



This meeting has been noticed according to the Brown Act rules. This agenda was posted on Thursday, March 10, 2022.

Administrative Committee Members:

Amy Anderson – Chair
Alvin Edwards
Karen Paull

Alternate: Safwat Malek

Staff Contact:

Suresh Prasad
Sara Reyes

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 at 5 Harris Court, Building G, Monterey, CA during normal business hours. In addition, such documents may be posted on the District website at www.mpwmd.net. Documents distributed at the meeting will be made available in the same manner.

AGENDA

**Administrative Committee
of the Monterey Peninsula Water Management District**

Monday, March 14, 2022 2:00 PM, Virtual Meeting

As a precaution to protect public health and safety, and pursuant to provisions of AB 361, this meeting will be conducted via Zoom Video/Teleconference only.

Join the meeting at:

<https://us06web.zoom.us/j/83207174915?pwd=UHhwNVR6TFhua0toUUxpaU1DZUgldz09>

Or access the meeting at: <https://zoom.us/>

Webinar ID: 832 0717 4915

Meeting password: 03142022

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

Additions / Corrections to Agenda

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 February 16, 2022, Committee Meeting Minutes
2. Consider Approval of Funds and a Contract for the Sleepy Hollow Steelhead Rearing Facility Quarantine Tanks Replacement Project
3. Consider Approval of Amendment No. 5 to Agreement for Employment of General Manager
4. Consider Approval of Amendment to Agreement for Employment of District Counsel

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

5. Review Draft March 21, 2022 Board Meeting Agenda

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 noon on Friday, March 11, 2022 to

sara@mpwmd.net or call 831-658-5610. Additionally, requests can be sent to Joel Pablo at joel@mpwmd.net or 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://us06web.zoom.us/j/83207174915?pwd=UHhwNVR6TFhua0toUUxpaU1DZUg1dz09> 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, press *6 to unmute yourself 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 PUBLIC”. Comments must be received by noon on Monday, March 14, 2022. Comments submitted **by noon** will be provided to the committee members and compiled as part of the record of the meeting.

ADMINISTRATIVE COMMITTEE

1. CONSIDER ADOPTION OF FEBRUARY 16, 2022 COMMITTEE MEETING MINUTES

Meeting Date: March 14, 2022

From: David J. Stoldt,
General Manager

Prepared By: Sara Reyes

SUMMARY: Draft minutes of the February 16, 2022, Administrative Committee meeting are attached as **Exhibit 1-A**.

RECOMMENDATION: The Committee should review the minutes and adopt them by motion.

EXHIBIT

1-A Draft Minutes of February 16, 2022 Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES Monterey Peninsula Water Management District Administrative Committee February 16, 2022

As a precaution to protect public health and safety, and pursuant to provisions of AB 361, this meeting was conducted via Zoom Video/Teleconference only.

Call to Order

The virtual meeting was called to order at 2:00 PM via Zoom.

Committee members present: Amy Anderson, Chair
Alvin Edwards
Karen Paull

Committee members absent: None

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Stephanie Locke, Water Demand Manager
Sara Reyes, Sr. Office Specialist

District Counsel present: David Laredo with De Lay and Laredo

Additions / Corrections to Agenda: None

Comments from the Public: None

Items on Board Agenda for February 16, 2022

1. Consider Adoption of January 19,2022 Committee Meeting Minutes

On a motion by Paull and second by Anderson, the minutes of the January 16, 2022 meeting were approved on a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

2. Consider Approval of Annual Purchase of Internet License for Water Wise Gardening in Monterey County

On a motion by Edwards and second by Paull, the Administrative Committee recommended that the Board approve the the expenditure of \$5,000 to renew the internet license with GardenSoft for the Monterey County Water Wise Landscaping software. The motion was approved on a roll call vote of 3 – 0 by Paull, Edwards and Anderson.

3. Authorize Expenditure for Purchase and Installation of Security Camera System

On a motion by Edwards and second by Paull, the Administrative Committee recommended that the

Board approve expenditures not-to-exceed \$50,000 to acquire and install surveillance system. The motion was approved on a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

4. Receive Pension Reporting Standards Government Accounting Standards Board Statement No. 68 Accounting Valuation Report

On a motion by Edwards and second by Paull, the Administrative Committee recommended that the Board receive the GASB 68 Accounting Valuation Report prepared by CalPERS. The motion was approved on a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

5. Receive Government Accounting Standards Board Statement No. 75 Accounting and Financial Reporting for Postemployment Benefits Other than Pensions

On a motion by Paull and second by Anderson, the Administrative Committee recommended that the Board receive the GASB 75 OPEB Valuation Report prepared by Precision Actuarial, Inc. The motion was approved on a roll call vote of 3 – 0 by Paull, Edwards and Anderson.

6. Consider Adoption of Treasurer’s Report for December 2021

On a motion by Edwards and second by Paull, the committee voted to recommend that the Board adopt the December 2021 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month. The motion was approved by a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

7. Receive and File Second Quarter Financial Activity Report for Fiscal Year 2021-2022

On a motion by Paull and second by Edwards, the committee voted to recommend that the Board receive and file the Second Quarter Financial Activity Report for Fiscal Year 2021-2022. The motion was approved by a roll call vote of 3 – 0 by Edwards, Paull and Anderson.

8. Consider Approval of Second Quarter Fiscal Year 2021-2022 Investment Report

On a motion by Edwards and second by Paull, the committee voted to recommend the the Board approve the Second Quarter Fiscal Year 2021-2022 Investment Report. The motion was approved by a roll call vote of 3 – 0 by Paull, Edwards and Anderson.

9. Review Annual Disclosure Statement of Employee/Board Reimbursements for Fiscal Year 2020-2021

On a motion by Edwards and second by Paull, the committee voted that action was taken to review the Annual Disclosure Statement of Employee/Board Reimbursements for Fiscal Year 2020-2021. The motion was approved by a roll call vote of Edwards, Paull and Anderson.

10. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project

This item was presented as information to the committee. No action was required or taken by the committee.

11. Report on Activity/Progress on Contracts Over \$25,000

This item was presented as information to the committee. No action was required or taken by the committee.

12. Status Report on Measure J/Rule 19.8 Phase II Spending

This item was presented as information to the committee. No action was required or taken by the committee.

13. Review Second Quarter Legal Services Activity Report for Fiscal Year 2021-2022

This item was presented as information to the committee. No action was required or taken by the committee.

14. Review 2022 Committee Meeting Schedule

The Committee reviewed the proposed meeting schedule for 2022 and agreed to the schedule.

15. Review Draft February 24, 2022 Board Meeting Agenda

General Manager reviewed the agenda with the Committee. The Committee made no changes to the agenda.

Suggest Items to be Placed on Future Agendas

None

Adjournment

The meeting adjourned at 3:33 PM.

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ADMINISTRATIVE COMMITTEE

2. CONSIDER APPROVAL OF FUNDS AND A CONTRACT FOR THE SLEEPY HOLLOW STEELHEAD REARING FACILITY QUARANTINE TANKS REPLACEMENT PROJECT

Meeting Date:	March 14, 2022	Budgeted:	Yes
From:	David J. Stoldt, General Manager	Program/	Protect Environmental Quality
		Line Item No.:	2-3-1-O
Prepared By:	Larry Hampson	Cost Estimate:	\$

General Counsel Review: N/A

Committee Recommendation: The Administrative Committee reviewed this item on March 14, 2022, and recommended _____.

CEQA Compliance: Exempt under §15301 Existing Facilities.

SUMMARY: Staff proposes to contract for the replacement of fiberglass reinforced tanks (FRP) and certain electrical components used in operating the District's Sleepy Hollow Steelhead Rearing Facility (Facility). Bids for the project were received from _____. The bid forms are attached as **Exhibit 2-A (to be provided at the meeting)**. The low bidder was _____. The engineer's estimate for the project was \$75,000 to \$105,000.

RECOMMENDATION: The Administrative Committee should recommend that the Board authorize the General Manager to enter into a contract with _____ for the work in an amount not-to-exceed \$ _____. Due to the unknowns associated with this work, staff is requesting approval of a contingency amount of \$ _____ (20% of the contract amount) for unforeseen circumstances.

DISCUSSION: The Facility was initially constructed in 1996 and has been modified on several occasions, including 2018, when the District undertook a major upgrade of several of the components necessary to successfully rear steelhead rescued from the Carmel River. However, the FRP tanks and associated plumbing and electrical equipment used to control disease in fish rescued from the river were not replaced with the 2018 upgrade. The tanks and their support systems are in various states of disrepair with cracks and failing foundation supports. The existing tanks also do not have insulated covers, which leads to stress-inducing water temperatures. New tanks would include covers to minimize heat gain during warm periods and new chillers capable of cooling the tanks to the desired temperature (i.e., 55 to 60°F).

Bid advertisements were placed three times with the Monterey County Weekly; the project was placed on ebidboard.com (a comprehensive cross-agency database of California public works construction projects and documents); and staff reached out via email to several contractors with experience at the Facility. Bids for the project were received from _____ (see **Exhibit 2-**

A – to be provided at the meeting). The low bid by _____ responded to all District requirements. _____ has approximately _____ years of experience in contracting.

Much of the work involves removal of an existing deck, plumbing, and electrical equipment under the deck and reconnecting to existing infrastructure underground that has limited as-built information. For this reason, staff is asking for a 20% contingency for unforeseen conditions.

CEQA: The California Environmental Quality Act Section 15301 exempts maintenance of existing facilities, including those under section i).

“ Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, stream flows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources; ”

The quarantine tanks are an integral part of the rearing facility.

IMPACTS ON STAFF AND RESOURCES: Funds for this work are budgeted under Sleepy Hollow Operations Budget Program line item 2-3-1-O Design/Construct Rearing Channel and Quarantine Tank Improvements. The work would be performed under the direction of the District Engineer.

EXHIBIT

2-A Bid Forms (to be provided at the meeting)

ADMINISTRATIVE COMMITTEE

3. CONSIDER APPROVAL OF AMENDMENT NO. 5 TO AGREEMENT FOR EMPLOYMENT OF GENERAL MANAGER

Meeting Date:	March 14, 2022	Budgeted:	No
From:	Karen Paull, Board Chair	Program/ Line Item No.:	Salary & Benefits
Prepared By:	Suresh Prasad	Cost Estimate:	\$13,926 plus benefits

General Counsel Review: Yes

Committee Recommendation: The Administrative Committee considered this item on March 14, 2022 and recommended _____.

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

SUMMARY: On February 24, 2022, the Board met and discussed the General Manager's annual performance appraisal. The Board is satisfied with the General Manager's performance and noted the General Manager continues to perform at a high level advancing the Board's goals and direction.

The Board convened a Closed Session meeting on February 24, 2022, to discuss compensation changes related to the General Manager's Employment Contract. The following modifications result from that discussion:

- Extend the contract for a term of 5-years, retroactive to July 1, 2021.
- Increase the General Manager's compensation as follows:
 - Effective July 1, 2021, there shall be a salary increase of 3%.
 - Effective July 1, 2022, there shall be a salary increase of 3%.
 - Effective July 1, 2023, there shall be a salary increase of 2.75%.

These salary increases are the same as that provided to the District's professional staff. Salary increases for years 4 and 5 of the contract will be determined at a later date.

A copy of the proposed amendment to the Agreement for Employment of General Manager is attached as **Exhibit 3-A**.

RECOMMENDATION: The Administrative Committee should recommend that the Board approve compensation changes as shown in "Amendment No. 5 to Agreement for Employment of General Manager," **Exhibit 3-A**.

EXHIBIT

3-A Proposed Amendment No. 5 to Agreement for Employment of General Manager

EXHIBIT 3-A**AMENDMENT NO. 5 TO AGREEMENT FOR EMPLOYMENT
OF GENERAL MANAGER**

The following amendment has been made and entered into this _____ day of _____ 2022, by and between the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (the District) and DAVID JON STOLDT (“Stoldt”). It amends the term of the agreement and salary provisions found in the Agreement for Employment of General Manager, dated June 22, 2016. The amendment shall have an effective date of July 1, 2021. In consideration of the mutual covenants contained herein, the parties agree to amend the General Manager’s contract as follows, all other terms and conditions remaining the same:

I. EMPLOYMENT.**B. Term of Agreement.**

The term of this Agreement shall commence on July 1, 2021 and expire on June 30, 2026.

III. COMPENSATION OF STOLDT.**A. Salary.**

As General Manager, subject to a satisfactory annual appraisal by the Board STOLDT shall receive annual salary increases as follows:

Effective July 1, 2021, there shall be a salary increase of 3%.

Effective July 1, 2022, there shall be a salary increase of 3%.

Effective July 1, 2023, there shall be a salary increase of 2.75%.

GENERAL MANAGER

DAVID JON STOLDT

MONTEREY PENINSULA
WATER MANAGEMENT
DISTRICT

KAREN P. PAULL, CHAIR

ADMINISTRATIVE COMMITTEE

4. CONSIDER APPROVAL OF LEGAL SERVICES CONTRACT WITH DELAY AND LAREDO, ATTORNEYS AT LAW

Meeting Date:	March 14, 2022	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	David J. Stoldt	Cost Estimate:	\$6,500 (retainer) \$275 per hour (special)

General Counsel Review: Yes

Committee Recommendation: The Administrative Committee considered this item on March 14, 2022 and recommended _____.

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

SUMMARY: In FY2011-12 the Administrative Committee began a quarterly review of legal expenses and an increased focus on such expenditures. This resulted in decreased legal expenditures as compared to FY2010-11. When the contract for General Counsel services expired on October 31, 2015, the Board indicated a desire to have stronger control over ongoing legal expenses. The contract approved in October 2015 reflected that desire by bifurcating the scope of work into “retained” and “special” legal services. This proposed renewal is in the same form with updated rates.

RECOMMENDATION: The Administrative Committee should recommend that the Board approve the proposed contract for legal services with De Lay and Laredo with a retainer of \$6,500 per month and \$275 per hour for special services with an annual increase of 4.0% commencing on January 1, 2023 and 2024 for the period covering January 1, 2022 through December 31, 2024.

DISCUSSION: “Retained” general counsel services include day-to-day advice, written opinions, legal document review, appearances at all Board meetings, and appearance at committees or subcommittee meetings at the District upon request. This will be billed at a flat \$6,500 per month, with an annual increase of 4.0% beginning January 1, 2023 and 2024.

“Special” legal services, will occur upon request by the District and subject to direction from the General Manager, and will include such things as appearances at non-District meetings or proceedings, oversight of special counsel, litigation advice or services, services subject to reimbursement by third parties, and bond, audit or financial services. These will be billed at the rate of two hundred seventy-five dollars (\$275) per hour, with monthly invoice, with an annual increase of 4.0% beginning January 1, 2023 and 2024.

Such services would include, for example, litigation, Cal-Am applications at the CPUC, reimbursable work on water distribution system permits and water use permits, and so forth. When new needs are

identified, the Board and the General Manager can request a specific budget and scope for the new needs.

While this will provide greater control over monitoring legal expenses, it will not control the number of special cases that arise, nor the hourly commitment each may require. The Board and the Administrative Committee will need to regularly review the District's legal demands.

Additionally, under this contract the District agrees to reimburse General Counsel for all expenses and reasonable costs incurred by General Counsel relating to the District, including registration and expenses (in accord with District per diem rates and policies) for one conference sponsored by ACWA or other comparable organization each calendar year. District shall reimburse General Counsel all costs incurred on behalf of District including specialty counsel, appraisers, filing fees, witness fees, transcripts, reporter fees, hearing officer costs, photocopying costs, long distance telephone costs, travel and lodging costs, legal process fees, discovery costs, and jury fees. Out-of-District travel shall be billed at 50% of service rate. Costs shall be billed at actual cost (no over-head additions). No cost charge shall be made for communications or deliveries to or from other firm counsel.

EXHIBIT

4-A Proposed Agreement for Legal Services



**AGREEMENT FOR LEGAL SERVICES
2022 - 2024**

THIS AGREEMENT is made and entered into with an effective date of January 1, 2022 by and between the Monterey Peninsula Water Management District (hereinafter referred to as “District”) and De Lay & Laredo, Attorneys at Law (hereinafter referred to as “General Counsel”). De Lay & Laredo is a legal partnership. For the purpose of further clarification, the term “General Manager” as used herein shall refer to the incumbent Executive Officer of the District.

WHEREAS, the District requires legal services including representation, advice, and consultation as to its powers and duties and as to the rights and obligations of those with whom it deals and/or regulates; and

WHEREAS, General Counsel has civil law experience, has regularly represented local public agencies, and will maintain a civil law office with personnel who are familiar with legal principles applicable to the District;

NOW, THEREFORE, the parties do hereby agree as follows:

1. General Counsel will provide to, or on behalf of District, retained general counsel services including day-to-day advice, written opinions, legal document review, appearances at all Board meetings, and appearance at committees or subcommittee meetings at the District upon request. David C. Laredo is designated as lead attorney; service may also be provided by other De Lay & Laredo counsel or staff. Service by non-firm counsel shall be subject to District approval. District agrees to pay General Counsel for general retained services on a monthly basis upon invoice from General Counsel, upon the basis set forth in paragraph 4.

2. In addition to retained services, General Counsel shall also provide special legal services, upon request and subject to direction from the District General Manager, such as appearance at non-District meetings or proceedings, oversight of special counsel, litigation advice or services, services subject to reimbursement by third parties, and bond, audit or financial services. Special legal services shall also apply to retained services provided in excess of twenty-five hours in one calendar month. District agrees to pay General Counsel for special legal services on upon invoice from General Counsel, upon the basis set forth in paragraph 4.

3. General Counsel’s retained engagement shall not include matters relating to conflicts of interest, Fair Political Practice Act issues, or Government Code Section 1090 issues. As to these matters, special advice shall be provided only as to specific matters for which General Counsel has been formally consulted. General Counsel’s engagement shall not impose a duty upon De Lay & Laredo or any attorney of that firm, to undertake an independent review or special investigation of District files, transactions, contractual arrangements, or other affairs for

the purpose of those issues, except in response to a specific question or consultation. This engagement also does not require separate inquiry or review of any statement of economic interest (or any inquiry as to the accuracy of such statement), nor does this engagement require an independent assessment as to conflict or self-dealing issues absent a specific written consultation or written question thereon.

4. Upon the effective date of this Agreement, General Counsel shall be retained for general counsel services for the monthly fee of \$6,500. General Counsel shall also charge and be paid for special legal services at the rate of two hundred seventy-five dollars (\$275) per hour, upon invoice. The retainer fee and special service rates shall each increase by 4% (adjusted to the nearest five-dollar increment) on the following dates: January 1, 2023 and January 1, 2024.

5. District agrees to reimburse General Counsel for all expenses and reasonable costs incurred by General Counsel relating to the District, including registration and expenses (in accord with District per diem rates and policies) for one conference sponsored by ACWA or other comparable organization each calendar year. District shall reimburse General Counsel all costs incurred on behalf of District including to specialty counsel, appraisers, filing fees, witness fees, transcripts, reporter fees, hearing officer costs, photocopying costs, long distance telephone costs, travel and lodging costs, legal process fees, discovery costs, and jury fees. Out-of-district travel shall be billed at 50% of service rate. Costs shall be billed at actual cost (no over-head additions). No cost charge shall be made for communications or deliveries to or from other firm counsel.

6. This legal services agreement shall end on December 31, 2024, provided however, that this Agreement may be terminated at any time during its term, without cause, by the affirmative vote of five (5) members of the Board. In the absence of a written renewal, this contract shall continue on a monthly basis on January 1, 2025, provided however, that District or General Counsel shall provide thirty (30) days advance notice of any amendment.

7. De Lay & Laredo shall maintain a policy of professional errors and omissions insurance with a minimum of \$1,000,000/\$1,000,000 limits during the term of this agreement.

IN WITNESS WHEREOF, Monterey Peninsula Water Management District and General Counsel have executed this Agreement as of the day and year set forth below.

Dated: _____

MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT

David Stoldt, General Manager

Dated: _____

De LAY & LAREDO

David C. Laredo, SBN 66532

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month, except in January and February. The meetings begin at 6:00 PM.



Version 2 (Draft)

Agenda

Regular Meeting

Board of Directors

Monterey Peninsula Water Management District

Monday, March 21, 2022 at 5:30 PM, Virtual Meeting

As a precaution to protect public health and safety, and pursuant to provisions of AB 361, this meeting will be conducted via Zoom Video/Teleconference only.

Join the meeting at this link:

<https://us06web.zoom.us/j/84848385789?pwd=N29wUXJiNEJBV0VSNGhiVWZ0VU5xdz09>

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

Webinar ID: 848 4838 5789

Passcode: 03212022

Participate by phone: (669) 900-9128

For detailed instructions on how to connect to the meeting, please see page 4 of this agenda.

You may also view the live webcast on AMP <https://accessmediaproductions.org/>
scroll down to the bottom of the page and select the Peninsula Channel

Staff notes will be available on the District web site at

<http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/>
by 5:00 PM on Friday, March 18, 2022

CLOSED SESSION | 5:30 PM

CALL TO ORDER / ROLL CALL

ADDITIONS AND CORRECTIONS FOR CLOSED SESSION BY DISTRICT COUNSEL- *District Counsel will announce agenda corrections and proposed additions, which may be acted on by the Directors as provided in Sections 54954.2 of the California Government Code.*

Board of Directors

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

General Manager
David J. Stoldt

This agenda was posted at the District office at 5 Harris Court, Bldg. G Monterey, California on Friday, March 18, 2022. After staff reports have been posted and distributed, if additional documents are produced by the District and provided to a majority of the Board regarding any item on the agenda, they will be posted on the District website. Documents distributed on the afternoon of the meeting will be available upon request, and posted to the web within five days of adjournment of the meeting. The next regularly scheduled meeting of the MPWMD Board of Directors will be on Monday, April 18, 2022.

PUBLIC COMMENT- *Members of the public may address the Board on the item or items listed on the Closed Session agenda.*

CLOSED SESSION – *As permitted by Government Code Section 54956.9 et seq., the Board may recess to closed session to consider specific matters dealing with pending or threatened litigation, certain personnel matters or certain property acquisition matters.*

CS 1 Conference with Legal Counsel- the board will confer with District Counsel to review pending litigation pursuant to Government Code Section 54956.9:

- a. Jensco, Inc. (JM Electric) v. Mercer- Fraser Co. & MPWMD, et al.: Monterey County Superior Court Case No. 21CV002034

RECESS THE BOARD TO MATTERS ON THE CLOSED SESSION AGENDA

RECONVENE FROM CLOSED SESSION

REGULAR SESSION | 6:00 p.m.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO AGENDA - *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS- *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks “**”, Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.

1. Consider Adoption of Minutes from the February 24, 2022 Regular Meeting
2. Consider Adopting Draft Resolution No. 2022-07 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 January 2022
4. Consider Adopting Resolution No. 2022-08 to modify Credit for Greywater Systems Used for Toilet Flushing and Clothes Washing in Single-Family Residential and Accessory Dwelling Units
5. Consider Approval of Funds and a Contract for the Sleepy Hollow Steelhead Rearing Facility Quarantine Tanks Replacement Project
6. Declaration of Surplus Assets

GENERAL MANAGER'S REPORT

7. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision
8. Redistricting Update
9. Update on Development on Water Supply Projects

REPORT FROM DISTRICT COUNSEL

10. Read out by District Counsel on the MPWMD Special Board of Director's – Closed Session meeting on Thursday, February 24, 2022

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

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

PUBLIC HEARING -- – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

12. Consider Adoption of April through June 2022 Quarterly Water Supply Strategy and Budget

Recommended Action: The Board will consider approval of a proposed production strategy for the California American Water Distribution Systems for the three-month period of April through June, 2022. The strategy sets monthly goals for surface and groundwater production from various sources within the California American Water systems.

ACTION ITEMS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

13. Consider Approval of Amendment to Agreement for Employment of General Manager

Recommended Action: The Board will consider approval of amendment to agreement for employment of General Manager

14. Consider Approval of Amendment to Agreement for Employment of District Counsel

Recommended Action: The Board will consider approval of amendment to agreement for employment of District Counsel

15. Consider Adoption of Draft Resolution No. 2022-09 | Modifying Rule 160 by Amending the Tables Adopted Annual for Rule 160 through the Ordinance Process

Recommended Action: The Board will....

16. Consider Adopting Draft Resolution No. 2022-08 to Modify Credit for Greywater Systems Used for Toilet Flushing and Clothes Washing in Single-Family Residential and Accessory Dwelling Units.

Recommended Action: The Board will...

17. Streamlining and Scheduling of District Board Committees

Recommended Action: The Board will...

INFORMATIONAL ITEMS/STAFF REPORTS - The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.

18. Report on Activity/Progress on Contracts Over \$25,000
19. Status Report on Measure J/Rule 19.8 Phase II Spending
20. Letters Received
21. Committee Reports
22. Monthly Allocation Report
23. Water Conservation Program Report
24. Carmel River Fishery Report for February 2022
25. Monthly Water Supply and California American Water Production Report

ADJOURNMENT

Board Meeting Schedule			
Monday, April 18, 2022	Regular Meeting	6:00 pm	Virtual – Zoom
Monday, May 16, 2022	Regular Meeting	6:00 pm	Virtual – Zoom
Thursday, May 26, 2022	Special- Board Workshop	6:00 pm	Virtual – Zoom

Board Meeting Television and On-Line Broadcast Schedule View Live Webcast at https://accessmediaproductions.org/ scroll to the bottom of the page and select the Peninsula Channel	
Television Broadcast	Viewing Area
Comcast Ch. 25 (Monterey Channel), Mondays view live broadcast on meeting dates, and replays on Mondays, 7 pm through midnight	City of Monterey
Comcast Ch. 28, Mondays, replays only 7 pm	Throughout the Monterey County Government Television viewing area.
For Xfinity subscribers, go to https://www.xfinity.com/support/local-channel-lineup/ or https://www.xfinity.com/stream/listings - enter your address for the listings and channels specific to your city.	Pacific Grove, Pebble Beach, Sand City, Seaside, Monterey
Internet Broadcast	
Replays – Mondays, 4 pm to midnight at https://accessmediaproductions.org/ scroll to Peninsula Channel	
Replays – Mondays, 7 pm and Saturdays, 9 am www.mgtvonline.com	
YouTube – available five days following meeting date - https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg	

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 noon on Friday, March 18, 2022 to joel@mpwmd.net, or at (831) 658-5652. Alternatively, you may reach Sara Reyes, Admin Services Division at (831) 658-5610.

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://us06web.zoom.us/j/84848385789?pwd=N29wUXJiNEJBV0VSNGhiVWZ0VU5xdz09> 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. 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. 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. 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 but the Chair could decide to set the time for 2 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, dial *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 "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on March 21, 2022. Comments submitted by noon will be provided to the Board of Directors and compiled as part of the record of the meeting.

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