

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
May 2, 2016  
6:30 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:31 p.m. on May 2, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Tom Moore – Vice President  
Bill Lee  
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, Legal Counsel  
Michael Wegley, District Engineer  
Brian True, Capital Projects Manager  
Patrick Breen, Project Manager  
Jean Premutati, Management Services Administrator  
Kelly Cadiente, Director of Administrative Services  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler  
George Riley, Monterey Resident

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:33 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Existing Litigation

- 1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559
- 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement
- 3) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

B. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Sewer Infrastructure  
Negotiating Parties: Howard Gustafson  
Under Negotiation: Price and Terms

The Board ended closed session at 6:58 p.m.

President Gustafson reconvened the meeting to open session at 7:03 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Presentation:

- A. Consider Adoption of Resolution No. 2016-25 in Recognition of Ms. Colleen Courtney, Public Member, for her Service on the Water Conservation Commission:

Vice President Moore made a motion to adopt Resolution No. 2016-25 recognizing Ms. Colleen Courtney for her services on the Water Conservation Commission. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

9. Consent Calendar:

Director Shriner made a motion to approve the Consent Calendar consisting of the following item:

- A. Approve the Draft Minutes of the Regular Board Meeting of April 18, 2016

Director Lee seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

10. Action Items:

- A. Consider Adoption of Resolution No. 2016-26 to Approve a Memorandum of Understanding Regarding Fort Ord Water Augmentation and a Three-Party Effort to Study Alternatives:

Mr. Michael Wegley, District Engineer, introduced this item.

Agenda Item 10-A (continued):

The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-26 to approve a Memorandum of Understanding regarding Fort Ord water augmentation and a Three-Party effort to study alternatives. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

B. Consider Adoption of Resolution No. 2016-27 to Approve the Proposed Positions and Job Descriptions:

Ms. Jean Premutati, Management Services Administrator, introduced this. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-27 to approve the proposed positions and job descriptions. President Gustafson seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	No	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

C. Receive Revised Draft District FY 2016-2017 Budget, Rates, Fees, and Charges for the Marina and Ord Community Services Areas and Provide Direction Regarding Preparation of the Final Budget Documents:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and handed out a revised page 13 of the budget and a listing of the latest changes to the budget itself.

The Board asked clarifying questions. The Board received the draft District FY 2016-2017 Budget, Rates, Fees, and Charges for the Marina and Ord Community service areas.

D. Consider Adoption of Resolution No. 2016-28 to Approve Amendment No. 1 to the Infrastructure Agreement Between MCWD and Hamstra-Appleton, LLC. For the VA-DoD Health Care Center Project and to Reallocate Funds in the FY 2015-2016 Capital Improvements Program Budget to Use the 2006 Certificates of Participation Proceeds for the Ord Community Service Area:

Mr. Wegley introduced this item. The Board asked clarifying questions. Mr. Wegley explained the situation regarding the infrastructure alternatives and how this was the best solution for the District.

Agenda Item 10-D (continued):

Director Shriner made a motion to adopt Resolution No. 2016-28 to approve Amendment No. 1 to the Infrastructure Agreement between MCWD and Hamstra-Appleton, LLC. for the VA-DoD Health Care Center project and to reallocate funds in the FY 2015-2016 Capital Improvements Program Budget to use the 2006 Certificates of Participation Proceeds for the Ord Community service area. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- E. Consider Adoption of Resolution No. 2016-29 to Authorize an Increase to the Capital Improvement Project Budget for the Imjin Office Park Building E (Bureau of Land Management Office) by \$120,000:

Mr. Wegley introduced this item explaining that the cost overrun was due to several delays in the project that were beyond the District's control. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-29 to authorize an increase to the Capital Improvement Project Budget for the Imjin Office Park Building E (Bureau of Land Management Office) by \$120,000. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- F. Consider Providing Direction to the Board President Regarding the Election of One Alternate Independent Special District Representative to the Local Agency Formation Commission of Monterey County:

Mr. Keith Van Der Maaten, General Manager, introduced this item.

Director Shriner made a motion to nominate Grant Leonard to the Alternate Independent Special District Representative to the Local Agency Formation Commission of Monterey County. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- G. Consider Appointing an Additional Alternative Ex-Officio Member to the Fort Ord Reuse Authority Board:

The Board discussed this item. Currently, President Gustafson is the appointed member and Vice President Moore is the alternate member.

Agenda Item 10-G (continued):

Vice President Moore made a motion to appoint Director Lee as the 2<sup>nd</sup> alternate and Director Shriner as the 3<sup>rd</sup> alternate followed by the General Manager. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

11. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update.

2. Joint City District Committee:

Vice President Moore gave a brief update.

3. Executive Committee:

Vice President Moore noted the next meeting was set for May 9.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was set for May 9.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was set for May 9.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

President Gustafson noted the meeting was canceled.

8. FORA:

President Gustafson noted the next meeting was set for May 13.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

Mr. Van Der Maaten gave a brief update.

11. Special Districts Association Liaison:

Vice President Moore gave a brief update.

12. Board Member Requests for Future Agenda Items:

President Gustafson noted that any requests could be emailed to staff.


13. Director's Comments and Reports on Meetings:

Director Shriner, Vice President Moore, and President Gustafson made comments.

14. Adjournment:

The meeting was adjourned at 8:12 p.m.

APPROVED:

  
\_\_\_\_\_  
Howard Gustafson, President

ATTEST:

  
\_\_\_\_\_  
Paula Riso, Deputy Secretary