



**Final Minutes
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
August 21, 2023 at 6:00 P.M.**

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940 AND
By Teleconferencing Means - *Zoom*

CALL TO ORDER:

Chair Adams called the meeting to order at 5:58 PM.

ROLL CALL:

Committee members present: Mary Adams, Chair
Amy Anderson, Vice Chair
George Riley
Marc Eisenhart
Karen Paull
Ian Oglesby

Committee members absent: Alvin Edwards

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Thomas Christensen, Environmental Resources Manager
Jon Lear, Water Resources Manager
Kristina Pacheco, Executive Assistant/Board Clerk
Sara Reyes, Sr. Office Specialist

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo

PLEDGE OF ALLEGIANCE:

The assembly recited the Pledge of Allegiance

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

ORAL COMMUNICATIONS:

Chair Adams opened Oral Communications; *the following comments were directed to the Board:*

- (1) Tom Rowley, President of the Fisherman Flats Neighborhood Association and member of the Monterey Bay Sanctuary Advisory Council commented on Hawaii's experience with a fuel reservoir and the risks of pollutants to our water source if we rely too much on the Seaside Basin.
- (2) Michael Baer requested clarification by counsel of a September 21st date for a LAFCO litigation hearing.

- (3) Melodie Chrislock of Public Water Now commented on the negative impact of building a desalination plant here on the Monterey Peninsula.
- (4) Susan Schiavone spoke in favor of a buyout of Cal-Am Water by the District and fulfilling Measure J. Ms. Schiavones also expressed support of Monterey One Water and the District in their leadership of Pure Water Monterey.

No further comments were directed to the Board.

CONSENT CALENDAR:

Chair Adams introduced the matter.

Director Paull requested Item 1 be pulled for clarification and correction and Directors Paull, Riley and Chair Adams requested Item 5 be pulled for additional discussion. Clarification was given by staff and after brief discussion Item No. 1 was removed from the Consent Calendar and will be reconsidered during September’s regular board meeting. After additional clarification from staff and discussion regarding Item 5, a presentation on the Carmel River sediment displacement and changes to the riverbed was requested by the Board to be presented before the end of the year. There being no further discussion a motion was offered by Director Anderson with a second by Director Paull to approve Consent Calendar Item Nos. 2-7. The motion passed by voice vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-Noes and 1-Absent (Edwards).

The following agenda items were accepted as part of the Consent Calendar:

2. **Consider Adoption of Treasurer’s Report for May 2023**
3. **Consider Authorization to Contract with CliftonLarsonAllen LLP to conduct Annual Financial Audit for Fiscal Year Ending 2023, 2024 and Option to Renew for 2025**
4. **Consider Expenditure of Funds for Certified Landscape Irrigation Auditor Class**
5. **Consider Expenditure to Contract for Completion of Carmel River Survey**
6. **Authorize Raise (\$1/hr) for Limited-Term Water Resources Assistant FY 2023-2024**
7. **Consider Approval of 2023 Annual Memorandum of Agreement for Release from Los Padres Reservoir Among California American Water, California Department of Fish and Wildlife, and Monterey Peninsula Water Management District**

Following the Consent Calendar, the General Manager requested that Item No. 13 be brought ahead of the General Manager’s reporting to accommodate California American Water (Cal-Am) visiting representative’s, Aman Gonzalez, (requested previously by Director Edwards) time to address that item. A motion was offered by Director Riley with a second by Director Oglesby to change the order of the agenda. The motion passed by voice vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-Noes and 1-Absent (Edwards).

PUBLIC HEARING:

Chair Adams introduced the matter.

13. Consider Adoption of Initial Study/Mitigated Negative Declaration for Los Padres Dam Outlet Modifications Project Including Adoption of CEQA Findings and Mitigation Measures

Thomas Christensen, District Environmental Resources Manager, provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Consider adoption of Initial Study/Mitigated Negative Declaration for Los Padres Dam Outlet Modifications Project Including Adoption of CEQA Findings and Mitigation Measures”. Mr. Christensen outlined the major points of the project that will modify a low-level outlet at Los Padres Dam and Reservoir to improve the efficiency of the outlet and the necessity for the Board to approve the findings so that the Cal-Am project may move forward. Cal-Am representative Aman Gonzalez answered additional questions of the board. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment; the following comments were directed to the Board:

- (1) Michael Baer asked for clarification of the timeline for the project and is in support of the project.
- (2) Susan Schiavone requested information on the life of the project, how long the project will last and what kind of maintenance/upkeep is necessary and if there is risk of other areas around the dam causing a slide.
- (3) Tom Rowley also requested clarification of the timeline of the project.

Staff and Cal-Am’s representative, Aman Gonzalez addressed the queries. District Counsel, David Laredo also reminded the board that this project is not the District’s and that the scope of this agenda item is to approve the IS/MND, CEQA Findings and Mitigation Measures.

No further comments were directed to the Board.

A motion was offered by Director Eisenhart with a second by Director Oglesby to adopt the Initial Study/Mitigated Negative Declaration for Los Padres Dam Outlet Modifications Project and adoption of the CEQA Findings and Mitigation Measures. The motion passed by voice vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-Noes and 1-Absent (Edwards).

GENERAL MANAGER’S REPORT:

Chair Adams introduced the matter and

8. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision

David Stoldt, General Manager, answered questions and provided information on the status of this agenda item via slide-deck presentation titled “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of August 1, 2023” and answered board questions. Mr. Stoldt pointed out that Cal-Am did not pump out all their water right from the Carmel River Basin and are over their rights in pumping from the Seaside Groundwater Basin during July and issues that will come from continued pumping in that same manner. The board discussed this observation and the District will continue to monitor Cal-Am’s actions. *A copy of the presentation is available at the District office and can be found on the District website.*

9. Update on Water Supply Projects

David Stoldt, General Manager, provided an update on this item with a verbal report and answered board questions. Mr. Stoldt announced that Pure Water Monterey Construction was awarded and a Notice to Proceed was given for the advanced water purification facility improvements. There is a rebid of the injection fields scheduled for September 7th, 2023. There is no update on the desalination project other than the published quarterly reporting.

10. Activities and Schedule Related to Acquisition of Cal-Am Monterey Water System (Measure J)

David Stoldt, General Manager, presented information via slide-deck presentation titled “Activities and Schedule Related to Acquisition of Cal-Am Monterey Water System (Measure J)” and answered board questions on this agenda item. Mr. Stoldt highlighted the timeline for the District in moving forward with the resolution of necessity to acquire the Monterey water system and the litigation process. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment for Item Nos. 8-10; the following comments were directed to the Board:

- (1) Michael Baer is happy with the timeline for Item 10 and commented on Cal-Am’s pumping actions.
- (2) Susan Schiavone is also pleased with the continued movement of Measure J and commented on Cal-Am’s pumping actions on water rights.

REPORT FROM DISTRICT COUNSEL:

Chair Adams introduced the matter.

11. Update on Pending Litigation

District Counsel Laredo provided a verbal status report and answered questions on pending litigation to include the following:

- (1) City of Marina, Marina Coast Water District & MPWMD vs California Coastal Commission – Counsel updated the board regarding the challenge on Cal-Am’s coastal development permit. There is a case management hearing on August 22 to address the administrative record, the status of the pleadings and the type of discovery and maneuverings for the case. Counsel addressed the trial schedule.
- (2) MPWMD vs LAFCO – September 21 will be the date of the trial and counsel discussed possible outcomes.
- (3) Cal-Am’s application to the Public Utilities Commission for approval of their general rate case – Counsel updated the board on the happenings including a status conference that is scheduled for September 7th followed by testimony hearings throughout October.
- (4) Valuation Workshop – Public Utilities Commission is holding a workshop to determine what considerations should be given for the acquisition of new systems by the utilities regulated by the commission.

This item was informational only and no action was taken.

DIRECTORS’ REPORTS:

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

Chair Adams introduced the matter.

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

Director Riley reported out on his attendance at the August Seaside Groundwater Basin Watermaster Meeting. Director Riley indicated during his participation he submitted information that he later decided needed to be changed, which he will do as soon as possible.

This item was informational only and no action was taken.

PUBLIC HEARING:

Chair Adams introduced the matter.

14. Consider Adoption of Urgency Ordinance No. 193, an Ordinance of the Monterey Peninsula Water Management District Clarifying Rule 24, Second Bathroom Protocol

Stephanie Locke, District Water Demand Manager, provided an overview of her staff report, answered questions and presented via slide-deck presentation titled “Clarifying Rule 24, Second Bathroom Protocol”. Ms. Locke discussed the need to clarify the District’s rule on the addition of bathrooms after having received water credits from removing fixtures from other bathrooms. District Counsel also clarified that the District needs to apply rules as they are written. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment; the following comments were directed to the Board:

- (1) Tom Rowley is in agreement with this Ordinance.

No further comments were directed to the Board.

A motion was offered by Director Anderson with a second by Director Eisenhart to adopt the Urgency Ordinance No. 193, an Ordinance of the Monterey Peninsula Water Management District Clarifying Rule 24, Second Bathroom Protocol. The motion passed by roll-call vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-

Noes and 1-Absent (Edwards).

ACTION ITEMS:

15. Consider Approval of Contract with Rincon Consultants for Environmental Consulting Services for Addendum to EIR for Future District Water Allocation Process

There was no presentation given in addition to the materials provided in the board packet. Director Anderson pointed out a typo in the attached agreement, which will be addressed before execution.

A motion was offered by Director Eisenhart and second by Director Anderson to approve a contract with Rincon Consultants for Environmental Consulting Services for Addendum to EIR for future district water allocation process. The motion passed by voice vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-Noes and 1-Absent (Edwards).

16. Consider Authorizing the General Manager to Approve Additional Funding for Raftelis in an Amount Not-To-Exceed \$20,000

David Stoldt, General Manager, provided a brief overview of his staff note.

A motion was offered by Director Anderson and second by Director Paull to authorize the General Manager to approve additional funding for Raftelis in an amount not-to-exceed \$20,000. The motion passed by voice vote of 6-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley), 0-Noes and 1-Absent (Edwards).

DISCUSSION ITEMS:

17. Discuss Activities and Schedule for District Water Allocation Process

David Stoldt, General Manager, presented information via slide-deck presentation titled “Discuss Activities and Schedule for District Water Allocation Process” and answered board questions on this agenda item. *A copy of the presentation is available at the District office and can be found on the District website.*

18. Consider/Discuss Continuance of the Usage of Zoom Teleconferencing for Ongoing District Committee Meetings

David Stoldt, General Manager, and the Board discussed the pros and cons of maintaining the practice of using Zoom for meetings. The board gave general direction to continue to use the platform to continue offering a flexible solution for attendance.

INFORMATIONAL ITEMS/STAFF REPORTS:

- 19. Report on Activity/Progress on Contracts Over \$25,000**
- 20. Status Report on Measure J/Rule 19.8 Phase II Spending**
- 21. Letters Received**
- 22. Committee Reports**
- 23. Monthly Allocation Report**
- 24. Water Conservation Program Report**
- 25. Carmel River Fishery Report for July 2023**
- 26. Monthly Water Supply and California American Water Production Report**

These items were informational only and no action was taken. Copies of these reports are available at the District office and can be found on the District website.

ADJOURNMENT:

Chair Adams adjourned the meeting at 8:45 PM.

A handwritten signature in blue ink that reads "Kristina Pacheco". The signature is written in a cursive style with a horizontal line underneath the name.

Kristina Pacheco, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, September 18, 2023