

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
September 19, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on September 19, 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
Michael Wegley, District Engineer
Jean Premutati, Human Resources/Customer Relations Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Joe Russell, MCWD
Ernest Pons, MCWD
Tom Britzman, East Garrison Resident
John Murry, Armstrong Ranch

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

C. Pursuant to Government Code Section 54956.9(d)(4)
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – One Potential Case

The Board ended closed session at 6:55 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 in closed session.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. John Murry, Armstrong Ranch, wanted to request an agenda item regarding water rights for the next meeting. President Gustafson suggested Mr. Murry contact the General Manager and discuss this issue.

8. Presentations:

A. Consider Adoption of Resolution No. 2016-56 in Recognition of Ernest Pons, Customer Service Supervisor, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-56 recognizing Ernest Pons for 10 years of service to the Marina Coast Water District and awarding him a plaque and gift certificate. 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. 2016-57 in Recognition of Joseph Russell, Meter Reader, and Award a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-56 recognizing Joseph Russell for 5 years of service to the Marina Coast Water District and awarding him a plaque and gift certificate. 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. Consent Calendar:

Director Shriner made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of August 2016; and, B) the Draft Minutes of the Regular Board Meeting of September 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

10. Action Items:

- A. Consider Adoption of Resolution No. 2016-58 to Approve Amending the Funding of the Construction of Building E at 940 2nd Avenue within the Imjin Office Park:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. The Board asked clarifying questions. Vice President Moore suggested looking into private backers for the funding.

Director Lee made a motion to adopt Resolution No. 2016-58 to amend the funding of the construction of Building E at 940 2nd Avenue within the Imjin Office Park, and direct the General Manager to also look into other financing options and leave it up to his discretion. 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. Consideration of District Comments to the 2015/2016 Monterey County Civil Grand Jury Final Report – “Striving for Sustainability”:

Mr. Keith Van Der Maaten, General Manager, introduced this item. Discussion followed. Director Shriner made several suggested edits. Mr. Roger Masuda, Legal Counsel, made several suggestions.

Vice President Moore made a motion to approve the District’s comments with the addition of language to F4 on how Lawrence Berkley Labs supported Curtis Hopkins’ findings; an edit to the response to F15 removing the “octopus-like” phrase; an edit to the response to F16 replacing the word “Forcing” with “Pressuring”, and removing the “one size fits all” verbiage; and including the language suggested by Legal Counsel. 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

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten commented that he had been giving presentations on how the District was moving ahead with the Groundwater Sustainable Agency. He gave a presentation to the Seaside Groundwater Basin Watermaster, the Water/Wastewater Oversight Committee, and the Mayor's Group TAC meeting. Mr. Van Der Maaten said that he was working to get the word out about what the District was trying to do, and he was optimistic that everyone understood.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner noted the next meeting was October 6th.

2. Joint City District Committee:

Vice President Moore noted the next meeting was October 26th.

3. Executive Committee:

Vice President Moore noted the next meeting was October 5th.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was October 5th.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was October 5th.

6. MRWPCA Board Member:

Vice President Moore noted the next meeting was September 26th.

7. LAFCO Liaison:

No report.

8. FORA:

Vice President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated they met and the next meeting was October 12th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting was scheduled for October 18th.

12. Board Member Requests for Future Agenda Items:

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

13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 7:36 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary