

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
November 7, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on November 7, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee
Jan Shriner

Board Members Absent:

Tom Moore – Vice President
One vacant seat

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
James Derbin, Operations and Maintenance Superintendent
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
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 7:00 p.m.

President Gustafson reconvened the meeting to open session at 7:01 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that during closed session, the Board members present voted unanimously to approve the filing of an appeal in Agenda Item 4.A.(6), Marina Coast Water District v. California Coastal Commission.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

Director Lee made a motion to approve the Consent Calendar consisting of A) Approve the Draft Minutes of the Regular Board Meeting of October 17, 2016; and, B) Adopt Resolution No. 2016-62 to Authorize a Notice of Completion for the Well No. 11 Generator Project be Filed with the Monterey County Recorder. Director Shriner seconded the motion. The motion was passed with one vacant seat.

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

9. Action Items:

- A. Consider Second Reading and Adoption 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:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item.

Director Shriner made a motion to waive the reading of the entire 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. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

Agenda Item 9-A (continued):

Director Shriner made a motion to adopt 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. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

10. Staff Report:

A. Receive the 3rd Quarter 2016 MCWD Water Consumption and Sewer Flow Report:

Mr. Keith Van Der Maaten, General Manager, introduced this item. Director Shriner questioned the unmetered Army accounts and Mr. Van Der Maaten answered that the Army has agreed to install approximately half of the meters by 2018 and is working on funding for the rest.

11. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten commented that there was a Sustainable Groundwater Management Act meeting on November 4th and that Monterey County continues to move forward in looking at creating a Joint Powers Authority to manage their portion of the Salinas Groundwater Basin.

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 and noted that Commissioner Cannon resigned from the Commission. She asked that Commissioner Cannon be recognized at the next Board meeting.

2. Joint City District Committee:

President Gustafson noted the meeting was canceled for lack of a quorum.

3. Executive Committee:

The next meeting was scheduled for November 14.

4. Community Outreach Committee:

The next meeting was scheduled for November 14.

5. Budget and Personnel Committee:

The next meeting was scheduled for November 14.

6. MRWPCA Board Member:

No report.

7. LAFCO Liaison:

No report.

8. FORA:

No report.

9. WWOC:

Mr. Van Der Maaten stated the next meeting was November 16th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Ms. Riso stated that the speaker was Sheriff Bernal with an update to the PRVNT discussion.

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 and President Gustafson made comments.

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14. Adjournment:

The meeting was adjourned at 7:15 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary