

FINAL MINUTES  
Regular Meeting  
Board of Directors  
Monterey Peninsula Water Management District  
February 25, 2010

The meeting was called to order at 7:00 PM in the District Conference Room.

**CALL TO ORDER/ROLL CALL**

*Directors Present:*

Regina Doyle, Chair -- Division 4  
Bob Brower, Vice Chair -- Division 5  
Alvin Edwards -- Division 1  
Judi Lehman -- Division 2  
Kristi Markey -- Division 3  
David Pendergrass -- Mayoral Representative  
David Potter -- Monterey County Board of Supervisors

*Directors Absent:* None

*General Manager present:* Darby Fuerst

*District Counsel present:* David C. Laredo

The assembly recited the Pledge of Allegiance.

**PLEDGE OF ALLEGIANCE**

Chair Doyle moved announced that agenda item 19 would be moved up on the agenda to be heard prior to item 16.

The following persons addressed the Board during Oral Communications. (1) **Clive Sanders**, Carmel River Watershed Conservancy, asked the Board to approve the installation of a sonic fish counting device in the Carmel River. (2) **Hank Smith**, Carmel River Steelhead Association, advocated for the installation of a sonic fish counting device in the Carmel River. He noted that the device would count fish that do not pass over the fish counter at San Clemente Dam.

**ORAL COMMUNICATIONS**

Chair Doyle requested that the purchase/installation of a sonic fish counting device be referred back to the Administrative Committee.

On a motion by Director Markey and second by Director Edwards, the Consent Calendar was approved unanimously on a vote of 7 – 0.

**CONSENT CALENDAR**

Approved.

1. **Consider Adoption of Minutes of the January 28, 2010 Regular Board Meeting**
2. **Consider Adoption of Revised Charge to the Ad Hoc Water Supply Planning Committee**

Approved.

Approved.

Approved.

Approved.

Approved.

Approved.

Approved.

Approved.

Catherine Bowie, Manager of External Affairs for California American Water, provided information on the water-rate increase that became effective in February 2010. Eric Sabolsice, Operations Manager, reported that use of non-revenue water has been reduced due to system improvements, and increased awareness by the public that unauthorized access from a fire hydrant is a crime. A summary of their presentations is on file at the District office, and can be viewed on the District website.

Henrietta Stern, Project Manager, presented the report. An outline of Ms. Stern's presentation is on file at the District office and can be viewed at the District's website.

Stephanie Pintar, Water Demand Manager, presented the report. An outline of Ms. Pintar's presentation is on file at the District office and can be viewed at the District's website.

Darby Fuerst, General Manager, presented the report. An outline of the presentation is on file at the District office and can be viewed at the District's website. Mr. Fuerst reported that for the period of October 1, 2009 through February 21, 2010, Cal-Am production from the Carmel River Basin was 701 acre-feet under the production target of 3,946 acre-feet established as a result of State Water Resources Control Board (SWRCB) Order 95-10. Production from the Coastal Subareas of the Seaside Basin

3. **Consider Expenditure of Budgeted Funds to Purchase a Website Software License for Water Wise Gardening in Monterey County**
4. **Consider Expenditure of Budgeted Funds to Sponsor May 2010 Monterey County Water Awareness Day Event**
5. **Consider Expenditure of Budgeted Funds for the Maintenance of the Fish Rescue Truck**
6. **Consider Expenditure of Budgeted Funds for Preparation of a Ten-Year Summary Report on the District's Benthic Macroinvertebrate Sampling Program**
7. **Consider Expenditure of Budgeted Funds for Construction of Phase 1 Aquifer Storage and Recovery Project Facility Building**
8. **Consider Adoption of Treasurer's Report for October 2009**
9. **Consider Adoption of Treasurer's Report for November 2009**

#### **PRESENTATIONS**

10. **Monthly Report from California American Water General Manager, Craig Anthony**
11. **Update on Development of Water Supply Project Alternatives Including Recycled Water**
12. **Water Conservation Program Report**

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

13. **Status Report on California American Water Compliance with State Water Resources Control Board Order 95-10 and Seaside Groundwater Basin Adjudication Decision**

was 130 acre-feet under the production target of 1,050 acre-feet established by the Seaside Groundwater Basin Adjudication. Production from the Laguna Seca Subarea was 67 acre-feet over the production target of 71 acre-feet established by the Seaside Groundwater Basin Adjudication. Therefore, total Cal-Am production from the Seaside Basin was 63 AF under the adjudication target of 1,121 AF. Rainfall over the same time period was recorded as 18.8 inches, which is above the average of 15.6 inches.

Mr. Laredo reported that discussion at the Closed Sessions of February 5 and February 25, 2010 focused on item A. Status reports were provided to the Board. No reportable action was taken. Mr. Laredo introduced Alex Lorca, Associate Attorney for the firm of DeLay & Laredo.

**ATTORNEY'S REPORT**

**14. Report on February 5, 2010 and February 25, 2010 Closed Sessions of the Board**

3. **Conference with Legal Counsel – Existing Litigation (Gov. Code 54945.9 (a))**
  - A. Application of California American Water Company to the Public Utilities Commission Application No. 04-09-019 – Coastal Water Project
  - B. Application of California American Water Company to PUC Application No. 10-01-012 –Mitigation Cost Reimbursement
  - C. Seaside v. California American Water (MBSE/Cal-Am Motion) (Appellate Court #HO34335; Superior Court Case No. M 66343)
  - D. MPWMD v. State Water Resources Control Board; Superior Court Case No. M102101
  - E. California American Water v. State Water Resources Control Board, Superior Court Case No. M102097
  - F. California American Water v. MPWMD (SWRCB/SNG) (Superior Court Case No. M 99622)
  - G. California American Water v. MPWMD (Ryan Ranch) (Superior Court Case No. M 101255)

Director Brower reported that he attended the Association of California Water Agencies conference in Washington, D.C. Representatives from the offices of California legislators John Garamendi, Devin Nunes, Ken Calvert and Tom McClintock addressed the conference attendees. Director Lehman reported that she received a telephone call from Colonel Darcy A. Brewer, Presidio of Monterey Garrison Commander, regarding proposed projects for the Presidio. District Counsel Laredo confirmed that Directors are required to report conversations with applicants only when the topic of discussion is scheduled for Board consideration.

Director Brower offered a motion to adopt the Mid-Year FY 2009-2010 Budget Adjustment. The motion was seconded by Director Edwards.

The motion was amended by Director Brower, with the consent of Director Edwards, to include \$125,000 in the budget for expenses that could be incurred for development of the 95-10 Desalination Project. The motion was adopted unanimously on a vote of 7 – 0.

No comments were directed to the Board during the public hearing on this item.

On a motion by Director Pendergrass and second by Director Edwards, Resolution 2010-01 was unanimously approved by the Board on a vote of 7 – 0.

Roger Dolan, a local consulting engineer, expressed support for Resolution 2010-01 during the public comment period on this item.

A motion was offered by Director Markey and seconded by Director Lehman, that the District take a leadership role in doing all that is necessary to ensure that funds provided in the March 3, 2009, Settlement Agreement between California American Water, National Marine Fisheries Service and the California Department of Fish and Game are allocated to local projects that will benefit Carmel River steelhead. This includes seeking intervention at the State or Federal level, with the assistance of the District's legislative advocate. This matter should be referred to the Legislative Advocacy Committee to develop a plan for achieving this goal. The motion was adopted unanimously on a vote of 7 – 0.

No comments were directed to the Board during the public comment period on this item.

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

15. **Oral Report on Activities of County, Cities, Other Agencies/Committees/ Associations**

#### **PUBLIC HEARINGS**

16. **Consider Adoption of Mid-Year FY 2009--2010 Budget Adjustment**

#### **ACTION ITEMS**

17. **Consider Adoption of Resolution 2010-01 Expressing Support for the Proposed Monterey Regional Water Supply Program (Regional Project)**
  
18. **Consider Recommendation from the Carmel River Advisory Committee on Funding Carmel River Fishery Projects**

On a motion by Director Edwards, and second by Director Markey, the Board approved the new logo design unanimously on a vote of 7 – 0.

No public comment was directed to the Board during the public comment period on this item.

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

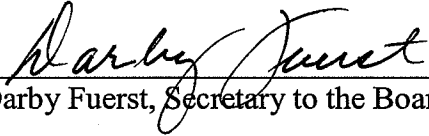
The meeting was adjourned at 8:40 PM.

**19 Consider Approval of New MPWMD Logo Design**

**INFORMATIONAL ITEMS/STAFF REPORTS**

20. Letters Received
21. Committee Reports
22. Monthly Carmel River Fishery Report
23. Monthly Water Conservation Program Report
24. Monthly Allocation Report
25. Monthly California American Water Production Report
26. Monthly Water Supply Status Report
27. Semi-Annual Groundwater Quality Monitoring Report
28. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project

**ADJOURN**

  
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Darby Fuerst, Secretary to the Board