



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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Carmel River Advisory Committee Members

Chair - vacant
Thomas D. House, Jr.,
Vice Chair
John Dalessio
Lawrence V. Levine
Susan Rogers
Richard H. Rosenthal
Clive Sanders
Marjorie Ingram Viales

Public Comment

Anyone wishing to address the Committee on a matter not listed on the agenda may do so during Public Comment.

DRAFT **AGENDA** **REGULAR MEETING OF THE** **CARMEL RIVER ADVISORY COMMITTEE**

Thursday, August 4, 2005, 10:00 AM
Community Room, Mid-Carmel Valley Fire Department

1. **CALL TO ORDER/ROLL CALL**
2. **PUBLIC COMMENT**
3. **ELECTION OF CHAIR AND VICE-CHAIR FOR FISCAL YEAR 2005-2006**
4. **CONSENT CALENDAR**
A. **Approve Minutes from the April 28, 2005 Regular Meeting and May 25, 2005 Special Meeting of the Carmel River Advisory Committee**
5. **CONSIDER PRESENTATION OF RESOLUTION OF APPRECIATION TO DAVID DILWORTH FOR SERVICE ON THE CARMEL RIVER ADVISORY COMMITTEE**
6. **UPDATE BY CLIVE SANDERS ON CARMEL RIVER WATERSHED CONSERVANCY ACTIVITIES**
7. **DISCUSS CRITERIA AND PROCESS FOR PLACING ITEMS ON CARMEL RIVER ADVISORY COMMITTEE MEETING AGENDAS**
8. **DISCUSS DISTRICT-WIDE ELECTION REGARDING INVESTIGATION OF PUBLIC ACQUISITION OF THE CALIFORNIA AMERICAN WATER DISTRIBUTION SYSTEM, COASTAL DIVISION, MONTEREY DISTRICT**
9. **STAFF REPORTS**
10. **ITEMS TO BE PLACED ON FUTURE AGENDAS**
11. **ADJOURNMENT**

Staff notes regarding these agenda items will be available for public review on Monday, August 1, 2005 at the District office in Monterey.

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CARMEL RIVER ADVISORY COMMITTEE
AUGUST 4, 2005**

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT - Anyone wishing to address the Committee on a matter not listed on the agenda may do so during Public Comment.

3. ELECTION OF CHAIR AND VICE-CHAIR FOR FISCAL YEAR 2005-2006

4. CONSENT CALENDAR – Draft minutes from the April 28, 2005 Regular Meeting (**Exhibit A**) and the May 25, 2005 Special Meeting (**Exhibit B**) are included in this meeting packet.

ACTION REQUIRED: The Consent Calendar contains routine items that will be approved or accepted upon ratification of the Consent Calendar. A Committee member may request that a Consent Calendar item be considered separately by the Committee.

5. CONSIDER PRESENTATION OF RESOLUTION OF APPRECIATION TO DAVID DILWORTH FOR SERVICE ON THE CARMEL RIVER ADVISORY COMMITTEE

BACKGROUND: David Dilworth served on the Committee for two years and was Chair in Fiscal Year 2004-2005. The Committee may wish to recognize his service.

6. UPDATE BY CLIVE SANDERS ON CARMEL RIVER WATERSHED CONSERVANCY ACTIVITIES

BACKGROUND: This is a regular agenda item. Clive Sanders, Administrator for the Carmel River Watershed Conservancy (CRWC), will update the Committee about CRWC activities.

7. DISCUSS CRITERIA AND PROCESS FOR PLACING ITEMS ON CARMEL RIVER ADVISORY COMMITTEE MEETING AGENDAS

BACKGROUND: At the April 28, 2005 meeting, the Committee asked that this item be placed on the agenda. Normally, the Committee requests items for future meetings at the end of the current meeting (e.g., see Item 10 in this packet). However, there is no formal process for Committee members to add items to the agenda between meetings.

Staff recommends that the Committee consider using the Mission Statement (**Exhibit C**) as the criteria for determining whether an item should be placed on the agenda. Options for placing an item on the agenda include:

A.) only those items requested at a Regular or Special meeting of the Committee; and

B.) items requested by individual Committee members through the Chair or the Chair's designated representative and conveyed to staff.

If the Committee wishes to choose option B, staff requests that the Committee set a deadline of two weeks prior to a meeting for additional items and that the Committee member requesting the additional item supply background information for the item.

RECOMMENDATION: The Committee should consider whether to set criteria and a protocol for adding items to an agenda between meetings.

8. DISCUSS DISTRICT-WIDE ELECTION REGARDING INVESTIGATION OF PUBLIC ACQUISITION OF THE CALIFORNIA AMERICAN WATER DISTRIBUTION SYSTEM, COASTAL DIVISION, MONTEREY DISTRICT

BACKGROUND: At the April 28, 2005 meeting, the Committee requested an item on this meeting agenda to discuss a ballot measure for consideration by voters within the Monterey Peninsula Water Management District concerning the cost and process to publicly acquire the private water utility system presently owned and operated by California American Water (see the minutes from Item 8, **Exhibit A**, in this packet). At their July 21, 2005 Special Meeting, the MPWMD Board of Directors approved Resolution 2005-07 calling for an election on November 8, 2005 concerning this question. For additional information about this item, please see the staff note from the July 18, 2005 MPWMD Regular Board meeting attached as **Exhibit D** in this packet.

RECOMMENDATION: No action is required. This is a discussion item.

9. STAFF REPORTS - Staff will report on the following:

- A) MPWMD-sponsored Proposition 50 Implementation Grant application (Hampson);
- B) Proposed vegetation management in the channel of the Carmel River (Christensen).

10. ITEMS TO BE PLACED ON FUTURE AGENDAS

Committee members should bring up any new business at this time to determine whether it should be included on a future meeting's agenda.

11. ADJOURNMENT

EXHIBIT A
Draft
MINUTES

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
REGULAR MEETING OF THE CARMEL RIVER ADVISORY COMMITTEE
April 28, 2005, 10:00 A.M. Mid-Carmel Valley Fire Station Community Room**

1. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT: John Dalessio, David Dilworth, Clive Sanders, Tom House, and Larry Levine

MEMBERS ABSENT: Susan Rogers, Richard H. Rosenthal

PUBLIC PRESENT: Margaret Robbins

STAFF PRESENT: Andy Bell, Thomas Christensen, and Larry Hampson

2. PUBLIC COMMENT

Margaret Robbins, a resident of Rio Road, expressed concern about proposed developments in the 100-year floodplain in the Rio Road area of the Carmel River.

Committee Member Comments

Larry Levine circulated a flier for a May 4, 2005 presentation by the United Nations Association on ocean conservation.

[Note: the following information was subsequently received in e-mail from Larry Levine:

This was a program presented by the Monterey Bay Chapter of the United Nations Association, entitled: "Water for Life: The Health of the World's Oceans and Drinking Water". The speakers were Julie Packard of the Monterey Bay Aquarium and Vanessa Tobin, Director of Water and Sanitation for UNICEF, who came from NY for the program.

The program was hosted by the International Environmental Policy Program of the Monterey Institute of International Studies, and had collaboration from about twenty diverse public, nonprofit and business organizations, most concerned with water and the environment. One of these was the MPWMD, also Monterey County Water Resources Agency, Sierra Club, Save Our Shores, etc.

It was a great program, with about 160 people attending.]

John Dalessio stated the Committee should have a process to place an item on a current agenda for consideration without having to bring the item up at a previous Committee meeting. He also stated that the Committee should consider supporting Alvin Edward's effort for a referendum on public/private ownership of California American Water and requested that the item be placed on the

next agenda. David Dilworth stated that a referendum concerning public ownership of California American Water is a political issue and not related to the mission of the Committee.

3. CONSENT CALENDAR – Larry Levine made a motion to approve the minutes as presented from the February 10, 2005 Regular Meeting. Seconded by Clive Sanders. **Approval was unanimous.**

4. UPDATE ON CARMEL RIVER WATERSHED CONSERVANCY ACTIVITIES –

Clive Sanders, (Administrator for the Carmel River Watershed Conservancy (CRWC), stated that:

- a. The State Water Resources Control Board had accepted the Carmel River Watershed Assessment and Action Plan and the Region 3 Regional Water Quality Control Board had recommended approval of the Action Plan. The Action Plan contained 51 recommended actions, but these were not prioritized. The CRWC will hold additional meetings to prioritize actions. The CRWC would like public agencies and the general public to support the prioritization process and subsequent recommended actions.
- b. Danny Marquis, District Conservationist for the United States Department of Agriculture (USDA) Natural Resources Conservancy Service (NRCS), is involved in working with landowners in the Carmel River watershed who control parcels of 50,000 acres or more on a land management program through a USDA grazing practices and water quality program.
- c. CRWC is looking for funds and volunteers to carry out a sediment monitoring program in Carmel River watershed creeks. CRWC is working with the Big Sur Land Trust on several proposed projects to secure grant funding.
- d. The Carmel River Watershed Council was dissolved on April 6, 2005 by a consensus of the stakeholders. Mr. Sanders cited a lack of volunteers who were able to donate their time and actively participate in the Council as a factor in the dissolution and noted that many of the Council volunteers are more than 70 years old. He also stated that the Sierra Club did not support the Watershed Assessment because of the makeup of the stakeholder group.
- e. The Carmel River Watershed Conservancy will meet on May 6, 2005 to consider a reorganization or dissolution of the conservancy.
- f. Mr. Sanders stated that he would like to see a CRAC member on the Carmel River Watershed Conservancy Board.

Mr. Dilworth asked what the NRCS study area is and if information would be made public. Mr. Sanders said the CRWC is working to obtain information, but that the landowners are concerned that sensitive species may be found on their properties. Mr. Dilworth noted that CRWC had no enforcement capabilities and did not use a “carrot and stick” approach to accomplish its mission. Mr. Dilworth expressed regret that the Carmel River Watershed Council was dissolved and then paraphrased an e-mail he received from a friend which described that there is more evidence of Endangered Species Act (ESA) violations along the Carmel River than any place in California and that forming a watershed council is like substituting school children’s studies and experiments for Federal environmental enforcement. Mr. Dilworth questioned whether the CRWC may have failed due to its lack of ability to enforce regulations.

Mr. Sanders stated that the CRWC had chosen not to act in an enforcement capacity and that

[according to a representative of] NOAA [Fisheries, or the National Oceanic and Atmospheric Administration Fisheries Service], they could not police all ESA violations. So, the CRWC had volunteered to police themselves. The CRWC activities included publishing a layman's explanation of [ESA Section] 4-d rules [promulgated by NOAA Fisheries to protect steelhead]. Mr. Sanders stated that the "carrot" for landowners was to organize a group to secure grants to carry out watershed projects.

5. DISCUSS SUPPORT OF THE CARMEL RIVER WATERSHED CONSERVANCY

Mr. Sanders stated that the CRWC needs an opportunity to continue work in the watershed and suggested that the CRWC Board should be a diverse group. He suggested that a member of the Committee or MPWMD Board of Directors should be on the CRWC Board.

Mr. Levine stated that a CRAC member may not represent the interest of the entire MPWMD.

Mr. Dilworth questioned whether the representative should be an elected official or a member of staff.

Mr. Sanders said he would prefer to see a staff member on the Board of the CRWC.

Mr. Dalessio made a motion for a paid member of staff to represent MPWMD on the CRWC Board. Mr. Sanders seconded the motion.

Mr. Bell stated he was concerned with potential conflicts of interest between MPWMD staff and the CRWC.

Mr. Levine summarized the options as:

- MPWMD could assign a staff member to the CRWC Board.
- A MPWMD staff member could volunteer outside of work hours to be on the CRWC Board.
- MPWMD could assign a staff member to a Technical Advisory Committee to the CRWC Board.
- A member of the CRAC could volunteer to be on the CRWC Board.

Mr. Dalessio made a motion that:

a. The Committee request the MPWMD Board of Director take action to participate in the mission of the CRWC Board of Directors and in a way the MPWMD Board deems appropriate.

b. The Committee appoint Clive Sanders to make the request to the MPWMD Board.

Mr. House seconded the motion. Approval was unanimous.

6. PRESENTATION BY MPWMD STAFF ON MPWMD BOARD ACTION CONCERNING THE DEVELOPMENT OF AN INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN AND APPLICATIONS FOR PROPOSITION 50 GRANT FUNDS

Mr. Hampson updated the Committee regarding this item. Mr. Levine suggested that County Service Area 50 flood control projects be included in a grant application to the State.

7. STAFF REPORTS – Mr. Dilworth asked if a Federal Emergency Management Agency (FEMA) representative would make a presentation about the update being carried out to the Carmel Valley Flood Insurance Study and he stated that the Crossroads Shopping Center and Arroyo and Riverwood condominiums should never have been built.

8. ITEMS TO BE PLACED ON FUTURE AGENDAS

The following items were requested for the next meeting:

- a.) DISCUSS CRITERIA AND PROCESS FOR PLACING ITEMS ON CARMEL RIVER ADVISORY COMMITTEE MEETING AGENDAS
- b.) DISCUSS DISTRICT-WIDE ELECTION REGARDING INVESTIGATION OF PUBLIC ACQUISITION OF THE CALIFORNIA AMERICAN WATER DISTRIBUTION SYSTEM, COASTAL DIVISION, MONTEREY DISTRICT
- c.) DISCUSS PUBLIC TOUR OF THE MPWMD-SPONSORED ALL SAINTS RESTORATION PROJECT
- d.) DISCUSS RECOMMENDATION TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES SERVICE TO INCLUDE SAMPLES FROM THE CARMEL RIVER IN THE MONTEREY BAY "FIRST FLUSH" STORMWATER SAMPLING PROGRAM
- e.) INVITE A REPRESENTATIVE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO EXPLAIN THE CARMEL VALLEY FLOOD INSURANCE PROGRAM
- f.) PRESENTATION BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES SERVICE ON CARMEL RIVER ISSUES

Mr. Dilworth disagreed that item b.) should be agendized. Mr. Levine said such a discussion should include how a change to the ownership of the water distribution system would affect the Carmel River.

The next meeting was scheduled for July 7, 2005. [Note: the meeting was subsequently rescheduled to August 4, 2005 to allow staff to complete a Prop 50 grant application due on July 14, 2005.]

9. ADJOURNMENT

Mr. Dilworth adjourned the meeting at 12:30 p.m.

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EXHIBIT B

Draft

MINUTES

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
SPECIAL MEETING OF THE CARMEL RIVER ADVISORY COMMITTEE
May 25, 2003, 10:00 A.M. Schulte Road at Intersection of Carmel Valley Road**

1. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT: David Dilworth, Tom House, John Dalessio, Larry Levine, Richard Rosenthal
MEMBERS ABSENT: Susan Rogers, Clive Sanders
PUBLIC PRESENT: Gloria Condrell (a Carmel River property owner)
STAFF PRESENT: Thomas Christensen, Larry Hampson

2. PUBLIC COMMENT – Richard Rosenthal asked if the Committee should debate the pros and cons of a public buyout of the California American Water distribution system.

3. TOUR OF ALL SAINTS RESTORATION PROJECT

Thomas Christensen and Larry Hampson led the group on a tour of the MPWMD-sponsored All Saints Restoration Project completed in 1999. Mr. Christensen passed out paper copies of a presentation he had put together. Mr. Hampson described pre-project conditions and construction activities. Mr. Christensen explained revegetation, irrigation, and maintenance activities.

David Dilworth recommended that the Committee consider making a recommendation to the MPWMD Board of Directors that they consider making a field trip visit to the project.

4. TOUR OF EMERGENCY BANK STABILIZATION PROJECT ACROSS FROM HACIENDA CARMEL RETIREMENT COMMUNITY

Mr. Christensen and Mr. Hampson escorted the group to a site tentatively called “The Lower Carmel River Restoration Project,” which is located approximately 1,000 feet upstream of the Via Mallorca bridge. Mr. Hampson described river conditions in January and February 2005 and the emergency work carried out by MPWMD to stabilize the north streambank.

4. ADJOURNMENT – The meeting was adjourned at the Lower Carmel River Restoration Project site.

EXHIBIT C

RULE 120. CARMEL RIVER ADVISORY COMMITTEE

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.

(Added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); amended by Ordinance No. 69 (6/21/93)

**MISSION STATEMENT
OF THE
CARMEL RIVER ADVISORY COMMITTEE
SET BY THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
FEBRUARY 23, 1995**

1. Review the portion of the Five-Year Mitigation Program plans, activities, and budgets related to erosion protection, channel restoration, and protection and enhancement of the riparian corridor along the Carmel River. Make recommendations regarding priorities, suitability, and scheduling of these activities.
2. Review the effectiveness of the District's streambank restoration program, and make recommendations.
3. Examine the practical difficulties of implementing erosion protection and riparian corridor restoration projects, and make recommendations to streamline the project development process and to encourage property owners to participate in streambank restoration.
4. Assist staff in gaining the cooperation of riverfront property owners for carrying out District erosion protection and riparian corridor restoration projects.
5. Assist staff in public education related to matters for which the Committee has advisory oversight.

EXHIBIT D

ITEM: ACTION ITEMS

17. CONSIDER APPROVAL OF RESOLUTION 2005-07 CALLING FOR A DISTRICT-WIDE ELECTION REGARDING INVESTIGATION OF PUBLIC ACQUISITION OF THE CALIFORNIA AMERICAN WATER DISTRIBUTION SYSTEM, COASTAL DIVISION, MONTEREY DISTRICT

Meeting Date:	July 18, 2005	Budgeted:	No
From:	David A. Berger, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Henrietta Stern	Cost Estimate:	Up to \$50,000

General Counsel Approval: Yes.
Committee Recommendation: N/A
CEQA Compliance: N/A

SUMMARY: The Board will consider Resolution 2005-07, shown as **Exhibit 17-A**, which directs the Monterey County Registrar of Voters to place a Ballot Measure for consideration by voters within the Monterey Peninsula Water Management District (MPWMD) boundaries on November 8, 2005. The text of the Ballot Measure reads:

“Shall the Monterey Peninsula Water Management District (MPWMD) be directed to investigate the cost and process to publicly acquire the private water utility system presently owned and operated by the Monterey District of California American Water (Cal-Am), and be directed to recover costs of the investigation as a surcharge upon Cal-Am’s water bills? [YES or NO]

If approved, this means a user fee will be imposed by the District on Cal-Am customer bills to pay for expert consultants to help the District assess the cost, process and timeline for a public entity (not necessarily the District) to acquire Cal-Am. These services may include experts in water utility appraisals, public utility acquisition, bond counsel, etc. The costs of these services are unknown at present, and would not be known prior to the election because an accurate cost estimate would be the outcome of a formal consultant proposal process if the measure is approved. The basic philosophical question posed to voters by this Ballot Measure is whether investigation of public ownership of the local water system warrants expenditure of funds in the near-term to provide a comprehensive overview of the process and cost. This information, in turn, could allow voters in a future election to make a fully informed decision on the question of whether or not a specified public entity should actually acquire Cal-Am. Please see the “Discussion” section below for more information.

RECOMMENDATIONS: At its June 20, 2005 meeting, the Board voted 5-2 (Directors Foy and Pendergrass dissenting) to place a measure on the November 8, 2005 ballot regarding public acquisition of the Cal-Am water distribution system. Based on this direction, staff developed

Resolution 2005-07, with assistance by the Monterey County Registrar of Voters and District Counsel. The Board should adopt Resolution 2005-07 and direct staff to take the appropriate follow-up action with the Registrar of Voters.

At its June 20, 2005 meeting, the Board briefly discussed, but deferred action on whether or not to submit arguments in favor of the Ballot Measure. Staff recommends that the District Board decide which Directors, if any, should be authorized to prepare and submit an argument in favor of the measure explaining the rationale for placing it on the ballot. Ballot arguments are limited to five signatures and may not exceed 300 words.

DISCUSSION: At its June 20, 2005 meeting, the Board voted 5-2 to place a measure on the November 8, 2005 ballot regarding public acquisition of the Cal-Am water distribution system, including all of the Cal-Am Coastal Division, Monterey District that lies within MPWMD boundaries. This includes the Bishop, Hidden Hills and Ryan Ranch Units. The Board clarified that the public entity to acquire Cal-Am is not limited to MPWMD, and could be another existing public entity or a new public entity created in the future for this purpose. The Board further noted that it would allow rebuttal arguments on the ballot materials as well as the standard arguments in favor and against the measure. Resolution 2005-07 reflects this Board direction.

The Ballot Measure does not ask voters to acquire the Cal-Am system. The Ballot Measure focuses on investigating the cost and process to publicly acquire the Cal-Am system. District action would be mandatory if the voters approve the measure by a simple majority.

Key dates are as follows:

- July 28, 2005: Last day to submit MPWMD Ballot Measure to Registrar
- August 8, 2005: Last day for proponents/opponents to submit arguments for and against measure(s) to Registrar (300-word limit); last day for District General Counsel to submit independent analysis of the ballot measure (500-word limit).
- August 16, 2005: Last day for qualified entities to submit rebuttal arguments (250-word limit).
- September 29, 2005: Registrar begins mailing ballot materials
- November 8, 2005: Election Day

IMPACT TO STAFF AND FISCAL RESOURCES: The cost to the District is based on the number of measures placed on the ballot, and the proportion of printing space as compared to other measures and issues that are on the ballot. The Monterey County Elections Department has estimated that the District's expense would be in the \$50,000 range for consolidating this measure with the November statewide special election. The Fiscal Year 2005-06 District budget does not include a line item to cover this expense, so a supplemental appropriation from the

general operating reserve is required. Because the District's cost for this consolidated measure will not be known until after the November 8, 2005 election, staff proposes that it be included with the Mid-Year Budget Adjustment action item on the Board agenda in February 2006.

EXHIBITS

17-A MPWMD Resolution 2005-07 Calling for Placement of a District-Wide Ballot Measure on November 8, 2005 to Investigate Process and Cost of Public Acquisition of the California American Water (Cal-Am) System

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EXHIBIT 17-A

RESOLUTION NO. 2005 – 07

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT CALLING
FOR PLACEMENT OF A DISTRICT-WIDE BALLOT MEASURE ON NOVEMBER 8, 2005
TO INVESTIGATE PROCESS AND COST OF PUBLIC ACQUISITION OF
THE CALIFORNIA AMERICAN WATER (CAL-AM) SYSTEM**

WHEREAS, The Uniform District Election Law (Section 10,500 et seq. of the Elections Code) and the Monterey Peninsula Water Management District (MPWMD) Law (Chapter 527, Section 136, of the Statutes of 1977, found at West's Water Code - Appendix, Section 118 - 136) authorize the Board of Directors of the Monterey Peninsula Water Management District to call an election relating to examine the process and cost to publicly acquire the Coastal Division, Monterey District of the California American Water (Cal-Am) System; and

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District determined on June 20, 2005 to submit to voters within the Monterey Peninsula Water Management District at the November 8, 2005 election a binding, non-advisory ballot measure relating to investigation of the cost and process for a public entity to acquire the Cal-Am Water Distribution System; and

WHEREAS, the statewide election set for November 8, 2005 will encompass the Monterey Peninsula Water Management District in its entirety; and

WHEREAS, it is desirable that the statewide election be consolidated with any other election held on the same day to promote ease and convenience for registered voters and to take advantage of any possible reduced election costs; and

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District also determined on June 20, 2005 that costs of the investigation, including costs associated with placement of the measure on the November 8, 2005 ballot, shall be recovered via a surcharge upon Cal-Am water bills, if approved by a majority of voters; and

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District clarified at its June 20, 2005 hearing that the investigation would examine the entire Coastal Division, Monterey District of the Cal-Am Water Distribution System within the boundaries of the Monterey Peninsula Water Management District, including the Bishop, Hidden Hills, and Ryan Ranch Units, and;

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District further clarified at its June 20, 2005 hearing that the public entity acquiring

the Coastal Division, Monterey District of the Cal-Am system need not be limited to the Monterey Peninsula Water Management District, might be an existing public agency other than MPWMD, or might be a newly created public entity yet to be defined; and

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District approved payment of costs relating to the ballot measure, including statements in favor, in opposition, and in rebuttal thereto, and to fix the maximum number of words to be submitted.

NOW THEREFORE, BE IT RESOLVED, and ordered by the Board of Directors of the Monterey Peninsula Water Management District, pursuant to the Uniform District Election Law, that:

1. The following ballot measure shall be submitted to the voters within the Monterey Peninsula Water Management District for consideration at the consolidated general election on Tuesday, November 8, 2005:

Shall the Monterey Peninsula Water Management District be directed to investigate the cost and process to publicly acquire the private water utility system presently owned and operated by the Monterey District of California American Water (Cal-Am), and be directed to recover costs of the investigation as a surcharge upon Cal-Am's water bills?	YES
	NO

2. This election shall be consolidated with any other election to be held totally or partially within the boundaries of the Monterey Peninsula Water Management District.
3. The Monterey County Election Department is hereby authorized to canvass returns of the election called. The election shall be held in all respects as if there were only one election and one form of ballot. Precincts, polling places and officers of election, and all particulars not recited in this Resolution shall be the same as those set forth in Uniform District Elections Law of the Elections Code of the State of California.
4. The Monterey County Registrar of Voters is requested to certify the results of the canvass of the returns of the election to the Board of Directors of the Monterey Peninsula Water Management District, which shall thereupon declare the results thereof.

5. The Registrar of Voters of Monterey County is instructed to take any and all steps necessary to hold this election. The Monterey Peninsula Water Management District shall pay its pro rata share of extra costs incurred by the County of Monterey in consolidating the elections pursuant to Section 51350 of the Government Code.
6. The Secretary of the MPWMD Board is hereby directed to file certified copies of this Resolution with the Monterey County Registrar of Voters.
7. The General Counsel to the MPWMD Board is hereby instructed to prepare an impartial analysis of the ballot measure, not to exceed 500 words, to be included in the Voters' Pamphlet; the analysis shall be submitted to the Registrar of Voters no later than 5:00 PM on August 8, 2005.
8. Written arguments for and against the ballot measure may be submitted, and shall be no longer than 300 words; they shall be submitted to the Registrar of Voters no later than 5:00 PM on August 8, 2005.
9. Rebuttal arguments no longer than 250 words will be accepted from those submitting the qualified arguments for and against, by the Registrar of Voters no later than 5:00 PM on August 16, 2005.
10. The notice of the time and place of holding the election is given, and the Registrar of Voters is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner required by law.
11. The Secretary to the MPWMD Board shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

On motion of Director _____ and seconded by Director _____, the foregoing resolution is duly adopted this 18th day of July 2005 by the following votes:

AYES:

NAYS:

ABSENT:

I, David A. Berger, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 18th day of July 2005.

MPWMD Resolution 2005-07; DRAFT 2, DCL 6/27/05
July 18, 2005
Page 4

Witness my hand and seal of the Board of Directors this _____ day of July 2005.

David A. Berger, Secretary to the Board

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Draft 2 prepared by DCL on 6/27/05
Registrar has not reviewed Draft 2