

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, February. The meetings begin at 7:00 PM.



AGENDA
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District

Monday, September 17, 2018, 7:00 pm
Conference Room, Monterey Peninsula Water Management District
5 Harris Court, Building G, Monterey, CA

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 PM on Friday, September 14, 2018

The meeting will be televised on Comcast Channels 25 & 28. Refer to broadcast schedule on page 3.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO AGENDA - The Clerk of the Board 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 of the August 20, 2018 Regular Board Meeting
2. ~~Receive and File Fourth Quarter Financial Activity Report for Fiscal Year 2017-2018~~ - *Deferred to October 15, 2018*
3. ~~Consider Approval of Fourth Quarter Fiscal Year 2017-18 Investment Report~~ - *Deferred to October 15, 2018*

Board of Directors

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 Representative

General Manager

David J. Stoldt

This agenda was posted at the District office at 5 Harris Court, Bldg. G Monterey on Thursday, September 13, 2018. Staff reports regarding these agenda items will be available for public review on Friday, September 14 at the District office and at the Carmel, Carmel Valley, Monterey, Pacific Grove and Seaside libraries. After staff reports have been 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 available at the District office during normal business hours, and posted on the District website at www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/. Documents distributed at the meeting will be made available in the same manner. The next regular meeting of the Board of Directors is scheduled for October 15, 2018 at 7 pm.

4. ~~Consider Approval of June 2018 Treasurer's Report~~ – *Deferred to October 15, 2018*

GENERAL MANAGER'S REPORT

5. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision
6. Update on Development of Water Supply Projects

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

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

PUBLIC HEARINGS – Public comment will be received on each of these items. Please limit your comment to three (3) minutes per item.

8. **Consider Adoption of Resolution No. 2018-19 - Modifying Rule 160 – Regulatory Water Production Targets for California American Water System** (*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.*)
Action: The Board will consider modifications to the Regulatory Water Production Targets in Tables XV-1, XV-2 and XV-3 of Rule 160. The modifications reflect the anticipated changes in Cal-Am production limits as set by the State Water Resources Control Board orders and Seaside Basin Adjudication decision for Water Year 2019 (Oct. 1, 2018 through Sept. 30, 2019).

9. **Consider Adoption of October through December 2018 Quarterly Water Supply Strategy and Budget** (*Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1)*)
Action: The Board will consider approval of a proposed production strategy for the California American Water Distribution Systems for the three-month period of October through December 2018. 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 on each of these items. Please limit your comment to three (3) minutes per item.

10. **Receive Update on the ASR Backflush Basin Expansion Project and Consider Expenditure for Project Construction** (*Addendum to the ASR EIR/EA Previously Approved Under CEQA Guideline Sections 15162 and 15164*)
Action: The Board will consider authorizing funds for construction of the Aquifer Storage and Recovery Project backflush basin expansion.
11. **Consider Approval of Amendment to Agreement for Employment of General Manager**
Action: The Board will review the proposed amendment to the agreement for employment and consider adoption.

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.

12. Letters Received Supplemental Letter Packet
13. Committee Reports
14. Monthly Allocation Report
15. Water Conservation Program Report
16. Carmel River Fishery Report
17. Monthly Water Supply and California American Water Production Report

ADJOURNMENT

Board Meeting Broadcast Schedule – Comcast Channels 25 & 28	
View Live Webcast at Ampmedia.org	
Ch. 25, Mondays, 7 PM	Monterey, Del Rey Oaks, Pacific Grove, Sand City, Seaside
Ch. 25, Mondays, 7 PM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside
Ch. 28, Mondays, 7 PM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside
Ch. 28, Fridays, 9 AM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside

Upcoming Board Meetings			
Monday, October 15, 2018	Regular Board Meeting	7:00 pm	District conference room
Monday, November 19, 2018	Regular Board Meeting	7:00 pm	District conference room
Monday, December 17, 2018	Regular Board Meeting	7:00 pm	District conference room

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 submit 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 Thursday, September 13, 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.

ITEM: CONSENT CALENDAR**1. CONSIDER ADOPTION OF MINUTES OF THE AUGUST 20, 2018 REGULAR BOARD MEETING****Meeting Date: September 17, 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: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the August 20, 2018 Regular meeting of the Board.**RECOMMENDATION:** District staff recommends approval of the minutes with adoption of the Consent Calendar.**EXHIBIT****1-A** Draft Minutes of the August 20, 2018 Regular Meeting of the Board of Directors



EXHIBIT 1-A

DRAFT MINUTES
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
August 20, 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) Dan Turner**, resident of Monterey, expressed support for Measure J. Mr. Turner stated that if the voters do not approve the measure, proponents of the measure would bring the proposal forward again. He invited the directors to attend a September 24, 2018 meeting at which the mayor and chief financial officer for the city of Missoula will speak on that city's experience taking over a private water company. **(b) Tom Rowley** announced that on September 26, 2018, a meeting of the Coalition of Housing, Agriculture, Business, Labor and Education, would conduct a forum on Measure J. Speaking in support of the measure would be George Riley of Public Water Now, and speaking in opposition to the measure would be Scott Dick of the Monterey County Association of Realtors.

ORAL COMMUNICATIONS

On a motion by Byrne and second of Rubio, the Consent Calendar was approved on a unanimous vote of 7 – 0 by Byrne, Rubio, Adams, Clarke, Evans, Lewis and Rubio.

CONSENT CALENDAR

Approved.

Approved an expenditure of \$18,311 to contract with the California Conservation Corps.

Approved an expenditure of \$23,650.

Approved the Notice of Exemption and an expenditure of \$15,000.

Approved the 2018 Annual Memorandum of Agreement.

General Manager Stoldt announced that Mark Bekker and Debbie Martin recently retired from the District, and that Stephanie Kister Campbell, Sara Reyes and Stephanie Locke were recognized for achieving the milestones of 10, 20 and 30 years, respectively, working for the District.

1. **Consider Adoption of Minutes of the July 16, 2018 Regular Board Meetings**
2. **Consider Expenditure to Contract with the California Conservation Corps for Fall 2018 Vegetation Management and to Remove Concrete at Rancho Canada (No CEQA action required per CEQA Guidelines Section 15168 Program EIR)**
3. **Consider Expenditure to Contract for Completion of Annual Carmel River Survey (Exempt from CEQA – Section 15306)**
4. **Consider Expenditures for Permitting of a New Carmel River Fish Counting Weir (Exempt under CEQA Guidelines section 15306 and 15378)**
5. **Consider Approval of 2018 Annual Memorandum of Agreement for Releases from Los Padres Reservoir among California American Water, California Department of Fish and Wildlife, and Monterey Peninsula Water Management District (Exempt from environmental review per SWRCB Order Nos. 95-10, 98-04, 2002-0002 and 2016-0016, 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.)**

EMPLOYEE RECOGNITION

6. **Mark Bekker upon retirement after 33 years of service to the District**
7. **Debbie Martin upon retirement after 18 years of service to the District**
8. **Stephanie Kister Campbell – 10 years with the District**
9. **Sara Reyes – 20 years with the District**
10. **Stephanie Locke – 30 years with the District**

Mr. Stoldt introduced Chris Cook, recently appointed Director of Operations for California American Water. Mr. Stoldt announced that the District celebrated its 40th birthday in 2018. He explained that in June 1978 local voters approved creation of the District. Mr. Stoldt referenced promotional items distributed at the meeting that were published by the Sustainable Moments Collective. He described the Collective as promoting sustainability in the tourism industry, and also popularizing the Monterey Peninsula as a sustainable destination. Mr. Stoldt reported that representatives from Ecology Action Now had begun canvassing disadvantaged neighborhoods and offering vouchers for purchase and installation of high efficiency toilets, dishwashers and washing machines made available by the High Efficiency Appliance Retrofit Targets Program. This effort was funded by a grant from the Regional Water Management Foundation.

Mr. Stoldt reported that no rain was received in July 2018; therefore, rainfall remained at 65% of long-term average. He noted that rain gage data was available on the District's website. He reported that Camel River streamflow was not continuous downstream to the Carmel River Lagoon. District staff rescued 2,369 fish from the mainstem of the River, and tagged 86% of them. In addition, 2,164 fish were rescued from tributaries to the river. He reported that based on average August – September water demand and other considerations, a buffer of 491 acre-feet remained to meet any unanticipated increase in demand that might occur, while adhering to the CDO production limits.

District Counsel Laredo reported that for items 3 and 4 direction was provided to staff but no reportable action was taken. As for item 4, at the September 17, 2017, Board meeting the Directors would consider follow-up action.

Director Brower announced that sometime in the future, he would resign from his position as Division 5 representative on the Board of Directors. He cited health issues as the

GENERAL MANAGER'S REPORT

11. 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

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

- 3. Public Employee Performance Evaluation (Gov. Code 54957) – General Manager**
- 4. Conference with Legal Counsel – Existing Litigation (Gov Code 54956.9 (a)) – Application of California American Water to CPUC (No. 12-04-019) – Monterey Peninsula Water Supply Project**

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

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

reason for his eventual departure from the Board. He did not specify a departure date in order to allow time for persons interested in the position to come forward and be part of the process. Director Evans reported that she attended the July 17, 2018, meeting of the Special Districts Association of Monterey County. The topic of discussion was groundwater sustainability management. Speakers were Keith Van Der Maaten from Marina Coast Water District and Gary Peterson from the City of Salinas who spoke about their efforts as Groundwater Sustainability Agency managers. Director Clarke announced that he attended the August 17, 2018, 20th anniversary celebration of the Castroville Seawater Intrusion Project. He noted that Anna Caballero, Mark Stone and Bill Monning were also in attendance.

On a motion by Byrne and second of Brower, Ordinance No. 179 was adopted unanimously on a vote of 7 – 0 by Byrne, Brower, Adams, Clarke, Evans, Lewis and Rubio. No public comment was directed to the Board during the public hearing on this item.

No Action Items were submitted for consideration.

Stoldt reported on the proposed decision on A12-04-019 issued on August 13, 2018 by Administrative Law Judges Haga, Houck and Weatherford. There was discussion by the Board – no action was taken.

The following comments were directed to the Board during the public comment period on this item. **(a) George Riley** representing Public Water Now, congratulated the District for cooperating on development of the Plan B option, expansion of the Pure Water Monterey Project. He stated that the California Public Utilities Commission (CPUC) ignored that option, but that Public Water Now would argue vociferously in support of that option. **(b) Dan Turner**, resident of Monterey, estimated that if the proposed desalination project were to be constructed, the cost of water would reach \$7,500 per acre-foot. The cost of purified water from the Pure Water Monterey Project would be \$2,000 per acre-foot. He urged the Board to oppose the desalination project due to the high cost. **(c) Tom Rowley**, Monterey Peninsula Taxpayers Association, estimated that fewer than 40,000 ratepayers must fund a long-term, sustainable water supply project, yet the State has provided only a small amount of funds to develop a solution. He stated that the CPUC must be made to understand the heavy financial burden that has been placed on local ratepayers, and the high cost of delays in preparation of the EIR that were caused by the incompetency of CPUC staff. *General Manager Stoldt noted that Public Water Now is a participant in the proceedings on A12-04-019 and George Riley will present comments at the August 22, 2018 hearing. He stated that*

PUBLIC HEARINGS

14. **Second Reading and Adoption of Ordinance No. 179 – Clarifying Rules Related to the Rebate Program, Permits, and Water Waste (CEQA: Exempt pursuant to CEQA Guidelines Section 15301)**

ACTION ITEMS

DISCUSSION ITEMS

15. **Monterey Peninsula Water Supply Project (MPWSP) CPUC Proposed Decision on Application 12-04-019; Discuss District Comments and August 22nd Oral Arguments**

Cal-Am's local water distribution system consists of 38,000 connections. Mr. Stoldt advised that \$20 million in grant funds was issued for the Pure Water Monterey Project, and that a federal grant application was open.

There was no discussion of these items.

**INFORMATIONAL ITEMS/STAFF
REPORTS**

- 16. Letters Received**
- 17. Committee Report**
- 18. Monthly Allocation Report**
- 19. Water Conservation Program Report**
- 20. Carmel River Fishery Report**
- 21. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project**
- 22. Monthly Water Supply and California American Water Production Report**

The meeting was adjourned at 7:40 pm.

ADJOURNMENT

Arlene M. Tavani, Deputy District Secretary

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ITEM: PUBLIC HEARING**8. CONSIDER ADOPTION OF RESOLUTION NO. 2018-19 MODIFYING RULE 160 – REGULATORY WATER PRODUCTION TARGETS FOR CALIFORNIA AMERICAN WATER SYSTEMS****Meeting Date:** September 17, 2018 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Jonathan Lear **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** 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.

SUMMARY: District Rule 160 specifies the regulatory water production targets that are used in the District's *Expanded Water Conservation and Standby Rationing Plan* to trigger higher stages of water conservation to facilitate California American Water (Cal-Am) compliance with the production limits set by State Water Resources Control Board (SWRCB) Orders 95-10 and 2016-0016 and the Seaside Groundwater Basin adjudication decision, as amended. Specifically, Table XV-1 in **Exhibit 8-A** shows monthly and year-to-date at month-end targets for all Cal-Am systems that derive their source of supply or rely on production offsets from the Monterey Peninsula Water Resource System (MPWRS). Similarly, Table XV-2 in **Exhibit 8-A** breaks out monthly and year-to-date at month-end targets for Cal-Am satellite systems that derive their source of supply from the Laguna Seca Subarea of the Seaside Groundwater Basin, which is part of the MPWRS. It should be noted that in WY 2018, the Seaside Adjudication decision lowers the limit in the satellite systems to 0 Acre Feet, however the compliance of Cal-Am with the Adjudication decision limits are calculated using production limits set for the entire Basin. In addition, Table XV-3 in **Exhibit 8-A** breaks out monthly and year-to-date at month-end targets for Cal-Am Carmel River system sources and is included to provide additional clarification as to the production target maximums for this component of the MPWRS.

Rule 160 authorizes modifications to Tables XV-1, XV-2 and XV-3 to account for changes in the amount of water that Cal-Am is allowed to divert from the Carmel River System under the pertinent SWRCB Orders and the amount of water that Cal-Am is allowed to produce from the Seaside Groundwater Basin under the Seaside Basin Decision, as administered by the Seaside Basin Watermaster. Any modifications to these tables must be made by Board resolution.

Resolution 2018-19 (**Exhibit 8-A**) modifies Tables XV-1, XV-2 and XV-3 of Rule 160 to account for the projected change in allowable diversions by Cal-Am from the Carmel River and

Seaside Groundwater Basins for Water Year 2018.

RECOMMENDATION: District staff recommends adoption of Resolution 2018-19 (**Exhibit 8-A**) modifying Rule 160.

EXHIBIT

8-A Resolution 2018-19 Modifying Rule 160 – Regulatory Water Production Targets for California American Water Systems

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EXHIBIT 8-A

**RESOLUTION NO. 2018-19
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
MODIFYING RULE 160 – REGULATORY PRODUCTION TARGETS FOR
CALIFORNIA AMERICAN WATER SYSTEMS**

WHEREAS, the Monterey Peninsula Water Management District has developed a set of rules to facilitate compliance by California American Water systems with the regulatory and legal water production limits set by the State Water Resources Control Board and the Seaside Basin Adjudication as administered by the Seaside Groundwater Basin Watermaster;

WHEREAS, District Rule 160 specifies the regulatory water production targets that are used to trigger higher stages of water conservation to ensure compliance with these legal and regulatory water production limits;

WHEREAS, these limits are subject to change by action of the State Water Resources Control Board and Seaside Groundwater Basin Watermaster;

WHEREAS, the State Water Resources Control Board adopted Order WR 2016-0016 on July 19, 2016, which requires California American Water to divert no more than 8,310 acre-feet in Water Year 2019 from its Carmel River system sources;

WHEREAS, the Monterey County Superior Court adopted an Amended Decision in the Seaside Groundwater Basin Adjudication on February 9, 2007 (*California American Water v. City of Seaside, et al.*, Case No. M66343), which requires California American Water to divert no more than 1,820 acre-feet from the Coastal Subareas and 0 acre-feet from the Laguna Seca Subarea of the Seaside Groundwater Basin in Water Year 2019;

WHEREAS, the Seaside Groundwater Basin Watermaster has not yet determined the amount of carryover credit, if any, that California American Water has from Water Year 2018 that will be available for diversion in Water Year 2019; and

WHEREAS, it is necessary to modify the monthly and year-to-date at month-end water production targets in Tables XV-1, XV-2 and XV-3 to reflect the projected quantities of production available to California American Water for diversion from the Carmel River and Seaside Groundwater Basins for Water Year 2019.

NOW THEREFORE, BE IT RESOLVED:

1. District staff shall modify Tables XV-1, XV-2 and XV-3 of District Rule 160 to reflect the projected quantities of production available to California American Water for diversion from the Carmel River and Seaside Groundwater Basins for Water Year 2019.
2. Specifically, District staff shall replace the monthly and year-to-date at month-end values presently shown in Tables XV-1, XV-2 and XV-3 of Rule 160 with the monthly and year-to-date at month-end values shown on the attached tables (**Attachment 1**).

On motion of Director _____, and second by Director _____, the foregoing resolution is duly adopted this 18st day of September 2017, by the following votes:

AYES:

NAYES:

ABSENT:

I, David J. Stoldt, Secretary of the Board of Directors of the MPWMD, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted on the 17th day of September 2018.

Witness my hand and seal of the Board of Directors, this _____ day of _____, 2018.

David J. Stoldt, Secretary to the Board

Table XV-1
Regulatory Water Production Targets
for All California American Water Systems from Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	925	925
November	759	1,684
December	683	2,367
January	797	3,164
February	685	3,849
March	840	4,689
April	830	5,519
May	909	6,428
June	899	7,327
July	958	8,285
August	961	9,246
September	884	10,130
TOTAL	10,130	---

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for the California American Water (Cal-Am) systems for Water Year (WY) 2019 from Carmel River sources per State Water Resources Control Board Order WR 2016-0016 (8,310 acre-feet) and adjusted annual production limits specified for the Cal-Am satellite systems from its Coastal Subarea sources (1,820 acre-feet) and Laguna Seca Subarea sources (0 acre-feet) of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. These values do not include consideration of any carryover credit in the Seaside Basin for WY 2018. This combined total (10,130 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its main and satellite systems during the 2013 through 2016 period.

Table XV-2
Regulatory Water Production Targets
for California American Water Satellite Systems from Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	0	0
November	0	0
December	0	0
January	0	0
February	0	0
March	0	0
April	0	0
May	0	0
June	0	0
July	0	0
August	0	0
September	0	0
TOTAL	0	---

Notes:

Monthly and year-to-date at month-end production targets are based on the adjusted annual production limit specified for the California American Water (Cal-Am) satellite systems for Water Year 2019 from its sources in the Laguna Seca Subarea of the Seaside Groundwater Basin per the Seaside Basin adjudication decision. This Laguna Seca Subarea total (0 acre-feet) was distributed monthly based on Cal-Am's reported monthly average production for its satellite systems during the 2013 through 2016 period.

Table XV-3
Regulatory Water Production Targets
for California American Water Systems from Carmel River Sources
Within the Monterey Peninsula Water Resource System

(All Values in Acre-Feet)

Month	Monthly Target	Year-to-Date at Month-End Target
October	759	759
November	621	1,380
December	561	1,941
January	655	2,596
February	561	3,157
March	690	3,847
April	681	4,528
May	746	5,274
June	738	6,011
July	786	6,797
August	788	7,585
September	725	8,310
TOTAL	8,310	---

Notes:

Monthly and year-to-date at month-end production targets are based on the annual production limit specified for California American Water (Cal-Am) for Water Year (WY) 2019 from its Carmel River system sources per State Water Resources Control Board Order WR 2016-0016 (8,310 acre-feet). This amount was distributed monthly based on Cal-Am's reported monthly average production for its Main system sources during the 2013 through 2018 period. These values incorporate consideration of thetriennial reductions specified for the Cal-Am systems in the Seaside Basin adjudication decision, in setting the monthly maximum production targets from each source as part of the MPWMD Quarterly Water Supply Budget Strategy.

ITEM: PUBLIC HEARING**9. CONSIDER ADOPTION OF OCTOBER THROUGH DECEMBER 2018 QUARTERLY WATER SUPPLY STRATEGY AND BUDGET**

Meeting Date:	September 17, 2018	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Jonathan Lear	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A**

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

SUMMARY: The Board will accept public comment and take action on the **October through December 2018** Quarterly Water Supply Strategy and Budget for California American Water's (CalAm's) Main and Satellite Water Distribution Systems (WDS), which are within the Monterey Peninsula Water Resources System (MPWRS). The proposed budgets, which are included as **Exhibits 9-A and 9-B**, show monthly production by source of supply that is required to meet projected customer demand in CalAm's Main and Laguna Seca Subarea systems, i.e., Ryan Ranch, Bishop, and Hidden Hills, during the **October through December 2018** period. The proposed strategy and budget is designed to maximize the long-term production potential and protect the environmental quality of the Seaside Groundwater and Carmel River Basins.

Exhibit 9-A shows the anticipated production by CalAm's Main system for each production source and the actual production values for the water year to date through the end of **August 2018**. CalAm's annual Main system production for Water Year (WY) 2019 will not exceed 10,130 acre-feet (AF). Sources available to meet customer demand are 1,820 AF from the Coastal Subareas of the Seaside Groundwater Basin as set by the Seaside Basin Adjudication Decision and 8,310 AF from the Carmel River as set by WRO 2016-16. Additional water projects and water rights available are an estimated 1,320 AF from ASR Phase 1 and 2 recovery, 300 AF from the Sand City Desalination Plant, and an average of 225 AF from CalAm's Table 13 water rights. Under Table 13 water rights, CalAm is allowed to produce water for in-basin uses when bypass flows are in excess of permit conditions. The schedule of production from the Carmel Valley Alluvial Aquifer is consistent with State Water Resources Control Board (SWRCB) Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016. In compliance with WRO 2016-0016, any water diverted under these rights must be used to reduce unlawful diversion from the Carmel River Basin.

Exhibit 9-B shows the anticipated production by CalAm's Laguna Seca Subarea systems for each production source, and the actual production values for WY 2018 to date through the end of **August 2018**. According to the Seaside Basin Adjudication Decision, CalAm's production has been reduced to 0 AF. It is recognized that CalAm will need to produce water to serve its customers and this table is produced as a ministerial component of tracking the implementation of the Adjudication Decision. CalAm has filed in the most recent general rate case with the California Public Utility Commission to intertie the main system and satellite systems to solve this issue.

RECOMMENDATION: The Board should receive public input, close the Public Hearing, and discuss the proposed quarterly water supply budget. District staff recommends adoption of the proposed budget. The budget is described in greater detail in **Exhibit 9-C, Quarterly Water Supply Strategy Report: October - December 2018**.

BACKGROUND: The Water Supply Strategy and Budget prescribes production within CalAm's Main and Laguna Seca Subarea systems and is developed on a quarterly schedule. Staff from the District, CalAm, the National Marine Fisheries Services (NMFS), State Water Resources Control Board's Division of Water Rights (SWRCB-DWR), and the California Department of Fish and Wildlife (CDFW) cooperatively develop this strategy to comply with regulatory requirements and maximize the environmental health of the resource system while meeting customer demand. To the greatest extent pumping in the Carmel Valley is minimized in the summer months and the Seaside wells are used to meet demand by recovering native water and banked Carmel River water. Also, it was agreed that CalAm will operate its wells in the Lower Carmel Valley in a downstream to upstream order.

If flows exceed 20 cfs at the District's Don Juan Gage, CalAm is allowed to produce from its Upper Carmel Valley Wells, which are used to supply water for injection into the Seaside Groundwater Basin. The permitted diversion season for ASR is between December 1 and May 31. Diversions to storage for ASR will be initiated whenever flows in the river are above permit threshold values. For planning purposes, the QWB group schedules diversions to ASR storage based on operational days that would occur in an average streamflow year. CalAm may also divert under Table 13 Water Rights for in-basin use within Carmel Valley when flows are adequate. This schedule is estimated with average year streamflow conditions and daily demand for Carmel Valley. There is also a projected goal of producing 25 AF of treated brackish groundwater from the Sand City Desalination Plant in each of these three months.

Rule 101, Section B of the District Rules and Regulations requires that a Public Hearing be held at the time of determination of the District water supply management strategy. Adoption of the quarterly water supply strategy and budget is categorically exempt from the California Environmental Quality Act (CEQA) requirements as per Article 19, Section 15301 (Class 1). A Notice of Exemption will be filed with the Monterey County Clerk's office, pending Board action on this item.

EXHIBITS

- 9-A** Quarterly Water Supply Strategy and Budget for Cal-Am Main System: October - December 2018
- 9-B** Quarterly Water Supply Strategy and Budget for Cal-Am Subsystems: October - December 2018
- 9-C** Quarterly Water Supply Strategy and Budget Report: October - December 2018

California American Water Main Distribution System
Quarterly Water Supply Strategy and Budget: October - December 2018
Proposed Production Targets by Source and Projected Use in Acre-Feet

SOURCE/USE	MONTH			YEAR-TO-DATE		
	Oct-18	Nov-18	Dec-18	Oct-17 - Aug-18	% of YTD	% of Annual Budget
Source						
<u>Carmel Valley Aquifer</u>						
Upper Subunits (95-10)	0	0	0	183	NA	NA
Lower Subunits (95-10)	550	383	559	5,606	107.8%	83.7%
Lower Subunits (ASR)	0	0	145	532	NA	NA
Upper and Lower (Table 13)	0	0	24	153		
Total	550	383	728			
Total to count against CDO	550	383	728			
<u>Seaside Groundwater Basin</u>						
Coastal Subareas	350	350	100	1,922	106.8%	85.4%
ASR Recovery	0	0	0	821	98.0%	79.2%
Sand City Desalination	25	25	25	175	63.6%	58.3%
Total	375	375	125			
Use						
Customer Service (95-10 & SGB)	925	758	684			
ASR Injection	0	0	145			
Customer Service (Table 13)	0	0	24			
Total	925	758	853			

Notes:

1. The annual budget period corresponds to the Water Year, which begins on October 1 and ends on September 30 of the following Calendar Year.
2. Total monthly production for "Customer Service" in CAW's main system was calculated by multiplying total annual production (10,130 AF) times the average percentage of annual production for October, November, and December 9.1%, 7.5%, and 6.7% , respectively). According to District Rule 160, the annual production total was based on the assumption that production from the Coastal Subareas of the Seaside Groundwater Basin would not exceed 1,820 AF and production from Carmel River sources would not exceed 8,310 AF in WY 2019. The average production percentages were based on monthly data for customer service from WY 2013 to 2016.
3. Anticipated production for ASR injection is based on an average diversion rate of approximately 4,500 gallons per minute (gpm) or 19.9 AF per day from CAW's sources in the Carmel River Basin. "Total" monthly CAW "Use" includes water for customer service and water for injection into the Seaside Basin.
4. The production targets for CAW's wells in the Upper Subunits of the Carmel Valley Aquifer are set at 0 unless otherwise shown, based on CAW's goal to avoid use of these wells, during low flow periods. However, production could be higher under existing State water rights and interagency operating agreements.
5. The production target for CAW's wells in the Seaside Coastal Subareas in December is based on the assumption that sufficient flow will occur in the Carmel River at the targeted levels, to support ASR injection. It is planned that Coastal Subarea pumping will not occur, or will be proportionally reduced, if ASR injection does not occur at targeted levels.
6. The production targets for CAW's wells in the Seaside Coastal Subareas are based on the need for CAW to produce its full native water allocation during WY 2018 to be in compliance with SWRCB WRO No 2016-0016.
7. It should be noted that monthly totals for Carmel Valley Aquifer sources may be different than those shown in MPWMD Rule 160, Table XV-3. These differences result from monthly target adjustments needed to be consistent with SWRCB WRO 98-04, which describes how the Cal-Am Seaside Wellfield is to be used to offset production in Carmel Valley during low-flow periods. Adjustments are also made to the Quarterly Budgets to ensure that compliance is achieved on an annual basis with MPWMD Rule 160 totals.
8. Table 13 values reflect source/use estimates based on SWRCB Permit 21330, which allows diversions from the CVA for "in Basin use" (3.25 AFD) when flows in the River exceed threshold values.
9. According to SWRCB WRO No 2016-0016, the first 600 AF diverted from the CVAA will count as diversions against the CDO limit.

**California American Water Laguna Seca Subarea Distribution Systems
Quarterly Water Supply Strategy and Budget: October - December 2018**

Proposed Production Targets by Source and Projected Use in Acre-Feet

SOURCE/USE	MONTH			YEAR-TO-DATE		
	Oct-18	Nov-18	Dec-18	Oct-16 - Aug-17	% of YTD	% of Annual Budget
Source						
Seaside Groundwater Basin						
Laguna Seca Subarea	0	0	0	288	600.0%	600.0%
Other	0	0	0			
Use						
Customer Service	30	30	24	288		

Notes:

1. The annual budget period corresponds to the Water Year, which begins on October 1 and ends on September 30 of the following Calendar Year.
2. Total monthly production for "Customer Service" in CAW's Laguna Seca Subarea systems was calculated by multiplying total annual production (0 AF) times the average percentage of annual production October, November, and December (9.4%, 7.0%, and 6.2%, respectively). The annual production total was based on the assumption that production from the Laguna Seca Subarea of the Seaside Groundwater Basin would not exceed 0 AF. The average production percentages were based on monthly data for customer service from WY 2013 to 2017. The 0 AF annual production limit is specified in the Seaside Basin Adjudication Decision and is subject to change.
3. It should be noted that, the tri-annual reduction occurring in WY 2018 reduced the Laguna Seca allocation to 0 AF, based on recent historical use, actual monthly use will exceed the proposed monthly production target. In this context, the production targets represent the maximum monthly production that should occur so that CAW remains within its Standard Production Allocation for the Laguna Seca Subarea specified in the Seaside Decision. Accordingly, actual production beyond these production targets will be subject to replenishment assessment by the Seaside Basin Watermaster.
4. "Other" production sources refer to supplies transferred to Laguna Seca Subarea customers from CAW's Carmel River sources or water rights acquired from other producers in the Seaside Basin to produce additional water. For example, under emergency conditions, water can be transferred from sources that serve customers in CAW's main system, via an existing interconnection, to customers in CAW's Ryan Ranch system.

EXHIBIT 9-C

**Quarterly Water Supply Strategy and Budget
Report California American Water Main Water
Distribution System: October - December 2018**

1. Management Objectives

The Monterey Peninsula Water Management District (District) desires to maximize the long-term production potential and protect the environmental quality of the Carmel River and Seaside Groundwater Basins. In addition, the District desires to maximize the amount of water that can be diverted from the Carmel River Basin and injected into the Seaside Groundwater Basin while complying with the instream flow requirements recommended by the National Marine Fisheries Service (NMFS) to protect the Carmel River steelhead population. To accomplish these goals, a water supply strategy and budget for production within California American Water's (CalAm's) Main and Laguna Seca Subarea water distribution systems is reviewed quarterly to determine the optimal strategy for operations, given the current hydrologic and system conditions, and legal constraints on the sources and amounts of water to be produced.

2. Quarterly Water Supply Strategy: October - December 2018

On September 6, 2018 staff from the District, CalAm, the National Marine Fisheries Services (NMFS), State Water Resources Control Board's Division of Water Rights (SWRCB-DWR), and the California Department of Fish and Wildlife (CDFW) met and discussed the proposed water supply strategy and related topics for upcoming quarter.

Carmel River Basin CalAm will operate its wells in the Lower Carmel Valley in a downstream to upstream sequence, as needed to meet customer demand. For this quarterly water budget, it was agreed that CalAm would plan to cease any Upper Valley production when the River enters the "Low Flow" regime. To the maximum extent, pumping will be shifted away from the river wells and Seaside native and banked ASR water will be used to meet demand in the summer months. Any new sources of water reduce the water available to be pumped from the river on a one to one basis consistent with SBO 2016-0016.

Seaside Groundwater Basin CalAm will continue to produce water from the Coastal Subareas of the Seaside Basin during this period, as necessary to meet system demand and facilitate ASR recovery. There is also a goal to produce 25 AF of treated brackish groundwater from the Sand City Desalination Plant in each of these three months. It is recognized that, based on recent historical use, CalAm's production from the Laguna Seca Subarea during this period cannot be reduced to zero, as is set by CalAm's allocation specified in the Seaside Basin Adjudication Decision. In this context, the production targets represent the maximum monthly production that should occur so that CalAm remains within its adjudicated allocation for the Laguna Seca Subarea. Under the amended Seaside Basin Decision, CalAm is allowed to use production savings in the Coastal Subareas to offset over-production in the Laguna Seca Subarea. However, the quarterly budget was developed so that CalAm would produce all native groundwater in the Coastal Subareas and Laguna Seca production would be over the Adjudication allotment.

ITEM: ACTION ITEM**10. RECEIVE UPDATE ON THE ASR BACKFLUSH BASIN EXPANSION PROJECT AND CONSIDER EXPENDITURE FOR PROJECT CONSTRUCTION**

Meeting Date:	September 17, 2018	Budgeted:	Yes
From:	David J. Stoldt General Manager	Program/ Line Item:	Water Supply Projects 35-04-786004
Prepared By:	Maureen Hamilton	Cost Estimate:	\$482,425

General Counsel Review: N/A**Committee Recommendation: The Administrative Committee has not reviewed this item.****CEQA Compliance: The addendum to the ASR EIR/EA for this project was adopted by the Board on July 16, 2018 by Resolution 2018-17.**

SUMMARY: The contract agreement for construction of the Santa Margarita ASR Backflush Basin Expansion Project (Project) between MPWMD and Granite Rock Company, authorized by the board on July 16, 2018, was voided on August 23, 2018 because it was awarded under mutual misunderstanding.

The Project, located at 1910 General Jim Moore Boulevard (GJMB) south of Coe Avenue/Eucalyptus Road, was re-advertised for bid on August 24, 2018. Bids were opened September 11, 2018. The responsible bidder with the lowest responsive bid is Monterey Peninsula Engineering.

RECOMMENDATION: The Board of Directors authorize the General Manger to enter into a contract agreement with Monterey Peninsula Engineering for a contract amount of \$419,500, with a 15% contingency to be authorized by MPWMD staff, for a total amount not-to-exceed (NTE) \$482,425.

DISCUSSION: A contract to construct the Project was executed on August 9, 2018 with Granite Rock Company in the amount of \$468,361. The work included:

- tripling the size of the existing backflush basin,
- replace above-ground pipes with underground pipes,
- construction of a second entrance, and
- construction of a fence fronting GJMB.

The contract was awarded under mutual misunderstanding due to a patent ambiguity related to material purchase. MPWMD voided the contract. It was determined that a contract could not be awarded to the second of two bidders when staff learned that bidder had informally received information having a material effect on their bid which resulted in a flawed bid process.

The project was re-advertised on August 27, 2018 with the following changes:

1. Addition of work to relocate one discharge pipe in the backflush basin.
2. Deletion of the work to replace above-ground pipes with underground pipes. This item was deleted due to long material lead-time and insufficient time to re-issue bid drawings utilizing temporary, readily available materials.
3. One fence option was bid in accordance with City of Seaside preference.

A mandatory pre-bid meeting was held on September 5, 2018; additionally, appointments were made available through September 6 upon email request to staff. Three potential bidders attended the September 5, 2018 pre-bid meeting: Granite Rock Company, Monterey Peninsula Engineering, and Anderson Pacific Engineering Construction Inc.

Bids were opened on September 11, 2018. The bid results are as follows:

Bidder	Bid Amount
Monterey Peninsula Engineering	\$419,500
Anderson Pacific	\$432,000
Granite Rock Company	\$465,511

The responsible bidder with the lowest responsive bid is Monterey Peninsula Engineering. Adjusting for the work scope addition and deletion, the lowest bid price is approximately \$18,500 less than the same bidder's July 2 bid price.

Major components of the Project must be constructed from June 1 through November 30 so that construction does not interfere with weekly backflushing operation required during injection season, which may begin on December 1. Due to the limited construction window and land constraint, the backflush basin expansion should be constructed this year to allow more time to construct disinfection facilities next year.

EXHIBIT

10-A MPE Bid Documents

CNA

BID BOND

KNOW ALL MEN BY THESE PRESENTS: That we

MONTEREY PENINSULA ENGINEERING

and THE CONTINENTAL INSURANCE COMPANY, Principal,
Surety, are held and firmly bound unto

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, Oblige,

5 Harris Court Monterey CA 93942

in the sum of

Ten percent of amount bid. Dollars (\$10% of Amount Bid)

for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Oblige on a contract for Backflush Basin Expansion Project

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within such time as may be specified, enter into the contract in writing and give such bond or bonds as may be specified in the bidding or contract documents with surety acceptable to Oblige; or if Principal shall fail to do so, pay to Oblige the damages which Oblige may suffer by reason of such failure not exceeding the penalty of this bond, then this obligation shall be void; otherwise to remain in full force and effect.

Signed, sealed and dated 9/5/2018

MONTEREY PENINSULA ENGINEERING
(Principal)

by Peter J. Taormina, Manager (Seal)

THE CONTINENTAL INSURANCE COMPANY
(Surety)

by B. Aleman Attorney-in-Fact

G-23054-C

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On SEP 05 2018 before me, Vanessa Fong, Notary Public, personally appeared B. Aleman who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] Signature of Notary Public

Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Tracy Aston, Tom Branigan, Edward C Spector, Kristine Mendez, Daravy Mady, Lisa K Crail, Simone Gerhard, B Aleman, Benjamin Lee Wolfe, K D Conrad, Individually

of Los Angeles, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 9th day of June, 2015.



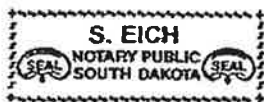
The Continental Insurance Company

Paul T. Bruflat

Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 9th day of June, 2015, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires February 12, 2021

S. Eich

S. Eich Notary Public

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this _____ day of SEP 05 2018.



The Continental Insurance Company

D. Bult

D. Bult Assistant Secretary

EXHIBIT 10-A
Authorizing Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF THE CONTINENTAL INSURANCE COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company at a meeting held on May 10, 1995.

“RESOLVED: That any Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Group Vice President to the Secretary of the Company prior to such execution becoming effective.”

This Power of Attorney is signed by Paul T. Bruflat, Vice President, who has been authorized pursuant to the above resolution to execution power of attorneys on behalf of The Continental Insurance Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25th day of April, 2012:

“Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the “Authorized Officers”) to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, “Electronic Signatures”); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company.”

BID ACKNOWLEDGEMENT

Monterey Peninsula Water Management District
5 Harris Court Bldg G., Monterey, CA 93940 (Monterey County)
or
P.O. Box 85, Monterey, CA 93942-0085

Pursuant to the foregoing Notice Inviting Sealed Bids, the undersigned hereby proposes and binds itself by the District, under this Bid, to execute in accordance with such award, a contract of which this Bid and the Specifications, which include Special Conditions and all Addenda, shall be a part, to furnish any and all labor, materials, equipment, and services necessary for satisfactory performance and completing the work set forth in said documents within the time hereinafter sent forth and at the prices named in this bid.

Upon award, this Bid Form shall become a part of the final contract.

The undersigned certifies that it has examined the location of the proposed work and/or is familiar with the Specifications, which include Special Conditions and all Addenda, and the local conditions in the place where the work is to be done.

The undersigned has examined and carefully studied the Call for Bids, the other related data identified in the Call for Bids, and the following Addenda, receipt of which is hereby acknowledged:

ADDENDA
No. 1 Dated August 30, 2018
No. 2 Dated September 6, 2018
No. _____ Dated _____
No. _____ Dated _____
No. _____ Dated _____

The undersigned certifies that it has carefully checked all of the figures shown in its Bid Form and understands that the District shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

The undersigned certifies that it has carefully reviewed the accuracy of all statements in this Bid and attachments hereto.

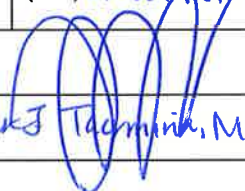
The undersigned understands that the District reserves the right to reject any or all bids, and to waive any irregularities or informalities in bids received. Award shall be made which, in the judgement of the District, is to the best interest of the District. It is agreed that this bid may not be withdrawn within a period of 90 days after the date set for the opening thereof.

The undersigned certifies that it has examined and is fully familiar with all of the provisions of the Contract Documents and any addenda thereto.

In accordance with the Construction Specifications, the undersigned further agrees to so plan the work and prosecute it with such diligence that said work shall be commenced within 5 days after issuance of the notice to proceed. The backflush basin expansion work must be completed by November 30, 2018 so that the backflush basin is fully operational, and the remaining work must be completed by December 31, 2018.

The undersigned agrees, if awarded the contract, that there shall be paid by the undersigned and all subcontractors under him, to all laborers, workmen, and mechanics employed in the execution of such contract or any subcontract thereunder, not less than the general prevailing rate of per diem wages, and rates for overtime and legal holidays in the locality in which the work is to be performed, as established by the State Director of the Department of Industrial Relations.

The undersigned or his or her subcontractors currently possess and agree to maintain valid **Contractor's Licenses** issued by the State of California necessary to prosecute the work.

Bidder:	Monterey Peninsula Engineering		Tax I.D. Number:	91-2000567
Business Address:	192 Healy Avenue, Marina, CA 93933			
List all Contractor's License No.:	972425			
Telephone:	() 831-384-4081	e-mail:	Peter@mpe2000.com	
By:			Dated:	September 11, 2018
Title:	Peter J. Tadmira, Manager			

This form must be submitted with the bid for the bid to be responsive.

BID FORM

Item	Title	Unit	Estimated Quantity	Unit Price	Total
1	Mobilization	Lump Sum	Lump Sum	\$ 25,000 ⁻	\$ 25,000 ⁻
2	Relocate existing Energy Dissipater per Sheet 5, including all materials, equipment, and Labor, complete and in place	Lump Sum	Lump Sum	\$ 32,000 ⁻	\$ 32,000 ⁻
3	Wrought Iron Fence w/ CMU Pilasters per Sheets 4, 8 (Det. 1, 2A, 3, 4), & Sheet A111; including all labor, materials, and equipment, complete and in place	Linear Feet	160	\$ 1,150 ⁻	\$ 184,000 ⁻
4	Excavation of percolation pit, soil stockpiling, site grading, and slope stabilization with geotextiles, including all materials, equipment, and labor, complete in place	Lump Sum	Lump Sum	\$ 49,500 ⁻	\$ 49,500 ⁻
5	Construct northern Driveway Entrance, curb, gutter, and paving; and all appurtenances; including all materials, equipment, and labor, complete and in place, per Sheet 4 of Plans.	Lump Sum	Lump Sum	\$ 50,000 ⁻	\$ 50,000 ⁻
6	Completion of all other work specified in the Contract Documents complete and in place, including demobilization, site cleanup, and site restoration.	Lump Sum	Lump Sum	\$ 25,000 ⁻	\$ 25,000 ⁻
7	Standby Time	Hrs	8	\$ 500 ⁻	\$ 4,000 ⁻
Total Amount Bid for All Items:					\$ 419,500 ⁻
Total In Words: FOUR HUNDRED NINETEEN THOUSAND FIVE HUNDRED DOLLARS P.T. ^ NINETEEN					

This form must be submitted with the bid for the bid to be responsive.

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CONTRACTOR'S EXPERIENCE QUALIFICATIONS

The Bidder as Prime Contractor must have completed at least \$5 million in construction volume within the last 5 years, with at least one project having a contract value of \$500,000, on the following types of projects:

- At least one project including excavation and compaction of at least 3,000 cubic yards of soil.

The Bidder or its subcontractor must have completed at least three fence construction projects utilizing wrought iron and CMU materials, at least 6 feet in height, and at least 100 feet in length.

see attached

The Bidder has been engaged in the contracting business, under the present business name for 38+ years. Experience in work of a nature similar to that covered in the bid extends over a period of 38+ years.

The bidder, as a contractor, has never failed to satisfactorily complete a contract awarded to him, except as follows: N/A

The Bidder as Prime Contractor shall list projects meeting the Contractor's Experience Qualifications in the following table for the bid to be considered responsive:

Year	Project Location and Contracting Firm/ Agency	Contract amount (\$)	Provide Name and Telephone Number of Person(s) That Can Be Contacted Regarding Work
2017	7th Ave. Parking Lot Improvements - CSUMB	\$3,800,000 -	Pamela Lapham E31-582-4277
2016	Alianza Water Tank Pajaro Valley U.S.D.	\$1,170,000 -	Adam Lint E31-786-2380
2017	Pump Station 13 Valve Replace and Upgrades - Monterey One Water	\$1,198,018	Jeny Valladao E312 646-3241

Please attach additional sheet(s) as needed. see attached

Bidder _____
 Signed Monterey Peninsula Engineering
 Title Petero Tacarina, Manager
 Date September 11, 2018

MONTEREY PENINSULA ENGINEERING		AS OF			
JOB INVENTORY LIST - 2008--2017		17-Jun-18			
YEAR	JOB NAME	Customer	Contact Person	Phone #	FINAL/CONTRACT
2010	APTOS TRANSMISSION MAIN RELOCATION PROJECT	COUNTY OF SANTA CRUZ	HDR--RON PERKINS	916-817-4700	\$5,930,000.00
2011	ROAD REHABILITATION PROJECT	CITY OF HOLLISTER	DAVID RUBCIC	831-636-4340	\$1,296,439.33
2012	LA MESA CLIFFS	CLARK BUILDERS GROUP	ALLEN BRANDT	831-583-2726	\$2,003,534.00
	KENNETH & JUDSON STREETS MAIN REPLACEMENT	CALIFORNIA AMERICAN WATER	GARY HOFSCHEIER	831-646-3253	\$572,879.00
	HUCKLEBERRY HILL WATER STORAGE TANK	PEBBLE BEACH COMM SVCS DIST.	MIKE NICCUM	831-647-5604	\$1,078,780.00
	KIDNEY IMPROVEMENT PHASE 2	CLARK BUILDERS GROUP	ALLEN BRANDT	831-583-2726	\$804,775.00
	CARMEL VALLEY RD @ VIA LOS TULARES TRANSMISSION MAIN REPLACEMENT	CALIFORNIA AMERICAN WATER	GARY HOFSCHEIER	831-646-3253	\$706,130.00
	CALABASAS ROAD IMPROVEMENTS BRADFORD RD TO BUENA VISTA DR	COUNTY OF SANTA CRUZ	RUSSELL CHEN	831-454-2160	\$854,236.00
	RECONSTRUCTION OF WASTEWATER PUMP STATION 11 & FORCE MAIN REPLACEMENT	CITY OF PACIFIC GROVE	MIKE ZIMMER	831-648-5722	\$1,799,309.00
	URBAN RUNOFF DIVERSION - PHASE 3	CITY OF PACIFIC GROVE	MIKE ZIMMER	831-648-5722	combined with above project
2013	OCEAN STREET SEWER	CITY OF SANTA CRUZ	STEVE WOLFMAN	831-420-5428	\$1,145,797.00
	2013 SEASIDE MAIN REPLACEMENTS PHASE 1 M1314	CALIFORNIA AMERICAN WATER	GARY HOFSCHEIER	831-646-3253	\$1,045,596.00
	RESERVATION ROAD IMPROVEMENTS PROJECT	CITY OF MARINA	EDRIE DE LOS SANTOS	831-884-1212	\$2,034,637.00
	WATER MAIN REPLACEMENT PROJECT	CITY OF SANTA CRUZ	RYAN ERNST	831-420-5429	\$770,316.00
	PACIFIC GROVE MIDDLE SCHOOL SITE IMPROVEMENTS	PGUSD	RICK MILLER	831-646-6509	\$721,755.00
	INSTALLATION OF CAL WATER STATION 15	CALIFORNIA WATER SERVICE CO	DEVI PRASANNA	408-367-8393	\$681,198.00
2014	DAVIS ROAD CLASS II BIKEWAY PROJECT 14-869465	MONTEREY COUNTY RESOURCE MANG AG	JONATHAN PASCUA	831-755-8963	\$921,212.00
	MONTEREY SANITARY SEWER REPAIRS	CITY OF MONTEREY	LORI LYNN WILLIAMSON	831-242-8746	\$1,129,946.00
	SANITARY SEWER MANHOLE PIPELINE REPAIR REHABILITATION	SOUTHWEST PIPELINE	RON BOLGER	310-329-8717	\$1,237,250.00
	OLYMPIA MUTUAL WATER CONSOLIDATION PROJECT	SAN LORENZO VALLEY WATER DIST.	ROB MENZIES	831-430-4615	\$1,408,595.00
	OAK RIDGE/ VIA DEL SOL	AROMAS WATER DISTRICT OFFICE	VICKI MORRIS	831-726-3155	\$1,768,390.00
	SPRINGHILL SUITES - MARINA	COVENANT CONSTRUCTION	ORVILLE WILLIAMS	559-351-5868	\$2,246,000.00
	TEST SLANT WELL-CIVIL WORK PROJECT	CAL AM	DOUGI AS A FRASER	831-236-4494	\$661,400.00
	CAPITAL PROJECTS PHASE 7 FOR WASTEWATER COLLECTION SYSTEM	CITY OF PACIFIC GROVE	DANIEL GHO	831-648-5722	\$1,039,921.00
	REGIONAL WATER SYSTEM INTERTIES NO 2,3 & 4 - HWY 9	SAN LORENZO VALLEY WATER DIST.	RICK ROGERS	831-338-2153	\$5,733,682.00
2015	CALIFORNIA CENTRAL COAST VETERANS CEMETARY	THE STATE OF CALIFORNIA	GORDON TESSMAN	559-896-1443	\$1,280,000.00
	SALINAS SOURCE WATER-IND WASTEWATER DIV PROJECT	MRWPCA	JENNIFER GONZALEZ	831-883-6172	\$1,165,000.00
	2015 MAIN REPLACEMENT PROJECT	CAL AMERICAN WATER	GARY HOFSCHEIER	(831) 646-3253	\$936,074.00
	2014 STREETS PROJECT PHASE II	CITY OF CARMEL	SHARON FRIEDRICHSEN	620-2000	\$641,120.00
	LODGE AREA UTILITY IMPROVEMENT PROJECT	PEBBLE BEACH COMM SERVICES	NICK BECKER	(831) 647-5605	\$2,026,610.00
	SAN LORENZO RIVER PARKWAY PHASE II PROJECT	CITY OF SANTA CRUZ	JUSHUA SPANGRUD	831-420-5160	\$304,298.50
	WEST HILL WATER TREATMENT PLANT - (BART)	SAN BENITO COUNTY WATER DISTRICT	DEAN BAILEY/JOHN WEST	(916) 924-0344	\$1,646,000.00
	WELL NO. 4 PUMP STATION	SPRECKELS WATER COMPANY	WILLIAM GUSTAVSON	530-661-0109	\$343,920.00
	VARIOUS ADA CURB RAMPS AND STORM DRAIN UPGRADE PROJECTS	CITY OF MONTEREY	MARYN MILLER	831-242-8773	\$288,756.00
2016	KING ELEMENTARY SCHOOL ELECTRICAL SERVICE REPLACEMENT	MPUSD	LOU BARTLETT	831-649-4642	\$925,000.00
	ALIANZA WATER TANK	PVUSD	ADAM LINT	831-786-2380	\$1,170,000.00
	OAK CANYON BOOSTER STATION REHABILITATION PROJECT	CITY OF MORGAN HILL	DAVID GITTLESON	408-778-6480	\$1,592,000.00
	CLARK AND COSKY LIFT STATION IMPROVEMENTS	MCWD	PATRICK BREEN	831-883-5951	\$1,192,325.00
	DEL MONTE BLVD PAVEMENT REHABILITATION	CITY OF SEASIDE	LESLIE LLANTERO	831-899-6700	\$343,852.80
	2016 STREET PROJECTS	CITY OF CARMEL BY THE SEA	SHARON FRIEDRICHSEN	831-620-2009	\$1,121,938.00
	LOVERS POINT WATERSHED STORM DRAINAGE & SANITARY SEWER IMPROVEMENTS	CITY OF PACIFIC GROVE	DANIEL GHO	831-648-5722	\$3,549,020.00
	8TH & INTER-GARRISON ROUNDABOUT CSUMB	CSUMB	REYOLA CARLISLE	831-582-3506	\$2,398,000.00
	GWTP RELOCATION FORT ORD	US ARMY	ROBERT LIFFLAND	619-372-9125	\$3,647,750.00
	EAST DUNNE AVENUE WATER MAIN PROJECT	CITY OF MORGAN HILL	DAVID GITTLESON	408-778-6480	\$1,475,400.00
	DEL MONTE BLVD & BEACH RD IMPROVEMENT PROJECT	CITY OF MARINA	EDRIE DE LOS SANTOS	831-884-1212	\$1,952,845.50
2017	W BROADWAY URBAN VILLAGE INFRASTRUCTURE IMPROVEMENTS	CITY OF SEASIDE	LESLIE LLANTERO	831-899-6832	\$5,999,895.00
	MPWSP MONTEREY PUMP STATION - LUZERN AT HILBY	CAL AM	CHRIS COOK	831-646-3241	\$2,839,200.00
	PUMP STATION 13 VALVE REPLACEMENT AND UPGRADES	MONTEREY ONE WATER	JERRY VALLADAO	831-646-3241	\$1,198,018.57
	N SEASIDE & CARMEL VALLEY WATER MAIN REPLACEMENTS	CAL AM	LESLIE SILVA	831-646-3225	\$2,092,600.01
	7TH AVE PARKING LOT IMPROVEMENTS	CSUMB	PAMELA LAPHAM	831-5824277	\$3,800,000.00
	HIGHLAND AVE SEWER UPGRADE	CITY OF MORGAN HILL	VICKY ROSSI	(408) 310-4182	\$547,900.00
	HILBY AVE PAVEMENT RESTORATION AND CURB RAMP INSTALL	CAL AM	JAY DREWRY	619-446-4777	\$1,481,784.90
	SALINAS YARD IMPROVEMENTS	RYDER TRUCK RENTAL	ANDRES CARVALLO	305-500-5645	\$859,450.00
	HIGH MEADOWS & UPPER RANCHO FIESTA BOOSTER PUMP STATION IMPROV	CAL AM	LESLIE SILVA	831-646-3225	\$686,200.00
	ROBERT DOWN RELOCATABLE CLASSROOM PROJECT	PACIFIC GROVE UNIFIED SCHOOL DISTRICT	MATT KELLY	831-646-6510	\$185,000.00
	EAST LAUREL & ST EDWARDS TRAFFIC IMPROVEMENT PROJECT	CITY OF SALINAS	MARCO BECERRA	831-758-7433	\$879,029.00
	MAIN AVE & MADRONE PIPELINE RESTORATION PROJECT	SANTA CLARA VALLEY WATER DISTRICT		408-265-2600	\$9,946,650.00
	PASEO DEL LAS ROSAS APARTMENTS	ZUMWALT CONSTRUCTION	ROBERT L MCKNIGHT	559-252-1000	\$1,906,750.00

SUBCONTRACTOR'S DESIGNATION FORM

In accordance with the State of California Public Contract Code Sections 4100-4114, the Subletting and Subcontracting Fair Practices Act, each bid shall set forth for each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price:

- a) the name and the location of the place of business,
- b) the California contractor license number,
- c) the public works contractor registration number, and
- d) the portion of the work which will be done as a percentage of the Contractor's Total Bid Price.

Notwithstanding the foregoing, if the work involves streets and highways, then the Contractor shall list each subcontractor who will perform work or labor or render service to Contractor in or about the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

If a Contractor fails to specify a Subcontractor for any portion of the work to be performed under the Contract, on or about the construction of the project, in excess of one-half of one percent (1/2%) of the Contractor's total Bid, he shall be deemed to have agreed to perform such portion himself, using his own resources and employed personnel and he shall not be permitted to sub-contract that portion of the work, except under the conditions set forth in Section 4107 of the Government Code of the State of California.

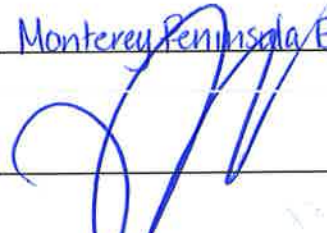
The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.

Subcontractor Name <i>William A. Thayer Construction, Inc.</i>	Subcontractor Address <i>220 J San Benancio Rd Salinas, CA 93908</i>
California Contractor License Number <i>605259</i>	Public Works Contractor Registration Number <i>1000015477</i>
Description of Work to be done by Subcontractor <i>CMV, STUCCO, FOOTINGS</i>	% of Work to be done by Subcontractor <i>20%</i>

Subcontractor Name <i>Oliveira Fence, Inc.</i>	Subcontractor Address <i>293 Brokaw Rd. Santa Clara, CA 95050</i>
California Contractor License Number <i>404243 C13</i>	Public Works Contractor Registration Number <i>1000003214</i>
Description of Work to be done by Subcontractor <i>IRON FENCE SYSTEM</i>	% of Work to be done by Subcontractor <i>13%</i>

Subcontractor Name	Subcontractor Address
California Contractor License Number	Public Works Contractor Registration Number
Description of Work to be done by Subcontractor	% of Work to be done by Subcontractor

Name of Bidder *Monterey Peninsula Engineering*

Signature 

Name & Title *Peter J. Taormina, Manager*

Dated *September 11, 2018*

SUBCONTRACTOR'S EXPERIENCE QUALIFICATIONS

The subcontractor has been engaged in the contracting business, under the present business name for 23 years. Experience in work of a nature similar to that covered in the bid extends over a period of 35 years.

The subcontractor has never failed to satisfactorily complete a contract awarded to him, except as follows:

N/A

The subcontractor shall list projects meeting the pertinent Contractor's Experience Qualifications in the following table for the bid to be considered responsive:

Year	Project Location and Contracting Firm/ Agency	Contract amount (\$)	Provide Name and Telephone Number of Person(s) That Can Be Contacted Regarding Work
2017	CITY OF MONTEREY ON CALL	1,065,000.00	ELVIE CAMACHO 646-3783
2017	CITY OF MONTEREY PMSA ON CALL	1,065,000.00	ANDREAS BAER 247-8777
2014	COUNTY OF MONTEREY JOC	NTS 4.6 million	JUDY JESKA 262-5941
2010	MPWMD ASR SANTA MARGARITA	469,000.00	JOE OLIVER 658-5600
2013	MPWMD WSW #13 ELECTRICAL BIDD	308,083.	JOE OLIVER 658-5600

Please attach additional sheet(s) as needed.

Bidder

William A. Thayer Construction INC

Signed

William A. Thayer

Title

PRESIDENT 9/10/18

Date

SUBCONTRACTOR'S EXPERIENCE QUALIFICATIONS

The subcontractor has been engaged in the contracting business, under the present business name for 35 years. Experience in work of a nature similar to that covered in the bid extends over a period of 40 years.

The subcontractor has never failed to satisfactorily complete a contract awarded to him, except as follows:

"NONE"

The subcontractor shall list projects meeting the pertinent Contractor's Experience Qualifications in the following table for the bid to be considered responsive:

Year	Project Location and Contracting Firm/ Agency	Contract amount (\$)	Provide Name and Telephone Number of Person(s) That Can Be Contacted Regarding Work
2017	SF Transbay Transit	75,505.00	Randy Sheldon (510) 435-3640
2016	Oakland Airport Connector BART	430,000	Tony Incencio (707) 40-2213
2017	Fremont BART Warm Springs Extension	\$1.6 mil.	Joseph Peur (602) 703-2270
2018	Milpitas BART Berryessa Extension	\$1.8 mil.	Danny (951) 203-7716
2017	Oakland BART Contract No. 15PB-120	\$580,000	Angela (707) 310-1752
2016	Contract # 169404 Contra Costa	\$250,000	Cate (916) 919-5310
2016	Sacramento City College	\$466,576	JACK (916) 522-0704

Please attach additional sheet(s) as needed.

Olivera Fence, INC.

Bidder

Rubie Garcia

Signed

President -

Title

9/11/2018

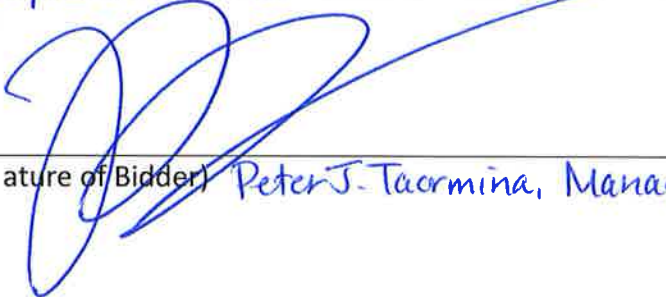
Date

SECURITY FOR COMPENSATION CERTIFICATION

TO: MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

I am aware of the provisions of Section 3700 of the Labor Code of the State of California which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract:

September 11, 2018
Date


(Signature of Bidder) Peter J. Taormina, Manager

Business Address:

192 Healy Avenue
Marina, CA 93933

Place of Residence:

Same as above

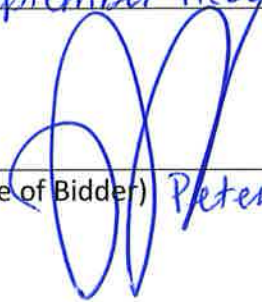
(This certification must be executed by the successful bidder prior to the award of Contract.)

FAIR EMPLOYMENT PRACTICES CERTIFICATION

TO: MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

The undersigned, in submitting a bid for performing the following work by Contract, hereby certifies that he has or shall meet the standards of affirmative compliance with Fair Employment Practices requirements of the special provisions contained herein:

September 11, 2016
Date


(Signature of Bidder) Peter J. Taormina, Manager

Business Address:

192 Healy Avenue
Marina, CA 93933

Place of Residence:

same as above

(This certification must be executed by the successful bidder prior to the award of Contract.)

NONCOLLUSION AFFIDAVIT

State of California _____)

_____) ss.

County of Monterey _____)

Peter J Taormina

Being first duly sworn, deposes and says that her-~~or she~~ is Manager of the party making the foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true, and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Signature

Peter J Taormina, Manager

Date

September 11, 2018

The title of the affidavit provides that it is "to be executed by bidder and submitted with the bid."

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

**ADDENDUM NO. 1
TO
CONTRACT DOCUMENTS**

**For Construction
Of
BACKFLUSH BASIN EXPANSION PROJECT**

GENERAL

Scope

The following revisions are made to the Contract Documents and its attachments for the subject project.

This Addendum (including attachments), dated August 30, 2018, includes 19 pages.

ADDITIONAL INFORMATON

None

REVISIONS

Item No. 1

The Drawings and Specifications, is deleted in its entirety.

Replace by the 15 page bid drawing set in **Attachment A** and available for download on the website <http://www.mpwmd.net/backflush-basin-expansion-project/> under the link "Drawings and Specifications – 20Aug2018".

Item No. 2

Call For Bids, Special Conditions 3 Work on the Former Fort Ord

Delete the following:

*Soil from west of the line marked TIP must remain west of the TIP at all times.
Soil from east of the line marked TIP must not be moved west of that line.*

The TIP line shall be marked by a Surveyor licensed in the state of California prior to construction. A barrier fence must be installed prior to construction and maintained throughout construction.

Replace with the following:

Soil from west of the line marked Ordnance Clearing Boundary must remain west of the Ordnance Clearing Boundary at all times. Soil from east of the line marked Ordnance Clearing Boundary may be moved west of that line. Soil that is moved from the east to the west of the Ordnance Clearing Boundary line may NOT be moved back to the east side of that line.

The Ordnance Clearing Boundary line shall be marked by a Surveyor licensed in the state of California prior to construction. A barrier fence or equally clear demarcation must be installed to identify the Ordnance Clearing Boundary line prior to construction and maintained throughout construction.

Item No. 3

Call For Bids, Special Conditions 6 Stormwater Pollution Prevention

Add the following:

Straw wattles are to be placed next to the concrete sidewalk along General Jim Moore Boulevard across the entire length of the property line.

Straw wattles are to be placed along the toe of the stockpile on all sides of the stockpile that are accessible.

Item No. 4

Drawings and Specifications, Drawing 3 and Drawing 4

Add the following Notes:

1. *The gate must be reinstalled in the original or Owner-approved location.*
2. *Operations access must be maintained at all times.*
3. *Site security must be maintained at all times.*

Item No. 5

Drawings and Specifications, Drawing 6

Add the following Note:

The stockpile may not be taller than five (5) feet.

Item No. 6

Drawings and Specifications, Drawings 5 and 6

Add the following note:

The price to furnish or provide new materials shall be included in the bid price.

QUESTIONS AND RESPONSES

Question 1

What is the engineers estimate?

Answer

The engineer's estimate has not been updated from the Santa Margarita ASR Backflush Basin Expansion Project scope of work that opened bids on July 2, 2018. The engineers estimate for the July 2, 2018 project was \$450,000 and is being used as the engineers estimate for this work.

Question 2

Is there a union requirement?

Answer

There is no union requirement, this is a prevailing wage job that requires registration with the DIR.

Question 3

Is the work the same as the last bid, the Santa Margarita ASR Backflush Basin Expansion Project that opened on July 2, 2018?

Answer

The work has changed. Changes include, but are not limited to:

- 1. One fence option has replaced the two fence options presented in the July 2, 2018 bid.*
- 2. An item has been added to relocate an energy dissipater. Please review this item carefully to ensure the bid includes necessary purchase, equipment, labor, and all materials necessary to perform the work.*
- 3. The bid item to remove above ground pipe and install replacement pipe underground has been completely removed.*

ATTACHMENT A

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New drawings 9/4/18

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

**ADDENDUM NO. 2
TO
CONTRACT DOCUMENTS**

**For Construction
Of
BACKFLUSH BASIN EXPANSION PROJECT**

GENERAL

Reminder Bid Opening is Tuesday September 11, 2018 at 2:00 pm. Sealed bids must be delivered to, and will be opened at, MPWMD 5 Harris Court Building G, Monterey, CA 93940.

Reminder the last day for questions is Thursday September 6, 2018.

Scope

The following revisions are made to the Contract Documents and its attachments for the subject project.

This Addendum (including attachments), dated September 6, 2018, includes 27 pages.

ADDITIONAL INFORMATION

A mandatory pre-bid meeting was held Wednesday September 5 at 1:00 p.m. The agenda, minutes, and sign-in sheet are included as **Attachment A** to this Addendum.

REVISIONS

Item No. 1

The Drawings and Specifications, is deleted in its entirety.

Replace by the 15 page bid drawing set in **Attachment B** and available for download on the website <http://www.mpwmd.net/backflush-basin-expansion-project/> under the link "Drawings and Specifications – 6Sep2018".

The difference between the 6Sep2018 drawings and the drawings issued on September 4, 2018 are clarifications and specifications on A111.

Item No. 2

Drawings and Specifications, Sheet 4

On the second and third CMU fence posts from the left, replace Note 6 with Note 4.

SUBMITTED QUESTIONS AND RESPONSES

Question 1

Plans on sheet 8 of 9 and Site Detail sheet do not indicate method of attachment of support posts for ornamental fence. Do the posts need to have plates welded to the post or do they need to be set in sleeves in the wall.

Answer

The fence posts are to have bolted anchorage to top of wall to allow future removal and reinstallation. Provide Ameristar custom welded base plate at each post, 4"x8" nominal base plate size with four (4) 5/8-inch diameter stainless steel wedge anchors with 2.5-inch minimum embedment.

Question 2

AEGIS II comes in four different styles the Classic, Majestic, Genesis and the Invincible. Prices will vary on the different styles. Please clarify which style is required for this project so that we can quote the desired product.

Answer

Classic.

Question 3

AEGIS II also comes in different options of horizontal rails. There is a two rail system and a three rails system which has an option for rings.. Please clarify the amount of horizontal rails that are required for the ornamental iron fence on this project.

Answer

Three rails as depicted in the drawing. Drawings issued August 30, 2018 on Drawing A111 Detail 3 Steel Fence Panels Note 4 that the 3rd rail is optional is a manufacturer standard detail and is to be ignored.

Question 4

If the required amount of horizontal rails is three. Please clarify if the ring option mentioned in the Aegis II specs in Addendum #1 is required.

Answer

No ring option is required.

Question 5

Which of the bid items on the Bid Form covers the Remove and Salvage the existing fence, the Relocated Location of the Salvaged Fence shown on sheet 3 as well as the New chain link fence shown on sheet 4.

Answer

It is the Bidders decision to distribute bid items in the bid form. We have provided Bid Item G, "Completion of all other work specified in the Contract Documents complete and in place, including demobilization, site cleanup, and site restoration".

PRE-BID MEETING QUESTIONS AND RESPONSES

Question 1

How will green waste be handled?

Answer

Deleterious material must remain on site. The Contractor will stockpile cleared plant materials during construction. It is the Contractor's responsibility to wood chip it and spread it about the site as mulch.

Question 2

Who does the lettering?

Answer

One potential bidder mentioned a company in Watsonville, and Monterey Signs in Monterey.

Question 3

Are two different fence options being bid?

Answer

No, only one fence option is being bid.

Question 4

Is Builders All Risk Insurance required?

Answer

Please refer to the Bid Documents, General Provisions, Section 5.04 for specific insurance requirements.

Question 5

Is Cape Seal required?

Answer

The cape seal is described on Drawing 1, Grading and Paving Note 22. It is a City requirement.

ATTACHMENT A

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**Santa Margarita Backflush Basin Expansion Project
Mandatory Pre-bid Meeting 5 September, 2018**

1. Introduction
2. Project Team
3. Project Description
4. Bidding and Contract Schedule
 - a. Bid Opening Date: September 11, 2018, 2:00 p.m. at 5 Harris Court, Building G, Monterey, CA 93940
 - b. Last day for Questions: September 6, 2018, 12:00 p.m.
 - c. Estimated Board Approval for Award: September 17, 2018
 - d. Estimated Notice of Award: September 19, 2018
 - e. 5 days to deliver Contract and required documents and certifications
 - f. Notice to Proceed after permits are in place
 - g. Contract Time: Backflush Basin fully operational by November 30, 2018, the remaining work by December 31, 2018.
5. Bidder Qualifications & Requirements –
 - a. Bid Acknowledgement, new area to sign that addenda have been received.
 - b. Bid Form. The cost of all materials must be included in the bid.
 - c. Subcontractor's Designation Form
 - d. Prevailing wages, insurance, bonds (Contract Agreement Article 5 and General Provisions Section 6.25, General Provisions Section 5 and Special Conditions, General Provisions Section 4)
 - e. Experience (Contractor's Experience Qualifications)
6. Bidder Requirements - Work
 - a. Includes but not limited to: move outfall, drainage on east side of new fence
 - b. Permits – license, grading, encroachment (Special Conditions Article1)
 - c. UXO Support (Special Conditions Article 3)
 - d. SWPPP (Special Conditions Article 6)
 - e. Environmental Best Practices (Special Conditions Article 4)
 - f. Utilities
 - g. O&M (Special Conditions Article 10)
 - h. Site waste
7. Payments & Retainage
 - a. Monthly Payments
 - b. 5% Retainage
 - c. Liquidated Damages
8. Questions from Bidders

Monterey Peninsula Water Management District Santa Margarita Backflush Basin Expansion

Mandatory Pre-Bid Meeting Sign-In Sheet (5 September, 2018 – 1:00pm)

CONTRACTOR	MPE
Contact Name	Sam Duckworth
Address	1390 NORMAN AVE SANTA CLARA CA
Telephone	408-319-1191
Fax	
Email	SCOTT@MWDPAK.COM
CONTRACTOR	MPE
Contact Name	Darin Hopkins
Address	192 Healy Ave Marina, CA 93933
Telephone	831-384-4081
Fax	-
Email	darin@mpe2001.com
CONTRACTOR	GRANITE ROCK
Contact Name	BOB WILLIAMS
Address	
Telephone	408-574-1400
Fax	
Email	ESTIMATING@GRANITEROCK.COM
CONTRACTOR	Darin for Gilbert
Contact Name	Gilbert Amador
Address	4
Telephone	831-320-7094
Fax	
Email	gamaador@rainforest.com

CONTRACTOR	RAIN FOR RENT
Contact Name	FRED HOOKER
Address	469 EL CAMINO REAL
Telephone	931-970-21024
Fax	
Email	FHOOKER@RAINFORRENT.COM
CONTRACTOR	
Contact Name	
Address	
Telephone	
Fax	
Email	
CONTRACTOR	
Contact Name	
Address	
Telephone	
Fax	
Email	
CONTRACTOR	
Contact Name	
Address	
Telephone	
Fax	
Email	

**Santa Margarita Backflush Basin Expansion Project
Mandatory Pre-bid Meeting Minutes
Meeting Date: 5 September, 2018**

1. Project Team was introduced.
2. Project Description

The basin location was reviewed.

There is no pipe work on any potable pipes in this bid – no demolition or installation of potable pipe is part of this bid. It is the Contractor’s responsibility to avoid water lines that are buried in the area being excavated. The Contractor should pothole to avoid water lines.

There is 21kV electrical line in the excavation area. It is the Contractor responsibility to verify the location.

There is above ground pipe in the area that is actively used. It is the Contractor responsibility to protect these pipes in place.

Because the site is a water supply facility and located on a Munitions Response Area, it is the Contractor responsibility to keep the site secure at all times. Maintain the barbed wire fence or install temporary chain link fence as indicated on the plans.

The Owner will mark the Ordnance Clearing Boundary points. It is the Contractor responsibility to mark and maintain the OCB line. This line is important as soil west of this line must not be moved east of the line. Soil east of the line may move west of the line, but may not be moved back east of the line once it has been moved east.

Unexploded ordnance training is required for all Contractors working on-site, delivery truck drivers are exempt. While the training may be available on-line; the Contractor should count on having the training conducted by Fort Ord Reuse Authority Contractor. Training consists of watching a 30 minute video and taking a short multiple choice test. The Owner pays for training.

The new Driveway should be saw cut. A handicap ramp with truncated dome surfacing meeting City of Seaside standard is required.

On the fence there is a concrete foundation, CMU columns, and wrought iron that will be constructed so the wrought iron panels can be removed. One section of the wall will be CMU plastered. The Architect will issue a TIF file which the contractor gives to the sign supplier . For bidding, the drawing with the fence could be submitted to the sign company for a quotation. The logo and dimensions may change slightly. The finished grade is higher on the east side of the fence than the west side of the fence. The west side of the fence earth elevation will be flush with the sidewalk. Drawing 4 shows the second and third columns from the left with Note 6, they should have Note 4 instead.

A storm drain will be constructed along the interior side of the fence draining to the basin. Pacific Crest will be on-site to observe and conduct compaction tests. They will confirm their soil analysis through observation and testing. In a west section of the basin there is an area to be reinforced with geogrid. The geotechnical reinforcement is specified in the drawings. An alternative reinforcement can be submitted, but realize it could be rejected and that the bid is to include the specified geotechnical reinforcement or equivalent as determined by the Owner Representative.

One outfall will be relocated. The pipe extending into the newly excavated basin will be substantially removed, a bend will be added, and the outfall reinstalled. The Contractor will install new redwood. In the outfall detail rock goes on 3 sides of the stand pipe.

The stockpile will be installed against the embankment. If more space is needed, the expansion area will be determined in the field with the Owner Representative.

The contractor must download the SWPPP. There is no Rain Event Action Plan. Silt fence is required. Straw wattles are required around the base of stock piled soil and along the sidewalk. Check the SWPPP for pre/post storm requirements and BMPs. The contractor is to purchase, install, and maintain BMPs. The Owner is supplying QSP and QSD services, however the Contractor is solely responsible for SWPPP compliance.

The Owner is working on the Grading Permit documents. The Owner strongly advises prospective bidders contact the City of Seaside for an estimate for the grading permit – it is more expensive due to the Munitions Response Area location. The Contractor will need to pay for and obtain registration with the City of Seaside, the Encroachment Permit, and the Grading Permit. The Contractor is responsible for the Encroachment Permit paperwork. The Grading permit will require the contractor to go to the City to pay and sign the documents. Post meeting note – Insurance certificates will also be required by the City.

3. Bidding and Contract Schedule
 - a. Bid Opening Date: September 11, 2018, 2:00 p.m. at 5 Harris Court, Building G, Monterey, CA 93940
 - b. Last day for Questions: September 6, 2018, 12:00 p.m.
 - c. Estimated Board Approval for Award: September 17, 2018
 - d. Estimated Notice of Award: September 19, 2018
 - e. 5 days to deliver Contract and required documents and certifications
 - f. Notice to Proceed after permits are in place
 - g. Contract Time: Backflush Basin fully operational by November 30, 2018, the remaining work by December 31, 2018.
4. Bidder Qualifications & Requirements –
 - a. Bid Acknowledgement, new area to sign that addenda have been received.
 - b. Bid Form. The cost of all materials must be included in the bid.
 - c. Subcontractor's Designation Form is new and must be filled out.
 - d. Prevailing wages, insurance, bonds (see Contract Agreement Article 5 and General Provisions Section 6.25, General Provisions Section 5 and Special Conditions, General Provisions Section 4)
 - e. Experience (see Contractor's Experience Qualifications)
5. Bidder Requirements - Work
 - a. Includes but not limited to: move outfall, drainage on east side of new fence
 - b. Permits – license, grading, encroachment (Special Conditions Article 1)
 - c. UXO Support (Special Conditions Article 3)
 - d. SWPPP (Special Conditions Article 6)
 - e. Environmental Best Practices (Special Conditions Article 4)
 - f. Utilities are to be supplied by the Contractor. Water must be secured from Marina Coast. The hydrant closest to the jobsite will likely be in use by the Army. There are other hydrants down General Jim Moore. If the Contractor can reserve a meter on the hydrant north of Coe, the Contractor could install a temporary long hose from the hydrant to Eucalyptus Avenue (Coe turns into Eucalyptus east of General Jim Moore Blvd) behind the locked gates. The Contractor would be given access to the area behind

the locked gate on Eucalyptus to fill its water truck, excluding times when the Army is conducting controlled burns.

- g. O&M (Special Conditions Article 10) The Contractor is required to coordinate day-to-day construction activities with Cal Am and MPWMD. MPWMD needs to put water in the backflush basin every month and will want to backflush right before excavation.
- h. Site waste must be removed with the exception of soil and cleared vegetation.

6. Payments & Retainage

- a. Monthly Payments
- b. 5% Retainage
- c. Liquidated Damages are \$1000/day.

7. Questions from Bidders

- a. How will green waste be handled? Deleterious material must remain on site. The Contractor will stockpile cleared plant materials during construction. After construction it is the Contractor's responsibility to wood chip it and spread it about the site as mulch. Contractor may alternatively chip the material as it is removed and store it as chipped mulch rather than raw material if desired.
- b. Who does the lettering? One potential bidder mentioned a company in Watsonville, and Monterey Signs in Monterey.
- c. Are two different fence options being bid? No, only one fence option is being bid.
- d. Is Builders All Risk Insurance required? Please refer to the Bid Documents, General Provisions, Section 5.04 for specific insurance requirements.
- e. Is Cape Seal required? The cape seal is described on Drawing 1, Grading and Paving Note 22. It is a City requirement.

ATTACHMENT B

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GENERAL NOTES

1. ALL DIMENSIONS & LOCATIONS SHOWN ON THE DRAWINGS ARE BASED ON HORIZONTAL MEASUREMENTS UNLESS NOTED.
2. THE CONTRACTOR SHALL VERIFY THE SURFACE AND CALIBRATION AND RECORD REPRESENTATIONS AT LEAST 2 WORKING DAYS IN ADVANCE OF ANY WORK WHICH WILL REQUIRE THE SURFACE.
3. "TOLERANCE SHALL MEAN THE SQUARE 'TOLERANCE' SHALL MEAN OUTLINE AND RECORD REPRESENTATIONS 'TOLERANCE' IS THE SQUARE PRODUCT OF THE SQUARE OF THE TOLERANCE OF EACH DIMENSION.
4. AT LEAST 2 WORKING DAYS PRIOR TO ANY CONSTRUCTION WORK THE CONTRACTOR SHALL OBTAIN NECESSARY PERMITS FROM ALL AGENCIES AND AGENCIES WHICH HAVE JURISDICTION OVER THE PROJECT.
5. THE EXISTING UTILITIES SHOWN AND LOCATED ON THE DRAWINGS ARE APPROVED AND FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES WHICH OCCURS AS A RESULT OF CONSTRUCTION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES WHICH OCCURS AS A RESULT OF CONSTRUCTION WORK.
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GRADING AND PAVING NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE FOLLOWING:
 - (A) STANDARD SPECIFICATIONS AND STANDARD DETAILS, LATEST EDITION OF THE CITY OF SAN DIEGO.
 - (B) APPLICABLE SECTIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS, LATEST EDITION.
 - (C) APPLICABLE ORDINANCES, LAWS AND ORDINANCES OF THE CITY OF SAN DIEGO.
 - (D) CITY OF SAN DIEGO SPECIFICATIONS FOR CONSTRUCTION OF THE PORTER ROAD CORRIDOR.
 - (E) ANY OTHER SPECIFICATIONS OR STANDARDS WHICH MAY BE APPLICABLE TO THE PROJECT.
2. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES WHICH OCCURS AS A RESULT OF CONSTRUCTION WORK.
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GENERAL WATER FACILITIES NOTES

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LEGEND

---	EXIST. WATER LINE	BD	BRICK
---	EXIST. ELECT. VAULT	CL	CONCRETE
---	EXIST. WATER VAULT	CG	CONCRETE
---	EXIST. FENCE LINE	CM	CONCRETE
---	PROPOSED FENCE	CMU	CONCRETE MASONRY UNIT
---	PROPOSED RETAINING WALL	ELC	ELC
---	EXIST. DRAINAGE	FLC	FLANCE
---	EXIST. STREET	STL	STEEL
---	EXIST. TOP OF FINISH	TF	TOP OF FINISH
---	EXIST. TOP OF WALL	TM	TOP OF WALL
---	EXIST. FINISH	FF	FINISH

INDEX TO DRAWINGS

1. GENERAL INFORMATION
2. KEY PLAN
3. EXISTING PLAN
4. FINAL GRADING PLAN
5. FINAL GRADING PLAN
6. FINAL GRADING PLAN
7. CROSS SECTION & DETAILS
8. SCREENING WALL & FENCE WALLS & DETAILS
9. EXISTING CONTROL PLAN

THE CONTRACTOR'S WORK SHALL CONFORM TO THE CITY OF SAN DIEGO'S ORDINANCE REGARDING MAINTENANCE & EXPLOSIVES OF CONCRETE (MEC).

UNAPPROVED CHANGES & NOTES: The engineer preparing these plans will not be responsible for any changes to these plans which are made after the date of issue of these plans. All changes to these plans must be in writing and must be approved by the engineer of these plans.

SCALE: HOR. N/A	VERT. N/A	DESIGNED: JMC	CHECKED: SPJ
DATE: 11/15/2011	NO. 10	DATE: 11/15/2011	NO. 10

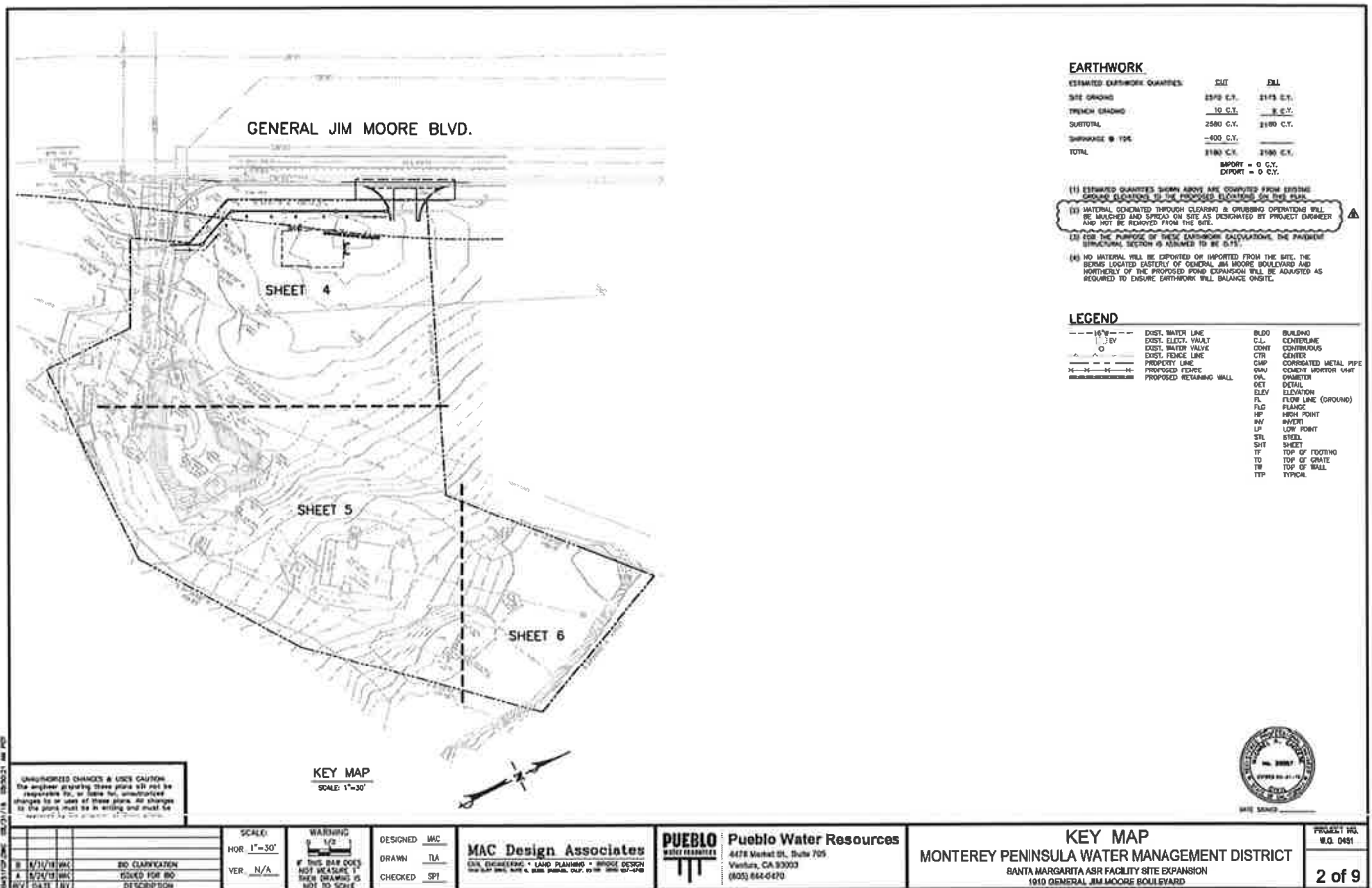
MAC Design Associates
 4478 Marcell Dr., Suite 705
 Ventura, CA 93003
 (805) 644-0470

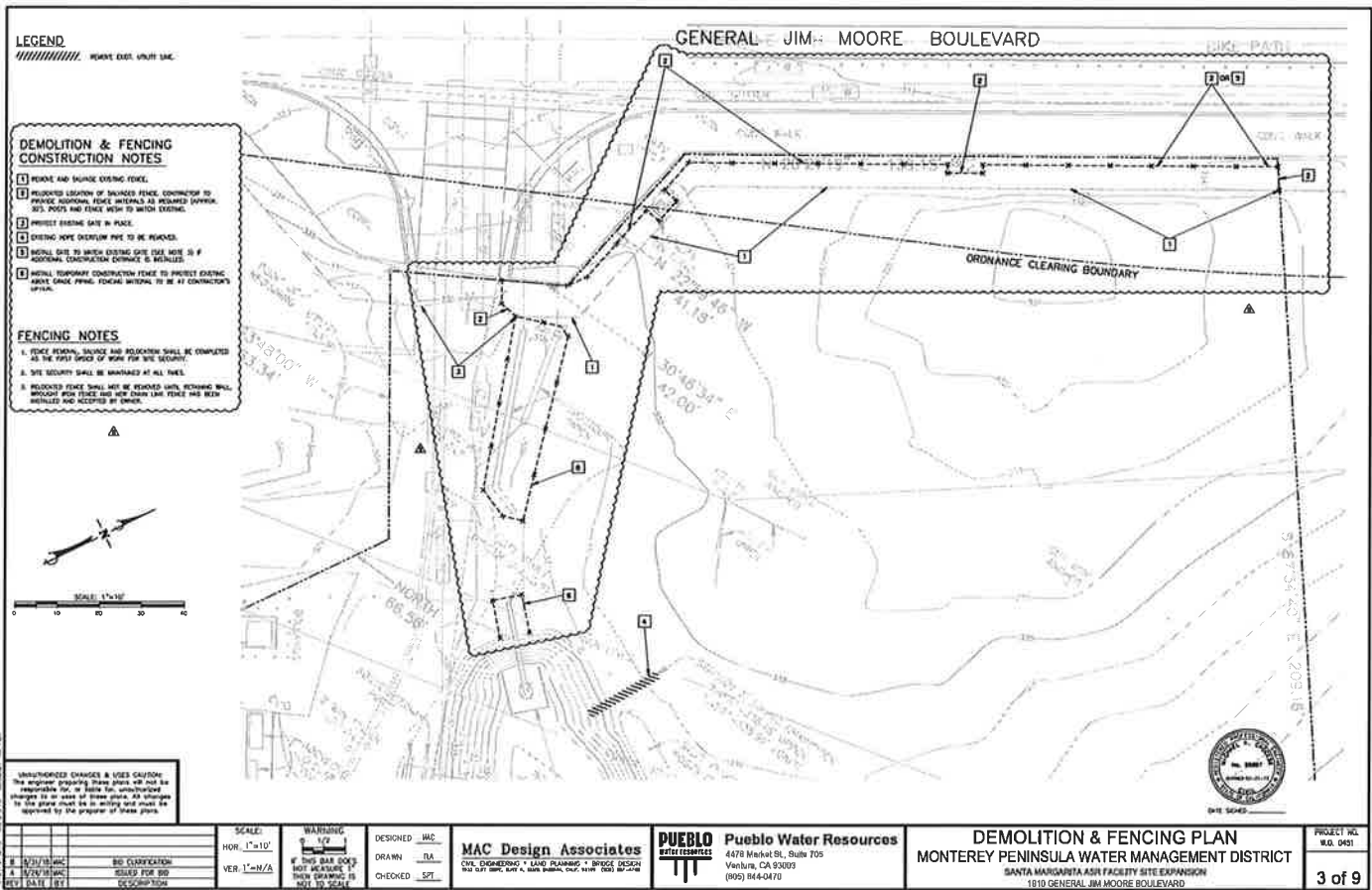
PUEBLO WATER RESOURCES
 4478 Marcell Dr., Suite 705
 Ventura, CA 93003
 (805) 644-0470

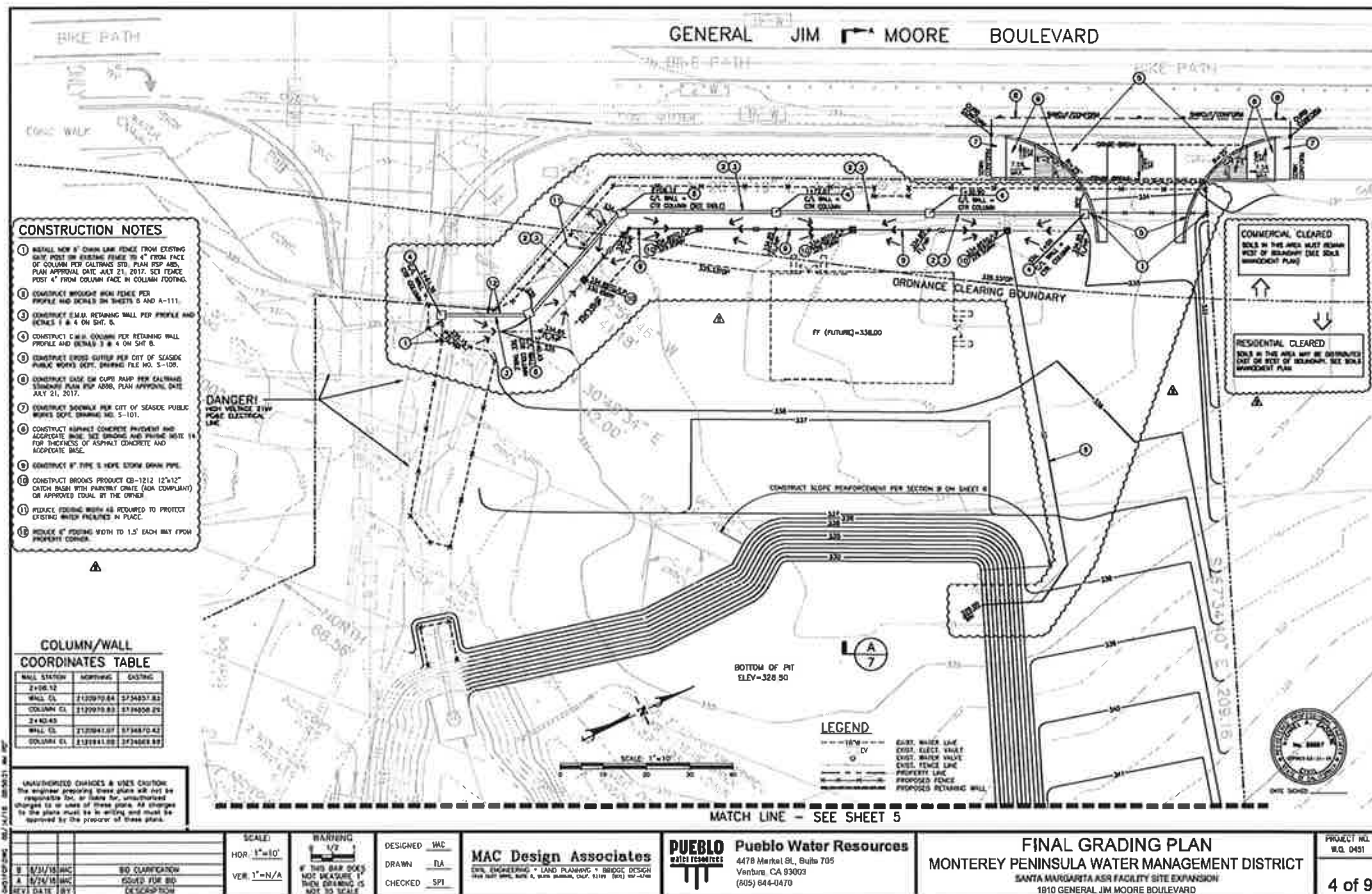
GENERAL INFORMATION
 MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 SANTA MARGARITA AGRICULTURAL SITE EXPANSION
 7810 GENERAL JIM MOORE BOULEVARD

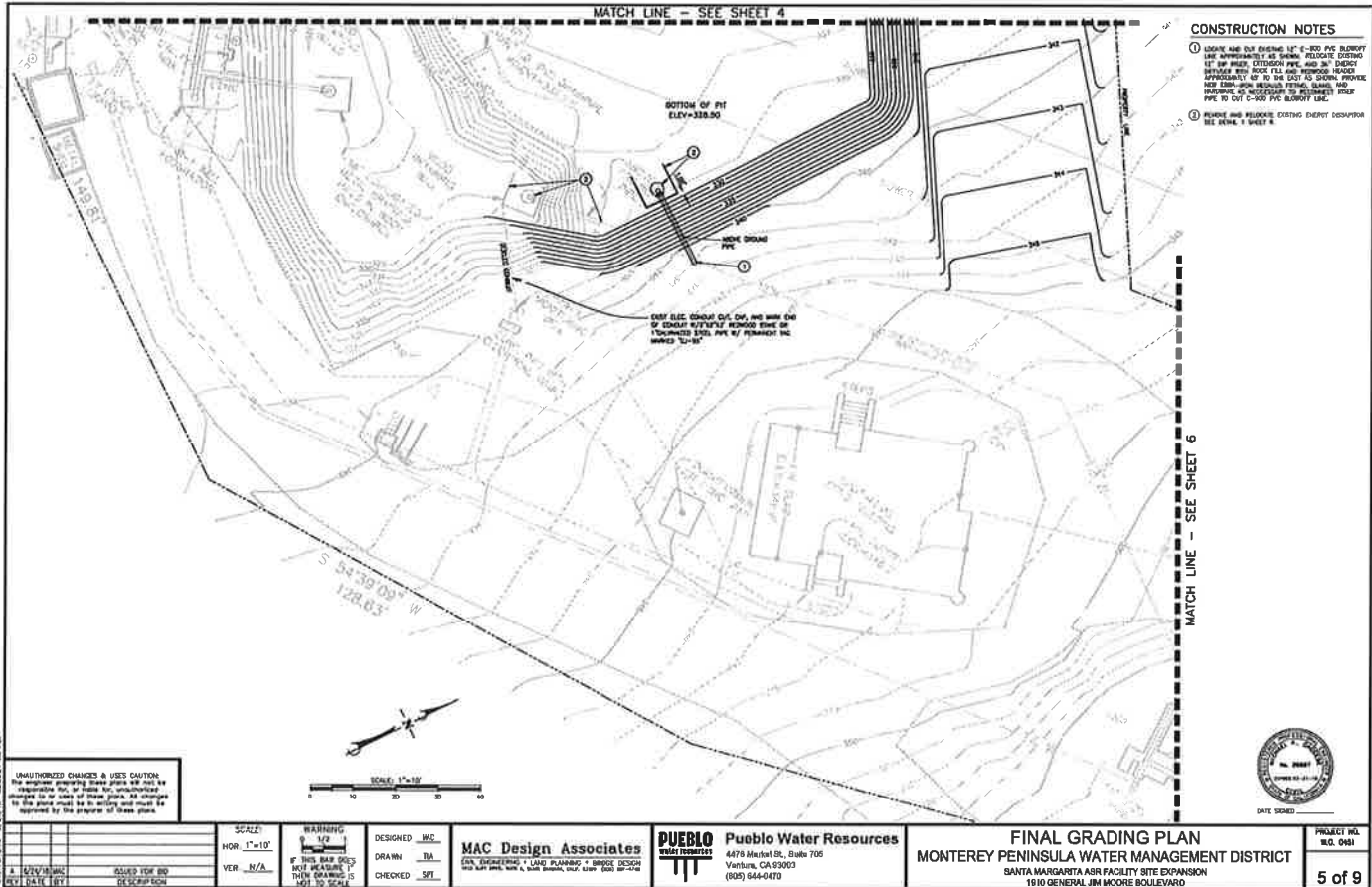
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 DATE: 11/15/2011
 SHEET NO. 1 OF 9











CONSTRUCTION NOTES

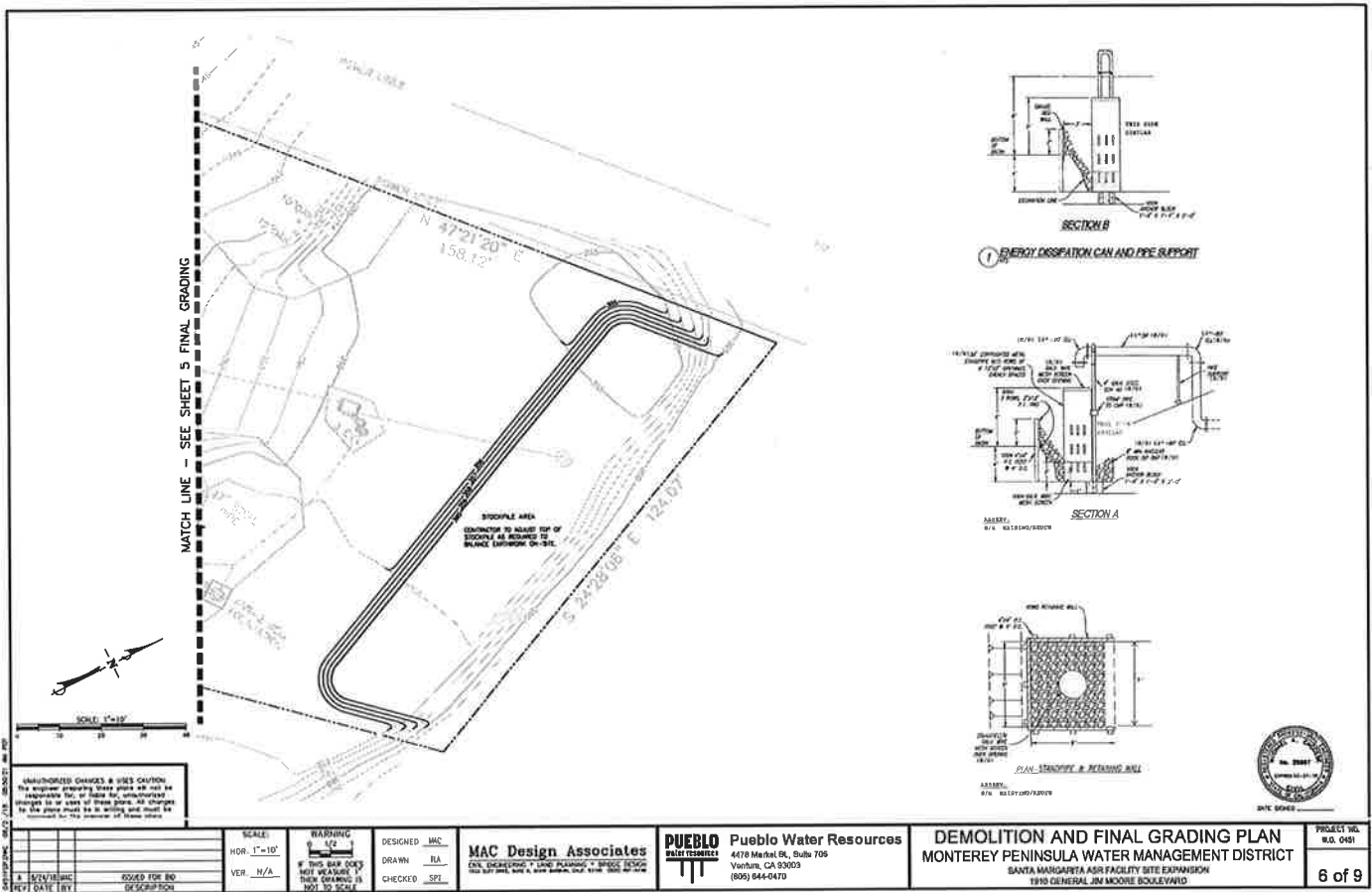
- ① LOCATE AND CUT EXISTING 12" C-200 PVC BURIED PIPE APPROPRIATELY AS SHOWN. RELOCATE EXISTING 12" W/ 180' EXTENSION PER AND 24" DIAMETER EXISTING 18" DIA. AND RELOCATE AS SHOWN. APPROXIMATE 60' TO THE EAST TO SHOW. PROVIDE NEW 18" DIA. W/ 180' EXTENSION PER AND 24" DIAMETER BURIED C-200 PVC BURIED PIPE TO CUT C-200 PVC BURIED PIPE.
- ② REMOVE AND RELOCATE EXISTING EXERCISE EQUIPMENT SEE DETAIL 1 SHEET 8.

DO NOT SCALE. DOUBLE CHECK ALL DIMENSIONS AND BE SURE TO CHECK ALL DIMENSIONS AGAINST THE "PUBLISHED" DRAWING PER THE PLAN. THE TYPICAL DIMENSIONS ARE SHOWN IN THE DRAWING.

UNAUTHORIZED CHANGES & USES CAUTION: The engineer preparing these plans shall not be responsible for, or liable for, any unauthorized changes to or uses of these plans. All changes to the plans must be in writing and made by approval by the engineer of these plans.



DATE: 11/17/2017 DESIGNED: JMC DRAWN: BA CHECKED: SPI	MAC Design Associates <small>CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN</small> <small>1800 MAIN STREET, SUITE 100, SAN JOSE, CA 95128</small>	PUEBLO Water Resources <small>4478 Marlow St., Suite 700</small> <small>Ventura, CA 93003</small> <small>(805) 644-0470</small>	FINAL GRADING PLAN MONTEREY PENINSULA WATER MANAGEMENT DISTRICT SANTA MARGARITA AFB FACILITY SITE EXPANSION 1810 GENERAL JIM MOORE BOULEVARD	PROJECT NO. W.O. 0461 DATE ISSUED: 5 of 9
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UNAUTHORIZED CHANGES & USES CAUTION:
 THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY CHANGES OR USES OF THIS DRAWING NOT APPROVED BY HIM OR HER. ANY CHANGES TO THE DRAWING MUST BE IN WRITING AND MUST BE APPROVED BY THE ENGINEER OR HIS OR HER SUCCESSOR.

NO.	DATE	BY	DESCRIPTION
1	5/24/18	MAC	REVISED FOR BID DESCRIPTION

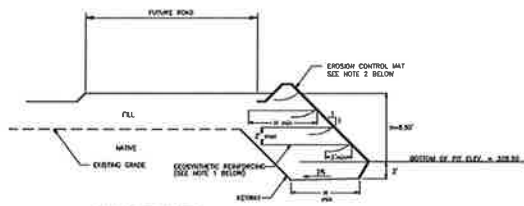
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WARNING:	1/2" = 1/2"	IF THIS BAR DOES NOT WEAR OR THIN GRADING IS NOT TO SCALE
DESIGNED:	MAC	CHECKED: SPI
DRAWN:	RA	

MAC Design Associates
 CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN
 1000 10TH STREET, SUITE 100, SAN JOSE, CA 95128

PUEBLO
 WATER RESOURCES
 4470 MARINA DR., SUITE 705
 VENTURA, CA 93003
 (805) 844-0470

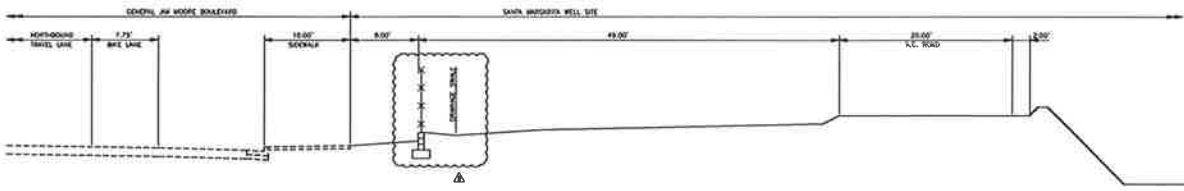
DEMOLITION AND FINAL GRADING PLAN
 MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 SANTA MARGARITA ASR FACILITY SITE EXPANSION
 1910 GENERAL JIM MOORE BOULEVARD

PROJECT NO. B.O. 0401
 6 of 9



EROSION CONTROL MAT NOTES
 1. CONTOURED EROSION CONTROL MAT (ECM) INSTALLING 12 FEET MINIMUM LEAD-IN FROM FACE OF SLOPE (AND WRAPPED PER SECTION ABOVE), 2 LAYERS SPACED 2 FEET APART. UPPER LAYER SHOULD BE A MINIMUM OF 1.5 FEET BELOW THE ROAD SURFACE.
 2. EROSION CONTROL MAT, NORTH AMERICAN GREEN SC250 INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.

B SECTION B
 SCALE: 1"=4'



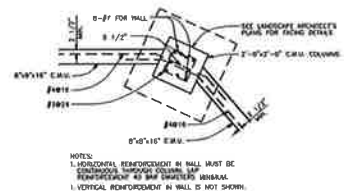
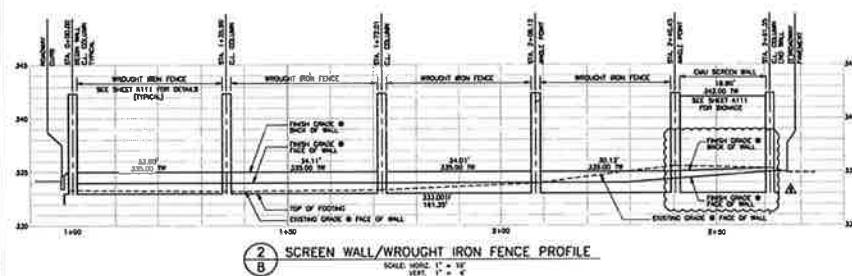
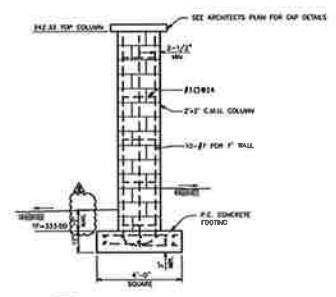
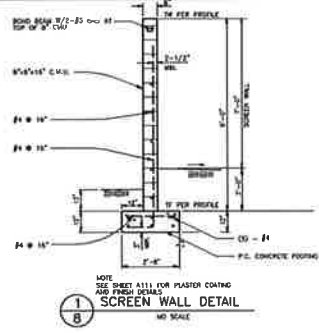
A SECTION A-A
 SCALE: 1"=4'



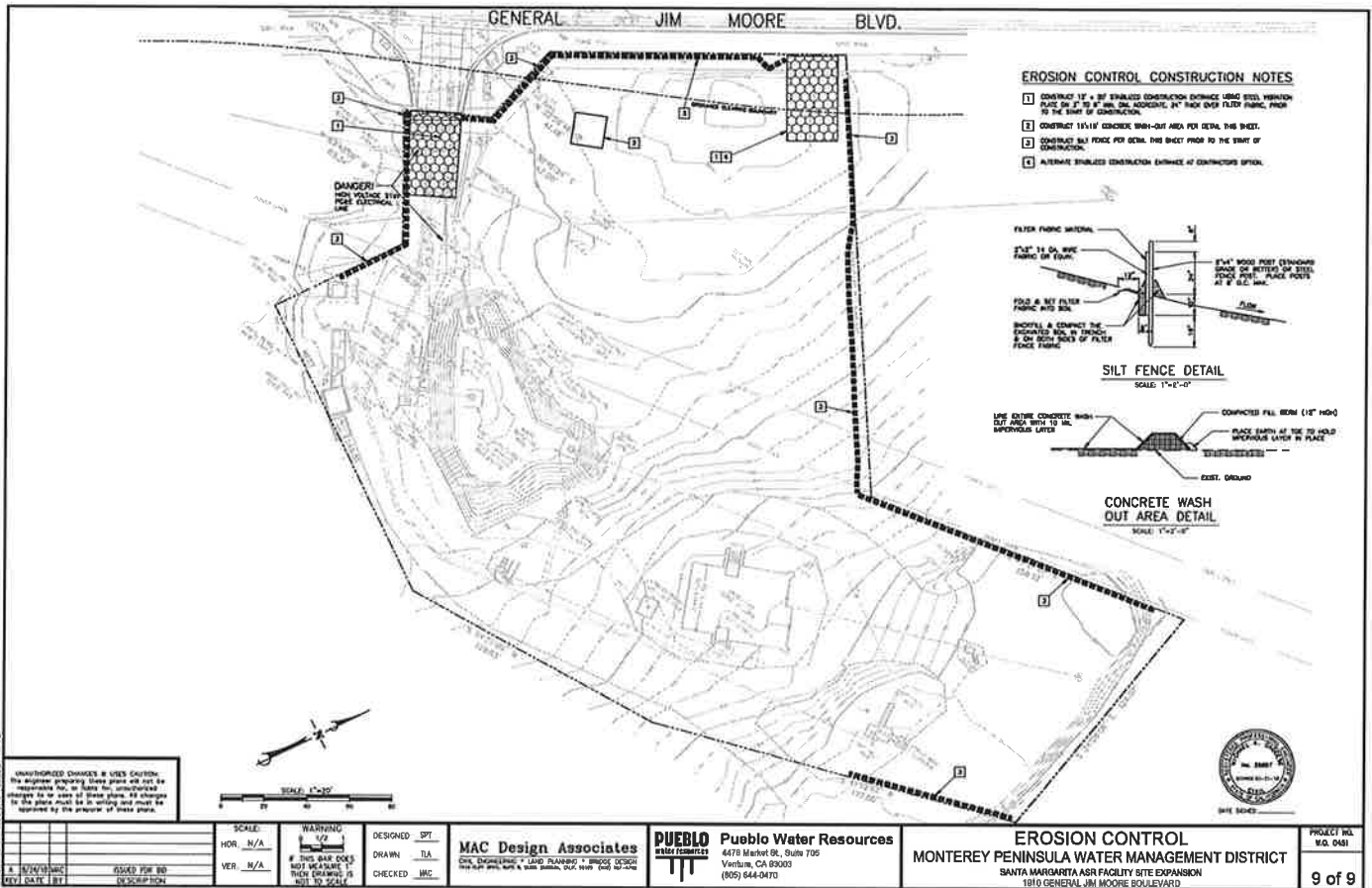
UNAUTHORIZED CHANGES & USE CAUTION:
 No engineer preparing these plans shall be responsible for or liable for unauthorized changes in or omissions from these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

DATE: 8/27/08 BY: JMC CHECKED: JBT	SCALE: HOR. N/A VER. N/A	WARNING: 1/2" IF THIS BAR DOES NOT MEASURE 1/2" THIS DRAWING IS NOT TO SCALE	DESIGNED: JMC DRAWN: JLA CHECKED: SPT	MAC Design Associates CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN 203 BART STREET, SUITE 400 • SAN FRANCISCO, CALIF. 94102	PUEBLO Water Resources 4478 Market St., Suite 706 Emeryville, CA 94603 (908) 644-0470	CROSS SECTION AND DETAILS MONTEREY PENINSULA WATER MANAGEMENT DISTRICT SANTA MARGARITA ASR FACILITY SITE EXPANSION 1910 GENERAL AND MOORE BOULEVARD	PROJECT NO. W.O. 0481 7 of 9
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UNAUTHORIZED CHANGES & USES CAUTION
 The engineer preparing these plans will not be responsible for or liable for any accidents, damages or loss of life or property which may result from any changes to the plans made in any way and must be approved by the preparer of these plans.



SCALE: HOR. 1" = 10' VER. 1" = 2'		WARNING: IF THIS SEAL DOES NOT MATCH THE ORIGINAL, THIS DRAWING IS NOT TO BE USED.		DESIGNED: <u>W.C.</u> DRAWN: <u>TA</u> CHECKED: <u>SET</u>		MAC Design Associates CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN 1001 S. MAIN ST., SUITE 200, SAN JOSE, CALIF. 95128 (408) 297-1234		PUEBLO Pueblo Water Resources 4478 Market St., Suite 705 Ventura, CA 93003 (805) 944-0470		SCREENING WALL PROFILE AND DETAILS MONTEREY PENINSULA WATER MANAGEMENT DISTRICT SANTA MARGARITA ASR FACILITY SITE EXPANSION 1910 GENERAL JIM MOORE BOULEVARD		PROJECT NO. W.Q. 0451 8 of 9	
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UNAUTHORIZED CHANGES IN VIEWS CAUTION:
 The designer assumes no responsibility for any errors or omissions
 except as to those of their plans. All changes
 to the plans must be in writing and must be
 approved by the architect or these plans.



NO.	DATE	DESCRIPTION
1	1/14/18	ISSUED FOR BID
2	1/17/18	REVISED PER BID

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WARNING:	IF THIS BAR DOES NOT MEASURE TO THIS DIMENSION, IT IS NOT TO SCALE.	

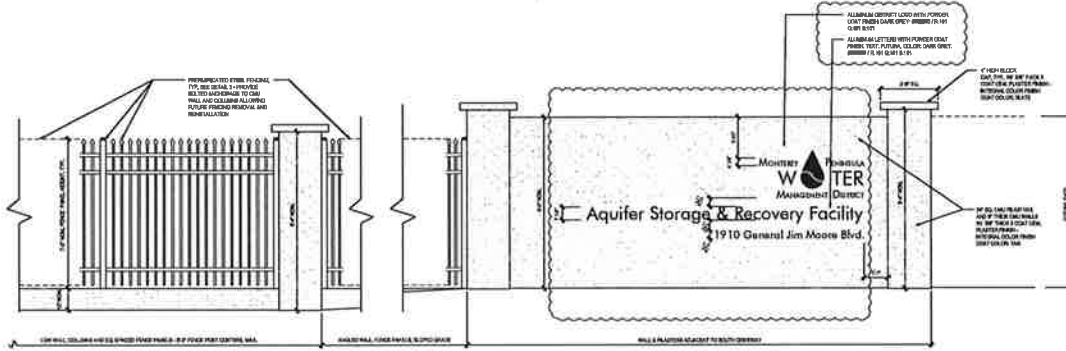
DESIGNED:	SP
DRAWN:	TA
CHECKED:	MC

MAC Design Associates
 CIVIL ENGINEERING • LAND PLANNING • BRIDGE DESIGN
 111141 10th St. • San Francisco, CA 94133

PUEBLO WATER RESOURCES
 Pueblo Water Resources
 4478 Market St., Suite 705
 Ventura, CA 93003
 (805) 644-0470

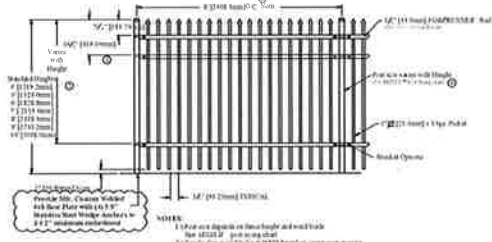
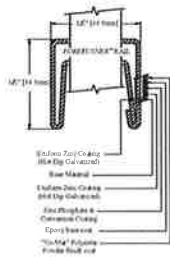
EROSION CONTROL
 MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 SANTA MARGARITA ASR FACILITY SITE EXPANSION
 1810 GENERAL JIM MOORE BOULEVARD

PROJECT NO.
 S.W. 0481
 9 of 9

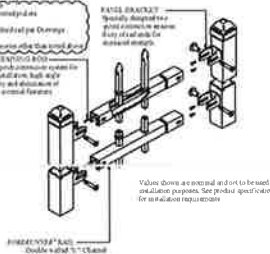


2 COLUMN @ FENCE PANELS
SCALE: 1/4" = 1'-0"

1 PILASTER / WALL @ DRIVEWAY
SCALE: 1/4" = 1'-0"



3 STEEL FENCE PANELS
SCALE: 1/4" = 1'-0"



MPWMD SANTA MARGURITA PUMP SITE
FRONTAGE IMPROVEMENTS
GENERAL AND MODELS BY
SEAN BUCK

JOB NO. 18014
PRINT DATE
FILED BY
CHECKED BY
BYT BAWO

SITE DETAILS
SHEET NO. A111
FILE NAME: MW411

AMERISTAR® PERIMETER SECURITY USA INC.
AEGIS II® - Heavy Industrial Steel Ornamental Fence System – Internally Secured
Construction Specification – SECTION 32 31 19

PART 1 - GENERAL**1.01 WORK INCLUDED**

The contractor shall provide all labor, materials and appurtenances necessary for installation of the industrial ornamental steel fence system defined herein at (specify project site).

1.02 RELATED WORK

Section _____ - Earthwork

Section _____ - Concrete

1.03 SYSTEM DESCRIPTION

The manufacturer shall supply a total industrial ornamental steel fence system of the Ameristar® Aegis II® (specify Classic™, Majestic™, Genesis™ or Invincible™) design. The system shall include all components (i.e., pickets, rails, posts, gates and hardware) required.

1.04 QUALITY ASSURANCE

The contractor shall provide laborers and supervisors who are thoroughly familiar with the type of construction involved and materials and techniques specified.

1.05 REFERENCES

- ASTM A653/A653M - Standard Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy Coated (Galvannealed) by the Hot-Dip Process.
- ASTM B117 - Practice for Operating Salt-Spray (Fog) Apparatus.
- ASTM D523 - Test Method for Specular Gloss.
- ASTM D714 - Test Method for Evaluating Degree of Blistering in Paint.
- ASTM D822 - Practice for Conducting Tests on Paint and Related Coatings and Materials using Filtered Open-Flame Carbon-Arc Light and Water Exposure Apparatus.
- ASTM D1654 - Test Method for Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments.
- ASTM D2244 - Test Method for Calculation of Color Differences from Instrumentally Measured Color Coordinates.
- ASTM D2794 - Test Method for Resistance of Organic Coatings to the Effects of Rapid Deformation (Impact).
- ASTM D3359 - Test Method for Measuring Adhesion by Tape Test.
- ASTM F2408 – Ornamental Fences Employing Galvanized Steel Tubular Pickets.

1.06 SUBMITTAL

The manufacturer's submittal package shall be provided prior to installation.

1.07 PRODUCT HANDLING AND STORAGE

Upon receipt at the job site, all materials shall be checked to ensure that no damages occurred during shipping or handling. Materials shall be stored in such a manner to ensure proper ventilation and drainage, and to protect against damage, weather, vandalism and theft.

1.08 PRODUCT WARRANTY

A. All structural fence components (i.e. rails, pickets, and posts) shall be warranted within specified limitations, by the manufacturer for a period of 10 years from date of original purchase. Warranty shall cover any defects in material finish, including cracking, peeling, chipping, blistering or corroding.

B. Reimbursement for labor necessary to restore or replace components that have been found to be defective under the terms of manufacturer's warranty shall be guaranteed for five (5) years from date of original purchase.

PART 2 - MATERIALS**2.01 MANUFACTURER**

The fence system shall conform to Ameristar Aegis II, (specify Classic, Majestic, Genesis, or Invincible) design, (specify 2-Rail, 3-Rail, or 3-Rail with Rings) style manufactured by Ameristar Fence Products, Inc. in Tulsa, Oklahoma.

2.02 MATERIAL

A. Steel material for fence framework (i.e. tubular pickets, rails and posts), shall be galvanized prior to forming in accordance with the requirements of ASTM A653/A653M, with minimum yield strength of 45,000 psi (310 MPa). The steel shall be hot-dip galvanized to meet the requirements of ASTM A653/A653M with a minimum zinc coating weight of 0.90 oz/ft² (276 g/m²), Coating Designation G-90.

B. Material for pickets shall be 1" square x 14 Ga. tubing. The cross-sectional shape of the rails shall conform to the manufacturer's ForeRunner™ double wall design with outside cross-section dimensions of 1.75" square and a minimum thickness of 14 Ga. Picket holes in the ForeRunner rail shall be spaced 4.715" o.c., except for Invincible style 6' long, which shall be, spaced 4.98" o.c. Picket retaining rods shall be 0.125" diameter galvanized steel. High quality PVC grommets shall be supplied to seal all picket-to-rail intersections. Fence posts and gateposts shall meet the minimum size requirements of Table 1.

2.03 FABRICATION

A. Pickets, rails and posts shall be precut to specified lengths. ForeRunner rails shall be prepunched to accept pickets. Pickets shall be predrilled to accept retaining rods.

B. Grommets shall be inserted into the prepunched holes in the rails and pickets shall be inserted through the grommets so that predrilled picket holes align with the internal upper raceway of the ForeRunner rails (Note: This can best be accomplished by making an alignment jig). Retaining rods shall be inserted into each ForeRunner rail so that they pass through the predrilled holes in each picket.

C. The manufactured galvanized framework shall be subjected to the PermaCoat® thermal stratification coating process (high-temperature, in-line, multi-stage, multi-layer) including, as a minimum, a six-stage pretreatment/wash, an electrostatic spray application of an epoxy base, and a separate electrostatic spray application of a polyester finish. The base coat shall be a thermosetting epoxy powder coating (gray in color) with a minimum thickness of 2 mils (0.0508mm). The topcoat shall be a "no-mar" TGIC polyester powder coat finish with a minimum thickness of 2 mils (0.0508mm). The color shall be (specify Black, Bronze, White, or Desert Sand). The stratification-coated framework shall be capable of meeting the performance requirements for each quality characteristic shown in Table 2.

D. Completed sections (i.e., panels) shall be capable of supporting a 600 lb. load applied at midspan without permanent deformation. Panels shall be biasable to a 25% change in grade.

E. Swing gates shall be fabricated using 1.75" x 14ga Forerunner double channel rail, 2" sq. x 12ga. gate ends, and 1" sq. x 14ga. pickets. Gates that exceed 6' in width will have a 1.75" sq. x 14ga. intermediate upright. All rail and upright intersections shall be joined by welding. All picket and rail intersections shall also be joined by welding. Gusset plates will be welded at each upright to rail intersection. Cable kits will be provided for additional trussing for all gates leaves over 6'.

F. Pedestrian swing gates shall be self-closing, having a gate leaf no larger than 48" width. Integrated hinge-closer set (2 qty) shall be ADA compliant that shall include a variable speed and final snap adjustment with compact design (no greater than 5" x 6" footprint). Hinge-closer set (2 qty) shall be tested to a minimum of 500,000 cycles and capable of self-closing gates up to a maximum gate weight of 260 lbs. and maximum weight load capacity of 1,500 lbs. Hinge-closer device shall be externally mounted with tamper-resistant security fasteners, with full range of adjustability, horizontal (.5" - 1.375") and vertical (0 - .5"). Maintenance free hinge-closer set shall be tested to operate in temperatures of negative 20 F to 200 F degrees, and swings to negative 2 degrees to ensure reliable final lock engagement.

PART 3 - EXECUTION**3.01 PREPARATION**

All new installation shall be laid out by the contractor in accordance with the construction plans.

3.02 FENCE INSTALLATION

Fence post shall be spaced according to Table 3, plus or minus ½". For installations that must be raked to follow sloping grades, the post spacing dimension must be measured along the grade. Fence panels shall be attached to posts with brackets supplied by the manufacturer. Posts shall be set in concrete footers having a minimum depth of 36" (Note: In some cases, local restrictions of freezing weather conditions may require a greater depth). The "Earthwork" and "Concrete" sections of this specification shall govern material requirements for the concrete footer. Posts setting by other methods such as plated posts or grouted core-drilled footers are permissible only if shown by engineering analysis to be sufficient in strength for the intended application.

3.03 FENCE INSTALLATION MAINTENANCE

When cutting/drilling rails or posts adhere to the following steps to seal the exposed steel surfaces; 1) Remove all metal shavings from cut area. 2) Apply zinc-rich primer to thoroughly cover cut edge and/or drilled hole; let dry. 3) Apply 2 coats of custom finish paint matching fence color. Failure to seal exposed surfaces per steps 1-3 above will negate warranty. Ameristar spray cans or paint pens shall be used to prime and finish exposed surfaces; it is recommended that paint pens be used to prevent overspray. Use of non-Ameristar parts or components will negate the manufactures' warranty.

3.04 GATE INSTALLATION

Gate posts shall be spaced according to the manufacturers' gate drawings, dependent on standard out-to-out gate leaf dimensions and gate hardware selected. Type and quantity of gate hinges shall be based on the application; weight, height, and number of gate cycles. The manufacturers' gate drawings shall identify the necessary gate hardware required for the application. Gate hardware shall be provided by the manufacture of the gate and shall be installed per manufacturer's recommendations.

3.05 CLEANING

The contractor shall clean the jobsite of excess materials; post-hole excavations shall be scattered uniformly away from posts.

Table 1 – Minimum Sizes for Aegis II Posts

Fence Posts		Panel Height			
2-1/2" x 12 Ga.		Up to & Including 6' Height			
3" x 12 Ga.		Over 6' Up to & Including 10' Height			
4" x 11 Ga.		Over 10' Height			
Gate Leaf		Gate Height			
		Up to & Including 6'	Over 6' Up to & Including 8'	Over 8' Up to & Including 10'	Over 12'
Up to 4'		3" x 12Ga.	3" x 12 Ga.	4" x 11 Ga.	4" x 11 Ga.
4'1" to 6'		3" x 12Ga.	3" x 12 Ga.	4" x 11 Ga.	4" x 11 Ga.
6'1" to 8'		4" x 11 Ga.	6" x 3/16"	6" x 3/16"	6" x 3/16"
8'1" to 10'		4" x 11 Ga.	6" x 3/16"	6" x 3/16"	6" x 3/16"
10'1" to 12'		6" x 3/16"	6" x 3/16"	6" x 3/16"	8" x 1/4"
12'1" to 16'		6" x 3/16"	6" x 3/16"	8" x 1/4"	8" x 1/4"

Table 2 – Coating Performance Requirements

Quality Characteristics	ASTM Test Method	Performance Requirements
Adhesion	D3359 – Method B	Adhesion (Retention of Coating) over 90% of test area (Tape and knife test).
Corrosion Resistance	B117, D714 & D1654	Corrosion Resistance over 3,500 hours (Scribed per D1654; failure mode is accumulation of 1/8" coating loss from scribe or medium #8 blisters).
Impact Resistance	D2794	Impact Resistance over 60 inch lb. (Forward impact using 0.625" ball).
Weathering Resistance	D822 D2244, D523 (60° Method)	Weathering Resistance over 1,000 hours (Failure mode is 60% loss of gloss or color variance of more than 3 delta-E color units).

Table 3 – Aegis II – Post Spacing By Bracket Type

Span	For INVINCIBLE® 8' Nominal (91.25" Rail)		For CLASSIC, GENESIS, & MAJESTIC 8' Nominal (92.625" Rail)					
	2-1/2"	3"	2-1/2"	3"	2-1/2"	3"	2-1/2"	3"
Bracket Type	Industrial Flat Mount (BB301)		Industrial Universal (BB302)	Industrial Universal (BB303)	Industrial Flat Mount (BB301)		Industrial Swivel (BB304)*	
Post Settings ± 1/2" O.C.	94-1/2"	95"	96"	96.5"	96"	96-1/2"	*97-1/2"	*98"
Span	For INVINCIBLE® 6' Nominal (67.75" Rail)		For CLASSIC, GENESIS, & MAJESTIC 6' Nominal (71.375" Rail)					
	2-1/2"	3"	2-1/2"	3"	2-1/2"	3"	2-1/2"	3"
Bracket Type	Industrial Flat Mount (BB301)		Industrial Universal (BB302)	Industrial Universal (BB303)	Industrial Flat Mount (BB301)		Industrial Swivel (BB304)*	
Post Settings ± 1/2" O.C.	75"	75.5"	71.5"	72"	71.5"	72"	*73"	*73.5"

*Note: When using BB304 swivel brackets on either or both ends of a panel installation, care must be taken to ensure the spacing between post and adjoining pickets meets applicable codes. This will require trimming one or both ends of the panel.

AEGIS II® | WARRANTY INDUSTRIAL STEEL ORNAMENTAL FENCE

Aegis II® Industrial Steel Ornamental Fence System by Ameristar® is manufactured from the highest quality materials by skilled craftsmen to meet the highest standards of workmanship in the industry. Galvanized steel framework shall be subject to a six stage pretreatment/wash (with zinc phosphate) followed by an electrostatic spray application of PermaCoat® Color System, a two coat powder system. The base coat is a thermosetting epoxy powder coating (gray in color). The top coat is a “no-mar” TGIC polyester powder coat finish, which provides the protection necessary to withstand adverse environmental conditions.

The powder coated surface on all framework (i.e., pickets, rails and posts) by Ameristar is guaranteed under normal and proper usage, against cracking, peeling, chipping, blistering or corroding for a period of ten (10) years from the original purchase date. Normal and proper usage does not include physical damage, abrasion or exposure to salty environments to the protective coating.

Aegis II Industrial Steel Ornamental Fence System framework is also guaranteed for the same period of time against defects in workmanship or materials.

Should any ornamental fence framework manufactured by Ameristar Fence Products fail in accordance with any of the above conditions, Ameristar Fence Products warrants to the original purchaser their redemption through replacement, renewal or issuance of a pro-rated credit. The decision as to which method of redemption is allowed is solely at the discretion of Ameristar. If pro-rated allowance is the chosen alternative, the amount will be based on the total number of years under warranty from date of purchase to date of claim, based on the original cost of framing materials found to be defective. Notice of failure under the conditions of this warranty shall be sent to Ameristar Fence Products or its authorized representative, in writing, together with proof of purchase and shall specify the nature of the defect and when it was first observed. When cutting Aegis II components immediately seal the exposed surfaces by 1) Removing all metal shavings from cut area 2) Apply zinc-rich primer to thoroughly cover cut edge and drilled hole; let dry 3) Apply 2 coats of custom finish paint matching fence color. Failure to seal exposed surfaces per steps 1-3 above will negate warranty. If the contractor uses non Ameristar parts/components this will negate the warranty. Should the fence be improperly installed, Ameristar Fence Products shall not be responsible for guaranteed performance or appearance of the material. Neither does this guarantee apply when failure or damage is due to improper use or application, abuse or misuse, salty environments, vandalism or acts of God. Ameristar Fence Products reserves the right to inspect the material to determine validity of the claim.

Upon validation of the claim by Ameristar Fence Products or its authorized representative, redemption by replacement, renewal or issuance of a pro-rated credit shall be made by Ameristar Fence Products. Reimbursement for labor necessary to restore and/or replace components that have been found defective under the terms of this warranty is guaranteed to the original purchaser for a period of five (5) years from the original purchase date. Ameristar reserves the right to select the qualified company or individual to perform the labor to repair or replace the components that are deemed to be defective under the terms of this warranty.

The above constitutes the complete warranty by the manufacturer. No other agreement, written or implied, is valid. Ameristar Fence Products does not authorize any other person or agent to make any other express warranties. Ameristar Fence Products neither assumes nor authorizes any other person or agent to assume any other liability in connection with Aegis II Industrial Steel Ornamental Fence System. Some jurisdictions do not allow limitations on how long an implied warranty lasts, nor do they allow an exclusion or limitation of incidental or consequential damages; therefore, the limitations and exclusions noted herein may not apply.



**AMERISTAR®
FENCE PRODUCTS**

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WWW.AMERISTARFENCE.COM

ITEM: ACTION ITEM**11. CONSIDER APPROVAL OF AMENDMENT TO AGREEMENT FOR EMPLOYMENT OF GENERAL MANAGER**

Meeting Date:	September 17, 2018	Budgeted:	N/A
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From:	David J. Stoldt, General Manager	Program/ Line Item:	N/A
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Prepared By:	David J. Stoldt	Cost Estimate:	N/A
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General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

SUMMARY: On August 20, 2018 the Board met and discussed the General Manager’s annual performance appraisal. The Board was very satisfied with the General Manager’s performance and noted that the General Manager continues to perform at a high level advancing the Board’s goals and direction. Specific highlights included advancement of the Monterey Peninsula Water Supply Project and Pure Water Monterey groundwater replenishment project, work on clarifying Condition 2 of the Cease and Desist Order, leveraging state and federal funding opportunities, progress with several construction projects and consulting studies, and continuing to improve the District’s public perception among community groups, businesses, elected officials, and individuals.

As a result, the Board recommended an increase in the General Manager’s annual compensation for FY 2019 as reflected in **Exhibit 11-A**, attached.

RECOMMENDATION: Amend section III.A of the “Agreement for Employment of General Manager” to reflect the revised annual compensation, effective August 20, 2018.

EXHIBIT**11-A** Amendment to Agreement for Employment of General Manager

EXHIBIT 11-A**AMENDMENT TO AGREEMENT FOR EMPLOYMENT
OF GENERAL MANAGER**

The following amendment has been made and entered into this 17th day of September 2018, by and between the MONTEREY PENINSULA WATER MANGEMENT DISTRICT (the District) and DAVID JON STOLDT (“Stoldt”). It amends the salary provisions found in the Agreement for Employment of General Manager, dated June 20, 2016. The amendment shall have an effective date of July 17, 2017. 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:

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

As General Manager, STOLDT shall receive a merit increase in annual base salary at the rate of 3.5 percent (3.5%) of his 2017-18 annual base salary, effective August 20, 2018.

GENERAL MANAGER

DAVID JON STOLDT

MONTEREY PENINSULA
WATER MANAGEMENT
DISTRICT

ANDREW CLARKE, CHAIR

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**12. LETTERS RECEIVED****Meeting Date:** September 17, 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:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.

A list of letters submitted to the Board of Directors or General Manager and received between August 11, 2018 and September 11, 2018 is shown below. The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's web site at www.mpwmd.net.

Author	Addressee	Date	Topic
John Moore	Arlene Tavani	9/8/18	Response to LandWatch Opinion
Richard Svindland	David Stoldt	9/5/18	California-American Water Update
John Moore	Arlene Tavani	8/28/18	Pure Water Monterey Safety, Or Not
John Moore	Arlene Tavani	8/24/18	Important Water Article in Friday's Herald
Alecia Van Atta	David Stoldt	8/24/18	NOAA's NMFS' comments on MPWMD draft Instream Flow Incremental Methodology report for the Carmel River, California
John Moore	Arlene Tavani	8/14/18	Pure Water Monterey Forum Tonight at 7 pm at MIIS

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**13. COMMITTEE REPORTS****Meeting Date:** September 17, 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: This action does not constitute a project as defined by the California
Environmental Quality Act Guidelines Section 15378.**

Attached for your review as **Exhibits 13-A and 13-B** are final minutes of the committee meetings listed below.**EXHIBIT****13-A** Final Minutes of May 16, 2018 Public Outreach Committee Meeting**13-B** Final Minutes of February 21, 2018 Water Supply Planning Committee Meeting

**EXHIBIT 13-A****FINAL****MINUTES**

**Monterey Peninsula Water Management District
Public Outreach Committee
May 16, 2018**

Call to Order

The meeting was called to order at 3:30 pm in the Water Management District conference room.

Committee members present: Jeanne Byrne - Chair
Molly Evans
Brenda Lewis

Committee members absent: None

District staff members present: David Stoldt, General Manager
Stephanie Locke, Water Demand Manager

Others present: Steve Thomas, Thomas Brand Consulting

Comments from the Public: No comments were directed to the committee.

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

On a motion by Evans and second of Lewis, minutes of the March 21, 2018 committee meeting were approved on a vote of 3 - 0 by Evans, Lewis and Byrne.

Discussion Items**2. Discuss Response to Public Water Now Initiative Petition**

The committee members suggested the following. (a) The District should take a neutral position regarding the initiative. (b) The impartial analysis of the measure should be developed by Monterey County Counsel. (c) Staff could prepare a presentation that would be shown to community groups and city councils. The presentation would describe the events that would lead up to the election, and the actions required should the measure be approved or denied. (d) The District's website could feature a button on the main page that would lead viewers to information regarding the measure.

Schedule Next Meeting Date

The next meeting was scheduled for June 27, 2018.

Adjournment

The meeting was adjourned at 4:30 pm.

**EXHIBIT 13-B****FINAL****MINUTES**

**Water Supply Planning Committee of the
Monterey Peninsula Water Management District
February 21, 2018**

Call to Order: The meeting was called to order at 3:30 pm.

Committee members present: Robert S. Brower, Sr. - Committee Chair
Jeanne Byrne
Ralph Rubio

Committee members absent: None

Staff members present: David J. Stoldt, General Manager
Larry Hampson, Water Resources & Engineering
Manager/District Engineer
Arlene Tavani, Executive Assistant

District Counsel present Fran Farina

Comments from the Public: Luke Coletti noted that a correction should be made to minutes of the 1/23/2018 committee meeting, under item 3(d) – delete the reference to Public Utilities Commission and replace it with State Water Resources Control Board.

Action Items

1. **Consider Adoption of Meeting Minutes of January 23, 2018**
On a motion of Byrne and second by Brower, the minutes were approved unanimously with the correction noted by Luke Coletti during public comment. The vote was 3 – 0 with Bryne, Brower and Rubio voting in support.

Discussion Items

2. **Update on Los Padres Dam Study**
Hampson reported that two workshops were conducted with the Technical Review Committee that included staff from California Department of Fish and Wildlife (CDF&W), National Marine Fisheries Service (NMFS), California Coastal Conservancy (CCC), California American Water (CAW) and District staff.

Fish Passage Workshop - There was discussion about letters from the NMFS and CDF&W expressing concern that insufficient data on fish passage and mortality was available for concurrent preparation of fish passage and Los Padres Dam alternatives. Hampson stated that the District and NMFS jointly implemented a fish-tagging program to collect data that would respond to agency concerns. The committee

agreed that improving fish attraction for the existing trap and truck program should be evaluated as soon as possible. One alternative for fish passage is the Whoosh system. The NMFS is testing the system at another dam. However, the system requires rigorous testing and data before it could be considered for the Los Padres Dam.

Dam Alternatives Workshop - In a few months a study should be completed that will describe changes to sediment transport from different dam removal and dredging scenarios. District staff will work with the USGS to complete a computer simulation model for water availability and present it to the TRC for review. A study to determine liability should the dam be removed must also be completed.

Public Comment: Luke Coletti noted that concerns have been raised about high sulfite levels at the fish trap. He suggested that a water quality assessment should be completed as one component of assessing the effectiveness of the fish trap. *Hampson responded that Cal-Am controls access to the trap, so a coordinated effort between Cal-Am and the District would be needed.*

3. **Update on Water Supply Projects**

a. Pure Water Monterey (PWM)
No discussion.

b. California American Water Desalination Project
No discussion.

c. DeepWater Desal
No new information to report.

d. Local Water Projects
Stoldt provided an update on local water projects – **(1) The City of Monterey - Monterey Regional Water Recovery Study** is underway. **(2) Monterey Peninsula Airport District (MPAD)** - talks continue with MPAD on utilizing subpotable water from MPAD wells for expansion of the north side business park. This project would utilize subpotable and potable water sources. **(3) Del Monte Golf Course** – The Pebble Beach Company is considering development of storage for water from wells that were constructed with grant funds from the District. **(4) The Pacific Grove Stormwater Dry Weather Flow Reuse Project** – The City of Pacific Grove has certified that it has achieved permanent abandonment of its Cal-Am connection, although the potential for emergency service remains.

Public Comment: Luke Coletti advised that there are concerns about high-chloride levels in the reclaimed water, and that the Pacific Grove project should be operated for one year before it could be certified as being permanently disconnected from the Cal-Am system.

4. **Discuss Rainfall and Storage Conditions**

Stoldt distributed a handout titled Water Year Classification by Recorded Rainfall. He reviewed the handout and stated that storage in the Monterey Peninsula Water Resources System should be sufficient to meet the needs of the District for the next 17

months. Based on storage, there should be no need to implement additional water conservation measures.

5. Discuss Reinstatement of District Reserve and Policy for Use

The committee discussed establishment of a District reserve, and if it should be restricted to projects that provide a public benefit or if it could be allocated for jurisdictional use. During the discussion committee members opined that: (a) only for public benefit projects; (b) Board should determine if a project provides a public benefit; (c) each request should be determined on its merit by the Board – not according to a list of qualifying projects; and (d) project should not be growth inducing.

Public Comment: Luke Coletti stated that the SWRCB is not concerned about how the District views intensification of use, but in how much water is diverted from the Carmel River. He hoped the CDO would be resolved soon. He suggested that since Cal-Am and the District have a non-disclosure agreement re billing records, Cal-Am could provide the District with an analysis of water use in lieu of actual water records. He noted that recent projects are deed restricted, so that the District has access to water records at the site.

Set Next Meeting Date: No meeting date was set.

Adjournment: The meeting was adjourned at 4:30 pm.

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ITEM: INFORMATIONAL ITEM/STAFF REPORTS**14. MONTHLY ALLOCATION REPORT****Meeting Date:** September 17, 2018 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program:** N/A
Line Item No.:**Prepared By:** Gabriela Ayala **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: As of August 31, 2018, a total of **24.721** acre-feet (**7.2%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **35.923** acre-feet is available to the Jurisdictions, and **28.932** acre-feet is available as public water credits.

Exhibit 14-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in August 2018 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in August 2018.

Exhibit 14-A also shows additional water available to each of the Jurisdictions and the information regarding the Community Hospital of the Monterey Peninsula (Holman Highway Facility). Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 14-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement and the Malpaso Water Entitlement.

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 14-C**.

EXHIBITS**14-A** Monthly Allocation Report**14-B** Monthly Entitlement Report**14-C** District’s Water Allocation Program Ordinances

EXHIBIT 14-A
MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of August 2018

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Credits	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.263	50.659	0.000	0.030	38.121	0.000	2.325	2.618
Monterey County	87.710	0.000	10.717	13.080	0.000	0.352	7.827	0.000	1.775	12.844
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.022	15.874	0.000	0.133	0.155
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
Seaside	65.450	0.000	7.146	34.438	0.000	34.438	2.693	0.000	1.144	42.728
TOTALS	342.720	0.000	24.721	101.946	0.000	35.923	90.142	0.000	28.932	89.576

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.000	9.372	3.388

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

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EXHIBIT 14-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of August 2018

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co. ¹	227.88	0.380	31.431	196.449
Del Monte Forest Benefited Properties ² (Pursuant to Ord No. 109)	137.120	1.257	51.843	85.277
Macomber Estates	10.000	0.000	9.595	0.405
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	1.637	97.698	282.302

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	4.353	201.647
Malpasco Water Company	80.000	0.785	10.558	69.442
D.B.O. Development No. 30	13.950	0.000	1.088	12.862
City of Pacific Grove	66.000	0.000	0.000	66.000
Cypress Pacific	3.170	0.000	3.170	0.000

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 14-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the

historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

ITEM: INFORMATIONAL ITEM/STAFF REPORTS**15. WATER CONSERVATION PROGRAM REPORT**

Meeting Date: September 17, 2018 **Budgeted:** N/A

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

Prepared By: Kyle Smith **Cost Estimate:** N/A

Committee Recommendation: N/A

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

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm kitchen, utility and bar sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is often conducted to verify compliance.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information compared against the properties that have submitted WCCs. Details on **248** property transfers that occurred between July 1, 2018 and August 31, 2018 were added to the database.

B. Certification

The District received **16** WCCs between August 1, 2018, and August 31, 2018. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

C. Verification

In August, **73** properties were verified compliant with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **73** verifications, **48** properties verified compliance by submitting certification forms and/or receipts. District staff completed **36** Site inspections. Of the **36** properties inspected, **25 (69%)** passed inspection. **One** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards.

Savings Estimate

Water savings from HET retrofits triggered by Rule 144 verified in August 2018 are estimated at **0.460** Acre-Feet Annually (AFA). Water savings from retrofits that exceeded the requirement (i.e., HETs to Ultra High Efficiency Toilets) is estimated at **0.760** AFA (37 toilets). Year-to-date estimated savings from toilet retrofits is **8.570** AFA.

D. CII Compliance with Water Efficiency Standards

Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are being sent notification of the requirements and a date that inspectors will be on Site to check the property. This month, District inspectors performed **14** inspections. Of the **14** inspections certified, **11 (78%)** were in compliance. **None** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards; the remainder complied without a reinspection.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate non-residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses, however, properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During July 2018, MPWMD referred **four** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

In response to the State's drought emergency conservation regulation effective June 1, 2016, the District has increased its Water Waste enforcement. The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waster occurrences at www.mpwmd.net or www.montereywaterinfo.org. There were **seven** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **114** Water Permits in August 2018. **Seventeen** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpasos Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account.

All Water Permits have a disclaimer informing applicants of the Cease and Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water. All Water Permit recipients with property supplied by a California American Water Distribution System will continue to be provided with the disclaimer.

District Rule 24-3-A allows the addition of a second bathroom in an existing Single-Family Dwelling on a Single-Family Residential Site. Of the **114** Water Permits issued in August, **four** were issued under this provision.

B. Permit Compliance

District staff completed **115** Water Permit final inspections during August 2018. **Sixteen** of the final inspections failed due to unpermitted fixtures. Of the **115** passing properties, **58**

passed inspection on the first visit. In addition, **six** pre-inspections were conducted in response to Water Permit applications received by the District.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. In the month of August, the District prepared **83** deed restrictions. Of the **114** Water Permits issued in August, **56 (67%)** required deed restrictions. District staff provided Notary services for **87** Water Permits with deed restrictions.

III. JOINT MPWMD/CAW REBATE PROGRAM

Participation in the rebate program is detailed in the following chart. The table below indicates the program summary for Rebates for California American Water Company customers.

REBATE PROGRAM SUMMARY		August-2018				2018 YTD	1997 - Present	
I. <u>Application Summary</u>								
A.	Applications Received	97				906	25,755	
B.	Applications Approved	71				652	20,085	
C.	Single Family Applications	93				846	23,340	
D.	Multi-Family Applications	4				41	1,272	
E.	Non-Residential Applications	0				16	341	
II. <u>Type of Devices Rebated</u>		Number of devices	Rebate Paid	Estimated AF	Gallons Saved	2018 YTD Quantity	2018 YTD Paid	2018 YTD Estimated AF
A.	High Efficiency Toilet (HET)	0	0.00	0.000000	0	59	4,600.00	2.463132
B.	Ultra Low Flush to HET	22	1650.00	0.066000	21,506	177	13,125.00	1.616
C.	Ultra HET	1	75.00	0.010000	3,259	12	1,474.00	0.12
D.	Toilet Flapper	0	0.00	0.000000	0	3	45.00	0
E.	High Efficiency Dishwasher	11	1375.00	0.177100	57,708	117	17,375.00	0.4951
F.	High Efficiency Clothes Washer	43	21080.38	0.352600	114,895	310	155,618.14	4.6513
G.	Instant-Access Hot Water System	2	400.00	0.000000	0	14	2,798.99	0
H.	On Demand Systems	0	0.00	0.000000	0	2	200.00	0
I.	Zero Use Urinals	0	0.00	0.000000	0	0	0.00	0
J.	High Efficiency Urinals	0	0.00	0.000000	0	0	0.00	0
K.	Pint Urinals	0	0.00	0.000000	0	0	0.00	0
L.	Cisterns	0	0.00	0.000000	0	14	21,015.75	0
M.	Smart Controllers	1	100.00	0.000000	0	6	759.00	0
N.	Rotating Sprinkler Nozzles	29	116.00	0.000000	0	29	116.00	0
O.	Moisture Sensors	0	0.00	0.000000	0	0	0.00	0
P.	Lawn Removal & Replacement	0	0.00	0.000000	0	2	2,435.00	0.19967
Q.	Graywater	0	0.00	0.000000	0	0	0.00	0
R.	Ice Machines	0	0.00	0.000000	0	0	0.00	0
III. <u>Totals: Month; AF; Gallons; YTD</u>		109	24796.38	0.6057	197,368	745	219,561.88	9.545202
							2018 YTD	1997 - Present
IV. <u>Total Rebated: YTD; Program</u>							219,561.88	6,157,554.47
V. <u>Estimated Water Savings in Acre-Feet Annually*</u>							9.545202	551.870777

* Retrofit savings are estimated at 0.041748 AF/HET; 0.01 AF/UHET; 0.01 AF/ULF to HET; 0.003 AF/dishwasher; 0.0161 AF/residential washer; 0.0082 AF/100 square feet of lawn removal.

ITEM: INFORMATIONAL ITEMS/STAFF REPORTS**16. CARMEL RIVER FISHERY REPORT FOR AUGUST 2018**

Meeting Date:	September 17, 2018	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Beverly Chaney	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

AQUATIC HABITAT AND FLOW CONDITIONS: Releases from Los Padres Reservoir were reduced again in August from 8.3 to 7.0 cubic-feet-per-second (cfs) to maintain storage as the inflow continued to drop to summer levels. Portions of the lower river between Meadows Road and the lower end of the Rancho Cañada reach, dried up this month, while additional sections below Schulte Bridge became transitional. A short section in the DeDampierre reach also became transitional. Fish rescues that were started in late June were continued this month (see details below) as rearing conditions for juvenile steelhead remained “poor” below the narrows. All lower valley tributaries are dry at the confluence.

Mean daily streamflow at the Sleepy Hollow Weir dropped from 7.5 to 5.5 cfs (monthly mean 6.3 cfs) resulting in 389 acre-feet (AF) of runoff, while mean daily streamflow at the Highway 1 gage dropped from 0.36 to 0.00 cfs (monthly mean 0.09 cfs), resulting in 5.7 AF of runoff.

There were 0.00 inches of rainfall in August as recorded at Cal-Am’s San Clemente gauge. The rainfall total for WY 2018 (which started on October 1, 2017) is 13.52 inches, or 64% of the long-term year-to-date average of 21.11 inches.

CARMEL RIVER LAGOON: The lagoon mouth is now closed for the summer and the water surface level continued to drop from ~6.9 to 5.9 feet above mean-sea-level (see graph below).

Water quality depth-profiles were conducted at five sites on August 10 while the lagoon was closed and the river inflow was 0.22 cfs. Steelhead rearing conditions at all sites were generally “fair” with low salinity (1-2 ppt), temperature ranging from 67-71 degrees F, and dissolved oxygen (DO) levels of 2-13 mg/l.

LIFE CYCLE MONITORING:

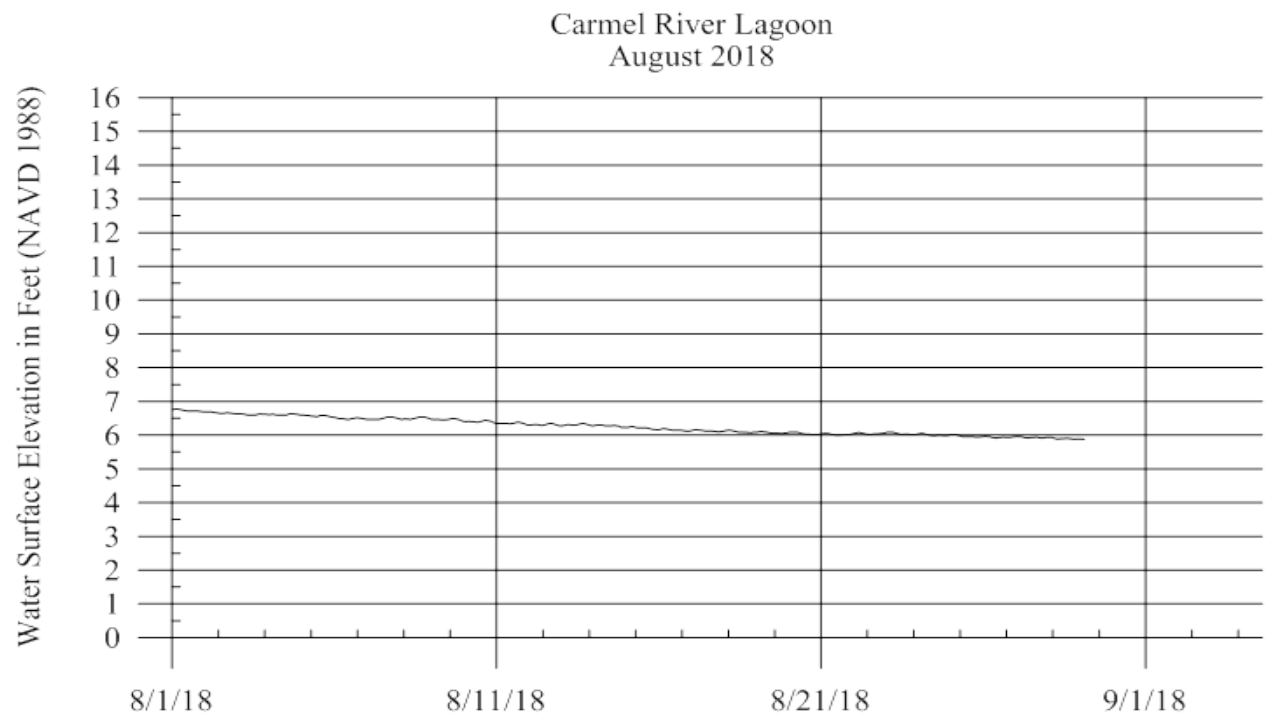
Mainstem Carmel River Steelhead Rescues - Staff began mainstem rescues on June 25th at the Highway 1 Bridge. In August, Staff completed 9 days of rescues up to Schulte Road and the lower portion of the DeDampierre reach.

As of August 31, 2,721 fish have been rescued including: 1,360 YOY, 1,346 1+, 14 mortalities (0.5%), 2,210 fish were tagged, and there were 16 recaptures of previously tagged fish.

Tagging – Rescued fish larger than 65 mm are now being tagged with Passive Integrated Transponder (PIT) tags. District staff is currently operating four PIT tag arrays (tag number readers) on the Carmel River in a partnership between the District and the National Marine Fisheries Service (NMFS). Data is being collected for future analysis and reporting.

Juvenile Steelhead Fall Population Surveys – The District and NMFS are partnering up for a third year of an expanded steelhead population survey program that covers more sites over a larger portion of the watershed while PIT tagging additional fish. Results will be described in the future reports.

SLEEPY HOLLOW STEELHEAD REARING FACILITY: General contractor Mercer-Fraser Company of Eureka, CA, has been hired for the Intake Upgrade Project and is scheduled to start construction later this fall on the \$2 million project. The main features of the project include installing a new intake structure that can withstand flood and drought conditions as well as the increased bedload from the San Clemente Dam removal project two years ago, and a new Recirculating Aquaculture System (RAS) that can be operated in times of poor river water quality to keep the fish healthy.



ITEM: INFORMATIONAL ITEMS/STAFF REPORT**17. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT**

Meeting Date: September 17, 2018 **Budgeted:** N/A

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

Prepared By: Jonathan Lear **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: 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.

Exhibit 17-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **September 1, 2018**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 17-A** is for Water Year (WY) 2018 and focuses on four factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **August** 2018 totaled **0.0 inches** and brings the cumulative rainfall total for WY 2018 to **13.52 inches**, which is **64%** of the long-term average through **August**. Estimated unimpaired runoff during **August** totaled **171 acre-feet (AF)** and brings the cumulative runoff total for WY 2018 to **32,029 AF**, which is **48%** of the long-term average through **August**. Usable storage for the MRWPRS was **28,200 acre-feet**, which is **97%** of average through **August**, and equates to **75%** percent of system capacity

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 8,310 AF of water from the Carmel River in WY 2018. Through **August**, using the CDO accounting method, Cal-Am has produced **6,375 AF** from the Carmel River (including ASR capped at 600 AF, Table 13, and Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,820 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2018. Through **August**, Cal-Am has produced **2,209 AF** from the Seaside Groundwater Basin. Through **August**, **530 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, and **153 AF** have been diverted under Table 13 water rights. Cal-Am has produced **9,050 AF** for customer use from all sources through **August**. **Exhibit 17-C** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data. The 12 month moving average of production for customer service is **9,986 AF**, which is below the rationing trigger of **10,130 AF** for WY 2018.

EXHIBITS

17-A Water Supply Status: **September 1, 2018**

17-B Monthly Cal-Am Diversions from Carmel River and Seaside Groundwater Basins: WY 2018

17-C Monthly Cal-Am production by source: WY 2018

EXHIBIT 17-A

**Monterey Peninsula Water Management District
Water Supply Status
September 1, 2018**

Factor	Oct to Aug 2018	Average To Date	Percent of Average	Water Year 2017
Rainfall (Inches)	13.52	21.00	64%	32.22
Runoff (Acre-Feet)	32,029	67,086	48%	195,579
Storage ⁵ (Acre-Feet)	28,200	29,000	97%	30,410

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.1 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2017 and 1902-2017 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2017 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum storage capacity for the MPWRS is currently 37,639 acre-feet.

Production vs. CDO and Adjudication to Date: WY 2018

(All values in Acre-Feet)

Year-to-Date Values	MPWRS				Water Projects and Rights				
	Carmel River Basin ^{2, 6}	Seaside Groundwater Basin		MPWRS Total	ASR Recovery	Table 13 ⁷	Sand City ³	Water Projects and Rights Total	
		Coastal	Laguna Seca						Ajudication Compliance
Target	7,519	1,400	0	1,400	8,919	880	227	275	1,382
Actual ⁴	6,375	1,922	288	2,209	8,584	821	153	175	1,149
Difference	1,144	-522	-288	-809	335	59	74	100	233
WY 2017 Actual	5,869	1,665	274	1,939	7,808	1,188	491	221	1,900

1. This table is current through the date of this report.
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Board.
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources projects.
4. To date, 530 AF and 153 AF have been produced from the River for ASR and Table 13 respectively.
5. All values are rounded to the nearest Acre-Foot.
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY.
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking.

Monthly Production from all Sources for Customer Service: WY 2018

(All values in Acre-Feet)

	Carmel River Basin	Seaside Basin	ASR Recovery	Table 13	Sand City	Mal Paso	Total
Oct-17	532	396	0	0	14	3	945
Nov-17	421	331	0	0	3	3	758
Dec-17	399	339	0	0	26	1	765
Jan-18	400	267	0	0	25	7	699
Feb-18	413	264	0	0	21	7	704
Mar-18	374	189	0	98	0	7	667
Apr-18	579	91	0	55	3	7	735
May-18	740	113	0	0	25	0	878
Jun-18	692	154	43	0	23	8	919
Jul-18	567	34	355	0	26	7	988
Aug-18	518	34	423	0	10	7	991
Sep-18							
Total	5,635	2,209	821	153	175	56	9,050
WY 2017	4,253	1,319	901	491	206	77	7,778

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

Rationing Trigger: WY 2018

12 Month Moving Average ¹	9,986	10,130	Rule 160 Production Limit
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1. Average includes production from Carmel River, Seaside Basin, Sand City Desal, and ASR recovery produced for Customer Service.

California American Water Production by Source: Water Year 2018

	Carmel Valley Wells ¹						Seaside Wells ²						Total Wells			Sand City Desal		
	Actual		Anticipated ³		Under Target		Actual		Anticipated		Under Target		Actual	Anticipated	Acre-Foot Under Target	Actual	Anticipated	Under Target
	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet
Oct-17	0	532	0	550	0	18	368	29	350	0	-18	-29	928	900	-28	14	25	11
Nov-17	0	421	0	383	0	-38	301	30	350	0	49	-30	752	733	-19	3	25	22
Dec-17	0	399	0	728	0	329	315	24	100	0	-215	-24	738	828	90	26	25	-1
Jan-18	0	400	0	673	0	273	247	19	100	0	-147	-19	667	773	106	25	25	0
Feb-18	0	413	0	559	0	146	242	22	100	0	-142	-22	677	659	-18	21	25	4
Mar-18	183	630	0	716	-183	86	170	18	100	0	-70	-18	1002	816	-186	0	25	25
Apr-18	0	824	0	881	0	58	71	20	100	0	29	-20	914	981	67	3	25	22
May-18	0	740	0	985	0	245	85	28	100	0	15	-28	853	1,085	232	25	25	0
Jun-18	0	692	0	1,044	0	352	166	31	47	0	-119	-31	889	1,091	203	23	25	2
Jul-18	0	567	0	819	0	252	355	34	480	0	125	-34	955	1,299	344	26	25	-1
Aug-18	0	518	0	822	0	304	423	34	480	0	57	-34	975	1,302	327	10	25	15
Sep-18																		
To Date	183	6,136	0	8,160	-183	2,024	2,742	288	2,307	0	-435	-288	9,349	10,467	1,118	175	275	100

Total Production: Water Year 2018

	Actual	Anticipated	Acre-Foot Under Target
Oct-17	942	925	-17
Nov-17	755	758	3
Dec-17	764	853	89
Jan-18	692	798	106
Feb-18	698	684	-14
Mar-18	1,002	841	-161
Apr-18	917	1,006	89
May-18	878	1,110	232
Jun-18	911	1,116	205
Jul-18	981	1,324	343
Aug-18	984	1,327	343
Sep-18			
To Date	9,524	10,742	1,218

1. Carmel Valley Wells include upper and lower valley wells. Anticipate production from this source includes monthly production volumes associated with SBO 2009-60, 20808A, and 20808C water rights. Under these water rights, water produced from the Carmel Valley wells is delivered to customers or injected into the Seaside Groundwater Basin for storage.
2. Seaside wells anticipated production is associated with pumping native Seaside Groundwater (which is regulated by the Seaside Groundwater Basin Adjudication Decision) and recovery of stored ASR water (which is prescribed in a MOA between MPWMD, Cal-Am, California Department of Fish and Game, National Marine Fisheries Service, and as regulated by 20808C water right).
3. Negative values for Acre-Feet under target indicates production over targeted value.



Supplement to 9/17/18 MPWMD Board Packet

Attached are copies of letters received between August 11, 2018 thru September 11, 2018. These letters are listed in the September 17, 2018 Board packet under Letters Received.

Author	Addressee	Date	Topic
John Moore	Arlene Tavani	9/8/18	Response to LandWatch Opinion
Richard Svindland	David Stoldt	9/5/18	California-American Water Update
John Moore	Arlene Tavani	8/28/18	Pure Water Monterey Safety, Or Not
John Moore	Arlene Tavani	8/24/18	Important Water Article in Friday's Herald
Alecia Van Atta	David Stoldt	8/24/18	NOAA's NMFS' comments on MPWMD draft Instream Flow Incremental Methodology report for the Carmel River, California
John Moore	Arlene Tavani	8/14/18	Pure Water Monterey Forum Tonight at 7 pm at MIIS

U:\staff\Boardpacket\2018\20180917\LettersRecd\LtrsRecd.docx

Arlene Tavani

From: john moore <jmerton99@yahoo.com>
Sent: Saturday, September 8, 2018 2:34 PM
To: john moore; Felicia Marcus; Israel Zubiarte; erickson@stamplaw.com; Bill Monnet; Nader Agha; assemblyca; john.o'hagan@waterboards.ca.gov; Pgac- Susan Nilmier; Stephanie Gaddis; Arlene Tavani; Scott Moore; ddwrecycledwater@waterboards.ca.gov; randy.barnard@waterboards.ca.gov; Bob Jaques; Robert Pacelli; Joe Nation; Steve Collins; Stephen Eide; stamp@stamplaw.com; les.grober@waterboards.ca.gov; Mrowka; Aue; landwatch@mclw.org
Subject: Fw: Fwd: Response to LandWatch opinion that Recycled effluent and toxic Ag waste is environmentally safer than the desalination project

----- Forwarded Message -----

From: John Moore <jmoore052@gmail.com>
To: john moore <jmerton99@yahoo.com>
Sent: Saturday, September 8, 2018, 12:44:59 PM PDT
Subject: Fwd: Response to LandWatch opinion that Recycled effluent and toxic Ag waste is environmentally safer than the desalination project

----- Forwarded message -----

From: John Moore <jmoore052@gmail.com>
Date: Sat, Sep 8, 2018 at 12:42 PM
Subject: Response to LandWatch opinion that Recycled effluent and toxic Ag waste is environmentally safer than the desalination project
To: mheditor@montereyherald.com <mheditor@montereyherald.com>

Editor:

In Saturday's edition you published an article by LandWatch in which it said: "The recycled water water would also have fewer environmental impacts; use much less energy; and run on energy generated by methane waste gas." It was comparing it to desalinated potable water.

I contend that the project presents an intolerable environmental risk to human health, because the Pure Water Monterey (PWM) project is a revolutionary first of its kind and the safety of the water it will produce has never been affirmed by recycled wastewater toxicologists.

During the last year, I have compiled and presented substantial research to all of the relevant state and local agencies about the safety, or not, of the PWM project. Based on that evidence, I have demanded that "As families we are entitled to an opinion by a panel of experts in the toxicology of the recycled wastewater to be produced by PWM affirming that it will be safe for potable(drinking, cooking etc.)purposes." I have substantial support for that demand.

The approval of the PWM project by the Regional Water Resources Board, was by five "mom and pops" like you and me, based on a non-adversary EIR presentation by Water One Monterey. The safety part was by an Environmental engineer(Nellor, a two person firm of Margaret Nellor, an engineer, and her mother). Her evidence was that several existing projects affirmed the safety of the PWM project. There are none. Even the Orange Water District Project has recently learned that one of its three storage basins is contaminated. And the district has one of the

2 highest cancer rates in the nation, particularly among children.

In fact, there are NO existing or planned wastewater recycling projects that mixes toxic agriculture waste with human effluent in an attempt to produce potable water. The PWM project is experimental.

In a Policy Directive, David E. Spath Ph.D then director of the Department of Health Services(In 2014, it was removed from Health Services in favor of engineers at the State Water Board)said: "Extremely impaired sources that contain or are likely to contain high concentrations of contaminants, contain multiple contaminants, 'or unknown contaminants'(emphasis mine)(such as groundwater subject to contamination from a hazardous waste disposal site) should not be considered for human consumption where alternatives are available." The PWM project intends to inject its water into the Seaside Basin which sits under Area 39 of old Ft. Ord, a hazardous waste disposal site that has not been purified. Ag wastewater is specifically labeled as an "impaired source" regardless of location, in the Directive, but was not discussed as such in the EIR.

Australia performed a comprehensive three year study about the human health safety of recycling human sewage for potable purpose(Report 2015). In conclusion, Professor Peter Collignon, AM, Infectious Disease Physician and Microbiologist, Professor of Clinical Medicine . Australian Natl. University said; "We should only adopt recycling water from sewage as a Last Resort" He went on to say that in an emergency, if a community needed to resort to recycled human sewage as a potable use, it would require 24/7 real time testing for pathogens(which is not currently available). No expert has ever studied the risks in recycling Ag wastewater or the risks from mixing it with effluent. There are dozens of contemporary reports that agree with Australia and Doctor Collignon.

The key health risks from recycling human effluent is that hundreds of microscopic molecules get thru the system, some of them are pathogenic, But we have no tests to identify them. Real toxicologists work and write about this conundrum every day. Currently, the state hopes to have adequate tests by 2023. PWM will argue "we meet all tests now required and if we meet the tests it must be safe." Ok, Let's see if expert toxicologists agree!

If PWM objects to the expert tests that I have requested, we should all be even more scared.

John M. Moore 836 2d st. Pacific Grove Ca. 93950 831-655-4540



Richard Svindland P 619-446-4761
President F 619-230-1096
California American Water
655 W. Broadway, Suite 1410
San Diego, CA 92101

www.calamwater.com
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SEP 11 2018

MPWMD

September 5, 2018

Mr. David Stoldt
General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Dear Mr. Stoldt:

California American Water is working hard to provide safe, affordable drinking water to its customers every day. We want to share some of our news and accomplishments from the past several months.

Reducing costs to keep water affordable. Two major changes to our costs will reduce the rate impact on our 2016 pending rate increase. The federal Tax Cut and Jobs Act reduced our annual federal income tax burden by more than \$7 million annually. The California Public Utilities Commission recently issued a decision that reduced our cost of capital by another \$4 million annually. These savings are being incorporated into our current rate proceeding and we expect the benefits to flow to customers later this year. Our industry leading low income ratepayer assistance program provided over \$2.3 million in benefits last year and we have launched a pilot program with the United Way in Monterey County to help customers avoid having water shut off for nonpayment.

Improving water quality. California American Water continues to invest in its water system to ensure that our water quality meets or is better than all federal and state standards. We are close to completing the construction of new water treatment facilities in Los Angeles, Sacramento and Yolo Counties to treat for Chromium 6, a contaminant that is sometimes found in groundwater. We also put a new granular activated carbon treatment plant on a well in Sacramento that showed the presence of an emerging class of chemicals known as PFAS's.

Supporting access to safe clean water in disadvantaged communities. We have acquired nine water systems in the past five years and continue to seek other opportunities. Our employees have the technical and managerial expertise to help communities with their drinking water challenges. Our company has the financial resources to help systems make necessary investments to improve water treatment, storage and distribution. Current customers benefit when we increase our economies of scale.

Sonoma Fire Recovery. On October 9, 2017 over 560 of our customers in the north Santa Rosa neighborhood of Larkfield lost their homes and businesses in the Tubbs Fire. The devastation was immense. Our local team, supported by additional employees from around the state, worked tirelessly to maintain the integrity of the water system and make sure water service was available to customers who had been evacuated as they were allowed to return. Since then we have



CALIFORNIA
AMERICAN WATER

to customers who had been evacuated as they were allowed to return. Since then we have restored water service to the neighborhoods that were destroyed by the fire and are partnering with our impacted customers to help them rebuild their homes and community.

Building a new water supply and protecting the environment. In 2018, the Monterey Peninsula Water Supply Project met several major milestones with the release of its Environmental Impact Report, construction of the seven-mile Monterey Pipeline; and after a more than five-year-long review process, approval of the project by the California Public Utilities Commission. This progress, combined with the recent removal of the San Clemente Dam, begins the path to a strong recovery for the long over-stressed Carmel River and its threatened population of steelhead trout. These accomplishments also bring the Monterey Peninsula community closer than it has ever been – for more than forty years – to developing an adequate, drought-proof and sustainable water supply.

The team at California American Water is proud to keep life flowing by providing our communities safe, reliable essential services. Please reach out to us if you have any questions about the water service we provide in your community. My email is presidentsvindland@amwater.com.

Sincerely,

Richard Svindland
President
California American Water

Arlene Tavani

From: John Moore <jmoore052@gmail.com>
Sent: Tuesday, August 28, 2018 8:40 AM
To: Joe Livernois; Jim Johnson; Ron Weitzman; russell mcglathlin; Randy.Barnard@waterboards.ca.gov; DDWrecycledwater@waterboards.ca.gov; Mary Adams; Jane Parker; editor@cedarstreettimes.com; Mary Duan; Felicia Marcus
Subject: Fwd: Pure Water Monterey safety, or not.

----- Forwarded message -----

From: John Moore <jmoore052@gmail.com>
Date: Tue, Aug 28, 2018 at 8:30 AM
Subject: Pure Water Monterey safety, or not.
To: <paul@carmelpinecone.com>

Paul:

In your recent editorial, in which you claimed "water is water" you criticized those of us who oppose the Pure Water Monterey (PWM) project unless a toxicology expert panel about the toxicology of recycled waste waters has first confirmed the "public health" safety of the project's treated mix.

(PWM) has two distinct sources of waste water that it intends to mix, recycle and sell to Cal Am for sale to us. Whether "water is water" is true depends on the original source of the recycled waste water and the tests that are required before it may be sold for potable uses.

Recycled sewage has some precedent for recycling for potable use; unfortunately, the Orange County Water District example has recently revealed significant public health issues and is no longer the cited safety precedent for recycling human effluent for potable purposes.

California has never ever permitted agriculture waste water to be used, or even worse, mixed with effluent, as a source of waste water for recycled potable reuse. In fact, agriculture waste water is classified as an "extremely impacted" source for recycling.

Whether recycled water is water depends on the toxicological tests of the treated water. In obtaining its permit, PWM never obtained the opinion of any medically trained expert in the science of the safety of the PWM mix. They did have expert opinions from Phd enviro-engineers, but none with toxicology expertise about the safety, or not, of the PWM mix. In July, the Division of Drinking Water issued two alerts about the toxic impact of personal care products and residue at military bases (like Ft. Ord) The PWM project will not test for those PSAS and PSOS unless ordered to do so.

The issue about the safety of recycled waste waters is that there are thousands of pathogens for which there are no tests, those are called "unknown unknowns."

In summary, I re-emphasize that all that my group is demanding is that a judge select a panel of toxicology of recycled wastewater experts to advise whether the PWM mix is safe for potable uses, and whether additional safe guards are required.

Meanwhile, I am preparing to move out of the Cal Am water district, John M. Moore 836 2d st. Pacific Grove Ca. 93950
 831-655-4540

Arlene Tavani

From: John Moore <jmoore052@gmail.com>
Sent: Friday, August 24, 2018 9:42 AM
To: Jim Johnson; paul@carmelpinecone.com; editor@cedarstreettimes.com; mheditor@montereyherald.com; DDWrecycledwater@waterboards.ca.gov; Randy.Barnard@waterboards.ca.gov; kera@mcweekly.com; russell mcglathlin; Felicia Marcus; Mary Adams; Arlene Tavani; Moe Ammar; Bob Jaques; Jane Parker; George Riley; john moore; Joe Livernois; landwatch@mclw.org; Carly Mayberry; Royal Calkins; chayito@my1water.org; Mark Stone
Subject: Re: Important Water Article in Friday's Herald

And of course, the Commission is unaware that Agriculture Waste Waters are defined as an "Extremely Impaired Source" by the Department of Drinking Water. That means that if any other source of less contaminated source water is available, the DDW should have denied the permit (in favor of desalination, a much safer source). There was never any opposition to the whole permit process, so many risks were not reported in the EIR for the project

In today's Pine Cone, Paul Miller, in referring to PWM stated that "water is water." So why are there so many cases of contaminated drinking water throughout the U.S.? One of the three basins used by the Orange County Water District has become contaminated, but they have no choice but to go on using it. Imagine PWM with only one basin. Water is not water, if drinking water is contaminated.

The State Water Bd. has just issued "Notification Level Issuances" for both perfluorooctansulfonic acid (PFOS) and perfluorooxyanoic acid (PFOA), two of the deadly new contaminant classes found in drinking water and affecting the public health of users throughout the U.S.

Closed military bases are a particular problem. The Seaside Basin sits under Area 39 of old Ft. Ord, a very contaminated site with a great potential for the two classes of contaminants..

The notices were issued on July 18, 2018, signed by the Director Of the Division of Drinking Water. According to paragraph 5 of each notice: "5. The establishment of a notification level does not require public water systems to monitor for the contaminant, 'except when water systems are subject to the recycled water regulations' (emphasis mine)." So the PWM project requires monitoring and the only safe monitoring is full time.

Paragraph 6 of each notice describes the sources of the two contaminants, mainly consumer products but also from fire fighting foam and other industrial sources (Ft Ord area 39 is a classic source that may seep into the Seaside Basin, my comment, not the Notice) To my knowledge, the Seaside Basin has never been tested for these two classes of contaminants. It must be!

The reason there is not more public opposition to the PWM project is because the details of the risks inherent in the project have never been revealed to the public. We were never allowed to vote for or against the project, a process that would have exposed the health risks to the public.

For my part, all that I have ever requested is that the judge in charge of supervising the Seaside Basin, appoint experts in the toxicology of the treated mix, to determine that it is safe, or not, for potable uses. There is only one reason that the PWM object to that request, and that is another cause for concern.

John M. Moore (licensed, but retired lawyer (JD Stanford School of Law))
 836 2d st. Pacific Grove, Ca. 93950 831-655-4540 On Thu, Aug 23, 2018 at 9:47 PM Ron Weitzman <ronweitzman@redshift.com> wrote:

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>
> Jim, too bad The Herald did not send you there. It was civilized and
> serious. There was a good feeling in the room. The opposing parties
> filled in a lot of the blanks in the proposed decision and the EIR/EIS
> and also strongly argued for the alternatives to immediate approval
> of project denial or short-term delay. The purpose of the delay,
> possibly not to go beyond the 31 December proceeding deadline, is to
> consider expansion of Pure Water Monterey as a substitute for Cal Am's
> proposed desal plant, which Water Plus argued would raise rates and
> thereby lower demand so much as to make the desal plant unnecessary, a
> white elephant. –Ron

>
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>
> Full commission 'engaged' in CPUC hearing on Cal Am desal project

> By Jim Johnson, Monterey Herald

> POSTED: 08/23/18, 3:21 PM PDT | UPDATED: 2 HRS AGO

> 0 COMMENTS

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> Monterey >> In a sign of how seriously the state Public Utilities Commission is taking the debate over the future of water supply on the Monterey Peninsula, all five commissioners attended a CPUC oral argument hearing on California American Water's proposed desalination project in San Francisco on Wednesday.

> Several of those who attended the hearing said three of the five commissioners asked a number of questions of the parties to the desal project proceeding, and all five appeared "engaged and interested" in the issue. Only a majority of the commission was required to attend.

> Commissioners Carla Peterman, Martha Guzman Aceves and Clifford Rechtschaffen each asked questions related to the Peninsula's water demand, the sizing of Cal Am's desal project and the overall water supply. They also asked whether a proposed Pure Water Monterey expansion could meet the water system's demand without the desal project, according to sources who attended the meeting.

> Only commission president Michael Picker and assigned commissioner Liane Randolph did not ask questions, attendees said.

> The hearing, requested by the Marina Coast Water District and the city of Marina, offered an opportunity for supporters and critics to make their arguments directly to commissioners between last week's release of a proposed decision for the desal project and the Sept. 13 CPUC meeting when the commission is expected to consider issuing a permit for the project. To this point, only one commissioner at a time - presently, Randolph - has been directly engaged in the commission's review of the project.

> In answer to Cal Am's proposal, some parties to the proceeding have criticized the desal project for a number of legal and technical issues. They called for postponing or ditching desal entirely in favor of an expanded Pure Water Monterey project and other supplemental supplies. They argued that would allow the Peninsula to meet the state-ordered cutback in pumping from the Carmel River by the end of 2021, and meet critical milestones along the way.

>

> Monterey One Water General Manager Paul Sciuto, whose agency is building the Pure Water Monterey project, said the hearing was an important opportunity for back-and-forth between commissioners and parties to the proceeding as part of the review process.

>

> "I thought it was great all five commissioners were engaged and interested in the proceeding and the process," Sciuto said. "The opportunity for the parties to clarify points and highlight evidence in the record but not in the proposed decision was important to get a well-vetted, comprehensive decision."

>

> Other attendees said Sciuto was eloquent in his defense of the Pure Water Monterey expansion proposal, which he argued was further along than three CPUC judges found in the proposed decision. He also praised Planning and Conservation League Executive Director Jonas Minton for urging the commissioners not to rush into a decision on Cal Am's desal project while a viable alternative with less environmental impact was available.

>

> Public Water Now Managing Director George Riley, whose organization is backing a fall ballot measure aimed at a public buyout of Cal Am's local water system, said he thought the commissioners paid close attention to the Pure Water Monterey expansion proposal. Marina mayor Bruce Delgado said he believed the commission gained a better understanding of the city's "community values" including the risk to its groundwater from the proposed desal project as a result of the proposal to feed the desal plant through nearby slant wells.

>

> Delgado said it was "good to have everyone in the room," and speculated about the potential benefit of having such a hearing earlier in the process.

>

> Cal Am spokeswoman Catherine Stedman also said the hearing was a "good opportunity for the commissioners to learn the positions of the various parties" and be able to ask "direct, clarifying questions." She said Cal Am officials appreciated the opportunity to make their case for the "importance of moving ahead with a water supply solution as quickly as possible." She argued that opponents' issues were addressed in the project's environmental review.

>

> "We believe that now is absolutely the time to focus on completion of our project rather than contemplate last-minute, unvetted alternatives and interim projects that aren't capable of meeting the (river cutback order)," Stedman said.

>

> Jim Johnson can be reached at 831-726-4348.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

August 24, 2018

Refer to NMFS No: WCR-2017-7369

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AUG 24 2018

MPWMD

Richard Svindland, President
California-American Water Company
655 West Broadway, Suite 1410
San Diego, California 92101

David Stoldt, General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, California 93942-0085

Re: NOAA's NMFS' comments on the Monterey Peninsula Water Management Districts' draft
Instream Flow Incremental Methodology report for the Carmel River, California

Dear Mr. Svindland and Mr. Stoldt:

On April 17, 2018, NOAA's National Marine Fisheries Service (NMFS) submitted its comments on the Instream Flow Incremental Methodology (IFIM) study report prepared by Normandeau Associates for the Monterey Peninsula Water Management District (MPWMD). During a June 20, 2018, conference call between NMFS, California Department of Fish and Wildlife (CDFW), and MPWMD, we agreed to provide our final recommendations to the MPWMD regarding finalization of the IFIM study.

We acknowledge that the intended goals and objectives of the study (i.e., identify minimum depths for adult passage, test transferability of habitat suitability curves, and provide estimates of spawning and rearing habitat for the geomorphic conditions present when the study was conducted) were addressed. However, we have prepared the accompanying technical memorandum that outlines specific limitations of the study and our concerns with the applicability of these results for determining future instream flows in the Carmel River. At this time, NMFS has no objection to finalizing the IFIM study provided the context and limitations of the study outlined in the technical memorandum are acknowledged in the final report. The technical memorandum also identifies additional studies that will help inform future hydrologic and geomorphic conditions in the Carmel River under different management scenarios (e.g. removal or retention of Los Padres Dam, reduced groundwater overdraft). These include, conducting a geomorphic assessment of historic, current, and predicted channel morphology, a limiting factors analysis, and assessing fish passage opportunities.

There are other ongoing studies that are intended to inform future water availability, sediment transport and river morphology, instream flows, habitat connectivity and the potential effects on steelhead in the Carmel River mainstem under different management scenarios. These



include the Carmel Basin Hydrologic Model, the Los Padres Reservoir Sediment Management Alternatives analysis, and steelhead population studies conducted by the NOAA's Southwest Fisheries Science Center and MPWMD. Before MPWMD and California-American Water Company (CAW) move forward with developing any final instream flow targets or begin writing the Effects on Steelhead Technical Memorandum, we would like to review and comment upon the reports from the aforementioned ongoing studies and review an outline of the proposed Effects on Steelhead Technical Memorandum.

The IFIM study was identified in the Memorandum of Agreement (MOA) between CAW, NMFS, and the California Coastal Conservancy (Parties) as one of many studies to inform the Los Padres Dam (LPD) Feasibility Study. NMFS appreciates MPWMD and CAW's efforts to complete this study in order to meet specified deadlines in the MOA. We realize our request to halt progress towards completing the Effects on Steelhead Technical Memorandum will likely prevent CAW and MPWMD from meeting the deadline specified in the MOA for completing the LPD Feasibility Study (June 30, 2019). However, in anticipation of potential technical and permitting delays, the Parties to the MOA included allowances in the MOA for additional studies and alternative study deadlines to be discussed and agreed upon (Section IV.A.1.b). Thus, following our review of the ongoing studies and Effects to Steelhead Technical Memorandum outline, we would like to meet with CAW to discuss whether additional studies are needed and if the deadlines proposed in the MOA should be revised to accommodate these studies.

We look forward to continuing our collaborative process towards completing the Los Padres Dam Feasibility Study. Please contact Joel Casagrande at 707-575-6016 or at Joel.Casagrande@noaa.gov if you have any questions regarding this letter.

Sincerely,



Alecia Van Atta
Assistant Regional Administrator
California Coastal Office

Enclosure

cc: Julio A. Gonzalez, CAW, Carmel
Larry Hampson, MPWMD, Monterey
Trish Chapman, State Coastal Conservancy, Oakland
Copy to ARN 151422WCR2017SR00186
Copy to Chron File

NMFS Technical Memorandum**To:** Monterey Peninsula Water Management District (MPWMD)**From:** National Marine Fisheries Service (NMFS)**Date:** August 24, 2018**Subject:** Los Padres Dam (LPD) IFIM Study**NMFS Contacts:** David Crowder, Ph.D. and Joel Casagrande

PURPOSE: On June 20, 2018, the Los Padres Dam Technical Review Committee (TRC) had a teleconference to discuss NMFS' April 27, 2018, comments regarding the final draft IFIM study report (Normandeau Associates, 2017). During the June 20 teleconference, NMFS was asked to provide a follow-up memo describing NMFS recommendations for finalizing the IFIM study report. The following comments are NMFS' recommendations for helping address the major themes and concerns NMFS conveyed via email on April 27, 2018 and during the June 20, 2018 call. NMFS hopes these recommendations, if implemented, will allow the Draft Final IFIM study to be completed without having to address each of NMFS' comments point by point and without substantial back and forth discussions and comments.

GENERAL RECOMMENDATIONS FOR FINISHING REPORT:

1. NMFS recommends that the goals and objectives of this study be stated in terms of its context and utility within the suite of studies currently being conducted for LPD. The report does not state how the results can be interpreted to yield meaningful instream flow recommendations, given that river cross-sections and geomorphic characteristics have changed over time, and likely under LPD future scenario to change more in the future. Also, the report does not identify what additional analyses or studies are needed before a final instream flows recommendation can be made. While Normandeau Associates (2017) states that these results will be used to help establish instream flows, the report inherently assumes that the reader knows how and to what extent these results can and will be utilized in the future. Specifically, the report appears to assume: (a) the reader knows how the dam is currently operated; (b) the dam will remain in place and continue to operate as it currently does; (c) the reader knows when and for how long instream flows will be implemented within any given year; (d) maintaining the dam is desirable in order to provide spawning and rearing habitat in portions of the river that may have historically gone dry during dry years and/or during certain months; and (e) limiting factors to increasing anadromous salmonid abundance and diversity within the watershed have been correctly identified and are independent of the IFIM study and the setting of instream flows. It is not clear to NMFS that any of these assumptions are correct, particularly given the fact that a variety of different river management and dam alternatives are under consideration at this time -including: various sediment management scenarios; fish passage alternatives; and dam modification or removal.

2. The primary goals of Normandeau Associates (2017) were: (a) determine the minimum discharge that would provide barely passable conditions (i.e., minimum depth, max velocity, and minimum passageway width) at critical riffles; (b) test the transferability of various habitat suitability curves; and (c) estimate how much spawning and rearing habitat would be available under the bathymetry conditions mapped at the time of the study at various low to moderate discharges. While NMFS concurs these goals were met, the actual utility of these results remains unclear, particularly with respect to if, or how, they can be used to help compare various sediment management scenarios, compare various fish passage alternatives, and inform the feasibility of removing LPD. Specifically, how the study methodology's assumptions and limitations affect the accuracy and utility of the study results are not extensively addressed. Some of the limitations that need to be stated and put in context are described below.

3. A primary limitation of the PHABSIM and the 2-D model results is that they are highly dependent upon the channel bathymetry not changing from the time the channel was mapped. Channel bathymetry data and cross-section selections are critical inputs which drive model results. This is problematic as there are multiple reasons for believing the bathymetry of the channel has already changed since the original mapping occurred, and will substantially change into the future. These reasons include: (a) channel morphology is constantly in flux, particularly in a Mediterranean climate driven by the El-Nino Southern Oscillation; which is typified by periods of drought followed by wet years having large storm events capable of significantly reworking the channel bathymetry; (b) much of the bathymetry data was collected at the end of a substantial drought period and just before the first large storm events following the removal of San Clemente Dam; (c) San Clemente Dam was only recently removed and the channel may still be adjusting to the re-establishment of sediment transport processes in the river; (d) future sediment releases from LPD, or removing LPD, would significantly alter sediment inputs and could substantially alter portions of the channel's bathymetry downstream of the dam; and (e) several different sediment management scenarios are being considered for LPD and each of these scenarios will likely change the channel conditions over time. Consequently, the PHABSIM results are solely limited to estimating the amount of spawning and rearing habitat that would occur at various discharges under the channel bathymetry that existed at the time that depth and velocity calibration data was collected. For this reason, NMFS currently believes that it would be inappropriate to use the PHABSIM results obtained in this study to predict the types and amounts of habitats that will exist subsequent to any significant changes in sediment inputs or sediment management practices, or after a few ENSO cycles. NMFS recommends the final report clearly states that the results are applicable to the channel configuration existing at the time the bathymetry and depth/velocity measurements were taken to calibrate/run the PHABSIM and 2-D models. A discussion on how this limitation prevents using these results to conjecture on how various LPD sediment management alternatives and/or removing the dam will have on habitat is also recommended.

4. A second important limitation of the PHABSIM study is that habitat suitability is only defined in terms of the variables used in the Habitat Suitability Curves. Any variables that may be equally or more important to why fish selected and/or prefer a particular habitat are thus not accounted for in the amount of unsuitable, suitable, and preferred habitat estimated by PHABSIM. Failure to correctly account for all the variables to characterize unsuitable, suitable and preferred habitat can significantly overestimate the types of habitat available within the river at any given discharge. For example if one uses only depth, velocity, and distance to cover to define what is unsuitable, suitable, and preferred habitat via an HSC, PHABSIM will treat two locations/areas with the same depth, velocity and distance to cover as equally suitable habitat regardless of the temperature, dissolved oxygen, salinity, and/or spatial flow patterns around these two locations. This may have profound implications upon the accuracy at which PHABSIM can estimate the locations and total amount of useable/preferred habitat when one considers factors including (but not limited to) the following: (a) water temperatures may vary dramatically temporally and spatially throughout the watershed; (b) algae blooms in specific locations of the watershed may reduce or deplete oxygen levels at night; (c) predation rates may differ spatially throughout the watershed; and (d) redds may benefit from upwelling, down-welling or other spatially varying flows that aerate the eggs within a redd and prevent siltation from smothering the eggs. If any of the above (or other) variables are not incorporated in the HSC (which may occur spatially and temporally within the watershed), but play a role in determining what constitutes suitable and/or preferred habitat, PHABSIM will most likely overestimate the amount and/or time at which useable or preferred habitat exist within the watershed. A primary concern with this study is that spawning habitat does not appear to be equally and randomly spread throughout the watershed. Instead, the study focused on collecting depth, velocity, and substrate size data at specific locations that fish were known to spawn because fish were not routinely spawning elsewhere. Yet there is no evidence to suggest that there are not numerous other locations within the river that have similar depth, velocity and substrate size values that according to PHABSIM would be equally suitable for spawning. This suggests that there may be one or more variables that are not being accounted for when it comes to describing suitable and preferred spawning habitat and that the current PHABSIM's estimated area of spawning habitat are overestimated by an unknown amount.
5. A crucial element of increasing the abundance and diversity of anadromous salmonids within the study watershed is to identify and eliminate any limiting factors, some of which may be caused (or exacerbated) by the presence and operation of Los Padres Dam. It is not apparent that all of the potential limiting factors that could influence if, or how, LPD should be operated have been considered. Instead, this study inherently assumes that simply maximizing spawning and rearing habitat downstream of LPD will eliminate/mitigate all of the potential limiting factors that LPD may be contributing toward. Some possible limiting factors that may need to be carefully considered are: (a) timing and duration of hydrologic events; (b) dam operations which cause the estuary and mainstem to become disconnected from the ocean; (c) poor water quality (which may be influenced by instream flow

recommendations), d) loss of historic habitats that could be regained to some extent by removing LPD or modifying how it is operated; (e) reduction or loss of access to cold headwater habitats above LPD to maintain a resident steelhead population (which would contribute to genetic/life-history diversity, produce anadromous out-migrants, and provide a buffer against climate change); and (f) introduction of invasive species and increased predation due to artificially created instream flow releases and/or ponding of water. NMFS recommends that the report state that adopting instream flows based upon the results of these PHABSIM results by themselves does not necessarily identify, eliminate and/or mitigate all of the limiting factors associated with maintaining and operating LPD. It should also emphasize that the results merely predict the amounts of spawning and rearing habitat that would exist below LPD under the bathymetric conditions that existed at the time the study was conducted. It should also be noted that the most recent habitat mapping showed the channel has changed since much of the river was mapped and, thus, the PHABSIM results are already out of date.

6. During the June 20, 2018, teleconference, it was stated that the accuracy at which PHABSIM predicts the amounts of habitat available within a stream is not a major concern because the goal of PHABSIM is not to predict the amount of available habitat, but to be an Index. NMFS requests clarification on what was meant by this statement and what the purpose of PHABSIM is if its major goal is not to estimate the quality and amount of various types of habitat (e.g., spawning and rearing habitats) at various discharges within a river. NMFS agrees that one could normalize the predicted amounts of habitat to compare differences in habitat amounts at two different discharges. However, this assumes that all of the habitat area estimates have the same amount of potential error, which is not the case, as one is extrapolating hydraulic parameters from values measured at a known discharge to predict hydraulic parameters at a different discharge. Consequently, there tends to be more error for estimates at non-calibrated discharges. Moreover, one cannot extrapolate or interpolate results to a channel that has changed its geometry as a channel's geometry plays a significant role on the resulting flow field (e.g., depth, velocities, and hydraulic complexity). Thus, NMFS believes it is important to highlight the limitations to which PHABSIM can predict different amounts of suitable, unsuitable, and preferred habitat.
7. NMFS recommends that the final report state that before one recommends any instream flows that the biological benefits (if any) and feasibility of removing Los Padres dam (and various sediment management alternatives) first be fully assessed and that at least three additional studies to facilitate that process be conducted: 1) a geomorphic assessment of historic, existing, and predicted channel conditions within the watershed; 2) a limiting conditions analysis (incorporating the results of any fish marking and recapture studies); and 3) a fish passage opportunity study demonstrating how much passage opportunity is being lost and/or gained compared to historic, existing, and any proposed actions being considered. NMFS further recommends that MPWMD work with NMFS to determine the scope and analyses appropriate for these studies. For example, the fish passage opportunity study

NMFS is proposing goes beyond determining the minimum discharge at which fish are able to pass the critical riffles as done in this report. A fish passage opportunity study would focus on the timing, frequency, and duration to which steelhead historically had access to various habitats (e.g., spawning, rearing, floodplain/backwater, etc.) and how that opportunity has changed or will change under existing and proposed conditions. This information, in turn, will be used to help assess and identify potential limiting factors and means of eliminating limiting factors.

REFERENCES

Normandeau Associates. 2017. Assessing Instream Flow Requirements for Steelhead in the Carmel River, California. Final Report. November 30, 2017.

Arlene Tavani

From: John Moore <jmoore052@gmail.com>
Sent: Tuesday, August 14, 2018 4:11 PM
To: mheditor@montereyherald.com; editor@cedarstreettimes.com; kera@mcweekly.com; DDWrecycledwater@waterboards.ca.gov; Mary Adams; Randy.Barnard@waterboards.ca.gov; paul@carmelpinecone.com; Jim Johnson
Subject: Pure Water Monterey Forum :Tonight at 7PM at MIIS

To All:

The sponsors of the referenced Forum announced that in addition to its presentation about increasing its unique Advanced Treatment of Muni-sewage mixed with toxic industrial agriculture waste for sale to Cal Am as our new drinking and potable use water, they will discuss my persistent complaints that the suggested process is unprecedented and approved by a bunch of politicians, but with ZERO public safety testimony by experts about the toxic risks inherent and predicted by the experimental nature of the project. I'm talking about public safety professionals with medical training about water transmitted diseases from recycling toxic waste waters.

Today's Herald reported about water related epidemics throughout the nation caused by plastics entering water supplies throughout the nation, but particularly from former military bases(like Ft. Ord).

Because the promoters of the Forum cited me by name, I contacted them and requested they provide me ten minutes to refer to the scientific testimony that I contend supports my concerns. I was refused. They said that I could ask a question! I will not participate.

I am not going to set forth my evidence in this release, because I have published it at length already and I will release it again in manageable reports.

But the Cal Am ratepayers, those of use who have had this mix literally stuck down our throats without our consent, are entitled to know what I have requested.

Here it is: A superior court judge has been appointed to over see the quantity and quality of water that is to be injected into and out of the Seaside Basin. That Basin now holds drinking water from the Carmel river. Pure Water Monterey needs to inject its treated mix into that basin or it cannot be sold to Cal Am for potable purposes.

"I have requested that that judge obtain the advice of one or more medical experts, concerning the public health safety, or not, of injecting the Pure Water Monterey treated mix into the Seaside Basin where it will mix with our drinking water supply and then be extracted by Cal Am and sold to its customers. If unsafe, it should not be allowed into the basin."

The politicians at Pure Water Now and its agencies should not be allowed in the selection process.

If Pure Water Monterey objects to my suggested procedure, I will not be surprised. They will claim that delay is costly etc., but this is our drinking water; there is no other aspect of daily live that can infect and destroy lives like contaminated drinking water. After all, its our money that will pay for the safety opinions.

John M. Moore(licensed, but retired lawyer, JD Stanford School of Law)