

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
December 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 December 5, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Thomas P. Moore – Vice President  
Bill Lee  
Jan Shriner  
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

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

Audience Members:

Jane Parker, Monterey County Supervisor  
Andrew Sterbenz, Schaaf & Wheeler  
Paula Pelot, Marina Resident  
Phil Clark, Seaside Resident  
Margaret-Anne Coppernoll, Marina Resident  
David Burnett, Marina Resident  
Dennis Dryud, Marina Resident

3. Pledge of Allegiance

President Gustafson led everyone present in the pledge of allegiance.

4. Administer Oath of Office:

Monterey County Supervisor, Jane Parker, administered the Oath of Office to Thomas P. Moore and Herbert Cortez.

5. Election of Board President and Vice President:

Director Lee made a motion to continue with Director Gustafson as President and Director Moore as Vice President. Director Moore seconded the motion.

Director Shriner made a substitute motion to vote on President and Vice President separately and nominated Director Moore as President. Director Cortez seconded the substitute motion. The motion failed.

Director Shriner	-	Yes	Director Moore	-	No
Director Lee	-	No	Director Gustafson	-	No
Director Cortez	-	Yes			

The original motion of Director Gustafson as President and Director Moore as Vice President was passed.

Director Shriner	-	No	Director Moore	-	Yes
Director Lee	-	Yes	Director Gustafson	-	Yes
Director Cortez	-	No			

6. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:39 p.m. to discuss the following items:

7. 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 6:58 p.m.

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

8. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken during closed session.

9. Oral Communications:

None.

10. Consent Calendar:

Director Lee made a motion to approve the Consent Calendar consisting of A) Receive the Quarterly Financials for April 1, 2016 to June 30, 2016; and, B) Approve the Draft Minutes of the Regular Board Meeting of November 21, 2016. Director Moore seconded the motion. Director Shriner suggested pulling the minutes to allow the ability to abstain from the minutes.

Vice President Moore made a substitute motion to pull item B from the Consent Calendar. Director Lee seconded the substitute motion.

The motion to approve Consent Calendar item A) Receive the Quarterly Financials for April 1, 2016 to June 30, 2016 was passed.

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

The motion to approve Consent Calendar item B) Approve the Draft Minutes of the Regular Board Meeting of November 21, 2016 was passed.

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

11. Action Items:

A. Consider Approving the Proposed Regular Board Meeting Dates for 2017:

Director Shriner asked for clarification. Mr. Keith Van Der Maaten, General Manager, stated that having one meeting per month would allow flexibility to hold Board workshops during the year.

Vice President Moore made a motion to approve Schedule A of one meeting per month and asked that staff bring back a revised schedule showing potential workshops throughout the year with the Strategic Planning Workshop being held early in the year. Director Shriner seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2016-68 to Authorize the General Manager to Execute a Utility Agreement between Monterey Bay Military Housing, LLC, and Marina Coast Water District for Installation of Water Meters on Unmetered Residential Housing Units within the Ord Military Community:

Agenda Item 11-B (continued):

Mr. Van Der Maaten introduced this item. Mr. Roger Masuda, Legal Counsel, suggested a word correction to Section 3.7 so the last word in the section is “article”.

Director Shriner made a motion to adopt Resolution No. 2016-68 to authorize the General Manager to Execute a Utility Agreement between Monterey Bay Military Housing, LLC, and Marina Coast Water District for Installation of Water Meters on Unmetered Residential Housing Units within the Ord Military Community as corrected. Director Lee seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2016-69 to Approve the First Amendment to the Office Lease Between Marina Coast Water District and the Fort Ord Reuse Authority at 920 2<sup>nd</sup> Avenue:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2016-69 to approve the First Amendment to the Office Lease between Marina Coast Water District and the Fort Ord Reuse Authority at 920 2<sup>nd</sup> Avenue. Director Lee seconded the motion. The motion was passed.

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

12. Staff Reports:

- A. Armstrong Ranch Surface Water Project/3-Party Memorandum of Understanding:

Mr. Michael Wegley, District Engineer, gave a brief presentation on the 3-Party Memorandum of Understanding and the Armstrong Ranch Surface Water Project. Vice President Moore commented on water augmentation and questioned possible chemical activity on the Armstrong Ranch. Director Shriner asked if the presentation was available for the public. Mr. Wegley answered that it was.

- B. Preview of the New MCWD Hydrology Information Video:

Ms. Jean Premutati, Human Resources/Customer Relations Manager, introduced this item. The Board and public were shown a video on water hydrology and protecting the District’s groundwater. The video was produced by the District and consultants.

13. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten stated that there was a follow-up meeting scheduled on December 14<sup>th</sup> regarding the pending availability of Recycled Water. He also noted that on December 1<sup>st</sup> the Monterey County Weekly ran an article on the deep aquifer and he was working with the public relations firm to produce an op-ed to give more accurate information about the deep aquifer.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner noted that the next meeting is January 5, 2017.

2. Joint City District Committee:

President Gustafson noted the meeting is in February.

3. Executive Committee:

No meeting will be held in December.

4. Community Outreach Committee:

No meeting will be held in December.

5. Budget and Personnel Committee:

No meeting will be held in December.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

President Gustafson gave a brief update.

8. FORA:

Vice President Moore stated that the meeting was the coming Friday and Director Lee was attending for the District.

9. WWOC:

Mr. Van Der Maaten stated the next meeting is December 14th.

10. JPIA Liaison:

Director Shriner gave a brief update.

11. Special Districts Association Liaison:

The next meeting is January 17th.

14. Board Member Requests for Future Agenda Items:

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

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 7:55 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary