

This meeting is not subject to Brown Act noticing requirements. The agenda is subject to change.



Water Demand Committee Members:

Amy Anderson, Chair
Alvin Edwards
Clyde Roberson

Alternate:

George Riley

Staff Contact

Stephanie Locke
Joel G. Pablo

After staff reports have been distributed, if additional documents are produced by the District and provided to the Committee regarding any item on the agenda they will be made available on the District's website prior to the meeting. Documents distributed at the meeting will be made available upon request and posted to the District's website within five days following the meeting.

AGENDA
Water Demand Committee
Of the Monterey Peninsula Water Management District

Thursday, June 3, 2021, 3:00 pm, Virtual Meeting

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus), meetings of the Monterey Peninsula Water Management District Board of Directors and committees will be conducted with virtual (electronic) participation only using Zoom.

Join the meeting at:

<https://zoom.us/j/92476961771?pwd=Y0F1TW5LUGxUUWZzUXFEanAweWp0UT09>

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

Webinar ID No.: 924 7696 1771

Webinar Password: 06032021

Participate by phone: (669) 900 - 9128

For detailed instructions on connecting to the Zoom meeting see page 2 of this agenda.

Call to Order / Roll Call

Comments from Public - *The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.*

Action Items -- *Public comment will be received. Please limit your comments to three (3) minutes per item.*

1. Consider Adoption of Committee Meeting Minutes from May 6, 2021

Discussion Items – *Public comment will be received. Please limit your comments to three (3) minutes per item.*

2. Update on District's Water for Housing Initiative (*Verbal Report*)
3. Review Letter to the State Water Resources Control Board on the 1000AF for W/D from the Carmel River

Suggest Items to be Placed on Future Agendas

Adjournment

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 5 pm on Tuesday, June 1, 2021, to joel@mpwmd.net or call 831- 658-5652.

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://zoom.us/j/92476961771?pwd=Y0F1TW5LUGxUUWZzUXFEanAweWp0UT09>
or paste the link into your browser.

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

USING A DESKTOP COMPUTER OR LAPTOP

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

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click “Test Speaker and Microphone”.
2. The client will first ask “Do you hear a ringtone?” •If no, please select “Join Audio by Phone”.
•If yes, proceed with the next question:
3. The client will then ask “Speak and pause, do you hear a replay?” •If no, please select “Join Audio by Phone”
•If yes, please proceed by clicking “Join with Computer Audio”

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click “Phone Call”
2. Dial one of the numbers listed below using a phone. 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. You may select any of the numbers listed below:

+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.

- (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, push *6 to unmute and please identify yourself.
- (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "COMMENTS FROM THE PUBIC". Comments must be received by noon on Thursday, June 3, 2021. Comments submitted **by noon** will be provided to the committee members and compiled as part of the record of the meeting.

WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF MAY 6, 2021 COMMITTEE MEETING MINUTES

Meeting Date: June 3, 2021

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

Prepared By: Joel G. Pablo

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

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the May 6, 2021 committee meeting.

RECOMMENDATION: The Committee should adopt the minutes by motion.

EXHIBIT

1-A Draft Minutes of the May 6, 2021 Committee Meeting



**Item No. 1, Exhibit 1-A
DRAFT MINUTES**

**Water Demand Committee of the
Monterey Peninsula Water Management District
Thursday, May 6, 2021**

Call to Order

The virtual meeting was called to order at 4:06 pm via Zoom by Chair Anderson.

Committee members present:
(By Roll-Call)

Amy Anderson, Chair
Alvin Edwards
Clyde Roberson

Committee members absent:

None

Staff members present:

David J. Stoldt, General Manager
Stephanie Locke, Water Demand Division Manager
Joel G. Pablo, Executive Assistant / Board Clerk

District Counsel present:

David Laredo, Esq. with De Lay and Laredo

Comments from the Public:

No comments were directed to the committee.

Action Items

1. Consider Adoption of Committee Meeting Minutes from February 4, 2021 and March 4, 2021

Public Comment: *None*

A motion was made by Director Edwards and second by Director Roberson to approve the committee meeting minutes from February 4, 2021 and March 4, 2021. The motion passes unanimously on a roll-call vote on a vote of 3-Ayes (Anderson, Edwards and Roberson), 0-Noes, and 0-Absent.

Discussion Items

2. Update on District's Water for Housing Initiative

Dave Stoldt, General Manager provided an update the committee on the District's Water for Housing Initiative and answered committee questions. Stoldt said the district received word from the CA State Water Resources Control Board (SWRCB)- Office of the Chief Counsel about 10 days ago that any material and correspondence related to the Cease and Desist Order & Cal-Am has not been placed online due to their ongoing efforts to meet ADA requirements. The SWRCB has not replied to and has not responded to the district's application. Stoldt announced that the district has received letters of support submitted by Monterey Bay Area Economic Partnership, League of Women Voters, LandWatch Monterey County, Coalition of Peninsula Housing, a number of incorporated cities and letters drafted by city mayors.

Public Comment: *None*

3. Discuss Need for Dry Year/Drought Response

Dave Stoldt, General Manager provided an update to the committee on the Need for Dry Year/Drought Response. Stoldt informed the board that on May 1 of each calendar year, the district must make a declaration and look at available supplies relative to scheduled demand and ascertain if the district needs to take measures on the conservation and rationing plan. Stoldt highlighted that while the rest of the country is declaring a west-wide *drought* the use of the term is only applied when there are two (2) consecutive dry or critically dry years. The District will springboard public outreach efforts to make the community aware of the Central Coasts dry year. *A copy of the publication displayed during the meeting is available upon request at the district office and can be found on the district's webpage.* Stoldt briefly described the next steps to include a: (a) public information campaign, (b) Conservation Rates or Penalty Rates, and (c) rationing. Stoldt explained his rationale for not declaring a drought based on past historical data/events.

Director Edwards requests for the General Manager to report back to the Board of Directors on the Conservation Rationing Plan and the Various Stages: 1, 2 and 3.

Public Comment: (a) Melodie Chrislock: Pointed out that since the last droughts rate-payers are paying more despite conservation efforts by customers. She asked the committee to consider recent reduction of property irrigation and the potential fall-out as a result, such as fires.

4. Discuss Planned Updates to Rules and Regulations

Stephanie Locke, Water Demand Manager provided an update to the committee on Rules and Regulations and presented via MS PowerPoint. *A copy of the slide-deck is available upon request at the district office and can be found on the district's webpage.* Locke provided the board with a list of Ordinances, Rules and Regulations to be reviewed and revisited by the Water Demand Committee.

Public Comment: None

Suggest Items to be Placed on Future Agendas

- Director Edwards requests for District Counsel/General Manager to send a letter to the State Water Resources Control Board concerning the 1000 AF for withdrawals at the Carmel River. Edwards would like for the committee to review the draft letter.

Adjournment

Chair Anderson adjourns the meeting at 3:52 PM

Joel G. Pablo, Board Clerk

Reviewed and Approved by the MPWMD Water Demand Committee on June __, 2021

Received by the MPWMD Board of Directors on June __, 2021

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EXHIBIT 3-A

David C. Laredo
Heidi A. Quinn
Frances M. Farina
Michael D. Laredo

Telephone: 831.646.1502
Facsimile: 831.646.0377

June XX, 2021

Eileen Sobeck
Executive Director
State Water Resources Control Board (SWRCB)
1001 I Street
Sacramento, CA 95814

Re: December 23, 2020 MPWMD Letter re Order WR 2016-0016; 2020 Joint Annual Report

Dear Ms. Sobek:

On December 23, 2020 Mr. David Stoldt sent you a letter on behalf of the Monterey Peninsula Water Management District (District). That letter commented on your earlier correspondence of November 17, 2020 wherein you explained to California American Water (Cal-Am) that “regardless of control or fault, the 1,000-acre-foot Effective Diversion Limit reduction is an appropriate and intended consequence of Cal-Am’s missing Milestone 5.”

Mr. Stoldt’s December 23 letter also addressed issues related to the October 21, 2020 letter previously sent to you by Cal-Am; the letter specifically repudiated Cal-Am’s unfounded accusation erroneously attempted to cast fault upon the District for Cal-Am’s failure to meet its required Milestone 5.

I write this letter as General Counsel to the District to reiterate the District’s stated concern and belief that the SWRCB failed to consult with the District or any Applicant other than Cal-Am. This failure to consult is now compounded by your lack of response to the December 23 letter.

On behalf of the District, we renew the request that the Effective Diversion Limit (EDL) reduction to be waived and the EDL for Water Year 2020-21 restored. Missed Milestone 5 did not result from action of the Applicants and was beyond their control. You noted at page 2 of your November 17 letter that the Order requires any action on this matter be taken in consultation among Cal-Am and all other Applicants. The SWRCB errs in acting on Cal-Am’s unilateral approach and ignores rights and interests of all other Applicants, including the District, to their detriment.

Eileen Sobeck
June XX, 2021 Director
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As noted to you, Ordering Paragraph 3.b.viii requires a Joint Annual Report indicate “whether

Applicants expect the Milestone to be achieved by its Deadline and, if not, whether the Milestone will be missed for reasons beyond Applicants’ control.”

Ordering Paragraph 3.b.viii states: “Cal-Am, in coordination with Applicants, shall present written and/or oral comments on the progress towards Milestones at a regularly scheduled State Water Board meeting that falls at least 60 days after submission of the report.” The District, as one of the original Applicants, tendered its request, by the letter of December 23, for an opportunity to present evidence to support its request that the SWRCB suspend reductions under Condition 3.b.vi.

The District also seeks a hearing to present evidence refuting other incorrect statements made by Cal-Am in its October 21, 2020 letter, as noted in Mr. Stoldt’s letter to you. Among other matters, this evidence will provide a current and accurate analysis of water supply and demand affecting the Cal-Am system.

The District by this letter renews its request that the SWRCB provide the forum to review the evidence under Ordering Paragraph 3.b.viii and suspend corresponding reductions under Condition 3.b.vi.

Sincerely,

De LAY & LAREDO

David C. Laredo

cc: David Stoldt

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