



FINAL

MINUTES

**Regular Meeting
Board of Directors**

**Monterey Peninsula Water Management District
November 15, 2021**

The meeting reconvened to open session at 6:02 pm by Chair Edwards. *Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.*

CALL TO ORDER

Directors Present via Zoom:

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

ROLL CALL

Directors Absent: None

General Manager present: David J. Stoldt

District Counsel present: Dave Laredo with De Lay and Laredo

The assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

None

ADDITIONS AND CORRECTIONS TO AGENDA

Public Comment Period Opened. The following comments were directed to the board:

ORAL COMMUNICATIONS

Nina Beety expressed concerns over Cal-Ams General Rate increase and other requests are approved before the CA Public Utilities Commission (CPUC) and ask the board to provide public input before the CPUC on the matter.

Opened Public Comments; *No comments were received*

CONSENT CALENDAR

A motion was made by Director Paull with a second by Director Riley to approve the Consent Calendar Items No. 1 through 9. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

Absent.

Adopted the September 24, 2021 Special Board Meeting and October 18, 2021 Special and Regular Board Meeting.

Adopted the August 2021 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.

Adopted the September 2021 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.

Received and filed first quarter financial activity report for Fiscal Year 2021-22.

Adopted Resolution No. 2021-18

Approved the First Quarter Fiscal Year 2021-2022 Investment Report.

Approved 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 \$50,000.

Approved Resolution No. 2021-14

Approved Resolution No. 2021-15

David J. Stoldt, General Manager (GM) presented via MS PowerPoint entitled Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Decision as of November 1, 2021 and answered Board questions and answered Board questions. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

GM Stoldt provided an overview of the slide-deck, and the following points were made: (1) The Monterey Peninsula Water Resources System (Carmel River & Seaside Groundwater Basin) is below target production by 14 Acre Feet (AF); (2) For the total year-to-date for Water Projects

1. Consider Adoption of Minutes from the September 24, 2021 Special Board Meeting and October 18, 2021 Special and Regular Board Meeting

2. Consider Adoption of Treasurer’s Report for August 2021

3. Consider Adoption of Treasurer’s Report for September 2021

4. Receive and File First Quarter Financial Activity Report for Fiscal Year 2021-22

5. Consider Adopting Resolution No. 2021-18 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)

6. Consider Approval of First Quarter Fiscal Year 2021-22 Investment Report

7. Consider Directing the General Manager to Enter Into A Contract with Montgomery and Associates to Provide Groundwater Modeling Support to the District

8. Consider Adoption of Resolution No. 2021-14 Amending MPWMD Rule 24, Table 1 - Residential Fixture Unit Count Values

9. Consider Adoption of Resolution No. 2021-15 Amending Table 2: Non-Residential Water Use Factors

GENERAL MANAGER’S REPORT

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

and Rights only 298 acre feet were injected; (3) The Monthly Demands/Deliveries for Customer Service is down by 40 AF compared to WY 2020; (4) The monthly/daily rainfall recorded at the San Clemente Rain Gage has more than doubled the historical average. (5) provided an update on the Carmel River Flow at the Sleepy Hollow WEIR Facility noting that it was slightly higher than average.

Stoldt provided an overview of the Water Supply Charge Report noting that the Water Supply Charge has generated approximately \$30 million dollars, project expenditures of \$42 million dollars and with expenditures totaling approximately \$60 million dollars over a period of 9 years.

a. David Laredo provided a verbal status report on the Pure Water Monterey Expansion – Amended and Restated Water Purchasing Agreement noting that progress is being made with the District, Monterey One Water (M1W) and Cal-Am on the draft Memorandum of Understanding. Laredo made the board aware that the CA Public Utilities Commission will hold a status conference on December 15, 2021 on the District’s complaint with Cal-Am that resulted in an order of the Administrative Law Judge ordering the water company to sign a Water Purchasing Agreement. Laredo mentioned that a meeting of the M1W Board will occur on November 29, 2021 to consider approving an addendum to the Certified SEIR for the Pure Water Monterey Project

b. Laredo provided a verbal status report on the MPTA Lawsuit challenging Ordinance No. 152: the District’s Water Supply Charge (WSC). He informed the board that a demurrer has been filed by his office and a hearing is set to take place on December 17, 2021 at 9 a.m. in Department 14 before Judge Marla O’Anderson.

[Note: Since the date of the Board meeting, the Court on its own motion changed the hearing time and date to January 14, 2022 at 8:30 a.m.]

c. Laredo provided a verbal status report on the District’s Application with LAFCO of Monterey County and informed the board that a hearing is set to take place on December 6, 2021.

Director Riley informed the board that he recently attended a Seaside Groundwater Basin Watermaster meeting and the Monterey County Special District Association meeting with special guest Speaker CA Senator Anna Caballero (SD-12). He mentioned that the Special District Association of Monterey County is working in partnership with a national effort to bring awareness of Special Districts and the value added to communities across the nation. This is all in an effort to ensure future federal legislation, policies and

REPORT FROM DISTRICT COUNSEL

11.
 - a. PWM Expansion – WPA Amended & Restated Agreement
 - b. An Update to the MPTA Lawsuit
 - c. An Update to the LAFCO of Monterey County Proceedings

DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFORMANCE ATTENDANCE AND MEETINGS)

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

commitments include Special Districts along with State and local governments.

Chair Edwards noted the recent federal Infrastructure Bill passed by Congress and signed by President Biden and asked the District Staff to look for potential sources of monies out of the bill.

Stephanie Locke, Water Demand Manager provided an overview of her staff note, answered questions from the board and presented via MS PowerPoint. *A copy of the presentation is on file at the District office and can be viewed on the district website.*

Opened Public Comments; No comments were received.

A motion was made by Director Adams with a second by Director Roberson received the first reading of Ordinance No. 189 and directed staff to return back to the Water Demand Committee for additional direction on rebates for High Efficiency Toilets and Smart Flowmeters. Second reading is proposed to take place at the December 13, 2021, Board meeting with the effective date of January 1, 2022. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

David J. Stoldt, General Manager provided an overview of his staff note. Stoldt, Laredo and Suresh Prasad answered questions from the Board.

Opened Public Comments

Susan Schiavone: Expressed support on the matter and asked staff to request from LAFCo of Monterey County invoices for work completed.

A motion was made by Director Riley with a second by Director Anderson to authorized staff to continue to pay LAFCO Fees and pass-throughs in a total amount not to exceed \$90,000 and such fees shall be paid upon presentation of a monthly invoice. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

David J. Stoldt, General Manager and Dr. Jennifer Hunter, Resident Director with UC Berkely: Hastings Natural History Reservation provided an overview of the staff note and answered questions from the Board.

Opened Public Comments; No comments were received.

A motion was made by Director Anderson with a second by Director Edwards to consider an extension of the District's Grant to UC Berkeley until December 31, 2023. The motion passed on a roll call vote of 7-Ayes (Edwards,

PUBLIC HEARINGS

- 13. Consider First Reading of Ordinance No. 189, an Ordinance of the Monterey Peninsula Water Management District Board of Directors Clarifying and Amending Rules Related to Water Distribution Systems (Rule 21), Water Permits (Rule 23 And 24), Water Use Credits (Rule 25.5), and Rebates (Rule 141); Deleting Rule 91 (Short Term Variance); and Revising the Title of Regulation XV.**

ACTION ITEMS

- 14. Consider Authorization of Additional Expenditure for LAFCO Process Related to Measure J**
- 15. Consider Extension of Time for District Grant for Removal of Concrete Ford on Finch Creek Located on Hastings Reserve**

Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

David J. Stoldt, General Manager provided an overview of the staff note and answered questions from the Board.

Opened Public Comments; No comments were received

A motion was made by Director Malek with a second by Director Roberson to approving Amendment 6 to the Cost Sharing Agreement with M1W for the Pure Water Monterey Project expansion and execute per agreement with M1W and at the direction of the CFO and General Manager. The motion passed on a roll call vote of 7-Ayes (Edwards, Paull, Malek, Anderson, Adams, Riley and Roberson), 0-Noes and 0-Absent.

David J. Stoldt provided a verbal status report on the Sand City Desal Replacement Wells.

Opened Public Comments; No comments were received.

David J. Stoldt provided a verbal status report and discuss reopening on District Meeting Format and Work Environment.

Opened Public Comments; No comments were received.

There was no discussion of the Informational Items/Staff Reports.

Chair Edwards adjourned the meeting at 8:40 p.m.

16. **Consider Approval of Amendment 6 to the Cost Sharing Agreement with Monterey One Water for Pure Water Monterey Expansion**

DISCUSSION ITEMS

17. **Sand City Desal Replacement Wells**

18. **Provide an Update and Discuss Reopening on District Meeting Format and Work Environment**

INFORMATIONAL ITEMS/STAFF REPORTS

19. **Report on Activity/Progress on Contracts Over \$25,000**
20. **Status Report on Measure J/Rule 19.8 Phase II Spending**
21. **Letters Received**
22. **Committee Reports**
23. **Monthly Allocation Report**
24. **Water Conservation Program Report**
25. **Carmel River Fishery Report for October 2021**
26. **Monthly Water Supply and California American Water Production Report**

ADJOURNMENT


Joel G. Pablo, Deputy District Secretary

Adopted by the MPWMD Board of Director's
on Monday, December 13, 2021