



# Item No. 12: District Counsel's Report

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# Litigation Status Report

## CPUC Case: A. 21-11-024 Cal-Am Application re Water Purchase Agreement (WPA) for Pure Water Expansion - Application Seeks Approval of Amended and Restated WPA

CPUC Decision 22-12-001 issued on Dec. 4, 2022 to allow Cal-Am to sign the WPA and purchase 2,250 AFY of additional water from PWM Expansion.

Dec. 6, 2022, Cal-Am President Kevin Tilden wrote to all five CPUC Commissioners indicating Cal-Am will not sign the Amended WPA.

MPWMD Filed Petition for Modification (PFM) on Dec. 19, 2022

- ▶ Asks CPUC to Compel Cal-Am to sign WPA for Pure Water Expansion
- ▶ Responses to PFM due on Jan. 17, 2023

Cal-Am Filed an Application for Rehearing (AFR) on Dec. 30, 2022

- ▶ Sole allowable grounds is legal error
- ▶ Cal-Am seeks Oral Argument
- ▶ Written Responses due on Jan 17, 2023

# Litigation Status Report

3

**City of Marina, MPWMD, MCWD & Marina Coast Water District Groundwater Sustainability Agency v. California Coastal Commission; Cal-Am Real Party; Monterey Superior Court; Case No. #22CV004063**

- ▶ Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief
- ▶ Filed on January 5, 2023
- ▶ Alleges Coastal Act; CEQA and Due Process Violations
- ▶ Deadline to Lodge Certified Admin Record – 3/6/2023

# Litigation Status Report

## MPWMD v. LAFCO; Case No. 22CV000925

- ▶ Dec. 9 2022 Hearing on Demurrer: Judge Wills dismissed claims of bias by LAFCO Commissioners – LAFCO action was quasi-legislative (bias is allowed)
- ▶ Judge allowed claim that LAFCO abused its discretion due to need to consider interests of public as a whole, and not impacts on appointing authorities.
- ▶ Ruling allows District legal challenge to proceed.
- ▶ Judge also commented Cal-Am “exceeded conditions in intervention order”; Set an OSC hearing for Mar. 10, 2023 to consider dismissing Cal-Am's complaint in intervention.
- ▶ Judge set the trial date on the merits of the writ petition for August 7, 2023 (8:30 a.m.) in Department 15

# Litigation Status Report


## Monterey Peninsula Taxpayers Assoc. II v. MPWMD – Case: 21CV003066

## Monterey Peninsula Taxpayers Assoc. III v. MPWMD – Case: 22CV002113

Two different legal challenges to District collection of its Ord 152 Water Supply Charge

- ▶ Dec. 20, 2022 Hearing: MPTA II - Judge Panetta took case under submission
- ▶ MPTA II; the Case Management Conference (CMC) set for April 4, 2023 at 9:00 a.m. in Dept. 14.
- ▶ Related case MPTA III also had its CMC continued to April 4, 2023 at 9:00 a.m. in Dept. 14.

Conference with Legal Counsel



MS PowerPoint Presentation distributed to the Board, District Counsel and General Manager at the MPWMD Board of Director's Meeting on Monday, January 23, 2023.

*/s/ Joel G. Pablo, Board Clerk with the MPWMD*