

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
October 17, 2016  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on October 17, 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  
Michael Wegley, District Engineer  
Jean Premutati, Human Resources/Customer Relations Manager  
James Derbin, Operations and Maintenance Superintendent  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Joe Correa, MCWD  
Rene Magdaleno, MCWD  
Jose Rodriguez, MCWD  
Tom Britzman, East Garrison Resident  
Philip Clark, Seaside 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)
- 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 6:50 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. Philip Clark, Seaside resident, gave a brief update on the event (Seaside Park Day) he and MCWD Water Conservation Specialist, Paul Lord, attended. Mr. Clark explained that he and Mr. Lord had 5 gallon buckets showing how much water is used when taking a 5, 10 and 20 minute shower. He stated that the exhibit was well received and they received a certificate from the City of Seaside for participating.

8. Presentation:

- A. Consider Adoption of Resolution No. 2016-59 in Recognition of Rene Magdaleno, System Operator II, 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. 2016-59 recognizing Rene Magdaleno 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

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of September 2016; B) Approve the Draft Minutes of the Regular Board Meeting of September 19, 2016; C) Adopt Resolution No. 2016-60 to Amend the Marina Coast Water District Conflict of Interest Code that was Adopted August 1, 2016; and, D) Adopt Resolution No. 2016-61 to Authorize a Notice of Completion for the Bureau of Land Management Project be Filed with the Monterey County Recorder. Director Lee seconded the motion.

Agenda Item 9 (continued):

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 First Reading of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), 3.28.060 (B,C), of the District Code and Direct Staff to Schedule a Second Reading on November 7, 2016:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item. The Board asked clarifying questions. Vice President Moore and Mr. Roger Masuda, Legal Counsel, made several suggested edits.

Vice President Moore made a motion to approve the first reading of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), 3.28.060 (B,C), of the District Code, including the suggested additional edits, and direct staff to schedule a second reading on November 7, 2016. Director Lee seconded the motion.

Vice President Moore also made a motion to waive the reading of the entire Ordinance. Director Lee seconded the motion.

The motions were passed with one vacant seat.

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

- B. Consider Approving the Renewal of the District's Membership in CalDesal:

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

Vice President Moore made a motion to not pay the membership at this time and to reevaluate membership in CalDesal next year. 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. Staff Report:

A. Receive the Developer Account Report:

Mr. Michael Wegley, District Engineer, introduced this item. The Board asked clarifying questions and suggested sending a bill to developers that are still active in hopes that they will bring their accounts current.

12. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten commented that the District was putting together an outreach video with the help of the Public Relations firm regarding groundwater supplies. He added that the Sustainable Groundwater Management Act notification had been submitted to the Department of Water Resources and was complete.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update of the meeting.

2. Joint City District Committee:

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

3. Executive Committee:

Vice President Moore noted the October 5th meeting was canceled and the next meeting was in November.

4. Community Outreach Committee:

Vice President Moore noted the October 5th meeting was canceled and the next meeting was in November.

5. Budget and Personnel Committee:

Vice President Moore noted the October 5th meeting was canceled and the next meeting was in November.

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 the next meeting was October 19th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

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

13. Board Member Requests for Future Agenda Items:

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

14. Director's Comments:

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

14. Adjournment:

President Gustafson stated that with the Board's deepest sympathy, they were adjourning the meeting in memory of the passing of Ms. Paula Riso's significant other, Mr. Michael Minafo. The meeting was adjourned at 7:39 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary