



Marina Coast Water District

Special Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
November 4, 2020

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on November 4, 2020 via Zoom teleconference in Marina, California.

2. Roll Call:

Board Members Present:

Thomas P. Moore – President
Jan Shriner – Vice President
Herbert Cortez
Peter Le
Matt Zefferman

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Michael Wegley, District Engineer
Derek Cray, Operations and Maintenance Manager
Rose Gill, Human Resources/Risk Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Mike McCullough, Monterey One Water

3. Pledge of Allegiance:

Mr. Keith Van Der Maaten, General Manager, led everyone present in the pledge of allegiance.

4. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:34 p.m. to discuss the following items:

5. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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)
- 2) Marina Coast Water District, and Does 1-100 v, County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Party in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 3) Appeal No. A-3-MRA-19-0034 by California-American Water Company to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project
- 4) City of Marina vs. RMC Lonestar [CEMEX], California-America Water Company, Marina Coast WD, et al Defendants, Monterey County Superior Court Case No. 20CV001387 (Complaint for Breach of Contract, Declaratory Relief under the Agency Act, and Tortious Interference with Existing Contract)
- 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 Damages, Breach of Warranties, etc.)

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation – One Potential Case

C. Pursuant to Government Code 54957

Public Employee Employment
Title: General Manager

The Board ended closed session at 7:29 p.m. President Moore reconvened the meeting to open session at 7:30 p.m.

6. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, District Counsel, stated that the only reportable action in Closed Session was on Item 5-B, and that by a unanimous vote, 5-Ayes (Cortez, Le, Zefferman, Shriner, Moore) 0-Noes, 0-Abstained, the Board authorized outside special litigation counsel, James Markman (Richards, Watson, & Gershon) to file a response in the reverse validation action that Cal Am has filed regarding actions by the City of Marina to form their Groundwater Sustainability Agency.

7. Action Item:

- A. Consider Adoption of Resolution No. 2020-62 to Direct Staff to Distribute Request for Proposals to Hire an Executive Recruiter for Recruitment of a Full-Time General Manager:

Ms. Rose Gill, Human Resources/Risk Administrator, introduced this item explaining that staff would like to extend the response period to November 23rd and hold a special meeting the first week of December to select the recruitment firm. The Board asked clarifying question.

Director Zefferman made a motion adopt Resolution No. 2020-62 to direct staff to distribute Request for Proposals to hire an external Executive Recruitment firm for recruitment of a full-time General Manager, and the Executive Recruiter to work with an Ad Hoc Committee consisting of Vice President Shriner and President Moore. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Cortez	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Zefferman	-	Yes			

8. Director's Comments:

Director Cortez, Director Zefferman, Director Le, Vice President Shriner, and President Moore made comments.

9. Adjournment:

The meeting was adjourned at 8:17 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary