

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
April 6, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on April 6, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Peter Le – Vice President  
Bill Lee  
Tom Moore  
Jan Shriner

Board Members Absent:

None

Staff Members Present:

Bill Kocher, Interim General Manager  
Roger Masuda, Legal Counsel  
James Derbin, Operations and Maintenance Superintendent  
Andrew Sterbenz, Interim District Engineer  
Thomas Barkhurst, Laboratory Supervisor  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Debbie Stowe, Stowe Contracting  
Gary Stowe, Stowe Contracting  
Scott Leavenworth, Leavenworth Contracting

3. Public Comment on Closed Session Items:

No 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  
(Subdivision (a) of Section 54956.9)

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) 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)

4) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate).

B. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9  
One Potential Case

C. Pursuant to Government Code 54957

Public Employee Appointment  
Title: General Manager

The Board ended closed session at 7:00 p.m.

President Gustafson reconvened the meeting to open session at 7:02 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

Vice President Le made a motion to approve the Consent Calendar consisting of items:

- A) Approve the 2014 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community
- B) Approve the Draft Minutes of the Regular Board Meeting of March 16, 2015
- C) Approve the Draft Minutes of the Special Board Meeting of March 25, 2015

President Gustafson seconded the motion. The motion was passed.

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

9. Action Items:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-15 to Clarify the Fire Service Fee Policy Approval Process with Regard to the Effective Date:

Mr. Bill Kocher, interim General Manager, introduced this item.

Ms. Debbie Stowe, Stowe Contracting, commented that when the fire service fees were discussed last year, she was reassured that the fee reimbursement would be retroactive to July 2014.

Mr. Scott Leavenworth, Leavenworth Contracting, thanked the Board for listening to their concerns and coming up with a fair solution.

Director Shriner voiced her concerns. Director Moore voiced his concerns. Mr. Roger Masuda, Legal Counsel, provided clarification regarding campaign contributions and whether it would conflict with a Director's vote.

Vice President Le made a motion to adopt Resolution No. 2015-15 to clarify the Fire Service Fee Policy approval process with regard to the effective date by having the fee reduction effective on the next water bill as described in option 3 of the transmittal. President Gustafson seconded the motion.

Director Lee made a substitute motion to clarify the Fire Service Fee Policy approval process with regard to the effective date by having the fee reduction effective July 1, 2014. Discussion followed. The motion died for lack of a second.

Agenda Item 9-A (continued):

The original motion by Vice President Le was passed.

Director Shriner	-	Yes	Vice President Le	-	Yes
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	No			

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-16 to Approve a Request for Proposals for Independent Audit Services:

Mr. Kocher introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-16 to Approve a Request for Proposals (RFP) for Independent Audit Services. Director Shriner seconded the motion. Discussion followed.

Director Moore amended his motion to include the words “and the Board” added to the third bullet on the second page of the RFP so that it reads, “...the auditor will promptly advise the District’s General Manager and the Board.”; and, revise Section 7 on the third page of the Professional Services Agreement to read, “Consultant shall only accept direction or orders from the General Manager or his designee or from the Board of Directors.” Director Shriner seconded the amended motion. The motion was passed.

Director Shriner	-	Yes	Vice President Le	-	No
Director Moore	-	Yes	President Gustafson	-	Yes
Director Lee	-	Yes			

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-17 to Readopt the Existing State Water Resource Control Board’s Emergency Mandatory Water Conservation Regulations with Updates for an Additional 270 Days:

Mr. Kocher introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2015-17 to readopt the existing State Water Resource Control Board’s Emergency Mandatory Water Conservation Regulations with updates for an additional 270 days. Director Moore seconded the motion. The motion was passed.

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

Agenda Item 9-C (continued):

Mr. Kocher noted that the Resolution should be amended to reflect that customers would be notified within 30 days instead of 10. Director Shriner amended her motion to include the change. Director Moore seconded the amendment. The motion was passed.

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

D. Discussion and Possible Action to Consider a Request by Bay View Mobile Home Park for Marina Coast Water District:

President Gustafson stated that this item has been pulled from the agenda.

E. Discussion and Possible Action to Appoint Board Representatives to Participate in the Formation of a Groundwater Sustainability Agency and Notify the Monterey County Water Resources Agency of the District's Interest in Participating in the Process:

Mr. Kocher introduced this item.

Vice President Le made a motion to appoint President Gustafson and himself as the Board representatives to participate in the formation of a Groundwater Sustainability Agency with support from Legal Counsel and the General Manager; and, direct staff to send a letter to the Monterey County Water Resources Agency so saying. President Gustafson seconded the motion. The motion was passed.

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

10. Staff Report:

A. Receive the 4<sup>th</sup> Quarter 2014 Ord Community Water Consumption and Sewer Flow Report:

The Board had clarifying questions.

11. Informational Items:

A. General Manager's Report:

Mr. Kocher commented that he attended the Monterey Peninsula Regional Water Authority meeting where they talked about reviewing the CPUC EIR when it was released. He added that the State Water Resources Control Board was going to hear the new ocean plan amendments on April 9<sup>th</sup>.

B. Counsel's Report:

Mr. Masuda stated that in the near future, the Board would need to receive a report on the Groundwater Sustainability Act to bring them up to speed.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le provided an update.

2. Joint City District Committee:

Vice President Le provided an update.

3. Executive Committee:

President Gustafson stated that the next meeting was scheduled for Friday.

4. Community Outreach Committee:

President Gustafson stated that the next meeting was scheduled for Friday.

5. MRWPCA Board Member:

Vice President Le provided an update.

6. LAFCO Liaison:

No meeting was held.

7. FORA:

Vice President Le stated that the meeting was Friday.

8. WWOC:

Vice President Le provided an update.

9. JPIA Liaison:

Director Shriner shared a letter that the District received from the JPIA.

10. Special Districts Association Liaison:

President Gustafson stated that the next meeting was April 21st.

12. Correspondence:

Received.

13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 8:19 p.m.

APPROVED:

---

Howard Gustafson, President

ATTEST:

---

Paula Riso, Deputy Secretary