

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



**Public Outreach
Committee Members:**

*Jeanne Byrne, Chair
Molly Evans
Brenda Lewis*

Alternate:

Robert S. Brower, Sr.

Staff Contacts:

*Stephanie Locke
Arlene Tavani*

*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
Public Outreach Committee
of the Monterey Peninsula Water Management District**

Wednesday, May 16, 2018, 3:30 pm
MPWMD Conference Room, 5 Harris Court, Building G., Monterey, CA

Call to Order

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 – *Public comment will be received on all Action Items*

1. Consider Adoption of March 21, 2018 Committee Meeting Minutes

Discussion Items – *Public comment will be received on all Action Items*

2. Discuss Response to Public Water Now Initiative Petition

Schedule Next Meeting Date

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. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service by 5:00 pm on May 10, 2018. Requests should be sent to the Board Secretary, MPWMD, P.O. Box 85, Monterey, CA, 93942. You may also fax your request to the Administrative Services Division at 831-644-9560, or call 831-658-5600.

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PUBLIC OUTREACH COMMITTEE

1. CONSIDER ADOPTION OF MARCH 21, 2018 COMMITTEE MEETING MINUTES

Meeting Date:	May 16, 2018	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Arlene Tavani	Cost Estimate:	N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: No CEQA Review Required

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the March 21, 2018 committee meetings.

RECOMMENDATION: The committee should review and approve the draft minutes.

EXHIBIT

1-A Draft minutes of the March 21, 2018 committee meeting

DRAFT MINUTES
Monterey Peninsula Water Management District
Public Outreach Committee
March 21, 2018

Call to Order

The meeting was called to order at 3:35 pm in the Water Management District conference room.

Committee members present: Robert S. Brower, Sr. - Alternate
Molly Evans
Brenda Lewis

Committee members absent: Jeanne Byrne - Chair

District staff members present: David Stoldt, General Manager
Arlene Tavani, Executive Assistant
Stephanie Locke, Water Demand Manager

Others present: Steve Thomas, Thomas Brand Consulting

Comments from the Public: Dan Turner recounted a conversation he had with a member of the public about the Public Water Now petition regarding public ownership of California American Water. Mr. Turner noted that he was able to provide satisfactory evidence of the need for public ownership, so the person he was speaking with signed the petition.

Action Items

1. **Consider Adoption of November April 12, 2017 Committee Meeting Minutes**
On a motion by Evans and second of Lewis, minutes of the April 12, 2017 committee meeting were approved on a vote of 2 - 1 by Evans and Lewis. Brower abstained.
2. **Consider Development of Recommendation to the Board of Directors re Approval of the Draft 2017 MPWMD Annual Report**
Lewis offered a motion that was seconded by Evans, to recommend that the Board of Directors approve the Annual Report text with clarifications in the section titled Proposition 1 Integrated Regional Water Management Program. The motion was adopted on a vote of 3 – 0 by Lewis, Evans and Brower.

During the public comment period on this item, Dan Turner addressed the committee. He asked if all the topics covered in the report were necessary. Stoldt explained that state law dictates the topics that should be addressed in the report.

Discussion Items

3. **Update on MPWMD Local Branding Ad Campaign**
The committee reviewed a series of advertisements developed by the District that were published in local newspapers between June 2017 and March 2018. In addition, the committee reviewed an advertisement that would be published in the future that promoted the District's

achievements over the past ten years. The committee members expressed support for publication of the advertisement.

Dan Turner addressed the committee during the public comment period on this item. He asked for clarification of outdoor watering regulations. He also stated the District should expect that Cal-Am will circulate negative information about the District if an election is called regarding public ownership of the water system.

Schedule Next Meeting Date

No meeting date was set. One topic of discussion at a future meeting will be the District's response to a ballot measure on public ownership of the water system.

Adjournment

The meeting was adjourned at 4:15 pm.

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ITEM: DISCUSSION ITEM

2. DISCUSS RESPONSE TO PUBLIC WATER NOW INITIATIVE PETITION

Meeting Date: May 16, 2018 **Budgeted:** N/A

From: **David J. Stoldt,** **Program/** **N/A**
 General Manager **Line Item No.:**

Prepared By: **David J. Stoldt** **Cost Estimate:** N/A

General Counsel Review: Yes

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

SUMMARY: Exhibit 2-A is a memorandum from District General Counsel which diagrams next steps and will be used to guide discussion of potential District activities regarding the initiative.

2-A May 1, 2018 Memorandum from David Laredo, District General Counsel

EXHIBIT 2-A
De LAY & LAREDO
Attorneys at Law
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Pacific Grove, California 93950

Telephone (831) 646-1502
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David C. Laredo
Heidi A. Quinn
Michael D. Laredo
Fran Farina, *Of Counsel*

Paul R. De Lay (1919-2018)

May 1, 2018

TO: David Stoldt

FROM: David C. Laredo, General Counsel

RE: Initiative Petition – Summary of Process

I understand the Monterey County Registrar of Voters has reviewed signatures on the petition submitted by Public Water Now (Initiative Petition) and found that the measure contains sufficient qualified signatures to require an election.

Elections Code, Division 9, Chapter 4, District Elections, pertains to handling of the Initiative Petition. Pursuant to Elections Code § 9309 (d),¹ the District's Elections Officer is required to notify Initiative proponents of the certification. Subsection (f) provides when the petition is found sufficient, the District elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board. At that meeting, the District Board of Directors may: 1) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or 2) adopt a Resolution to immediately order that the ordinance be submitted to the voters, without alteration, pursuant to subdivision (a) of Section 1405. (Elec. Code § 9310).

Section 1405(a) provides that a special election for a district initiative that qualifies pursuant to Section 9310 shall be held not less than 88 nor more than 103 days after the date of the order of election. But because the petition did not request a special election, pursuant to section 1405, the election on the Initiative may be consolidated with the state regular or special election. The next general election is set for **November 6, 2018**.

Printing Requirement

Section 9312 provides that whenever an ordinance is required to be submitted to the voters of a district at any election, the District elections official shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

Here, the Initiative Petition contains a proposed Ordinance that adds Rule 19.8 to the District Rules and Regulations.² Based upon the plain language of the statutory provision, the District could

¹ All references are to the California Elections Code unless otherwise provided.

² The Ordinance requires the General Manager to complete a Feasibility Analysis and Acquisition Plan for the acquisition, long-term ownership, and management by the District of California-American Water Company's assets. If the acquisition is feasible, the District shall take all necessary and proper actions consistent with its powers under

EXHIBIT 2-A

choose to excerpt and print only the Ordinance from the Initiative Petition. The Monterey County Registrar's office should be contacted for guidance as to whether the full text of Initiative Petition must be printed. If possible, to defray printing costs, in addition to printed copies, the District could post the Ordinance on its website, and the County and Registrar's office can be asked to provide links to the Ordinance on their websites.

The Registrar's office should confirm it will prepare an agreement for District approval to set forth the scope of services provided by the Registrar's office, that among other things, provides for the Registrar to mail the sample ballot to the voters with the notification required by section 9312.

Impartial Analysis

Section 9314 provides that "whenever any petition is submitted to the voters of a water district, the district elections official shall transmit a copy of the measure to the legal counsel for the water district." "Water district" means a water district as defined in Section 20200 of the Water Code, which includes "California water districts." Accordingly, the District is considered a water district under section 9314.

District Counsel is required to "prepare, subject to review and revision by the county counsel, an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure" unless District Counsel and Monterey County Counsel agree the County Counsel will instead prepare the impartial analysis. The Office of the Monterey Counsel has confirmed it is prepared to draft the required impartial analysis in accord section 9314. I recommend that this path to ensure impartiality.

The Registrar's Office has established an election calendar for the November 6, 2018 election. Pursuant to that schedule, the impartial analysis is to be submitted on or before **August 16, 2018**.

Written Arguments

Section 9315 provides that Initiative proponents may file a written argument in favor of the ordinance, and the District Board "may submit an argument against the ordinance." The Registrar's office should confirm that when the County conducts an election on behalf of a district, arguments and rebuttals fall within section 9162. Section 9162 (a) provides,

"The board of supervisors or any member or members of the board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. . ."

Section 9162 sets forth the requirements for the length and form of the argument. Section 9167 allows both parties to submit rebuttal arguments, or to authorize others to prepare, submit or sign rebuttal arguments.

The District Election Official "charged with the duty of conducting the election shall fix and

EXHIBIT 2-A

determine a reasonable date prior to the election for the submission to the district elections official of an argument in favor of and against the ordinance, and additional rebuttal arguments as provided in Section 9317.” (§ 9316.)

The District Election Official should therefore set a time limit by which any proposed argument in favor of or against the ordinance should be received by the District to enable sufficient time for review of those arguments in advance of their transmission to the Registrar’s Office.

We understand the Registrar’s Office election calendar for the November 6, 2018 election to require arguments be submitted to that office on or before **August 16, 2018**, and rebuttal arguments to be submitted to that office on or before **August 23, 2018**.