



**Final 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**

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

*Directors Present via Zoom:*

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

*Directors Absent:* None

*General Manager present:* David J. Stoldt

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

The assembly recited the Pledge of Allegiance.

None

No comments were directed to the Board.

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.

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

**REGULAR SESSION**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS AND CORRECTIONS TO  
THE AGENDA**

**ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

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 Feeny to complete the installation of a down hold sampling pump in Paralta Test Well in an amount not to exceed \$30,000.

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

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.*

- 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**

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.

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 Manger 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:

**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.

**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).

**REPORT FROM DISTRICT COUNSEL**

**13. Report Out from Closed Session Meeting on Friday, July 8, 2022**

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

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 a meeting hosted by the League of Women Voters and heard from Brian Lockwood, General Manager of the Pajaro Valley Water Management Agency.

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, CONVERENCE 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**



**RECONVENE TO CLOSED SESSION**

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

*Directors Present via Zoom:*

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

*Directors Absent:* None

*General Manager present:* David J. Stoldt

*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.*

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

**CALL TO ORDER**


**ROLL CALL**

**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**

**ADJOURNMENT**



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Joel G. Pablo, Deputy District Secretary

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