



**Final Minutes
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
March 18, 2024 at 5:00 P.M.**

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

CLOSED SESSION AT 5:00 P.M.

CALL TO ORDER

Chair Anderson called the meeting to order at 5:03 PM.

ROLL CALL

Board members present: Amy Anderson, Chair
George Riley, Vice Chair
Karen Paull
Ian Oglesby
Alvin Edwards
Mary Adams

Board members absent: Marc Eisenhart

District staff members present: David Stoldt, General Manager
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo
Michael Laredo with De Lay & Laredo

ADDITIONS AND CORRECTIONS TO THE AGENDA

None

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA

Chair Anderson opened Public Comment; no comments were directed to the Board:

CLOSED SESSION

District Counsel Laredo led the Board into Closed Session.

- CS 1. Conference with Labor Negotiators (Gov Code §54957.8)
Agency Designated Representatives: David Stoldt
Employee Organization: General Staff and Management Bargaining Units Represented by United Public Employees of California/LIUNA, Local 792
Unrepresented Employees: Confidential Unit

- CS 2. Conference with Legal Counsel – Existing Litigation (§54956.9(d)(1)), MPWMD v. LAFCO – Case No. 22 CV 000925
- CS 3. Conference with Legal Counsel – Existing Litigation (§54956.9(d)(1)), MPWMD v. Cal-Am – Case No. 23 CV 004102
- CS 4. 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

At 5:04 p.m., the Board went into Closed Session.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER

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

ROLL CALL

Board members present: Amy Anderson, Chair
George Riley, Vice Chair
Karen Paull
Ian Oglesby
Alvin Edwards
Mary Adams

Board members absent: Marc Eisenhart

District staff members present: David Stoldt, General Manager
Nishil Bali, Administrative Services Manager/Chief Financial Officer
Jonathan Lear, Water Resources Manager
Maureen Hamilton, District Engineer
Stephanie Locke, Water Demand Manager
Thomas Christensen, Environmental Resources Manager
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo
Michael Laredo with De Lay & Laredo

PLEDGE OF ALLEGIANCE

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA

General Manager David Stoldt reported a revised staff report for Item 12 was distributed to the Board on Friday, March 15, 2024 and has been posted to the District website. The revision contained modified language under the CEQA Compliance section of the report.

ORAL COMMUNICATIONS

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

- (1) Tom Rowley, President of Fisherman’s Flats Homeowners and Residents Association, expressed that inaccurate information is being distributed from Public Water Now stating Measure J was a mandate. He also encouraged the Board to take action on the sunset of the Water Supply Charge.

- (2) Margaret Anne Coppernoll, thanked District representatives for their participation at the recent California Public Utilities Commission (CPUC) hearings to address water resources issues. Ms. Coppernoll asked if a synopsis from the hearings could be provided to the public.
- (3) Susan Schiavone, stated that Measure J was a legal procedure and was written well and passed by the majority of the voters. Ms. Schiavone thanked the Board, District Counsel, and staff for their work at the CPUC hearings.
- (4) Anna Thompson, commended the Board for its leadership and perseverance in its endeavors to purchase Cal-Am and stated that community ownership of the water is superior to private ownership.

CONSENT CALENDAR

Chair Anderson introduced the matter.

There being no further discussion, a motion was offered by Director Adams with a second by Director Riley to approve the Consent Calendar. The motion passed by a voice vote of 6-Ayes (Adams, Oglesby, Anderson, Paull, Edwards and Riley) 0-Noes and 1-Absent.

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

- 1. Consider Adoption of Minutes of the Special and Regular Board Meeting on February 12, 2024**
- 2. Declaration of Surplus Items**
- 3. Consider Adoption of Treasurer’s Report for January 2024**

GENERAL MANAGER’S REPORT

Chair Anderson introduced the matter.

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

- General Manager Stoldt announced the District was awarded a Transparency Certificate of Excellence and displayed it to the Board.
- The General Manager distributed a brochure titled Monterey Peninsula Water Supply Augmentation Projects 2024-2027 that he shared while attending the ACWA DC conference in February 2024.
- General Manager Stoldt provided information on the status of this agenda item via slide-deck presentation titled “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of March 1, 2024”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

5. Update on Water Supply Projects

General Manager Stoldt briefly reported on the following:

- Pure Water Monterey Expansion continues to move forward.
- Injection Wells: There is a new purified recycled water pipeline about 2,800 linear feet of a 20-inch diameter pipe that is being installed connecting the eastern and western well fields.

REPORT FROM DISTRICT COUNSEL

Chair Anderson introduced the matter.

6. Report From District Counsel

- The District’s lawsuit against LAFCO is on appeal and the matter is now before the 6th District Appellate Court. It is anticipated that a briefing schedule will be set for the District by the Appellate Court possibly in the next few months.

- The District’s Eminent Domain lawsuit has been assigned to Judge Vanessa Vallarta in Department 13-A in Monterey. The demurrer filed by Cal-Am is set for a hearing before Judge Vallarta on May 3, 2024. A decision will be made as to whether or not the District’s lawsuit should not proceed or it if needs to be amended. Cal-Am has filed its initial set of discovery requests against the District and responses must be filed by mid-May.
- Appeal by the Monterey Peninsula Taxpayers Association on the Water Supply Charge is before the 6th District Court of Appeal and the District’s reply brief is due at the end of March; thereafter the Taxpayer’s Association will have the opportunity to file a closing or reply brief. The court will notify the District when oral arguments will be conducted.
- Counsel Laredo provided a brief update on the Phase 2 evidentiary hearings before the CPUC related to Cal-Am’s application 21011024 that was filed in 2021. The focus of the hearing was on water demand projections and what water supply sources are available. The opening briefs will be filed concurrently by all parties on April 30th and thereafter reply briefs will be filed concurrently by all parties on May 28th.

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

Chair Anderson introduced the matter.

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

Director Adams reported that she, Chair Anderson and General Manager Stoldt were in Washington, DC for a conference and to meet with legislators. It was an interesting and productive conference.

Director Anderson commented on the conference and found it to be very interesting and fast-paced and was impressed with the persons she met.

Director Paull reported she attended a meeting about the challenges to democracy in local government convened by democratic women of Monterey County. The group talked about challenges facing local districts, special districts and city councils and methods to address the issues.

Chair Anderson opened the public comment for Item Nos. 4-7; no comments were directed to the Board.

PUBLIC HEARING

Chair Anderson introduced the matter.

8. Consider Adoption of the 2023 MPWMD Annual Report

General Manager David Stoldt provided an overview of his staff report and answered questions. Board discussion ensued.

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

- (1) Tom Rowley, President of Fisherman’s Flats Homeowners and Residents Association stated the report should contain a footnote addressing the sunset of the Water Supply Charge issued by Judge Carrie Panetta.

A motion was offered by Director Riley with a second by Director Oglesby to adopt the proposed 2023 MPWMD Annual Report with changes presented by the Board. The motion passed by a voice vote of 6-Ayes (Oglesby, Adams, Paull, Edwards, Riley and Anderson) 0-Noes and 1-Absent.

9. Consider Adoption of April Through June 2024 Quarterly Water Supply Strategy and Budget

Jonathan Lear, Water Resources Manager, provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Consider Adoption of April-June 2024 Quarterly Water Supply Strategy and Budget for California American Water”. Board discussion ensued. *A copy of the presentation*

is available at the District office and can be found on the District website.

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

A motion was offered by Director Adams with a second by Director Paull to adopt the April through June 2024 Quarterly Water Supply Strategy and Budget. The motion passed by a voice vote of 6-Ayes (Oglesby, Adams, Anderson, Riley, Paull and Edwards) 0-Noes and 1-Absent.

ACTION ITEMS

Chair Anderson introduced the matter.

10. Consider Adoption of Mid-Year Fiscal Year 2023-2024 Budget Adjustment

Nishil Bali, Chief Financial Officer/Administrative Services Manager, provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Consider Adoption of Mid-Year Fiscal Year 2023-2024 Budget Adjustment”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

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

- (1) Tom Rowley, President of Fisherman’s Flats Homeowners and Residents Association complimented Nishil Bali on his work with the budget adjustment and stated there should be a reference to the sunset of the water supply charge.
- (2) Melodie Chrislock, addressed Tom Rowley’s concern and asked the question if he has spoken to Cal-Am to complain about the money they are wasting on appeals and legal challenges.

A motion was offered by Director Riley with a second by Director Edwards to adopt the Mid-Year Fiscal Year 2023-2024 Budget Adjustment. The motion passed by a voice vote of 6-Ayes (Oglesby, Adams, Anderson, Riley, Paull and Edwards) 0-Noes and 1-Absent.

11. Consider Adoption of Resolution 2024-03 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree

Nishil Bali, Chief Financial Officer/Administrative Services Manager, reported this is an action item the Board has seen before, and staff is asking the Board to adopt the resolution authorizing an exception to the CalPERS 180-day wait period to hire Suresh Prasad as a part-time, limited-term employee for the calendar year 2024.

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

A motion was offered by Director Oglesby with a second by Director Adams to adopt Resolution 2024-03, authorizing an exception to the CalPERS 180-day wait period to hire Suresh Prasad as a part-time, limited-term employee for the calendar year 2024. The motion passed by a voice vote of 6-Ayes (Oglesby, Adams, Anderson, Riley, Paull and Edwards) 0-Noes and 1-Absent.

12. Consider Findings Pursuant to Public Contract Code Section 22050

Maureen Hamilton, District Engineer, provided an overview of the staff report, and answered questions. Board discussion ensued.

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

- (1) Josh Stratton, Manager of External Affairs, California American Water, stated that Cal-Am supports the staff’s recommendation and action to be taken by the Board but disagrees with some of the comments in the memo indicating that Cal-Am is responsible for the plugging of ASR 1 and 2. He also stated that

Cal-Am is often not included in the collaborative team successes. Mr. Stratton thanked the Board for the conversation and noted that Cal-Am will continue its collaborative work with the District.

A motion was offered by Director Edwards and second by Director Oglesby to 1) Find pursuant to Public Contract Code Section 22050 that based on the evidence set forth, a delay resulting from a competitive solicitation for bids is not permissible given the water supply shortage; and 2) Authorize staff to obtain a quote and schedule for well rehabilitation and recommend a vendor at the next Board of Directors meeting. The motion passed by a voice vote of 6-Ayes (Oglesby, Adams, Anderson, Riley, Paull and Edwards), 0-Noes and 1-Absent.

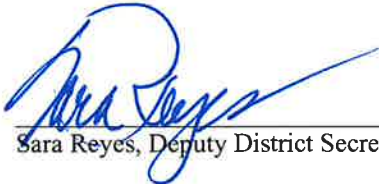
INFORMATIONAL ITEMS/STAFF REPORTS:

13. **Report on Activity/Progress on Contracts Over \$25,000**
14. **Status Report on Measure J/Rule 19.8 Phase II Spending**
15. **Letters Received**
16. **Committee Reports**
17. **Monthly Allocation Report**
18. **Water Conservation Program Report**
19. **Carmel River Fishery Report for January 2024**
20. **Monthly Water Supply and California American Water Production Report**

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

ADJOURNMENT

Chair Anderson adjourned the meeting at 8:05 PM.



Sara Reyes, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, April 15, 2024.