

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
August 15, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on August 15, 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
Kelly Cadiante, Director of Administrative Services
Jean Premutati, Human Resources/Customer Relations Manager
Michael Wegley, District Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Phil Clark, Seaside Resident
Tom Britzman, East Garrison Resident
John Murry, Armstrong Ranch Development
Dario DiMaggio, Monterey Resident

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)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Howard Gustafson
Under Negotiation: Price and Terms

C. Pursuant to Government Code 54957

Public Employee Performance Evaluation
Title: General Manager

D. Pursuant to Government Code Section 549569(d)(4)
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – One Potential Case

The Board ended closed session at 6:59 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:

Mr. Dario DiMaggio, Monterey Resident, voiced his concern over having received a notice that he has to put in a backflow device at his property. He asked for more information on why it was needed and what options were available to him. President Gustafson advised Mr. DiMaggio to contact the General Manager for more information.

Mr. John Murry, Armstrong Ranch Development, inquired if any results had been received from the Cal Am test well. President Gustafson advised Mr. DiMaggio to contact the General Manager for more information.

8. Consent Calendar:

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

- A. Receive and File the Check Register for the Month of July 2016
- B. Approve the Draft Minutes of the Regular Board Meeting of August 1, 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 Appointments of Public Members to the Water Conservation Commission:

Mr. Jean Premutati, Human Resources/Customer Relations Manager, introduced this item.

Agenda Item 9-A (continued):

Director Shriner informed the Board of the Water Conservation Commission's recommendation from their August 4th meeting. Vice President Moore invited the two applicants present to introduce themselves and why they wanted to serve on the Commission.

Mr. Tom Britzman, East Garrison resident, introduced himself and gave a brief summary of his experience and explained his reasons for running for the Commission.

Mr. Phil Clark, Seaside resident, introduced himself and gave a brief summary of his experience and explained his reasons for running for the Commission.

Vice President Moore noted that one of the positions was for a two-year term and the other was completing the second year of a vacated two-year term. He asked if anyone had a preference for the one or the two-year term. Seeing none, Vice President Moore flipped a coin and Mr. Britzman was chosen for the one-year term.

Vice President Moore made a motion to appoint all five applicants to the Water Conservation Commission, expanding the number of Commission members to ten (eight public members, one Marina Councilmember, and one MCWD Director) with Mr. Britzman filling the second year of the vacated seat. 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. 2016-46 to Consent to an Amendment to Paragraph 7.02 of the Monterey Regional Water Pollution Control Agency Joint Exercise of Powers Agreement:

Vice President Moore made a motion to adopt Resolution No. 2016-46 to consent to an amendment to Paragraph 7.02 of the Monterey Regional Water Pollution Control Agency Joint Exercise of Powers Agreement. 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

C. Consider Adoption of Resolution No. 2016-47 to Set a Public Hearing on Whether to Form a Groundwater Sustainability Agency and Authorize the Publication of a Notice of a Public Hearing:

Mr. Keith Van Der Maaten, General Manager, introduced this item. He gave an outline of a Groundwater Sustainability Agency (GSA) and reasons why the District should consider forming their own GSA. The Board asked clarifying questions.

Agenda Item 9-C (continued):

Director Lee made a motion to adopt Resolution No. 2016-47 to set a Public Hearing on whether to form a Groundwater Sustainability Agency and authorize the publication of a Notice of a Public Hearing. 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

D. Consider Adoption of Resolution No. 2016-48 to Approve the Implementation of the Federal Labor Standards Act Audit:

Ms. Premutati introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-48 approving the implementation of the Federal Labor Standards Act Audit. 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

E. Consider Adoption of Resolution No. 2016-49 to Approve an Update to the District's Purchasing Policy:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. Vice President Moore suggested several edits to Section 5 to clarify the language. The Board requested this item be brought back to the next meeting with the recommended edits.

F. Consider Adoption of Resolution No. 2016-50 to Approve the District Sole Source Vendors Above \$45,000 List for FY 2016-2017:

President Gustafson stated that this item was pulled from the agenda.

G. Consider Adoption of Resolution No. 2016-51 to Approve the District Payment of Bills Policy and Eliminate the District Check Signing Policy:

Ms. Cadiente introduced this item. Vice President Moore asked clarifying questions.

Director Lee made a motion to adopt Resolution No. 2016-51 to approve the District Payment of Bills Policy and eliminate the District Check Signing Policy. 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

H. Consider Adoption of Resolution No. 2016-52 Authorizing the General Manager to Accept an Easement in Favor of MCWD to Re-align a Potable Water Pipeline within the Presidio of Monterey Ord Annex South of Gigling Drive:

Mr. Michael Wegley, District Engineer, introduced this item noting that the Easement term was 50 years. Vice President Moore suggested seeking a permanent easement in the future.

Vice President Moore made a motion to adopt Resolution No. 2016-52 authorizing the General Manager to accept an easement in favor of MCWD to re-align a potable water pipeline within the Presidio of Monterey Ord Annex south of Gigling Drive, and seek a permanent easement in the future. 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. 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 noted the next meeting was scheduled for August 24th.

3. Executive Committee:

Vice President Moore gave a brief update.

4. Community Outreach Committee:

Vice President Moore gave a brief update.

5. Budget and Personnel Committee:

Vice President Moore gave a brief update.

6. MRWPCA Board Member:

Vice President Moore said the next meeting was scheduled for the end of August.

7. LAFCO Liaison:

No report.

8. FORA:

The meeting was canceled.

9. WWOC:

The meeting was canceled.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

An update was given at the last Board meeting.

11. Board Member Requests for Future Agenda Items:

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

12. Director's Comments:

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

13. Adjournment:

The meeting was adjourned at 7:59 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary