

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
July 5, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on July 5, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Tom Moore – Vice President
Bill Lee – arrived at 6:36 p.m.
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Human Resources/Customer Relations Manager
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

None.

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:32 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)
- 8) In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company, State Water Resources Control Board Cease and Desist Order WR 2009-0060

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 6:56 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken and direction was given.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the following items:

- A. Adopt Resolution No. 2016-39 to Approve Lease Agreements with EverBank Commercial Finance, Inc, for Leasing of Konica Minolta Copier/Printer/Scanner Machines from MBS Business Systems for the District's Administrative Office
- B. Approve the Draft Minutes of the Regular Board Meeting of June 6, 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

9. Action Items:

- A. Consider Adoption of Resolution No. 2016-40 to Approve a Reimbursement Agreement for the RUWAP Recycled Project (AWT Phase 1) with the Fort Ord Reuse Authority:

Mr. Keith Van Der Maaten, General Manager, introduced this item. The Board asked for clarification on "non-substantive" changes. Discussion followed.

Vice President Moore made a motion to adopt Resolution No. 2016-40 to approve a Reimbursement Agreement for the RUWAP Recycled Project (AWT Phase 1) with the Fort Ord Reuse Authority. 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

- B. Consider Adoption of Resolution No. 2016-41 Revising and Superseding Section 14.01-14.12 of the Marina Coast Water District Personnel Policy Manual Adopted February 26, 1997:

Ms. Jean Premutati, Human Resources/Customer Relations Manager, introduced this item. There was discussion on what was being revised. Ms. Premutati stated that the revision clarified the bargaining units' rights, and brought that section of the 19 year old Policy up do date. She added that the entire Personnel Policy would be reviewed for other changes and brought back at a later date.

Director Shriner made a motion to adopt Resolution No. 2016-41 revising and superseding Section 14.01-14.12 of the Marina Coast Water District Personnel Policy Manual adopted February 26, 1997. 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

- C. Consider Providing Direction to the Board President Regarding the CSDA Board Elections for Coastal Network Seat B:

Director Shriner made a motion to vote for Sharon Rose for Coastal Network Seat B. 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

- D. Discuss and Consider Adoption of Resolution No. 2016-38 to Approve Revisions to the Board Procedures Manual:

Mr. Van Der Maaten introduced this item. Director Shriner thanked staff for the copy of Rosenberg's Rules of Order.

Director Shriner made a motion to adopt Resolution No. 2016-38 to Approve Revisions to the Board Procedures Manual. 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

10. Informational Items:

- A. General Manager's Report:

Mr. Van Der Maaten handed out copies of the adopted budget.

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 noted the next meeting was scheduled for July 27th.

3. Executive Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was scheduled for July 11th.

6. MRWPCA Board Member:

Director Lee gave a brief update.

7. LAFCO Liaison:

President Gustafson gave a brief update.

8. FORA:

President Gustafson noted that the meeting was on Friday and he wasn't able to attend. Vice President Moore confirmed that he would attend the meeting for President Gustafson.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

President Gustafson noted the next meeting was July 19th.

11. Board Member Requests for Future Agenda Items:

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

12. Director's Comments and Reports on Meetings:

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

13. Adjournment:

The meeting was adjourned at 7:29 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary