

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
Regular Meeting
Board of Directors
Monterey Peninsula Water Management District

Monday, July 15, 2024 at 6:00 p.m. [PST]

Meeting Location: MPWMD – Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940

[This is an In-Person meeting. Remote participation may be offered via Zoom, but this is optional as connectivity cannot be assured and thus is not a necessary requisite for the meeting to proceed in-person.]

To Join via Zoom- Teleconferencing means, please click the link below:
<https://mpwmd-net.zoom.us/j/81349120996?pwd=eNEzMjbKt5nmgosmhXoKwd6GNC5OyA.1>

Or join at: <https://zoom.us/>
Webinar ID: 813 4912 0996
Passcode: 071524

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 11, 2024. 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 12, 2024.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

<p><u>Board of Directors</u> Amy Anderson, Chair – Division 5 George Riley, Vice-Chair – Division 2 Alvin Edwards – Division 1 Marc Eisenhart – Division 3 Karen Paull – Division 4 Mary L. Adams– Monterey County Board of Supervisors Representative 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.*

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 Special and Regular Board Meeting on June 17, 2024 and the Special Board Meeting on July 1, 2024
2. Consider Adoption of Treasurer’s Report for May 2024

GENERAL MANAGER’S REPORT

3. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision (*Verbal Report*)
4. Update on Water Supply Projects (*Verbal Report*)

REPORT FROM DISTRICT COUNSEL

5. Report From District Counsel (*Verbal Report*)

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

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

ACTION ITEMS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

7. Consider Adoption of Resolution No. 2024-09 – Calling an Election for Directors in Voter Divisions 3, 4 and 5 on November 5, 2024 and Approve Services Agreement with the County of Monterey - Elections Department

Recommended Action: *The Board will consider adopting Resolution No. 2024-09 – Calling for an election in voter Divisions 3, 4 and 5 on November 5, 2024; and authorize the General Manager to enter into a service agreement with Monterey County Elections to conduct the election.*

8. Consider Establishment of Financial Assistance Program to Assist Low-Income Households to Comply with District Ordinance No. 3 and Rule 54 Requiring Metering and Reporting of Privately Owned Wells

Recommended Action: *The Board will consider establishing a financial assistance program to assist low-income households to comply with District Rule 54.*

9. Consider Authorizing Additional Funds for the Contract with Maggiora Brothers Drilling for Rehabilitation of Two ASR Wells

Recommended Action: The Board will consider authorizing the General Manager or his designee to increase the Maggiora Brothers Drilling, Inc. contract to rehabilitate ASR1 and ASR2 wells.

10. Consider Adoption of Agreement with De Lay & Laredo for Legal Services

Recommended Action: The Board will consider adopting the Agreement for Legal Services with De Lay & Laredo Attorneys at Law

11. Consider Adoption of Memorandum of Understanding with the District Bargaining Units

Recommended Action: The Board will consider adopting a Memorandum of Understanding with the General Staff Bargaining Unit, the Management Staff Bargaining Unit and the Confidential Staff Unit.

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

12. Report on Activity/Progress on Contracts Over \$25,000
13. Status Report on Spending – Public’s Ownership of Monterey Water System
14. Letters Received and Sent
15. Committee Reports
16. Monthly Allocation Report
17. Water Conservation Program Report for June 2024
18. Carmel River Fishery Report for June 2024
19. Quarterly Carmel River Riparian Corridor Management Program Report
20. 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]

ADJOURNMENT

Board Meeting Schedule		
Monday, August 19, 2024	<i>Regular</i>	6:00 p.m.
Monday, September 16, 2024	<i>Regular</i>	6:00 p.m.

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 to Sara Reyes, Board Clerk 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.

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/81349120996?pwd=eNEzMjbKt5nmgosmhXoKwd6GNC5OyA.1>

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

Webinar ID: 813 4912 0996

Passcode: 071524

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's 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/>

ITEM: CONSENT CALENDAR

1. CONSIDER ADOPTION OF MINUTES OF THE SPECIAL AND REGULAR BOARD MEETING ON JUNE 17, 2024 AND THE SPECIAL BOARD MEETING ON JULY 1, 2024

Meeting Date: July 15, 2024 **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:

Attached for consideration are the draft minutes of the MPWMD Board of Director's Special and Regular Meeting held on June 17, 2024 (**Exhibit 1-A**) and the Special Meeting held on July 1, 2024 (**Exhibit 1-B**).

RECOMMENDATION: The Board will consider adopting the draft minutes of the Special and Regular Meeting on June 17, 2024 and the Special Meeting on July 1, 2024.

EXHIBITS

1-A MPWMD Board of Director's Special and Regular Board Meeting on June 17, 2024

1-B MPWMD Board of Director's Special Meeting on July 1, 2024



EXHIBIT 1-A

**Draft Minutes
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
*June 17, 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 5:02 PM.

ROLL CALL:

Board members present: Amy Anderson, Chair
George Riley, Vice Chair
Mary Adams
Karen Paull (arrived at 5:05 pm)
Ian Oglesby
Alvin Edwards
Marc Eisenhart

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: Michael Laredo with De Lay & Laredo
Fran Farina 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. Public Employee Performance Evaluation, (Gov Code §54957) - Title: General Counsel, De Lay & Laredo
- CS 2. 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

RECESS TO CLOSED SESSION:

At 5:05 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 6:03 p.m.

ROLL CALL:

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

Board members absent: None

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: Michael Laredo with De Lay & Laredo
Fran Farina with De Lay & Laredo

PLEDGE OF ALLEGIANCE:

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

ORAL COMMUNICATIONS:

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

- (1) Anna Thompson, stated her disagreement with California American Water (Cal-Am) pursuing the construction of the proposed Desal plant and commended the District for its Pure Water Monterey Expansion project.
- (2) Spencer Vartanian, introduced himself to the Board as the new Director of Operations at Cal-Am and stated he looks forward to working with the Board and General Manager Stoldt and continuing to collaborate on all projects.

CONSENT CALENDAR:

Chair Anderson introduced the matter.

- Director Eisenhart requested Items 4, 11 and 12 be pulled for comment. He commended the District’s partnerships for water conservation programs and praised staff efforts in raising community awareness. Additionally, the Finance and Administration Committee proposed increasing the budget for Item 11, the “Summer Splash Water Challenge Giveaway”, to encourage more participation and offer more prizes.
- Director Riley noted that Items 2-13 pertain to conservation and mitigation issues, while Items 14-19 are directly related to ASR and commended staff for maintaining a well-organized agenda.
- Director Edwards expressed his agreement with comments made by Director Eisenhart and Riley.

Director Riley offered a motion with a second by Director Eisenhart, for the Board to approve items 1 through 22 on the Consent Calendar. The motion passed by a voice vote of 7-Ayes (Oglesby, Eisenhart, Anderson, Riley, Paull, Adams, and Edwards), and 0-Noes.

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 May 20, 2024 and the Special Board Meeting/Budget Workshop on May 30, 2024**
2. **Consider Recommendation to Authorize a Contract with Telemetrix for Sleepy Hollow Steelhead Rearing Facility Monitoring and Control Systems**
3. **Consider Continuing Rebate Funding for California American Water Customers Until Approval of the General Rate Case**
4. **Consider Recommendation to Authorize an Annual License with GardenSoft for Water Wise Gardening in Monterey County Software**
5. **Consider Recommendation to Authorize Outreach Advertising Expenses for Fiscal Year 2025**
6. **Consider Approval of Ongoing Subscription with CoreLogic Information Solutions, Inc. to Support Demand Management Programs**
7. **Consider Recommendation to Continue E-Recording with Corporation Service Company**
8. **Consider Recommendation to Amend Contract with Pueblo Water Resources, Inc. to Provide Hydrogeologic Review for Water Distribution System Permits**
9. **Item Removed**
10. **Consider Adoption of Resolution No. 2024-10 – Annual Update to Rule 24, Table 3, Capacity Fee History**
11. **Consider Approval of Funding for Outreach Event “Summer Splash Water Challenge Giveaway 5”**
12. **Consider Approval of Funding and Continuation of the “Mulch Madness” Conservation Promotion**
13. **Consider Recommendation to Use Etech Consulting for As-Needed Maintenance of the Accela Database**
14. **Consider Recommendation to Authorize a Negotiated Contract with a Licensed C-57 Contractor for Repairs on ASR on an As-Needed Basis**
15. **Consider Recommendation to Authorize a Contract with TJC and Associates, Inc. to Provide Electrical Support Services**
16. **Consider Recommendation to Authorize a Contract with Schaaf & Wheeler to Provide Drawing Support Services**
17. **Consider Recommendation to Authorize 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**
18. **Consider Recommendation to Authorize a Contract with Montgomery and Associates to Provide Groundwater Modeling Support to the District**
19. **Consider Recommendation to Extend Cooperative Agreement with the United States Geological Survey for Streamflow Gaging in Water Year 2025**
20. **Consider Recommendation to Authorize a Contract with OnPoint Generators Inc. to Provide and Install a Generator**
21. **Consider Adoption of Treasurer’s Report for April 2024**
22. **Consider Adoption of Resolution No. 2024-08 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments, and Property-Related Fees and Charges**

GENERAL MANAGER’S REPORT:

Chair Anderson introduced the matter.

23. 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 June 1, 2024”. The board engaged in discussions. *A copy of the presentation is available at the District office and can be found on the District website.*

REPORT FROM DISTRICT COUNSEL:

Chair Anderson introduced the matter.

24. Report From District Counsel

District Counsel Laredo stated that the Board received status reports regarding the two items on the Closed Session agenda, but no action was taken. Counsel Laredo briefly updated the board on the active legal matters.

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

Chair Anderson introduced the matter.

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

No reports were given by the Directors.

PUBLIC HEARING:

Chair Anderson introduced the matter.

26. Consider Adoption of July through September 2024 Quarterly Water Supply Strategy and Budget

Jonathan Lear, Water Resources Manager, presented this item via slide-deck presentation titled “Consider Adoption of July-September 2024 Quarterly Water Supply Strategy and Budget for California American Water”. The Board engaged in discussions. *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 made by Director Edwards with a second by Director Paull to adopt the July through September 2024 Quarterly Water Supply Strategy and Budget. The motion passed by a voice vote of 7-Ayes (Oglesby, Adams, Paull, Eisenhart, Edwards, Riley and Anderson) and 0-Noes.

ACTION ITEM:

Chair Anderson introduced the matter.

27. Consider Adoption of Agreement for Taxing Entity Compensation

General Manager Stoldt presented this item and answered questions from the Board. Mr. Stoldt reported this item was deferred from the May 20, 2024 Board meeting at the request of the City of Seaside to allow more time to incorporate changes received from the county. The Board engaged in discussions.

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

A motion was made by Director Edwards with a second by Director Oglesby to adopt the Agreement for Taxing Entity Compensation and to direct the General Manager to sign on behalf of the District. The motion passed by a voice vote of 7-Ayes (Oglesby, Adams, Paull, Eisenhart, Edwards, Riley and Anderson) and 0-Noes.

28. Adopt Proposed Fiscal Year 2024-2025 MPWMD Budget and Resolution No. 2024-07

Nishil Bali, Chief Financial Officer/Administrative Services Manager, presented this item via slide-deck presentation titled “Consider Adoption of Proposed Fiscal Year 2024-2025 MPWMD Budget and Resolution 2024-07”. *A copy of the presentation is available at the District office and can be found on the District website.* The Board engaged in discussions.

Director Eisenhart commended Mr. Bali’s efforts on the budget and contract proposals. Director Edwards echoed this praise, recognizing Mr. Bali’s success in the management of his first adopted budget with the District.

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

- (1) Evan Jacobs, Director of External Affairs with California American Water, highlighted the successful Aquifer Storage and Recovery (ASR) collaboration between Cal-Am and the District, emphasizing their joint efforts in conservation. Mr. Jacobs raised concerns about budget allocations related to the Water Supply Charge and expenses associated with the Monterey water system takeover.

On a motion by Director Riley with a second by Director Paull, the Board adopted Resolution No. 2024-07 Adopting the Budget for Fiscal Year 2024-2025. The motion passed by a voice vote of 7-Ayes (Oglesby, Paull, Eisenhart, Edwards, Riley, and Anderson) and 0-Noes.

INFORMATIONAL ITEMS/STAFF REPORTS:

29. **Report on Activity/Progress on Contracts Over \$25,000**
30. **Status Report on Spending – Public’s Ownership of Monterey Water System**
31. **Letters Received**
32. **Committee Reports**
33. **Monthly Allocation Report**
34. **Water Conservation Program Report**
35. **Carmel River Fishery Report for January 2024**
36. **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 7:22 PM.

Sara Reyes, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on _____, 2024

U:\staff\Boardpacket\2024\07152024\Consent Calendar\01\Item-1-Exh-1-A.docx



EXHIBIT 1-B

**Draft Minutes
Special Meeting
Board of Directors
Monterey Peninsula Water Management District
July 1, 2024 at 11:00 A.M.**

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

CALL TO ORDER:

Chair Anderson called the meeting to order at 11:00 AM.

ROLL CALL:

Board members present:

Amy Anderson, Chair
George Riley, Vice Chair
Karen Paull (via Zoom)
Ian Oglesby
Alvin Edwards

Board members absent:

Mary Adams
Marc Eisenhart

District staff members present:

David Stoldt, General Manager
Nishil Bali, Chief Financial Officer/Administrative Services Manager
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent:

None

District Counsel present:

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:

General Manager David Stoldt 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

RECESS TO CLOSED SESSION:

Chair Anderson recessed the Board at 11:01 a.m. into Closed Session.

ADJOURNMENT

Chair Anderson adjourned the meeting at 12:23 PM.

Sara Reyes, Deputy District Secretary

Minutes approved by the MPWMD Board of Directors on _____, 2024

U:\staff\Boardpacket\2024\07152024\Consent Calendar\01\Item-1-Exh-1-B.docx

ITEM: CONSENT CALENDAR

2. CONSIDER ADOPTION OF TREASURER’S REPORT FOR MAY 2024

Meeting Date: July 15, 2024 **Budgeted:** N/A

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

Prepared By: Nishil Bali **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: **Exhibit 2-A** comprises the Treasurer’s Report for May 2024. **Exhibit 2-B** includes listings of check disbursements for the period May 1-31, 2024. Checks, virtual checks (AP Automation), direct deposits of employee paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$2,082,651.58. There were \$25,677.19 in conservation rebates paid out during the current period. **Exhibit 2-C** reflects the unaudited version of the Statement of Revenues and Expenditures for the month ending May 31, 2024.

RECOMMENDATION: In lieu of the cancelation of the Finance and Administration Committee meeting on July 8, 2024, it is recommended that the Board adopt the May 2024 Treasurer’s Report and Statement of Revenues and Expenditures and ratify the disbursements made during the month.

EXHIBITS

- 2-A** Treasurer’s Report
- 2-B** Listing of Cash Disbursements-Regular
- 2-C** Statement of Revenues and Expenditures

EXHIBIT 2-A

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR MAY 2024**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>L.A.I.F.</u>	<u>Multi-Bank Securities*</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance	\$2,110,531.13	\$5,163,523.00	\$12,466,490.61	\$9,028,282.05	\$28,768,826.79	\$81,838.06
Fee Deposits		1,175,240.75			1,175,240.75	320,680.82
MoCo Tax & WS Chg Installment Pymt					0.00	
Interest Received				26,164.86	26,164.86	
Transfer - Checking/LAIF					0.00	
Transfer - Money Market/LAIF					0.00	
Transfer - Money Market/Checking					0.00	
Transfer - Money Market/Multi-Bank					0.00	
Transfer to CAWD					0.00	(153,000.00)
Voided Checks					0.00	
Bank Corrections/Reversals/Errors					0.00	
Bank Charges/Other	-				0.00	
Credit Card Fees	(988.36)				(988.36)	
Returned Deposits	-				0.00	
Payroll Tax/Benefit Deposits	(155,260.66)				(155,260.66)	
Payroll Checks/Direct Deposits	(239,140.10)				(239,140.10)	
General Checks	(4,109.61)				(4,109.61)	
Rebate Payments	(25,677.19)				(25,677.19)	
Bank Draft Payments	(23,087.14)				(23,087.14)	
AP Automation Payments	(1,634,388.52)				(1,634,388.52)	
Ending Balance	\$27,879.55	\$6,338,763.75	\$12,466,490.61	\$9,054,446.91	\$27,887,580.82	\$249,518.88

* Fixed Income investments are reported at face value

EXHIBIT 2-B

Check Report



Monterey Peninsula Water Management Di

By Check Number

Date Range: 05/01/2024 - 05/31/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
04040	City of Seaside (CLIA reservation canceled)	05/03/2024	Regular	0.00	-1,533.00	40838
04040	City of Seaside	05/03/2024	Regular	0.00	1,533.00	40838
01020	Sandra Alonso - Petty Cash Custodian	05/31/2024	Regular	0.00	382.79	40840
16717	State Water Resources Control Board	05/31/2024	Regular	0.00	2,985.00	40841
01349	Suresh Prasad	05/31/2024	Regular	0.00	741.82	40842
01015	American Lock & Key	05/03/2024	Virtual Payment	0.00	7.66	APA004581
12601	Carmel Valley Ace Hardware	05/03/2024	Virtual Payment	0.00	38.78	APA004582
00046	De Lay & Laredo	05/03/2024	Virtual Payment	0.00	53,079.50	APA004583
00222	M.J. Murphy	05/03/2024	Virtual Payment	0.00	464.83	APA004584
01012	Mark Dudley	05/03/2024	Virtual Payment	0.00	540.00	APA004585
00242	MBAS	05/03/2024	Virtual Payment	0.00	384.00	APA004586
13396	Navia Benefit Solutions, Inc.	05/03/2024	Virtual Payment	0.00	1,343.74	APA004587
17968	Rutan & Tucker, LLP	05/03/2024	Virtual Payment	0.00	23,007.06	APA004588
00987	SDRMA - Prop & Liability Pkg	05/03/2024	Virtual Payment	0.00	483.05	APA004589
04366	Tom Lindberg	05/03/2024	Virtual Payment	0.00	2,302.60	APA004590
00207	Universal Staffing Inc.	05/03/2024	Virtual Payment	0.00	928.00	APA004591
06009	yourservicesolution.com	05/03/2024	Virtual Payment	0.00	2,540.00	APA004592
00763	ACWA-JPIA	05/10/2024	Virtual Payment	0.00	342.00	APA004593
01188	Alhambra	05/10/2024	Virtual Payment	0.00	169.07	APA004594
00263	Arlene Tavani	05/10/2024	Virtual Payment	0.00	1,088.93	APA004595
12601	Carmel Valley Ace Hardware	05/10/2024	Virtual Payment	0.00	61.65	APA004596
00028	Colantuono, Highsmith, & Whatley, PC	05/10/2024	Virtual Payment	0.00	23,117.50	APA004597
18734	DeVeera Inc.	05/10/2024	Virtual Payment	0.00	6,587.76	APA004598
12655	Graphicsmiths	05/10/2024	Virtual Payment	0.00	49.50	APA004599
02833	Greg James	05/10/2024	Virtual Payment	0.00	1,413.12	APA004600
00986	Henrietta Stern	05/10/2024	Virtual Payment	0.00	1,413.12	APA004601
07415	Inca Landscape Management	05/10/2024	Virtual Payment	0.00	177.37	APA004602
00094	John Arriaga	05/10/2024	Virtual Payment	0.00	3,400.00	APA004603
05371	June Silva	05/10/2024	Virtual Payment	0.00	803.40	APA004604
05830	Larry Hampson	05/10/2024	Virtual Payment	0.00	1,413.12	APA004605
13431	Lynx Technologies, Inc	05/10/2024	Virtual Payment	0.00	2,550.00	APA004606
04715	Matthew Lyons	05/10/2024	Virtual Payment	0.00	329.28	APA004607
00118	MB Carpet & Janitorial Inc.	05/10/2024	Virtual Payment	0.00	1,260.00	APA004608
00242	MBAS	05/10/2024	Virtual Payment	0.00	192.00	APA004609
07418	McMaster-Carr	05/10/2024	Virtual Payment	0.00	365.02	APA004610
25765	Monterey Fire Extinguisher Inc	05/10/2024	Virtual Payment	0.00	63.37	APA004611
08700	Monterey Regional Waste Management District	05/10/2024	Virtual Payment	0.00	20.00	APA004612
00154	Peninsula Messenger Service	05/10/2024	Virtual Payment	0.00	958.00	APA004613
07627	Purchase Power	05/10/2024	Virtual Payment	0.00	206.54	APA004614
00262	Pure H2O	05/10/2024	Virtual Payment	0.00	65.54	APA004615
13394	Regional Government Services	05/10/2024	Virtual Payment	0.00	560.00	APA004616
19700	Shute, Mihaly & Weinberger LLP	05/10/2024	Virtual Payment	0.00	17,316.47	APA004617
17965	The Maynard Group	05/10/2024	Virtual Payment	0.00	1,401.71	APA004618
00203	ThyssenKrup Elevator	05/10/2024	Virtual Payment	0.00	733.98	APA004619
00225	Trowbridge Enterprises Inc.	05/10/2024	Virtual Payment	0.00	136.31	APA004620
22792	Uline	05/10/2024	Virtual Payment	0.00	2,018.99	APA004621
08105	Yolanda Munoz	05/10/2024	Virtual Payment	0.00	540.00	APA004622
00767	AFLAC	05/17/2024	Virtual Payment	0.00	612.90	APA004690
14567	Applicant Information	05/17/2024	Virtual Payment	0.00	115.90	APA004691
00028	Colantuono, Highsmith, & Whatley, PC	05/17/2024	Virtual Payment	0.00	14,175.00	APA004692
01352	Dave Stoldt	05/17/2024	Virtual Payment	0.00	1,545.17	APA004693
26677	David Federico	05/17/2024	Virtual Payment	0.00	425.00	APA004694
18225	DUDEK	05/17/2024	Virtual Payment	0.00	577.50	APA004695
00192	Extra Space Storage	05/17/2024	Virtual Payment	0.00	491.00	APA004696

Check Report

Date Range: 05/01/2024 - 05/31/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00986	Henrietta Stern	05/17/2024	Virtual Payment	0.00	1,413.12	APA004697
03857	Joe Oliver	05/17/2024	Virtual Payment	0.00	733.00	APA004698
19897	John K. Cohan dba Telemetrix	05/17/2024	Virtual Payment	0.00	3,180.00	APA004699
00259	Marina Coast Water District	05/17/2024	Virtual Payment	0.00	646.94	APA004700
00259	Marina Coast Water District	05/17/2024	Virtual Payment	0.00	2,915.91	APA004701
05829	Mark Bekker	05/17/2024	Virtual Payment	0.00	300.18	APA004702
01012	Mark Dudley	05/17/2024	Virtual Payment	0.00	540.00	APA004703
00242	MBAS	05/17/2024	Virtual Payment	0.00	559.00	APA004704
13396	Navia Benefit Solutions, Inc.	05/17/2024	Virtual Payment	0.00	2,745.00	APA004705
05053	Pacific Smog	05/17/2024	Virtual Payment	0.00	41.75	APA004706
00036	Parham Living Trust	05/17/2024	Virtual Payment	0.00	850.00	APA004707
07627	Purchase Power	05/17/2024	Virtual Payment	0.00	300.00	APA004708
00251	Rick Dickhaut	05/17/2024	Virtual Payment	0.00	600.00	APA004709
04709	Sherron Forsgren	05/17/2024	Virtual Payment	0.00	482.22	APA004710
09989	Star Sanitation Services	05/17/2024	Virtual Payment	0.00	117.61	APA004711
09425	The Ferguson Group LLC	05/17/2024	Virtual Payment	0.00	6,000.00	APA004712
17965	The Maynard Group	05/17/2024	Virtual Payment	0.00	2,521.74	APA004713
00271	UPEC, Local 792	05/17/2024	Virtual Payment	0.00	1,161.50	APA004714
00760	Andy Bell	05/24/2024	Virtual Payment	0.00	1,228.00	APA004736
16670	Carmel Valley Pump	05/24/2024	Virtual Payment	0.00	2,750.00	APA004737
00224	City of Monterey	05/24/2024	Virtual Payment	0.00	775.58	APA004738
00028	Colantuono, Highsmith, & Whatley, PC	05/24/2024	Virtual Payment	0.00	560.00	APA004739
06001	Cypress Coast Ford	05/24/2024	Virtual Payment	0.00	145.73	APA004740
18225	DUDEK	05/24/2024	Virtual Payment	0.00	1,937.50	APA004741
21199	G3, Green Gardens Group, LLC	05/24/2024	Virtual Payment	0.00	1,750.00	APA004742
06999	KBA Document Solutions, LLC	05/24/2024	Virtual Payment	0.00	1,383.94	APA004743
24166	Kevin Robert Knapp	05/24/2024	Virtual Payment	0.00	7,437.50	APA004744
00222	M.J. Murphy	05/24/2024	Virtual Payment	0.00	72.25	APA004745
00755	Peninsula Welding Supply, Inc.	05/24/2024	Virtual Payment	0.00	64.50	APA004746
24869	Raftelis Financial Consultants, Inc.	05/24/2024	Virtual Payment	0.00	1,187.50	APA004747
17968	Rutan & Tucker, LLP	05/24/2024	Virtual Payment	0.00	41,322.89	APA004748
00176	Sentry Alarm Systems	05/24/2024	Virtual Payment	0.00	215.50	APA004749
21876	Timothy G. Scarpa	05/24/2024	Virtual Payment	0.00	513.00	APA004750
00269	U.S. Bank	05/24/2024	Virtual Payment	0.00	11,543.75	APA004751
04348	Water Education Foundation	05/24/2024	Virtual Payment	0.00	1,250.00	APA004752
23550	WellmanAD	05/24/2024	Virtual Payment	0.00	8,325.00	APA004753
08105	Yolanda Munoz	05/24/2024	Virtual Payment	0.00	540.00	APA004754
00236	AT&T Long Distance	05/31/2024	Virtual Payment	0.00	11.77	APA004823
16670	Carmel Valley Pump	05/31/2024	Virtual Payment	0.00	301.71	APA004824
04041	Cynthia Schmidlin	05/31/2024	Virtual Payment	0.00	2,158.44	APA004825
26677	David Federico	05/31/2024	Virtual Payment	0.00	87.50	APA004826
00046	De Lay & Laredo	05/31/2024	Virtual Payment	0.00	46,516.00	APA004827
00192	Extra Space Storage	05/31/2024	Virtual Payment	0.00	491.00	APA004828
02660	Forestry Suppliers Inc.	05/31/2024	Virtual Payment	0.00	186.73	APA004829
00993	Harris Court Business Park	05/31/2024	Virtual Payment	0.00	396.85	APA004830
00993	Harris Court Business Park	05/31/2024	Virtual Payment	0.00	396.54	APA004831
04717	Inder Osahan	05/31/2024	Virtual Payment	0.00	1,413.12	APA004832
18325	Minuteman Press Monterey	05/31/2024	Virtual Payment	0.00	108.45	APA004833
00274	Monterey One Water	05/31/2024	Virtual Payment	0.00	1,294,972.49	APA004834
13396	Navia Benefit Solutions, Inc.	05/31/2024	Virtual Payment	0.00	1,102.07	APA004835
13394	Regional Government Services	05/31/2024	Virtual Payment	0.00	35.20	APA004836
19700	Shute, Mihaly & Weinberger LLP	05/31/2024	Virtual Payment	0.00	6,144.06	APA004837
00225	Trowbridge Enterprises Inc.	05/31/2024	Virtual Payment	0.00	65.54	APA004838
00266	I.R.S.	05/03/2024	Bank Draft	0.00	12,618.06	DFT0003287
00266	I.R.S.	05/03/2024	Bank Draft	0.00	3,078.42	DFT0003288
00267	Employment Development Dept.	05/03/2024	Bank Draft	0.00	5,192.12	DFT0003289
00266	I.R.S.	05/03/2024	Bank Draft	0.00	71.94	DFT0003290
00252	Cal-Am Water	05/03/2024	Bank Draft	0.00	196.98	DFT0003291
00252	Cal-Am Water	05/03/2024	Bank Draft	0.00	79.09	DFT0003292
00766	Standard Insurance Company	05/01/2024	Bank Draft	0.00	1,487.02	DFT0003293
00277	Home Depot Credit Services	05/10/2024	Bank Draft	0.00	410.21	DFT0003296

Check Report

Date Range: 05/01/2024 - 05/31/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
18163	Wex Bank	05/10/2024	Bank Draft	0.00	234.42	DFT0003297
00768	MissionSquare Retirement- 302617	05/03/2024	Bank Draft	0.00	5,100.06	DFT0003300
00266	I.R.S.	05/17/2024	Bank Draft	0.00	18,541.68	DFT0003301
00266	I.R.S.	05/17/2024	Bank Draft	0.00	3,682.28	DFT0003302
00267	Employment Development Dept.	05/17/2024	Bank Draft	0.00	7,626.39	DFT0003303
00266	I.R.S.	05/17/2024	Bank Draft	0.00	79.14	DFT0003304
00266	I.R.S.	05/17/2024	Bank Draft	0.00	4.00	DFT0003305
00266	I.R.S.	05/17/2024	Bank Draft	0.00	86.16	DFT0003306
00266	I.R.S.	05/17/2024	Bank Draft	0.00	368.28	DFT0003307
00277	Home Depot Credit Services	05/17/2024	Bank Draft	0.00	143.67	DFT0003308
18163	Wex Bank	05/17/2024	Bank Draft	0.00	1,146.28	DFT0003309
00769	Laborers Trust Fund of Northern CA	05/10/2024	Bank Draft	0.00	38,525.00	DFT0003310
00252	Cal-Am Water	05/24/2024	Bank Draft	0.00	196.35	DFT0003311
00277	Home Depot Credit Services	05/24/2024	Bank Draft	0.00	130.87	DFT0003312
00282	PG&E	05/24/2024	Bank Draft	0.00	15,979.66	DFT0003313
00282	PG&E	05/24/2024	Bank Draft	0.00	2,851.23	DFT0003314
00266	I.R.S.	05/31/2024	Bank Draft	0.00	12,470.62	DFT0003315
00266	I.R.S.	05/31/2024	Bank Draft	0.00	3,049.00	DFT0003316
00267	Employment Development Dept.	05/31/2024	Bank Draft	0.00	5,156.07	DFT0003317
00266	I.R.S.	05/31/2024	Bank Draft	0.00	43.16	DFT0003318
00252	Cal-Am Water	05/31/2024	Bank Draft	0.00	197.42	DFT0003319
00252	Cal-Am Water	05/31/2024	Bank Draft	0.00	79.83	DFT0003320
00221	Verizon Wireless	05/31/2024	Bank Draft	0.00	1,250.91	DFT0003321
18163	Wex Bank	05/31/2024	Bank Draft	0.00	190.22	DFT0003322
00256	PERS Retirement	05/13/2024	Bank Draft	0.00	19,247.29	DFT0003323
00256	PERS Retirement	05/30/2024	Bank Draft	0.00	18,833.97	DFT0003324

Payment Type	Bank Code APBNK		Summary		
	Payable Count	Payment Count	Discount	Payment	
Regular Checks	6	4	0.00	5,642.61	
Manual Checks	0	0	0.00	0.00	
Voided Checks	0	1	0.00	-1,533.00	
Bank Drafts	47	34	0.00	178,347.80	
EFT's	0	0	0.00	0.00	
Virtual Payments	153	102	0.00	1,634,313.52	
	206	141	0.00	1,816,770.93	

Check Report

Date Range: 05/01/2024 - 05/31/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: REBATES-02-Rebates: Use Only For Rebates						
26738	Alexander Henson	05/17/2024	Virtual Payment	0.00	500.00	APA004623
26763	Amy MacDonald	05/17/2024	Virtual Payment	0.00	500.00	APA004624
26781	Angela Escobar	05/17/2024	Virtual Payment	0.00	75.00	APA004625
26768	Anthony Davi	05/17/2024	Virtual Payment	0.00	125.00	APA004626
23411	Barbara Bigelow	05/17/2024	Virtual Payment	0.00	75.00	APA004627
26752	Bruce Smith	05/17/2024	Virtual Payment	0.00	500.00	APA004628
26772	Charles Biller	05/17/2024	Virtual Payment	0.00	125.00	APA004629
26765	Chiyoko Ono	05/17/2024	Virtual Payment	0.00	500.00	APA004630
26755	Clay Street Family LLC	05/17/2024	Virtual Payment	0.00	500.00	APA004631
26318	Craig Boswell	05/17/2024	Virtual Payment	0.00	625.00	APA004632
26740	Daniel Botterrer	05/17/2024	Virtual Payment	0.00	500.00	APA004633
26737	Daniel C Ruiz	05/17/2024	Virtual Payment	0.00	500.00	APA004634
26780	David K Jones	05/17/2024	Virtual Payment	0.00	150.00	APA004635
26770	Diane Kremer	05/17/2024	Virtual Payment	0.00	125.00	APA004636
26747	Dinah Hubert	05/17/2024	Virtual Payment	0.00	625.00	APA004637
26761	Donald Piper	05/17/2024	Virtual Payment	0.00	500.00	APA004638
26778	Eguene David Hill	05/17/2024	Virtual Payment	0.00	199.00	APA004639
26753	Elizabeth Todd	05/17/2024	Virtual Payment	0.00	500.00	APA004640
26735	Fay Sample	05/17/2024	Virtual Payment	0.00	500.00	APA004641
26775	Frederic R. Weeth	05/17/2024	Virtual Payment	0.00	200.00	APA004642
20945	Gabriela Bravo	05/17/2024	Virtual Payment	0.00	75.00	APA004643
26739	Heather Moulton	05/17/2024	Virtual Payment	0.00	500.00	APA004644
22797	James Hacker	05/17/2024	Virtual Payment	0.00	457.20	APA004645
26782	James Holmes	05/17/2024	Virtual Payment	0.00	75.00	APA004646
26774	Jane Sink	05/17/2024	Virtual Payment	0.00	199.00	APA004647
26325	Jeff Tamayo	05/17/2024	Virtual Payment	0.00	1,000.00	APA004648
26749	Jennifer Sebolino	05/17/2024	Virtual Payment	0.00	500.00	APA004649
26783	JoLynn Johnsson	05/17/2024	Virtual Payment	0.00	75.00	APA004650
22657	Jonathan Ryan	05/17/2024	Virtual Payment	0.00	500.00	APA004651
26758	Jose Villarreal	05/17/2024	Virtual Payment	0.00	500.00	APA004652
26743	Joseph Racicot	05/17/2024	Virtual Payment	0.00	500.00	APA004653
26757	Joy Lee	05/17/2024	Virtual Payment	0.00	500.00	APA004654
26784	Karen Torello	05/17/2024	Virtual Payment	0.00	375.00	APA004655
26756	Karin Hagan	05/17/2024	Virtual Payment	0.00	500.00	APA004656
24099	Kathy A Goldstein	05/17/2024	Virtual Payment	0.00	500.00	APA004657
26762	Kimberly Ireland	05/17/2024	Virtual Payment	0.00	500.00	APA004658
26172	Laila Mahroom	05/17/2024	Virtual Payment	0.00	125.00	APA004659
26766	Lawrence Kane	05/17/2024	Virtual Payment	0.00	500.00	APA004660
26771	Linda Savage	05/17/2024	Virtual Payment	0.00	125.00	APA004661
26776	Mark Green	05/17/2024	Virtual Payment	0.00	199.00	APA004662
26744	Marvella Peterman	05/17/2024	Virtual Payment	0.00	500.00	APA004663
26779	Mary Kay Finley	05/17/2024	Virtual Payment	0.00	75.00	APA004664
26746	Mayra Garcia	05/17/2024	Virtual Payment	0.00	500.00	APA004665
26742	Melanie Yates	05/17/2024	Virtual Payment	0.00	500.00	APA004666
26777	Michael Badger	05/17/2024	Virtual Payment	0.00	199.00	APA004667
26760	Michaelah Brown	05/17/2024	Virtual Payment	0.00	500.00	APA004668
22207	Nancy Callahan	05/17/2024	Virtual Payment	0.00	75.00	APA004669
26736	Nancy James	05/17/2024	Virtual Payment	0.00	500.00	APA004670
26750	Neil Witzig	05/17/2024	Virtual Payment	0.00	500.00	APA004671
26764	Nihal Muzumdar	05/17/2024	Virtual Payment	0.00	500.00	APA004672
26745	Patricia Ramirez	05/17/2024	Virtual Payment	0.00	500.00	APA004673
26759	Patrick Cervelli	05/17/2024	Virtual Payment	0.00	500.00	APA004674
20674	Patrick Dowd	05/17/2024	Virtual Payment	0.00	99.00	APA004675
26773	Patrick Whisler	05/17/2024	Virtual Payment	0.00	199.99	APA004676
26748	Peter Guastamachio	05/17/2024	Virtual Payment	0.00	500.00	APA004677
26769	Prudence A Costanaza	05/17/2024	Virtual Payment	0.00	125.00	APA004678
26453	Ramona Pellegrino	05/17/2024	Virtual Payment	0.00	625.00	APA004679
26734	Richard Chase	05/17/2024	Virtual Payment	0.00	500.00	APA004680
26767	Richard Kendall	05/17/2024	Virtual Payment	0.00	125.00	APA004681
19386	Richelle Drollinger	05/17/2024	Virtual Payment	0.00	125.00	APA004682

Check Report

Date Range: 05/01/2024 - 05/31/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
26733	Roman Ayala	05/17/2024	Virtual Payment	0.00	500.00	APA004683
19716	Stanley Hwang	05/17/2024	Virtual Payment	0.00	125.00	APA004684
19244	Sunny Smith	05/17/2024	Virtual Payment	0.00	125.00	APA004685
26741	Susan Clancey	05/17/2024	Virtual Payment	0.00	500.00	APA004686
26751	Vern Creamer	05/17/2024	Virtual Payment	0.00	500.00	APA004687
26754	Victor Madden	05/17/2024	Virtual Payment	0.00	500.00	APA004688
26644	William Kirkwood	05/17/2024	Virtual Payment	0.00	625.00	APA004689
26654	Jaime Schraback	05/24/2024	Virtual Payment	0.00	625.00	APA004715

Bank Code REBATES-02 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
Virtual Payments	68	68	0.00	25,677.19
	68	68	0.00	25,677.19

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	6	4	0.00	5,642.61
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-1,533.00
Bank Drafts	47	34	0.00	178,347.80
EFT's	0	0	0.00	0.00
Virtual Payments	221	170	0.00	1,659,990.71
	274	209	0.00	1,842,448.12

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	5/2024	1,842,448.12
			1,842,448.12

EXHIBIT 2-C



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT STATEMENT OF REVENUES AND EXPENDITURES FOR THE MONTH MAY 31, 2024

	Mitigation	Conservation	Water Supply	Current Period Activity	Current FY Year-to-Date Actual	Current FY Annual Budget	Prior FY Year-to-Date Actual
REVENUES							
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ 2,675,611	\$ 2,600,000	\$ 2,481,700
Water supply charge			-	-	3,288,908	3,400,000	3,319,537
User fees	339,748	128,828	77,005	545,580	5,677,207	6,000,000	5,088,776
PWM Water Sales			684,713	684,713	13,275,501	13,275,500	12,201,000
Capacity fees			570,555	570,555	1,359,456	500,000	364,636
Permit fees	-	17,239		17,239	217,312	1,273,000	193,820
Investment income	-	-	-	26,165	436,571	150,000	244,112
Miscellaneous	320	330	350	1,000	9,082	15,000	14,331
Sub-total district revenues	340,068	146,397	1,332,623	1,845,252	26,939,649	27,213,500	23,907,912
Project reimbursements	-	17,408	-	17,408	771,467	1,251,200	2,067,619
Legal fee reimbursements		(962)		(962)	14,070	16,000	4,650
Grants	32,842	-	413,432	446,274	693,144	10,840,000	458,949
Recording fees		4,840		4,840	53,460	85,000	26,411
Sub-total reimbursements	32,842	21,286	413,432	467,560	1,532,141	12,192,200	2,557,630
From Reserves	-	-	-	-	-	2,067,550	-
Total revenues	372,909	167,683	1,746,055	2,312,813	28,471,790	41,473,250	26,465,542
EXPENDITURES							
Personnel:							
Salaries	129,485	71,495	141,386	342,366	2,760,792	3,147,800	2,419,415
Retirement	10,698	7,147	14,140	31,985	762,037	820,700	743,493
Unemployment Compensation	-	-	-	-	-	10,100	-
Auto Allowance	138	138	415	692	5,423	6,000	5,215
Deferred Compensation	248	248	743	1,238	9,891	10,700	8,834
Temporary Personnel	-	-	-	-	14,877	10,000	6,264
Workers Comp. Ins.	5,078	394	3,143	8,615	70,036	56,600	64,584
Employee Insurance	18,185	13,008	19,481	50,673	521,005	583,700	485,155
Medicare & FICA Taxes	1,955	1,116	2,199	5,270	41,246	49,500	40,358
Personnel Recruitment	-	-	-	-	2,084	8,000	513
Other benefits	972	942	1,031	2,945	5,129	2,000	1,778
Staff Development	-	-	-	-	7,690	26,400	9,632
Sub-total personnel costs	166,758	94,489	182,538	443,785	4,200,210	4,731,500	3,785,243
Services & Supplies:							
Board Member Comp	1,158	1,158	1,193	3,510	26,325	37,000	31,185
Board Expenses	106	69	90	266	9,722	8,000	7,213
Rent	587	157	597	1,341	21,626	26,300	21,249
Utilities	1,281	1,242	1,359	3,882	36,351	33,200	30,928
Telephone	1,175	789	598	2,562	52,393	47,000	41,968
Facility Maintenance	1,136	1,101	1,204	3,441	51,877	55,100	49,582
Bank Charges	326	316	346	988	10,829	25,100	14,086
Office Supplies	776	696	762	2,234	18,441	24,200	34,058
Courier Expense	84	81	89	254	6,609	7,600	7,074
Postage & Shipping	118	115	126	359	4,632	7,500	5,599
Equipment Lease	715	453	575	1,744	10,801	13,100	9,930
Equip. Repairs & Maintenance	457	443	484	1,384	6,106	5,100	4,555
Photocopy Expense				-			
Printing/Duplicating/Binding	-	-	-	-	1,335	-	2
IT Supplies/Services	3,002	2,911	3,184	9,098	281,094	280,000	288,278
Operating Supplies	971	12	13	996	19,641	21,200	6,386
Legal Services	-	-	394	394	325,503	400,000	281,429
Professional Fees	9,837	9,539	10,433	29,808	341,120	455,100	279,593



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE MONTH MAY 31, 2024

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
Transportation	2,457	133	198	2,788	35,991	31,000	31,319
Travel	474	460	503	1,437	8,723	19,500	18,331
Meeting Expenses	509	520	514	1,544	12,384	19,800	19,036
Insurance	7,507	7,962	7,280	22,750	250,776	273,000	159,919
Legal Notices	-	-	-	-	-	2,600	231
Membership Dues	515	499	546	1,560	40,105	41,200	48,883
Public Outreach	-	-	-	-	3,105	3,100	1,095
Assessors Administration Fee	-	-	-	-	20,893	34,000	34,009
Miscellaneous	-	-	-	-	387	3,200	393
Sub-total services & supplies costs	33,192	28,659	30,489	92,340	1,596,769	1,872,900	1,426,329
Project expenditures	39,432	45,101	1,516,643	1,601,177	15,867,722	30,470,958	16,572,111
Fixed assets	-	-	-	-	80,701	246,000	340,851
Contingencies	-	-	-	-	-	50,536	-
Election costs	-	-	-	-	-	-	-
Debt service: Principal	-	-	-	-	-	-	-
Debt service: Interest	-	-	-	-	75	-	49,009
Flood drought reserve	-	-	-	-	-	171,056	-
Capital equipment reserve	-	-	-	-	-	330,300	-
General fund balance	-	-	-	-	-	-	270
Debt Reserve	-	-	-	-	-	-	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Sub-total other	39,432	45,101	1,516,643	1,601,177	15,948,498	31,468,850	16,962,240
Total expenditures	239,383	168,249	1,729,670	2,137,301	21,745,477	38,073,250	22,173,813
Excess (Deficiency) of revenues over expenditures	\$ 133,527	\$ (565)	\$ 16,386	\$ 175,512	\$ 6,726,313	\$ 3,400,000	\$ 4,291,729

 **De LAY & LAREDO**
ATTORNEYS AT LAW

David C. Laredo
Frances M. Farina
Michael D. Laredo

Paul R. De Lay
(1919 – 2018)

Pacific Grove Office:
606 Forest Avenue
Pacific Grove, CA 93950
Telephone: (831) 646-1502
Facsimile: (831) 646-0377

July 8, 2024

TO: Chair Andrews, Members of the Board and General Manager Stoldt
FROM: David C. Laredo, Counsel
RE: General Report of Pending Litigation effective July 8, 2024

This memo presents a public summary of litigations matters that are deemed to be open and active.

1 – Monterey Peninsula Taxpayers Association (MPTA) cases:

These are a series of five (5) separate lawsuits that collectively challenge a variety of aspects to the District's collection of the Water Supply Charge, only the last four of which are actively pending.

1.a MPTA I – MPTA v. MPWMD; 22CV000925

MPTA brought an initial challenge against District collection of the Water Supply Charge on the owners served by the District. Judge Thomas Wills ruled in favor of the District, and against the challenge brought by MPTA. This matter is no longer pending and is deemed final.

**1.b MPTA II – MPTA v. MPWMD; Monterey County Superior Court 21CV003066
6th Dist. Court of Appeal H0-51128**

MPTA brought a second challenge against the District collection of the Water Supply Charge on the owners served by the District, raising different grounds as compared to the allegations in MPTA I. Judge Panetta ruled against District collection of the charge, in favor of MPTA. The matter is now on appeal before the Sixth District Court of Appeal.

The District seeks reversal of the trial court's writ compelling suspension of its annual charge contending MPTA failed to timely file a validation claim, and also that District Ordinance No. 152 properly authorizes support collection of its that charge.

The appellate case has been fully briefed by all parties. Oral arguments have been set for Thursday, September 5 at 9:30 a.m. before the 6th District Appellate Court at 333 W. Santa Clara Street, Suite 1060, San Jose.

1.c MPTA III – MPTA v. MPWMD; Monterey County Superior Court 22CV002113

MPTA brought this third challenge against District collection of the Water Supply Charge on the owners served by the District, raising different grounds as compared to the allegations in both MPTA I and MPTA II.

The parties have agreed to postpone active litigation of this matter pending a ruling from the Sixth District Court of Appeal in connection with MPTA II.

1.d MPTA IV - MPTA v. MPWMD; Monterey County Superior Court 23CV002453

MPTA brought this fourth challenge against District collection of the Water Supply Charge on the owners served by the District, raising grounds similar to MPTA III but extending the term for the following applicable tax year.

As with the agreement to postpone of litigation of MPTA III, further action on this matter will pend until a ruling is issued from the Sixth District Court of Appeal in connection with MPTA II.

1.e MPTA V - MPTA v. MPWMD; Monterey County Superior Court 24CV002642

MPTA has filed this fifth challenge against District collection of the Water Supply Charge, raising grounds similar to MPTA III and IV with respect to this current tax year, but this action also includes class claims and frames a class action on behalf of property owners. The action has been served upon the District but the parties are framing an agreement to postpone active litigation until after a ruling has been issued by the Sixth District Court of Appeal in connection with MPTA II.

2 – MPWMD v. Cal-Am; 23CV004102

This pending lawsuit embodies the District’s effort to fulfill the electoral mandate of Measure J to acquire ownership and operation of Cal-Am’s Monterey Division water supply facilities.

Judge Vanessa Vallarta is the presiding judge for this case. It remains at an early stage; Cal-Am has challenged aspects of the lawsuit (by demurrer) Judge Vallarta has set a second hearing on that motion for August 23, 2024. Discovery efforts have also begun.

**3 – MPWMD v. Local Agency Formation Commission (LAFCO); Cal-Am; 22CV000925
6th Dist. Court of Appeal H0-51849**

The District brought this lawsuit to challenge LAFCO’s conduct and administrative decisions regarding exercise of District powers to acquire Cal-Am water system facilities in accord with the voter mandate in Measure J. On December 7, 2023 Judge Thomas Wills ruled in favor of the District, and against LAFCO. The matter is now on appeal before the Sixth District Court of Appeal. Briefing schedules and any dates for oral argument have not yet been set.

4 – City of Marina; MPWMD, et al, v. California Coastal Commission (CCC); Cal-Am; 22CV004063

This pending lawsuit incorporates multiple actions by Petitioners City of Marina, the Marina Coast Water District (MCWD), the MCWD Groundwater Sustainability Agency and MPWMD that collectively challenge CCC issuance of a Coastal Development Permit to Cal-Am to grant conditioned

approval of Cal-Am’s proposed Desalination Project. Cal-Am is a direct party as a real party in interest to this proceeding.

The CCC has prepared and lodged the administrative record with the Superior Court. The court-ordered briefing schedule provides Petitioners are to submit Opening Briefs by July 15th, Opposition Briefs are to be filed in late August and Reply Briefs another 30 days thereafter. A hearing on the merits is anticipated in November 2024.

5 – Matters Pending before the California Public Utilities Commission (CPUC) Actions pertaining to the Cal-Am Water System

The following actions are separate pending proceedings in which MPWMD is involved due to their impact on the Monterey area or upon the Cal-Am water system.

5.a A.21-11-014 Cal-Am Amended Water Purchase Agreement

This action deals with Cal-Am’s request to purchase water from the Pure Water Replenishment Project and its expansion.

Earlier phases of this case dealt primarily with Cal-Am’s request that the CPUC authorize the Company to enter into the Amended and Restated Water Purchase Agreement for Pure Water Expansion. The most recent phase has addressed the need to update water supply and water demand calculations related to the Cal-Am system.

Phase 2 briefs have been filed by all parties. It is not clear when a Proposed Decision will be issued by the assigned ALJ or when the matter may be submitted for action by the full Commission. An Order Extending Statutory Deadline to 12/31/2024 was received 7/1/2024.

5.b A.22-07-001 Cal-Am 2022 General Rate Case (GRC)

This action deals with Cal-Am triennial request that the CPUC approve both rates and charges, and changes to the Cal-Am operating system for a three-year rate cycle. The evidentiary phase of the case has been concluded. ALJ Rambo conducted the evidentiary hearing. The case has been reassigned effective 4/22/2024 from Commissioner Genevieve Shiroma to Commissioner Karen Douglas because the former Commissioner left the Commission.

Cal-Am and the Public Advocates Office have submitted a partial proposed settlement of issues, but issues which remain in dispute include, but are not limited to,

- (1) Rate design;
- (2) Special Request #1 - Monterey Water Revenue Adjustment Mechanism;
- (3) Special Request #2 - Full and Incremental Cost Balancing Accounts;
- (4) Special Request #3 - Annual Consumption Adjustment Mechanism;
- (5) Special Request #4 - Consolidation of Transmission and Distribution Net Plant Costs;
- (6) CAW’s request to deviate from Uniform System of Accounts (in Special Request #5);
- (7) CAW’s request to recover \$3.3 million annual earthquake insurance premiums;
- (8) Special Request #9 - Placer County Water Agency (“PCWA”) Capacity Cost Recovery;
- (9) Special Request #13 - Chemical Cost Balancing Account; and

(10) Special Request #14 to recover balances beyond the 15% WRAM cap.

Further action by the parties awaits issuance of a Proposed Decision, expected later this calendar year. An Order Extending Statutory Deadline to 9/30/2024 was received 7/1/2024.

5.c R.22-04-003 CPUC Acquisition Rulemaking

This action deals with CPUC Rulemaking. It impacts statewide public utility systems and has particular impact on the Cal-Am system. The scope of the proceeding is to propose rules to provide a framework for Public Water System Investment and Consolidation. The effect of these rules may promote or discourage transfer of local costs which would impose subsidies of local costs to non-local systems. The scope of these regulations may affect purchase prices for distressed assets and impose subsidies on local ratepayers.

It is not clear when a Proposed Decision will be issued by the assigned ALJ or when the matter may be submitted for consideration by the full Commission. An Order Extending Statutory Deadline to 12/31/2024 was received 7/1/2024.

In addition to pending matters of active litigation referenced above, one matter of threatened litigation exists as referenced below.

6 –*Cal-Am v. MPWMD and Monterey One Water (action threatened by not yet filed)*

By letter, Cal-Am threatened to file a breach of contract action relating to the Aquifer Storage & Recovery (ASR) Agreement among the parties. The dispute relates to the status of ASR Well.

The parties continue to cooperatively resolve their concerns and have entered into seven consecutive agreements to toll (extend) filing deadlines and facilitate their ability to reach a mutually acceptable settlement.

Cal-Am’s most recent comment states it “has been working diligently to address both extraction and injection concerns relating to ASR-04. Due to a variety of technical and several DDW-related procedural issues we now believe that this will not be fully resolved for several months and perhaps up to a year.”

ITEM: ACTION ITEM

7. CONSIDER ADOPTION OF RESOLUTION NO. 2024-09 CALLING AN ELECTION FOR DIRECTORS IN VOTER DIVISIONS 3, 4 AND 5 ON NOVEMBER 5, 2024, AND APPROVE SERVICES AGREEMENT WITH THE COUNTY OF MONTEREY- ELECTIONS DEPARTMENT

Meeting Date:	July 15, 2024	Budgeted:	Yes
From:	David J. Stoldt General Manager	Program/ Line Item:	Election Expense
Prepared By:	Sara Reyes	Cost Estimate:	\$410,000

General Counsel Review: N/A

Committee Recommendation: NA

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

SUMMARY: On November 5, 2024, an election is scheduled for directors in voter Divisions 3, 4 and 5. The Monterey County Elections Department requires that a resolution calling for the November 5 election be adopted by the Board of Directors and submitted no later than August 9, 2024. The proposed resolution is attached as **Exhibit 7-A**.

The Elections Department has estimated that the approximate cost to conduct the election will be between \$7.00 and \$10 per registered voter, potentially between \$220,000 and \$410,000. This authorization seeks \$410,000, the maximum estimate using the Election Department rates. Actual amount billed by the Election Department will be based on the final costs calculated after the election. Section 10002 of the Elections Code specifies that the District shall reimburse the County Elections Department in full for the election services performed. Staff requests that the Board authorize the General Manager to enter into a service agreement with the Elections Department (**Exhibit 7-B**).

RECOMMENDATION: The Board should adopt Resolution No. 2024-09 attached as **Exhibit 7-A**, calling for an election in voter Divisions 3, 4 and 5 on November 5, 2024; and authorize the General Manager to enter into a service agreement with Monterey County Elections to conduct the election (**Exhibit 7-B**).

IMPACT ON STAFF/RESOURCES: The Fiscal Year 2024-25 Budget identifies \$250,000 under the Election Expenses category to cover the cost of this District election. The authorization is for a not-to-exceed amount of \$410,000. If needed, additional funds will be allocated during mid-year budget process in February 2025. In the most recent elections, the District spent \$119,628.12 for election expenses based on similar rates for each registered voter.

EXHIBITS

7-A Draft Resolution 2024-09 Ordering an Election in Voter Divisions 3, 4 and 5 on November 5, 2024

7-B Service Agreement for the Provision of Election Services



EXHIBIT 7-A

DRAFT

RESOLUTION NO. 2024-09

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDERING AN ELECTION IN VOTER DIVISIONS 3, 4 AND 5
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any district may by resolution request the Board of Supervisors of the County to permit the county elections official to render specified services to the district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a

district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate’s statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes (“tie votes”) for an office to be voted upon; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on a **November 5, 2024**.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the governing body of the **Monterey Peninsula Water Management District** hereby orders an election be called and consolidated with any and all elections also called to be held on **November 5, 2024** insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Water Management District, and requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department conduct the election for the purpose of electing **three (3)** Members to this Governing Board on the **November 5, 2024** ballot:

SEATS OPEN	OFFICE	TERM	Division
1	Director	4 years	Division 3
1	Director	4 years	Division 4
1	Director	4 years	Division 5

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Election Code Section 13307 the **Monterey Peninsula Water Management District** has resolved that all costs of the Candidate’s statement be paid by the **candidate** and that no candidate may submit a statement of over **400** words.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10515, should only one person file for candidacy in voter divisions 3, 4 and 5 the County elections official shall cancel the election in the affected division, and the Board of Supervisors shall appoint that candidate to fill the vacancy. Should no person file for candidacy in voter divisions 3, 4 and 5, the County elections official shall cancel the election in the affected division, and the Board of Supervisors of the County of Monterey shall appoint the candidate to fill the vacancy; and

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10551, if a tie vote makes it impossible to determine which of two or more candidates has been elected, the county elections official shall notify the Water Management District Board of Directors, who shall forthwith notify the candidates who have received the tie votes to appear before it personally or by representative as a time and place designated. The Water Management District Board of Directors shall, at that time and place, determine the tie by lot and declare the results.

PASSED AND ADOPTED by the **Monterey Peninsula Water Management District** on this XX day of July 2024 by the following vote, to wit:

AYES:
NAYES:
ABSENT:

I, David J. Stoldt, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a resolution adopted on XX day of 2024.

Dated: _____

David J. Stoldt,
Secretary to the Board of Directors

EXHIBIT 7-B

SERVICE AGREEMENT FOR THE PROVISION OF ELECTION
SERVICES BETWEEN **MONTEREY PENINSULA WATER MANAGEMENT DISTRICT** AND
COUNTY OF MONTEREY DEPARTMENT OF ELECTIONS

NOVEMBER 5, 2024

This Agreement, entered into this _____ day of _____ 2024, by and between **Monterey Peninsula Water Management District** and County of Monterey Department of Elections (hereinafter referred to as the Department);

WHEREAS, it is necessary and desirable that the Department be retained for the purpose of conducting an election hereinafter described for the **Monterey Peninsula Water Management District** (hereinafter referred to as the District);

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE DISTRICT:

- 1) No later than the 123rd day prior to the election the District shall submit a board approved resolution which requests the County of Monterey Department of Elections to conduct an election for the District on **NOVEMBER 5, 2024** and requesting election related services of the Department.
- 2) The District shall submit to the Department in writing the exact number of offices to be voted on and/or the exact ballot wording to be voted by no later than the 88th day prior to the election, or by the 83rd day prior to the election if Elections Code §§ 10510, 10515, and 10516 are applicable.
- 3) The District shall prepare and deliver to the Department the Voter Guide information containing, as applicable, the ballot measure and tax rate statements. The last day for the submission of primary arguments (300 words) and impartial analysis shall be no later than **AUGUST 15, 2024**. The last day for the submission of rebuttal arguments (250 words) is **AUGUST 22, 2024**.

- 4) The District shall be responsible for reviewing and approving the language of the sample ballot and official ballot wording for candidates and measures.

SERVICES TO BE PERFORMED BY THE DEPARTMENT:

- 1) The Department shall publish the Notice of Election and the Notice to File Declarations of Candidacy for the District offices to be voted on, and/or the Notice to File Arguments for or against any measure.
- 2) The Department shall select and contract with the sample and official ballot printer(s) on behalf of the District.
- 3) The Department shall prepare and deliver to the printer the official ballot information.
- 4) The Department shall issue, receive, and process all ballots on behalf of the District matters.
- 5) The Department shall procure all necessary and appropriate polling place locations, hire polling place workers, and conduct the election in accordance with all applicable state, federal and local laws.
- 6) The Department shall prepare a Canvass of Votes Cast and submit a Certificate of Registrar of Voters to the District regarding the District matters.
- 7) The Department shall conduct other various and miscellaneous election activities as required including but not limited to all those required as the District's Election Official other than those described under "Services to be Performed by the District".

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the election to be held on **NOVEMBER 5, 2024**.

The parties will use best efforts to perform services herein. However, in the event the Department is unable to perform services required under this Agreement that are beyond their control, including an employee strike, vendor conditions, natural disasters, war, or other similar conditions, the Department will be relieved of all obligations under this Agreement. The Department will provide reasonable notice, if practical, of any conditions beyond their control, including notice at least 60 days prior to **NOVEMBER 5, 2024** of vendor conditions affecting the election services. In the event a vendor does not perform, the Department will attempt to obtain substitute services.

CONSIDERATION:

In consideration of the performance of services and supplies provided by the Department, the District shall pay to the Department a sum equal to the actual cost of such services, expenses, and supplies related to the work performed on behalf of District. In the event that this Agreement is terminated prematurely, the District shall pay to the Department a sum equal to the actual cost of such services performed or supplies/expenses incurred as of the effective date of the termination.

The District shall make payment within 30 days of receipt of invoice from the Department.

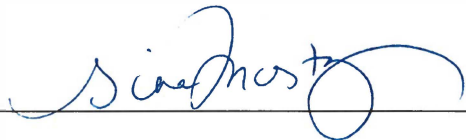
DISTRICT:

Signature: _____ Date: _____

Print Name: _____

Title: _____

COUNTY:

Signature:  _____ Date: 04/23/2024

Print Name: Gina Martinez

Title: County of Monterey, Registrar of Voters

ITEM: ACTION ITEM

8. CONSIDER ESTABLISHMENT OF FINANCIAL ASSISTANCE PROGRAM TO ASSIST LOW-INCOME HOUSEHOLDS TO COMPLY WITH DISTRICT ORDINANCE NO. 3 AND RULE 54 REQUIRING METERING AND REPORTING OF PRIVATELY OWNED WELLS

Meeting Date:	July 15, 2024	Budgeted:	No
From:	David J. Stoldt General Manager	Program/ Line Item:	2-5-3 B2
Prepared By:	Jonathan Leer	Cost Estimate:	\$3,000

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 District's Rule 56 requires registration, metering, and annual reporting of meter reads for all wells in the District. Privately owned wells are required to report meter reads at the end of September each year. District staff is required to report the production records each year to the General Manager and the District Board. Periodically when compiling the production reports, District staff notices that a meter is no longer functional. When this occurs, District staff works with the land owner to have the meter repaired or replaced. It is the responsibility and at the cost of the well owner to replace the meter or the property and allow District staff to perform a meter inspection. If the meter is removed or the broken meter is not replaced the property is out of compliance with District Rule 54. If the property remains out of compliance with Rule 54, a notice of non-compliance is filed at the Monterey County Records Office.

From time to time when meters stop working, property owners have indicated that the cost of installing or replacing a broken meter on a well would create a financial hardship for their household. District staff is seeking to create a fund and mechanism to help households in this situation. The average cost to replace or install a meter is around \$500 and based on past interactions with well owners would be only a handful of meters a year, if any. M1W has a financial assistance program for assisting low-income households. M1W requires proof of income in the form of a tax filing or enrolment into PG&E low-income assistance prior to offering financial support. The thresholds for household income are adjusted each year by M1W to the economic environment. District staff proposes to adopt the same proof of income and use the annual household income qualifying table M1W uses to offer financial assistance to comply with District Rule 54. The current table used by M1W is attached as Exhibit 8 A. This item was not included in the recent budget preparation but is a small line item and can be added in the mid-year budget adjustment. If this program is adopted, the line item will be added to subsequent budgets.

RECOMMENDATION: Direct the General Manager to establish a financial assistance program to assist low-income households to comply with District Rule 54.

EXHIBIT

8-A M1W Residential Low-Income Sewer Assistance Program 2024 Income Limits.

U:\staff\Boardpacket\2024\07152024\Action Items\08\Item-8.docx



RESIDENTIAL LOW-INCOME SEWER ASSISTANCE PROGRAM

2024 Income Limits

Income Limit	Household Size							
	1	2	3	4	5	6	7	8
	\$54,800	\$62,650	\$70,475	\$78,275	\$84,575	\$90,690	\$97,075	\$103,350

Deadlines, eligibility details, and application available at:
www.montereyonewater.org/assistance or 831-372-3367

HOGARES DE BAJOS INGRESOS PROGRAMA DE ASISTENCIA DE AGUA RESIDUALES

2024 Límite de Ingresos

Límite de Ingresos	Tamaño del Hogar							
	1	2	3	4	5	6	7	8
	\$54,800	\$62,650	\$70,475	\$78,275	\$84,575	\$90,690	\$97,075	\$103,350

Plazos, detalles de elegibilidad y solicitud están disponibles en:
www.montereyonewater.org/assistance o 831-372-3367

ITEM: ACTION ITEM

9. CONSIDER AUTHORIZING ADDITIONAL FUNDS FOR THE CONTRACT WITH MAGGIORA BROTHERS DRILLING FOR REHABILITATION OF TWO ASR WELLS

Meeting Date:	July 15, 2024	Budgeted:	Partially
From:	David J. Stoldt, General Manager	Program/ Line Item:	Water Supply Projects ASR Operations & Maintenance/ 1-2-1-B
Prepared By:	Maureen Hamilton	Cost Estimate:	\$224,190.50

General Counsel Review: N/A

Committee Recommendation: The Finance and Administration Committee did not meet this month and has not reviewed this item.

CEQA Compliance: This action is a categoric exemption from CEQA under CEQA Guideline Section 15301 for “Existing Facilities.” District filed a NOE for this effort

SUMMARY:

On May 15, 2024, the Board of Directors (Board) authorized a contract with Maggiora Brother Drilling, Inc. (Maggiora) for the Rehabilitation of ASR-1 and ASR-2 Wells (Project) in the amount of \$302,985.00, plus a 10% contingency, for a total amount of \$333,283.50.

Maggiora removed and inspected both wells’ pump assemblies. Repairs were recommended that exceed the 10% contingency. Staff is requesting an additional \$224,190.50 to pay for repairs, for a new total contract amount of \$557,474.00. Of the new total, \$28,000 will remain as contingency for unforeseeable work during the well rehabilitations.

As of the writing of this staff note, staff will meet with Maggiora’s inspectors at their work yard on July 10, 2024, to finalize the repair scope and amount. Any adjustment in the repair cost will be presented at the Board meeting and deducted from the request.

Maintenance and repair work at the ASR facilities is fully reimbursable by Cal-Am per the Amended and Restated Aquifer Storage and Recovery Management and Operations Agreement executed February 23, 2021 (ASR Operations Agreement). Staff met and conferred with Cal-Am Staff on July 8, 2024, per the ASR Operations Agreement; Cal-Am staff is reviewing the information internally.

The 2024-2025 budget for the Project will require \$15,924.00 in additional funds. The additional funds will be identified in the mid-year budget adjustments presented to the Board.

Maggiore has requested additional time for the repairs; staff is reviewing the request. Staff approved required time-critical repairs using the 10% contingency previously authorized by the Board.

RECOMMENDATION: Authorize the General Manager or his designee to increase the Maggiore Brothers Drilling, Inc. contract to rehabilitate ASR1 and ASR2 wells by \$224,190.50 for a total not-to-exceed amount of \$557,474.00.

BACKGROUND: ASR-1 and ASR-2 wells experienced an event on March 6, 2024 that resulted in an injection capacity decline. To ensure maximum ASR water supply during this ongoing period of insufficient legal water supply, ASR-1 and ASR-2 must be rehabilitated between injection seasons this summer and fall. At the March 18, 2024 Board of Directors meeting, the Board found the ASR capacity loss constitutes an unexpected emergency situation and directed staff to obtain quotes for the rehabilitations.

Staff obtained quotes from three qualified contractors to perform the well rehabilitations. The lowest quote was submitted by Maggiore and the Board authorized a contract for the Project in May of 2024.

Both pump assemblies were removed and transported the last week of June to Maggiore’s work yard for inspection. Maggiore obtained quotations for repair and replacement of worn parts and submitted recommendations on July 5 in an amount totaling \$257,549.

Staff met with Maggiore on July 8 to perform an initial scope adjustment, reducing the repair cost to \$226,489. Staff will meet with Maggiore’s inspectors at their work yard on July 10, 2024 to review the inspection findings in light of the wells’ relatively unique function and history. Any adjustment in the repair cost will be presented at the Board meeting and deducted from the request.

Staff requests \$28,000 as future contingency for unforeseen needs during the wells’ rehabilitation. The requested future contingency is for work that may be required to effectively clean the wells.

The total request is detailed in the following table.

Request	Amount
Rehabilitation Authorized May 15, 2024	\$302,985.00
Contingency Authorized May 15, 2024	+ \$ 30,298.50
Repair Request	+ \$226,489.00
Repair Request Funded by Authorized Contingency	- \$ 30,298.50
Requested Future Contingency	+ \$ 28,000.00
<i>Total Request</i>	<i>\$557,474.00</i>
This Request = Total Request - Previous Authorization	= \$224,190.50

EXHIBIT

None

ITEM: ACTION ITEM

10. CONSIDER ADOPTION OF AGREEMENT WITH DE LAY & LAREDO FOR LEGAL SERVICES

Meeting Date:	July 15, 2024	Budgeted:	Yes
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	David J. Stoldt	Cost Estimate:	See Exhibit 10-A

General Counsel Review: Yes
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: Since early 2024, the District Board has discussed the transition of primary District Counsel, David C. Laredo, to a lesser role in anticipation of eventual retirement. The Board has also focused on the compensation structure and term. The draft Amended and Restated Agreement for Legal Services (**Exhibit 10-A** attached) represents the culmination of the performance review process for the firm De Lay & Laredo and is considered a vehicle to move ahead with representation by the firm going forward, at least through December 31, 2026.

RECOMMENDATION: It is recommended that the Board approve the proposed contract for legal services with De Lay & Laredo.

EXHIBIT
10-A Proposed Amended and Restated Agreement for Legal Services

EXHIBIT 10-A

**AMENDED & RESTATED
AGREEMENT FOR LEGAL SERVICES**

THIS AGREEMENT amends and restates the prior agreement (“Prior Agreement”) of the parties dated January 1, 2022, with a term ending December 31, 2024.

This Amended and Restated Agreement for Legal Services (hereinafter referred to as “Amended and Restated Agreement”) by and between the Monterey Peninsula Water Management District (hereinafter referred to as “District” or “MPWMD”) and De Lay & Laredo, Attorneys at Law (hereinafter referred to as “General Counsel”). The term “General Manager” as used herein shall refer to the incumbent Executive Officer of the District.

This Amended and Restated Agreement is made and entered into with an effective date of July 1, 2024. Its terms shall prevail over any contrary provision of the Prior Agreement.

WHEREAS, the District requires legal services including representation, advice, and consultation as to its powers and duties and as to the rights and obligations of those with whom it deals and/or regulates; and

WHEREAS, General Counsel has civil law experience, regularly represents local public agencies, and maintains a civil law office in Pacific Grove, California with personnel who are familiar with legal principles applicable to the District;

NOW, THEREFORE, the parties do hereby agree as follows:

1. General Counsel will provide to, or on behalf of the District, general counsel services including day-to-day advice, written opinions, legal document review, appearances at all Board meetings, and appearances at committees or subcommittee meetings at the District upon request. Michael D. Laredo is designated as lead attorney; service may also be provided by other De Lay & Laredo counsel or staff. Service by non-firm counsel shall be subject to District approval. District agrees to pay General Counsel for general counsel services on a monthly basis upon invoice from General Counsel, in accord with paragraph 4, below.

2. In addition to general counsel services, De Lay & Laredo attorneys shall also provide special legal services, upon request and subject to direction from the District Board of Directors or its General Manager, such as appearances at non-District meetings or proceedings, oversight of special counsel, litigation advice or services, services subject to reimbursement by third parties, and bond, audit or financial services. David C. Laredo shall be assigned to provide lead counsel on matters of active litigation, including but not limited to oversight of eminent domain proceedings pertaining to acquisition of properties owned by California American Water Company, contested matters pending before the California Public Utilities Commission or the State Water Resources Control Board. The District shall pay De Lay & Laredo for these legal services upon invoice from General Counsel, in accord with paragraph 4, below.

3. General Counsel's engagement with respect to matters relating to conflicts of interest, Fair Political Practice Act issues, or Government Code Section 1090 issues shall be provided only as to specific matters for which General Counsel has been formally consulted and for which General Counsel has agreed to accept. General Counsel's engagement shall not impose a duty upon De Lay & Laredo or any attorney of that firm, to undertake an independent review or special investigation of District files, transactions, contractual arrangements, or other affairs for the purpose of issues referenced above, except in response to a specific question or consultation. This engagement also does not require a separate inquiry or review of any statement of economic interest (or any inquiry as to the accuracy of such statement), nor does this engagement require an independent assessment as to conflict or self-dealing issues absent a specific written consultation or written question thereon.

4. Upon the effective date of this Agreement, General Counsel shall be paid special legal services, upon invoice, as follows:

- Efforts by Michael D. Laredo - two hundred seventy-five dollars (\$275) per hour,
- Efforts by David C. Laredo - two hundred ninety-five dollars (\$295) per hour,
- Efforts by Frances M. Farina - two hundred ninety-five dollars (\$295) per hour,
- Efforts by other firm attorneys - two hundred sixty-five dollars (\$265) per hour,
- Efforts by firm paralegal staff - one hundred thirty dollars (\$130) per hour.

Rates set forth above shall each increase by 5% (adjusted to the nearest five-dollar increment) on the following dates: January 1, 2025, and January 1, 2026.

5. Upon January 1, 2026, efforts by Michael D. Laredo shall be paid at the same rate referenced above for David C. Laredo or Frances M. Farina.

6. The District agrees to reimburse General Counsel for all expenses and reasonable costs incurred by General Counsel relating to the District, including registration and expenses (in accord with District per diem rates and policies) for one conference sponsored by ACWA or other comparable organization each calendar year. The District shall reimburse General Counsel all costs incurred on behalf of the District including specialty counsel, appraisers, filing fees, witness fees, transcripts, reporter fees, hearing officer costs, photocopying costs, long-distance telephone costs, travel and lodging costs, legal process fees, discovery costs, and jury fees. Out-of-district travel shall be billed at 50% of the applicable service rate. Costs shall be billed at actual cost (no overhead additions). No cost charge shall be made for communications or deliveries to or from other firm counsel.

6. This legal services agreement shall end on December 31, 2026, provided however, that this Agreement may be terminated at any time during its term, without cause, by the affirmative vote of a majority of the Board. In the absence of a written renewal, this contract shall continue on a monthly basis beginning on January 1, 2027, provided however, that the District or General Counsel shall provide thirty (30) days advance notice of any amendment.

7. De Lay & Laredo shall maintain a policy of professional errors and omissions insurance with a minimum of \$1,000,000/\$1,000,000 limits during the term of this agreement.

IN WITNESS WHEREOF, Monterey Peninsula Water Management District and General Counsel have executed this Agreement as of the day and year set forth below.

Dated

David J. Stoldt for MPMWD

Dated

Michael D. Laredo for De Lay & Laredo

Dated

David C. Laredo for De Lay & Laredo

U:\staff\Boardpacket\2024\07152024\Action Items\10\Item-10-Exh-10-A.docx

ITEM: ACTION ITEM

11. CONSIDER ADOPTION OF MEMORANDUM OF UNDERSTANDING WITH THE DISTRICT BARGAINING UNITS

Meeting Date:	July 15, 2024	Budgeted:	Yes
From:	David J. Stoldt General Manager	Program/ Line Item:	N/A N/A
Prepared By:	David J. Stoldt	Cost Estimate:	Approx \$439,000

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 General Staff Bargaining Unit and the Management Staff Bargaining Unit, represented by Laborers’ International Union of North America (LiUNA), Local 792, as well as the unrepresented Confidential Staff Bargaining Unit and the Board’s negotiating representatives have agreed to terms for new 3-year Memoranda of Understanding (MOUs), an example of which is attached as **Exhibit 11-A** in redline format. The proposed Agreement is consistent in financial terms as that presented to the District Board in closed session on July 1, 2024 and in non-financial terms as presented to the Board May 20, 2024 and June 17, 2024 closed sessions. This agreement achieves the District goals of remaining cost conscious while also sending the signal that the District compensates fairly and commensurately with the market.

RECOMMENDATION: 1) The General Manager recommends that the Board adopt all three of the MOUs based on the salary survey results discussed on July 1, 2024 and the redline of the General Staff Memorandum of Agreement as it appears in **Exhibit 11-A** and which will be similar for all three units; and by separate motion 2) decide whether to award the General Manager a cost of living adjustment effective at the same time as the other units, as has occurred the past two years, and review his performance and base compensation at the end of the calendar year.

BACKGROUND: Bargaining points incorporated into the agreement, as a result of this year’s negotiations, are as follows:

Salary Survey

One of the key issues in the negotiations with the District’s General and Management bargaining units was the union-initiated salary survey. The union, LiUNA (Laborers' International Union of North America) commissioned its own salary survey by the firm of Mastagni Holstedt to determine if District personnel are presently compensated at a reasonable market rate. A salary survey is a position-by-position evaluation of how the salary and benefits of the District compare to other similar public agencies. LiUNA performed two such analyses in order to capture all job descriptions covered by the union. Both parties have, during these negotiations, agreed to only

look at salary levels, because other benefits are variable and difficult to analyze on a comparative basis. The District last performed a salary survey in 2016.

The manner in which the LiUNA salary survey was undertaken was to identify comparative other agencies (first identified by the District in 2016 or earlier), find similar job titles and descriptions, determine the salary rate at the highest step for the position (a “step” is the highest salary in the pay range for the job title), compute the average salary and the median salary, and then compare it to the District’s highest salary step for the similar position.

The General Manager has previously stated that geographically dispersed public agencies need to have their data “normalized” for differences in cost-of-living and labor costs. The union agreed, but admitted that they did not have the access to such data to do so. District staff has such access and did include it in its analysis, as shown below.

The General Manager’s analysis of the two LiUNA memoranda was as follows:

1. Evaluate whether comparative agencies are appropriate for the District;
2. Ensure data is representative of FY 2023-24 year end data. Spot check salary data represented by LiUNA consultant for other comparative agencies are year 2023-24 data;
3. Review job titles utilized for each comparative agency. Where incorrect, revise job title and comparable salary;
4. Adjust each agency/city position salary by a geographic cost of labor factor provided through District’s subscription with Economic Research Institute (ERI);
5. Ensure median and average calculation are consistent with number of agencies for each job description (denominator check);
6. Determine what, if any, adjustment in salary might be warranted for each position;
7. Round prospective adjustment to District’s existing salary tables to match typical District “Range” changes (i.e. moving up a “Range” is approximately a 2.5% increase for a job position; Once in a Range, a “Step” increase is 5%; there are 5 Steps per Range); and
8. Make a recommendation based on the data.

Following analysis of the represented union positions, the General Manager applied the same methodology to the three Confidential unrepresented employees.

The District’s (GM’s) review of the salary survey results made the following observations and conclusions:

- “Market” should be defined by median, rather than average, to minimize the impact of high-cost Bay-Area comparators.

- There are 24 employee positions under review – 18 General unit, 3 Management unit, and 3 Confidential unit. The General Manager position and the proposed Assistant General Manager position were not reviewed.
- Two District positions were not below market. Of the remaining 22 positions, they were below the median for comparators ranging from 2.54% to 34.19%.
- There are nine unfilled District job positions that are also below market. However, two are recommended to be discontinued, one is recommended to be filled through immediate promotion, leaving six vacant positions targeted to be filled through future promotion, those 5 positions should be considered for adjustment on the salary tables.

Board direction was provided at the July 1, 2024 closed session was, if the District wants to remain competitive and keep its reputation for fair compensation, it should adjust the salaries by the results of the salary survey. The annual cost to the District is estimated at \$380,733 for the General and Management units, as discussed with the Board on July 1, 2024 (slightly changed due to minor errors in data found after the meeting.) Subsequent to the July 1 Board meeting, the non-represented Confidential unit impact was calculated at \$45,753. These amounts do not include the impact of the proposed immediate promotion of one position.

It was further agreed that the salary adjustment be effective the second pay period after the Memorandum of Understanding is adopted.

The parties also agreed to no future full-staff salary survey for at least 5 years.

Cost of Living Adjustment (COLA)

Previously, the union initially requested the following:

- July 1, 2024: 10 %
- July 1, 2025: 10 %
- July 1, 2026: Most recently available bay area CPI-U 12-mo average.

The District suggested that the union was combining the concept of the salary survey and inflation into the COLA and they must remain separate. Further, based on the recommendation to adjust salaries pursuant to the salary survey, then all base 2023-24 salaries have been adjusted “to market” and therefore there is no reason to offer a “catch-up” for lost earning power due to inflation.

The District and the negotiating units have agreed to the following:

- July 1, 2024: 3.0 %
- July 1, 2025: 3.0 %
- July 1, 2026: 3.0 %

Other Issues Subject to Negotiation

There were ten other issues raised for negotiation by the union and two by the District that were resolved as follows:

Union Request	Settlement
<p>1. <u>Vacation Accrual Rates:</u></p> <p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> a. The Union proposes the removal of tiers by bringing all tier 2 employees up to match tier 1 accrual rates for vacation. b. The Union proposes to increase the maximum vacation accrual cap to 480 for all employees to match tier 1 max. 	<p>MPWMD Final Offer 7-2-24</p> <p>The District agrees with the proposal to match vacation accrual rates.</p> <p>A cap of 400 hours with buy-out of current employees over that amount down to 384 hours. Buy-out occurs second pay period after adoption.</p>
<p>2. <u>Vacation Cash Out:</u></p> <p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> a. The Union proposes to provide all employees with the option to cash out up to 40 hours of vacation per calendar year. 	<p>MPWMD Final Offer 7-2-24</p> <p>Up to 40 hours of vacation time buy-back per year at employee's request, to occur after June 1 of any fiscal year.</p>
<p>3. <u>Sick Leave Accrual Rates:</u></p> <p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> a. The Union proposes to eliminate tier 2 and provide the tier one accrual rates for sick time to all employees. b. The Union proposes to eliminate tier 2 for sick leave cash out by allowing all employees the same rights to cash out sick time as tier 1 employees. 	<p>MPWMD Final Offer 7-2-24</p> <p>The District proposes no change to the existing cap, citing that the difference between Tier 1 and Tier 2 is too large a gap to close. The District proposes a minimum eligibility requirement of five years employment for the District's medical plan benefits for retirees, applied to future hires after the date of adoption.</p>

<p>5. <u>Term:</u></p> <p>LiUNA Proposal 4/12/24</p> <p>a. The Union proposes a 3-year term for a successor MOU, running July 1, 2024 – June 30, 2027.</p>	<p>MPWMD Final Offer 7-2-24</p> <p>Agreed to in settlement.</p>
<p>7. <u>General Unit Only Proposal:</u></p> <p>a. <u>Flexible Work Schedules:</u></p> <p>LiUNA Proposal 4/12/24</p> <p>i. The Union proposes to negotiate a policy overseeing the working conditions of employees when it comes to scheduling. The Union is interested in maximizing opportunities for employees to have alternative work schedules such as 9/80's with every other Friday off.</p> <p>ii. The Union further proposes revisions to Article 16 of the MOU. For example, all employees do not require a 1-hour lunch. These revisions will be geared at creating more flexibility for employees when it comes to work scheduling while also accommodating the business needs of the District.</p> <p>iii. The union proposes that requests for alternative work schedules shall be promptly responded to in writing by an employee's Manager. If denied, the denial shall be in writing and include a specific business reason why the request of being denied. Denials of alternate work schedules shall be appealable to the District General Manager.</p> <p>iv.</p>	<p>MPWMD Final Offer 7-2-24</p> <p>The 7.a.i and 7.c.iii proposals are not subject to negotiation. This is a District "management right" under Article 4 of the MOU and the District is in no position to concede any further discussion.</p> <p>In settlement the issue was dropped.</p> <p>Item 7.a.ii will be considered favorably if the bargaining unit can demonstrate consistency with FLSA requirements.</p> <p>In settlement, agreed to subject to approval of supervisor.</p>
<p>8. <u>General Unit Only Proposal:</u></p> <p>a. <u>Telework Policy:</u></p>	

<p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> i. The Union proposes to create a new policy governing working conditions around employees ability to work remotely. A previous policy governing telework was unilaterally removed from the handbook. ii. The Union is interested in maximizing potential opportunities for employees to telework, with a focus on fairness between similarly situation employees. Similar to the work schedule proposal, employees shall request teleworking / remote working to their Manager, who shall respond promptly in writing. Denials shall cite a specific business reason for the denial and be appealable to the District General Manager. Current policy is arbitrary. Need black and white. 	<p>MPWMD Final Offer 7-2-24</p> <p>The Item 8 proposals are not subject to negotiation. This is a District “management right” under Article 4 of the MOU and the District is in no position to concede any further discussion. The District contends that the bargaining unit is incorrect that the previous policy governing telework was unilaterally removed from the handbook – it was removed because of irrelevance to current conditions post-COVID-19. The District also disagrees that the current policy is arbitrary, rather it is nuanced to differences in roles of different employee positions.</p> <p>In settlement the issue was dropped.</p>
<p>9. <u>Call-back Min:</u></p> <p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> a. The Union proposes to increase the call-back minimum for responding to after-hours emergencies from 2 to 3 hours. 	<p>In settlement the issue was dropped.</p>
<p>10. <u>Longevity Pay:</u></p> <p>LiUNA Proposal 4/12/24</p> <ul style="list-style-type: none"> a. The Union proposes to implement a new longevity pay plan that encourages retention and recruitment. This new longevity pay plan would make the District more in line with comparable agencies, who already offer longevity pay (such as Marina Coast Water District, City of Monterey, City of Seaside, City of Carmel, etc...) 	<p>MPWMD Final Offer 7-2-24</p> <p>No change to existing policy.</p> <p>In settlement the issue was dropped.</p>

<p>b. The Union proposes to create the same longevity benefit as what is offered to employees at Marina Coast Water District:</p> <ul style="list-style-type: none"> i. 5% at 10 years of service ii. 5% at 15 years of service iii. 5% at 20 years of service iv. 2.5% at 25 years of service v. 2.5% at 30 years of service 	
<p>In settlement the proposal was agreed to.</p>	<p>11. MPWMD #1 <u>NEW ADDITIONAL</u> Proposal 5-14-24</p> <p>The following employees are proposed to be made Exempt.</p> <p><u>Classification</u> Meter Program Coordinator Accounting/Office Specialist Senior Office Specialist/Office Specialist Assistant Fisheries Biologist Conservation Representative II Conservation Analyst</p>
<p>In settlement the proposal was agreed to.</p>	<p>12. MPWMD #2 <u>NEW ADDITIONAL</u> Proposal 5-14-24</p> <p>District is willing to add a vacation day to benefits for Juneteenth if necessary to settle financial issues.</p> <p>Agreed to in settlement.</p>

EXHIBIT
11-A Redline of General Staff Bargaining Unit MOU

EXHIBIT 11-A

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AND
THE GENERAL STAFF BARGAINING UNIT,
REPRESENTED BY
~~UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792~~ / LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA (LiUNA), LOCAL 792

ADOPTED JULY 15, 2024

EXHIBIT 11-A

Table of Contents

ARTICLE 1	RECOGNITION.....	1
ARTICLE 2	NON-DISCRIMINATION.....	1
ARTICLE 3	UNION SECURITY	1
ARTICLE 4	DISTRICT RIGHTS	4
ARTICLE 5	PERSONNEL ACTIONS	5
ARTICLE 6	CATEGORIES OF EMPLOYEES	7
ARTICLE 7	ELIGIBILITY FOR EMPLOYEE BENEFITS.....	9
ARTICLE 8	OPTIONAL BENEFITS	9
ARTICLE 9	RETIREMENT BENEFITS.....	10
ARTICLE 10	HEALTH AND WELFARE BENEFITS.....	11
ARTICLE 11	VACATION.....	12
ARTICLE 12	SICK LEAVE.....	13
ARTICLE 13	OTHER LEAVES	14
ARTICLE 14	HOLIDAYS	16
ARTICLE 15	SALARY TABLES.....	17
ARTICLE 16	OVERTIME AND OTHER PAID TIMES.....	18
ARTICLE 17	MILEAGE ALLOWANCE.....	20
ARTICLE 18	TRAVEL EXPENSE.....	20
ARTICLE 19	TRAINING.....	20
ARTICLE 20	DISCIPLINARY ACTIONS.....	21
ARTICLE 21	GRIEVANCE PROCEDURE.....	24
ARTICLE 22	OTHER EMPLOYMENT.....	27
ARTICLE 23	JOB SHARING.....	27
ARTICLE 24	REDUCTION IN FORCE.....	28
ARTICLE 25	DRUG-FREE WORKPLACE POLICY	29
ARTICLE 26	VIOLENCE IN THE WORKPLACE POLICY.....	30
ARTICLE 27	WELLNESS PROGRAM	31
ARTICLE 28	SEVERABILITY	31
ARTICLE 29	TERM OF AGREEMENT	31
APPENDIX A	- JOB CLASSIFICATIONS - GENERAL BARGAINING UNIT	33
APPENDIX B	- PERSONNEL COMPENSATION POLICY.....	34

This Memorandum of Understanding (M.O.U) sets forth the agreement between the representatives of ~~UNITED PUBLIC EMPLOYEES OF CALIFORNIA~~ ~~LABORERS INTERNATIONAL UNION OF NORTH AMERICA (LiUNA)~~, LOCAL 792 (hereinafter referred to as “Union”) and the representatives of the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (hereinafter referred to as “District”) on all matters concerning wages, hours, working conditions and other terms of employment for employees within the GENERAL STAFF BARGAINING UNIT.

The District and Union have met and conferred in good faith and have arrived at an understanding concerning wages, hours, working conditions and other terms of employment. This agreement supersedes all prior District Personnel Policies that pertained to members of this bargaining unit, where such matters have been specifically addressed. In the event of a conflict between this contract and any District policy, memorandum or directive, either written or verbal, this contract shall prevail.

ARTICLE 1 RECOGNITION

Pursuant to the Meyers-Milias-Brown Act and the District’s Employer-Employee Relations Resolution, the Union, affiliated with UNITED PUBLIC EMPLOYEES OF CALIFORNIA, LOCAL 792, is hereby recognized as the exclusively recognized employee organization for the General Staff Bargaining Unit employees. Classifications in the bargaining unit are listed in Appendix A. Pursuant to language in the MOU, this list can be amended from time to time.

ARTICLE 2 NON-DISCRIMINATION

The District and the Union will cooperate in pursuing a policy of equal employment and equal promotional opportunity for all employees. There shall be no employment discrimination because of a person’s political or Union affiliation or belief, non-affiliation or non-belief. There will be no coercion, intimidation, or discrimination against any employee for exercising her/his right to form, join and participate in the activities of the Union.

ARTICLE 3 UNION SECURITY

A. New Employee Orientation - New employee orientation shall occur within 30 days of an employee's hire. The Union will be provided not less than 10 calendar days' advanced notice of the time, date and location of the orientation. The Union will be given no less than thirty (30) minutes as part of and at the end of the orientation to present Union membership information. Attendance of the new employee at the Union's portion of the orientation is mandatory. Management representatives will excuse themselves during the Union portion of the orientation. Employee representatives conducting orientation shall be granted paid release to do so including reasonable travel time if needed.

B. Employee Information -The Employer will provide the Union a digital file via email to the Association President and Labor Relations Representative containing the following information:

- Name
- Job title
- Department
- Work location
- Work, home and personal cellular telephone numbers on file with Employer.
- Personal email addresses on file with the Employer
- Home address on file with Employer

Such information will be provided as follows:

1. For new hires, within thirty (30) days of the date of hire.
2. For bargaining unit employees, at least every 120 days effective October 1, 2017.

The Employer shall not be required to supply information it does not have.

Notwithstanding the foregoing, limited to the express purpose of AB 119 requirements only, an employee may opt out via written request to the Employer (copy to the Union) to direct the Employer to withhold disclosure of the employee's:

- Home address.
- Home telephone number.
- Personal cellular telephone number.
- Personal email address.
- Birth date.

C. Payroll Deduction – The District will make available payroll deductions for Unit members for both regular Union dues and other fees, as applicable, and remit these funds monthly to the Union by separate check with the exception of the charitable contributions that shall be remitted to the appropriate organization. These deductions are subject to the following conditions:

- 1) Deductions shall be withheld only if the employee so authorizes in writing on the form provided by the Union and approved by the District.
- 2) The Union will indemnify and hold harmless the District, its employees, officials and representatives from any claims, litigation or liability arising from the implementation of this section.

D. Dispute Resolution – Any dispute between the Union and an employee on the interpretation of Article 3 shall, at the request of the Union or the affected employee, be decided by final and binding arbitration under the rules of the American Arbitration Association. The employee and the Union shall each bear one half the cost of the arbitration, including the fee of the American Arbitration Association and the arbitrator. The cost of the certified transcript of the proceedings shall be paid by the party requesting same. The District will not protest or interfere with any final and binding decision under this Section.

- E. The Union shall indemnify, defend and hold the District, its officers and employees harmless against any and all claims, demands, suits and from liabilities of any nature which may arise out of or by reason of any action taken or not taken by the District under the provisions of this Section.
- F. Memorandum of Understanding Distribution – The District will distribute to all Unit members a copy of the signed Memorandum of Understanding. When a person is hired in any classification covered by this Memorandum of Understanding, the District shall notify the person that the Union is the recognized employee organization. The District will provide that person with a copy of the current MOU.
- G. Union Notification – The Union shall be given at least ten (10) working days advance written notice prior to adopting any rule, resolution, regulation, or action affecting working conditions within the scope of representation and shall be given the opportunity to meet and confer with the District representative prior to its adoption by the District Board of Directors.
- H. Bulletin Boards – The Union shall be provided a bulletin board in the employee break room. The Union agrees that notices posted on the bulletin board shall not contain anything that may be construed as maligning and/or derogatory to the District or its representatives. The Union shall be responsible for maintaining the bulletin board in a professional manner. The Union shall be responsible for placement of and removal of outdated material. However, the District shall retain the right to remove maligning, derogatory, or inappropriate, or outdated material.
- I. Time Off for Union Officials – During the term of this agreement, two employees from the unit shall be allowed a reasonable amount of paid release time off for “meet and confer” or “meet and consult” sessions scheduled with the District’s designated representatives, providing there is no disruption of work. The Union shall notify the General Manager in advance of the meeting of the specific members who will be in attendance. Union members shall obtain permission through supervisory channels before leaving their work or work locations.

The Union may request, and the District may grant, time off without loss of pay to Union representatives to assist the District in the formulation of policies and procedures mutually beneficial to the District and the Union. However, such time off shall be at the discretion of the General Manager.

- J. Union Stewards – The Union shall be authorized to designate two employees within the unit as stewards and must furnish a list of these stewards to the General Manager within five working days after appointment or election. One steward at a time shall be allowed a reasonable amount of paid release time for the purpose of representing a unit employee within the steward’s area of representation in the filing or processing of grievances or disciplinary appeals, as long as there is no interruption of work in the employee’s division. Stewards must first obtain permission through appropriate supervisory channels before leaving their work or work location for such purposes.

There shall be no discrimination, intimidation or coercion of any steward exercising his/her rights under the grievance procedure.

- K. Visits by authorized Union Representatives – Access to District work locations and the use of District paid time, facilities, equipment and other resources by the employee organizations and those representing them shall be limited to activities pertaining to the employer-employee relationship. Reasonable access to employee work locations shall be granted to representatives of recognized employee organizations for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation.
- L. Meeting Time – Employees of the District shall be permitted to meet on their own time on District premises at least two hours per month.

ARTICLE 4 DISTRICT RIGHTS

- A. Except as modified by this Memorandum of Understanding, the District reserves, retains and is vested with, solely and exclusively, all rights of the District which are not expressly abridged by law to manage the District. The District also recognizes that employee contributions to the decision making process is valuable. The District agrees to encourage employee input on matters within the scope of representation. The sole and exclusive rights of the District shall include, but not be limited to, the following:
 - To manage the District generally and to determine all issues of policy;
 - To determine the nature, manner, means and technology, and extent of services to be provided to the public;
 - To determine and/or change the facility, methods, technological means, size and composition of the workforce by which District operations are to be conducted;
 - To assign work to and schedule employees in accordance with requirements as determined by the District, and to establish and change work schedules, vacation schedules, and assignments upon reasonable notice and in accordance with these Rules and memoranda of understanding;
 - To relieve employees from duties for lack of work, funds, or similar non-disciplinary reasons;
 - To determine and modify productivity and performance programs and standards;
 - To discharge, suspend, demote or otherwise discipline non-probationary employees for just cause;
 - To determine job classifications and to reclassify employees in accordance with these Rules and applicable resolutions and ordinances of the District;

- To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with these Rules and applicable ordinances and resolutions of the District;
 - To determine and administer policies, procedures and standards for selection, training and promotion of employees in accordance with these rules and applicable resolutions and ordinances of the District.
 - To establish employee performance standards including, but not limited to qualification and quantity standards, and to required compliance therewith;
 - To determine satisfactory and unsatisfactory job performance levels, and evaluate employees based upon these criteria;
 - To take any and all necessary action to carry out the functions of the District in emergencies.
- B. Before submission of a recommendation to contract out any function traditionally performed by unit employees which would result in a reduction of the work force, the Union will be offered the opportunity to examine the proposal for at least thirty (30) days prior to Board action, whenever possible and to submit recommendations. If requested, the District will meet and confer over the impact of proposed layoffs prior to the implementation of said layoffs.

ARTICLE 5 PERSONNEL ACTIONS

- A. A District list of all current job descriptions shall be available for review by employees and Union representatives. An employee may obtain a copy of any job descriptions from the Human Resources ~~Analyst~~Coordinator.

Upon appointment, each new employee shall be provided with a copy of the employee's job description. Further, an employee shall be given a copy of the amended job description as changes occur.

Job Descriptions shall be explicit as to the level of skills, knowledge, and ability required to perform the work. Specific detail of the work required will be used wherever reasonable and the work required shall be within the realm of that normally performed within the scope of the job classification.

- B. The District shall offer to meet and confer with the Union regarding the impacts of an appropriate reclassification whenever the District intends to classify, reclassify, create, modify, and or abolish classes existing in the bargaining unit. If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the Union may request and the District shall grant, an opportunity to meet and consult with the parties involved regarding such assignment. If the employee wishes to request that an individual reclassification

analysis be performed on his or her position, the following procedure shall be followed:

- 1) If an employee believes that he or she has been assigned duties that do not reasonably relate to the classification to which the employee is assigned, the employee can state his or her concerns to his or her Division Manager. The employee may also direct his or her concerns directly to the Union.
 - 2) The General Manager will consider all such requests after receiving written input from the employees' Division Manager and/or Supervisor regarding the employee's assertions.
 - 3) The General Manager will evaluate the information received and determine if a reclassification analysis is justified.
 - 4) If the General Manager determines that a reclassification analysis is to be performed, he will assign that task to the Human Resources Analyst.
 - 5) Reclassification requests will be handled in the order received.
 - 6) Reclassification analyses will be performed as soon as possible within the context of the Human Resources Analyst's work assignments.
 - 7) The results of reclassification analyses will be evaluated by the General Manager, who will make a decision on whether he accepts the findings.
 - 8) The General Manager will advise the Division Manager and the Union of his decision on reclassification.
 - 9) If the General Manager supports reclassification of a position, a request for reclassification and modification of the Organization Chart will be included on the next open Board Meeting agenda.
 - 10) Reclassification will be effective on the 1st day of the month following Board approval.
- C. There shall be only one official personnel file that shall be maintained at the District's Human Resources Office. An employee shall have the right to review her/his personnel file or authorize in writing the review by a representative. No material will be inserted into the employee's personnel file without prior notice and a copy given to the employee. An employee may place in her/his personnel file a written response to adverse material inserted into the file in lieu of filing a formal grievance regarding the subject of the adverse material. In addition, an employee may place any letters of commendation received from the public or certificates of educational achievement in his/her personnel file.

- D. A written performance evaluation is intended to be a documented summary of the work performance of the employee and to encourage ongoing communication between the supervisor/rater and the employee. An evaluation is not to be used for discipline in and of itself.
- E. An employee shall have the right to review and respond in writing to any evaluation she/he considers derogatory, or otherwise inaccurate, within ten (10) days of receipt of a copy of the evaluation.
- F. Step increases recommended as a result of a delayed performance evaluation shall be effective retroactively on the first day of the pay period~~month~~ following the employee's anniversary date.
- G. An employee who voluntarily terminates her/his service with the District may receive an end-of-job performance evaluation if requested in advance by the employee.
- H. The parties agree that the District and its representatives and employees shall treat each other with mutual respect, dignity, courtesy, and trust in all work related matters. It is the intent of this Agreement to establish such a harmonious and constructive relationship among the parties.

ARTICLE 6 CATEGORIES OF EMPLOYEES

- A. The following definitions shall apply to this Memorandum:
 - 1. Full-time Regular Employee: An employee of the District occupying a regular position who is employed 40 hours per week and who is not serving under a written contract or in an introductory status. Positions are shown in Appendix A, hereto.
 - 2. Part-time Regular Employee: An employee of the District who is not a full-time regular employee, who is employed less than 40 hours per week and who is not serving under a written contract or in an introductory status.
 - 3. Introductory Employee: An employee of the District who is serving in the minimum six (6) month working test period required before the appointment as a full-time regular employee is completed, during which the terms of the extended introductory period must be satisfied. In the case of a part-time employee, the introductory period shall also be a minimum six (6) month period before the appointment as a part-time regular employee is completed. An employee on introductory status may be terminated without cause.
 - 4. Limited-Term Employee: An employee of the District who is not a regular employee, and who is hired for a project that is estimated to require 1,000 hours or less in a fiscal year. (July 1- June 30). If a project requires more than the originally estimated time, the limited-Term employee may be extended for

additional 1,000-hour periods with Board approval. Any Limited-Term employee can be terminated without cause and shall not be entitled to employee rights or benefits specified in Article 7 with the exception of eligibility for PERS retirement benefits if the total worked in a fiscal year exceeds 1,000 hours.

5. Volunteer: A person who is not a paid employee who participates in any District activity by providing their labor and services to the District free of charge. Use of volunteers on District projects must be approved by both the Division Manager and Risk Manager for liability and workers' compensation purposes. (Resolution No. 96-03 outlines the Board's authorization and governs of the use of volunteers.)
6. Exempt Employee: An employee of the District that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
7. Non-Exempt Employee: An employee of the District that is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

B. Employment Status is described as follows:

1. Introductory Status: The introductory period shall be used by the General Manager for the evaluation of any new employee, and for the termination of any introductory employee whose performance, work, or behavior does not meet the required standards of the Monterey Peninsula Water Management District. Each appointment, re-employment, or transfer to a regular position shall be subject to an introductory period of six (6) months for full-time and part-time positions. This introductory period is the final phase of the examination and qualification process before the appointment as a regular employee is completed.

The introductory period shall date from the time of initial employment in a position and shall not include time served as a limited-term employee nor any period of continued leave of absence without pay exceeding thirty (30) days.

The General Manager may extend the introductory period of an employee for a period not to exceed six (6) months upon furnishing the employee with a statement of the reasons for such extension and the required standards that must be met in order for the employee to successfully complete the introductory period.

2. Regular Status: Regular status is afforded all qualified employees of the District, other than employees who are on probation or are contract employees.
3. Limit-term Status: A limited-term employee is one hired for the purpose of filling short-term employment vacancies, vacation, sick leave, military leave, leaves of absence, and/or to meet other short-term business demands of the

District. Limited-term employment may be terminated at the will of the General Manager or the employee.

4. Part-time Status: A part-time employee is an employee who works less than full-time and does not occupy a regular full-time position.

ARTICLE 7 ELIGIBILITY FOR EMPLOYEE BENEFITS

- A. Regular Employees: Regular employees are entitled to vacation, sick leave, leaves of absence without pay, and other benefits set forth in this section and as authorized by the District.
- B. Introductory Employees: Introductory employees shall accrue vacation and sick leave credit, but shall not be entitled to use vacation credit until successful completion of the introductory period or six (6) months, whichever is earlier. However, any vacation time accrued by working on a District holiday may be used prior to the end of the probation period.
- C. Limited-term Employees: Limited-term employees shall not be entitled to any of the benefits set forth in this section, with the exception of those Limited-term employees who have been extended by Board approval for more than 1,000 hours of employment in a fiscal year, who will then become eligible for PERS retirement benefits.
- D. Part-time Employees: Part-time employees shall accrue pro-rata vacation and sick leave credit based upon the hours actually worked by each employee, but shall not be entitled to use accrued vacation hours until successful completion of the introductory period.

ARTICLE 8 OPTIONAL BENEFITS

- A. A deferred compensation plan (IRS Section 457) is available to all regular employees. Deferred compensation is an IRS-approved method of saving for retirement which includes deferring federal and state income taxes. Current District policy permits an employee to start, stop, increase, decrease, or change investment funds as often as he or she wishes without fees or penalties. The District does not contribute to the deferred compensation plan except as may be required by an individual employment contract.
- B. A Section 125 Flexible Benefits Plan is provided. This plan provides the opportunity to participate in a flexible spending arrangements (FSA) Plan on a pre-tax basis. Participants may contribute up to the maximum limit established by the Internal Revenue Service (subject to change per Internal Revenue Service). The District does not contribute to the Section 125 Flexible Benefits Plan.
- C. Supplemental insurance coverage is also available through AFLAC Insurance. Employees pay premiums for this coverage.

ARTICLE 9 RETIREMENT BENEFITS

District employees are covered by the California Public Employees Retirement System (PERS) under two tiers.

Tier 1 - Employees hired before January 2013 or considered Classic Members by CalPERS

Tier 1 employees are covered by the PERS 2% at 55 formula. The District also provides them with the PERS Employer Paid Member Contribution (EPMC) under Government Code section 20636, section (C)(4), pursuant to Government Code section 20691, by including the value of the EPMC in salary reported to PERS as compensation. Tier 1 employees have the one-year final compensation benefit for calculating their retirement annuity.

Tier 1 employees contribute towards the District's total normal cost by making contributions of 5% towards the Employer Contribution portion of the PERS premium and 3% towards the EPMC portion of the PERS premium. However, the percentage of contributions paid by the employee in each year of the contract shall in no circumstance be more than 50 percent of the total normal cost up to a maximum contribution of 8% of the employee's salary.

Tier 2 - Employees hired after January 2013 and those employees not considered Classic Members by CalPERS - Subject to AB 340, the "California Public Employee's Pension Reform Act" (PEPRA).

Tier 2 employees are covered by the PERS 2% at 62 formula with no PERS EPMC. Tier 2 employees must contribute 50% of the total normal cost rate for PERS to a maximum of 8% of their salary. The total normal cost rate is subject to change over time, as it will be impacted by risk pool demographics and the actuarial assumptions used in retirement benefit funding. The three-year final compensation period is used to calculate a Tier 2 employee's retirement annuity. Annual pensionable compensation that can be used to calculate final compensation is capped. The cap is subject to change per the rules of CalPERS.

Tiers 1 and 2

The District shall provide the PERS 1959 Survivor Benefit, Fourth Level, at no cost to the employee.

In accordance with the California Public Employee's Pension Reform Act", if a public employee is convicted of a felony arising from the performance of public duties, or connected with obtaining salary or other benefits for public service, the employee forfeits the portion of his or her pension accruing after the crime.

ARTICLE 10 HEALTH AND WELFARE BENEFITS

Medical, dental, vision, life insurance, short-term disability insurance, long-term disability insurance, and an employee assistance plan shall be provided for all regular employees, introductory employees, and their eligible dependents. Medical insurance will also be provided to eligible retirees and their eligible dependents, as stated in Article 10, Section B. The terms and conditions of enrollment and the benefits provided under all health plans are subject to the plan documents and practices, which are controlling.

A. **Premium Payment:** During the term of this agreement the District shall pay the below designated amounts towards employee benefits. Should employees be required to make any premium payment, such payments shall be made by payroll deduction.

1. **Life, Survivor, LTD & EAP:** The District shall pay 100% of premiums for life insurance, survivor benefit, long-term disability insurance, and the employee assistance plan premiums for all regular and introductory employees.
2. **SDI:** The District shall pay 50% of the premium for short-term disability insurance. Employees will be required to pay the other 50% of that premium.
3. **Employee Health Insurance**

Effective January 1, 2014, employees have been enrolled in the Laborers Northern California Trust Special Plan.

Effective ~~027/01/2024~~19: The District will pay the higher of \$1,~~541~~~~49.50~~ per month or 95% of the then-current premiums for all eligible employees and their dependents.

B. **Retiree Medical Premiums**

The District contribution towards retiree medical premiums will be available only to those retirees and their dependents or survivors who meet the eligibility criteria established by the District and/or the medical care provider.

Retirees may be enrolled in the plan of their choice or in effect for members of the bargaining unit from which they retired if they meet that plan's eligibility requirements. Retirees who are ineligible, due to a change in the medical plan for active employees, may enroll in an alternate health plan and be reimbursed for their premiums, according to the vesting schedules described below.

Retirees eligible for Medicare must enroll in a Medicare supplemental plan. To be eligible for paid retiree medical from the District, the retiree must not be entitled to receive equivalent health care through current or prior employment or the military. Reimbursement for the Medicare Part B costs shall be available from any unused portion of the retiree medical premium.

Vesting Schedule:

Tier 1 - Employees hired before July 2013

- a. Less than 15 years of District service: The District will reimburse retirees up to \$540 per month for retiree medical premiums paid to its medical plan provider.
- b. 15 or more years of District service: The District will reimburse retirees up to \$1,455.51255.54 per month, as of July 1, 202419, for retiree medical premiums paid to its medical plan provider. The District reimbursement will increase by 3% effective July 1st of each successive calendar year.

Tier 2 - Employees hired after July 2013

The District will contribute up to \$540 per month for reimbursement of retiree medical premiums. For employees hired after July 1, 2024, a retiree must have been continuously employed by the District for five (5) years or longer to be eligible for this benefit.

Retirees in Tier 1 & Tier 2 must submit evidence of medical insurance payment each month to receive reimbursement from the District. Retirees have up to three (3) months to submit requests for retiree medical insurance reimbursement.

Tiers 1 and 2

Survivor Premiums

For a period of one year, the District shall continue to provide and pay for medical coverage for the surviving dependent(s) of an employee or retiree whose death occurs when the dependent(s) are receiving medical benefits from the District.

ARTICLE 11 VACATION

- A. Eligibility. Each full-time regular employee shall be eligible for vacation with full pay after six (6) months continuous employment. All vacations shall be scheduled upon prior approval of the Division Manager or General Manager. Introductory and contract employees shall not be entitled to vacation.

B. **Accrual Rates**

Tier 1—Employees hired before July 2013

Eligible full-time regular employees shall accrue annual vacation on the following basis:

YEARS OF COMPLETED FULL-TIME ANNUAL VACATION
TIME CONTINUOUS SERVICE ACCRUAL

0 - 1 years	10 days per year
1+ year - 5 years	15 days per year
5+ years – 15 years	20 days per year
15+ years	22 days per year

Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 650 days (4800 hours).

~~Tier 2 – Employees hired after July 2013~~

~~YEARS OF COMPLETED FULL-TIME ANNUAL VACATION~~
~~TIME CONTINUOUS SERVICE~~ ~~ACCRUAL~~

1 – 3 years	10 days per year
4 year – 8 years	15 days per year
8+ years	20 days per year

~~Part-time employees shall accrue annual vacation on a pro-rata basis, based upon the hours actually worked by each employee. No employee shall be permitted to accrue unutilized annual vacation in excess of 45 days (360 hours).~~

C. Compensation in Lieu of Vacation. Each regular employee who separates from the District shall be entitled to compensation for all accrued but unutilized vacation, not to exceed the maximum allowed accrual of 650 days (4800 hours). ~~for Tier 1 employees and 45 days (360 hours) for Tier 2 employees.~~ Vacation is accrued daily.

After June 1 of any fiscal year, an employee shall be entitled to have the District purchase up to five (5) days of unused accrued vacation leave, at the written request of the employee.

D. Policy on Vacation Usage. Employees are encouraged to utilize their yearly vacation accrual on an annual basis.

ARTICLE 12 SICK LEAVE

Sick leave shall be available to employees for time off associated with sickness, disability or other health issues.

A. Credits, Accumulation, Compensation. Sick leave with full pay shall be accrued by every regular and introductory employee at the rate of one day per month. Part-time employees shall accrue sick leave at this same rate, pro-rated in proportion to the hours

they actually serve, calculated on a daily basis. All unused days of sick leave shall be accumulated. There is no accrual limit for unutilized sick leave. At the time of termination of service, Tier 1 employees, hired prior to July 2013, shall be paid for a maximum of 75 days (600 hours) of accumulated sick leave. Tier 2 employees, hired after July 2013, shall be paid for a maximum of 30 days (240 hours) of accumulated sick leave. Any regular employee, Tier 1 or Tier 2, separated from service with less than one year's longevity as a regular employee shall not be entitled to payment for unused sick leave. An employee whose retirement date is within four months of his or her separation date from the District may choose to convert all or a portion of their unused sick leave to a credit of .004 years of service for each unused day of sick leave.

Employee shall submit its request to convert sick leave in writing to HR Coordinator at least one full pay period prior to the date of retirement.

- B. Charges. Sick leave shall be charged against an employee's credit only for regular working days and shall not be charged for time absent on holidays or other authorized days off. Employees may charge absences related to Pregnancy Disability Leave or Family Medical Leave against accrued sick leave. When sickness or injury is work-related, the regulations of the California Workers' Compensation Law shall apply. Sick leave shall not be granted to an employee for work-related sickness or injury incurred while employed elsewhere.
- C. Notification and Certification. In order to be granted sick leave for any period of time, employees shall, no later than four hours after the time established for reporting to work, notify their supervisor of their inability to report for work and the reason therefore. When an employee requests credit for more than three (3) consecutive days of sick leave or more than four (4) days of sick leave in any one thirty (30) day period, said employee shall file with his supervisor a certificate from a physician stating the justification for such absence.

ARTICLE 13 OTHER LEAVES

- A. BEREAVEMENT OR CRITICAL FAMILY ILLNESS LEAVE. Up to three (3) days of leave with pay per year may be requested by an employee to attend to the critical illness or the funeral of any member of the immediate family. Members of the immediate family are the mother, father, grandmother, grandfather, grandchild of the employee, the spouse/domestic partner of the employee, step-children, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any relative or person living in the immediate household of the employee. There shall be no accrual of bereavement leave.
- B. JURY OR WITNESS DUTY. In accordance with the provisions of Government Code Section 1230.1, deductions in the amount paid as witness or jury fees shall be made from the salary of an employee who is subpoenaed or appears as a witness or is called to jury duty.

Employees summoned to jury or witness duty shall receive only their regular salary for a period not exceeding 8 weeks per annum and shall, unless they elect to take vacation or other leave, be excused from their regular duty only to the extent necessary to fulfill their obligations as jurors or witnesses. Except as provided below, no other form of premium or extra compensation shall be paid for any time spent while serving as a witness or juror.

If an employee is subpoenaed as a witness in connection with his/her official duties as a District employee, the time actually spent serving as a witness shall be considered work time.

This section shall not apply to an employee who is a party or an expert witness.

C. LEAVES OF ABSENCE.

1. Non-disability Leave of Absence. A leave of absence without pay may be granted by the General Manager for a regular employee for a period not to exceed two months. Granting of such leave is dependent upon the needs of the District and is totally discretionary. Requests for such leaves and action thereon will be in written form
 - a. The Employee shall, except in extraordinary circumstances, notify the District thirty (30) days before the leave is anticipated to begin.
 - b. When the leave is commenced, the employee will be placed on leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits cease to accrue once the leave of absence is commenced.
 - c. During any non-disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the employee's expense, subject to the restrictions of the policies. The employee will be placed on leave of absence status with PERS. Employees are responsible for timely payment of the entire premium payment while on leave of absence exceeding one full calendar month and are subject to plan termination in the event such payment is not received by the District.
2. Disability Leave of Absence. Based upon medical evidence of disability and a written request from the employee, any employee shall be entitled to a disability leave of absence for a period of time up to 120 days.
 - a. The employee shall, insofar as possible, notify the District 14 days before the leave is anticipated to begin.

- b. When the leave is commenced, the employee will be placed on disability leave in a non-pay status. Use of sick leave, compensatory time, and/or vacation time and holidays may be requested, so long as these leave banks have been accrued, and their use is approved by the General Manager. Sick leave, vacation and holiday credits will cease to accrue once the leave of absence is commenced.
- c. During a disability leave of absence, the District will maintain the employee's medical, dental, vision, life and long-term disability insurance at the District's expense, subject to the restrictions of the policies. The employee will be placed on a leave of absence status with PERS.
- d. Actual duration and scheduling of the disability leave shall be based upon the doctor's certification of disability. The District reserves the right to have a physician of the District's selection verify the disability.

It is possible that non-disability and disability leaves of absence could be utilized sequentially.

For a leave of absence requested by the employee, the employee's position will be held open for that employee during the leave of absence, or if that is not possible, a different but similar position will be made available when the employee returns to work.

Once the approved leave period has lapsed, the employee must return to work or be terminated. Any employee who fails to report for duty as scheduled after a leave of absence shall be considered to have abandoned and constructively resigned his/her position unless the General Manager has granted an extension.

Notwithstanding any other provision of this section, the Board of Directors may, by resolution, make provisions for other leaves of absence without pay.

ARTICLE 14 HOLIDAYS

A. HOLIDAYS.

The District shall be observed the following listed days as legal holidays:

- | | |
|-------------------------------|------------------------|
| New Year's Day | Labor Day |
| Martin Luther King's Birthday | Thanksgiving Day |
| Presidents' Day | Day after Thanksgiving |
| Memorial Day | Christmas Eve |
| <u>Juneteenth</u> | Christmas Day |
| Independence Day | Veterans Day |

- B. If one of the above listed holidays falls on Sunday, the following Monday shall be the holiday in lieu of the day observed. If one of the above-listed holidays falls on a

Saturday, the preceding Friday shall be the holiday in lieu of the day observed. When the day on which a District holiday is observed on an employee's regularly scheduled day off, during the employee's regularly scheduled vacation, or if the General Manager requests the employee to work on that day, the worker shall be entitled to holiday pay of up to 8 hours. In addition, all actual hours required to be worked on a holiday shall be converted to vacation time at the rate of 1-1/2 times and added to the employee's vacation leave balance.

C. FLOATING HOLIDAYS

Regular full-time and regular part-time employees shall be given two floating holidays on July 1st of the fiscal year. For new employees hired between July 1st and December 31st, floating holiday will be pro-rated to one day. For new employees hired after December 31st, then no floating holiday will be given in the current fiscal year the employee is hired. Floating holidays will be defined as entire days off, with up to 8 hours paid time. Use of floating holidays will be subject to prior approval by the employee's supervisor. They will be granted after consideration of operational needs, in the same manner as vacation time. Both floating holidays must be used within the fiscal year that they are issued or they will be lost.

ARTICLE 15 SALARY TABLES

- A. The salary ranges listed in Attachment A are hereby established as a basic salary plan. An employee shall be eligible for promotion to the next salary step by the General Manager upon recommendation of the Division Manager following six months satisfactory service in the first step and twelve months satisfactory service in each subsequent step.
- B. For the purposes of promotion eligibility, the determination of satisfactory services shall be a District right as defined within Article 4 of this Memorandum of Understanding. The General Manager may, in his discretion, approve an employee's promotion to any higher salary step at any time in order to make equitable salary adjustments or to compensate capable employees properly. The General Manager may update the salary and range for positions contained in Appendix A, hereto, commensurate with any such promotion.
- C. A Y-rated employee is an employee whose rate of pay has been set above the highest step in the salary range by the Board of Directors.
- D. Salary Survey Recommendation. Annually, following July 1, 2029, preceding the setting of the budget, the General Manager may make a recommendation to the Board of Directors regarding the initiation of a survey of compensation and or classification for the coming year. If such a survey is conducted, it shall be implemented in

accordance with the approach described in Appendix B, and the results will be submitted to the Board with implementation recommendations. The information contained in the survey shall be shared with the employee's Union representatives at the same time, and shall be made part of the meet and confer process.

E. Cost of Living Adjustment.

The Board may grant a cost-of living adjustment to employees on an annual basis to help maintain purchasing power.

Effective ~~two pay periods following the adoption of this MOU, July 1, 2019,~~ there shall be a cost of living salary increase of ~~3.00~~2.5%.

Effective July 1, 202~~5~~9, there shall be a cost of living salary increase of 3.0%.

Effective July 1, 202~~6~~1, there shall be a cost of living salary increase of 3.0%.

~~Effective July 1, 2022, there shall be a cost of living salary increase of 3.0%.~~

~~Effective July 1, 2023, there shall be a cost of living salary increase of 2.75%.~~

ARTICLE 16 OVERTIME AND OTHER PAID TIMES

- A. Only FLSA non-exempt employees shall receive pay for overtime.
- B. Overtime work is performed either before or after the normal or assigned work schedule in excess of forty hours per week. Overtime also refers to hours employees are called back to work which fall outside of their regular work schedule. Time spent on District property which is not time spent working, either before or after work, or during the lunch period, shall not be included as overtime worked.
- C. Pay for overtime shall be at the rate of one and one-half times the rate of regular pay for any hours worked beyond 40 straight-time hours actually worked in a week. Additionally, the eight hours paid for holidays shall be included in the computation of the 40 hours required before overtime is paid.
- D. Overtime is reported in quarter hour increments.
- E. Overtime shall be worked only upon the approval of a Division Manager or his/her designee if absent. Approval may be verbal and documented at a later date and shall indicate the time to be worked and the reason for the overtime.

- F. The District work week is Monday through Sunday. Unless otherwise defined, the work period is eight hours each day, to begin at 8 AM and end at 5 PM, Monday through Friday. Each employee is entitled to one hour for lunch, ~~between noon and 1 PM.~~ These hours apply to all employees unless the Division Manager approves other arrangements. A thirty (30) minute lunch may be taken only upon the approval of a Division Manager or his/her designee if absent. Approval may be verbal and documented at a later date.
- G. The General Manager shall maintain a current classification of employee positions that are exempt and non-exempt under the Fair Labor Standards Act.
- H. The General Manager shall establish for each non-exempt position the designated work period, the designated work hours and the designated rate of pay. All such determinations shall be provided to each employee and shall be filed in the personnel file.

I. Compensatory Time — Exempt employees will receive compensatory time for any “overtime” worked. Compensated time will be granted on an hour-for-hour basis and must be used by the end of the six-month period in which it was accrued, or it will be lost. The cut-off dates in which to use the compensatory time accrued within a six-month period are June 30th for January 1 – June 30 and December 31st for July 1 – December 31 of each calendar year. At the start of each six-month period, each exempt employee will have a zero balance of compensatory time, unless otherwise approved by the General Manager. The District will not pay cash or otherwise offer compensation for accumulated compensatory time under any circumstance.

Compensatory time shall be worked only upon the approval of a Division Manager or his/her designee if absent. Approval may be verbal and documented at a later date and shall indicate the time to be worked and the reason for the compensatory time.

H.J. Call Back Time – An employee who has completed a normal work shift, when ordered back to work, shall be credited with a minimum of two (2) hours work time provided the call back to work is without having been notified prior to completion of the work shift, or the notification is prior to completion of the work shift and the work begins three (3) or more hours after the completion of the work shift.

When such an employee is called back under these conditions within two (2) hours of the beginning of a previous call or an additional call is received while working on an earlier call back, the employee shall not receive an additional two (2) hours credit for the new call back.

When such an employee is called back within the two (2) hours of the beginning of the employee's next shift, call back credit shall be received only for the hours remaining before the beginning of the employee's next shift.

- K. On-Call Pay – An employee that requires work in the field (excluding administrative employees), and is required to be available by phone outside of the employee's regular working hours, shall be compensated at a rate of \$25 per weekday (day of week other than Saturday and Sunday) and \$75 per weekend day.

An employee is considered to be "on-call" when designated for duties identified in writing by the General Manager or their designee, for a specific period of time.

- L. Out of Class Pay – An employee who is required to perform all the duties that is normally performed by a higher paid position shall be paid a salary that is equivalent to Step 1 of the higher paid position or a 5% premium (whichever is greater) after 10 consecutive business days of working in the higher paid position.

An employee is considered to be working "out of class" when designated for duties identified in writing by the General Manager, for a specific period of time.

ARTICLE 17 MILEAGE ALLOWANCE

Any employee of the Monterey Peninsula Water Management District who is required to operate his/her own or a privately owned automobile for the execution of official duties shall be allowed, reimbursed and paid the rate equivalent to that specified in current IRS guidelines.

ARTICLE 18 TRAVEL EXPENSE

In addition to the mileage allowance provided for, an employee of the Monterey Peninsula Water Management District is entitled to receive reimbursement for his/her actual and necessary expenses for other transportation and for meals, lodging, and incidentals incurred as a result of travel assigned as part of his/her official duties upon prior authorization of the Division Manager and approval of the General Manager.

ARTICLE 19 TRAINING.

The District strongly encourages training and education and shall reimburse tuition fees, cost of study materials, or other incidental training expenses when directly related to the functions of the employee, providing that the employee show proof of attaining a grade of C or better in a graded course or a satisfactory completion in a non-graded course. Tuition reimbursement shall not exceed \$3,000 per year. Approval for such training shall be at the

discretion of the General Manager. The General Manager shall not authorize utilization of normal working hours for long-term schooling without prior Board approval.

ARTICLE 20 DISCIPLINARY ACTIONS

- A. Disciplinary Actions. The General Manager, for just cause, may take disciplinary action against any employee in the service of Monterey Peninsula Water Management District, provided that the rules and regulations prescribed herein are followed. Only a regular employee, not on introductory status, who has over six (6) months of continuous service, has the right to appeal pursuant to this section. As used in this section, "Disciplinary Action" shall mean dismissal, suspension, or formal written reprimand. No full or part-time employee serving on an introductory status is entitled to appeal pursuant to this Section 21, or any of its sub-parts.

Cause for discipline may include but is not limited to:

1. Incompetence, inefficiency or dereliction in the performance of the duties of his/her position.
2. Inability to perform assigned duties due to failure to meet or retain job qualifications (including but not limited to failure to possess required licenses, and failure to pass required tests).
3. Insubordination (including, but not limited to, refusal to do assigned work).
4. Carelessness or negligence in the performance of duty or in the care or use of District property.
5. Discourteous, offensive, or abusive conduct or language toward other employees, directors, or the public.
6. Dishonesty.
7. Possession of or drinking of alcoholic beverages on the job or reporting for work while intoxicated.
8. Addiction to the use of narcotics or a restricted substance, possession or use of narcotics or restricted substances while on the job or reporting to work while under the influence of a narcotic or restricted substances.
9. Personal conduct unbecoming an employee of the District in the course of performing her/his duties. Such conduct is defined as that which would

undermine District goals and objectives and/or the employee's ability to perform the duties of his/her position.

10. Engaging in political activity during assigned hours of employment, including, but not limited to, campaigning on behalf of any candidate for public office, including himself or herself, whether by speaking, soliciting funds or support, distributing handbills, using any District property, equipment or facility for any political purpose during regular duty hours or after duty hours unless the use thereof is by law for such purposes and the employee has obtained prior written authorization from the General Manager or his authorized representative.
 11. Conviction of any crime involving moral turpitude.
 12. Absence without leave for three consecutive days or repeated tardiness.
 13. Abuse of illness leave privileges.
 14. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other District records.
 15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
 16. Willful or persistent violation of the rules and regulations of the District.
 17. Any willful conduct tending to injure the public service.
 18. Abandonment of position or excessive absenteeism.
 19. Physical or mental incapacity.
- B. Notice of Disciplinary Action. Disciplinary actions, except reprimands, shall be taken against an employee having regular status by service upon such employee of a written notice of such action.

The notice of disciplinary action shall include the following:

1. The nature of the disciplinary action;
2. The effective date of the action;

3. The causes for the action and the material on which it is based, in ordinary concise language with the dates and places thereof, when known;
4. A statement that the material upon which the action is based is available for inspection; and
5. A statement as to the right of representation and appeal that shall include a referral to the section of this MOU titled "Grievance Procedure".

C. Service of a Notice of Disciplinary Action shall be made as provided below, except when emergency or other special circumstances require immediate action:

1. Delivery to the employee, either personally or by United States Postal Service to the current address listed in the employee's personnel file, shall be made no less than five (5) calendar days prior to the effective date of any punitive action against the employee. In emergency situations, the five (5) day prior notice requirement shall not apply to the following disciplinary actions but may be given within a reasonable time after the commencement of such discipline:

=

- a. Suspension without pay of five (5) days
- b. Suspension with pay of twenty (20) days or less.

2. The notice of disciplinary action is accompanied by the advice that the employee may respond either verbally or in writing to the representative imposing the action prior to its effective date and may be represented in the response.

D. Reprimand. The General Manager may reprimand an employee by furnishing him/her with a statement, in writing, of the specific reasons for such reprimand. A copy of notice of the reprimand shall be included in the employee's personnel file and the employee shall have the right of rebuttal. The General Manager may correct the reprimand or notice of reprimand at his/her discretion. A written reprimand does not require a notice of disciplinary action.

E. Suspension Without Pay. Any suspension invoked as a disciplinary action under this section against an employee, whether for one or more periods, shall not exceed fifteen (15) calendar days in any one (1) calendar year; provided, however, that where a suspension is made because of criminal information or indictment filed against such employee, the period of suspension may exceed ninety (90) calendar

days and continue until, but not after, the dropping of charges or the judgment or conviction or acquittal of the offense charged in the complaint, or indictment has become final. Employees suspended shall forfeit all rights, privileges, and salary while on such suspension.

- F. Suspension With Pay. Notwithstanding other provisions of this section, an employee may be suspended with pay and benefits for a period not to exceed twenty (20) working days upon a determination by the General Manager that circumstances exist that make the immediate removal of the employee to be in the best interests of the Monterey Peninsula Water Management District, and that the employee cannot be effectively used in his/her job.

Notwithstanding the above provision, the General Manager may suspend an employee at any time for reasons of investigation for disciplinary action. Written notice of such suspension shall be given the suspended employee as soon as possible, but not later than seventy-two (72) hours after such action is taken. Such suspension is not a disciplinary action and shall not be subject to appeal unless it, or any portion of it, subsequently becomes a disciplinary action. The General Manager may reinstate any such suspended employee to his/her position for good cause and shall, upon reinstatement, restore his/her rights and privileges with back pay for time lost.

- G. Dismissal. The continued tenure of each employee shall be subject to his/her satisfactory conduct and the rendering of efficient service. Should the cause for disciplinary action so warrant, an employee may be dismissed.
- H. Absence Without Leave Termination. An employee who takes an unauthorized leave of three or more days may be deemed to have resigned their position.

ARTICLE 21 GRIEVANCE PROCEDURE

- A. Purpose. The purpose of the grievance procedure is to promote improved employer-employee relations by establishing a procedure for the prompt settlement of certain disputes, herein after defined as grievances.

A grievance shall be defined as a claim by an employee or group of employees of a violation, misinterpretation and misapplication, or improper application of written regulations, resolutions, ordinances, or a memorandum of understanding applicable to the employee. Any appeal of the disciplinary actions of demotion, suspension or dismissal shall be filed and processed pursuant to this section.

B. Applicability. Notwithstanding the foregoing, the grievance procedure is not applicable and shall not be used with the following:

1. The exercising of management rights by Monterey Peninsula Water Management District, as defined in Article 4, District Rights.
2. Any matter for which a statutory appeal procedure exists;
3. Complaints relating to Equal Opportunity, Occupational Health and Safety, or Workers Compensation;
4. The imposition of disciplinary action with respect to an employee on introductory status;

C. Format. All grievances must be in writing. Grievances must explicitly specify the policy or the particular section of the agreement, rule, resolution or ordinance, the violation of which is being alleged as the basis for the grievance. The remedy requested must also be specified. An employee is entitled to individual representation at the employee's expense at any step of the grievance procedure.

D. Processing Grievances.

1. The grievant shall be granted reasonable time off with pay from regularly scheduled duty hours to process a grievance, provided that the time off will be devoted to the prompt and efficient investigation and handling of grievances.
2. In no case shall Monterey Peninsula Water Management District vehicles be used for transportation by employee representatives in connection with the processing of grievances nor will reimbursement be considered for the use of private vehicles.

E. Grievance Procedure Steps.

1. Informal Discussion.

- a. The grievance shall first be discussed on an informal basis by the aggrieved with his/her immediate supervisor within twenty-one (21) calendar days from the date of the action causing the grievance.
- b. Every effort shall be made to resolve the grievance at this level.

2. Formal Written Grievance.

- a. In the event the employee believes the grievance has not been satisfactorily resolved, the employee shall submit the grievance in writing to the General Manager.
- b. Within five (5) working days of receipt of the grievance, the General Manager shall schedule a meeting with the grievant, and the grievant's representative, if she/he so chooses, to discuss the grievance. Within five (5) working days of the grievance meeting, the General Manager shall deliver a written decision to the grievant. Any grievance settled at this step shall be subject to Board review.

3. Appeal to the Board

Board review will only be initiated upon written application. Said written appeal shall be filed with the Clerk to the Board and state the basis of the appeal. Any appeal based upon a disciplinary action shall contain a specific admission or denial of the material allegations contained in the notice of disciplinary action.

At the next regularly scheduled meeting of the Monterey Peninsula Water Management District Board, after the filing of the order and appeal with the said Clerk, the Board shall determine whether it will hear the appeal or appoint a hearing officer for this purpose. If the Board determines to hear the appeal, it will set a time and place for such hearing and provide notice to the appellant. If the Board determines to appoint a hearing officer, the hearing officer shall be mutually agreed upon between the Board's representative and the Union. In the event that the parties cannot mutually agree on a hearing officer, the parties shall request a list from the California State Conciliation and Mediation Service. The Hearing Officer shall then be selected by the parties alternately striking names until one remains. The Hearing Officer shall commence a hearing on the appeal as soon as possible. The appellant and General Manager may appear personally and the appellant may be represented by a Union representative and/or by counsel at the hearing. The hearing shall be public unless the appellant requests a private hearing.

Before the hearing has commenced and during the course of the hearing, the hearing officer shall issue subpoenas "duces tecum" at the request of either party. Oral evidence shall be taken only on oath or affirmation. The appellant and the General Manager shall each have the right to call and examine witnesses, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witness and to rebut the evidence against him/her. Technical rules relating to evidence and witnesses do not have to apply to such

hearings. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. At the hearing, the burden of proof shall be upon the appellant except in matters of discipline where the District is the moving party and therefore has the sole burden of proof.

At the conclusion of the hearing, the Board or the hearing officer shall prepare a summary record of the proceedings and prepare findings, conclusions and decision.

Where the Board has determined that a hearing officer will hear the appeal, the hearing officer shall submit a copy of said record and draft findings, conclusions and decision to the Board.

Within thirty (30) days after the filing of the record and recommended findings, conclusions and decision of the hearing officer with the Board, the Board shall adopt such recommended findings, conclusion and decision, or shall reject the recommendations of the hearing officer and adopt its own findings, conclusions and decision after a review of the record. The Board shall affirm, modify or reverse the order of the General Manager. The decision of the Board shall be final, and any review of said determination must be commenced within the time set forth in the Code of Civil Procedure, Section 1094.6.

ARTICLE 22 OTHER EMPLOYMENT.

No employee shall engage in any occupational or outside activity which is incompatible with his/her employment.

An employee engaging in any occupation or outside activity for compensation shall inform his or her Supervisor of the time required and the nature of such activity. An employee engaging in any occupation or outside activity which may be incompatible with Monterey Peninsula Water Management District employment or for compensation, who fails to inform his/her supervisor of such occupation or activity, may be subject to disciplinary action up to and including dismissal.

ARTICLE 23 JOB SHARING.

The General Manager may hire two part-time employees to fill a regular full-time position if the Division Manager determines that the duties of the position can be shared.

ARTICLE 24 REDUCTION IN FORCE

A. General.

From time to time reductions in staff may be necessary. These reductions, (layoffs) occur without prejudice and without fault on the part of any employee. Reductions usually happen as a result of decrease or curtailment in revenues, reorganization of staff, termination of a program or activity, modification or change in service requirements or in the interest of efficiency or economy. Such changes are inevitable given the nature and mission of MPWMD. Alternatives to avoid or limit layoffs will be carefully considered. The Union shall be given at least ten (10) days advance notice before a reduction in force is presented to the Board for action and sixty (60) days advance notice before a reduction in force is implemented. Upon request, the District shall meet with the Union to discuss alternatives to an impending layoff. However, if the District deems layoffs necessary, the parties shall meet and confer over the effects of such layoffs on the employees within the bargaining units. The District retains full authority to determine what measures are most appropriate under the circumstances.

B. Definition

A reduction in force or layoff is an involuntary separation of an employee from a class of position and from District service. Depending on the circumstances, it may be temporary or permanent.

C. Notice

An employee with one or more year's continuous service with the District shall receive as much notice as possible, but in no event shall notice be given less than two weeks before their effective layoff date.

D. Procedures

In the instance where reduction is necessitated by the termination of a program, employees will be laid off as dictated by mission requirements determined by the General Manager in consultation with the Division Manager. The order of layoff will be set by reverse seniority within a job classification within the program office or division. Employees will be placed on a layoff list, within their job classification, according to their category of employment. For purposes of layoff, categories are rank ordered as follows:

1. Limited-Term employees
2. Employees in introductory periods
3. Part-time regular employees
4. Full-time regular employees

An employee's position on the layoff list shall be based on the employee's total continuous service with MPWMD. For this purpose, continuous service includes

employment as a limited-term, temporary, and part-time employee, excluding any break in service.

E. Recall.

If within six months of being laid off it is necessary for the District to increase the work force, laid off employees may be recalled to a vacancy in the last position held with the District or to a comparable position for which she or he is qualified. Such recalls will be according to continuity of employment, i.e., employees with greater continuity of employment e.g., higher in the layoff list, will be recalled from layoff first and placed in available positions, provided they have the necessary skills to perform the required tasks efficiently and are available. Recall notice to employees on layoff will be sent by certified mail to the employee's last known address. An employee must make a written commitment to return to work from layoff within four working days after receipt of notice to return to work and, return to work with the District within 15 days of first notification or lose all recall privileges.

Employees who have been on layoff status longer than six months are not eligible to be recalled, but may apply for advertised employment opportunities and be considered for employment with the District.

Regular employees who are laid off will be notified of advertised vacancies for which their employment records indicate they may be qualified, for 12 months following layoff, if they keep the District advised of their current address and telephone number.

F. Benefits.

Employees who have been laid off are not entitled to benefits. However, they may be eligible for a continuation of some benefits under COBRA and for state unemployment insurance. Information on these topics will be provided by the Human Resource ~~Coordinator~~Analyst.

ARTICLE 25 DRUG-FREE WORKPLACE POLICY

The District is committed to maintaining a work environment free from the influence of alcohol and drugs in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. Illegal drugs in the workplace are a danger to all of us. They impair health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The use of any controlled substances is inconsistent with the behavior expected of our employees. It subjects all employees as well as visitors to our facilities and work sites to unacceptable safety risks and undermines the District's ability to operate effectively and efficiently.

In this connection, any location at which Monterey Peninsula Water Management District business is conducted, whether on District property or at any other site, is declared to be a drug-free workplace. This means that:

1. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off our premises. Any employee violating the policy is subject to discipline, up to and including termination for the first offense.
2. Should an employee be required to take any kind of prescription or nonprescription medication that could affect job performance, the employee is required to report this to his/her supervisor. The supervisor will determine if it is necessary to temporarily place the employee on another work assignment or to take other action as appropriate.
3. Employees have the right to know the dangers of drug abuse in the workplace, the District's policy about it, and what help is available to combat drug problems. The District will provide educational material and conduct training for all employees on this subject. The District also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct their problem before it impairs their performance and jeopardizes their employment. One source of treatment for drug/alcohol dependency is provided to District employees through their coverage under the District's Employee Assistance Plan.
4. Any employee convicted of violating a criminal drug statute in this agency's workplace must inform the District of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence.
5. The District reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

ARTICLE 26 VIOLENCE IN THE WORKPLACE POLICY

The Monterey Peninsula Water Management District recognizes the importance of maintaining a safe and violence-free workplace. In that spirit, all weapons are banned from the District. No District employee, customer, or visitor is allowed to carry weapons of any sort on District property or in a District vehicle. All employees are required to immediately report any sightings of weapons or violent behavior on the premises or at their work sites.

It should be noted that a good deal of District business is conducted off of District property. Therefore, employees must be aware of the need to always take safety and security precautions when performing their duties on private property. However, District employees are prohibited from carrying weapons while conducting District business. Any violent behavior directed at District employees, either while they are conducting District business or related to the conduct of District business, should be immediately reported to the General Manager.

ARTICLE 27 WELLNESS PROGRAM

Employees are encouraged to participate in a fitness program. However, participation is voluntary, and employees do it at their own risk. To further encourage the wellness of its employees, the District authorizes employees (upon approval of an employee’s supervisor) who participate in aerobic physical exercise (walking, jogging, swimming, etc.) to use up to 30 minutes of regular work time for this purpose.

Exercise is normally done over the lunch hour, with an extension of 30 minutes, or at a time agreed to/approved by the employee’s supervisor. This amount of time is intended to allow the exercising employee the opportunity to receive a thorough aerobic workout, and time to return to work refreshed and relieved of stress. A shower is available for employee use. Approval of wellness time will be dependent upon the division workload and coordination with the schedules of co-workers.

ARTICLE 28 SEVERABILITY

If any section, sub-section, paragraph, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being hereby expressly declared that this resolution and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 29 TERM OF AGREEMENT

This Agreement shall be effective on the ~~1st~~ ___ day of July 20~~24~~¹⁹ and shall remain in full force and effect without change, addition or amendment until a new Agreement is agreed upon by the parties through June 30, 2024, and shall be renewed thereafter This Agreement is subject to reopening by either party upon written notice to the other party no less than 120 days prior to June 30, 202~~7~~⁴ or any June 30 anniversary date thereafter. Any notice for reopening after that date may result in a delay in effective date of a new Agreement.

David J. Stoldt
General Manager
Monterey Peninsula Water Management District

Date

Ryan Heron
Chief Negotiator
United Public Employees of California
Local 792

Date

~~Beverly Chaney~~ Cory Hamilton
Unit Member Negotiator
Monterey Peninsula Water Mgt. Dist. General Unit

Date

~~Kyle Smith~~ William Banker-Hix
Unit Member Negotiator
Monterey Peninsula Water Mgt. Dist. General Unit

Date

APPENDIX A - JOB CLASSIFICATIONS - GENERAL BARGAINING UNIT

	Range as of July 1, 2024
Accountant	36
Accounting /Office Specialist	25
Administrative Assistant	21
Assistant Fisheries Biologist	34
Assistant Hydrologist	33
Associate Fisheries Biologist	41
Associate Hydrologist	40
Community Relations Liaison	
Conservation Analyst	44
Conservation Representative I/II	36
Conservation Representative I	30
Conservation Technician I/II	29
Conservation Technician I	25
District Engineer	54
Environmental Programs Specialist	32
Geographical Information Systems Specialist	
Hydrography Programs Coordinator	
Hydrology Technician	
Information Technology Manager	
Project Manager/Public Information Representative	
Meter Program Coordinator	21
Resources Maintenance Specialist	28
Senior Fisheries Biologist	51
Senior Office Specialist II	26
Office Specialist I	22
Water Resources Engineer	48

Pursuant to Article 15 B of this Agreement, The General Manager may, in his discretion, approve an employee’s promotion to any higher salary step at any time in order to make equitable salary adjustments or to compensate capable employees properly. The General Manager may update the salary and range for positions shown above commensurate with any such promotion.

APPENDIX B - PERSONNEL COMPENSATION POLICY

A. PURPOSE:

The purpose of this policy is to detail the Monterey Peninsula Water Management District's (or "District's") policy for setting the compensation for its employees. The District's compensation policy is important since it establishes the framework in which compensation decisions are made. Adoption of this policy by the District shows consensus regarding the District's compensation practices, and the information presented in each of the following areas will assist District staff in managing the plan over time:

1. Compensation Goals and Objectives
2. Criteria for Selection of Labor Market Survey Agencies
3. Use of Private Sector Employers
4. Labor Market Position
5. Point of Comparison
6. Survey Classification Selection
7. Compensation Survey Scope

B. COMPENSATION GOALS AND OBJECTIVES

The District's compensation plan is an important element of its personnel system and should accomplish the following goals and objectives:

1. Ensure that the Monterey Peninsula Water Management District has the ability to attract and retain well-qualified personnel
2. Provide a defensible and technically sound basis for compensating employees
3. Allow flexibility and adaptability for making District-wide compensation decisions based on changing market conditions
4. Recognize the Monterey Peninsula Water Management District's responsibility as a public agency in establishing a pay plan which is consistent with prudent public practices
5. Ensure that the District's compensation practices are competitive and consistent with those of comparable employers

C. CRITERIA FOR SELECTION OF LABOR MARKET SURVEY AGENCIES

The general objective in selecting survey agencies is to define as accurately as possible the District's "labor market." A labor market is generally that group of

agencies with which the District competes in terms of recruiting and retaining personnel. Because of the uniqueness of the Monterey Peninsula Water Management District, the selection of the labor market survey agencies for the District involves the analysis of a variety of (special) factors. In order to select a list of comparable agencies, the following guidelines should be used:

1. Geographic Proximity Since the Monterey Peninsula Water Management District resides within Monterey County, competing area agencies within this county and/or its closest adjacent counties are the primary survey agencies to consider. Ideally, the geographic area should be limited to a region, which contains a sufficient number of comparably sized agencies (these are arguably the District's closest market competitors). Since, in the case of the Monterey Peninsula Water Management District, insufficient comparable water management agencies exist within close geographic proximity, a more extensive regional labor market is necessary.
2. Employer Size While employer size is a consideration, it is more important to find agencies which provide similar services within the geographic region. Since there are not many agencies which fit this initial criterion, size should not be used as a key selection component in Monterey Peninsula Water Management District's case.
3. Nature of Services Provided Another criterion typically utilized in identifying an organization's labor market is the nature of services provided. This criterion is important for the following reasons:
 - a) Employers who provide similar services are most likely to compete with one another for employees
 - b) These employers are most likely to have comparable jobs
 - c) These employers are most likely to have similar organizational and economic characteristics

This factor requires that the labor market include a significant number of comparable water agencies. This is difficult in the case of the Monterey Peninsula Water Management District, given the water and resource management role of the agency.

4. Cost of Living Differences To ensure consistency in the cost of living of each survey location, a cost of living index should be used for comparison with the District. This index identifies the percentage difference in cost of living between each survey location and the Monterey Peninsula Water Management District. Any location with a cost of living index greater than 100 has a higher cost of living while indices less than 100 indicate a lower cost of living. Generally, differences of less than five percent are not

statistically significant. The use of a cost of living index minimizes the possibility of significant data skewing.

While it is impossible to find agencies that are exactly comparable to the Monterey Peninsula Water Management District, the agencies selected should provide a representative "picture" of comparable agencies. In order to ensure that a sufficient and valid sample of data is collected, 12 to 15 survey agencies should be used. The agencies used for comparison will be subject to review and revision in future compensation studies.

D. LABOR MARKET POSITION

It is necessary for the District Board of Directors to define the position in the labor market at which the District desires to compete. Considering that the survey agencies represent both a comprehensive and balanced set of employers, it is recommended that all initial analyses be based on the labor market *median*, versus the mean (average) or a percentile rank based statistic, in which a percentage of the data is above or below a specific point. The market median is the most stable statistical measure, in which half of the data is above the median and half the data is below. This statistic is based on the ranking of the data and represents the "middle" of the data set. The median statistic is stable for highly variable data sets and will not be significantly skewed by unusually high or low payers, or the addition of some larger survey agencies. Some key elements for consideration when setting the labor market position include:

1. The District's ability to pay
2. Priority of compensation versus other expenditures
3. Recruitment and retention problems
4. Private sector trends and their priority
5. Quality of staff required

A solid, defensible labor market position relies on a balancing of these factors in order to meet the District's compensation goals and objectives. This compensation policy sets the labor market median as the labor market position for the Monterey Peninsula Water Management District. The District may choose to place certain classes above the market median when characteristics unique to the District's position vs. labor market comparable positions, merit this consideration. For example:

1. Difficulty in recruitment and retention
2. High public contact and/or visibility
3. High level of responsibility and autonomy

E. POINT OF COMPARISON

When comparing District salaries with market agencies, it is important to establish a consistent point of comparison. Since all the agencies used in the market survey utilize pay range structures, a critical analysis is needed to find the salary range “control point.” This is the top step or range maximum for those agencies that use the range maximum as the control point. Control point salaries are used if the agency’s range structure utilizes a mid-point or similar reference point. The range control point is that point in the salary range that:

1. Is used to “anchor” the pay range to the labor market
2. Employees will attain through step increases or other increases based on satisfactory performance (range progression beyond the control point is usually based on superior job performance)

Since the District allows employees to reach the range maximum through usual salary range progression, the range maximum is used as the point of comparison with the market agencies.

F. SURVEY CLASSIFICATION SELECTION

Survey classifications represent a sample of all classifications contained in the District's classification plan and provide a reference point for the extrapolation of salary recommendations for non-survey classes. The criteria utilized in selecting these survey classifications are as follows:

1. Survey classes should have a clear and identifiable relationship to other classes in their occupational group. This assures that they will make good references in relating and establishing salaries for other classes.
2. They should be reasonably well known, and clearly and concisely described.
3. They should be commonly used classes such that counterparts may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These factors ensure that appropriate data can be collected in order to select benchmark classes and to determine appropriate internal salary relationships. Because of the size of the District and the unique characteristics of certain job classes, all job families should be represented in the scope of the survey.

G. COMPENSATION SURVEY SCOPE

A systematic methodology and approach supporting the collection and analysis of labor market survey data will provide the District with the guidelines it needs to update the survey in future years.

In addition to collecting base salary information, total compensation data should also be obtained.

A systematic approach taken to collect the survey data will ensure the accuracy of the labor market data and will also serve to assist the District in maintaining a consistent, fair, and defensible compensation plan over time.

Future classification/compensation surveys will be considered as changes in the labor market become apparent, the District experiences difficulty in recruitment, hiring, or employee retention, or at such other times deemed appropriate by the Board.

ATTACHMENT A – SALARY CHART

ITEM: INFORMATIONAL ITEM/STAFF REPORT

12. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER \$25,000

Meeting Date: July 15, 2024 **Budgeted:** N/A

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

Prepared By: Nishil Bali **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: Attached for review as **Exhibit 12-A** is a monthly status report on contracts over \$25,000 for the period May 2024. This status report is provided for information only, no action is required.

EXHIBIT

12-A Status on District Open Contracts (over \$25k)

EXHIBIT 12-A

**Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period May 2024**

Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Current Period Activity	P.O. Number	
1	Monterey One Water	Urban Community Drought Grant	9/22/2022	\$ 11,935,206.00	\$ -	\$ 446,274.00	\$ 446,274.00	Current period billing for Pure Water Expansion project through Urban Community Drought Grant	PO03726
1	DUDEK	IRWM IR2 Grant Administration	10/1/2022	\$ 90,510.00	\$ 577.50		\$ 577.50		PO03718
2	Colantuono, Highsmith, & Whatley, PC	MTA Legal services for appeal to Water Supply Charge	9/15/2021	\$ 50,000.00	\$ 27,940.00	\$ 394.08	\$ 28,334.08	Current period billing for legal services Water Supply Charge	PO03715
3	John K. Cohan dba Telemetrix	Consultant Services for Sleepy Hollow Facility	6/30/2023	\$ 29,600.00	\$ 8,835.49	\$ 3,180.00	\$ 12,015.49	Current period billing for Sleepy Hollow operations consulting services	PO03693
4	Rutan & Tucker, LLP	Measure J/Rule 19.8 Eminent Domain Phase IV	2/24/2023	\$ 200,000.00	\$ 46,649.57	\$ 61,243.29	\$ 107,892.86		PO03639
5	DeVeera Inc.	Surveillance Video Equipment & Installation	2/24/2023	\$ 37,955.00	\$ 35,951.71		\$ 35,951.71		PO03578
6	Telemetrix	Flood Repair Services for Sleepy Hollow Facility	1/23/2023	\$ 85,000.00	\$ 41,124.09		\$ 41,124.09		PO03556
7	Rincon Consultants, Inc.	Environmental Consulting Services for Water Allocation	5/25/2023	\$ 29,000.00	\$ 21,944.25		\$ 21,944.25		PO03525
8	Regional Government Services	HR Contracted Services for FY 2023-2024	6/20/2023	\$ 25,000.00	\$ 22,113.07	\$ 123.20	\$ 22,236.27	Current period billing for HR-related services	PO03499
9	Tyler Technologies	Incode Software Maintenance 09/2023-08/2024	6/20/2023	\$ 33,266.25	\$ 32,673.11		\$ 32,673.11		PO03476
10	Schaaf & Wheeler	Drawing Support Services	4/23/2023	\$ 30,000.00	\$ 6,752.50		\$ 6,752.50		PO03474
11	Lynx Technologies, Inc	GIS Consultant Contract for 2023-2024	6/20/2023	\$ 35,000.00	\$ 28,050.00	\$ 3,975.00	\$ 32,025.00	Current period billing for GIS services	PO03475
12	DeVeera Inc.	IT Managed Services Contract FY 2023-2024	6/15/2020	\$ 62,500.00	\$ 51,920.00	\$ 5,192.00	\$ 57,112.00	Current period billing for IT managed services	PO03433
13	JEA & Associates	Legislative and Administrative Services	6/20/2023	\$ 40,800.00	\$ 34,000.00	\$ 3,400.00	\$ 37,400.00	Current period retainer billing	PO03412
14	The Ferguson Group LLC	Contract for Legislative Services for FY 2023-2024	6/20/2023	\$ 72,000.00	\$ 60,207.53	\$ 6,000.00	\$ 66,207.53	Current period retainer billing	PO03411
15	Montgomery & Associates	Annual Groundwater Modeling Support	6/20/2023	\$ 55,000.00	\$ -		\$ -		PO03408
16	Maggiore Bros. Drilling, Inc	ASR Support from Maggiore Bros for Well Work	6/20/2023	\$ 50,000.00	\$ -		\$ -		PO03407
17	Pueblo Water Resources, Inc.	ASR Operations Support	6/20/2023	\$ 25,000.00	\$ -		\$ -		PO03406
18	CSC	Recording Fees	7/1/2023	\$ 50,000.00	\$ 40,000.00		\$ 40,000.00		PO03402
19	WellmanAD	Public Outreach Consultant	7/1/2023	\$ 106,500.00	\$ 79,850.00	\$ 15,750.00	\$ 95,600.00	Current period payment for public outreach retainer	PO03380
20	Montgomery & Associates	Tularcitos ASR Feasibility Study	3/20/2023	\$ 119,200.00	\$ 14,642.00		\$ 14,642.00		PO03368
21	Kevin Robert Knapp/ Tierra Plan LLC	Surface Water Data Portal	11/14/2022	\$ 27,730.00	\$ 24,025.81		\$ 24,025.81		PO03302
22	City of Monterey	MPWMD Local Water Project Development Grant	10/17/2022	\$ 25,000.00	\$ 14,955.50		\$ 14,955.50		PO03242
23	DeVeera Inc.	HP Smart Array 2062 SAN Server	12/12/2022	\$ 160,000.00	\$ 157,273.63		\$ 157,273.63		PO03222
24	DeVeera Inc.	Board Conference Room A/V Upgrade	12/12/2022	\$ 30,000.00	\$ 19,012.00		\$ 19,012.00		PO03221

Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period May 2024

	Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Current Period Activity	P.O. Number
25	Access Monterey Peninsula	Board Conference Room A/V Upgrade	12/12/2022	\$ 25,000.00	\$ 24,383.71		\$ 24,383.71		PO03220
26	Montgomery & Associates	Annual Groundwater Modeling Support	6/20/2022	\$ 50,000.00	\$ 7,957.00	\$ 3,924.00	\$ 11,881.00	Current period billing for Ground Water Modeling Support	PO03193
27	Telemetrix	Consultant Services for Sleepy Hollow Facility	6/20/2022	\$ 27,060.00	\$ 24,554.64		\$ 24,554.64		PO03121
28	De Lay & Laredo	Measure J/Rule 19.8 Appraisal/Water Rights	8/15/2022	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46		PO03113
29	Monterey One Water	PWM Expansion Project Amd #6	11/15/2021	\$ 1,200,000.00	\$ 909,545.39		\$ 909,545.39		PO03042
30	DeVeera Inc.	BDR Datto Services Contract FY 2022-2024	9/6/2019	\$ 43,920.00	\$ 37,332.00		\$ 37,332.00		PO03027
31	MBAS	ASR Water Quality	6/20/2022	\$ 40,000.00	\$ 14,202.00		\$ 14,202.00		PO02982
32	City of Sand City	IRWM Grant Reimbursement	3/28/2022	\$ 1,084,322.50	\$ 33,435.30		\$ 33,435.30		PO03093
33	Montgomery & Associates	Annual Groundwater Modeling support	11/15/2021	\$ 50,000.00	\$ 48,664.50		\$ 48,664.50		PO02849
34	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	\$ 114,960.00	\$ 52,278.75	\$ 1,046.25	\$ 53,325.00	Current period billing for Prop 1 IRWM grant administration services	PO02847
35	Shute, Mihaly & Weinberger LLP	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 484,000.00	\$ 433,301.10	\$ 6,144.06	\$ 439,445.16	Current period billing for LAFCO Measure J litigation services	PO02843
36	Reiff Manufacturing	Quarantine tanks for the Sleepy Hollow steelhead facility	10/18/2022	\$ 48,000.00	\$ 40,350.00		\$ 40,350.00		PO02824
37	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	6/21/2021	\$ 67,500.00	\$ 46,108.64		\$ 46,108.64		PO02693
38	Monterey One Water	PWM Deep Injection Well #4 Design/Construction	9/21/2020	\$ 4,070,000.00	\$ 1,935,602.04		\$ 1,935,602.04		PO02604
39	Weston Solutions, Inc.	UXO Support Services	6/15/2020	\$ 26,378.70	\$ 6,521.66		\$ 6,521.66		PO02371
40	Pueblo Water Resources, Inc.	ASR SMWTF Engineering Services During Construction	10/21/2019	\$ 148,100.00	\$ 142,709.87		\$ 142,709.87		PO02163
41	U.S. Bank Equipment Finance	Copier machine leasing - 60 months	7/15/2019	\$ 52,300.00	\$ 49,810.80	\$ 1,743.62	\$ 51,554.42	Current period billing for photocopy machine lease	PO02108
42	DUDEK	Consulting Services for Prop 1 grant proposal	4/15/2019	\$ 95,600.00	\$ 94,315.05		\$ 94,315.05		PO01986
43	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	7/16/2018	\$ 30,000.00	\$ 26,878.87		\$ 26,878.87		PO01880
44	Pueblo Water Resources, Inc.	ASR Backflush Basin Expansion, CM services	7/16/2018	\$ 96,034.00	\$ 68,919.39		\$ 68,919.39		PO01778
45	Colantuono, Highsmith, & Whatley, PC	MPTA Legal Matter	7/1/2018	\$ 250,000.00	\$ 249,425.78		\$ 249,425.78		PO01707
46	Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	\$ 94,437.70	\$ 44,318.11		\$ 44,318.11		PO01510
47	Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	\$ 68,679.00	\$ 57,168.85		\$ 57,168.85		PO01628

ITEM: INFORMATIONAL ITEM/STAFF REPORT

13. STATUS REPORT ON – PUBLIC’S OWNERSHIP OF MONTEREY WATER SYSTEM

Meeting Date:	July 15, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Nishil Bali	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: Attached for review as **Exhibit 13-A** is a monthly status report on spending – Public’s Ownership of Monterey Water System for the period May 2024. This status report is provided for information only, no action is required.

EXHIBIT

13-A Status Report on Spending – Public’s Ownership of Monterey Water System

EXHIBIT 13-A

**Monterey Peninsula Water Management District
Status on Public's Ownership of Monterey Water System - Phase IV
Eminent Domain Proceedings through Bench Trial
Through May 2024**

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Phase IV - Authorization (unallocated)	11/13/2023	\$ 50,000.00	\$ -		\$ -	\$ 50,000.00	
2	Eminent Domain Legal Counsel (Rutan)	12/16/2019	\$ 200,000.00	\$ 46,649.57	\$ 61,243.29	\$ 107,892.86	\$ 92,107.14	PA00009-01
3	Eminent Domain Legal Counsel (SMW)	12/16/2019	\$ 100,000.00	\$ 75,125.35	\$ 5,166.50	\$ 80,291.85	\$ 19,708.15	PA00009-02
4	Financial Services	8/21/2023	\$ 200,000.00	\$ 13,050.00	\$ 3,242.50	\$ 16,292.50	\$ 183,707.50	PA00009-03
5	District Legal Counsel		\$ 70,000.00	\$ 72,806.00		\$ 72,806.00	\$ (2,806.00)	PA00009-05
	Total		\$ 620,000.00	\$ 207,630.92	\$ 69,652.29	\$ 277,283.21	\$ 342,716.79	

**Status on Public's Ownership of Monterey Water System - Phase III
Appraisal through Resolution of Necessity
Through October 2023**

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/16/2019	\$ 200,000.00	\$ 98,283.28		\$ 98,283.28	\$ 101,716.72	PA00007-01
2	Appraisal Services	4/17/2023	\$ 220,000.00	\$ 220,000.75		\$ 220,000.75	\$ (0.75)	PA00007-03
3	District Legal Counsel	12/16/2019	\$ 100,000.00	\$ 46,361.50		\$ 46,361.50	\$ 53,638.50	PA00007-05
4	Real Estate Appraiser	8/15/2022	\$ 80,000.00	\$ 53,309.64		\$ 53,309.64	\$ 26,690.36	PA00007-06
5	Water Rights Appraisal	8/15/2022	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46	\$ 29,509.54	PA00007-10
6	Contingency/Miscellaneous	12/16/2019	\$ -	\$ -		\$ -	\$ -	PA00007-20
	Total		\$ 675,000.00	\$ 463,445.63	\$ -	\$ 463,445.63	\$ 211,554.37	

Status on Public's Ownership of Monterey Water System - Phase II
EIR & LAFCO Application
Through September 2022

Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1 Eminent Domain Legal Counsel	9/20/2021	\$ 345,000.00	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	PA00005-01
2 CEQA Work	12/16/2019	\$ 134,928.00	\$ 134,779.54		\$ 134,779.54	\$ 148.46	PA00005-02
3 Appraisal Services	9/20/2021	\$ 430,000.00	\$ 188,683.75		\$ 188,683.75	\$ 241,316.25	PA00005-03
4 Operations Plan	12/16/2019	\$ 145,000.00	\$ 94,860.00		\$ 94,860.00	\$ 50,140.00	PA00005-04
5 District Legal Counsel	12/16/2019	\$ 40,000.00	\$ 162,254.16		\$ 162,254.16	\$ (122,254.16)	PA00005-05
6 MAI Appraiser	6/15/2020	\$ 170,000.00	\$ 76,032.00		\$ 76,032.00	\$ 93,968.00	PA00005-06
7 Jacobs Engineering	12/16/2019	\$ 87,000.00	\$ 86,977.36		\$ 86,977.36	\$ 22.64	PA00005-07
8 LAFCO Process	11/15/2021	\$ 240,000.00	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	PA00005-08
9 PSOMAS	9/20/2021	\$ 28,000.00	\$ 25,900.00		\$ 25,900.00	\$ 2,100.00	PA00005-09
10 Contingency/Miscellaneous/Uncommitted	12/16/2019	\$ 289,072.00	\$ 38,707.08		\$ 38,707.08	\$ 250,364.92	PA00005-20
Total		\$ 1,909,000.00	\$ 1,194,244.45	\$ -	\$ 1,194,244.45	\$ 714,755.55	
1 Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 140,303.06	\$ 977.56	\$ 141,280.62	\$ 58,719.38	PA00005-15
1 Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 400,000.00	\$ 389,365.52		\$ 389,365.52	\$ 10,634.48	PA00005-16

Status on Public's Ownership of Monterey Water System - Phase I
Financial Feasibility
Through November 2019

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	\$ 100,000.00	\$ 160,998.16		\$ 160,998.16	\$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	\$ 30,000.00	\$ 27,000.00		\$ 27,000.00	\$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consultant	2/21/2019	\$ 355,000.00	\$ 286,965.17		\$ 286,965.17	\$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	\$ 100,000.00	\$ 84,221.69		\$ 84,221.69	\$ 15,778.31	PA00002-04
5	District Legal Counsel		\$ 35,000.00	\$ 41,897.59		\$ 41,897.59	\$ (6,897.59)	PA00002-05
6	Contingency/Miscellaneous		\$ 30,000.00	\$ 45,495.95		\$ 45,495.95	\$ (15,495.95)	PA00002-10
	Total		\$ 650,000.00	\$ 646,578.56	\$ -	\$ 646,578.56	\$ 3,421.44	

ITEM: INFORMATIONAL ITEM/STAFF REPORT

14. LETTERS RECEIVED AND SENT

Meeting Date: July 15, 2024 **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.

No letters were received or sent by the Board Chair and/or General Manager between June 13, 2024, and July 10, 2024.



EXHIBIT 15-A

**Final Minutes
Monterey Peninsula Water Management District
Public Outreach Committee
Monday, April 29, 2024**

Call to Order | Roll Call

Chair Eisenhart called the meeting to order at 3:03 p.m.

Committee members present: Marc Eisenhart – Chair
Amy Anderson
George Riley

Committee members absent: None

District staff members present: David J. Stoldt, General Manager
Stephanie Locke, Water Demand Manager
Phil Wellman, Public Outreach Consultant with WellmanAd
Sara Reyes, Executive Assistant/Board Clerk

District Counsel Present: David Laredo with De Lay and Laredo
Michael Laredo with De Lay and Laredo

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

Action Item

1. Consider Adoption of February 20, 2024 Committee Meeting Minutes

Chair Eisenhart introduced the matter and opened public comment; no comments were directed to the committee. Sara Reyes, Executive Assistant/Board Clerk reported two corrections to the draft minutes. The Committee discussed and agreed on the changes.

Correction 1:

Call to Order | Roll Call

Chair Eisenhart ~~Riley~~ called the meeting to order at 3:03 p.m.

Correction 2:

District staff members present: Sara Reyes, Executive Assistant/Board Clerk ~~Sr.~~
~~Office Specialist~~

A motion was made by Director Anderson with a second by Director Riley to approve

the February 20, 2024, Committee meeting minutes. The motion passed on a roll-call vote of 3-Ayes (Riley, Anderson and Eisenhart) and 0-Noes.

Discussion Items

2. Status of Public Outreach Projects / WellmanAd

Phil Wellman, Public Outreach Consultant with WellmanAd presented via slide-deck entitled, MPWMD Public Outreach Report / April 29, 2024. A copy of the presentation is available on the District website and available upon request at the District office. Mr. Wellman covered projects completed to include:

1. March Newsletter and social media posts highlighting Landscape Webinars
2. March Newsletter and Branding Ads highlighting Fix A Leak Week
3. April distribution of MPWMD 2023 Annual Report in Monterey County Weekly
4. April Newsletter, Branding Ads, and social media posts highlighting Earth Day

Committee discussion ensued.

3. Follow-Up on Annual Report Distribution

General Manager Stoldt presented this item and discussed the possibility of distributing the 2024 Annual Report in the Carmel Pine Cone next year. Committee discussion ensued.

4. Consider Contract for FY 2024-25 Outreach Services

Chair Eisenhart introduced this item. The Committee discussed and expressed support for the draft agreement with WellmanAd for FY 2024-25.

5. Suggest Items to be Placed on a Future Agenda

Chair Eisenhart suggested the possibility of Board members attending and assisting at community events that District staff are participating in as an opportunity to take photos to highlight Board members. Director Eisenhart requested a status update for this issue at the next Public Outreach Committee meeting.

Adjournment

There being no further business, Chair Eisenhart adjourned the meeting at 4:01 p.m.

/s/ Sara Reyes

Sara Reyes, Committee Clerk
to the Public Outreach Committee

Approved by the MPWMD Public Outreach Committee on June 24, 2024
Received by the MPWMD Board of Directors on July 15, 2024



EXHIBIT 15-B

**Final Minutes
Water Supply Planning Committee of the
Monterey Peninsula Water Management District
Monday, May 6, 2024**

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

Committee Members Present: Karen Paull, Chair
Marc Eisenhart
Ian Oglesby

Staff Members Present: David J. Stoldt, General Manager
Sara Reyes, Executive Assistant/Board Clerk
Jonathan Lear, Water Resources Manager
Maureen Hamilton, District Engineer

District Counsel Present: David Laredo with De Lay & Laredo
Michael Laredo with De Lay & Laredo
Fran Farina with De Lay & Laredo

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

Corrections / Additions to the Agenda None

Action Items

1. Consider Adoption of the March 5, 2024 Committee Meeting Minutes

Chair Paull introduced Item No. 1 and opened public comment; no comments were directed to the Committee.

A motion was offered by Director Oglesby with a second by Director Paull to accept the March 5, 2024 Committee Meeting minutes. The motion passed with 2-Ayes (Paull and Oglesby), and 1-Abstention (Eisenhart).

Discussion Items

2. CPUC Phase 2 Supply & Demand Discussion

General Manager David J. Stoldt provided an update on the California Public Utilities Commission (CPUC) proceeding called Phase 2 of the application for approval of the Water Purchase Agreement for the Pure Water Monterey Expansion Project. Mr. Stoldt stated Phase 2 is solely dedicated to a relook at the supply and demand forecast for the future. He reported that the District and Cal-Am submitted opening briefs on April 30, 2024, to the CPUC for Phase 2 of the proceeding in Application 21-11-024 (Update Supply and Demand Estimates for the

Monterey Peninsula Water Supply Project, and Cost Recovery). The Committee, General Manager, and District Counsel discussed the briefs.

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

3. Update on the Emergency ASR Rehabilitation

Maureen Hamilton, District Engineer, provided an overview of this item and made the following points to include, but are not limited to:

- Staff finalized specifications and obtained quotes from three drillers who work in the area to perform rehabilitation of ASR-1 and ASR-2
- Maggiora Brothers Drilling, Inc. came in with the lowest quote and has done rehabilitation work on large injection wells
- Maggiora Brothers Drilling, Inc. expects to mobilize the week of June 3
- Staff will present the proposed contract to Maggiora Brothers Drilling, Inc. to the Finance and Administration Committee on May 13, 2024, for consideration

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

4. Pure Water Monterey Project Update

General Manager Stoldt provided a brief overview of his report and made the following points to include, but are not limited to:

- Punchlist and Closeout target date for October 2025 is still on track
- Cal-Am received permission from the Monterey Peninsula Unified School District to construct extraction wells 1 and 2 at the Seaside Middle School site and should be mobilizing in June 2024

Chair Paull 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 Paull adjourned the meeting at 3:51 PM.

/s/ Sara Reyes

Sara Reyes, Committee Clerk to the
MPWMD Water Supply Planning Committee

Reviewed and Approved by the MPWMD Water Supply Planning Committee on July 1, 2024.
Received by the MPWMD Board of Directors on July 15, 2024.

EXHIBIT 16-A
MONTHLY ALLOCATION REPORT
 Reported in Acre-Feet
 For the month of June 2024

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	0.000	23.163	23.163
Seaside	65.450	0.246 Cr	0.743	34.438	0.000	28.873	2.693	0.000	1.144	30.760
District Reserve	9.000	0.000	8.607	N/A			N/A			8.607
TOTALS	342.720	0.246 Cr	26.821	101.946	0.000	30.501	90.142	0.000	28.123	85.445

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	0.018	10.092	2.668

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

EXHIBIT 16-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of June 2024

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. *	191.470	0.370	32.282	159.188
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	173.530	0.254	77.221	96.309
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	0.624	124.332	255.668

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	23.169	182.831
Malpas Water Company	80.000	0.030	23.198	56.802
D.B.O. Development No. 30	13.950	0.005	3.913	10.037
City of Pacific Grove	38.390	0.151	17.649	20.741
Cypress Pacific	3.170	0.000	3.170	0.000
City of Seaside	10.817	0.000	10.817	0.000

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

EXHIBIT 16-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.

As part of the Non-Residential compliance effort, MPWMD notifies California American Water (Cal-Am) of properties with landscaping. Cal-Am staff then schedules an outdoor audit to verify compliance with the Rate Best Management Practices (BMPs). (Compliance with MPWMD's Rule 143 achieves Rate BMP compliance for indoor water uses.) Properties with landscaping must comply with Cal-Am's outdoor Rate BMPs to avoid rates in Division 4 (customers that are not in compliance with Rate BMPs). Rate BMPs are used to determine the appropriate Non-Residential rate division for each customer (there are four different rates based on the amount of irrigated area and compliance/noncompliance with the Rate BMPs).

MPWMD referred **no** property 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 **three** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

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 **55** Water Permits. **Ten** permits were issued using Water Entitlements (Pebble Beach Company, Malpasos Water, Sand City, etc.). **No** permits involved a debit to a Public Water Credit account. **Two** Meter Split Permits and **ten** Hydrant Meter Permits were issued.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Dwelling Unit that has only one Bathroom. Of the **55** Water Permits issued, **three** were issued under this provision.

B. Permit Compliance

Staff completed **77** site inspections during June. **51** properties passed the interior inspection, and **16** properties failed due to unpermitted fixtures. **five** properties were inspected to complete a Landscape Water Permit: **none** failed.

C. Notary Services

District staff provided Notary services for **60** customers.

D. Rebates

The District processes rebate applications to ensure that only voluntary replacement of higher efficiency devices receive rebates. The comprehensive list of available rebates can be found in [Rule 141](#).

EXHIBIT

17-A Rebate report for June 2024

EXHIBIT 17-A

REBATE PROGRAM SUMMARY		June-2024				2024 YTD		1997 - Present	
I. Application Summary									
A.	Applications Received	62				450		31,456	
B.	Applications Approved	48				386		24,648	
C.	Single Family Applications	48				381		27,534	
D.	Multi-Family Applications	0				4		1,628	
E.	Non-Residential Applications	0				1		363	
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)	2	\$150.00	0.010000	3,259	56	\$4,474.00	0.28000	
B.	Ultra HET			0.000000	0	18	\$2,250.00	0.18000	
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000	
D.	High Efficiency Dishwasher	10	\$1,250.00	0.030000	9,776	76	\$9,873.00	0.22800	
E.	High Efficiency Clothes Washer - Res	27	\$14,479.99	0.434700	141,647	199	\$99,950.99	3.20390	
F.	High Efficiency Clothes Washer - Com			0.000000	0	1	\$1,000.00	0.09000	
G.	Instant-Access Hot Water System	1	\$200.00	0.005000	1,629	7	\$1,400.00	0.03500	
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	6	\$4,532.20	0.00000	
K.	Smart Controllers	3	\$393.99	0.000000	0	8	\$1,348.97	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	\$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	1	\$25.00	0.00000	
N.	Lawn Removal & Replacement			0.000000			\$0.00	0.00000	
O.	Graywater			0.000000	0	0	\$0.00	0.00000	
P.	Other (Smart Flowmeters)	3	\$600.00	0.000000	0	34	\$6,304.99	0.00000	
Q.	Smart Toilet Leak Detectors			0.000000	0	0	\$0.00	0.00000	
III. TOTALS		46	\$17,073.98	0.479700	156,311	406	\$131,159.15	4.01690	
IV. TOTALS Since 1997						Paid Since 1997: \$ 6,489,914		596.2	Acre-Foot Per Year Saved Since 1997 (from quantifiable retrofits)

ITEM: INFORMATIONAL ITEM/STAFF REPORT

18. CARMEL RIVER FISHERY REPORT FOR JUNE 2024

Meeting Date:	July 15, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Cory Hamilton	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: Above average rainfall this spring kept river flows well above the long-term average for this time of the year, with comparable spring conditions observed in 1996, 2003 and 2005. Steelhead migration conditions were adequate for both adult and juvenile fish in the main stem, some tributaries have started to go intermittent.

To date, only four adult steelhead have been captured in the Los Padres Dam fish trap and moved above the dam. Flows were adequate to start annual Redd (steelhead nest) surveys on May 21. Surveys are getting a very late start this season due to the high flows observed this spring, causing these surveys to be conducted at the end of the migration season and not at optimal timing for enumeration. Redd surveys were completed up to the Page cabin (RiverMile 20) on 6/18/2024, a total of 27 steelhead redds, 15 adults and 634 lamprey redds were observed. Fry (baby steelhead) were observed along the stream banks in many different locations indicating that steelhead had successfully hatched.

June's streamflow at the Sleepy Hollow Weir gaging station ranged from 25 to 62 cfs (mean 43 cfs), while flows at the Highway 1 gage ranged from 26 to 71 cfs (mean 45).

There was no rainfall in June as recorded at the San Clemente gauge. The total rainfall for Water Year (WY) 2024 (which started October 1, 2023) is 24.17 inches, or 115% of the long-term year-to-date average of 21.05 inches.

FISH RESCUE: Staff conducted rescues in three tributaries (Potrero, Hitchcock, and Cachagua Creeks) as they began to dry back. All fish were released into the Carmel River at the tributary's confluence. As of the end of June, a total of 1,187 fish have been rescued (1,040 YOY, 132 1+ year olds, and 15 mortalities).

CARMEL RIVER LAGOON: In June, the lagoon's Water Surface Elevation ranged from approximately 3.4-11.1 feet (NGVD 1988) (see graph below).

Water quality depth-profiles were conducted at five sites on June 24, 2024, while the lagoon mouth was open, water surface elevation was 4.0 feet, and river inflow was 30 cfs. Steelhead migration conditions were adequate but high salinity observations have reduced the amount of habitat for juvenile fish. There is a salinity stratification layer at about 0.5 meters depth, below this depth salinity increases sharply. Salinity levels ranged from 1-26 parts per thousand (ppt), water temperatures ranged from 53-71 degrees Fahrenheit, and dissolved oxygen (DO) levels ranged from 2.7-16.3 mg/l.

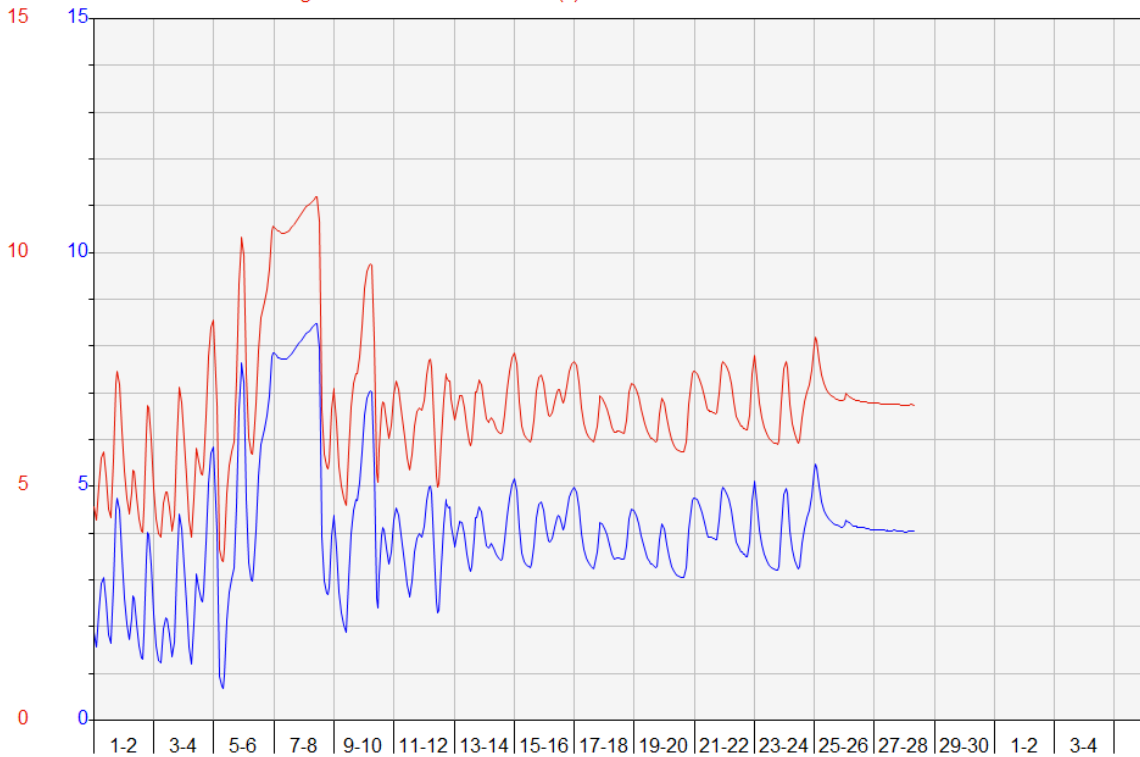
Monterey Peninsula Water Management District

HYPLOT V134 Output 06/28/2024

Period 35 Day 06/01/2024 to 07/06/2024

2024

— LA CR Lagoon 232.00 Raw Level (ft) - NGVD29
 — LA CR Lagoon 236.00 Corrected Level (ft) - NAVD88



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 eleven reaches 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. **Renewal of Regional General Permit:** District staff have been working with regulatory agencies to renew the RGP with the U.S. Army Corps of Engineers. This permit allows the District to carry out the Vegetation Management Program.
3. **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 restoration plantings. Tune-ups include replacement of clogged emitters, leak repair, and trouble shooting well pumps and pressure tanks.

ITEM: INFORMATIONAL ITEM/STAFF REPORT

20. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT

Meeting Date:	July 15, 2024	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 20-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **July 1, 2024**. 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 20-A** is for Water Year (WY) 2024 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** 2024 totaled **0.00 inches** and brings the cumulative rainfall total for WY 2024 to **24.17 inches**, which is **115%** of the long-term average through **June**. Estimated unimpaired runoff through **May** totaled **2,490 acre-feet (AF)** and brings the cumulative runoff total for WY 2024 to **81,514 AF**, which is **120%** of the long-term average through **May**. Usable storage for the MRWPRS was **28,750 acre-feet**, which is **94%** of average through **May**, and equates to **87%** 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 2024. Through **June**, using the CDO accounting method, Cal-Am has produced **1,983 AF** from the Carmel River (excluding **410 AF** of Table 13 and **49 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 2024. Through **June**, Cal-Am has produced **1,133 AF** from the Seaside Groundwater Basin. Through **June**, **1,519 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **410 AF** have been diverted under Table 13 water rights, and **2,627 AF** of Pure Water Monterey recovered. Cal-Am has produced **6,263 AF** for customer use from all sources through **May**. **Exhibit 20-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

20-A Water Supply Status: **July 1, 2024**

20-B Monthly Cal-Am production by source: WY 2024

EXHIBIT 20-A

Monterey Peninsula Water Management District Water Supply Status July 1, 2024				
Factor	Oct – Jun 2024	Average To Date	Percent of Average	Oct – Jun 2023
Rainfall (Inches)	24.17	21.03	115%	35.19
Runoff (Acre-Feet)	81,514	67,982	120%	206,262
Storage⁵ (Acre-Feet)	28,750	30,570	94%	28,960

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.

EXHIBIT 20-B

Production vs. CDO and Adjudication to Date: WY 2024

(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	2,160	1,495	0	1,495	3,655	200	2,605	138	225	3,168
Actual ⁴	1,983	1,041	92	1,133	3,116	0	2,627	410	62	3,099
Difference	177	454	-92	362	539	200	-22	-272	163	69
WY 2023 Actual	1,411	1,414	87	1,501	2,912	206	2,675	511	129	3,521

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, 1519 AF and 410 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 2024

(All values in Acre-Feet)

	Carmel River Basin	Table 13	Mal Paso	Seaside Basin	ASR Recovery	PWM Recovery	Sand City	Total
Oct-23	220	0	7	347	0	254	0	828
Nov-23	224	0	6	169	0	305	19	724
Dec-23	192	0	5	40	0	393	17	647
Jan-24	278	23	5	38	0	270	0	613
Feb-24	40	94	6	38	0	380	0	558
Mar-24	155	101	6	39	0	324	0	625
Apr-24	158	98	5	38	0	339	0	639
May-24	157	94	4	232	0	300	10	797
Jun-24	559	0	5	192	0	61	16	833
Jul-24								
Aug-24								
Sep-24								
Total	1,983	410	49	1,133	0	2,627	62	6,263
WY 2023	1,411	511	73	1,501	206	2,675	129	6,507

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