



FINAL MEETING MINUTES
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
Monday, August 16, 2021

CLOSED SESSION, 5:00 PM

The meeting was called to order at 5:00 pm by Chair Edwards. Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, the meeting was conducted with virtual participation via Zoom.

Directors Present via Zoom:

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

Directors Absent: None

General Manager present: David J. Stoldt

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

Special District Counsel: Thomas MacBride, Esq. with Goodin, MacBride, Squeri and Day, LLP

None

No comments were directed to the board.

District Counsel Farina read into the record matters on the Closed Session Agenda.

Chair Edwards recessed the board into closed session at 5:04 PM.

CALL TO ORDER / ROLL CALL

**ADDITIONS AND CORRECTIONS FOR
CLOSED SESSION BY DISTRICT
COUNSEL**

PUBLIC COMMENT

CLOSED SESSION

CS Conference with Legal Counsel – the board will
1 confer with district counsel to review pending litigation pursuant to Government Code §54956.9.:

a. MPWMD v. California-American; CPUC Case No. C. 21-05-005

**RECESS THE BOARD TO MATTERS ON
THE CLOSED SESSION AGENDA**

REGULAR SESSION, (Reconvened from Closed Session)

The meeting was called to order at 6:12 pm by Chair Edwards. Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, the meeting was conducted with virtual participation via Zoom.

Directors Present via Zoom:

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

Directors Absent: None

General Manager present: David J. Stoldt

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

The assembly recited the Pledge of Allegiance.

General Manager Stoldt noted the following additions and corrections to the Board Agenda:

Staff submitted revised material for Item No. 1, Exhibit 1-B.

No comments were directed to the board.

Chair Edwards acknowledged Director Anderson's request to pull Item No. 1 from the Consent Calendar. No further requests were received by Chair Edwards to pull matters off the Consent Calendar from board members and members of the public.

A motion was made by Director Roberson and second by Director Anderson to approve the Consent Calendar Items No. 2 through 5. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Roberson, Riley), 0-Noes and 0-Absent.

Director Anderson proposed corrections to Item No. 1, Exhibit 1-B.

A motion was made by Director Riley and second by Director Paull to approve Item No. 1 with suggested corrections to Item No. 1, Exhibit 1-B. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO AGENDA

ORAL COMMUNICATIONS

CONSENT CALENDAR

Approved.

Authorized the General Manager to enter into an agreement with Tetra Tech for consultant services in an amount not-to-exceed \$61,338 and approve a 10% contingency (approximately \$6,100) for additional consultant work.

Adopted Resolution 2021-11, a Resolution of the Board of Directors of the Monterey Peninsula Water Management District Amending Rule 60, Fees and Charges Table.

Authorized the General Manager to purchase UV unit replacement parts for the Sleepy Hollow Facility at an approximate cost of \$9,000.

Received and approved the Master Services Agreement between MPWMD and the Watermaster for Hydrologic Monitoring and Database Services.

David J. Stoldt, General Manager (GM) presented via MS PowerPoint entitled Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Decision as of August 1, 2021. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

GM Stoldt provided an overview of the slide-deck, and the following points were made: (1) The Monterey Peninsula Water Resources System (Carmel River & Seaside Groundwater Basin) is below target production by 141 Acre Feet (AF); (2) The total year-to-date for Water Projects and Rights exceeds target production by 60 AF; (3) The Monthly Demands/Deliveries for Customer Service is down by 34 AF compared to WY 2020; (4) The daily rainfall recorded at the San Clemente Rain Gage has remained flat since the end of April, 2021; and (5) provided an update on the Sleepy Hollow WEIR Facility.

District Counsel Farina reported in the matter involving MPWMD v. California- America; CPUC Case No. C. 21-05-005 the Board unanimously directed staff to file an appeal to be filed to challenge CPUCs decision.

Director Riley attended the Monterey County Special District's Association meeting on July 20, 2021 and was made aware of and informed the board of an upcoming Statewide Special District Association Conference to be

1. **Consider Adoption of Minutes from the July 16, 2021 Special Board Meeting, July 19, 2021 Regular Board Meeting and July 21, 2021 Special Board Meeting**
2. **Consider Expenditure of Funds for Consultant Services for Upgrades at the Sleepy Hollow Steelhead Rearing Facility**
3. **Consider Adoption of Resolution No. 2021-11 – Amending Fees and Charges Table- Rule 60**
4. **Consider Purchase of Spare Replacement Parts for Sleepy Hollow Steelhead Rearing Facility UV Unit**
5. **Consider Approval of the Watermaster Master Service Agreement**

GENERAL MANAGER'S REPORT

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

REPORT FROM DISTRICT COUNSEL

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

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

held in Monterey County on August, 2022. Riley attended a Watermaster meeting and voiced his concerns pertaining the replenishment fund.

Director Adams made the board aware of a board referral submitted by Supervisor John M. Phillips to amend Chapter 10.72 of the County Code. She advised the board that she will keep the board apprised on developments made on the matter.

Director Edwards requested for comments to be made by Directors who attended a meeting with Senator John Laird.

Dave Stoldt, Director Roberson and Riley reported that they had a productive meeting with Senator Laird. Roberson mentioned during the meeting Dave Stoldt, General Manager provided an overview and summary on Measure J, the district's application with LAFCo of Monterey County and 75 acre-feet of relief to help alleviate near-term housing needs on the Monterey Peninsula.

David J. Stoldt, General Manager introduced the matter and noted written public comment received by the district. *Written public comments is on file at the District office and can be viewed on the district website.*

The following comments were directed to the board on Item No. 8:

- (1) Kathy Biala, Mayor Pro-Temp with the City of Marina: Expressed opposition to and asked for Section 20(e) to be deleted from the agreement.
- (2) Melodie Chrislock, Managing Director of Public Water Now concurred with Biala's comment, recommended section 20(e) of the Water Purchase Agreement (WPA) to be stricken out and opposes Cal-Ams desire to recover \$129 million dollars from its ratepayers for its proposed desalination plant.
- (3) Wallace Notley: Voiced opposition to Cal-Ams desalination plant and its costs to ratepayers.
- (4) Marli Melton: Thanked the Board and staff for their work on an amended and restated WPA and provided recommended language to Section 20(e).
- (5) Anna Thompson: Opposes Cal-Ams proposed desalination facility and proposed either a modification to or complete deletion of Section 20(e).
- (6) Susan Schiavone: Acknowledged and thanked MIW, MPWMD and Cal-Ams efforts on working on an Amended and Restated WPA. Schiavone directed attention to Marina Coast Water District's letter and asked for those issues to be addressed and objected to language used in Section 20(e) as it subjects and limits the discretion of decision abilities by current and future boards on current and future proposed water supply projects.
- (7) Margaret-Anne Coppernoll: Stated her opposition to

ACTION ITEMS

- 8. Consider Approving and Authorizing the District to Enter into an Amended and Restated Water Purchasing Agreement for the Pure Water Monterey Project Expansion.**

and recommended language used in Section 20e not be used in finalizing the agreement.

(8) Howard Wilkins, Esq. representing Marina Coast Water District (MCWD): Directed attention to his letter addressed to the Board and district staff on various concerns made by MCWD as it relates to the Amended and Restated WPA.

Wilkins seeks to work with district counsel on Section 19, Sr. Contractual Rights to Recycled Water between M1W to MCWD and recommended removal of sections 20.C.1 and 20.C.2. Wilkins closed by stating MCWD continues to support and work with M1W and MPWMD in advancing Pure Water Monterey and PWM Expansion.

(9) Liesbeth Visscher, Chair for Citizens of Just Water: Shared her concerns and opposition to Section 20(e).

(10) John Tilley, Monterey Commercial Property Owners Association: Tilley is in support of PWM Expansion and asked the community to consider desalination as an option to meet the water demands of the peninsula.

(11) Michael Baer: Recommends removal of Section 20(e).

(12) Alexander Henson, Pure Water Now: Expressed concerns over Section 20(e) and asked for it to be removed from the WPA.

(13) Saoirse Folsom: Voiced opposition and asked district staff to modify Section 20(e).

(14) Karen Anderson: Stated that housing developments in Marina are being supplied by current existing water aquifers.

(15) Tom Rowley: In response to Karen Anderson, Rowley voiced concerns and is against pumping from a 900 foot aquifer for housing projects as mentioned by the previous speaker.

A motion was made by Director Riley and second by Director Edwards to continue the matter and directed staff to return by October 18, 2021. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

General Manager Stoldt provided a summary of his staff note.

Public Comment: None

A motion was made by Director Riley and second by Director Adams to authorize staff and enter into a contract with RJA Management Services to facilitate the annual performance appraisal of the General Manager at a cost not to exceed \$18,000 to include contingencies. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

Dave Stoldt, General Manager provided a summary of his staff note.

The following comments were directed to the board on

9. **Consider Expenditure of Funds for Consultant Services Related to Annual Performance Evaluation of General Manager.**

10. **Consider Expenditure of Funds for Prepayment of a Portion of Mechanics Bank Loan.**

Item No. 10:

a. John Tilley, President of the Monterey Peninsula Commercial Property Owners Association: Stated he is pleased that the board is considering paying off a portion of the Mechanics Bank Loan and asked the district/board to retire the Water Supply Charge.

b. Susan Schiavone: Stated as a member of the Ordinance No. 152 Oversight Committee has worked on and is happy to see the matter being brought before the board.

A motion was made by Director Roberson and second by Director Anderson to authorize the CFO to prepay the Mechanics Bank loan in the amount of \$500,000. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

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

Chair Edwards adjourned the open session of the board meeting at 8:12 PM and the board convened back into closed session.

Chair Edwards adjourned the closed session agenda at 8:23 PM

INFORMATIONAL ITEMS/STAFF REPORTS

11. Letters Received
12. Committee Reports
13. Monthly Allocation Report
14. Water Conservation Program Report
15. Carmel River Fishery Report for June, 2021
16. Monthly Water Supply and California American Water Production Report

ADJOURNMENT



Joel G. Pablo, Deputy District Secretary

Approved by the MPWMD Board of Director's on Monday, September 20, 2021.