



**Final Minutes
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
December 11, 2023 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 Adams called the meeting to order at 5:02 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: None

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

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA:

Chair Adams opened Oral Communications; no comments were directed to the Board:

CLOSED SESSION:

District Counsel Laredo led the Board into Closed Session.

- CS 1. Public Employee Performance Evaluation, (Pursuant to CA Gov Code Sec. 54957 of the Government Code) - Title: General Manager
- CS 2. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. LAFCO - Case 22 CV 000935

- CS 3. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. Cal-Am – Case No. Not Yet Assigned

RECESS TO CLOSED SESSION:

The Board recessed Closed Session at 6:02 p.m.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER:

Chair Adams called the meeting to order at 6:04 p.m.

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: None

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Nishil Bali, Administrative Services Manager/Chief Financial Officer
Jonathan Lear, Water Resources Manager
Simona Mossbacher, HR Coordinator/Contract Specialist
Stephanie Locke, Water Demand Manager
Maureen Hamilton, District Engineer
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo

PLEDGE OF ALLEGIANCE:

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

ORAL COMMUNICATIONS:

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

- (1) Tom Rowley, emphasized when government puts too much reliance on one aquifer for 2/3 thirds of all the water that serves the Monterey Peninsula, then risks are being created. Mr. Rowley encouraged the Board to support the desal plant proposed by California American Water (CalAm) to eliminate reliance on the Seaside Basin Aquifer.

CONSENT CALENDAR:

Chair Adams introduced the matter.

Director Edwards asked to pull Item 3 for discussion. General Manager Stoldt introduced Nishil Bali, the new Chief Financial Officer/Administrative Services Manager for the Monterey Peninsula Water Management District. Mr. Stoldt stated that January 5, 2024 will be the last official day with the District for Suresh Prasad, the former Chief Financial Officer/Administrative Services Manager.

There being no further discussion, a motion was offered by Director Edwards with a second by Director Riley to approve the Consent Calendar. The motion passed by a voice vote of 7-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, Edwards and Riley), and 0-Noes.

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

- 1. Consider Adoption of Minutes of the Special Board Meeting on October 10, 2023 and the Special and Regular Board Meeting on November 13, 2023**
- 2. Consider Adoption of Treasurer’s Report for October 2023**
- 3. Consider Confirmation of Salary and Benefits for CFO/ASD Manager**
- 4. Consider Authorization of District Officers to Invest Monies in Local Agency Investment Fund**

GENERAL MANAGER’S REPORT:

Chair Adams introduced the matter.

- 5. 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 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 December 1, 2023”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

6. Update on Water Supply Projects

General Manager Stoldt referred to the staff report in the meeting packet and stated there is a section on the desalination component of the Monterey Peninsula Water Supply Project that presents a more realist set of understandings about what it will take to meet the permit conditions of the Coastal Commission as well as some additional hurdles at the Public Utilities Commission. Board discussion ensued.

7. Progress Report on Strategic Goals Assigned to General Manager for 2023

General Manager Stoldt stated this item was being presented as a public information item and referred to the staff report in the meeting packet. Board discussion ensued.

Chair Adams opened the public comment for Item Nos. 5-7; *the following comments were directed to the Board:*

- (1) Margaret Ann Coppernoll, congratulated General Manager Stoldt on his report and analysis of the Monterey Peninsula Water Supply Project (MPWSP) and the Coastal Commission conditions remaining to be fulfilled. Ms. Coppernoll asked the Board to consider including statistical analysis by an expert Ph.D. Statistician in its reports about the MPWSP.

REPORT FROM DISTRICT COUNSEL:

Chair Adams introduced the matter.

8. Update on Pending Litigation

District Counsel reported the complaint is being prepared and it is anticipated it will be filed the week of December 11, 2023. A signed Order was received from Judge Wills in favor of the District and against the Local Agency Formation Commission of Monterey County (LAFCO) and CalAm.

9. Reportable Action from Closed Session on Monday, November 13, 2023

District Counsel Laredo reported the Board acted on pending litigation proposed for the Water Management District against California American Water concerning Measure J eminent domain action. The Board provided direction to staff and Counsel to prepare a complaint to acquire the California American Water Distribution System to fulfill the Measure J directive in accordance with the Resolution of Necessity adopted by the Board on October 10, 2023. The Board also designated Doug Dennington of Rutan and Tucker as lead litigation counsel and designated Edward Schexnayder with Shute, Mihaly & Weinberger as co-counsel for LAFCO issues and that the litigation team is to report to the General Manager and District Counsel Laredo. This was a unanimous decision by the Board.

Chair Adams opened the public comment for Item Nos. 8 and 9; no comments were directed to the Board:

**DIRECTORS' REPORTS:
(INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)**

Chair Adams introduced the matter.

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

Director Paull reported she attended a Land Watch Event as a private citizen and was impressed with the presentation.

Director Edwards stated that he attempted to attend the November Monterey One Water Board meeting via Zoom but was unable to attend due to the meeting being locked for the duration of the meeting.

This item was informational only and no action was taken.

PUBLIC HEARING:

Chair Adams introduced the matter.

11. Consider Adoption of January through March 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 January-March 2024 Quarterly Water Supply Strategy and Budget for California American Water”. Mr. Lear reported that when preparing the quarterly water budget, staff determines what should be expected with the Aquifer Storage and Recovery (ASR). Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

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

- (1) Nina Beety, stated in view of the recent Monterey County Weekly article of fish tagging performed by the District, she expressed opposition to this practice and requested staff to consider ASR retrieval from the Carmel River be reduced during the rainy season.

A motion was offered by Director Riley with a second by Director Oglesby to adopt the January through March 2024 Quarterly Water Supply Strategy and Budget. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

12. Receive Pension Reporting Standards Government Accounting Standards Board (GASB) Statement No. 68 Accounting Valuation Report

Suresh Prasad, Chief Financial Officer/Administrative Services Manager, provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Receive Pension Reporting Standards Government Accounting Standards Board (GASB) Statement No. 68 Accounting Valuation Report”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

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

The Board received the GASB 68 Accounting Valuation Report prepared by CalPERS.

13. Receive Government Accounting Standards Board (GASB) Statement No. 75 Accounting and Financial Reporting for Post-Employment Benefits Other Than Pension

Suresh Prasad provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Receive Government Accounting Standards Board (GASB) Statement No. 75 Accounting and Financial Reporting for Post-Employment Benefits Other Than Pension”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

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

The Board received the GASB 75 OPEB Valuation Report prepared by GovInvest.

ACTION ITEM:

Chair Adams introduced the matter.

14. Consider Adoption of Resolution 2023-15 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Suresh Prasad)

Simona Mossbacher provided an overview of her staff report and answered questions from the Board. Board discussion ensued.

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

A motion was offered by Director Paull with a second by Director Anderson to adopt Resolution 2023-15 with the change of names in the fifth Whereas to read: **WHEREAS**, the Monterey Peninsula Water Management District Board of Directors, the Monterey Peninsula Water Management District, and David J. Stoldt certify that Suresh Prasad has not and will not receive a Golden Handshake or any other retirement-related incentive; and. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

15. Consider Adoption of Resolution 2023-15 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Tom Lindberg)

General Manager Stoldt briefly reported on this item. Board discussion ensued.

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

A motion was offered by Director Eisenhart with a second by Director Paull to adopt Resolution 2023-16 with the change of names in the fifth Whereas to read: **WHEREAS**, the Monterey Peninsula Water Management District Board of Directors, the Monterey Peninsula Water Management District, and David J. Stoldt certify that Tom Lindberg has not and will not receive a Golden Handshake or any other retirement-related incentive; and. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

16. Review and Consider Adopting the Board Meeting Schedule for Calendar Year 2024 Through February 2025

General Manager Stoldt reported on this item. Board discussion ensued.

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

The Board unanimously adopted the Board Meeting Schedule for January 2024 through February 2025.

17. Conduct Election of Board Officers for 2024

General Manager reported on this item. Board discussion ensued.

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

A motion was offered by Director Eisenhart with a second by Director Edwards to confirm rotation according to the Meeting Rules 2 and 2.5 and to elect General Manager David J. Stoldt to serve as Secretary and Nishil Bali, Chief Financial Officer/Administrative Services Manager to serve as Treasurer for 2024. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

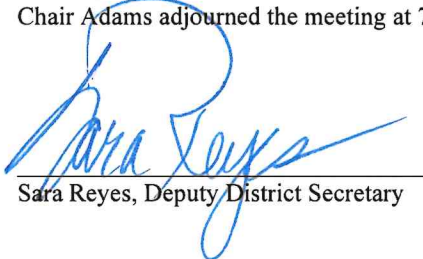
INFORMATIONAL ITEMS/STAFF REPORTS:

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

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

ADJOURNMENT:

Chair Adams adjourned the meeting at 7:37 PM.



Sara Reyes, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, January 22, 2024