

FINAL MINUTES  
Regular Meeting  
Board of Directors  
Monterey Peninsula Water Management District  
October 17, 2011

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

*Directors Present:*

Robert S. Brower, Sr., Chair -- Division 5  
Brenda Lewis – Division 1 (Participated by phone)  
Judi Lehman – Division 2  
Kristi Markey – Division 3  
Regina Doyle – Division 4  
David Pendergrass – Mayoral Representative

*Directors Absent:* Dave Potter, Vice Chair – Monterey County Board of Supervisors

*General Manager present:* David J. Stoldt

*District Counsel present:* David Laredo

The assembly recited the Pledge of Allegiance.

No comments were directed to the Board under Oral Communications.

On a motion by Director Pendergrass and second of Director Markey, the Consent Calendar items were adopted unanimously on a vote of 6 – 0. Director Potter was absent for the vote.

Adopted.

Adopted.

Adopted.

**CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

- 1. Consider Adoption of Minutes of the September 19, 2011 Regular Board Meeting**
- 2. Consider Extension of Cooperative Agreement with the United States Geological Survey for Streamflow Gaging in Water Year 2012**
- 3. Receive A & N Technical Services Analysis of Non-Residential Water Use Factors**
- 4. Consider Establishment of Periodic Review of Utilization of Legal Services**

Adopted.

Adopted.

Chair Brower introduced Ms. Martinez to the assembly. Ms. Martinez thanked the Board for the invitation to attend the meeting, and stated that she completed eight years active duty with the U.S. Air Force serving in public affairs. She looks forward to bringing that experience to the MPWMD.

Stephanie Pintar, Water Demand Manager, presented the report. A summary is on file at the District office and can be viewed on the District's website.

Joe Oliver, Water Resources Manager, presented the report. A summary is on file at the District office and can be viewed on the District's website.

Beverly Chaney, Associate Fisheries Biologist, summarized the results of the Ten-Year Summary of the MPWMD Bioassessment Program on the Carmel River, prepared by J. Thomas King of BioAssessment Services. An outline of the presentation is on file at the District office and can be viewed on the District's website. In response to questions from the Board of Directors, Ms. Chaney assigned the upper water shed an A grade, mid-valley a B grade, and areas directly below the reservoirs a C grade in terms of benthic macroinvertebrate quality (BMI) quality. She explained that the BMI studies are used in concert with results of the Districts' monthly water quality sampling, annual biological fishery surveys, and spawning gravel restoration activities to assess the status of stream conditions. Staff has determined that additional up-stream monitoring sites are needed, and that habitat would be improved by placement of more spawning gravel in the river and modifying procedures for the release of captured fish back into the river. Staff will complete training on implementation of the State mandated Surface Water Ambient Monitoring Program that will replace the California Stream Bioassessment Procedure for conducting benthic macroinvertebrate studies. Ms. Chaney noted that the Carmel River is one of the few rivers in the State of California for which ten years of BMI monitoring data is available.

David Stoldt, 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. Stoldt

5. **Consider Authorization for Staff to Examine Alternative Approaches to Establish/Increase User Fee to Fund Water Supply Project Planning and Implementation**

6. **Receive and File Fourth Quarter Financial Activity Report for Fiscal Year 2010-11**

**PRESENTATIONS**

7. **Introduce Rachel Martinez, Community Relations Liaison**

8. **Water Conservation Program Report**

9. **Update on Development of Water Supply Project Alternatives Including Recycled Water**

10. **Report on Benthic Macroinvertebrate Studies in Carmel River**

**GENERAL MANAGER'S REPORT**

11. **Status Report on California American Water Compliance with State Water Resources Control**

reported that for the period ending September 30, 2011, California American Water (Cal-Am) production from the Carmel River Basin was 1,412 acre-feet under the production target of 8,860 acre-feet established as a result of State Water Resources Control Board (SWRCB) Order 2009-0060. Production from the Coastal Subareas of the Seaside Basin was 326 acre-feet below the production target of 3,360 acre-feet. Production from the Laguna Seca Subarea was 138 acre-feet over the production target of 246 acre-feet established by the Seaside Groundwater Basin Adjudication. Production from the City of Sand City Desalination plant was 276 acre-feet, which was 24 acre-feet below the production target. Total Cal-Am production from the Monterey Peninsula Water Resources System was 12,253 acre-feet, which is 1,624 acre-feet below the target of 13,877 acre-feet. A question was posted by the Board as to whether Cal-Am has quantified the amount of reduced water consumption that has occurred since 2007, that can be attributed to the slowdown in tourism due to the economic turndown. Craig Anthony, General Manager of the Monterey Division of California American Water, opined that water conservation and tiered rates are the source of reduced water consumption.

District Counsel reported that he provided status reports on items A through D listed on the Closed Session. The Board provided general direction, but no reportable action was taken.

Director Doyle reported that she participated in a water forum sponsored by LandWatch on October 10, 2011, and

**Board Order 2009-0060 and  
Seaside Groundwater Basin  
Adjudication Decision**

**ATTORNEY'S REPORT**

12. **Report on 5:30 pm Closed Session of the Board**
  
3. **Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9 (a))**
  - A. **MPWMD v. State Water Resources Control Board; Superior Court Case No. 1-10-CV-163328 -- Cease and Desist Order**
  - B. **Application of California American Water Company to CPUC Application No.10-01-012 – User Fee Collection**
  - C. **California-American Water Company v. Monterey Peninsula Water Management District. Superior Court Case No: M113336 – Reverse Validation Action**
  - D. **Application of California American Water to the CPUC (Application No. 04-09-019) Coastal Water Project**

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

13. **Oral Report on Activities of County, Cities, Other**

she met with the WaterPlus organization on October 17, 2011. Director Lehman announced that she would attend her final meeting of the Monterey County Special District's Association as the Chair of that organization on October 18, 2011, and that Carl Miller of the Monterey Peninsula Airport District will be the incoming Chair. Assemblymember Bill Monning is scheduled to speak to the Association at the October 18, 2011 meeting.

No Public Hearing items were presented for Board consideration.

No Action items were presented for Board consideration.

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

The meeting was adjourned at 8:45 pm.

#### Agencies/Committees/ Associations

#### PUBLIC HEARINGS

#### ACTION ITEMS

#### INFORMATIONAL ITEMS/STAFF REPORTS

14. Letters Received
15. Committee Reports
16. Carmel River Fishery Report for September 2011
17. Water Conservation Program Report
18. Monthly Allocation Report
19. Monthly Cal-Am Production Report
20. Monthly Water Supply Status Report
21. Quarterly Water Supply Project Status Report
22. Quarterly Irrigation Program and Riparian Projects Report
23. Quarterly Carmel River Erosion Protection and Restoration Projects Report
24. Quarterly Water Use Credit Transfer Status Report
25. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project

#### ADJOURNMENT

  
Arlene M. Tavani, Deputy Secretary to the Board