

**EXHIBIT 34-C**

*First Reading Draft*

**ORDINANCE NO. 191**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
REPEALING AND DELETING RULE 120 – CARMEL RIVER ADVISORY  
COMMITTEE**

**FINDINGS**

1. The Monterey Peninsula Water Management District (District or Water Management District) is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. Management of the Carmel River has been addressed by several ordinances of the Water Management District, including Ordinance No. 10, enacted July 26, 1983, Ordinance No. 22, enacted March 11, 1985, and Ordinance No. 69, enacted June 21, 1993.
3. Rule 120 of the Water Management District, first enacted by Ordinance No. 10, establishes the role and function of the Carmel River Advisory Committee. The Committee is a standing committee of the District that is formed to advise the Board of Directors with regard to management of the Carmel River, and its riparian corridor and to other matters referred to this committee.
4. The Carmel River Advisory Committee no longer fulfills the needs of the District and its functions are best addressed by the Carmel River Task Force, a broader coalition of Carmel River stakeholders.
5. This ordinance repeals and deletes Rule 120.
6. The Board of Directors determines that this ordinance is limited to the amendment of its internal rules and, as such, lacks any potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This ordinance does not constitute a Project as that term is defined by Section 15378 of the California Environmental Quality Act (CEQA) as it is an

organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

NOW THEREFORE be it ordained as follows:

## **ORDINANCE**

**Section One:**            **Short Title**

This ordinance shall be known as the 2022 Rule 120 Repeal Ordinance of the Monterey Peninsula Water Management District.

**Section Two:**            **Purpose**

This ordinance rescinds and deletes Rule 120.

**Section Three:**        **Deletion of Rule 120**

Rule 120 shall be rescinded as shown below in ~~strikeout~~ type face.

~~A. COMMITTEE PURPOSE~~

~~The Carmel River Advisory Committee is a standing committee of the District. The committee shall advise the Board of Directors with regard to management of the Carmel River, and its Riparian Corridor and to any matter referred to this committee.~~

~~B. COMMITTEE ORGANIZATION~~

~~1. The Carmel River Advisory Committee shall be comprised of seven (7) members. Each Director of the District shall appoint one member to this advisory committee. Appointed committee members shall serve a term of two (2) years, which term shall expire on June 30, or on the date the appointing Director vacates office as a member of the MPWMD Board of Directors, whichever shall first occur. A vacancy shall be created by resignation or in the event a committee member fails to attend three (3) consecutive regular meetings without good cause as determined by the Board of Directors. Nomination to fill any vacancy or to reappoint any committee member shall be made by the Director's seat which exercised the original appointment to that position.~~

~~2. All meetings of the committee shall comply with the Ralph M. Brown Act. At the first meeting held in each fiscal year, the committee shall elect a chairperson and vice chairperson to preside at committee meetings. The committee may adopt rules governing the conduct of its meetings.~~

~~3. Committee members shall be required to reside within the boundaries of the Monterey Peninsula Water Management District and shall be knowledgeable about issues relating to the Carmel River. Carmel Valley residents shall be given priority in the selection of committee members. Any committee members currently sitting in a position on the committee shall be allowed to complete their term of duty, regardless of their place of residence.~~

**Section Four:**            **Publication and Application**

The provisions of this ordinance shall cause the deletion of Rule 120.

**Section Five:**            **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on August 1, 2022, and shall not have a sunset date.

**Section Six:**            **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion by Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of July 2022, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the \_\_\_\_\_ day of July 2022.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of July 2022.

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David J. Stoldt, Secretary to the Board

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