

Marina Coast Water District
Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
June 18, 2018

Minutes

1. Call to Order:

Vice President Shriner called the meeting to order at 6:30 p.m. on June 18, 2018 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Jan Shriner – Vice President
Bill Lee
Howard Gustafson
Herbert Cortez

Board Members Absent:

Thomas P. Moore – President

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Mike Wegley, District Engineer
Jean Premutati, Human Resources/Customer Relations Manager
Rose Gill, Human Resources/Risk Administrator
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Superintendent
Patrick Breen, Water Resources Manager
Brian True, Capital Projects Manager
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident

3. Public Comment on Closed Session Items:

There were no public comments.

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); First Appellate District Court of Appeals Case No. A145604, A146166, A146405
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (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. 15CV00267
- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

- 8) LandWatch Monterey County v Marina Coast Water District and Does 1 through 25, inclusive, Monterey County Superior Court Case No. 18CV000877 (Petition for Writ of Mandate)
- 9) Keep Fort Ord Wild v Marina Coast Water District, Marina Coast Water District Board of Directors, and Does 1 through 25, Monterey County Superior Court Case No. 18CV000883 (Petition for Writ of Mandate)
- 10) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Thomas Moore and Jan Shriner
Under Negotiation: Price and Terms

C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:10 p.m.

Vice President Shriner reconvened the meeting to open session at 7:11 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that there were no reportable actions taken during Closed Session.

6. Pledge of Allegiance:

Vice President Shriner led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Presentations:

A. Introduction of the District's Newly Hired Human Resources/Risk Administrator, Rose Gill:

Ms. Jean Premutati, Human Resources/Customer Relations Manager, introduced Rose Gill as the District's newly hired Human Resources/Risk Administrator. Ms. Gill was welcomed by the Board.

9. Consent Calendar:

Director Gustafson made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of May 2018; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of May 21, 2018; and, C) Adopt Resolution No. 2018-34 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program. Director Lee seconded the motion. The motion was passed.

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2018-35 to Approve the Marina Coast Water District Budget for FY 2018-2019:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item stating that FORA had approved the Ord Community budget on June 8th.

Director Lee made a motion to adopt Resolution No. 2018-35 to approve the Marina Coast Water District Budget for FY 2018-2019. Director Gustafson seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2018-36 to Approve the District's Five-Year Capital Improvement Projects Budget:

Mr. Michael Wegley, District Engineer, introduced this item. The Board voiced their appreciation of how well the RUWAP pipeline project was progressing.

Director Gustafson made a motion to adopt Resolution No. 2018-36 to approve the District's Five-Year Capital Improvement Projects Budget. Director Lee seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2018-37 to Approve the Water Supply Assessment and Written Verification of Supply for the Campus Town Specific Plan:

Mr. Brian True, Capital Projects Manager, introduced this item explaining why a Water Supply Assessment and written verification of supply is required for this project. Director Lee questioned the allocations Seaside has made to their developments and what happens when the progress on one development moves ahead of another. Mr. True provided some options that Seaside can use to allow development to continue. Director Cortez asked if the District has any legal liability should the City of Seaside go over their allocation of water. Mr. Masuda answered that each land use jurisdiction was provided an allocation of water from FORA and it is up to them to stay within that allocation. He said that they can override the assessment but must show where they will get the water from. Mr. Masuda added that Seaside has the option of converting some of their allocation to recycled water to free up potable water. Mr. Keith Van Der Maaten, General Manager, commented that the legal aspects have to do with the land use jurisdiction's approval of the project. Vice President Shriner questioned the water demands for Seaside. Mr. Andy Sterbenz, Schaaf & Wheeler, explained the projected and actual water demands for Seaside. Discussion followed. Vice President Shriner commented that a letter had been received from LandWatch and it was provided at the meeting.

Director Gustafson made a motion to adopt Resolution No. 2018-37 approving the Water Supply Assessment and Written Verification of Supply for the Campus Town Specific Plan findings. Director Lee seconded the motion. The motion was passed.

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

D. Consider Adoption of Resolution No. 2018-38 to Support a California Water Bond Ballot Measure in November 2018:

Mr. Van Der Maaten introduced this item.

Director Gustafson made a motion to adopt Resolution No. 2018-38 to support a California Water Bond Ballot Measure in November 2018. Director Lee seconded the motion. The motion was passed.

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

E. Consider Providing Direction Whether to Adopt Resolution No. 2018-39 Placing a Director in Nomination as a Board Member of the Association of California Water Agencies Region 5 Board:

Mr. Van Der Maaten introduced this item. Following discussion, the Board decided not to place a Director in nomination for the ACWA Region 5 Board.

11. Staff Reports:

A. Receive an Update on the Water, Sewer and Recycled Water Master Plans:

Mr. Wegley gave a brief update on the progress of the Water, Sewer and Recycled Water Master Plans and noted that they should be completed within the next few months.

12. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten shared that the second part of the State Revolving Fund loan was completed.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner gave a brief update.

2. Joint City District Committee:

The next meeting is scheduled for June 27th.

3. Executive Committee:

The next meeting is scheduled for July 10th.

4. Community Outreach Committee:

Director Gustafson gave a brief update.

5. Budget and Personnel Committee:

Director Gustafson gave a brief update.

6. M1W Board Member:

No report was given.

7. LAFCO Liaison:

Director Cortez noted the next meeting is scheduled for June 25th.

8. FORA:

Vice President Shriner gave a brief update.

9. WWOC:

Mr. Van Der Maaten noted the May and June meetings were canceled and the next meeting is scheduled for July 18th.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

The next meeting is scheduled for July 17th.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief report.

13. Board Member Requests for Future Agenda Items:

Vice President Shriner noted that any requests could be emailed to staff, and also asked to discuss a Social Media Policy at the next meeting.


14. Director's Comments:

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

15. Adjournment:


The meeting was adjourned at 8:16 p.m.

APPROVED:



Jan Shriner, Vice President

ATTEST:



Paula Riso, Deputy Secretary