



## **Final Minutes**

### **Regular Meeting Board of Directors Monterey Peninsula Water Management District**

Meeting Location: District Office, Main Conference Room  
5 Harris Court, Building G, Monterey, CA 93940 AND  
By Teleconferencing Means- *Zoom*

*Tuesday, June 20, 2023*

Chair Adams called the meeting to order at 6:02 p.m.

#### **CALL TO ORDER**

#### *Directors Present:*

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative  
Amy Anderson, Vice Chair – Division 4  
Alvin Edwards – Division 1  
George T. Riley – Division 2  
Marc A. Eisenhart – Division 3  
Karen Paull – Division 4  
Ian Oglesby – Mayoral Representative

#### **ROLL CALL**

*Directors Absent:* None

*General Manager Present:* David J. Stoldt

*District Counsel Present:* David C. Laredo with De Lay & Laredo

Joel G. Pablo, Board Clerk led and the assembly recited the Pledge of Allegiance.

#### **PLEDGE OF ALLEGIANCE**

None.

#### **ADDITIONS AND CORRECTIONS TO THE AGENDA**

Chair Adams opened Oral Communications; *the following comments were directed to the Board.*

#### **ORAL COMMUNICATIONS**

- (1) Tom Rowley: Expressed his concerns over the overreliance and dependency on the Seaside Basin.
- (2) Michael Baer: Shared that in the June 16, 2023 issue of The Carmel Pine Cone covering the Los Padres Dam and Alternatives and Sediment Management Study an option briefly covered was to consider converting the Dam to a 3,000 Acre Feet (AF) storage. He commented that he would

like to know more about the study.

*No further comments were directed to the Board.*

Chair Adams introduced the matter.

## CONSENT CALENDAR

Items Pulled for Discussion:

- (1) Director Eisenhart: Item No. 25
- (2) Director Edwards: Item No. 19 & 23
- (3) Members of the Public: None

*No further items were pulled from the Consent Calendar.*

### **Item No. 19**

Director Edwards and Adams commented on Item No. 19 and sought clarification from staff on the WellmanAd’s contract. *In response to Director Edwards*, Locke stated the contract with WellmanAd, the District’s Public Outreach Consultant has not changed. She explained and as further described in her staff report, that there are two sub-contractors of WellmanAd providing support. *In response to Director Adams*, Stoldt mentioned the associated costs for contracting with WellmanAd and its contractors is the approximately \$106,500 being requested for WellmanAd and his subcontractors.

Director Riley made known that at the previous Public Outreach Committee & Finance and Administration Committee meeting that WellmanAds contract had been thoroughly discussed and vetted out at committee level prior to being placed on the Board Meeting Agenda – *Consent Calendar*.

### **Item No. 23**

Director Edwards clarified why the District did not go out to bid for and solicit proposals for website developers. He noted that Phil Wellman, *Public Outreach Consultant* at a prior Public Outreach Committee meeting shared that part of his scope of work involved working on the District website. He also noted that at a past Board meeting, the General Manager announced that the District was taking steps in improving the District site and solicited input on the matter.

### **Item No. 14**

Director Eisenhart, Anderson and Edwards commented on the draft Resolution No. 2023-10: Adopting Fees and Charges Table. Edwards requested for staff to provide notice and make known to those individuals/agencies who would be directly affected by changes made to the Fees and Charges table.

A motion was offered by Director Eisenhart with a second by Director Anderson to approve Consent Calendar Item Nos. 1 through 25. The motion passed by voice vote of 7-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, Riley

and Edwards), 0-Noes and 0-Absent.

Adopted Minutes of the Special and Regular Board Meeting on May 15, 2023; Special Board Meeting (Budget Workshop) on May 25, 2023; and Special Board Meeting on June 16, 2023.

Authorized the General Manager or the Administrative Services Manager/CFO to execute Amendment No. 7 to existing Agreement with RGS to provide management and administrative services for an amount not to exceed \$25,000.

Authorized the General Manager or the Administrative Services Manager/CFO to enter into an agreement with Lynx Technologies to provide GIS services for an amount not to exceed \$35,000.

Approved the limited-term Water Resources Assistant for up to a total of 990 hours of work; several Fisheries Aides for up to 2,765 hours of work.

Authorized the expenditure of up to \$20,000 for Fiscal Year 2023-2024 to obtain CoreLogic’s RealQuest Professional.

Approved expenditures in the amount of \$174,500 to continue with annual software maintenance as shown in the table below:

Product	Price
ESRI ArcGIS (District Wide)	12,500
VertiGIS Geo Cortex (District Wide)	7,000
Adobe Renewal (District Wide)	9,000
Anti-Virus (District Wide)	4,500
ProofPoint (Email Spam Filter)	2,500
Sonicwall (Firewall)	2,500
Office 365 Renewal (District Wide)	12,000
DocuWare (Financial/HR)	24,000
Tyler Technologies (Financial/HR)	32,000
ClearGov (Financial)	5,500
GovInvest (Financial/HR)	7,500
Accela Support (Water Demand)	39,000
CaseWare Reporting (Financial)	9,500
Kisters North America (Hydrological)	7,000
<b>TOTAL</b>	<b>\$174,500</b>

1. **Consider Adoption of Minutes of the Special and Regular Board Meeting on May 15, 2023; Special Board Meeting (Budget Workshop) on May 25, 2023; and Special Board Meeting on June 16, 2023**
2. **Consider Approval of Amendment No. 7 to Agreement with Regional Government Services Authority for Management and Administrative Services**
3. **Consider Approval of Agreement with Lynx Technologies for Geographic Information System (GIS) Services**
4. **Authorize Funds to Contract for Limited-Term Field Positions during FY 2023-2024**
5. **Consider Expenditure of Funds for CoreLogic Information Solutions, Inc.**
6. **Authorize Expenditure for Software Maintenance Agreements / Purchase**

Approved the expenditure of \$50,000 for recording fees for Fiscal Year 2023-2024.

Authorized the General Manager to amend the current District professional services contract with Pueblo for a not-to-exceed amount of \$2,000 for FY 2022-2023, which was recently adopted by the Board as part of the FY 2023-2024 budget.

Authorized District staff to use Pueblo Water Resources on an as-needed basis, not-to-exceed \$25,000 and contract with Maggiora Brothers Drilling in an amount not-to-exceed \$50,000 to support the District with WY 2024 ASR operations.

Authorized the General Manager to approve expenditures in an amount not-to-exceed \$30,000 to complete laboratory analysis related to the ASR, Watermaster, and District Programs FY 2023-2024.

Authorized and directed the General Manager to enter into a contract with Montgomery and Associates to provide groundwater modeling support to the District in an amount not-to-exceed \$55,000.

Adopted Resolution 2023-08 and authorized the County of Monterey for collection of Water Supply Charge on the property tax bill.

Adopted Resolution 2023-09, A Resolution of the Board of Directors of the Monterey Peninsula Water Management District Establishing an Appropriations Limit for Fiscal Year 2023-2024 in the amount of \$2,146,457.

Adopted Resolution 2023-10, Amending Rule 60, Fees and Charges Table.

Adopted Resolution 2023-11 to update Rule 24, Table 3, Capacity Fee History.

Adopted the April 2023 Treasurer's Report and financial statements, and ratification of the disbursements made during the month.

Authorized the General Manager to execute the agreement with the USGS providing cooperative investigation of the

7. **Approve Expenditure to Corporation Service Company - Recording Fees**
8. **Consider Expenditure of Funds to Amend Contract with Pueblo Water Resources, Inc. to Provide Hydrogeologic Review for Water Distribution System Permits**
9. **Consider Contract with Maggiora Brothers Drilling and Pueblo Water Resources to Provide Aquifer Storage and Recovery Operational Support**
10. **Consider Authorizing Monterey Bay Analytical Services to Provide Laboratory Support for Aquifer Storage and Recovery, Watermaster Monitoring and Maintenance Plan, and Carmel Valley Alluvial Aquifer Water Quality Monitoring**
11. **Consider Directing the General Manager to Enter into a Contract with Montgomery and Associates to Provide Groundwater Modeling Support to the District**
12. **Consider Adoption of Resolution 2023 – 08 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments, and Property-Related Fees and Charges**
13. **Consider Adoption of Resolution 2023 – 09 Establishing Article XIII(B) Fiscal Year 2023-24 Appropriations Limit**
14. **Consider Adoption of Resolution No. 2023 – 10 – Amending Fees and Charges Table – Rule 60**
15. **Consider Adoption of Resolution 2023 – 11 Annual Update to Rule 24, Table 3, Capacity Fee History**
16. **Consider Adoption of Treasurer's Report for April 2023**
17. **Consider Extension of Cooperative Agreement with the United States**

water resources within the District for Water Year (WY) 2024 for an amount not-to-exceed \$17,500.

**Geological Survey for Streamflow Gaging in Water Year 2024**

Approved the expenditure of budgeted funds for up to \$15,000 for this outreach event. Cal-Am will reimburse the District for half of the expense.

18. **Consider Approval of Expenditure of Funds for Outreach Event “Summer Splash Water Challenge Giveaway 4”**

Approved a fiscal year 2023-24 contract with WellmanAd for an amount not to exceed \$106,500. Funding for this item is included in the budget.

19. **Consider Contract for Public Outreach Services with WellmanAd for FY 2023- 2024**

Approved the proposed agreement with JEA & Associates for FY 2023-24 in an amount not-to-exceed \$25,000.

20. **Consider Renewal of Contract with JEA & Associates for Legislative and Administrative Services**

Approved the proposed agreement with The Ferguson Group for FY 2023-24 with a monthly retainer in the amount not-to-exceed \$6,000 or \$72,000 per fiscal year.

21. **Consider Renewal of Contract with the Ferguson Group for Legislative and Administrative Services**

Approved an expenditure of up to \$8,750 for Accela maintenance. Funding for this work is included in the Fiscal Year 2023-24 proposed budget.

22. **Consider Expenditure of Budgeted Funds with Etech Consulting for As-Needed Maintenance of the Accela Database**

Approved an expenditure of up to \$19,500, plus a contingency of approximately 10% for a total not to exceed \$21,450 for website upgrade and redesign.

23. **Consider Approval of Expenditure of Funds by District Public Outreach Consultant for Website Update and Redesign**

Authorized the General Manager or the Administrative Services Manager/CFO to enter into a 3-year agreement with DeVeera, Inc. to provide Information Technology services for a not-to-exceed amount of \$192,900.

24. **Consider Approving 3-Year Agreement with DeVeera, Inc. for Information Technology Services**

Authorized the General Manager to enter into an agreement with Telemetry, Inc. for consultant services in an amount not-to-exceed \$29,600.

25. **Consider Expenditure of Funds for Consultant Services (TMX) for Sleepy Hollow Steelhead Rearing Facility Monitoring and Control Systems**

**GENERAL MANAGER’S REPORT**

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 June 1, 2023” and answered Board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

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

Stoldt provided an overview of the slide-deck and the following points were made, but not limited to:

1. Briefly covered the Monterey Peninsula Water Resources System (MPWRS) from October to May Water Year (WY) 2023: Carmel River Basin actuals have not been realized [Actual: 914 Acre Feet (AF);

Target: 1,755 AF]; and Seaside Groundwater Basin actuals have not been realized [Actual: 1,387 AF; Target 1,515 AF].

2. Water Projects and Rights from October to May WY 2023: Pure Water Monterey actuals have been realized [2,675 AF; 2,335 AF]; Table 13 actuals have been realized and is a 101 AF increase over last month.
3. On Monthly Production for Customer Service for Cal-Am (WY 2023): Anticipates target to exceed prior year and the Board may need to decide on how treat excess water. Recorded total demand is at 5,657 AF and 247 AF ahead of last water year.
4. On Monthly Recorded Rainfall at the San Clemente Rain Gage (WY 2023): Reporting 168% of long-term average
5. On Daily Rainfall Recorded at San Clemente Rain Gage (WY 2023): Reported 35 inches of precipitation for the year.
6. On Rainfall Year Types: Projections indicate and point towards an “Extremely Wet” year and the 6<sup>th</sup> rainiest year on record.
7. Displayed a graph on Estimated Unimpaired Carmel River Flow at Sleepy Hollow Weir (WY 2023): Reported is 308% of long-term average.
8. Displayed ASR Injection Summary Well WY2023 both for Daily Injection and Cumulative Injection to Date: Noted cumulative injection at 1,656.5 AF.

*In response to Director Edwards*, Stoldt stated there are coordinated efforts to develop a Pure Water Monterey emergency response plan. Director Edward requested for the concept and plan to be presented at a future board meeting.

#### REPORT FROM DISTRICT COUNSEL

District Counsel Laredo provided a read out relating to the Closed Session Meeting held on Friday, June 16, 2023 on the following matters:

1. Conference with Real Property Negotiators (Government Code Sections 54954.5(b), 54956.8/ District Representative: David J. Stoldt / Negotiation Affecting Properties Held by California American Water Company

No reportable action.

27. **Read Out and Counsel’s Report Relating to the Closed Session Meeting held on Friday, June 16, 2023**

2. Conference with Legal Counsel – Existing Litigation (§ 54956.9) Monterey Peninsula Taxpayers Association v. Monterey Peninsula Water Management District; Monterey Superior Court Case No. 21CV003066E

A motion was made by Director Eisenhart with a second by Paull to authorize litigation counsel to negotiate an extension of time by which Monterey Peninsula Taxpayers' Association could file a motion for the fee award pursuant to the rules of Court the effect of that stipulation would be that Monterey Peninsula Taxpayers Association would be able to defer a motion for attorney's fees until after remitter or from the Appellate Court, if in fact there was an entitle for attorney fees at that time. The motion passed on a voice vote of 5-Ayes (Edwards, Riley, Eisenhart, Paull and Anderson), 0-Noes and 2-Absent (Oglesby and Adams).

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

Director Riley – Noted his attendance at the Seaside Groundwater Basin Watermaster Orientation Session on June 7, 2023.

Director Edwards – Mentioned that he listened to the Monterey One Water's Recycled Water Committee and provided an overview of the Pure Water Monterey Expansion's WIFIA loan and progress being had on the bidding process and approval before the Monterey One Water Board of Directors. Thanked and commended Mayor Oglesby with the City of Seaside on obtaining Council approval on the easements for the Pure Water Monterey project.

Jonathan Lear, Water Resources Manager summarized his staff report, answered Board questions and presented via MS PowerPoint entitled, "Consider Adoption of July – September 2023 Quarterly Supply Strategy and Budget for California American Water." *The presentation is on file at the District office and can be viewed on the agency's website.*

Chair Adams opened public comments; no comments were directed to the Board.

Chair Adams closed the Public Hearing.

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

#### **PUBLIC HEARING**

29. **Consider Adoption of July through September 2023 Quarterly Water Supply Strategy and Budget**

[CEQA Compliance: Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1)  
ESA Compliance: Consistent with the September 2001 and February 2009 Conservation Agreements between the National Marine Fisheries Service and California American Water to minimize take of listed steelhead in the Carmel River and Consistent with



A motion was made by Director Anderson with a second by Director Riley to approve the proposed production strategy for the California American Water Distribution System for the three-month period of July through September 2023. The strategy sets monthly goals for surface and groundwater production from various sources within the California American Water system. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Eisenhart, Adams, Riley and Oglesby), 0-Noes and 0-Absent.

SWRCB WR Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016.]

David J. Stoldt, General Manager provided introductory remarks. Suresh Prasad, Administrative Services Manager/Chief Financial Officer presented via slide-deck and answered Board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened public comment; *no comments were directed to the Board.*

No further comments were directed to the Board.

A motion was offered by Director Oglesby with a second by Director Eisenhart to adopt Resolution No. 2023-07 approving the Fiscal Year 2023-24 Budget subject to the minor typographical changes that were made during the discussion. The motion passed on a voice vote of 7-Ayes (Edwards, Riley, Paull, Eisenhart, Anderson, Adams and Oglesby), 0-Noes and 0-Absent.

Chair Adams, Members of the Board and the General Manager thanked and expressed their gratitude to outgoing Board Clerk Joel G. Pablo for his years of service to the District.

*No discussion was had on Informational Items.*

## ACTION ITEMS

30. **Review Proposed Fiscal Year 2023 – 2024 MPWMD Budget and Resolution No. 2023 – 07**

## ANNOUNCEMENT FROM BOARD CHAIR

## INFORMATIONAL ITEMS/STAFF REPORTS


31. **Report on Activity/Progress on Contracts Over \$25,000**
32. **Status Report on Measure J / Rule 19.8 Phase II Spending**
33. **Letters Received and Sent**
34. **Committee Reports**
35. **Monthly Allocation Report**
36. **Water Conservation Program Report**
37. **Carmel River Fishery Report for May 2023**
38. **Monthly Water Supply and California American Water Production Report**  
[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]

There being no further business, Chair Adams adjourned the meeting at 7:42 p.m.

**ADJOURNMENT**



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Joel G. Pablo, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors  
on Monday, July 17, 2023