



**EXHIBIT 1-C**

**Draft Minutes  
Special Meeting  
Board of Directors  
Monterey Peninsula Water Management District  
October 10, 2023 at 5:30 P.M.**

Meeting Location: The Irvine Auditorium at the Middlebury Institute of International Studies  
499 Pierce Street, Monterey, CA 93940 AND  
By Teleconferencing Means - Zoom

**CALL TO ORDER:**

Chair Adams called the meeting to order at 5:30 PM.

**ROLL CALL:**

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

Board members absent: George Riley (Recusal) *Subject to Rule 24 of the Meeting Rules of the Monterey Peninsula Water Management District*

**RULE 24: ABSTENTION**

No member shall abstain from voting except when that member has a disabling conflict of interest. In the presence of a declared disabling conflict of interest, the affected director shall enter the declaration in the Board minutes, shall not participate in discussing that agenda item and shall recuse him or herself from the vote. If the Board member is not personally involved in the matter before the Board, that director shall leave the room. The minutes shall record an absence for any circumstance where a Board member is not in the room at the time of a vote.

A letter from Director Riley was read into the record and is attached as **Exhibit A** to these minutes.

District staff members present: David Stoldt, General Manager  
Kristina Pacheco, Executive Assistant/Board Clerk  
Sara Reyes, Sr. Office Specialist

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo

Special District Counsel present: Doug Dennington, Rutan & Tucker, LLP

## **ADDITIONS AND CORRECTIONS TO THE AGENDA**

None

## **WELCOME AND INTRODUCTIONS**

Chair Adams welcomed the public who were present in person and via Zoom and introduced the item to be discussed by the Board. Chair Adams introduced Special Counsel Doug Dennington with Rutan & Tucker, LLP and stated Mr. Tucker will be providing an overview of the purpose of the meeting and the nuances of the law that the Board shall consider.

## **PRESENTATION**

Doug Dennington, Rutan & Tucker, LLP provided a summary of the Condemnation Proceeding and the Resolution of Necessity Process.

## **PUBLIC HEARING**

Chair Adams introduced the matter.

### **2. Consider Adoption of Resolution 2023-13 A Resolution of the Board of Directors of the Monterey Peninsula Water Management District Determining the Public Interest and Necessity and Related Matters Supporting Acquisition of the Monterey Water System Owned by California American Water Company in Monterey County, California**

David J. Stoldt, General Manager, provided an overview of this item and presented via slide-deck presentation titled “Item 2: Public Hearing”. General Manager Stoldt reviewed the discussion and actions taken by the Board to date. The following points were made by General Manager Stoldt, but not limited to:

- The Board’s Measures of Feasibility discussed at the November 12, 2019, Special Board Meeting
- The 3 Components of the Draft Resolution 2023-13
- Appendix B – 83 Findings and Evidence in Support of a Resolution of Necessity
- Other Information for the Board to Consider

*A copy of the presentation is available at the District office and can be found on the District website.*

Chris Cook, PE, Director of Operations, and Evan Jacobs, Director of External Affairs at California American Water presented via slide-deck an overview of the Monterey Water System and addressed the Findings and Feasibility found in Resolution 2023-13.

Chair Adams opened the public comment.

Fifty-five persons spoke for and against the adoption of Resolution 2023-13. Following public comment, the board engaged in discussion and consideration.

A motion was made by Director Edwards with a second by Director Anderson to adopt Resolution 2023-13, A Resolution of the Board of Directors of the Monterey Peninsula Water Management District Determining the Public Interest and Necessity and Related Matters Supporting Acquisition of the Monterey Water System Owned by California American Water Company in Monterey County, California. The motion passed by roll call vote of 6-Ayes (Eisenhart, Oglesby, Anderson, Paull, Adams, and Edwards), 0-Noes and 1-Absent/Recusal (Riley)

## **ADJOURNMENT**

Chair Adams adjourned the meeting at 8:58 p.m.

Sara Reyes, Sr. Office Specialist

**Exhibit A**      Recusal Letter submitted by George Riley dated October 10, 2023

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

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EXHIBIT A

MPWMD Recusal G.Riley, Oct 2023

10/10/23

I am mindful that this hearing is part of a quasi-judicial process. As a Board Member, I have an obligation to be fair, maintain an open mind, and not to base my decision or vote on any preconceptions or personal bias. I understand that I have a legal and moral responsibility to exercise my independent discretion based solely on the evidence and testimony received or referenced in this proceeding. I understand and acknowledge that all Board members must exercise their discretion on the law and the evidence in the record.

I am also mindful of recusal laws that can apply to wrongdoing. For the record, I have no financial interests or connections that would dictate recusal. I have reviewed these proceedings and the material prepared by all participants with an open mind and I have not pre-judged any result.

However, there can be perceptions of wrongdoing even if there is an absence of evidence. Perceptions do not need facts. Only innuendo, or accusations.

The issue here is that I may be seen by others as having predetermined my vote, having a closed mind, even though I swear to remain open minded until all the facts are known for this or any other quasi-judicial proceeding.

I have seen how the appearance or inference of a closed mind casts a huge shadow on any public decision. The recent LAFCO decision comes to mind.

Also I have personally been the target of nasty opposition from some supporting Cal-Am's interests in the lead up to the Measure J election in 2018.

I refuse to be a target, nor to be a liability to the District, nor to open myself or the District to potential legal exposure. I prefer to maintain my integrity, and to assure the public that an appropriate process is being followed.

To avoid any adverse occurrences and to ensure that participants and the public at large can unequivocally conclude the actions of this District are fair, unbiased, and free of improper influence, I therefore shall recuse myself from participating in this decision.

I am mindful that Rule 24 of the District Meeting Rules addresses this action, and that this declaration is to be entered into the Board Minutes of this meeting, and that to effect my recusal that I am required to leave this room.

I regret taking this action but, after much deliberation, I have concluded that recusing myself is in the best interests of the District and the public.

