 492

The Board will reconvene back to Closed Session following the conclusion of the regular session to discuss CS 2(a).

In response to Director Edwards, and as it relates to the case involving MPWMD vs. LAFCO of Monterey County; District Counsel Laredo noted that a proposed order allowing Cal-Am to intervene has not yet been executed. Laredo also confirmed that the administrative record has not yet been certified.

Director Paull announced that she will attend the Monterey County Special District's Association meeting on Tuesday, July 19, 2022.

Director Anderson, Paull and Riley: Noted their attendance at the League of Women Voters meeting and heard from representatives of the Pajaro Water District.

Director Edwards announced his submission for candidacy to continue serving on the MPWMD Board of Director's for another four years with the Monterey County Elections Department.

Director Riley mentioned he intends to submit an application for candidacy on the MPWMD Board of Director's with the Monterey County Elections Department.

Director Mary L. Adams announced that on Tuesday, September 20, 2022 at 1:30 p.m. the Monterey County Board of Supervisors will have the second Water Summit meeting to be conducted in-person and by teleconference means.

David J. Stoldt, General Manager provided an overview of his staff note and answered Board questions. He noted the District's involvement on the expansion included both permitting and how to allocate water by working with District Staff, District Counsel, CHOMP- Montage representatives and with direction provided by the Water Demand Committee at its July 7, 2022 meeting. Stoldt presented via MS PowerPoint presentation entitled, "Consider Approving a Preferred Water Allocation Option for Expansion of Montage Health's Ryan Ranch Campus" that included the Location Map and Changes to Definitions found in the District's Rules and Regulation. *A copy of the presentation is available at the District office and can be found on the District website.* Stoldt noted that changes to term definitions for *Site* and *Hospital Site* will be brought forward as an Ordinance before the Board of Director's at a future board meeting for consideration and approval. Stoldt recommended approval for Item No. 15.

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

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

## **ACTION ITEMS**

### **15. Consider Approving a Preferred Water Allocation Option for Expansion of Montage Health's Ryan Ranch Campus.**

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

*Representatives with CHOMP- Montage present:*

1. Bret Silvestri, Director of Facilities
2. Mark Brannan, Contractor

CHOMP Representatives conveyed to the Board procedural actions that have been had and will be had with the City of Monterey and the need for obtaining a water allocation from the District to move forward with the expansion.

*Opened Public Comment; no comments were received by the Board.*

A motion was offered by Director Malek with a second by Director Riley to approve a utilization of existing unused CHOMP Allotment. The motion passed on a roll-call vote of 7-Ayes (Paull, Adams, Riley, Edwards, Anderson, Roberson and Malek), 0-Noes and 0-Absent.

Director Riley directed attention to Item No. 18, re: Letter from Rudy Fischer dated July 7, 2022. Riley addressed Fischer's letter and made known that he submitted his resignation from Public Water Now with an effective date of November 19, 2018 and notified the California Public Utilities Commission of the same in December 2018.

*No further discussion was had on Informational Items.*

## 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 June 2022
23. Monthly Water Supply and California American Water Production Report
24. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project
25. Quarterly Water Use Credit Transfer Status Report
26. Quarterly Carmel River Riparian Corridor Management Program Report

Chair Paull adjourned the regular session of the meeting and recessed the Board of Director's at 7:25 p.m.

## ADJOURNMENT OF THE REGULAR SESSION



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**RECONVENE TO CLOSED SESSION**

Chair Paull called the meeting to order at 7:30 p.m.

**CALL TO ORDER**

*Directors Present via Zoom:*

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

**ROLL CALL**

*Directors Absent:* None

*General Manager present:* David J. Stoldt

*Administrative Services Manager/CFO present:* Suresh Prasad

*District Counsel present:* Dave Laredo with De Lay and Laredo

District Counsel Laredo read the Board into Closed Session. *Read out from Closed Session will occur at the next regularly scheduled meeting on Monday, August 15, 2022.*

**CS 2      Conference with Labor  
Negotiations (Government Code  
54957.6)**

**a. Agency Designated  
Representatives: David J. Stoldt,  
General Manager and Suresh  
Prasad, Administrative Services  
Managers**

**Employee Organization: General  
Staff and Management Units  
Represented by United Public  
Employees of California/LIUNA,  
Local 492**

There being no further business, the Board adjourned the meeting at 8:18 p.m.

**ADJOURNMENT**

---

Joel G. Pablo, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors  
on Monday, August 15, 2022



**ITEM:        CONSENT CALENDAR**

**2. CONSIDER ADOPTING DRAFT RESOLUTION NO. 2022-23 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: August 15, 2022**

**Budgeted:** N/A

**From:** David J. Stoldt,  
General Manager

**Program/** N/A  
**Line Item No.:**

**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. 2022-23 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. 2022-23**





## **EXHIBIT 2-A**

### **DRAFT RESOLUTION NO. 2022-23**

#### **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; and
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 15<sup>th</sup> day of August 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 15<sup>th</sup> day of August 2022.

\_\_\_\_\_  
David J. Stoldt,  
Secretary to the Board





**ITEM: PUBLIC HEARING****6. CONSIDER FIRST READING OF ORDINANCE NO. 192 TO DEFINE MONTAGE HEALTH'S MAIN CAMPUS, CARMEL HILL PROFESSIONAL CENTER, AND RYAN RANCH CAMPUS AS A SITE FOR PURPOSES OF THE "HOSPITAL WATER USE LIMIT"**

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Gabriela Bravo Stephanie Locke</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**General Counsel Review:** Yes**Committee Recommendation:** The Water Demand Committee voted unanimously to recommend approval at its July 7, 2022, meeting.**CEQA Compliance:** An Initial Study is being circulated and a Negative Declaration will be considered prior to adoption.

**SUMMARY:** Draft Ordinance No. 192 (**Exhibit 6-A**) responds to direction from the Board to prepare an ordinance to amend Rule 11, *Definitions*, to add a definition for "Community Hospital Site." This action will allow Montage Health ("Montage") to spread its under-utilized Water Use Capacity between its Monterey Holman Highway properties (aka "Main CHOMP Campus") and its Ryan Ranch campus. Similar combined Sites were adopted for the Department of Defense in Ordinance No. 187 in July 2021, to primary and secondary public school district Sites with the adoption of Ordinance No. 162 in August 2014, and by adoption of Ordinance No. 176 in February 2017 which added definitions for "Accredited Institution of Higher Education Site" and "Jurisdiction Site."

Ordinance No. 87, adopted in 1997, established an allocation of water specifically for Montage build-out at the Main Campus location. The Ordinance created a special community reserve allocation of 18.28 acre-feet ("AF") of water that was created exclusively for the benefit of Montage. This allocation was debited from the amount of water conserved to date at that time under the District's 1989 Water Conservation Plan.

Two later actions were taken by the District: (i) At the May 29, 2003 District Board meeting, Ordinance No. 87 was unanimously affirmed to remain in place, and (ii) at the July 21, 2003 meeting the Board approved Special Circumstances pursuant to MPWMD Rule 24-G and established an overall "water consumption cap" of 119.28 AF at the CHOMP Main Campus. Montage is required to annually provide water records to the District to ensure that usage remains below the "water consumption cap." If usage exceeds the cap, Montage will be required to take immediate measures to reduce water use to comply. This requirement is permanent.

District staff has examined the most recent eight years and five months of actual consumption records for the Montage hospital parcel, and average use has been 82.606 AF per year. This means that Montage has “unused” Capacity under its “water consumption cap” equal to 36.674 AF. Bringing both campuses under the existing cap would add the Ryan Ranch usage to the historical Montage usage. The Ryan Ranch Campus usage is estimated to be approximately 13.5 AF based on permits or 14.5 AF based on limited recent billing data. That would still leave at least 22.2 AF available to Montage across their whole newly defined “Community Hospital Site.”

Montage has a present need to access some of the remaining Capacity from the “water consumption cap” to construct a building at the Ryan Ranch Campus. The new building will be used to relocate some of the services, such as the Cancer Center, from the Main Campus. By combining the campuses to create a “Site,” the remaining Capacity will be available to meet the community’s health care needs at both locations. The addition of a definition for “Community Hospital Site” and the amendment of the definition of “Parcel” and “Site” supports critical local hospital/health services and does not result in an increase in Water Use Capacity.

The proposed definition is:

*COMMUNITY HOSPITAL SITE - “Community Hospital Site” shall mean all facilities and properties owned by Montage Health (related subsidiaries or entities) that are used for hospital and health care and the associated landscaping located on the following Parcels: Assessor’s Parcel Numbers 008-132-011, 008-132-006 (23625 Holman Highway, Monterey; APN 008-131-015 (23845 Holman Highway, Monterey); and APNs 259-221-003 (a Parcel with a building consisting of medical condominiums and common area), 259-221-001, 259-221-002, 259-221-004, 259-221-005, 259-031-055, and 259-031-056 located in the Ryan Ranch Business Park in Monterey.*

An Initial Study has been prepared and will be filed and circulated to interested parties prior to consideration of second reading and adoption. A California Environmental Quality Act (“CEQA”) finding will be considered by the Board at second reading.

The Water Demand Committee supports and recommends the Board approve the proposed process to allow utilization of the existing “hospital water use limit” at the Ryan Ranch Campus owned by CHOMP.

**RECOMMENDATION:** Following a public hearing, the Board should approve the first reading of Ordinance No. 192.

## **EXHIBIT**

### **6-A Draft Ordinance No. 192**



**EXHIBIT 6-A**

***DRAFT***

**ORDINANCE NO. 192**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
TO DEFINE COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA'S MAIN  
CAMPUS, CARMEL HILLS PROFESSIONAL CENTER, AND RYAN RANCH CAMPUS  
AS A "SITE" FOR PURPOSES OF THE "HOSPITAL WATER USE LIMIT"**

**FINDINGS**

1. The Monterey Peninsula Water Management District ("MPWMD" or "District") was created to address ground and surface water resources in the Monterey Peninsula area which the Legislature found required integrated management and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. The MPWMD has found and determined that it is in the best interests of the MPWMD and its inhabitants to define, implement, and enforce water efficient plumbing standards and requirements for the conservation and management of Potable water supplies. As part of these efforts, all Non-Residential water Users in the MPWMD have been required to implement Best Management Practices to achieve maximum water savings.
3. MPWMD Regulations require a Water Permit before any Person connects to or modifies a Connection to a Water Distribution System regulated by the MPWMD. This process is described in MPWMD Rules 21, 23, and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System regulated by the MPWMD requires a Water Permit.
4. This ordinance amends Rule 11, Definitions, to add a definition for "Community Hospital Site" and to amend the definitions for "Site" and "Parcel."

5. Montage Health (dba Community Hospital of the Monterey Peninsula, Community Hospital Properties, Montage Health Foundation, and Community Hospital Ryan Ranch) owns Assessor's Parcel Numbers ("APN") 008-132-011, 008-132-006, and 008-131-015 (the "Main Campus" and the adjacent "Carmel Hills Medical Center" located at 23625 and 23845 Holman Highway in Monterey). Montage Health also owns APNs 259-221-003 (medical condominiums and common area), 259-221-001, 259-221-002, 259-221-004, 259-221-005, 259-031-055, and 259-031-056 at its "Ryan Ranch Campus" and provides hospital services at both locations. These APNs are located within the MPWMD, are served by California-American Water Company, and are located within the City of Monterey.
6. Ordinance No. 87 which was adopted in 1997 established an allocation of water specifically for Montage Health build-out at the Main Campus location. The Ordinance created a special community reserve allocation of 18.28 acre-feet ("AF") of water that was created exclusively for the benefit of Montage Health. This allocation was debited from the amount of water conserved to date at that time under the District's 1989 Conservation Plan.
7. Two later actions were taken by the District: (i) at the May 29, 2003 District Board meeting Ordinance No. 87 was unanimously affirmed to remain in place, and (ii) at the July 21, 2003 meeting the District Board approved Special Circumstances pursuant to MPWMD Rule 24-G and established an overall "water consumption cap" of 119.28 AF at the Main Campus.
8. Montage Health is required to annually provide water records to the District to ensure that usage remains below the "water consumption cap." If usage exceeds the cap, Montage Health will be required to take immediate measures to reduce water use to comply. This requirement is permanent.
9. District staff has examined the most recent eight years and five months of actual consumption records for the Main Campus, and average use has been 82.606 AF per year. This means that Montage Health has "unused" Capacity under its "water consumption cap" equal to 36.674 AF. Bringing both campuses under the existing cap would add the Ryan Ranch usage to the historical Montage Health usage, minus water permitted at the Ryan Ranch Site from the Cypress Investors, LLC and DBO Development No. 30 Water Entitlements. The Ryan Ranch Campus usage is estimated to be approximately 13.5 AF based on permits or 14.5 AF based on limited recent billing data. At least 22.2 AF would be available to Montage Health across their whole newly defined "Community Hospital Site."

10. Montage Health has a present need to access some of the remaining Capacity from the Main Campus to construct a building at the Ryan Ranch Campus that will be used to relocate some of the services from the Main Campus.
11. By combining the Montage Health campuses to create a “Site,” the remaining Capacity will be available to meet the community’s health care needs at both the Main Campus, the Ryan Ranch campus, and the Carmel Hills Medical Center.
12. The addition of a definition for “Community Hospital Site” and the amendment of the definition of “Parcel” and “Site” supports critical local hospital/health services and does not result in an increase in Water Use Capacity.
13. An Initial Study was prepared in compliance with the California Environmental Quality Act (“CEQA”) and a Negative Declaration will be considered prior to adoption following second reading.

**NOW THEREFORE** be it ordained as follows:

## **ORDINANCE**

### **Section One:     Short Title**

This ordinance shall be known as the 2022 Community Hospital Ordinance of the Monterey Peninsula Water Management District.

### **Section Two:     Purpose**

The Monterey Peninsula Water Management District enacts this ordinance to amend the definition of “Parcel” and “Site” to include the added definition for “Community Hospital Site” to facilitate use of the Montage Health water consumption cap at the Holman Highway and the Ryan Ranch properties.

### **Section Three:    Amendment of Rule 11, Definitions**

The following definitions in Rule 11 shall be amended as shown in bold italics (*new language*) and strikeout (~~deletions~~). Numbering is provided for reference only.

1. ***COMMUNITY HOSPITAL SITE*** - “*Community Hospital Site*” shall mean all facilities and properties owned by Montage Health (related subsidiaries or entities) that are used for hospital and health care and the associated landscaping located on the following Parcels: Assessor’s Parcel Numbers 008-132-011, 008-132-006 (23625 Holman Highway, Monterey; APN 008-131-015 (23845 Holman Highway, Monterey); and APNs 259-221-003 (a Parcel with a building consisting of medical condominiums and common area), 259-221-001, 259-221-002, 259-221-004, 259-221-005, 259-031-055, and 259-031-056 located in the Ryan Ranch Business Park in Monterey.
  
2. **SITE** -- “Site” shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, ~~or~~ a Public School District Site, ***or the Community Hospital Site***. The term “Site” shall be given the same meaning as the term “Parcel.”
  
3. **PARCEL** -- “Parcel” shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, or (3) are an Accredited Institution of Higher Education Site, a Department of Defense Site, a Jurisdiction Site, ~~or~~ a Public School District Site, ***or the Community Hospital Site***. The term “Parcel” shall be given the same meaning as the term “Site.”

#### **Section Four: Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rule 11 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

#### **Section Five: Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. 30 days after second reading.

This Ordinance shall not have a sunset date.

**Section Six: Severability**

If any subdivision, 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 or unenforceability 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.

On motion of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
David J. Stoldt, Secretary to the Board

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**ITEM: PUBLIC HEARING****7. CONSIDER ADOPTION OF ORDINANCE NO. 191 REPEALING AND DELETING RULE 120 – CARMEL RIVER ADVISORY COMMITTEE**

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>No</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>David J. Stoldt</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**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:** This hearing is a second reading of proposed Ordinance No. 191. The first reading was June 18, 2022.

At its March 21, 2022 meeting the Board decided to eliminate the Carmel River Advisory Committee (CRAC) in favor of the continued regular meetings of the Carmel River Task Force, a much broader set of Carmel River stakeholders. To effectuate the dissolution of CRAC, meeting Rule 7 was edited and Attachment 3 to the Meeting Rules deleted in its entirety. In addition, the proposed Ordinance No. 191 is required to delete Rule 120.

**RECOMMENDATION:** The General Manager recommends the Board adopt Ordinance No. 191.

**EXHIBIT****7-A** Proposed Ordinance No. 191



**EXHIBIT 7-A***Second Reading Draft***ORDINANCE NO. 191****AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
REPEALING AND DELETING RULE 120 – CARMEL RIVER ADVISORY  
COMMITTEE****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. Management of the Carmel River has been addressed by several ordinances of the Water Management District, including Ordinance No. 10, enacted July 26, 1983, Ordinance No. 22, enacted March 11, 1985, and Ordinance No. 69, enacted June 21, 1993.
3. Rule 120 of the Water Management District, first enacted by Ordinance No. 10, establishes the role and function of the Carmel River Advisory Committee. The Committee is a standing committee of the District that is formed to advise the Board of Directors with regard to management of the Carmel River, and its riparian corridor and to other matters referred to this committee.
4. The Carmel River Advisory Committee no longer fulfills the needs of the District and its functions are best addressed by the Carmel River Task Force, a broader coalition of Carmel River stakeholders.
5. This ordinance repeals and deletes Rule 120.
6. The Board of Directors determines that this ordinance is limited to the amendment of its internal rules and, as such, lacks any potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This ordinance does not constitute a Project as that term is defined by Section 15378 of the California Environmental Quality Act (CEQA) as it is an

organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

NOW THEREFORE be it ordained as follows:

## **ORDINANCE**

### **Section One:        Short Title**

This ordinance shall be known as the 2022 Rule 120 Repeal Ordinance of the Monterey Peninsula Water Management District.

### **Section Two:        Purpose**

This ordinance rescinds and deletes Rule 120.

### **Section Three:        Deletion of Rule 120**

Rule 120 shall be rescinded as shown below in ~~strikeout~~ type face.

#### **~~A. COMMITTEE PURPOSE~~**

~~The Carmel River Advisory Committee is a standing committee of the District. The committee shall advise the Board of Directors with regard to management of the Carmel River, and its Riparian Corridor and to any matter referred to this committee.~~

#### **~~B. COMMITTEE ORGANIZATION~~**

~~1. The Carmel River Advisory Committee shall be comprised of seven (7) members. Each Director of the District shall appoint one member to this advisory committee. Appointed committee members shall serve a term of two (2) years, which term shall expire on June 30, or on the date the appointing Director vacates office as a member of the MPWMD Board of Directors, whichever shall first occur. A vacancy shall be created by resignation or in the event a committee member fails to attend three (3) consecutive regular meetings without good cause as determined by the Board of Directors. Nomination to fill any vacancy or to reappoint any committee member shall be made by the Director's seat which exercised the original appointment to that position.~~

~~2. All meetings of the committee shall comply with the Ralph M. Brown Act. At the first meeting held in each fiscal year, the committee shall elect a chairperson and vice chairperson to preside at committee meetings. The committee may adopt rules governing the conduct of its meetings.~~

~~3. Committee members shall be required to reside within the boundaries of the Monterey Peninsula Water Management District and shall be knowledgeable about issues relating to the Carmel River. Carmel Valley residents shall be given priority in the selection of committee members. Any committee members currently sitting in a position on the committee shall be allowed to complete their term of duty, regardless of their place of residence.~~

**Section Four:**            **Publication and Application**

The provisions of this ordinance shall cause the deletion of Rule 120.

**Section Five:**            **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on August 16, 2022, and shall not have a sunset date.

**Section Six:**            **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.

On motion by Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_\_ day of August 2022, by the following vote:

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 a full, true and correct copy of an ordinance duly adopted on the \_\_\_\_\_ day of August 2022.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of August 2022.

---

David J. Stoldt, Secretary to the Board

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**ITEM: ACTION ITEM****8. CONSIDER AUTHORIZATION OF EXPENITURE OF FUNDS FOR SERVICES RELATED TO THE ACQUISITION OF THE MONTEREY WATER SYSTEM (MEASURE J)**

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>No</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>David J. Stoldt</b>	<b>Cost Estimate:</b>	<b>\$315,000</b>

**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 November 12, 2019 public workshop related to the feasibility of acquisition of the Cal-Am Monterey Water System (Measure J) concluded that an acquisition is economically feasible. Seven different consultants or law firms worked on that phase of the analysis.

The very lengthy review of the District's application to the Monterey County Local Agency Formation Commission (LAFCO) has resulted in earlier data and analysis to become stale and in need of updating. Further, the General Manager and District Counsel have determined that it is necessary to develop a formal appraisal as the basis for a bona fide offer to acquire the system and best position the Board to vote on a Resolution of Public Necessity sometime early next year. The scope of appraisal services has a preliminary budget totaling \$315,000.

**RECOMMENDATION:** The General Manager recommends the Board approve entering into new agreements with an overall business enterprise appraiser, a real estate appraiser, and a water rights appraiser, all as described below, and authorize a total budget of \$315,000.

**DISCUSSION:** It is appropriate to update and formalize the financial analysis of the water system to make a formal appraisal/offer. Based on additional information to be gathered and reviewed, an appraisal of the system will be prepared as of an updated specified date. The analysis will include completing refinements to the prior valuation analysis.

Separately, the District will also secure an updated appraisal of real estate associated with the Monterey Water System which the business appraiser will incorporate into its analysis.

In a similar fashion, the District will have the water rights separately appraised and incorporated into the overall analysis.

The prime consultant will prepare an appraisal report consistent with the Uniform Standards of Professional Appraisal Practice (USPAP) and other industry guidelines.

The District's legal and appraisal team will collectively have to discuss what regulatory assets and/or other add-ons would go into the final bona fide offer to purchase.

We are not presently asking the Board for authorization of funds for two aspects regarding rates: (i) Looking at what Prop 218 might allow, what would rates need to look like upon acquisition? How does that compare to Cal-Am's structure if they leave their steep tiers in place or if by then they have a more traditional block rate structure? and (ii) Look at the District's proposal for a low-income rate subsidy, check the math and Prop 218 assumptions. Such scope of work and a budget will be brought forward if the Board elects to move forward with a condemnation proceeding.

Legal work related to this next phase of the Measure J process was already authorized by the Board in December 2019. We would have Rutan & Tucker work directly with District Counsel to develop findings to support a resolution of public necessity. This will involve reading testimony from recent General Rate Cases, CPUC decisions in those GRCs and other applications of Cal-Am, and other research to support findings that an acquisition is in the public interest. It would be the intention to put into the record of the Resolution of Necessity hearing all of the evidence needed to fend off any challenges Cal-Am is likely to make on the "more necessary public use" issue during the "right-to-take" phase of the eminent domain case to follow (assuming, of course, the District Board adopts the resolution). This entails evidence on 3 basic issues: (1) relative cost of service (District vs. Cal Am); (2) relative quality and reliability of service (District vs. Cal Am); and (3) governance issues (District vs. Cal Am).

The attorneys will also weigh in on the formal appraisal/offer analysis prepared by the appraisal team. They will also prepare proper notices and filings (e.g. Notice of intent to appraise, Writ to gain entry if needed, etc) and other duties as necessary.

Additional costs will be incurred by DeLay & Laredo performing contract management, meeting expenses, document preparation, research, and potential small third-party contracts as needed.

A budget summary is shown below:

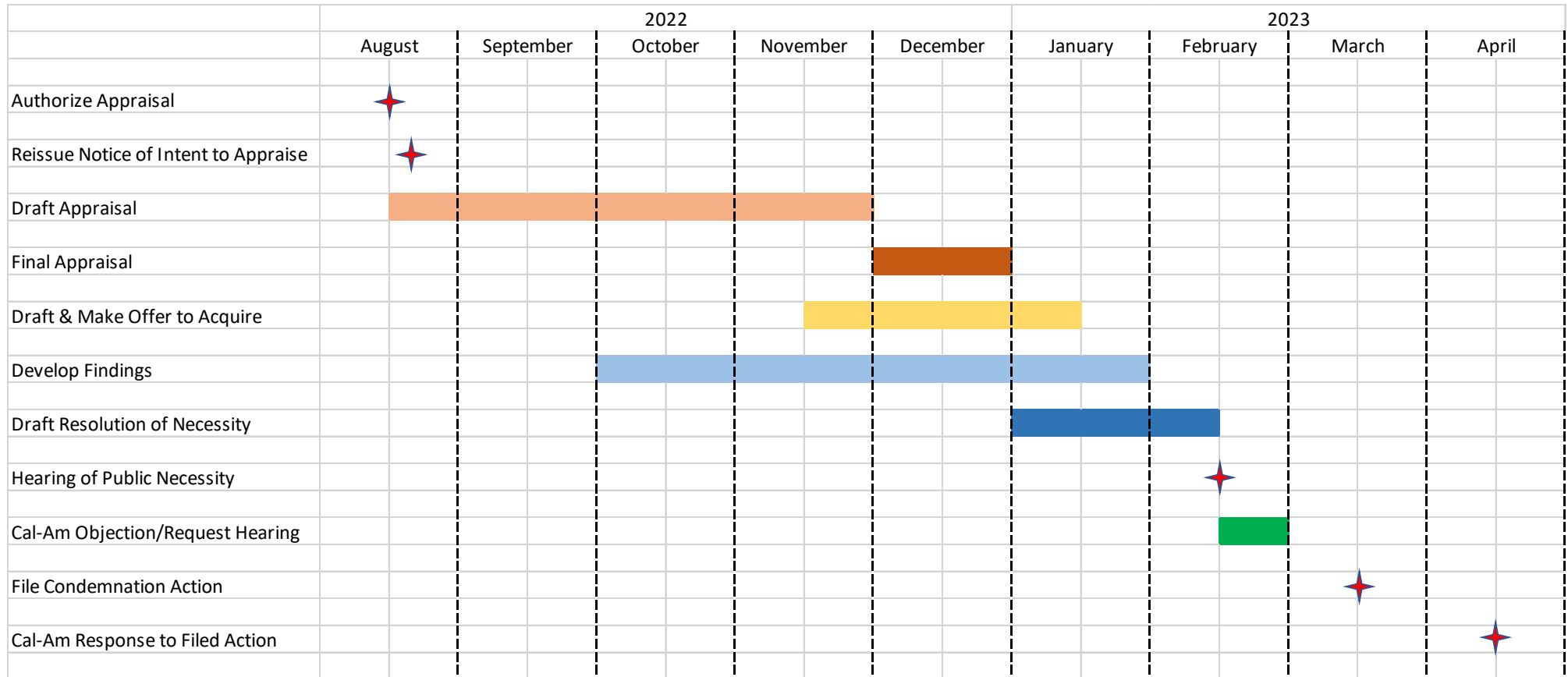
#### Budget Summary

Item	Budget
Overall Business Enterprise Appraisal	\$160,000
Real Estate Appraisal	\$80,000
Water Rights Appraisal	\$75,000
TOTAL	\$315,000

The expected timeline is shown on the next page:



## Measure J Phase 3 Timeline





**ITEM: ACTION ITEM****9. CONSIDER AUTHORIZATION OF EXPENDITURE OF FUNDS FOR PREPAYMENT OF A PORTION OF MECHANICS BANK LOAN**

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>\$500,000</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	
<b>Prepared By:</b>	<b>David J. Stoldt</b>	<b>Cost Estimate:</b>	<b>\$500,000</b>

**General Counsel Approval: N/A****Committee Recommendation: None****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

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**SUMMARY:** At its October 19, 2020 meeting the District Board approved a policy for the use of surplus annual User Fee revenues, if any. The policy stated that if collections in a fiscal year exceed the budgeted amount the surplus would be applied in the following manner: (1) First to prepay the principal balance of the Mechanics Bank loan which was used to fund the Aquifer Storage & Recovery water supply project; (2) repay internal District borrowing from reserves used for water supply projects for which the District's Water Supply Charge was insufficient; and (3) to accumulate funds to offset or sunset the Water Supply Charge.

The Board adopted a mid-year budget February 24, 2022 which anticipated \$5,000,000 in User Fee receipts. As of the close of the fiscal year on June 30, 2022 User Fee revenues received were \$5,889,028.

The surplus of \$889,028 is recommended to be allocated to the \$500,000 loan prepayment and an allocation of \$389,028 to District general reserves for repayment of internal borrowing.

Such payment will reduce the outstanding loan balance from \$2,668,967 to \$2,168,967. There is a balloon payment and/or refinancing due June 30, 2023.

**RECOMMENDATION:** The General Manager recommends that the Board authorize its CFO to prepay the Mechanics Bank loan in the amount of \$500,000.

**EXHIBITS**

None



**ITEM: INFORMATIONAL ITEM/STAFF REPORT**

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

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Suresh Prasad</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**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.**

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**SUMMARY:** Attached for review is **Exhibit 10-A**, monthly status report on Measure J/Rule 19.8 Phase II spending for the period June 2022. This status report is provided for information only, no action is required.

**EXHIBIT**

**10-A Status on Measure J/Rule 19.8 Phase II Spending**



**Monterey Peninsula Water Management District  
Status on Measure J/Rule 19.8 Spending Phase II  
Through June 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	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	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	\$ 157,304.16	\$ 3,052.50	\$ 160,356.66	\$ (120,356.66)	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	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	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	\$ 36,888.96	\$ 2,364.63	\$ 39,253.59	\$ 249,818.41	PA00005-20
	<b>Total</b>		<b>\$ 1,909,000.00</b>	<b>\$ 1,186,884.82</b>	<b>\$ 5,417.13</b>	<b>\$ 1,192,301.95</b>	<b>\$ 716,698.05</b>	

1	Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 134,820.57		\$ 134,820.57	\$ 65,179.43	PA00005-15
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1	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 75,000.00	\$ 63,246.50		\$ 63,246.50	\$ 11,753.50	PA00005-16
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**Phase I Costs**  
**Status on Measure J/Rule 19.8 Spending**  
**Through November 2019**

	<b>Contract</b>	<b>Date Authorized</b>	<b>Contract Amount</b>	<b>Prior Period Spending</b>	<b>Current Period Spending</b>	<b>Total Expended To Date</b>	<b>Spending Remaining</b>	<b>Project No.</b>
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
	<b>Total</b>		<b>\$ 650,000.00</b>	<b>\$ 524,409.97</b>	<b>\$ 120,418.59</b>	<b>\$ 644,828.56</b>	<b>\$ 5,171.44</b>	



**ITEM: INFORMATIONAL ITEM/STAFF REPORT****11. STATUS REPORT ON MEASURE J/RULE 19.8 PHASE II SPENDING****Meeting Date: August 15, 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: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

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**SUMMARY:** Attached for review is **Exhibit 11-A**, monthly status report on Measure J/Rule 19.8 Phase II spending for the period June 2022. This status report is provided for information only, no action is required.

**EXHIBIT****11-A Status on Measure J/Rule 19.8 Phase II Spending**



**Monterey Peninsula Water Management District  
Status on Measure J/Rule 19.8 Spending Phase II  
Through June 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	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	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	\$ 157,304.16	\$ 3,052.50	\$ 160,356.66	\$ (120,356.66)	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	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	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	\$ 36,888.96	\$ 2,364.63	\$ 39,253.59	\$ 249,818.41	PA00005-20
	<b>Total</b>		<b>\$ 1,909,000.00</b>	<b>\$ 1,186,884.82</b>	<b>\$ 5,417.13</b>	<b>\$ 1,192,301.95</b>	<b>\$ 716,698.05</b>	

1	Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 134,820.57		\$ 134,820.57	\$ 65,179.43	PA00005-15
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1	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 75,000.00	\$ 63,246.50		\$ 63,246.50	\$ 11,753.50	PA00005-16
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**Phase I Costs**  
**Status on Measure J/Rule 19.8 Spending**  
**Through November 2019**

	<b>Contract</b>	<b>Date Authorized</b>	<b>Contract Amount</b>	<b>Prior Period Spending</b>	<b>Current Period Spending</b>	<b>Total Expended To Date</b>	<b>Spending Remaining</b>	<b>Project No.</b>
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
	<b>Total</b>		<b>\$ 650,000.00</b>	<b>\$ 524,409.97</b>	<b>\$ 120,418.59</b>	<b>\$ 644,828.56</b>	<b>\$ 5,171.44</b>	

**ITEM: INFORMATIONAL ITEM/STAFF REPORT****12. LETTERS RECEIVED AND SENT****Meeting Date:** August 15, 2022 **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager **Program/** N/A  
**Line Item No.:****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 sent by and received by the Board Chair and/or General Manager between July 13, 2022 and August 9, 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](http://www.mpwmd.net).

Author	Addressee	Date	Topic
<b>Rudy Fischer</b>	Board of Director's	July 14, 2022	Glen Canyon- Reservoir Overview; Water Issues
<b>Eric Tynan, General Manager Castroville Community Services District</b>	Board of Director's	July 14, 2022	Reply to Rudy Fischer's E-mail Correspondence dated July 14, 2022
<b>David J. Stoldt</b>	Michael Petrone	July 19, 2022	Drought and AAA's Diamond Rating Guidelines
<b>Eileen Sobeck, Executive Director at the State Water Resources Control Board</b>	David J. Stoldt	July 28, 2022	Dismissal of Application to Modify Order WR 2016 – 0016

<b>Melodie Chrislock</b>	Board of Directors and General Manager	August 3, 2022	Friday, August 5, 2022: CPUC Pre-Hearing on Water Utility Acquisition Rules
<b>Julia Nicks</b>	Board of Directors and General Manager	August 8, 2022	Disclosures of Ex-Parte Communications regarding MPWMD Application to Modify Order WR 2016-0016

**ITEM: INFORMATIONAL ITEM/STAFF REPORT****13. COMMITTEE REPORTS**

**Meeting Date:** August 15, 2022                      **Budgeted:** N/A

**From:** David J. Stoldt,                      **Program/** N/A  
    General Manager                      **Line Item No.:**

**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.

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Attached for your review as **Exhibits 13-A** are the final minutes of the committee meetings listed below.

**EXHIBIT**

**13-A**      MPWMD Water Supply Planning Committee: April 4, 2022







## **EXHIBIT 13-A**

### **Draft Minutes Water Supply Planning Committee of the Monterey Peninsula Water Management District Monday, April 4, 2022**

*Pursuant to AB 361, this meeting was conducted using teleconferencing means.*

**Call to Order:** Chair Edwards called the meeting to order at 3:00 p.m.

**Committee members present:** Alvin Edwards, Chair  
Karen Paull  
George Riley

**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 with De Lay & Laredo

**Comments from the Public:** None

#### **Action Items**

#### **1. Consider Adoption of September 7, 2021 and November 1, 2021 Committee Meeting Minutes**

*Opened Public Comment; no comments were made.*

A motion was made by Riley with a second by Edwards to approve September 7, 2021 and November 1, 2021 Committee Meeting Minutes. The motion passed on a roll-call vote of 3-Ayes (Edwards, Paull and Riley), 0-Noes and 0-Absent.

#### **2. Adopt 2022 Committee Meeting Schedule**

*Opened Public Comment; no comments were made.*

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

**Discussion Items****3. Update of Pure Water Monterey Base Project Progress - Performance to Date, Tracer Test, Deep Wells 3 & 4**Update on Pure Water Monterey Base Project Progress – Performance to Date

David J. Stoldt, General Manager provided a verbal status report on Pure Water Monterey Base Project Progress- Performance to Date/Scheduling, Tracer Test and Deep Injection Well (DIW) 3 and DIW-4. Exhibit 3-A was covered in detail and reported 341.9173 Acre Feet (AF) were delivered in March 2022 representing the highest injection total during FY2021-22 and attributed to DIW-3 and DIW-4 coming online bringing total deliveries to 2,584.2 AF. Stoldt reported that since inception of the Pure Water Monterey the project has delivered a total of approximately 6,259 AF.

<b>Pure Water Monterey Deliveries Since Inception</b>	
FY 2021 – 22	2,584.2 AF
FY 2020 – 22	2,474.0352 AF
Operating Reserve	1,200 AF
<b>Total Since Inception</b>	<b>≈ 6,259 AF</b>

Stoldt noted in order to meet the 3,500 AF performance guarantees; Pure Water Monterey will need to deliver 305 AF a month for the next three months and any exceeds will be deposited into the operating reserve.

Stoldt directed attention and provided an overview Exhibit 3-B: The PWM and Expanded PWM Executive Schedule (*as of March 17, 2022*). The following points were made:

1. **Injection Wells Phase 3:** DIW-3 and DIW-4 is ready for testing and startup and projected to become operational by June 2022.
2. **Advance Water Purification Facility (AWPF):** Stoldt informed that the schedule is dependent on the California Public Utilities Commission (CPUC) decision on the Amended and Restated Water Purchasing Agreement and expects a decision to be made by the Commission by August or September 2022. He noted between CPUC approval and completion there is approximately 20 months through Punchlist and Completion.
3. **Injection Wells Phase 4:** DIW-5 and DIW-6 are needed for Pure Water Monterey – Expansion and are slated to come online in December 2023 and/or January 2024.

*In response to Director Edwards*, Stoldt briefly explained the two phase CPUC process to include *Phase 1:* Approval of the Water Purchasing Agreement and *Phase 2:* Long Term Water Supply and Demand Needs.

*In response to Director Riley*, Stoldt briefly covered the schedule and projected decision making by the CPUC on Phase 1 of the process. He responded on further questioning from Director Riley, stating that Monterey One Water has applied for funding for the Pure Water Monterey Expansion through the State’s Resolving Fund and through the Water Infrastructure Finance and Innovation Act through the Environmental Protection Agency.

Tracer Tests

Stoldt provided the Committee with an update and presented via slide-deck on Tracer Tests. *A copy of the presentation can be found on the District website and a copy can be provided at the District*

office. Stoldt provided an overview of the:

1. Location of Injection and Extraction Wells
2. Near Term Reoperation of ASR-1
3. Various Objectives of Extrinsic Tracer Test
4. Tracer Break-Through Curve
5. Operational Steps to use ASR-1 for WY 2022
6. Example Injection Redistribution Scenario and concluding remarks

*Opened Public Comment; no comments were made.*

#### **4. Discuss ASR Parallel Pipeline and ASR Well #1 Extraction Capacity**

David J. Stoldt, General Manager provided introductory remarks.

Jonathan Lear, Water Resources Manager noted the pipeline is installed on General Jim Moore and connection with the system is underway. He mentioned that once the pipeline is completed and tied-in with the system, the District will conduct testing for future use.

David J. Stoldt, General Manager discussed Aquifer and Storage Recovery (ASR) Well No. 1 Extraction Capacity and answered committee questions. Hamilton confirmed with Stoldt that ASR sites should have the ability to inject, extract and vice-versa. Stoldt explained that the District intends to inject should it rain in April / May 2022 and has not been able to recently due to no precipitation. Stoldt noted should and if ASR No. 1 were to be used as a production well, water would need to remain in the ground for a minimum of 2 months or longer. Stoldt acknowledged water supply on the Peninsula will be critical pending the approval of and signing of the Amended and Restated by all parties for the Pure Water Monterey- Expansion project. In the interim and in the next ensuing 30 months, Stoldt named Pure Water Monterey (ran at or over capacity), Aquifer Storage and Recovery and two new wells slated to come online as immediate or future water sources for the supply and demand. Stoldt presented issues with making ASR #1 as a production well and its impact on the District to include: (a) Backing off of injections and may result in defaulting on the District's performance guarantees of 3,500 AF; (b) Risk-permitting processing; (c) may be viewed as a direct potable reuse with no regulations; and (d) ability to inject.

*Opened Public Comment. No comments were made.*

#### **5. Discussion of Pure Water Monterey Expansion – Water Purchase Agreement, Extraction Wells 1 & 2 Issues**

David J. Stoldt, General Manager directed attention to and made the following points:

1. **Exhibit 5-A:** CPUC Schedule for Phase 1 Proceeding in A.21-11-024 for the Water Purchase Agreement
  - a. A proposed decision on the case would occur 90 days following submission of reply briefs.
2. **Exhibit 5-B:** Letter from Marina Coast Water District and Cal-Am's Response and presented via slide-deck to include proposed extraction well's location and answered committee questions. *A copy of the presentation can be found on the District website and a copy can be provided at the District office.*

*Opened Public Comment. No comments were made.*

**6. Near-Term Supply Constraints**

David J. Stoldt, General Manager provided an overview of the Compliance with the Cease-and-Desist Order and Seaside Basin Adjudication: Water Supply Availability table as found in the Staff Report and answered committee questions.

*Opened Public Comment. No comments were made.*

**7. Path Forward to Lifting the Cease-and-Desist Order and Meter Moratorium**

David J. Stoldt, General Manager provided an overview of his staff note, provided the committee an overview of data as found in the Staff Report on the mechanics for lifting the Cease-and-Desist Order and answered committee questions.

*Opened Public Comment. No comments were made.*

**8. Further Updates on Seaside Fort Ord Wells**

Jonathan Lear, Water Resources Manager provided an update on the Fort Ord Shallow 09. Lear mentioned Fort Ord Shallow 09 has been completely sealed. Lear informed the committee that final paperwork has been filed with the County of Monterey and the project is officially and safely destroyed. Stoldt stated a replacement well will be led by a staff member at Marina Coast Water District.

*Opened Public Comment. No comments were made.*

**Suggest Items to be Placed on Future Agendas**

None

**Adjournment**

There being no further business, Chair Edwards adjourned the meeting at 4:48 p.m.

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Joel G. Pablo, Board Clerk to the MPWMD WSP Committee

Approved by the MPWMD Water Supply Planning Committee on August 1, 2022

Received by the MPWMD Board of Director's on August 15, 2022

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**ITEM: INFORMATIONAL ITEM/STAFF REPORT****14. MONTHLY ALLOCATION REPORT**

<b>Meeting Date:</b>	<b>August 15, 2022</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program:</b>	<b>N/A</b>
		<b>Line Item No.:</b>	
<b>Prepared By:</b>	<b>Gabriela Bravo</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**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.**

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**SUMMARY:** As of July 31, 2022, a total of **26.461** acre-feet (**7.8%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **32.374** acre-feet is available to the Jurisdictions, and **28.333** acre-feet is available as public water credits.

**Exhibit 14-A** shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in July 2022 (“changes”), and the quantities remaining. The Paralta Allocation had one debit in July 2022.

**Exhibit 14-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 14-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 14-C**.

**EXHIBITS****14-A** Monthly Allocation Report**14-B** Monthly Entitlement Report**14-C** District’s Water Allocation Program Ordinances



**EXHIBIT 14-A**  
**MONTHLY ALLOCATION REPORT**  
 Reported in Acre-Feet  
 For the month of July 2022

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Water	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
<b>Airport District</b>	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
<b>Carmel-by-the-Sea</b>	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
<b>Del Rey Oaks</b>	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
<b>Monterey</b>	76.320	0.005	0.288	50.659	0.000	0.181	38.121	0.000	2.451	2.920
<b>Monterey County</b>	87.710	0.000	10.578	13.080	0.000	0.352	7.827	0.000	1.181	12.111
<b>Pacific Grove</b>	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.000	0.002	0.016
<b>Sand City</b>	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
<b>Seaside</b>	65.450	0.000	0.000	34.438	0.114	30.748	2.693	0.000	1.144	31.892
<b>District Reserve</b>	9.000	0.000	9.000	N/A			N/A			9.000
<b>TOTALS</b>	<b>342.720</b>	<b>0.005</b>	<b>26.461</b>	<b>101.946</b>	<b>0.114</b>	<b>32.376</b>	<b>90.142</b>	<b>0.000</b>	<b>28.333</b>	<b>87.170</b>

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
<b>Quail Meadows</b>	33.000	0.000	32.320	0.680
<b>Water West</b>	12.760	0.000	9.892	2.868

\* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.





**EXHIBIT 14-B**  
**MONTHLY ALLOCATION REPORT**  
**ENTITLEMENTS**  
**Reported in Acre-Feet**  
**For the month of July 2022**

**Recycled Water Project Entitlements**

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
<b>Pebble Beach Co. *</b>	203.570	1.000	32.261	171.309
<b>Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)</b>	161.430	1.480	69.806	91.624
<b>Macomber Estates</b>	10.000	0.000	10.000	0.000
<b>Griffin Trust</b>	5.000	0.000	4.829	0.171
<b>CAWD/PBCSD Project Totals</b>	<b>380.000</b>	<b>2.480</b>	<b>116.896</b>	<b>263.104</b>

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
<b>City of Sand City</b>	206.000	0.000	7.753	198.247
<b>Malpaso Water Company</b>	80.000	0.020 Credit	20.578	59.422
<b>D.B.O. Development No. 30</b>	13.950	0.000	3.784	10.166
<b>City of Pacific Grove</b>	38.390	0.000	7.465	30.925
<b>Cypress Pacific</b>	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 14-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.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

**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 Malpas 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 REPORT****15. WATER CONSERVATION PROGRAM REPORT****Meeting Date: August 15, 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.**

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**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 **91** property transfers that occurred between July 1, 2022, and July 31, 2022, were added to the database.

**B. Certification**

The District received **127** WCCs between July 1, 2022, and July 31, 2022. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

**C. Verification**

From July 1, 2022, and July 31, 2022, **119** properties were verified compliant with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **119** verifications, **83** properties verified compliance by submitting certification forms and/or receipts. District staff completed **57** Site inspections. Of the **57** properties verified, **36 (63%)** 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 July, District inspectors performed **no** 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 July 2022, 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](http://www.mpwmd.net) or [www.montereywaterinfo.org](http://www.montereywaterinfo.org). There were **10** Water Waste responses during the past month. There were **three** 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 **72** Water Permits from July 1, 2022, and July 31, 2022. **Seventeen** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpas Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account. In addition to those Water Permits issued in July, **six** Meter Permits and **four** 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 **72** Water Permits issued from July 1, 2022, and July 31, 2022, **three** were issued under this provision.

B. Permit Compliance

District staff completed **no** conditional Water Permit finals during July 2022. Staff completed **32** site inspections. **Seventeen** properties passed and **ten** 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 **62** 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 July 2022.

REBATE PROGRAM SUMMARY		July-2022				2022 YTD	1997 - Present	
I.	<u>Application Summary</u>							
A.	Applications Received	80				454	29,687	
B.	Applications Approved	62				396	23,235	
C.	Single Family Applications	56				372	26,174	
D.	Multi-Family Applications	6				25	1,589	
E.	Non-Residential Applications	0				1	359	
II.	<u>Type of Devices Rebated</u>	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)	11	\$825.00	0.055000	17,922	78	\$5,325.00	0.39000
B.	Ultra HET	4	\$500.00	0.040000	13,034	10	\$1,250.00	0.10000
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000
D.	High Efficiency Dishwasher	11	\$1,375.00	0.033000	10,753	78	\$11,950.00	0.23400
E.	High Efficiency Clothes Washer - Res	34	\$17,000.00	0.547400	178,371	203	\$101,295.60	3.26830
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	\$525.00	0.00000
G.	Instant-Access Hot Water System	1	\$200.00	0.005000	1,629	7	\$1,397.00	0.03500
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	3	\$1,300.00	0.000000	0	19	\$29,841.00	0.00000
K.	Smart Controllers	3	\$312.50	0.000000	0	13	\$1,311.49	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	\$900.00	0.00000
O.	Graywater			0.000000	0	0	\$0.00	0.00000
R.	Smart Flowmeters	5	\$995.00	0.000000	0	12	\$2,258.00	0.00000
III.	<u>TOTALS</u>	72	\$22,507.50	0.680400	221,709	420	\$156,053.09	4.02730
IV.	<u>TOTALS Since 1997</u>				Paid Since 1997:	\$ 6,514,808	596.3	Acre-Feet Per Year Saved Since 1997 (from quantifiable)





**ITEM: INFORMATIONAL ITEM/STAFF REPORT****16. CARMEL RIVER FISHERY REPORT FOR JULY 2022****Meeting Date: August 15, 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.**

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**AQUATIC HABITAT AND FLOW CONDITIONS:** By the end of July, much of the lower Carmel River below Cal-Am's Berwick Wells in Mid-Valley was dry or isolated pools. Releases from Los Padres Reservoir remained at 5.0 cfs and the reservoir's water surface elevation (WSE) dropped to 1,032 feet (full is ~1,040'). Steelhead rearing conditions downstream of Rosie's Bridge in the Village were "fair to poor".

July's mean daily streamflow at the Sleepy Hollow Weir ranged from 3.8 to 5.0 cfs (monthly mean 4.3 cfs) resulting in 262 acre-feet (AF) of runoff, while the Highway 1 gage remained wet at 0.15 to 0.31 cfs (monthly mean 0.21 cfs) resulting in 13 acre-feet (AF) of runoff.

There were 0.01 inches of rainfall in July as recorded at the San Clemente gauge. The rainfall total for WY 2022 (which started on October 1, 2021) is 12.82 inches, or 61% of the long-term year-to-date average of 20.89 inches.

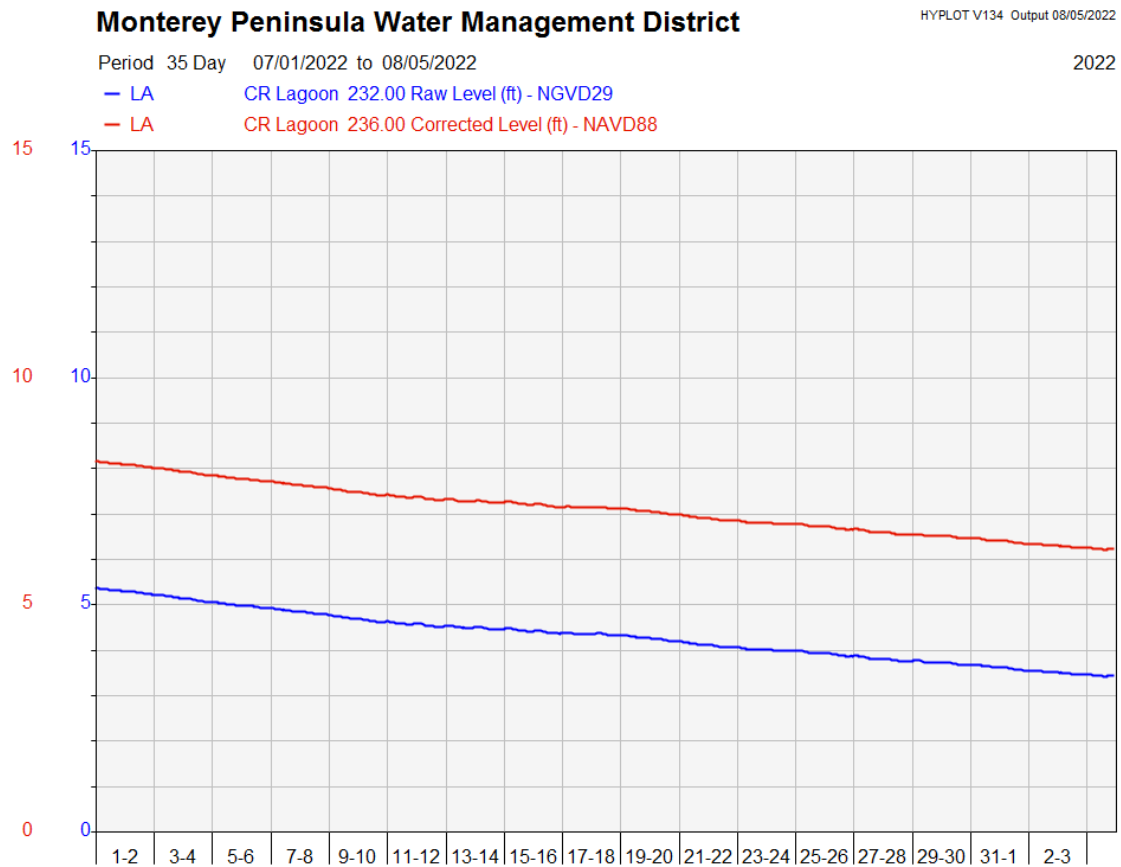
**CARMEL RIVER LAGOON:** During July, the lagoon water surface elevation (WSE) dropped from ~ 8.1 to 6.3 feet. The lagoon mouth closed for the summer on May 4th (North American Vertical Datum of 1988; NAVD 88) (See graph below).

**CARMEL RIVER STEELHEAD RESCUES:** Mainstem rescues began on June 1, 2022. In July, Staff completed 15 days of fish rescues between Rancho Canada and DeDampierre Park. By the end of the month, a total of 12,408 steelhead had been rescued including: 11,662 young-of-the-year (YOY), 658 age 1+ fish, one kelt, with 87 mortalities (0.7%). Most of the fish were transported to the Sleepy Hollow Steelhead Rearing Facility (10,606).

**SLEEPY HOLLOW STEELHEAD REARING FACILITY:** The first rescued fish were brought to the facility June 1, 2022. Due to the very small size of many of the fish, the fry/YOY are being quarantined and held in the rectangular "rearing troughs" until they are large and healthy enough to be transferred to the rearing channel.

By the end of July, a total of 8,906 fish had been stocked in the rearing channel including: 7,992 (small/medium size YOY) and 584 age 1+ fish. There were 330 mortalities (3.7%).

## Carmel River Lagoon Plot:



**ITEM: INFORMATIONAL ITEM/STAFF REPORT****17. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT****Meeting Date:** August 15, 2022 **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager **Program/** N/A  
**Line Item No.:****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.

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**Exhibit 17-A** shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **August 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 17-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 **July** 2022 totaled **0.01 inches** and brings the cumulative rainfall total for WY 2022 to **12.83 inches**, which is **61%** of the long-term average through **July**. Estimated unimpaired runoff through **July** totaled **262 acre-feet (AF)** and brings the cumulative runoff total for WY 2022 to **22,894 AF**, which is **34%** of the long-term average through **July**. Usable storage for the MRWPRS was **27,350 acre-feet**, which is **92%** of average through **July**, and equates to **83%** 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 **July**, using the CDO accounting method, Cal-Am has produced **3,403 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 **July**, Cal-Am has produced **1,149 AF** from the Seaside Groundwater Basin. Through **July**, **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 **3,132 AF** of Pure Water Monterey recovered. Cal-Am has produced **7,729 AF** for customer use from all sources through **July**. **Exhibit 17-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****17-A** Water Supply Status: **August 1, 2022****17-B** Monthly Cal-Am production by source: WY 2022



**EXHIBIT 17-A**

**Monterey Peninsula Water Management District  
Water Supply Status  
August 1, 2022**

<b>Factor</b>	<b>Oct – July 2022</b>	<b>Average To Date</b>	<b>Percent of Average</b>	<b>Oct – July 2021</b>
<b>Rainfall</b> (Inches)	12.83	20.88	61%	10.85
<b>Runoff</b> (Acre-Feet)	22,894	67,314	34%	16,193
<b>Storage</b> <sup>5</sup> (Acre-Feet)	27,350	29,870	92%	26,770

**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 1902-2022 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 1989-2022 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.



## 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 <sup>2, 6</sup>	Seaside Groundwater Basin		MPWRS Total				Water Projects and Rights Total		
		Coastal	Laguna Seca		Ajudication Compliance	ASR Recovery	PWM Recovery		Table 13 <sup>7</sup> Sand City <sup>3</sup>	
Target	4,807	625	0	625	5,432	25	2,910	174	250	3,359
Actual <sup>4</sup>	3,403	1,038	110	1,149	4,551	0	3,132	68	107	3,307
Difference	1,404	-413	-110	-524	880	25	0	106	143	52
WY 2021 Actual	3,947	1,195	151	1,346	5,293	0	2,472	17	111	2,600

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	4	772
Apr-22	249	87	0	400	0	17	6	758
May-22	309	190	0	350	0	25	5	878
Jun-22	342	292	0	249	0	6	0	889
Jul-22	370	286	0	274	0	0	5	934
Aug-22								
Sep-22								
Total	<b>3,226</b>	<b>1,149</b>	<b>0</b>	<b>3,132</b>	<b>68</b>	<b>107</b>	<b>47</b>	<b>7,729</b>
WY 2021	<b>3,794</b>	<b>1,346</b>	<b>0</b>	<b>2,472</b>	<b>17</b>	<b>111</b>	<b>51</b>	<b>7,791</b>

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.



# Supplement to 08/15/2022 MPWMD Board Packet

Attached are copies of letters sent and/or received between **July 13, 2022 and August 9, 2022**. These letters are listed in the **August 15, 2022** Board packet under Letters Received.

Author	Addressee	Date	Topic
<b>Rudy Fischer</b>	Board of Director's	July 14, 2022	Glen Canyon- Reservoir Overview; Water Issues
<b>Eric Tynan, General Manager Castroville Community Services District</b>	Board of Director's	July 14, 2022	Reply to Rudy Fischer's E-mail Correspondence dated July 14, 2022
<b>David J. Stoldt</b>	Michael Petrone	July 19, 2022	Drought and AAA's Diamond Rating Guidelines
<b>Eileen Sobeck, Executive Director at the State Water Resources Control Board</b>	David J. Stoldt	July 28, 2022	Dismissal of Application to Modify Order WR 2016 – 0016
<b>Melodie Chrislock</b>	Board of Directors and General Manager	August 3, 2022	Friday, August 5, 2022: CPUC Pre-Hearing on Water Utility Acquisition Rules
<b>Julia Nicks</b>	Board of Directors and General Manager	August 8, 2022	Disclosures of Ex-Parte Communications regarding MPWMD Application to Modify Order WR 2016-0016



<b>Greta Arevalo</b>	General Manager	August 9, 2022	Press Release: The Official Candidate Filing Period Closes: Friday, August 12, 2022
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## Joel Pablo

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**From:** Rudy Fischer <rudyfischer@earthlink.net>  
**Sent:** Thursday, July 14, 2022 6:48 AM  
**To:** Joel Pablo  
**Subject:** For your board  
**Attachments:** Glen Canyon - Reservoir Overview.jpg; Glen Canyon - The Dam.jpg

At your June 20 meeting you talked about the state's water restrictions, and I have to agree with Mayor Roberson's "perennial frustration" about the "one size fits all" approach the state is taking. It certainly doesn't seem to be the best way to deal with all local water shortages, but it may be the only way to deal with a state-wide issue.

But it still seems to me that since different parts of the state get their water in different ways, some consideration should be given to those differences. For instance, much of the state gets water from the California Water Project - which is creating some issues now. Southern California gets a lot of its water from the Colorado River Compact, and a shortage of water in that system will affect a lot of communities as a result.

Monterey is not tied into the state water system and thus has a very different situation from much of the rest of the state; which relies on wells, dams, reservoirs, and canal systems. As a result, I think your agency is within its rights to push back on the statewide mandate.

But in Monterey we sometimes pat ourselves on the back for our low water use, though I suspect at least some of that has to do with the number of homes in Monterey County which are second homes. But the Monterey Peninsula also benefits from moderate weather which certainly also helps. I note that the average water use per person in Sacramento (where many of these ideas for water cut backs come from) is 106 gallons per day (GPD). While the California state average water use is 102 GPD, in San Jose it is 70 GPD and, because of the lack of lawns and the city's housing density, in San Francisco it is only about 44 GPD per person. So as you can see, the Monterey Peninsula is at the lower end of average water use.

By the way; water use is even higher than statewide averages in hot Kern County at over 130 GPD per person; but water use will always vary because of temperature. In hotter areas people simply need to use more water for cooling and hydration. Thus, in Phoenix the average person uses 100 GPD and in Albuquerque, New Mexico 125 GPD. Surprisingly, the average use in Anchorage, Alaska (where we have family) is 127 GPD – but who cares; Alaska has so much water that is not even a glimmer of a problem.

Kathleen and I used to live in San Diego, where the average use is 123 GPD. I used to think it was a law that you had to over-water your lawn and allow water to run down the street. It was a constant point of frustration for us, but that may be changing all over Southern California because of the Colorado River Compact and the ongoing drought in the Southwest.

But the mayor did make a great point on the amount of water used by agriculture – and often for the wrong crops in the wrong location. But that happens everywhere. In Arizona and Texas you had Saudis who bought land and grew alfalfa (20+ inches per acre for that crop) to ship back to Saudi Arabia to feed horses. Well, they have basically been exporting water, and I believe that is being brought to an end.

A while back Paul Sciuto mentioned that satellite pictures of parts of Arizona used to look like a mirror because of the water in flooded fields reflecting the sun. Well, they used to flood the cotton fields. Yes; here in the desert cotton used to be one of Arizona's big five C's of Copper, Cattle, Cotton, Citrus and Climate. Well, I found out the reason was that the US government encouraged cotton growing in the desert for cloth for uniforms in both WWI and WWII. That may have made sense then but certainly not so much now.

But that goes to mayor Roberson's comment about crops. I don't think we want to cut water for crops and have food prices go up. But can we manage that better? Monterey growers grow strawberries because the water is cheap and they are highly profitable. My understanding is that it costs about \$20,000 per acre to get land ready for strawberries but - after using multiple acre feet of water to grow them - growers can make about \$60,000 per acre. Maybe California needs to think about Tiered Pricing for agricultural as well as for residential water.

Now, to return to water use in Southern California; because we own a house in Scottsdale I have been looking at water issues in Arizona also. Because of the drought and the falling levels of the reservoirs, the states of the lower basin have developed a 500+ Plan. The idea is that Arizona, Nevada, and California are supposed to work together to leave 500,000 acre feet a year in the reservoir each year for several years to help bring it back to health.

Based on comments at recent Central Arizona Project (CAP) board meetings, however, it seems there is some skepticism at CAP over whether California can do its part. That is because, though California is entitled to 4.4 million acre feet (MAF) from the river, it appears the state may actually be using 4.59 MAF – or 190,000 acre feet more than its allotment. That is 61,940,000,000 gallons which are supposed to be left in the lower basin of the Colorado River system. This at the same time that thousands of farmers have had their water reduced or cut off, and the California Coastal Commission is turning down desal plant proposals along their coast

According to their year 2000 annual Operating Plan, the Colorado reservoir system was 95 percent full with a total of 51.9 MAF in 2000, and Lake Powell was almost completely full. Now the system is at only 21 MAF – and will drop below 20 million in September of this year. That is a SERIOUS problem because the Colorado River Compact requires the Secretary of the Interior to maintain a storage reservoir with a capacity of NOT LESS than twenty million acre-feet of water.

Another problem is that they may have to eventually take the electricity generators at Hoover Dam off-line because of low water levels. Since 30% of that power from there goes to Southern California - while the rest goes to other Southwest States – that poses a large potential problem for all of those states.

Under the original Colorado River System agreement, the entitlement to the upper River basin is 7.5 million acre-feet (MAF) per year and to the lower basin an additional 7.5 million acre-feet per year - with some of that water taken out for Mexico; which also has an entitlement to some of the river's water.

And all of that worked because - from 1906 to 2007 - the Colorado River System (even with year to year variations) averaged an inflow of 15million acre-feet per year of flow. There are some records showing that this was even the rate of flow as far back as 1862. But it turns out that this period was an unusually wet time for this river system, and that is now a problem.

From 2007 to 2019 the flow rate declined to an average of only 12.4 million acre-feet per year. In 2020 there was only 6.5 million acre-feet of water coming in - and that flow was about 8.4 million acre-feet for the year in 2021. That means our source of water is currently only about 56% of what it used to be, even as we continue to use it as if it were almost double that. A few months ago I wrote to Deb Haaland and Tanja Trujillo at the Department of the Interior suggesting (because per the enabling legislation they have the authority to do that) that the allocation to states be reduced to a 10 year average of what has gone into the system in prior years. It now looks like they are going to do something very similar to that.

But I recently went to Page, Arizona to where I went to look at Lake Powel and the Glen Canyon Dam (Please see attached pictures). Not much there except for a lot of military age Chinese tourists. Quite frankly, even knowing the problems we face, I was shocked by the water levels. Like the Hoover Dam, the Glen Canyon power plant may have to reduce power generation due to low water. But – in irony of ironies for the environment– the nearby coal fired power plant can ramp up.

SO WHERE AM I GOING WITH THIS?

My frustration with water issues on the Monterey Peninsula specifically (and California in general) is that we do know there are things we could – and should - do. We are not the first generation to run into the problem of not having water where we need it. Our ancestors in the past also ran into such problems; but they did something about them. Even here in California, they built dams, reservoirs and hundreds of miles of canals to move water from where it was to where it was needed. In fact California has one of the most complex engineered water systems in the world; and we have long been the beneficiaries of that. But that was almost 100 years ago, and we cannot now expect to just conserve our way out of our water poverty– especially here on the Monterey Peninsula.

California has a math problem. The amount of water available to the state is declining even as more people are moving into the state. So how do you change that? Well, you have to change one of the inputs. You are probably not going to be able to stop people from moving in or having kids (which increases demand for water). So you may have to increase the amount of water available. Since we probably can't do that naturally, the state needs to increase recycling of waste

water AND build some desal plants to create new water. Using the State's budget surplus for that would be a great place to start.

And that water won't go to waste. Just in your area; Monterey, Seaside, Pacific Grove and other cities need more water. Santa Cruz needs more water. Pajaro/Sunny Mesa needs more water. Castroville needs more water. And I am sure there are other demands which I am just not thinking of right now.

Buying Cal Am's local assets may or may not help with water rates, but it will not add one single additional drop of the water we need on the Monterey Peninsula. You had a desal plant proposal that would have done that in front of you and fought it tooth and nail. It may be time to go back and look at that – or figure out some other way of producing more of the water you are going to need. If you don't want Cal Am to do it, maybe the MPWMD should. But do something!

Please; don't leave your residents high and dry (Sorry, but I thought you could all use a little water humor at this point).

All the best to all of you,

Rudy Fischer

Pacific Grove City Councilman 2010-2018

Board of Directors, Monterey One Water 2013-2018

Board Chair, Monterey One Water 2016-2018

Rudy Fischer(831) 236-3431







## Joel Pablo

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**From:** Eric Tynan <eric@castrovillecsd.org>  
**Sent:** Thursday, July 14, 2022 9:02 AM  
**To:** 'Rudy Fischer'; Joel Pablo  
**Subject:** RE: For your board

Great letter Rudy,  
 I couldn't agree with you more.  
 Castroville just lost its best well to sea water intrusion and the area is water mining the non-renewable Deep Aquifer as never before.  
 Since any spare drop of recycle is going to Pure Water and not to CSIP the farmers are pumping their ell harder to make up the difference.  
 My Well 4 static water level in June 2022 was at -115 below sea level, in contrast in August , 2015 at the height of the 2015 drought this well, was only -102  
 When are already 20 feet lower in June then I hate to see what this August/September are going to look like.

Finally, I was wondering why Cal Am has all these taxes, ext ...attached to their bill?  
 I don't know of any other water purveyor that is required to do that and it certainly obscures who is really getting the \$\$\$ .  
 Thanks for your great work

E

J Eric Tynan  
 General Manager  
 Castroville CSD  
 11499 Geil Street  
 Castroville, CA. 95012  
 Off. 831.633.2560  
 Cell 831.235.0155  
 Fax 831.633.3103  
[Eric@castrovillecsd.org](mailto:Eric@castrovillecsd.org)

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**From:** Rudy Fischer <rudyfischer@earthlink.net>  
**Sent:** Thursday, July 14, 2022 6:48 AM  
**To:** Joel Pablo - MPWMD <Joel@mpwmd.net>  
**Subject:** For your board

At your June 20 meeting you talked about the state's water restrictions, and I have to agree with Mayor Roberson's "perennial frustration" about the "one size fits all" approach the state is taking. It certainly doesn't seem to be the best way to deal with all local water shortages, but it may be the only way to deal with a state-wide issue.

But it still seems to me that since different parts of the state get their water in different ways, some consideration should be given to those differences. For instance, much of the state gets water from the California Water Project - which is creating some issues now. Southern California gets a lot of its water from the Colorado River Compact, and a shortage of water in that system will affect a lot of communities as a result.







July 19, 2022

Michael Petrone, CEC  
 Director, AAA Content Development  
 AAA Inspections & Diamond Ratings  
 1000 AAA Drive, Mailstop 51  
 Heathrow, FL 32746-5063

RE: Drought and AAA's Diamond Rating Guidelines

Dear Mr. Petrone:

During this time of drought in California and throughout the West, the Monterey Peninsula Water Management District strongly encourages AAA to remind their inspectors and restaurants participating in the AAA Diamond Rating System that is not just "okay", rather a preferred sustainable practice to only serve water to customers upon their request.

For example, our District has had regulations on its books since 1989 that prohibit "Water Waste". Water Waste means the indiscriminate, unreasonable, or excessive running or dissipation of water. As one example, Water Waste shall include *"Serving drinking water to any customer unless expressly requested, by a restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale."*

Recently, we had a restaurant manager say that serving water to customers is needed to meet the level of service required for his AAA Diamond Rating. We thought that might be an exaggeration, and we have noticed that your Diamond Rating Guidelines do not promote water served to customers under the "Service" criterion at "seating", which is great. However, we are concerned that the subjective area called "The Hospitality Zone" may encourage water service initially and recurring throughout a meal. Even if not stated explicitly in your Guidelines, we think AAA could take a leadership role in helping discourage the blanket practice of serving water unless upon customer request.

We hope you will join us in helping get the message out on our Monterey Peninsula, California as a whole, and the American West.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt".

David J. Stoldt  
 General Manager  
 Monterey Peninsula Water Management District





## State Water Resources Control Board

July 28, 2022

Mr. David Stoldt  
General Manager  
Monterey Peninsula Water Management District

RE: DISMISSAL OF APPLICATION TO MODIFY ORDER WR 2016-0016

Dear Mr. Stoldt:

The State Water Resources Control Board (State Water Board) dismisses the application filed on March 9, 2021 by Monterey Peninsula Water Management District (District) to modify the cease and desist order (CDO) against California American Water Company (Cal-Am) for unauthorized diversion of water from the Carmel River (State Water Board Order WR 2009-0060, Order WR 2010-0001 and Order WR 2016-0016). Specifically, the application seeks to modify Condition 2 of Order WR 2009-0060, which states, in pertinent part: "Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use." The District's application requests that the State Water Board modify Condition 2 to exempt Cal-Am's service of 75 additional acre-feet of water at existing or new service addresses for below market rate housing.<sup>1</sup>

The State Water Board first found in 1995 that Cal-Am was illegally diverting water from the Carmel River, causing adverse effects on fish, wildlife, and the riparian habitat of the Carmel River, including to threatened steelhead. Since 1995, Cal-Am has diverted thousands of acre-feet each year from the Carmel River in excess of its legal water rights, contributing to environmental impacts including the complete drying-up of the river in drought years. Condition 2 was first imposed as part of Order WR 2009-0060 in 2009 to incentivize the Monterey Peninsula to develop water supply replacement projects, recognizing the lack of progress to that point. The purpose of Condition 2 was to prevent increased or hardened reliance on illegal diversions from the Carmel River and to promote collaborative efforts to develop a permanent and lawful water supply. The Board stated, "Because water has been available for growth, the peninsula cities and their residents have had little incentive to support or pay for a project or projects to

<sup>1</sup> The District's application states that the 75 acre-feet set-aside would go to "increased use at existing or new service addresses for projects that enable moderate-, low-, or very-low income housing. 100% market rate projects would be excluded." (Application, p. 4)

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

obtain a legal supply of water that can be substituted for the illegal diversions from the river.” (Order WR 2009-0060, p. 56.) While the Division of Water Rights has provided further clarification and interpretation, the Board has maintained the same Condition 2 since October 2009. Over a decade later, Cal-Am and the broader Monterey Peninsula appear closer to developing additional replacement water supplies, but as of July 2022 these supplies are not yet available for new or increased water service.

The State Water Board may, after notice and opportunity for hearing, upon its own motion or upon receipt of an application from an aggrieved person, modify, revoke, or stay in whole or in part any cease and desist order. (Wat. Code, § 1832.) The State Water Board declines to modify Condition 2 as requested for several reasons detailed below.

The State Water Board is not prepared to lift or relax Condition 2 for two related reasons. First, the District has not yet demonstrated that existing use can be met by legal diversions of water. The 2016 Order set a December 31, 2021 deadline for Cal-Am to cease its illegal diversions from the Carmel River. However, Cal-Am cannot yet demonstrate at this point in the water year that its annual diversion totals will be in compliance with its water rights. Because water use is reported on a calendar year basis, Cal-Am will not be able to determine whether they have exceeded existing diversion limits until sometime next year, in early 2023.

The District’s own public analyses and statements, as well as more recent data, have largely corroborated the uncertain present condition of the Monterey Peninsula’s water demand and available lawful supply.<sup>2</sup> In a letter sent on March 29, 2021, Cal-Am expressed its opposition to the application, stating that 75 acre-feet of new annual residential water demand could mean the difference between Cal-Am’s water right compliance and noncompliance. Cal-Am expressed that it is already facing “a period operating on the absolute razor’s edge of adequate water supply” and that the proposed new or increased water service could “[place] the health and safety of the existing community at risk.” (Richard Svindland, letter to Erik Ekdahl, March 29, 2021, p. 2)

Second, Order WR 2016-0016 requires Cal-Am to certify that “it has obtained a permanent supply of water that has been substituted for the water illegally diverted from the Carmel River” before the CDO, including Condition 2, is lifted. (Order WR 2016-0016, p. 27.) No party has suggested that Cal-Am has yet secured a permanent replacement supply of water. The expansion of Pure Water Monterey is anticipated to provide an additional 2,250 acre-feet of water each year to Cal-Am’s Monterey

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<sup>2</sup> See, e.g., California Public Utilities Commission, Application No. 21-11-024, Supplemental Testimony of David J. Stoldt (Apr. 1, 2022); Monterey Peninsula Water Management District, *General Manager’s Report* (Sept. 21, 2020) <<https://www.mpwmd.net/wp-content/uploads/Sept-21-2020-Board-Mtg-Item-11.pdf>>; Schmalz, *On Jan. 1, Where the Monterey Peninsula Gets its Water From Changed Dramatically. A New Pipeline Being Installed in Seaside Will Help Adapt* (Jan. 13, 2022) Monterey County Weekly <[https://www.montereycountyweekly.com/news/local\\_news/on-jan-1-where-the-monterey-peninsula-gets-its-water-from-changed-dramatically-a-new/article\\_edd162d6-73e1-11ec-8b3f-73bc99dffb0.html](https://www.montereycountyweekly.com/news/local_news/on-jan-1-where-the-monterey-peninsula-gets-its-water-from-changed-dramatically-a-new/article_edd162d6-73e1-11ec-8b3f-73bc99dffb0.html)>.

Peninsula water system, which, if reliable, may be sufficient for Cal-Am to lawfully meet a certain level of future growth in water demand.

Thus, it is premature at this time for the Board to modify or remove Condition 2 from the CDO. An assessment of Cal-Am's compliance with its water rights cannot be completed until at least early 2023, and Cal-Am has not yet secured a permanent replacement supply.

The State Water Board received several letters from interested parties in support of the application, arguing for the importance of building new affordable housing on the Monterey Peninsula. The State Water Board agrees that providing affordable housing is a critically important state and local policy goal. The requested relief from or modification of Condition 2 would fail to achieve this goal, however, as housing without a dedicated, lawful water supply may cause residents to experience water shortages and rationing. Continued or renewed unlawful diversions and other violations of the CDO would be detrimental not only to the Carmel River but also to water users throughout the Monterey Peninsula. For similar reasons, the State Water Board dismisses the City of Monterey's request to lift the CDO entirely.

Approving expanded use now, even for a worthwhile cause such as affordable housing, is premature and may in fact lead to additional harm down the road by hardening local demand and requiring additional conservation measures in the future to comply with legal water right diversion limits. The State Water Board continues to encourage cooperation among Cal-Am, the District, and other interested parties to sustain only lawful Carmel River diversions and to achieve a permanent replacement water supply. State Water Board staff continues to track Cal-Am and the Monterey Peninsula community's efforts to operate, manage, and improve their public water system to meet local housing goals, protect the natural resources of the Carmel River watershed, and adhere to California water law. The State Water Board is interested in holding a workshop in 2023 to hear from the Monterey Peninsula community regarding updated water supply and demand estimates, progress toward achieving a permanent replacement water supply, and options for modifying or lifting the current water supply prohibitions. With an application to modify the CDO no longer pending, we look forward to discussions regarding a potential workshop and how best to obtain the information and data needed for a robust analysis of diversions, supplies, and water rights in the Monterey Peninsula.

Sincerely,



Eileen Sobeck, Executive Director  
State Water Resources Control Board

cc:

“Cal-Am Notifications” Email List,  
[waterrights\\_calam\\_notifications@swrcb18.waterboards.ca.gov](mailto:waterrights_calam_notifications@swrcb18.waterboards.ca.gov);

Christopher Cook, Director of Operations – Monterey, California, California American Water Company, [Christopher.Cook@amwater.com](mailto:Christopher.Cook@amwater.com);

Dave Potter, Mayor, City of Carmel-by the Sea, [dpotter@ci.carmel.ca.us](mailto:dpotter@ci.carmel.ca.us);

Alison Kerr, Mayor, City of Del Rey Oaks, [akerr@delreyoaks.org](mailto:akerr@delreyoaks.org);

Clyde Roberson, Mayor, City of Monterey, [roberson@monterey.org](mailto:roberson@monterey.org);

Bill Peake, Mayor, City of Pacific Grove, [bpeake@cityofpacificgrove.org](mailto:bpeake@cityofpacificgrove.org);

Mary Ann Carbone, Mayor, City of Sand City, [maryann@sandcityca.org](mailto:maryann@sandcityca.org);

Ian Oglesby, Mayor, City of Seaside, [oglesby@ci.seaside.ca.us](mailto:oglesby@ci.seaside.ca.us);

Hans Uslar, City Manager, City of Monterey, [Uslar@monterey.org](mailto:Uslar@monterey.org);

David Stivers, Chief Executive Officer, Pebble Beach Company,  
[stiversd@pebblebeach.com](mailto:stiversd@pebblebeach.com);

Assemblymember Robert Rivas, via Amy McElroy, [amy.mcelroy@asm.ca.gov](mailto:amy.mcelroy@asm.ca.gov);

Assemblymember Mark Stone, [Mark.Stone@asm.ca.gov](mailto:Mark.Stone@asm.ca.gov);

Senator John Laird, via Richard Stapler, [richard.stapler@sen.ca.gov](mailto:richard.stapler@sen.ca.gov);

Steve Park, President, Carmel River Steelhead Association, [stevepark@razzolink.com](mailto:stevepark@razzolink.com);

Michael Groves, AICP, President/Senior Principal, EMC Planning Group Inc.,  
[groves@emcplanning.com](mailto:groves@emcplanning.com);

Geoffrey Morgan, President and CEO, First Community Housing,  
[geoffreym@firsthousing.org](mailto:geoffreym@firsthousing.org);

Staci Alziebler-Perkins, Gathering for Women – Monterey, [ed@gatheringforwomen.org](mailto:ed@gatheringforwomen.org);

Michael DeLapa, Executive Director, LandWatch Monterey County,  
[execdir@landwatch.org](mailto:execdir@landwatch.org);

Howard Fosler, President, League of Women Voters Monterey County,  
[hfosler@sbcglobal.net](mailto:hfosler@sbcglobal.net);

Elizabeth Nahas Wilson, Director of Special Projects, MidPen Housing Corporation,  
[ewilson@midpen-housing.org](mailto:ewilson@midpen-housing.org);

Kate Roberts, President and CEO, Monterey Bay Economic Partnership, via Ashley Gauer, [agauer@mbep.biz](mailto:agauer@mbep.biz);

Esther Malkin, Founding Director, Monterey County Renters United, [esthermalkin@yahoo.com](mailto:esthermalkin@yahoo.com);

Larry Silver, Attorney, Sierra Club, [larrysilver@earthlink.net](mailto:larrysilver@earthlink.net);

Katy Castagna, President and CEO, United Way Monterey County, [katy.castagna@unitedwaymcca.org](mailto:katy.castagna@unitedwaymcca.org);

Marcia Perry, Executive Director/Founder, Youth Arts Collective, [mperry.yac@gmail.com](mailto:mperry.yac@gmail.com);

Rudy Fischer, [rudyfischer@earthlink.net](mailto:rudyfischer@earthlink.net);

Kirstie Wilde, [kirstiewilde@gmail.com](mailto:kirstiewilde@gmail.com);

Jiaxiang Zhang, [Jiaxiangzhang2814@gmail.com](mailto:Jiaxiangzhang2814@gmail.com);





**Joel Pablo**

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**From:** mwchrislock@redshift.com  
**Sent:** Wednesday, August 3, 2022 11:13 AM  
**To:** Alvin Edwards; Amy Anderson; Clyde Roberson; Dave Stoldt; George Riley; Joel Pablo; Karen Paull; District 5; SAFWAT MALEK  
**Subject:** Friday CPUC Hearing on Water Utility Acquisition Rules  
**Importance:** High

## **CPUC Pre-Hearing Conference on Water Utility Acquisition Rules**

FRIDAY, August 5 at 1:30pm

### **Virtual:**

<https://cpuc.webex.com/cpuc/onstage/g.php?MTID=ee8f53de8c38ddb3b4baf195c07f67140>

Cal Am and the other investor-owned utilities continue to buy new water systems and charge their existing customers for them. All Cal Am customers in the state paid the \$30 million in profit on the East Pasadena sale last year. This is actually against the CPUC's current rules, but they have not been enforcing them. Ratepayers are supposed to receive 50% or more of the profit on a sale to ensure that rates do not rise due to acquisitions.

If the CPUC starts enforcing its own rules it should mean a huge discount on the Cal Am buyout!

This should be interesting. The public is encouraged to watch/listen. We can't speak at this point, but will be able to later.

Public Password: 2022  
 Event number: 2480 201 8811  
 Toll-Free: 855-282-6330  
 Public Passcode: 2480 201 8811



**Joel Pablo**

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**From:** lyris@swrcb18.waterboards.ca.gov  
**Sent:** Friday, August 5, 2022 2:33 PM  
**To:** Water Rights Cal-Am Notifications  
**Subject:** Ex parte communications



**This is a message from the State Water Resources Control Board.**

This notice serves as disclosures of ex parte communications regarding Monterey Peninsula Water Management District's application to modify Order WR 2016-0016 pursuant to Government Code section 11430.50. These communications, and any responses have been made a part of the administrative record for the proceeding. Parties may request an opportunity to comment on any of the ex parte communications. Requests to comment must be submitted to [Julia.Nick@waterboards.ca.gov](mailto:Julia.Nick@waterboards.ca.gov) by 5 p.m. on August 15, 2022.

The ex parte communications are available on the State Water Board's File Transfer Protocol (FTP) site. The State Water Board's FTP site can be accessed at <https://ftp.waterboards.ca.gov/>. The log-in information is provided below.

Username: waterrights  
 Password: wTftMZ4HF2Hy

If you have any questions regarding this message, please contact Julia Nick at [Julia.Nick@waterboards.ca.gov](mailto:Julia.Nick@waterboards.ca.gov).

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You are currently subscribed to waterrights\_calam\_notifications as: [joel@mpwmd.net](mailto:joel@mpwmd.net).

To unsubscribe click here: [leave-9319056-9466418.de8b5c27b3ef86cc18a9f76d1cd5b1ed@swrcb18.waterboards.ca.gov](mailto:leave-9319056-9466418.de8b5c27b3ef86cc18a9f76d1cd5b1ed@swrcb18.waterboards.ca.gov)



**Joel Pablo**

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**From:** Arevalo, Greta <ArevaloG@co.monterey.ca.us>  
**Sent:** Tuesday, August 9, 2022 10:04 AM  
**Cc:** Elections  
**Subject:** PR - The Official Candidate Filing Period Closes Friday, August 12  
**Attachments:** 2.1 Candidate Filing - Closing.docx; 2.1 Candidate Filing - Closing.pdf

# NEWS RELEASE

## FOR IMMEDIATE RELEASE

**Tuesday, August 9, 2022**

Contact: Gina Martinez, Registrar of Voters

Phone: 831-796-1499

E-mail: [elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

Website: [www.MontereyCountyElections.us](http://www.MontereyCountyElections.us)

Facebook: <https://www.facebook.com/pages/Monterey-County-Elections>

Instagram: <https://www.instagram.com/montereycountyelections/>

Twitter: <https://twitter.com/MontereyVote>

## The Official Candidate Filing Period Closes Friday, August 12

**Salinas, CA** – The candidate filing period for elective offices up in the November 8, 2022, General Election closes on Friday, August 12, 2022. Candidate forms must be completed and submitted by the 5 p.m. deadline on Friday, August 12, 2022. Any candidates seeking municipal office will file with their City Clerk.

Official nomination documents will be available 8:00 a.m. to 5:00 p.m. weekdays during the filing period at the Monterey County Elections Department, 1441 Schilling Place – North Building, Salinas, CA 93901.

Interested candidates should schedule an appointment via email at [CandidateServices@co.monterey.ca.us](mailto:CandidateServices@co.monterey.ca.us) or by phone (831) 796-1499.

Monterey County Candidate Guidelines, detailing [offices up for election and requirements, as well as the virtual candidate seminar](https://montereycountyelections.us/candidate-guidelines/) are available at <https://montereycountyelections.us/candidate-guidelines/>.

---END---

# NOTA DE PRENSA

## PARA PUBLICACIÓN INMEDIATA

Martes, 9 de agosto de 2022

Contacto: Gina Martinez, Directora del Departamento Electoral

Teléfono: 831-796-1499

E-mail: [elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

Página Web: [www.MontereyCountyElections.us](http://www.MontereyCountyElections.us)

Facebook: <https://www.facebook.com/pages/Monterey-County-Elections>

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## El período oficial para postularse como candidato cierra el viernes 12 de agosto

**Salinas, CA** – El período de postulación a candidatura para cargos electivos el 8 de noviembre de 2022, para la elección general, cierra el viernes 12 de agosto de 2022. Aquellos candidatos que estén buscando candidatura en un puesto municipal deben postularse con la secretaria de su ayuntamiento. Los formularios de candidatos deben completarse y enviarse antes de la fecha límite de las 5:00 p.m. el viernes 12 de agosto de 2022.

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Los candidatos interesados deben programar una cita por correo electrónico a [CandidateServices@co.monterey.ca.us](mailto:CandidateServices@co.monterey.ca.us) o por teléfono (831) 796-1499.

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**Greta Arevalo, MPA**

Monterey County Elections

Program Manager – Vote by Mail Services

Phone 831-796-1495

Email [arevalog@co.monterey.ca.us](mailto:arevalog@co.monterey.ca.us)

1441 Schilling Pl – North Bld, Salinas, CA

93901



# MONTEREY COUNTY ELECTIONS

1441 Schilling Place-North Building  
Salinas, CA 93901

PO Box 4400  
Salinas, CA 93912

831-796-1499 Phone  
831-755-5485 Fax

[www.MontereyCountyElections.us](http://www.MontereyCountyElections.us)

[elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

**Gina Martinez**  
Registrar of Voters

**Jessica Cedillo**  
Assistant Registrar of Voters



## NEWS RELEASE

### FOR IMMEDIATE RELEASE

Tuesday, August 9, 2022

Contact: Gina Martinez, Registrar of Voters

Phone: 831-796-1499

E-mail: [elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

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## NOTA DE PRENSA

### PARA PUBLICACIÓN INMEDIATA

Martes, 9 de agosto de 2022

Contacto: Gina Martinez, Directora del Departamento Electoral

Teléfono: 831-796-1499

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