



**FINAL**

**MINUTES**

**Regular Meeting  
Board of Directors**

**Monterey Peninsula Water Management District**

*October 15, 2018*

The meeting was called to order at 7:00 pm in the MPWMD conference room.

**CALL TO ORDER/ROLL CALL**

*Directors Present:*

Andrew Clarke – Chair, Division 2  
Ralph Rubio – Vice Chair, Mayoral Representative  
Brenda Lewis, Division 1  
Molly Evans – Division 3  
Jeanne Byrne – Division 4  
Robert S. Brower, Sr. – Division 5  
Mary Adams – Monterey County Board of Supervisors Rep.

*Directors Absent:* None

*General Manager present:* David J. Stoldt

*District Counsel present:* David Laredo

The assembly recited the Pledge of Allegiance.

**PLEDGE OF ALLEGIANCE**

No action taken.

**ADDITIONS AND CORRECTIONS TO  
AGENDA**

The following comments were directed to the Board during Oral Communications. **(a) Phyllis Muerer** stated that email she received from General Manager Stoldt cast doubt on the District's neutrality with respect to Measure J. **(b) Tom Rowley**, representing the Monterey Peninsula Taxpayers Association, stated that the Association's Board was opposed to Measure J because it lacked a definition for the "feasibility" requirement. **(c) Paul Bruno**, resident of Monterey, expressed disappointment with the "Decades of Excellence" advertisement published by the District. He described it as a political piece, due to the timing of its publication. He also thanked Director Brower for his service to the community. **(d) Alvin Edwards**, a candidate for the Division 1 seat on the District's Board of Directors, thanked Director Brower for his focus on increasing the water supply during his time on the Board. He thanked the District for the "Decades of Excellence" advertisement that described the accomplishments of the agency. **(e) Jody Hanson**, President of the Monterey Peninsula Chamber of Commerce, stated that the Chamber was opposed to Measure J, and that there

**ORAL COMMUNICATIONS**

was no correlation between reducing the cost of water and Measure J. She thanked Director Brower for his years of hard work as a member of the Board of Directors. **(f) Judi Lehman**, thanked Director Brower for his years of dedicated service on the board of directors.

On a motion by Rubio and second of Byrne, the Consent Calendar was adopted on a vote of 7 – 0, except for items 3 and 7 that were pulled for separate consideration. The motion was approved by Directors Adams, Brower, Byrne, Clarke, Evans, Lewis and Rubio.

Approved.

Approved an expenditure of \$15,650.

On a motion by Rubio and second of Byrne, the Board approved an expenditure of \$10,066 to Zimm Industries. The motion was approved on a unanimous vote of Rubio, Byrne, Adams, Brower, Clarke, Evans and Lewis.

Approved.

Approved.

Approved.

On a motion by Byrne and second of Adams, the Board approved an expenditure of \$30,000 for completion of the conservation demonstration garden. The motion was approved on a unanimous vote of 7 – 0 by Byrne, Adams, Brower, Clarke, Evans, Lewis and Rubio.

Adopted.

## CONSENT CALENDAR

1. **Consider Adoption of Minutes of the September 17, 2018 Regular Board Meeting**
2. **Consider Extension of Cooperative Agreement with the United States Geological Survey for Streamflow Gaging in Water Year 2019**
3. **Consider Approval of Additional Funds for Work Completed on Aquifer Storage and Recovery Well Number 1**
4. **Consider Approval of Two Temporary Field Staff Positions to be Funded through a Second Interagency Contract between MPWMD and National Marine Fisheries Service to Provide for a Cooperative Research and Monitoring Project in Los Padres Reservoir**
5. **Consider Converting the River Maintenance Specialist Classification to Resources Maintenance Specialist**
6. **Consider Expenditure of Budgeted Funds to Contract for a Limited-Term Project Manager in the Water Demand Division During FY 2018-2019**
7. **Consider Request for Funding to Complete the Broadway Water Conservation Demonstration Garden at Martin Luther King Jr. Elementary School, 173 Broadway Ave., Seaside**
8. **Consider Adoption of Resolution 2018-20 Amendment to MPWMD Conflict of Interest Code**

Adopted.

Received.

Approved.

Adopted.

Adopted.

Chair Clarke presented Director Brower with an engraved plaque in honor of his eleven years of service on the Board of Directors. Mr. Stoldt presented Director Brower with a golden shovel in recognition of the water supply projects that were constructed during Director Brower's time on the Board. Mr. Stoldt also narrated a PowerPoint presentation that focused on achievements in local water supply development. The directors individually thanked Director Brower for his service, enthusiasm, kindness, guidance and efforts integral to moving water projects forward. Director Brower stated that he was deeply humbled by the comments and the Bob Brower shovel. He noted the hard work of Mr. Stoldt and Director Byrne in coordinating with farmers to cross the "lettuce curtain" to prove that there is a will to work as one county to achieve water supply goals, including development of the Wastewater Reclamation Project.

Mr. Stoldt reported that the Water Year ended on September 30, 2018. He stated that water production in the Monterey Peninsula Water Resources System at the end of the Water Year was 232 acre-feet below the target of 9,338 acre-feet. Production in relation to the Cease and Desist Order resulted in a carry-over of 567 acre-feet. The carry-over credits could benefit the community, should further reductions be mandated. Mr. Stoldt reported the following: rainfall was at 13.5 inches for the year which was 64% of long-term average; unimpaired flow was below normal at 48% of long-term average. By the end of the Water Year, District staff had rescued 5,000 fish from drying reaches of the Carmel River and tagged 2,400 of them.

District Counsel Laredo reported that two matters had been filed regarding the Monterey Peninsula Water Supply Project: (a) Marina Coast Water District v. California Public Utilities Commission, and (b) City of Marina v. California Public Utilities Commission. Both cases were consolidated under S251935. A status report was provided to the Board,

**9. Consider Adoption of June 2018 Treasurer's Report**

**10. Receive and File Fourth Quarter Financial Activity Report for Fiscal Year 2017-2018**

**11. Consider Approval of Fourth Quarter Fiscal Year 2017-18 Investment Report**

**12. Consider Adoption of July 2018 Treasurer's Report**

**13. Consider Adoption of August 2018 Treasurer's Report**

**PRESENTATION TO ROBERT S. BROWER, SR, DIRECTOR DIVISION 5, RECOGNIZED FOR 11 YEARS OF SERVICE ON THE BOARD OF DIRECTORS**

#### **GENERAL MANAGER'S REPORT**

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

#### **ATTORNEY'S REPORT**

**15. Report on 5:30 pm Closed Session of the Board**

and on a motion by Brower and second by Rubio, the Board voted unanimously to intervene in both actions.

3. **Conference with Legal Counsel – Existing Litigation (Gov Code 54946.9 (a))**  
Application of California American Water to CPUC (No. 12-04-019) – Monterey Peninsula Water Supply Project
4. **Conference with Legal Counsel – Threatened Litigation (Gov. Code 56956.9 (b)) – One Case**

No comments.

No Public Hearing items were submitted for Board consideration

Byrne offered a motion to determine that Special Circumstances exist for the proposed project. The motion was seconded by Evans and approved on a unanimous vote of 7 – 0 by Byrne, Evans, Adams, Brower, Clarke, Lewis and Rubio.

Public Comment: Mike Zimmerman, Owner of Foursome Development Company, the property owner. He stated that the developer’s intent was to work closely with District staff to design a project that would remain within the water use capacity estimated for the site.

Rubio offered a motion to nominate Evans to the position of Vice Chair to the Board of Directors. The motion was seconded by Brower and approved on a unanimous vote of 7 – 0 by Rubio, Brower, Adams, Byrne, Clarke, Evans and Lewis. No comments were directed to the Board during the public comment period on this item.

Rubio offered a motion to authorize the Board of Directors to appoint the Division 5 representative. The motion was seconded by Lewis and approved on a vote of 7 – 0 by Rubio, Lewis, Adams, Brower, Byrne, Clarke and Rubio.

Byrne made a motion to extend the deadline for acceptance of Statements of Interest and Qualifications to November 7, 2018. There was no second to the motion. No action taken.

Public Comment: Judi Lehman addressed the Board. She suggested that Director Brower could extend the date of his retirement from the Board to November, thereby resetting

#### **DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)**

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

#### **PUBLIC HEARINGS**

#### **ACTION ITEMS**

17. **Consider Determination of Special Circumstances for 125 Ocean View Blvd., Pacific Grove, CA**
18. **Consider Appointment of Director Evans to the Position of Vice Chair to the Board**
19. **Specify Method for Selection of Director to Fill Vacancy in Voter Division 5 and Consider Extension of Deadline for Statements of Interest and Qualifications**

the 60-day time period in which the Board must act. That would allow for directors elected on November 6, 2018 to participate in the selection of the new Division 5 director. As an alternative, she suggested that the Board could request the Board of Supervisors to authorize an extension of the 60-day time period. *District Counsel Laredo responded that the 60-day time period begins when the resignation letter is delivered to the Board of Directors and cannot be extended, as it is set by California Election Law.*

There was no discussion of these items.

The meeting was adjourned at 8:05 pm in honor of Robert S. Brower Sr. for eleven years of stellar service.

**INFORMATIONAL ITEMS/STAFF REPORTS**

- 20. Letters Received**
- 21. Committee Report**
- 22. Monthly Allocation Report**
- 23. Water Conservation Program Report**
- 24. Quarterly Water Use Credit Transfer Status Report**
- 25. Carmel River Fishery Report**
- 26. Quarterly Carmel River Riparian Corridor Management Program Report**
- 27. Monthly Water Supply and California American Water Production Report**
- 28. Receive Notice of Appointment to Carmel River Advisory Committee**

**ADJOURNMENT**

  
Arlene M. Tavani, Deputy District Secretary