

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month, except in January and February. The meetings begin at 6:00 PM, unless otherwise noted.



AGENDA
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District

Monday, July 17, 2023 at 5:00 p.m. [PST]

Meeting Location: MPWMD – Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940
[Hybrid: In-Person and via Zoom]

To Join via Zoom- Teleconferencing means, please click the link below:
<https://mpwmd-net.zoom.us/j/82927091724?pwd=SGJsZVlxSDFRNyswR24rcmN0OG04Zz09>
Or join at: <https://zoom.us/>
Webinar ID: 829 2709 1724
Passcode: 07172023
To Participate by Phone: (669) 900-9128

For detailed instructions on how to connect to the meeting, please see page 5 of this agenda.

You may also view the live webcast on AMP <https://accessmediaproductions.org/>
scroll down to the bottom of the page and select AMP 1.

This agenda was posted at the District website (www.mpwmd.net) and at 5 Harris Court, Bldg. G, Monterey, California on Thursday, July 12, 2023. Staff notes will be available on the District web site at <http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/> by 5:00 P.M. on Friday, July 14, 2023.

CLOSED SESSION AT 5:00 P.M.

CALL TO ORDER / ROLL CALL

<p><u>Board of Directors</u> Mary L. Adams, Chair – Monterey County Board of Supervisors Representative Amy Anderson, Vice Chair – Division 5 Alvin Edwards – Division 1 George Riley – Division 2 Marc Eisenhart – Division 3 Karen Paull – Division 4 Ian Oglesby – Mayoral Representative</p> <p><u>General Manager</u> David J. Stoldt</p>

<p><u>Mission Statement</u> Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments.</p> <p><u>Vision Statement</u> Model ethical, responsible, and responsive governance in pursuit of our mission.</p> <p><u>Board's Goals and Objectives</u> Are available online at: https://www.mpwmd.net/who-we-are/mission-vision-goals/</p>

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA – *Members of the public may address the Board on the item or items listed on the Closed Session agenda.*

CLOSED SESSION – *As permitted by Government Code Section 54956.9 et seq., the Board may recess to closed session to consider specific matters dealing with pending or threatened litigation, certain personnel matters or certain property acquisition matters.*

- CS 1. Conference with Legal Counsel – Existing Litigation (§54956.9(d)(1)) (Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County); Monterey County Superior Court) – Case No. 22CV000925
- CS 2. Conference with Legal Counsel – Existing Litigation (§54956.9(d)(1)) (Monterey Peninsula Taxpayers Assoc. v. Monterey Peninsula Water Management District) – Case No. 21CV003066

RECESS TO CLOSED SESSION

Any Closed Session Items not completed may be continued to after the end of all open session items.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS – *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

CONSENT CALENDAR - *The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks “**”, Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.*

- 1. Consider Adoption of Minutes of the Regular Board Meeting on June 20, 2023

GENERAL MANAGER’S REPORT

- 2. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision (*Verbal Report*)
- 3. Water Supply Projects (*Verbal Report*)
- 4. Progress Report on Strategic Goals Assigned to General Manager for 2023

REPORT FROM DISTRICT COUNSEL

- 5. Update on Pending Litigation
- 6. Reportable Action from Closed Session on Monday, July 17, 2023

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

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

INFORMATIONAL ITEMS/STAFF REPORTS - *The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.*

8. Letters Received Supplemental Letter Packet
9. Committee Reports
10. Monthly Allocation Report
11. Water Conservation Program Report
12. Carmel River Fishery Report for June 2023
13. Monthly Water Supply and California American Water Production Report
 [Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]
14. Quarterly Water Use Credit Transfer Status Report
15. Quarterly Carmel River Riparian Corridor Management Program Report

ADJOURNMENT

Board Meeting Schedule			
Monday, August 21, 2023	<i>Regular</i>	6:00 p.m.	<i>Hybrid</i>
Monday, September 18, 2023	<i>Regular</i>	6:00 p.m.	<i>Hybrid</i>
Monday, October 16, 2023	<i>Regular</i>	6:00 p.m.	<i>Hybrid</i>
<i>Hybrid: In-Person at the District Main Conference Room and via Zoom- Teleconferencing Means.</i>			

Board Meeting Television and On-Line Broadcast Schedule	
Television Broadcast	Viewing Area
Comcast Ch. 24 View live broadcast on meeting dates, and replays on Mondays, Tuesdays and Thursdays at 4:00 p.m.	All Peninsula Cities
Comcast Ch. 28 (Monterey County Government Channel) Replays only at 9:00 a.m. on Saturdays	Throughout the Monterey County Government Television viewing area.
Internet Broadcast	
AMP 1 View live broadcast on meeting dates, and replays on Mondays, Tuesdays, and Thursdays at 4:00 p.m. and at https://accessmediaproductions.org/ scroll to AMP 1 .	
Monterey County Government Channel Replays only at 9:00 a.m. on Saturdays at www.mgtvonline.com	
MPWMD YouTube Page – View live broadcast on meeting dates. Recording/Replays available five (5) days following meeting date - https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg	

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time: (1) Sara Reyes, Sr. Office Specialist by e-mail at sara@mpwmd.net or at (831) 658-5610.

Provide Public Comment at the Meeting

Attend In-Person

The Board meeting will be held in the Main Conference Room at **5 Harris Court, Building G, Monterey, CA 93942** and has limited seating capacity. Face coverings are encouraged, but not required. Please fill out a speaker card for each item you wish to speak on, and place in the speaker card box next to the Board Clerk.

Attend via Zoom: See below “Instructions for Connecting to the **Zoom Meeting**”

Submission of Public Comment via E-mail

Send comments to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #*(insert the item number relevant to your comment)*" or "PUBLIC COMMENT – ORAL COMMUNICATIONS." Staff will forward correspondence received to the Board. Correspondence is not read during public comment portion of the meeting. However, all written public comment received becomes part of the official record of the meeting and placed on the District’s website as part of the agenda packet for the meeting.

Submission of Written Public Comment

All documents submitted by the public must have no less than fifteen (15) copies to be received and distributed by the **Clerk** prior to the Meeting.

Document Distribution

In accordance with Government Code §54957.5, any materials of public record relating to an agenda item for a meeting of the Board of Directors that are provided to a majority of the members less than 72 hours before the meeting will be made available at the **District Office, 5 Harris Court, Building G, Monterey, CA** during normal business hours. Materials of public record that are distributed during the meeting shall be made available for public inspection at the meeting if prepared by the Board or a member of its legislative/advisory body, or the next business day after the meeting if prepared by some other person.

Instructions for Connecting to the **Zoom Meeting**

The public may remotely view and participate in the meeting to make public comment by computer, by phone or smart device.

Please log on or call in as early as possible to address any technical issues that may occur and ensure you do not miss the time to speak on the desired item. Follow these instructions to log into Zoom from your computer, smart device or telephone. (Your device must have audio capability to participate).

To Join via Zoom- Teleconferencing means, please click the link below:

<https://mpwmd-net.zoom.us/j/82927091724?pwd=SGJsZVlxSDFRNyswR24rcmN0OG04Zz09>

Or join at: <https://zoom.us/>

Webinar ID: 829 2709 1724

Passcode: 07172023

To Participate by Phone: (669) 900-9128

1. Use the “raise hand” function to join the queue to speak on the current agenda item when the Chair calls the item for Public Comment.

COMPUTER / SMART DEVICE USERS: You can find the raise hand option under your participant name.

TELEPHONE USERS: The following commands can be entered using your phone’s dial pad:

- *6 – Toggle Mute / Unmute
 - *9 – Raise Hand
2. Staff will call your name or the last four digits of your phones number when it is your time to speak.
 3. You may state your name at the beginning of your remarks for the meeting minutes.
 4. Speakers will have up to three (3) minutes to make their remarks. *The Chair may announce and limit time on public comment.*
 5. You may log off or hang up after making your comments.

Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings:
<https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

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ITEM: CONSENT CALENDAR**1. CONSIDER ADOPTION OF MINUTES OF THE REGULAR BOARD MEETING ON JUNE 20, 2023****Meeting Date:** July 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Sara Reyes **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The Board will review, provide suggested edits, and consider approval of the draft meeting minutes of the MPWMD Board of Director's Regular Board Meeting on June 20, 2023, attached as **Exhibit 1-A**.**RECOMMENDATION:** The Board will consider approval of the draft minutes of the Regular Board Meeting on June 20, 2023.**EXHIBIT****1-A** MPWMD Board of Director's Regular Board Meeting on June 20, 2023



EXHIBIT 1-A

Draft Minutes
Regular Meeting
Board of Directors

Monterey Peninsula Water Management District

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

Tuesday, June 20, 2023

Chair Adams called the meeting to order at 6:02 p.m.

CALL TO ORDER

Directors Present:

Mary L. Adams, Chair – Monterey County Board of Supervisors Representative
 Amy Anderson, Vice Chair – Division 4
 Alvin Edwards – Division 1
 George T. Riley – Division 2
 Marc A. Eisenhart – Division 3
 Karen Paull – Division 4
 Ian Oglesby – Mayoral Representative

ROLL CALL

Directors Absent: None

General Manager Present: David J. Stoldt

District Counsel Present: David C. Laredo with De Lay & Laredo

Joel G. Pablo, Board Clerk led and the assembly recited the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

None.

ADDITIONS AND CORRECTIONS TO THE AGENDA

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

ORAL COMMUNICATIONS

- (1) Tom Rowley: Expressed his concerns over the overreliance and dependency on the Seaside Basin.
- (2) Michael Bear: Shared that in the June 16, 2023 issue of The Carmel Pine Cone covering the Los Padres Dam and Alternatives and Sediment Management Study an option briefly covered was to consider converting the Dam to a 3,000 Acre Feet (AF) storage. He commented that he would

like to know more about the study.

No further comments were directed to the Board.

Chair Adams introduced the matter.

CONSENT CALENDAR

Items Pulled for Discussion:

- (1) Director Eisenhart: Item No. 25
- (2) Director Edwards: Item No. 19 & 23
- (3) Members of the Public: None

No further items were pulled from the Consent Calendar.

Item No. 19

Director Edwards and Adams commented on Item No. 19 and sought clarification from staff on the WellmanAd’s contract. *In response to Director Edwards*, Locke stated the contract with WellmanAd, the District’s Public Outreach Consultant has not changed. She explained and as further described in her staff report, that there are two sub-contractors of WellmanAd providing support. *In response to Director Adams*, Stoldt mentioned the associated costs for contracting with WellmanAd and its contractors is the approximately \$106,500 being requested for WellmanAd and his subcontractors.

Director Riley made known that at the previous Public Outreach Committee & Finance and Administration Committee meeting that WellmanAds contract had been thoroughly discussed and vetted out at committee level prior to being placed on the Board Meeting Agenda – *Consent Calendar*.

Item No. 23

Director Edwards clarified why the District did not go out to bid for and solicit proposals for website developers. He noted that Phil Wellman, *Public Outreach Consultant* at a prior Public Outreach Committee meeting shared that part of his scope of work involved working on the District website. He also noted that at a past Board meeting, the General Manager announced that the District was taking steps in improving the District site and solicited input on the matter.

Item No. 14

Director Eisenhart, Anderson and Edwards commented on the draft Resolution No. 2023-10: Adopting Fees and Charges Table. Edwards requested for staff to provide notice and make known to those individuals/agencies who would be directly affected by changes made to the Fees and Charges table.

A motion was offered by Director Eisenhart with a second by Director Anderson to approve Consent Calendar Item Nos. 1 through 25. The motion passed by voice vote of 7-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, Riley

and Edwards), 0-Noes and 0-Absent.

Adopted Minutes of the Special and Regular Board Meeting on May 15, 2023; Special Board Meeting (Budget Workshop) on May 25, 2023; and Special Board Meeting on June 16, 2023.

Authorized the General Manager or the Administrative Services Manager/CFO to execute Amendment No. 7 to existing Agreement with RGS to provide management and administrative services for an amount not to exceed \$25,000.

Authorized the General Manager or the Administrative Services Manager/CFO to enter into an agreement with Lynx Technologies to provide GIS services for an amount not to exceed \$35,000.

Approved the limited-term Water Resources Assistant for up to a total of 990 hours of work; several Fisheries Aides for up to 2,765 hours of work.

Authorized the expenditure of up to \$20,000 for Fiscal Year 2023-2024 to obtain CoreLogic’s RealQuest Professional.

Approved expenditures in the amount of \$174,500 to continue with annual software maintenance as shown in the table below:

Product	Price
ESRI ArcGIS (District Wide)	12,500
VertiGIS Geo Cortex (District Wide)	7,000
Adobe Renewal (District Wide)	9,000
Anti-Virus (District Wide)	4,500
ProofPoint (Email Spam Filter)	2,500
Sonicwall (Firewall)	2,500
Office 365 Renewal (District Wide)	12,000
DocuWare (Financial/HR)	24,000
Tyler Technologies (Financial/HR)	32,000
ClearGov (Financial)	5,500
GovInvest (Financial/HR)	7,500
Accela Support (Water Demand)	39,000
CaseWare Reporting (Financial)	9,500
Kisters North America (Hydrological)	7,000
TOTAL	\$174,500

1. **Consider Adoption of Minutes of the Special and Regular Board Meeting on May 15, 2023; Special Board Meeting (Budget Workshop) on May 25, 2023; and Special Board Meeting on June 16, 2023**
2. **Consider Approval of Amendment No. 7 to Agreement with Regional Government Services Authority for Management and Administrative Services**
3. **Consider Approval of Agreement with Lynx Technologies for Geographic Information System (GIS) Services**
4. **Authorize Funds to Contract for Limited-Term Field Positions during FY 2023-2024**
5. **Consider Expenditure of Funds for CoreLogic Information Solutions, Inc.**
6. **Authorize Expenditure for Software Maintenance Agreements / Purchase**

- Approved the expenditure of \$50,000 for recording fees for Fiscal Year 2023-2024.
- Authorized the General Manager to amend the current District professional services contract with Pueblo for a not-to-exceed amount of \$2,000 for FY 2022-2023, which was recently adopted by the Board as part of the FY 2023-2024 budget.
- Authorized District staff to use Pueblo Water Resources on an as-needed basis, not-to-exceed \$25,000 and contract with Maggiora Brothers Drilling in an amount not-to-exceed \$50,000 to support the District with WY 2024 ASR operations.
- Authorized the General Manager to approve expenditures in an amount not-to-exceed \$30,000 to complete laboratory analysis related to the ASR, Watermaster, and District Programs FY 2023-2024.
- Authorized and directed the General Manager to enter into a contract with Montgomery and Associates to provide groundwater modeling support to the District in an amount not-to-exceed \$55,000.
- Adopted Resolution 2023-08 and authorized the County of Monterey for collection of Water Supply Charge on the property tax bill.
- Adopted Resolution 2023-09, A Resolution of the Board of Directors of the Monterey Peninsula Water Management District Establishing an Appropriations Limit for Fiscal Year 2023-2024 in the amount of \$2,146,457.
- Adopted Resolution 2023-10, Amending Rule 60, Fees and Charges Table.
- Adopted Resolution 2023-11 to update Rule 24, Table 3, Capacity Fee History.
- Adopted the April 2023 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.
- Authorized the General Manager to execute the agreement with the USGS providing cooperative investigation of the
7. **Approve Expenditure to Corporation Service Company - Recording Fees**
 8. **Consider Expenditure of Funds to Amend Contract with Pueblo Water Resources, Inc. to Provide Hydrogeologic Review for Water Distribution System Permits**
 9. **Consider Contract with Maggiora Brothers Drilling and Pueblo Water Resources to Provide Aquifer Storage and Recovery Operational Support**
 10. **Consider Authorizing Monterey Bay Analytical Services to Provide Laboratory Support for Aquifer Storage and Recovery, Watermaster Monitoring and Maintenance Plan, and Carmel Valley Alluvial Aquifer Water Quality Monitoring**
 11. **Consider Directing the General Manager to Enter into a Contract with Montgomery and Associates to Provide Groundwater Modeling Support to the District**
 12. **Consider Adoption of Resolution 2023 – 08 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments, and Property-Related Fees and Charges**
 13. **Consider Adoption of Resolution 2023 – 09 Establishing Article XIII(B) Fiscal Year 2023-24 Appropriations Limit**
 14. **Consider Adoption of Resolution No. 2023 – 10 – Amending Fees and Charges Table – Rule 60**
 15. **Consider Adoption of Resolution 2023 – 11 Annual Update to Rule 24, Table 3, Capacity Fee History**
 16. **Consider Adoption of Treasurer's Report for April 2023**
 17. **Consider Extension of Cooperative Agreement with the United States**

water resources within the District for Water Year (WY) 2024 for an amount not-to-exceed \$17,500.

Geological Survey for Streamflow Gaging in Water Year 2024

Approved the expenditure of budgeted funds for up to \$15,000 for this outreach event. Cal-Am will reimburse the District for half of the expense.

18. **Consider Approval of Expenditure of Funds for Outreach Event “Summer Splash Water Challenge Giveaway 4”**

Approved a fiscal year 2023-24 contract with WellmanAd for an amount not to exceed \$106,500. Funding for this item is included in the budget.

19. **Consider Contract for Public Outreach Services with WellmanAd for FY 2023- 2024**

Approved the proposed agreement with JEA & Associates for FY 2023-24 in an amount not-to-exceed \$25,000.

20. **Consider Renewal of Contract with JEA & Associates for Legislative and Administrative Services**

Approved the proposed agreement with The Ferguson Group for FY 2023-24 with a monthly retainer in the amount not-to-exceed \$6,000 or \$72,000 per fiscal year.

21. **Consider Renewal of Contract with the Ferguson Group for Legislative and Administrative Services**

Approved an expenditure of up to \$8,750 for Accela maintenance. Funding for this work is included in the Fiscal Year 2023-24 proposed budget.

22. **Consider Expenditure of Budgeted Funds with Etech Consulting for As-Needed Maintenance of the Accela Database**

Approved an expenditure of up to \$19,500, plus a contingency of approximately 10% for a total not to exceed \$21,450 for website upgrade and redesign.

23. **Consider Approval of Expenditure of Funds by District Public Outreach Consultant for Website Update and Redesign**

Authorized the General Manager or the Administrative Services Manager/CFO to enter into a 3-year agreement with DeVeera, Inc. to provide Information Technology services for a not-to-exceed amount of \$192,900.

24. **Consider Approving 3-Year Agreement with DeVeera, Inc. for Information Technology Services**

Authorized the General Manager to enter into an agreement with Telemetry, Inc. for consultant services in an amount not-to-exceed \$29,600.

25. **Consider Expenditure of Funds for Consultant Services (TMX) for Sleepy Hollow Steelhead Rearing Facility Monitoring and Control Systems**

GENERAL MANAGER’S REPORT

David J. Stoldt, General Manager presented via MS PowerPoint entitled, “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of June 1, 2023” and answered Board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

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

Stoldt provided an overview of the slide-deck and the following points were made, but not limited to:

1. Briefly covered the Monterey Peninsula Water Resources System (MPWRS) from October to May Water Year (WY) 2023: Carmel River Basin actuals have not been realized [Actual: 914 Acre Feet (AF);

Target: 1,755 AF]; and Seaside Groundwater Basin actuals have not been realized [Actual: 1,387 AF; Target 1,515 AF].

2. Water Projects and Rights from October to May WY 2023: Pure Water Monterey actuals have been realized [2,675 AF; 2,335 AF]; Table 13 actuals have been realized and is a 101 AF increase over last month.
3. On Monthly Production for Customer Service for Cal-Am (WY 2023): Anticipates target to exceed prior year and the Board may need to decide on how treat excess water. Recorded total demand is at 5,657 AF and 247 AF ahead of last water year.
4. On Monthly Recorded Rainfall at the San Clemente Rain Gage (WY 2023): Reporting 168% of long-term average
5. On Daily Rainfall Recorded at San Clemente Rain Gage (WY 2023): Reported 35 inches of precipitation for the year.
6. On Rainfall Year Types: Projections indicate and point towards an “Extremely Wet” year and the 6th rainiest year on record.
7. Displayed a graph on Estimated Unimpaired Carmel River Flow at Sleepy Hollow Weir (WY 2023): Reported is 308% of long-term average.
8. Displayed ASR Injection Summary Well WY2023 both for Daily Injection and Cumulative Injection to Date: Noted cumulative injection at 1,656.5 AF.

In response to Director Edwards, Stoldt stated there are coordinated efforts to develop a Pure Water Monterey emergency response plan. Director Edward requested for the concept and plan to be presented at a future board meeting.

REPORT FROM DISTRICT COUNSEL

District Counsel Laredo provided a read out relating to the Closed Session Meeting held on Friday, June 16, 2023 on the following matters:

1. Conference with Real Property Negotiators (Government Code Sections 54954.5(b), 54956.8/ District Representative: David J. Stoldt / Negotiation Affecting Properties Held by California American Water Company

No reportable action.

27. **Read Out and Counsel’s Report Relating to the Closed Session Meeting held on Friday, June 16, 2023**

2. Conference with Legal Counsel – Existing Litigation (§ 54956.9) Monterey Peninsula Taxpayers Association v. Monterey Peninsula Water Management District; Monterey Superior Court Case No. 21CV003066E

A motion was made by Director Eisenhart with a second by Paull to authorize litigation counsel to negotiate an extension of time by which Monterey Peninsula Taxpayers' Association could file a motion for the fee award pursuant to the rules of Court the effect of that stipulation would be that Monterey Peninsula Taxpayers Association would be able to defer a motion for attorney's fees until after remitter or from the Appellate Court, if in fact there was an entitle for attorney fees at that time. The motion passed on a voice vote of 5-Ayes (Edwards, Riley, Eisenhart, Paull and Anderson), 0-Noes and 2-Absent (Oglesby and Adams).

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

Director Riley – Noted his attendance at the Seaside Groundwater Basin Watermaster Orientation Session on June 7, 2023.

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

Director Edwards – Mentioned that he listened to the Monterey One Water's Recycled Water Committee and provided an overview of the Pure Water Monterey Expansion's WIFIA loan and progress being had on the bidding process and approval before the Monterey One Water Board of Directors. Thanked and commended Mayor Oglesby with the City of Seaside on obtaining Council approval on the easements for the Pure Water Monterey project.

PUBLIC HEARING

Jonathan Lear, Water Resources Manager summarized his staff report, answered Board questions and presented via MS PowerPoint entitled, "Consider Adoption of July – September 2023 Quarterly Supply Strategy and Budget for California American Water." *The presentation is on file at the District office and can be viewed on the agency's website.*

29. **Consider Adoption of July through September 2023 Quarterly Water Supply Strategy and Budget**

[CEQA Compliance: Notice of Exemption, CEQA, Article 19, Section 15301 (Class 1)
ESA Compliance: Consistent with the September 2001 and February 2009 Conservation Agreements between the National Marine Fisheries Service and California American Water to minimize take of listed steelhead in the Carmel River and Consistent with

Chair Adams opened public comments; no comments were directed to the Board.

Chair Adams closed the Public Hearing.

A motion was made by Director Anderson with a second by Director Riley to approve the proposed production strategy for the California American Water Distribution System for the three-month period of July through September 2023. The strategy sets monthly goals for surface and groundwater production from various sources within the California American Water system. The motion passed on a roll-call vote of 7-Ayes (Edwards, Paull, Anderson, Eisenhart, Adams, Riley and Oglesby), 0-Noes and 0-Absent.

SWRCB WR Order Nos. 95-10, 98-04, 2002-0002, and 2016-0016.]

ACTION ITEMS

David J. Stoldt, General Manager provided introductory remarks. Suresh Prasad, Administrative Services Manager/Chief Financial Officer presented via slide-deck and answered Board questions. *A copy of the presentation is available at the District office and can be found on the District website.*

- 30. Review Proposed Fiscal Year 2023 – 2024 MPWMD Budget and Resolution No. 2023 – 07**

Chair Adams opened public comment; *no comments were directed to the Board.*

No further comments were directed to the Board.

A motion was offered by Director Oglesby with a second by Director Eisenhart to adopt Resolution No. 2023-07 approving the Fiscal Year 2023-24 Budget subject to the minor typographical changes that were made during the discussion. The motion passed on a voice vote of 7-Ayes (Edwards, Riley, Paull, Eisenhart, Anderson, Adams and Oglesby), 0-Noes and 0-Absent.

ANNOUNCEMENT FROM BOARD CHAIR

Chair Adams, Members of the Board and the General Manager thanked and expressed their gratitude to outgoing Board Clerk Joel G. Pablo for his years of service to the District.

No discussion was had on Informational Items.

INFORMATIONAL ITEMS/STAFF REPORTS

- 31. Report on Activity/Progress on Contracts Over \$25,000**
32. Status Report on Measure J / Rule 19.8 Phase II Spending
33. Letters Received and Sent
34. Committee Reports
35. Monthly Allocation Report
36. Water Conservation Program Report
37. Carmel River Fishery Report for May 2023
38. Monthly Water Supply and California American Water Production Report
 [Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin

Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]

There being no further business, Chair Adams adjourned the meeting at 7:42 p.m.

ADJOURNMENT

Joel G. Pablo, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors
on Monday, July XX, 2023

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ITEM: GENERAL MANAGER'S REPORT**4. PROGRESS REPORT ON STRATEGIC GOALS ASSIGNED TO GENERAL MANAGER FOR 2023**

Meeting Date:	July 17, 2023	Budgeted:
From:	David J. Stoldt General Manager	Program/ Line Item No.:
Prepared By:	David J. Stoldt	Cost Estimate:

General Counsel Approval: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.A**

SUMMARY: At its April 17, 2023 meeting the Board adopted strategic planning goals and objectives for the current year (near-term objectives), as well as beyond (long-term objectives). Previously, for 9 years goal-setting had been conducted in odd-numbered years, with 1-year and 3-year goals. In 2021 the strategic planning process was revised to be an annual process as follows:

Jan/Feb	Establish strategic goals with near-term objectives and long-term objectives.
July	Mid-year update to the Board and public
Nov/Dec	Year-end review and General Manager performance appraisal

This year, the Board held a strategic planning workshop on March 31st. Goals were established ahead of the budget cycle in order to ensure any new initiatives that require funding could be included in the budget draft in May and final in June.

RECOMMENDATION: The General Manager recommends that the Board of Directors receive the summary attached as **Exhibit 4-A**.

EXHIBIT**4-A Summary of Status of 2023 District Strategic Goals**

EXHIBIT 4-A

Summary of Status of 2023 District Strategic Goals

Goal Area	Status
<p>1. <u>Goal</u> - Secure a safe, reliable, sustainable, diversified, affordable, legal water supply for the Monterey Peninsula through support and investment in Pure Water Monterey Expansion (PWM-X).</p> <p><i>Objectives</i></p> <ul style="list-style-type: none"> a. Partner with Monterey One Water (M1W) on PWM Expansion; Complete construction in 2025. b. Protect and preserve District and M1W state and federal grants and low-cost financing. c. Reconstitute the District Technical Advisory Committee and, subsequently, the Policy Advisory Committee to develop an Allocation Plan for dedicating new water to the jurisdictions; Ensure Allocation Plan recognizes and supports affordable housing. d. Develop plan, preferably with support of Cal-Am and the Coalition of Peninsula Businesses to lift the Cease and Desist Order (CDO) and moratorium on new meters. 	<ul style="list-style-type: none"> • √ In Progress • √ Accomplished • In progress • Met w SWRCB; Defer to mid-construction
<p>2. <u>Goal</u> – Expedite and implement public ownership of the water distribution system as directed by the voters pursuant to Measure J.</p> <p><i>Objectives</i></p> <ul style="list-style-type: none"> a. Make offer, develop findings, determine whether to hold Hearing of Public Necessity, if so file condemnation action – by August/September 2023 b. Develop strategy on options regarding “latent power activation.” c. Invest in outreach/marketing of our ability as a water provider/operator, including website and social media. d. Develop an initial strategy for staffing/organization planning; Develop a public outreach/awareness campaign in support of such initiative ahead of any condemnation action. 	<ul style="list-style-type: none"> • Offer made; Findings in progress • In progress • In progress • In progress
<p>3. <u>Goal</u> - Protect and enhance the District’s financial resources, both short- and long-term.</p> <p><i>Objectives</i></p> <ul style="list-style-type: none"> a. Analyze impacts of potential loss of Water Supply Charge (Taxpayers Association lawsuit), develop strategy to include success/failure in District budget. b. Make decision on Mechanics Bank loan balloon payment in June 2023. c. Ensure fiscal stability in support of Measure J activities. d. Maintain GFOA award and CSDA transparency certificate of compliance in 2023. e. Continue to develop strategy for PERS and OPEB liabilities in 2022-23 budget. 	<ul style="list-style-type: none"> • √ Accomplished • √ Accomplished • √ Accomplished • In progress • √ Accomplished

f. Continue to place all financial documents (audit, budget, other) online within one month of adoption.

- √ Accomplished

4. Goal – Increase public awareness/engagement and ensure MPWMD reputation for excellence remains intact.

Objectives

- a. Be the knowledgeable source for reliable information on supply, demand, drought, and other local water issues needed by public, media, and regulators.
- b. Continue to raise the District profile and instill public trust.
- c. Support objectives on Measure J through public outreach.
- d. Better support environmental activities of the District.
- e. Coordinate/Communicate w/ other water management agencies on a regional basis.

- On-going
- On-going
- In progress
- On-going
- In progress

5. Goal – Continue strategic planning for near-term water supply, including operation optimization.

Objectives

- a. Focus on near-term water supply demand and supply needs/analysis; Ensure optimization of existing supplies and facilities.
- b. Coordinate with and encourage Cal-Am on execution and progress of Cal-Am owned-facilities (e.g. ASR #4, Sand City source wells, new Seaside Basin extraction wells, pump stations, repairs, and rehabilitations.)
- c. Develop plan for improved ASR operations.
- d. Assess climate change impacts on local water supplies, primarily through completion of Basin Study, hopefully in 2023, pursuant to USBR schedule.
- e. Complete Los Padres Dam Alternatives Study; Consider recommendation of Board on future action.
- f. Update description of supplies and projects on website.

- √ Accomplished
- On-going
- On-going
- Appears delayed
- √ Accomplished
- On-going

6. Goal – Focus on organizational effectiveness and planning for the future.

Objectives

- a. Discuss succession planning for existing organization.
- b. Evaluate succession planning under Measure J scenarios.
- c. Determine near-term needs at executive and staff level; Evaluate change in District policies to lure talent.
- d. Provide Board and staff development opportunities.

- Have had discussions
- Not started
- Partially complete
- On-going

Longer-Term Goals

7. Goal – Continue strategic planning for long-term water supply.

Objectives

- a. Work with Watermaster to address Seaside Basin protective water levels, infrastructure needs, and funding.

- On-going

<p>b. Evaluate/update Carmel River pumpers load and Rule 160-164 impacts.</p> <p>c. Assess climate change impacts on local water supplies, primarily through completion of Basin Study.</p> <p>d. Discuss support for future supply resources such as Cal-Am desal, regional desal, or other.</p> <p>8. <u>Goal</u> – Focus on clarity and customer-friendly process for permits, rules, and regulations.</p> <p><i>Objectives</i></p> <p>a. Revise and clarify WDS permit regulations.</p> <p>b. Clarify or make user-friendly the District permit forms and instructions.</p> <p>c. Consolidation and reorganization of existing Rules and Regulations.</p> <p>9. <u>Goal</u> – Look at new direction for Carmel River mitigation program requirements.</p> <p><i>Objectives</i></p> <p>a. Develop monitoring plan in post-San Clemente Dam environment.</p> <p>b. Factor in post-CDO Cal-Am withdrawals.</p> <p>c. Consider District permit 20808-B options.</p> <p>d. Look for grant money where available.</p>	<ul style="list-style-type: none"> • Not started • Appears delayed • ✓ Accomplished • On-going • On-going • Not started • Planned for next year • On-going • On-going • On-going
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ITEM: INFORMATIONAL ITEM/STAFF REPORT

8. LETTERS RECEIVED

Meeting Date: July 17, 2023 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:

Prepared By: Sara Reyes **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

A list of letters sent by and/or received by the Board Chair and/or General Manager between June 14, 2023 and July 10, 2023 is shown below.

The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District’s website at www.mpwmd.net.

Author	Addressee	Date	Topic
Melodie Chrislock	Board of Directors and General Manager	June 28, 2023	Tier 2 Cal Am Water Bills
Anthony Lombardo	General Manager	July 3, 2023	Request to release water to construct dwelling in Carmel Valley

ITEM: INFORMATIONAL ITEM/STAFF REPORT**9. COMMITTEE REPORTS****Meeting Date:** July 17, 2023 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Sara Reyes **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

Attached for your review as **Exhibits 9-A** through **9-F** are the Final Minutes of the committee meetings listed below.

EXHIBITS

- 9-A** MPWMD Public Outreach Committee: April 24, 2023
- 9-B** MPWMD Legislative Advocacy Committee: October 19, 2022
- 9-C** MPWMD Legislative Advocacy Committee: March 9, 2023
- 9-D** MPWMD Water Supply Planning Committee: May 1, 2023
- 9-E** MPWMD Ordinance No. 152 Citizen's Oversight Panel: January 31, 2023
- 9-F** MPWMD Ordinance No. 152 Citizen's Oversight Panel: April 19, 2023



EXHIBIT 9-A

Final Minutes
Monterey Peninsula Water Management District
Public Outreach Committee
Monday, April 24, 2023

The meeting was conducted via Teleconference – by Zoom

Call to Order | Roll Call

Chair Riley called the meeting to order at 3:01 p.m.

Committee members present: George T. Riley – Chair
 Amy Anderson
 Karen Paull

Committee members absent: None

District staff members present: David J. Stoldt, General Manager
 Stephanie Locke, Water Demand Manager (*Left at 3:51 p.m.*)
 Phil Wellman, Public Outreach Consultant with WellmanAd
 Joel G. Pablo, Board Clerk

District Counsel Present: David C. Laredo with De Lay and Laredo

Comments from the Public: Chair Riley opened public comment; *no comments were directed to the committee.*

Action Item

1. Consider Adoption of February 27, 2023 Committee Meeting Minutes

Riley introduced the matter and opened public comment; *no comments were directed to the committee.*

A motion was made by Anderson with a second by Paull to approve the February 27, 2023, Committee Meeting Minutes. The motion passed on a roll-call vote of 3-Ayes (Paull, Anderson and Riley), 0-Noes and 0-Absent.

Discussion Items

2. Status of Public Outreach Projects / WellmanAd

David J. Stoldt, General Manager provided introductory remarks. Phil Wellman, *Public Outreach Consultant* with WellmanAd presented via slide-deck entitled, “MPWMD Public Outreach Report / April 24, 2023: *Projects completed since our last Public Outreach meeting*” *A copy of the presentation is available online on the District website and available upon request at the District office.* Wellman covered projects completed to include:

1. **March 9, 2023:** Published Newsletter in the Monterey Herald entitled, “State, Federal Officials Laud Pure Water Monterey Expansion” and noted 8,000 out of the 23,000 e-mails sent are opened.
2. **March 16, 2023:** Branding Ad published in the Monterey County Weekly and the Carmel Pine Cone promoting Fix a Leak Week and Landscaping Webinars.
3. **March 23, 2023:** Sent E-mail Newsletter “Water District to Finalize Appraisal of Cal-Am Monterey Water System and Make an Offer: Measure J Voter Initiative Moves Forward with Public Presentation on April 3.”
4. **March 30, 2023:** Event Ad published in the Monterey County Weekly and Carmel Pine Cone announcing the Public Presentation on Monday, April 3, 2023 on the Cal Am Buyout Offer.
5. **March 30, 2023:** Sent E-mail Newsletter that included Public Presentation Details: Introduction and Overview of Appraisal and Offer Process on Monday, April 3, 2023.
6. **March / April 2023:** Social Media Postings coincided and simultaneously published online with the Newsletter, Branding Ads and Event Ads.
7. **April 3, 2023:** Printed 250 reports and made available at the MPWMD Special Board Meeting on Monday, April 3, 2023 at Monterey City Hall-Council Chambers.
8. **April 13, 2023:** Branding Ad published in the Monterey County Weekly and Carmel Pine Cone announcing signing of the Water Purchasing Agreement.
9. **April 13, 2023:** Sent E-mail Newsletter “New Water Supply on the Way.”
10. **April 20, 2023:** Sent E-mail Newsletter “Cal Am Asks for \$15.3 Million Rate Increase to Peninsula Water Bills.

Wellman briefly covered future upcoming projects to include:

1. Response to Misinformation – Newsletter / OpEd: Wellman commented the District can respond to misinformation by including a Frequently Asked Questions section towards the end of each newsletter.
2. Annual Report: Wellman and Stoldt agreed to delay electronic distribution of the MPWMD Annual Report by one week.
3. Board Objectives and Strategies: Wellman plans to incorporate recently approved objectives and strategies into Public Outreach Planning.
4. Website: Wellman stated he plans to work on the District site to include: meeting American with Disabilities Act regulations, website redesign and anticipates completing the project within the next 90 to 120 days. Stoldt and Wellman agreed that internal discussion and information gathering from District staff on the website is necessary in order to determine next steps.

Riley suggested at the next MPWMD Board meeting that staff should gather Board input on the District site that may include areas of improvement, potential additions and modifications.

Stoldt provided a preview of his presentation before the California Public Utilities Commission at its meeting on Tuesday, April 25, 2023 to be held at the City of Seaside- City Hall for Cal-Am’s recent request for rate increases. He presented via slide-deck entitled, “A.22-07-001 Public Participation Hearings – Seaside, CA.” *A copy of the presentation is available online on the District website and available upon request at the District office.*

No members of the public were present during Item No. 2. No verbal or written public comment was received.

Stephanie Locke, Water Demand Manager left the meeting at 3:51 p.m.

3. **Update on Distribution of District Annual Report**

Matter was covered and discussed during Item No. 2.

4. **Update on Measure J Activity Calendar / Outreach Needs**

David J. Stoldt, General Manager pointed direction to **Exhibit 4-A: Measure J Calendar**. Stoldt shared the District is entering into a new phase of the Measure J process and discussed next steps in the process to include:

- | | |
|--------------|---------------------------------------------------------------------------------------------------------------|
| April | <ul style="list-style-type: none"> • Offer Letter Sent and Likely to be Rejected by Cal-Am |
| May | <ul style="list-style-type: none"> • Develop Findings • Draft Resolution of Necessity |

- June**
- Special Closed Session
 - Board Decides on Hearing of Public Necessity
- July**
- Hearing of Public Necessity, if Board decides
 - File Condemnation Action (Maybe August)

Discussion ensued and the committee members agreed that the District should inform the public that the District will minimize its outreach efforts and provide the basis for doing so as it transitions into the next phase of the Measure J process.

No members of the public were present during Item No. 4. No verbal or written public comment was received.

5. Suggest Items to be Placed on a Future Agenda

Request Made During Item No. 2

Director Riley: Riley suggested at the next MPWMD Board meeting that staff should gather Board input on the District site that may include areas of improvement, potential additions and modifications.

Adjournment

There being no further business, Chair Riley adjourned the meeting at 4:13 p.m.

/s/ Joel G. Pablo

Joel G. Pablo, Committee Clerk
to the Public Outreach Committee

Approved by the MPWMD Public Outreach Committee on June 26, 2023

Received by the MPWMD Board of Director's on July 17, 2023

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EXHIBIT 9-B

**Final Minutes
Legislative Advocacy Committee of the
Monterey Peninsula Water Management District
Wednesday, October 19, 2022**

Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.

Call to Order

Chair Paull called the meeting to order at 11:00 a.m.

Committee members present: Karen Paull, Chair
Alvin Edwards
Safwat Malek

Committee members absent: None

Staff members present: David J. Stoldt, General Manager
Joel G. Pablo, Committee Clerk

District Counsel present: David C. Laredo with De Lay and Laredo

Legislative Consultant: Roger Gwinn, The Ferguson Group
Chris Kearney, The Ferguson Group
John Arriaga, JEA and Associates
Laurie Johnson, JEA and Associates

Comments from the Public: No comments were directed to the committee.

Action Item

1. Consider Adoption of June 16, 2022 and December 7, 2021 Committee Meeting Minutes

The committee considered adoption of the meeting minutes as presented. The Committee Clerk mentioned the December 7, 2021 meeting minutes were sent under separate cover and not included in the committee packet for consideration. Paull, Malek and Edwards agreed to table and consider adoption of the December 7, 2021 and June 16, 2022 committee meeting minutes at its next scheduled meeting of the

Legislative Advocacy Committee.

No public attendees; no comments were directed to the Committee.

Discussion Items

2. **Report from The Ferguson Group on Federal Legislative and Regulatory Activities**

Roger Gwinn, The Ferguson Group provided a brief overview of Exhibit 2-A: Quarterly Legislative Report and answered committee questions. He made the following points to include, but are not limited to:

1. Congress in recess until November 14, 2022 following the mid-term elections.
2. **Fiscal Year 2022-23 Appropriations**
 - a. Congress adopted a stopgap spending bill (commonly referred to as a continuing resolution) to continue funding the government past September 22, 2022.
 - b. Gwinn anticipates a FY 2023 Appropriations bill to be adopted by end of year.
3. **\$20 Million for Small Water Storage Projects:** Cost-sharing grants are available through the Bureau of Reclamation for small surface and groundwater storage projects of not less than 2,000 Acre Feet (AF) and not more than 30,000 AF. Application for funding is due by December 9, 2022.
4. Announced Cybersecurity grants and educational opportunities are available through the Cybersecurity and Infrastructure Security Agency.
5. *Other Legislation*
 - a. **Wildfire Response and Drought Resiliency Act (H.R. 5118)** that includes provisions of the FUTURE Western Water Infrastructure and Drought Resiliency Act (Huffman) was adopted by the House authorizing additional federal funding for water reuse, desalination and drinking water projects in underserved communities.
 - b. **STREAM Act, S. 4231 (Feinstein)**, additional hearings are expected on the matter.
 - c. Expects passage of **FY 2023 National Defense Authorization Act** by December 2023.
 - d. **Water Resources Development Act (WRDA):** Anticipates bill to be passed by end of CY 2022. Includes \$20 million for the U.S. Army Corps of Engineers (Corps) to invest in water supply, wastewater and environmental restoration projects on the Monterey Peninsula and as requested by Representative Panetta.

Stoldt stated that on the **WRDA** effort, Monterey Peninsula water agencies and cities will meet to discuss and identify several potential projects. Stoldt commented that he has received information from Gwinn on the Corps project requirements and hopes to send a series of projects for their consideration.

3. Report from JEA & Associates on Legislative Status and Bill Tracking

David J. Stoldt provided introductory remarks. JEA & Associates provided an overview his memo and answered committee questions. Arriaga stated the (1) The CA Legislature finished its 2021-22 session on August 30 and the new 2023-24 session will commence in December 2022; and (2) Briefly covered a number of bills covering climate change, farm worker legislation; (3) Mentioned that he will be monitoring for any funding opportunities that may be of interest to the District; (4) Assemblymember Dawn Addis mentioned to Arriaga that she would like to know more and spend more time learning about the District. Johnson covered the Drought Response and Water Resilience Package and commented that she is monitoring and will learn about the guidelines to obtain funding for the District.

No public attendees; no comments were directed to the Committee.

4. Report from General Manager on Recent and Upcoming Legislative Actions

David J. Stoldt, General Manager will work with Laird on the following: (1) Drafting special legislation pertaining to the LAFCO denial of the District's application; specifically, to clarify the sell of potable water; (2) Discussing options and securing State funds for the Seaside water basin; and (3) Provide a progress report of the \$4.8 million for Pure Water Monterey- Well No. 6.

No public attendees; no comments were directed to the Committee.

Other Items

5. Suggest Items to Place on a Future Committee Agenda

None.

Adjournment

There being no further business, Chair Paull adjourned the meeting at 2:21 p.m.

/ s/: Joel G. Pablo

Committee Clerk

MPWMD Legislative Advocacy Committee

Adopted by the Legislative Advocacy Committee on June 28, 2023

Received by the MPWMD Board of Directors on July 17, 2023

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EXHIBIT 9-C

**Final Minutes
Legislative Advocacy Committee of the
Monterey Peninsula Water Management District
Thursday, March 9, 2023**

The meeting was conducted via Teleconference – by Zoom.

Call to Order

The meeting was called to order at 10:30 a.m. by Chair Paull.

Committee Members Present: Karen Paull, Chair
Mary L. Adams (*Left at 12:09 p.m.*)
Ian Oglesby

Committee Members Absent: None

Staff Members Present: David J. Stoldt, General Manager
Joel G. Pablo, Board Clerk

District Counsel Present: None

Legislative Consultant: John Arriaga, JEA &
Associates
Laurie Johnson, JEA &
Associates
Roger Gwinn, The Ferguson Group
Chris Griffin, The Ferguson Group

Comments from the Public: Chair Paull opened public comment; *no comments were directed to the committee.*

Action Item

1. Consider Adoption of the December 7, 2021 and June 16, 2022 Committee Meeting Minutes

Chair Paull introduced the matter. Board Clerk Pablo stated at the last meeting the committee members tabled the December 7, 2021 and June 16, 2022 to a future meeting

date. He explained that since the October 2022 meeting both sets of minutes have been transmitted electronically for review and received no substantive edits to the draft sets of minutes.

A motion was offered by Adams with a second from Paull to approve the December 7, 2021 and June 16, 2022 Committee meeting minutes. The motion passed on a roll-call vote of 3-Ayes (Paull, Adams and Oglesby), 0-Noes and 0-Absent.

Discussion Items

2. Report from The Ferguson Group on Federal Legislative and Regulatory Activities

David J. Stoldt provided introductory remarks. He spoke briefly about the Stormwater Master Plan developed by Monterey One Water (M1W) and The Ferguson Group's work on securing an allocation of \$20 million from the Water Resources Development Act (WRDA). Roger Gwinn made the following points that included, but are not limited to:

1. The District plans to submit a \$2.15 million in the Fiscal Year (FY) 2024 appropriations process for the Stormwater Master Plan developed by Monterey One Water.
2. Water Resources Development Act (WRDA)
 - a. Explained that the Water Resources Development Act (WRDA) allocation of \$20 million and authorization are for projects tied to water supply, infrastructure, and investments on the Monterey Peninsula.
 - b. Shared the U.S. Army Corps of Engineers (Corps) internal processes for reviewing submissions and draft projects.
 - c. Stoldt shared that Maureen Hamilton, District Engineer is compiling a list of projects that may fit the Corps requirements. He plans to work and coordinate with the San Francisco Regional Office of the Corps to secure WRDA funding.
 - d. "Monterey Peninsula Stormwater Diversion and Recycling Program" has been coined as a term to use to obtain federal funding and to cover a broad range of current and future District projects.
3. Stated TFG's intention to work with the District on the Infrastructure Package and other opportunities as they arise. \$18.1 Billion has been allocated to the State of California.
4. The Bureau of Reclamation will be announcing a new program entitled the Aquatic Ecosystem Restoration and Protection Project and is modeled under the Corps authority.
5. The National Oceanic and Atmospheric Administration (NOAA) in May 2023: Currently, in its 2nd year of funding opportunity for fish passage and for barrier removals.

6. President Biden released the FY 2024 Budget and plans to circulate a memo to committee members covering specific highlights from the budget.
7. U.S. Senator Padilla will be serving as the next Senate Environment and Public Works - Chair to Subcommittee on Fisheries, Water and Wildlife. Briefly described his new role as Chair and his background in assisting the District on WRDA appropriations.

David J. Stoldt, General Manager mentioned a press conference was organized by the U.S. Department of Interior on March 6, 2023 to discuss and share the achievements of the Pure Water Monterey project. He shared that the conference is part of a tour orchestrated by the U.S. Department of Interior to make known how monies from the Infrastructure law is benefiting local communities. He commented those in attendance included Tanya Trujillo, Assistant Secretary for Water and Science (U.S. Dept. of Interior); Representative Jimmy Panetta; Paul Scuito of Monterey One Water; and Joaquin Esquivel, Chairman of the State Water Resources Control Board. *Paull, Adams and Oglesby asked District staff to make the Board members aware of any and all future press conferences and see if an opportunity exists to extend the invite to at least one Board member.*

Chris Griffin covered the federal bills being covered by the TFG on behalf of the District to include, but not limited to:

1. STREAM Act (Feinstein, Kelly and Sinema) – Will need to be reintroduced to the 118th Congress
2. 2023 Farm Bill
 - a. Focus on nutrition and conservation programs to include land, forestry and water.
 - b. Currently being deliberated on in various committee hearings in the House and Senate
3. The Building U.S. Infrastructure Through Limited Delays and Efficient Reviews (H.R. 2515) or Builder Act

No public comments were directed to the Committee.

3. Report from JEA & Associates on Legislative Status and Bill Tracking

John Arriaga provided introductory remarks and welcomed Oglesby to the committee. Arriaga provided the following highlights to include, but not limited to:

1. State Legislature commenced the start of a new two-year session in December 2022.

2. Met with Incoming Speaker Robert Rivas to make him aware of the District's issues.
3. Touched upon the January and March 2023 rains and flooding issues.
4. Homeless, Housing and Opioids are areas of focus for the legislature.

Laurie Johnson provided an overview of Exhibit 3-A: JEA & Associates Memo dated March 29, 2023 and Exhibit 3-B: Legislative Tracker. She noted that the State Legislature has introduced approximately 2,600 bills and are honed-in on bills related to water storage, water bills and bond bills. She provided an update on the Governor's proposed 2023-24 Budget and noted the budget continues its multi-year investments in the amount of \$8.6 billion in Water & Drought. Johnson touched upon the state's continuing efforts to update Water Rights Data for CA Project. *In response to Paull*, Johnson stated that ACWA is an active and a highly influential group at the state level. Johnson mentioned that JEA & Associates have been participating in ACWA stakeholder groups focused on policy priorities and to develop water storage policies. She noted, unlike previous years there is now interest in bonds focused on water, wildfires and forest management. Johnson anticipates the Governor's office will be issuing a new Executive Order rescinding Stage 2 water restriction. Stoldt stressed that the District has advocated and pushed for regional approach to water orders as opposed to Statewide approach or a "one size fits all" approach.

Arriaga mentioned that he has an upcoming meeting with Representative Addis slated for March 16th to provide her a brief on MPWMD issues and a tour of the Pure Water Monterey Project. He noted his connections and ongoing interactions with U.S. Senator Padilla, CA State Senator Laird and Representative Rivas directly and/or their staff on various issues to include water, flooding and agriculture. Stoldt stated that he had met with Senator Laird in October 2022 on the District's legislative interests to include the District's "LAFCO issue" or to clarify the sell of potable water AND statewide funding for purchased water for protective groundwater levels in the Seaside Basin.

No public comments were directed to the Committee.

4. Report from General Manager on Recent or Upcoming Legislative Actions

None.

5. Discuss and Recommend a Legislative Outreach Plan for 2023

David J. Stoldt, General Manager provided an overview of Exhibit 5-A: Draft 2023 Legislative Advocacy Plan, answered committee questions and recommended approval to the full board.

No public comments were directed to the Committee.

Other Items

6. Suggest Items to Place on a Future Committee Agenda

None.

Adjournment

There being no further business, Chair Paull adjourned the meeting at 12:16 p.m.

/ s/: Joel G. Pablo

Joel G. Pablo, Committee Clerk to the
MPWMD Legislative Advocacy Committee

Approved by the Legislative Advocacy Committee on June 28, 2023
Received by the MPWMD Board of Directors on July 17, 2023

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EXHIBIT 9-D

Final Minutes
**Water Supply Planning Committee of the
 Monterey Peninsula Water Management District**
Monday, May 1, 2023

The meeting was conducted via Teleconference – by Zoom.

Call to Order: Chair Edwards called the meeting to order at 3:01 p.m.

Committee Members Present: Alvin Edwards, Chair
 Karen Paull
 George Riley

Committee Members Absent: None

Staff Members Present: David J. Stoldt, General Manager
 Jonathan Lear, Water Resources Division Manager
 Thomas Christensen, Environmental Resources Manager
 Maureen Hamilton, District Engineer
 Joel G. Pablo, Board Clerk

District Counsel Present: David C. Laredo and Fran Farina with De Lay & Laredo

Comments from the Public: Chair Edwards opened public comment; *no comments were directed to the Committee.*

Action Items

1. Consider Adoption of the March 6, 2023 Committee Meeting Minutes

David J. Stoldt, General Manager introduced Item No. 1

Chair Edwards opened public comment; *no comments were directed to the Committee.*

A motion was offered by Riley with a second by Paull to approve the March 6, 2023 Committee Meeting Minutes. The motion passed on a roll-call vote of 3-Ayes (Riley, Paull and Edwards), 0-Noes and 0-Abstain.

Discussion Items

2. Discuss New District Report Requirement as a Supplier (Wholesaler)

David J. Stoldt, General Manager provided an overview of his staff report covering Reporting Requirements as a Supplier (Wholesaler). He mentioned as a result of the Pure Water Monterey project coming online the District has delivered 3,000 Acre-Feet (AF) annually of potable water supply to Cal-Am. He noted per State law, the District finds itself as an urban water wholesaler and subject to a few reporting requirements. Stoldt briefly described the four existing urban water reporting programs to include the Electronic Annual Report, Urban Water Management Plans, the Monthly Urban Water Conservation Report and the Water Loss Audit and two new reporting requirements authorized by Senate Bill 606 and Assembly Bill 1668 requiring urban water suppliers to submit an Annual Water Supply and Demand Assessment and Water Use Objective.

Stoldt commented the District is still determining what its reporting requirements will be. He said he intends to work with Maureen Hamilton, *District Engineer* and Jonathan Lear, *Water Resources Manager* on their requirement to file a Urban Water Management Plan (UWMP) to the Department of Water Resources by July 1, 2023 and will in the future need to submit a UWMP plan on or before July 1, 2026. Stoldt made known and directed attention to the UWMP Guidebook 2020 encouraging collaboration between water agencies and providers in the region. However, he believes Cal-Am has no interest in collaborating in a regional UWMP plan and the District will need to submit their plan individually and as a wholesaler. Stoldt mentioned that the District could reach out to the company in 2025 to see if they have an interest to do a joint UWMP plan. *In response to Director Edwards*, Stoldt stated the assignment will be incorporated in the forthcoming budget and listed under Project list.

Chair Edwards opened public comment; *no comments were directed to the Board.*

3. Update on Pure Water Monterey (PWM) Expansion

David J. Stoldt, General Manager provided an overview of the PWM Expansion schedule found in his staff report. Stoldt stated Pure Water Monterey Expansion bid packages were advertised on April 17, 2023 and the Monterey One Water Board of Director's is expected to award contracts at their regularly scheduled meeting on July 31, 2023 meeting. He briefly mentioned that Monterey One Water and District staff are overseeing and working on paperwork for Pure Water Monterey Expansion grants totaling \$42 million in federal and state monies to include, but not limited to (see Staff Note for additional information):

Monterey Peninsula Water Management District

1. Department of Water Resources Urban Community Drought Relief grant
 - The District has an executed agreement
2. \$4.8 million funding obtained through the California Budget Act of 2022 for the Pure Water Monterey Project Well No. 6

- No funding agreement in place and overseen by the State Water Resources Control Board

Monterey One Water

Has two grants and are working on the EPA Water Infrastructure and Innovation Act loan agreement.

###

Stoldt mentioned that no new information has materialized since the November 24th Workshop, pointed direction to the conclusions found in Exhibit 3-A: Source Water for Recycling and answered committee questions. Stoldt briefly touched upon Cal-Am's effort with Monterey Peninsula Unified School District on Extraction Wells (EW) No. 1 and 2 and noted no further developments have been had. Stoldt mentioned that the District is encouraging the company to make progress on EW-1 and EW-2 and has subsequently followed up with Cal-Am on conference calls on the matter. Farina requested for the General Manager to document his efforts and create a papertrail on Cal-Am's effort or lack of efforts on moving forward with EW-1 and EW-2.

Chair Edwards opened public comment; the following comments were directed to the committee:

- (1) Susan Schiavone: Stated an issue identified at the Water Source Workshop was a clog discovered at a pond or at an intake pond and growers were found to still be pumping water at the same time when this was occurring.. She mentioned a solution that was brought forward was the idea of water staggering among the growers.

No further comments were directed to the committee.

4. Review Supply Availability Before PWM Expansion and After; Discuss Proposed Allocation Program

David J. Stoldt, General Manager, provided an overview of his staff note and answered committee questions. Stoldt covered water supply availability prior to Pure Water Monterey Expansion coming online: (1) Firm Supplies include the Pure Water Monterey, Carmel River, Seaside Basin; and (2) Other possible water sources to include Table 13, ASR, Sand City Desal and Malpasos Entitlements to cover shortfalls or additional supplies required to make ends meet in the interim and before the expansion comes online. He mentioned that the intention of the staff report is to inform how the District intends to meet water supply availability during the construction period.

Chair Edwards opened public comment; no comments were directed to the committee.

5. Review and Discuss Executive Summary to the Final Draft Los Padres Alternatives Study

David J. Stoldt, General Manager, provided introductory remarks. Thomas Christensen, Environmental Resources Manager and David J. Stoldt, General Manager stated they can collaborate and present a summary, the alternatives and overview of the highlights found in the study at a future board meeting.

Chair Edwards opened public comment; *no comments were directed to the Committee.*

6. Aquifer Storage and Recovery Update for 2023

David J. Stoldt, General Manager provided an overview of his staff report and answered committee questions. He noted through April 23, 2023, the Aquifer Storage and Recovery (ASR) program has injected 1,156 Acre Feet (AF) into the Seaside Basin. He noted maximum injection rates and storage may have occurred if: (1) access to the Monterey Pipeline; (2) access to ASR 3 & 4; and (3) Absent Cal-Am outages and slow pump station start ups. As a result of the above-mentioned and covered in the staff report approximately 300 AF of recovery and storage was lost.

Chair Edwards opened public comment; *no comments were directed to the Committee.*

Suggest Items to be Placed on Future Agendas

None.

Adjournment

There being no further business, Chair Edwards adjourned the meeting at 4:39 p.m.

/ s/ Joel G. Pablo

Joel G. Pablo, Committee Clerk to the
MPWMD Water Supply Planning Committee

Approved by the MPWMD Water Supply Planning Committee on July 6, 2023
Received by the MPWMD Board of Director's on July 17, 2023



EXHIBIT 9-E

Final Minutes

**Ordinance No. 152 Citizen's Oversight Panel of the
Monterey Peninsula Water Management District
January 31, 2023**

*As a precaution to protect public health and safety, and pursuant to provisions of AB 361 (Rivas),
the meeting was conducted via Zoom Video/Teleconference.*

Call to Order David J. Stoldt, General Manager / Chair to the Panel called the meeting to order
at 1:00 p.m.

Roll Call

Panel Members Present:

Susan Schiavone
Alison Kerr
Rebecca Lindor (*Joined at 1:02 p.m.*)
Marli Melton
Melodie Chrislock
Kevan Urquhart
Adam Pinterits
John Tilley
Vacant, Mayoral Appointee

MPWMD Staff Members Present:

David J. Stoldt, General Manager (*Left at 2:00 p.m.*)
Suresh Prasad, Administrative Services Manager/CFO
Joel G. Pablo, Board Clerk

District Counsel Present:

David C. Laredo and Fran Farina with De Lay and
Laredo

Panel Members Absent:

None

Comments from the Public:

Chair Stoldt opened public comment; *No comments were directed to the Panel.*

[Rebecca Lindor (joined at 1:02 p.m.) and introduced herself to the Panel.]

Action Items

1. Consider Adoption of the Panel Meeting Minutes from October 19, 2022

Chair Stoldt introduced the matter and opened public comment. *No comments were directed to the Panel.*

A motion was offered by Urquhart with a second by Schiavone to approve the panel meeting minutes from October 19, 2022. The motion passed on a roll-call vote of 7-Ayes (Tilley, Pinterits, Urquhart, Chrislock, Melton, Lindor and Schiavone), 0-Noes, 1-Abstain (Kerr).

2. **Review Draft 2022 Annual Report and Authorize Release to the MPWMD Board of Directors**

David J. Stoldt introduced the matter. Melton shared her appreciation that the draft annual report includes both majority and minority opinion. She questioned if the minority stance on sunsetting the Water Supply Charge as found in the draft is accurate and kindly requested for Tilley to elaborate. Tilley responded stating at the time the charge was presented before the Board and enacted he understood the Water Supply Charge should have been discontinued when the User Fee returned. He believes the collection of the charge has reached an expiration date and the funds should have been directed to paying off the debt. Pinterits concurred with Tilley’s comments. Stoldt explained the rationale for the continued collection of the user fee and water supply charge. The Panel discussed the idea of including the number of individuals in support of the majority vs. minority opinion. After much deliberation, the Panel decided not to include the majority / minority ratio into the report.

Stoldt briefly summarized Panel discussion and consensus on the report:

- a. Not Include the Majority / Minority Ratio
- b. Complete blank fields
- c. Attach the Water Supply Charge Availability Analysis and Water Supply Charge Reports

Chair Stoldt opened public comment. *No comments were directed to the Panel.*

A motion was offered by Tilley with a second by Schiavone to approve submittal of the 2022 Annual Report to the Board of Directors. The motion passed on a roll-call vote of 7-Ayes (Tilley, Pinterits, Urquhart, Chrislock, Melton, Lindor and Schiavone), 0-Noes and 1-Abstain (Kerr).

Discussion Items

3. **Review of Revenue and Expenditures of Water Supply Charge Related to Water Supply Activities**

Suresh Prasad, Administrative Services Manager/Chief Financial Officer briefly covered Exhibits 3-A through 3-C, answered Panel questions and provided the following highlights:

Exhibit 3-A: Water Supply Charge (WSC) Receipts (Fiscal Year 2022-23)

- a. The District has budgeted \$3.4 million for the fiscal year.
- b. WSC amounts to be collected from property tax bills in the following months:
 - December 2022: ≈ 60%
 - April 2023: ≈ 35%
 - June 2023: ≈ Remainder

Exhibit 3-B: Water Supply Charge Availability Analysis (FY 2022-23)

- a. Briefly covered the unaudited figures to include revenues and expenditures thru November 30, 2022
- b. Explained that the District purchased water from Pure Water Monterey (Monterey One Water) and sold the water to California-American Water.

- c. Thru November 30th of the current fiscal year, the net revenue over expenses is at a deficit of approximately \$1.2 million.

Exhibit 3-C: Water Supply Charge Report – Water Supply Fund

- a. Displayed chart and explained that the revenues collected through the charge does not cover all of the expenses found in the report.

Chair Stoldt opened Public Comment; *No comments were directed to Panel.*

[Chair Stoldt left the meeting at 2:00 p.m.]

4. Update on Monterey Peninsula Taxpayers Association (MPTA) Lawsuits

David C. Laredo, *District Counsel* provided brief background information on the original MPTA lawsuit filed in 2013 and the decision reached by the 6th District Court of Appeal in favor of the District. Laredo commented on two matters of existing litigation MPTA II v. MPMWD (Case No. 21CV003066) and MPTA III v. MPWMD (Case No. 22CV002113). On MPTA II, a hearing was held on December 2022 and Judge Panetta took the case under submission. He noted that a further Case Management Conference has been set for April 4, 2023 and any decision made by Panetta could be appealed by either party.

Chrislock questioned how much has been spent on the MPTA lawsuits. Laredo and Prasad stated that this information can be presented at the next Panel Meeting. Kerr questioned Laredo regarding active participation of certain panel members whose entity is actively engaged in pending litigation with the District. *In response to Kerr*, Laredo commented and provided that a conflict-of-interest analysis can be conducted to determine conflicts to include: (1) Will the decision have a material financial effect either economic or personal that is different than the public at large; and (2) Lastly, determine if a bias exists. Laredo stated the Panel does not have adjudicatory authority and Panel members have the freedom to express their bias.

Chair Stoldt opened public comment; *No comments were directed to the Panel.*

5. Update on Mechanics Bank Loan Refinancing or Pay-Off

Suresh Prasad, Administrative Services Manager/CFO provided an overview of his staff note and noted that he has been in contact with personnel at Mechanics Bank on pay-off and refinancing options. He hopes at the next Panel meeting he can provide more information and options the Bank has for the District. In response to Kerr, Prasad and Laredo explained that the origination of the loan was taken in part to replenish the internal borrowing the District has undertaken as a result of the user fee not being collected and to fund the Aquifer Storage and Recovery projects of the Districts.

Opened public comment; *No comments were directed to the Panel.*

Other Items

6. Water Supply Project Update

Item Removed.

7. Suggest Items to be Placed on a Future Agenda

Chrislock: Legal Costs to the District on the MPTA Lawsuits

ADJOURNMENT: There being no further business, Suresh Prasad, Administrative Services Manager/CFO adjourned the meeting at 2:18 p.m.

Joel G. Pablo, Board Clerk to the
MPWMD Ordinance No. 152 Citizen’s Oversight Panel

Approved by the MPWMD Ordinance No. 152 Citizen’s Oversight Panel on July 12, 2023 Received by the MPWMD Board of Director’s on July 17, 2023

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EXHIBIT 9-F

Final Minutes

**Ordinance No. 152 Citizen's Oversight Panel of the
Monterey Peninsula Water Management District
Wednesday, April 19, 2023**

This meeting was held at the MPWMD Main Conference Room located at 5 Harris Court, Building G, Monterey, CA 93940 and conducted virtually using Zoom. *Susan Schiavone, Division 1 Panel Representative joined via Zoom (Teleconference) at 1505 Ord Grove Ave., Seaside, CA 93955.*

Call to Order David J. Stoldt, General Manager / Chair to the Panel called the meeting to order at 11:05 a.m.

Roll Call

Panel Members Present:

Susan Schiavone (*Joined via Zoom*)
Rebecca Lindor
Marli Melton
Melodie Chrislock
Adam Pinterits
John Tilley
Vacant, Mayoral Appointee

MPWMD Staff Members Present:

David J. Stoldt, General Manager / Chair to the Panel
Suresh Prasad, Administrative Services
Manager/CFO (*Joined via Zoom*)
Joel G. Pablo, Board Clerk

District Counsel Present:

David C. Laredo with De Lay and Laredo

Panel Members Absent:

Alison Kerr and Kevan Urquhart

Comments from the Public:

Chair Stoldt opened public comment; *no comments were directed to the Panel.*

Action Item

1. Consider Adoption of the Panel Meeting Minutes from January 31, 2023

Chair Stoldt introduced the matter and opened public comment. *No comments were directed to the Panel.*

A motion was offered by Lindor with a second by Chrislock to approve the Panel Meeting Minutes from January 31, 2023.

Panel Discussion

Tilley pointed direction to Exhibit 1-A: Draft Meeting Minutes from January 31, 2023 – Item No. 4. He requested an amendment to the meeting minutes to include a brief conversation initiated by a question posed by Kerr to Laredo regarding active participation of certain panel members whose entity is actively engaged in pending litigation with the District. Tilley read into the record a transcript of Laredo’s definition of conflict-of-interest (COI) from the January 31, 2023 Panel meeting. Tilley stated based off his interpretation of Laredo’s definition of COI he requested for Chrislock to resign from the Panel due to her husband’s public outreach work receiving both a personal and financial interest from the District.

Main Motion is dropped and the panel agreed with staff’s recommendation to table adoption of the January 31, 2023 meeting minutes and to present a revised set of minutes at a future Panel meeting.

Discussion Items

2. Review of Revenue and Expenditures of Water Supply Charge Related to Water Supply Activities

Suresh Prasad, Administrative Services Manager/Chief Financial Officer briefly covered Exhibit 2-A through 2-C, answered panel questions and provided the following highlights to include, but are not limited to:

Exhibit 2-A: Water Supply Charge (WSC) Receipts (Fiscal Year 2022-23)

- a. WSC Collections through Property Tax Bills
 - 1st Collection / December 2022: ≈ 59.5% or a little over \$2 million collected.
 - 2nd Collection / April 2023: ≈ Anticipates 30% to be collected.

Exhibit 2-B: Water Supply Charge Availability Analysis

- a. District Received Audited Actuals for FY 2021-2022
- b. Briefly reported on unaudited actuals for FY 2022-2023 thru February 28, 2023

Exhibit 2-C: Water Supply Charge Report – Water Supply Fund

- a. Audited Actuals for 2022 for WSC is \$3,393,516; Unaudited Actuals for 2023 (Collected thru February 2022) for the WSC is \$2,022,764.
- b. Displayed chart and explained that the proceeds received from the WSC does not cover the total expenditures found in the report.

Chair Stoldt opened public comment; *no comments were directed to Panel.*

3. Update on Monterey Peninsula Taxpayers Association (MPTA) Lawsuit

David J. Stoldt, General Manager provided background information and shared that the Board adopted a policy in April 2017 as it relates to the priorities to include: (1) repayment of the Rabobank loan; (2) borrow funds to cover water supply activities and projects; and (3) sunset the WSC. Stoldt briefly covered Panetta’s order “Order Granting Petition for Writ of Mandate and Request for Declaratory Relief” dated March 3, 2023 and the District believes a retrial on the matter is warranted for failure to recognize the Constitutional Commerce Clause exemption and failure to recognize defined priorities of the use of the user fee by the California Public Utilities Commission. Stoldt pointed direction to and Laredo covered Exhibit 3-A: Memorandum in Support of Motion to vacate judgement and for a new trial. Laredo states the District contends that the user fee revenues are not available to replace the Water Supply Charge and discussed points previously covered by Stoldt. Laredo mentioned a case management conference has been slated for April 28, 2023 and anticipates Panetta to render a decision before the end of May 2023. Furthermore, Laredo added that the District Board has provided direction to staff to pursue an appeal on the matter in the event the court does not respond to the motion to vacate or the motion is deemed denied. Stoldt indicated the District intends to continue to collect the WSC during appeal and place the funds into a separate account until a final decision is reached on the matter. Stoldt briefly covered the process for handling and refunding WSC revenues received should the District not prevail in court. Laredo commented the District Board has the final discretion during its budget review and adoption process to provide direction to staff to continue or cease collection of the WSC.

Chair Stoldt opened public comment; *no comments were directed to Panel.*

4. **Legal Costs to the District on the MPTA Lawsuits**

David J. Stoldt, General Manager covered his staff report; expenditures to-date (through March 31, 2023) for the Monterey Peninsula Taxpayers’ Association lawsuit against the District on the District’s Water Supply Charge; and answered Panel questions.

Chair Stoldt opened public comment; *no comments were directed to Panel.*

5. **Update on Mechanics Bank Loan Refinancing or Pay Off (Verbal Report)**

David J. Stoldt, General Manager mentioned that the District Board was briefed on loan refinancing and pay off options. Stoldt made the following points that included, but not limited to:

- a. Proceeds were used to pay down accounts utilized for Aquifer Storage and Recovery (ASR) and potential expenditures on ASR.
- b. Outstanding Balance on Loan: Approximately \$2.1 million

Maturity Date on Loan: June 30, 2023

- c. District intends with Board approval to pay off the loan as opposed to refinancing the loan

In response to Tilley, Stoldt briefly covered potential exposures or expenditures to the District’s budget as it relates to pending cases and/or future litigation on the Monterey Peninsula Taxpayer’s Association and Measure J. Tilley added a potential loss of revenue would include the WSC and MPTA attorney fees and costs as it relates pending litigation.

Other Items

6. Water Supply Project Update (*Verbal Report*)

David J. Stoldt, General Manager provided the following water supply project update to include, but not limited to:

1. Water Purchasing Agreement for the Pure Water Monterey Expansion has been executed by Monterey One Water, California American Water and the District and discussed next steps.
2. Briefly covered storm water capture constraints and issues due to unavailable Cal-Am wells and pump stations in Carmel Valley.
3. Water Allocation Report: As a result of the Pure Water Monterey project, the District intends to discuss water allocation with the jurisdictions at a future Technical and Policy Advisory Committees.
4. Briefly discussed lifting of the cease and desist order with Pure Water Monterey Base / Expansion project absent a desalination plant. Addressed potential hurdles brought forward by California American Water and its desire to construct a desal plant.

7. Suggest Items to be Placed on a Future Agenda

None.

ADJOURNMENT

There being no further business, Chair Stoldt adjourned the meeting at 12:21 p.m.

Joel G. Pablo, Panel Clerk to the
MPWMD Ordinance No. 152 Citizen’s Oversight Panel

Approved by the MPWMD Ordinance No. 152 Citizen’s Oversight Panel on July 12, 2023
Received by the MPWMD Board of Director’s on July 17, 2023

ITEM: INFORMATIONAL ITEM/STAFF REPORT**10. MONTHLY ALLOCATION REPORT****Meeting Date: July 17, 2023** **Budgeted: N/A****From: David J. Stoldt,
General Manager** **Program: N/A**
Line Item No.:**Prepared By: Gabriela Bravo** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

SUMMARY: As of June 30, 2023, a total of **26.831** acre-feet (**7.8%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **30.771** acre-feet is available to the Jurisdictions, and **28.123** acre-feet is available as public water credits.

Exhibit 10-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in June 2023 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in June 2023.

Exhibit 10-A also shows additional water available to each of the Jurisdictions. Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 10-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement and the Malpaso Water Entitlement.

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 10-C**.

EXHIBITS**10-A** Monthly Allocation Report**10-B** Monthly Entitlement Report**10-C** District’s Water Allocation Program Ordinances

EXHIBIT 10-A
MONTHLY ALLOCATION REPORT
 Reported in Acre-Feet
 For the month of June 2023

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Water	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.298	50.659	0.000	0.181	38.121	0.000	2.451	2.920
Monterey County	87.710	0.000	10.578	13.080	0.000	0.352	7.827	0.000	1.181	12.121
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.000	0.002	0.016
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.210	23.163	23.163
Seaside	65.450	0.000	0.360	34.438	0.013	29.143	2.693	0.000	1.144	30.647
District Reserve	9.000	0.000	9.000	N/A			N/A			9.000
TOTALS	342.720	0.000	26.831	101.946	0.013	30.771	90.142	0.210	28.123	85.725

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.033	10.084	2.676

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

EXHIBIT 10-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
 Reported in Acre-Feet
 For the month of June 2023

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co.	197.540	0.260	32.282	165.258
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	167.460	0.795	74.140	93.320
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	1.055	121.251	258.749

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	8.114	197.886
Malpaso Water Company	80.000	0.354	22.282	57.718
D.B.O. Development No. 30	13.950	0.000	3.908	10.042
City of Pacific Grove	38.390	0.109	8.987	29.403
Cypress Pacific	3.170	0.000	3.170	0.000

* Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 10-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**11. WATER CONSERVATION PROGRAM REPORT**

Meeting Date:	July 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.	N/A
Prepared By:	Kyle Smith	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm Kitchen, Utility, and Bar Sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is occasionally conducted to verify compliance. Properties that do not require an inspection are issued a Conservation Certification document.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is compared against the properties that have submitted WCCs. Details on **74** property transfers that occurred between June 1, 2023, and June 30, 2023, were added to the database.

B. Certification

The District received **76** WCCs between June 1, 2023, and June 30, 2023. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

C. Verification

From June 1, 2023, and June 30, 2023, **73** properties were verified compliant with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **73** verifications, **48** properties verified compliance by submitting certification forms and/or receipts. District staff completed **37** Site inspections. Of the **37** properties verified, **25 (67%)** passed.

D. CII Compliance with Water Efficiency Standards

Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are sent notification of the requirements

and a date that inspectors will be on Site to check the property. In June, District inspectors performed **14** verification inspections.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate Non-Residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses. Properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During June 2023, MPWMD referred **4** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waste occurrences at www.mpwmd.net or www.montereywaterinfo.org. There were **two** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

As of July 6, 2021, the District has been processing both electronic and in person applications for Water Permits. Information can be found at <https://www.mpwmd.net/regulations/water-permits>.

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **56** Water Permits from June 1, 2023, and June 30, 2023. **Thirteen** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpasos Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account. In addition to those Water Permits issued in June, **eleven** Meter Permits and **seven** Hydrant Meter Permits were issued. All Water Permits have a disclaimer informing applicants of the Cease-and-Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Dwelling Unit. Of the **56** Water Permits issued from June 1, 2023, and June 30, 2023, **three** were issued under this provision.

B. Permit Compliance

District staff completed **no** conditional Water Permit finals during June 2023. Staff completed **74** site inspections. **53** properties passed and **eight** failed due to unpermitted fixtures.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. District staff provided Notary services for 29 Water Permits with deed restrictions.

D. Rebates

The full list of available rebates can be found in Rule 141:
<https://www.mpwmd.net/rules/Rule141-TableXIV-1.pdf>.

EXHIBIT

11-A Rebate information for June 1, 2023 to June 30, 2023

EXHIBIT 11-A

REBATE PROGRAM SUMMARY		June-2023			2023 YTD		1997 - Present	
I. Application Summary								
A.	Applications Received	83			467		30,526	
B.	Applications Approved	72			381		23,862	
C.	Single Family Applications	72			365		26,758	
D.	Multi-Family Applications	0			15		1,619	
E.	Non-Residential Applications	0			1		362	
II. Type of Devices Rebated		Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF
A.	High Efficiency Toilet (HET)	8	\$675.00	0.040000	13,034	57	\$4,350.00	0.28500
B.	Ultra HET	1	\$125.00	0.010000	3,259	11	\$1,375.00	0.11000
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000
D.	High Efficiency Dishwasher	12	\$1,500.00	0.036000	11,731	81	\$10,125.00	0.24300
E.	High Efficiency Clothes Washer - Res	47	\$23,500.00	0.756700	246,571	195	\$97,125.00	3.13950
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	\$0.00	0.00000
G.	Instant-Access Hot Water System			0.000000	0	12	\$2,399.98	0.06000
H.	Zero Use Urinals			0.000000	0	0	\$0.00	0.00000
I.	Pint Urinals			0.000000	0	0	\$0.00	0.00000
J.	Cisterns			0.000000	0	8	\$2,181.25	0.00000
K.	Smart Controllers	1	\$280.00	0.000000	0	12	\$1,602.44	0.00000
L.	Rotating Sprinkler Nozzles			0.000000	0	0	\$0.00	0.00000
M.	Moisture Sensors			0.000000	0	0	\$0.00	0.00000
N.	Lawn Removal & Replacement						\$0.00	0.00000
O.	Graywater			0.000000	0	0	\$0.00	0.00000
R.	Other (Smart Flowmeters)	4	\$798.00	0.000000	0	26	\$4,950.00	0.00000
III. TOTALS		73	\$26,878.00	0.842700	274,595	402	\$124,108.67	3.83750
IV. TOTALS Since 1997		Paid Since 1997: \$ 6,494,444					596.1	Acre-Feet Per Year Saved Since 1997 (from quantifiable retrofits)

ITEM: INFORMATIONAL ITEM/STAFF REPORT**12. CARMEL RIVER FISHERY REPORT FOR JUNE 2023****Meeting Date: July 17, 2023 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Beverly Chaney Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

AQUATIC HABITAT AND FLOW CONDITIONS: June's weather continued the mostly dry and cool trend, keeping river flows above the long-term median for the month. The upper tributaries are dropping, but continued to flow to the river and Los Padres Dam was still spilling at 27 cubic-feet-per-second (CFS) and 68 degrees F. Juvenile steelhead rearing conditions were good to excellent throughout the watershed.

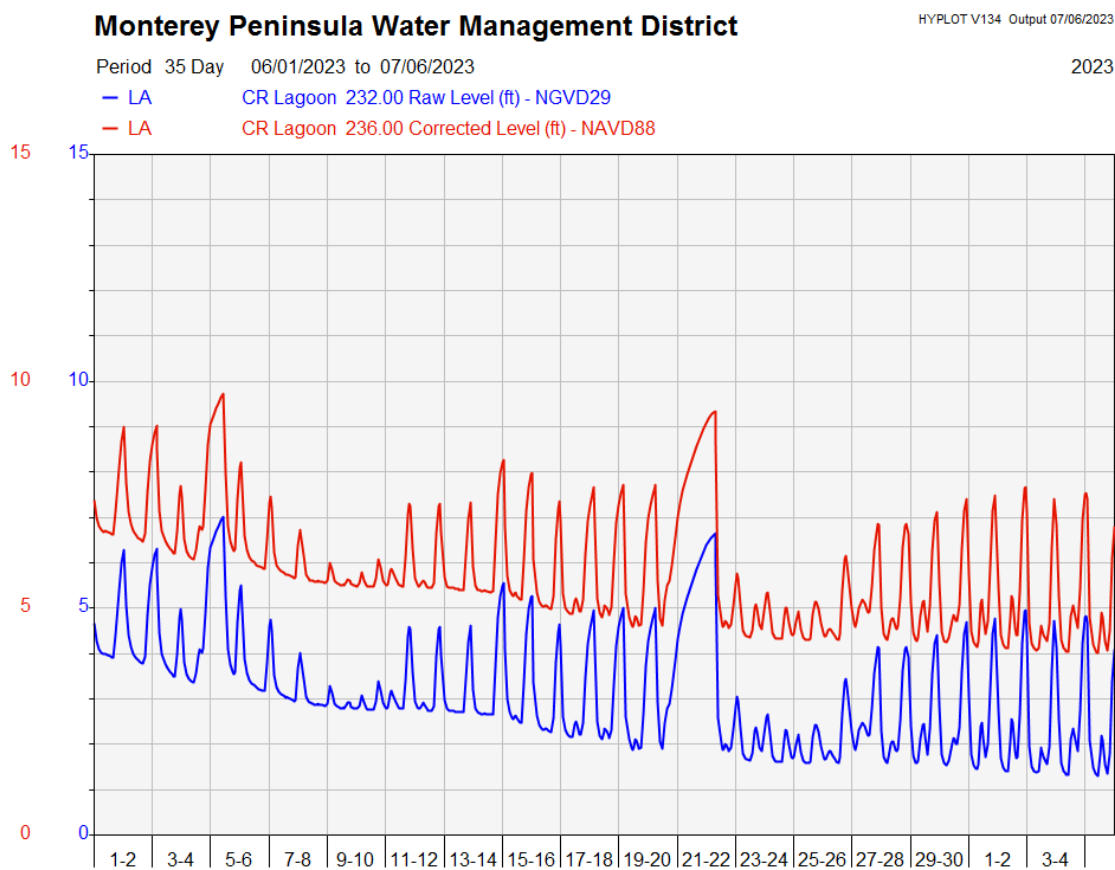
June's mean daily streamflow at the Sleepy Hollow Weir gaging station dropped from 74 to 40 cfs (monthly mean 58 cfs) resulting in 3,440 acre-feet (AF) of runoff, while flows at the Highway 1 gage dropped from 87 to 62 cfs (monthly mean 72 cfs), resulting in 4,320 acre-feet (AF).

There were 0.17 inches of rain in early June as recorded at the San Clemente gauge. The rainfall total for WY 2023 (which started October 1, 2022) is 35.19 inches, or 168% of the long-term year-to-date average of 21.00 inches.

CARMEL RIVER LAGOON: The lagoon water surface elevation (WSE) ranged from approximately 4.0 to 9.8 feet in June primarily due to tidal influence (North American Vertical Datum of 1988; NAVD 88) (See graph below).

Water quality depth-profiles were conducted at five sites on June 23, 2023, while the lagoon mouth was open to the north, water surface elevation was 1.25 feet, and river inflow was 69 cfs. Steelhead passage conditions were fair, and rearing conditions were good to fair. Salinity levels were generally low (<10 ppt down to 2-meters), water temperatures ranged from 62-69 degrees F, and dissolved oxygen (DO) levels were variable, ranging from <1-13 mg/l.

Carmel River Lagoon Plot:



ITEM: INFORMATIONAL ITEM/STAFF REPORT**13. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT**

Meeting Date:	July 17, 2023	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Jonathan Lear	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 13-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **July 1, 2023**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 13-A** is for Water Year (WY) 2023 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **June 2023** totaled **0.17 inches** and brings the cumulative rainfall total for WY 2023 to **35.19 inches**, which is **168%** of the long-term average through **June**. Estimated unimpaired runoff through **June** totaled **2,130 acre-feet (AF)** and brings the cumulative runoff total for WY 2023 to **206,262 AF**, which is **304%** of the long-term average through **June**. Usable storage for the MRWPRS was **30,180 acre-feet**, which is **101%** of average through **June**, and equates to **91%** percent of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 3,376 AF of water from the Carmel River in WY 2023. Through **June**, using the CDO accounting method, Cal-Am has produced **1,411 AF** from the Carmel River (excluding **511 AF** of Table 13 and **65 AF** of Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,474 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2023. Through **June**, Cal-Am has produced **1,414 AF** from the Seaside Groundwater Basin. Through **June**, **1,656 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **206 AF** have been recovered for customer use, **511 AF** have been diverted under Table 13 water rights, and **2,675 AF** of Pure Water Monterey recovered. Cal-Am has produced **6,506 AF** for customer use from all sources through **June**. **Exhibit 13-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

EXHIBITS**13-A** Water Supply Status: **July 1, 2023****13-B** Monthly Cal-Am production by source: WY 2023

EXHIBIT 13-A

**Monterey Peninsula Water Management District
Water Supply Status
July 1, 2023**

Factor	Oct – Jun 2023	Average To Date	Percent of Average	Oct – Jun 2022
Rainfall (Inches)	35.19	21.00	168%	12.82
Runoff (Acre-Feet)	206,262	67,873	304%	22,632
Storage ⁵ (Acre-Feet)	30,180	29,870	101%	26,770

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2022 and 1902-2022 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2022 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

Production vs. CDO and Adjudication to Date: WY 2023

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				Water Projects and Rights Total
	Carmel River Basin ^{2, 6}	Seaside Groundwater Basin		Ajudication Compliance	MPWRS Total	ASR Recovery	PWM Recovery	Table 13 ⁷	Sand City ³	
		Coastal	Laguna Seca							
Target	2,155	1,965	0	1,965	4,120	0	2,335	304	225	2,864
Actual ⁴	1,411	1,414	87	1,501	2,912	206	2,675	511	129	3,521
Difference	744	551	-87	464	1,208	-206	-340	-207	96	-657
WY 2022 Actual	3,028	766	97	863	3,891	0	2,858	68	107	3,033

1. This table is current through the date of this report.
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Board.
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources projects.
4. To date, 1656 AF and 511 AF have been produced from the River for ASR and Table 13 respectively.
5. All values are rounded to the nearest Acre-Foot.
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY.
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking.

Monthly Production from all Sources for Customer Service: WY 2023

(All values in Acre-Feet)

	Carmel River Basin	Seaside Basin	ASR Recovery	PWM Recovery	Table 13	Sand City	Mal Paso	Total
Oct-22	269	105	0	405	0	20	7	805
Nov-22	221	87	0	334	0	27	9	677
Dec-22	189	38	0	359	20	9	9	624
Jan-23	110	38	0	340	102	14	9	613
Feb-23	3	37	0	436	91	0	8	575
Mar-23	69	170	0	499	101	1	8	848
Apr-23	28	289	0	302	98	7	7	731
May-23	24	624	0	0	101	26	9	783
Jun-23	497	114	206	0	0	25	8	849
Jul-23								
Aug-23								
Sep-23								
Total	1,411	1,501	206	2,675	511	129	73	6,506
WY 2022	2,865	863	0	2,858	68	107	42	6,795

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**14. QUARTERLY WATER USE CREDIT TRANSFER STATUS REPORT****Meeting Date: July 17, 2023** **Budgeted: N/A****From: David J. Stoldt,
General Manager** **Program/
Line Item No.: N/A****Prepared By: Gabriela Bravo** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

Information about Water Use Credit transfer applications will be reported as applications are received. There are no pending Water Use Credit transfer applications.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**15. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT****Meeting Date: July 17, 2023** **Budgeted: N/A****From: Dave Stoldt,
General Manager** **Program/
Line Item No.: N/A****Prepared By: Thomas Christensen** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

IRRIGATION OF RIPARIAN VEGETATION: The supplemental watering of riparian restoration plantings has resumed for the summer season at two Monterey Peninsula Water Management District (District) riparian habitat restoration sites. The following irrigation systems were in use during June: Trail and Saddle Club and Schulte. The other sites had sufficient soil moisture because of the cool weather during the spring months.

Water Use in Acre-Feet (AF)
(preliminary values subject to revision)

January - March 2023	0.00 AF
April - June 2023	<u>0.04</u>
Year-to-date	0.04 AF

MONITORING OF RIPARIAN VEGETATION: During the spring season, the District suspended the riparian vegetation monitoring program because of cool weather and sufficient soil moisture. The monitoring of soil moisture, groundwater levels, and canopy defoliation (a measure of vegetation moisture stress) will resume in July 2023. During the months of July through October, staff will take monthly measurements of depth to groundwater and canopy vigor in areas where willow and cottonwood trees may be impacted by lowered water levels caused by groundwater extraction. The areas monitored are in the vicinity of California American Water's (Cal-Am) Cañada and San Carlos wells, and the District's Valley Hills (next to Cal-Am's Cypress Well) and Schulte (next to Cal-Am's Schulte Well) Restoration Projects. The District's monitoring provides insight into the status of soil moisture through the riparian corridor by collecting and analyzing monthly readings from the District's array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the Cal-Am system.

OTHER TASKS PERFORMED SINCE THE APRIL QUARTERLY REPORT:

1. Carmel River Vegetation Management Project Notification: On June 28, 2023, District

staff notified the U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board of six sites that are scheduled for vegetation management activities this fall. The goal of the vegetation management activities is to reduce the risk of streambank erosion along riverfront properties where vegetation encroachment could potentially divert river flows into streambanks during high flow periods.

2. **Riparian Irrigation Tune-up:** District staff (Daniel Atkins and Eric Lumas) have been tuning up multiple irrigation systems along the Carmel River that are designed to water new mitigation plantings for Vegetation Management. Tune-ups include replacement of clogged emitters, leak repair, and trouble shooting well pumps and pressure tanks.

EXHIBIT

None



Supplement to July 17, 2023 MPWMD Board Packet

Attached are copies of letters sent and/or received between **June 14, 2023 and July 10, 2023**. These letters are listed in the **Monday, July 17, 2023** Board Packet under Letters Received / Sent.

Author	Addressee	Date	Topic
Melodie Chrislock	Board of Directors and General Manager	June 28, 2023	Tier 2 Cal Am Water Bills
Anthony Lombardo	General Manager	July 3, 2023	Request to release water to construct dwelling in Carmel Valley

From: mwchrislock@redshift.com
To: [Sara Reyes](#)
Subject: Cal Am bills 2019 compared to 2023
Date: Wednesday, June 28, 2023 8:38:58 PM
Attachments: [Cal Am Bills.pdf](#)

Sara,

Would you add this to the record for the next board meeting. Thanks.

The two attached Cal Am bills show what we face under Cal Am ownership.

The Public Advocates Office has said 5,000 to 6,000 gallons a month is the typical water usage for Cal Am's Monterey system. Attached are two typical tier 2 bills for almost the same amount of water, but it looks like the cost has gone up over 50% since 2019. And that is on top of the most expensive water in the nation.

Melodie

Melodie Chrislock
Managing Director
PUBLIC WATER NOW
<http://www.publicwaternow.org>
mwchrislock@redshift.com
831 624-2282



CALIFORNIA AMERICAN WATER

PO Box 7150, Pasadena, CA 91109-7150

00010152100199251530000000000011571017

2

For Service To: 26235 ATHERTON PL

Check this box for address changes and note new address on back.

Account Number	1015-210019925153
Due Date	January 30, 2019
Total Due	\$115.71
If Paid After Due Date	\$117.41 after 1/30/19



001052 1 AV 0.375 01052/001052/001073 4 01 ACWH73 001

Amount Enclosed \$



MELODIE CHRISLOCK
26235 ATHERTON PL
CARMEL CA 93923-8919

CALIFORNIA AMERICAN WATER
PO BOX 7150
PASADENA, CA 91109-7150



Please tear along the dotted line and return this portion with your payment.

BILLING PERIOD AND METER READINGS

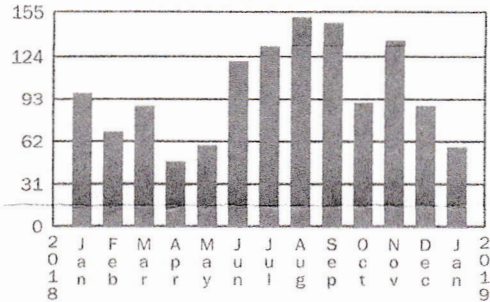
- Billing date: January 8, 2019
- Due Date: **January 30, 2019**
- Billing period: Dec 06 to Jan 04 (30 Days)
- Next reading on or about: Feb 05, 2019
- Customer Type: Residential

Meter No.	XI86524286
Size of meter	5/8"
Current Read	18,840 (Actual)
Previous Read	18,763 (Actual)
Total water used this billing period	77 units (5,759 gallons)

Total Water Use Comparison (in 100 gallons)

- Current billing period 2019: 57.59 CGL
- Same billing period 2018: 97.24 CGL

Billed Use Graph (100 gallons)



BILLING SUMMARY

For Service To: 26235 ATHERTON PL
For Account 1015-210019925153

Prior Balance

- Balance from last bill 234.95
- Payments as of Dec19. Thank you! -234.95

Balance Forward 0.00

Current Water Service

- Water Service Charge 16.80
- Water Usage Charge (\$0.72870000 x 29.90) 21.79
- (\$1.50390000 x 27.69) 41.64
- **Total Water Service Related Charges 80.23**

Other Charges

- Consolidated Expense Balancing Account (\$0.06820000 x 57.59) 3.93
- MPWMD User Fee 6.68
- 2015 WRAM/MCBA Surcharge 10.50
- Payment Assistance Surcharge Water 1.21
- Pre-2015 WRAM Surcharge 10.08
- Seaside Basin BA Surcharge 0.37
- **Total Other Charges 32.77**

Taxes

- County Franchise Taxes 1.13
- Commission Surcharge 1.58
- **Total Taxes 2.71**

TOTAL CURRENT CHARGES 115.71

TOTAL AMOUNT DUE ➔

\$115.71

Important messages from California American Water

- AVERAGE DAILY USE FOR BILLING PERIOD = 191.97 GALLONS
- Tiered Consumption Amount (CGL)
- Tier 1 - 29.90 | Tier 2 - 29.90 | Tier 3 - 44.90 | Tier 4 - 67.30 | Tier5 - All Other Usage
- Contact California American Water's local conservation department at 831.646.3205 to take advantage of rebates, water wise house calls and more. For more information visit www.montereywaterinfo.org.
- We want to help you better understand your water bill - why you are paying the amount you are, and where the money is going. A large part of your water bill is invested directly into the water system to make sure it is reliably delivering quality water when you need it. To learn more, visit www.californiaamwater.com/aboutyourbill.

Customer Service: **1-888-237-1333**

M-F 7am to 7pm Emergency: 24/7

www.californiaamwater.com

001052/001073 ACWH73 ETM1C00001 2

(ACWH73 0010520101200)

600003188941



WE KEEP LIFE FLOWING™

Service Address:

MELODIE CHRISLOCK
26235 ATHERTON PL
CARMEL, CA 93923-8919

THANK YOU FOR BEING OUR CUSTOMER

Important Account Messages

- Thank you for being a long time customer! We work hard every day to deliver water service that is safe, reliable, and affordable -- our customers deserve nothing less.
• Want more convenience and less clutter? Try paperless billing. We send an email when your bill is available for viewing and include an option to pay. It's simple to sign up, just register or log into My Account at amwater.com/myaccount and make the selection for paperless billing.

For more information, visit www.californiaamwater.com

View your account information or pay your bill anytime at: www.amwater.com/MyAccount

Pay by Phone: Pay anytime at 1-855-748-6066

Customer Service: 1-888-237-1333
M-F 7:00am to 7:00pm - Emergencies 24/7

CALIFORNIA AMERICAN WATER
PO BOX 7150
PASADENA, CA 91109-7150

Please return bottom portion with your payment. DO NOT send cash. Retain upper portion for your records.



P.O. BOX 91623
RANTOUL, IL 61866-8623

Service to: 26235 ATHERTON PL
CARMEL, CA 93923-8919



001522 1 AV 0.468 01522/001522/004565 6 03 VC27RU 001
MELODIE CHRISLOCK
26235 ATHERTON PL
CARMEL CA 93923-8919

Statement

Account No. 1015-210019925153

Table with 2 columns: Description, Amount. Total Amount Due: \$177.29, Payment Due By: March 29, 2023

Billing Date: March 07, 2023
Service Period: Feb 04 to Mar 03 (28 Days)
Total Gallons: 5,834

Account Summary - See page 3 for Account Detail

Table with 2 columns: Description, Amount. Rows include Prior Billing (\$127.66), Payments - Thank You! (\$127.66), Balance Forward (\$0.00), Service Related Charges (\$139.48), Pass Through Charges (\$34.68), Taxes (\$3.13), Total Amount Due (\$177.29)

Account No. 1015-210019925153

Table with 2 columns: Description, Amount. Total Amount Due: \$177.29, Payment Due By: March 29, 2023

Amount Enclosed \$



CALIFORNIA AMERICAN WATER
PO BOX 7150
PASADENA, CA 91109-7150

00010152100199251530000000000017729015

Meter Reading and Usage Summary

Meter No.	Measure	Size	From Date	To Date	Previous Read	Current Read	Meter Units	Billing Units	Total Gallons
XI86524286	10 CF	5/8"	02/04/2023	03/03/2023	6,311 (A)	6,389 (A)	78	58.34	5,834

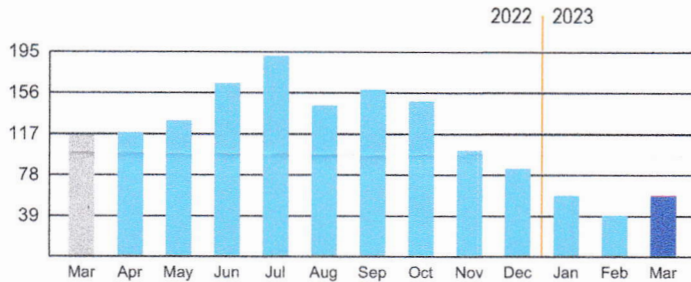
A = Actual E = Estimate

1 CF = 7.48 gallons 1 Billing Unit = 100 gallons

Total Gallons: 5,834

Billed Usage History (graph shown in 100 gallons)

- 5,834 gallons = usage for this period
- 11,594 gallons = usage for same period last year


Next Scheduled Read Date: on or about April 05, 2023

Account Type: Residential

Average
daily use for
this period is:
(28 days)



Year to Date Billed Usage: 15,782 gallons

Account Detail

Account No. 1015-210019925153

Service To: 26235 ATHERTON PL CARMEL, CA 93923-8919

Prior Billing 127.66
Payments -127.66

Total payments as of Feb 21. Thank you! -127.66

Balance Forward 0.00

Service Related Charges - 02/04/23 to 03/03/23

Water Service 110.70	
Water Service Charge	29.75
Water Usage Charge (29.9 x \$1.1156)	33.36
(28.44 x \$1.6734)	47.59

Other Charges 28.78	
Customer Assistance Program Surcharge	1.59
WRAM/MCBA Surcharge (58.34 x \$0.1904)	11.11
Consolidated Expense Balancing Account (58.34 x \$0.1458)	8.51
Interim True Up Surcharge (58.34 x \$0.1297)	7.57

Total Service Related Charges 139.48

Pass Through Charges 34.68	
MPWMD User Fee (\$110.70 x 8.325%)	9.22
MPWMD Purchased Water Surcharge (58.34 x \$0.4364)	25.46

Taxes 3.13	
County Franchise Taxes	1.74
Commission Surcharge	1.39

Total Current Period Charges 177.29
Total Amount Due \$177.29

Understanding Your Bill

The information below defines some of the new terms you may find on your bill:

- **Service Related Charges:** This section includes charges for services related to water (or wastewater) service. If applicable, credits and debits for correction to previously billed charges are itemized in this section.
- **Fees and Adjustments:** This section provides details related to additional charges or adjustments for the service period referenced. Fees, when applicable, would include items such as service activation and late payment charges.
- **Surcharges:** Surcharges are used to recover changes to costs that occur between ratemaking cycles. Common surcharges include Consolidated Expenses, Conservation, Intervenor Compensation and Payment Assistance.
- **Pass Through Charges:** Pass Through Charges are monies paid to agencies outside California American Water. These include purchased water from the Pure Water Monterey Project and the 8.325% user fee, both paid to the Monterey Peninsula Water Management District. Combined these charges make up approximately 19% of your water bill.
- **Billing Units:** One billing unit equals 100 gallons of water used. If the meter serving your property measures your water use in cubic feet or a different unit of measure, we convert the usage to gallons to make it easier to understand.
- **Average Daily Use:** The gallons shown in the water droplet above represent your average daily water use for the current billing period. Tracking the amount of water you use can help you manage your overall water use from month to month.
- **Still have questions?** We are here to help. Our customer service representatives are available M-F, 7 a.m. to 7 p.m. More information on understanding your bill and charges can also be found on our website. See the link below.

Para obtener asistencia con la traducción de su factura, comuníquese con nuestro Centro de Servicio al Cliente, de lunes a viernes de 7 a.m. a 7 p.m.

For more information about your charges and rates, please visit:
<https://www.amwater.com/caaw/Customer-Service-Billing/Water-Rates/>

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

RECEIVED

JUL 05 2023

MPWMD
Our File NO: 4116.000

July 3, 2023

David Stoldt, General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Re: Request to release water to construct dwelling for unhoused person in Carmel Valley

Dear Dave:

Carmel Valley Ranch has been requested to release .06 acre feet of water from the water allocation it purchased several years ago in order to allow the remaining development of Carmel Valley Ranch to occur.

Carmel Valley Ranch is willing to release the aforementioned amount of water to facilitate the construction of the small home for this individual.

Please let me know if there is anything else you need from Carmel Valley Ranch.

Sincerely,



Anthony L. Lombardo

cc: Brad Nichols
Kate Daniels
Craig Spencer