

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
June 1, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on June 1, 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  
Andrew Sterbenz, Interim District Engineer  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Mike McCullough, MRWPCA  
Martin Orradre, RAMCO

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:31 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54957  
Public Employee Appointment  
Title: General Manager

- B. 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)
  - 5) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- C. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Marina Coast Water District Employees Association
- D. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Teamsters Local 890
- E. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Agency Negotiators: Peter Le and Howard Gustafson  
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others  
Under Negotiation: Price and Terms
- F. Pursuant to Government Code 54957  
Public Appointment  
Title: Legal Counsel

The Board ended closed session at 7:04 p.m.

President Gustafson reconvened the meeting to open session at 7:05 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.

Director Moore made a motion to move item 10-A2 from General Manager's Report to Action Items 9-D to allow for Board discussion. Director Shriner seconded the motion. The motion was passed.

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

8. Consent Calendar:

Director Moore made a motion to approve the Consent Calendar consisting of the following items:

- A. Receive the Quarterly Financial Statements for January 1, 2015 to March 31, 2015
- B. Approve the Draft Minutes of the Special Board Meeting of May 15, 2015
- C. Approve the Draft Minutes of the Regular Board Meeting of May 18, 2015

Director Shriner 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 Authorize the Board President to Submit a Comment Letter on the Pure Water Monterey Groundwater Replenishment Project EIR:

President Gustafson postponed this item until the end of the meeting after the Board completes their Closed Session discussion.

B. Receive Information and Possible Direction to Staff on a Request for Use of an Easement on the Armstrong Ranch Property:

Mr. Bill Kocher, Interim General Manager, introduced this item explaining that Ramco, Inc. wanted to install some water mains and pumps within the District's easements on Armstrong Ranch to connect their farmed property on each side of the District's property.

Director Shriner made a motion to request that Ramco make a \$5,000 deposit with the District to cover costs of the District investigating this request and direct staff to investigate the value of any such easement and bring it back to the Board. Director Moore seconded the motion.

Vice President Le made a substitute motion for Ramco to contact the Armstrong Family Trustees and bring back a letter giving their permission for Ramco to use the easements. President Gustafson seconded the motion. The motion was passed.

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

C. Discussion and Possible Action to Consider Returning to a One Board Meeting Per Month Schedule:

Following discussion, the Board elected to continue with the two meeting per month schedule for the time being.

D. Discussion and Possible Action on the Monterey Downs EIR Comment Letter:

The Board asked clarifying questions and made several comments on the Monterey Downs EIR.

Vice President Le made a motion for Directors Moore and Shriner to send their comments to the Interim General Manager to use with his discretion in the letter. 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			

10. Informational Items:

A. General Manager's Report:

Mr. Kocher commented that a request for proposals was sent out for a labor attorney but to date, no proposals have been received. He stated that the Marina City Council is going to discuss the MCWD annexation of the Ord Community at their next meeting.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le stated the next meeting was on June 4<sup>th</sup>.

2. Joint City District Committee:

Vice President Le gave a brief update.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

No meeting was held.

5. Budget and Personnel Committee:

No meeting was held.

6. MRWPCA Board Member:

Vice President Le gave a brief update.

7. LAFCO Liaison:

Vice President Le stated the meeting was later in the month.

8. FORA:

Vice President Le stated the next meeting was June 12<sup>th</sup>.

9. WWOC:

Vice President Le stated there was no report.

10. JPIA Liaison:

Director Shriner gave a brief update.

11. Special Districts Association Liaison:

President Gustafson stated the next meeting was in July.

12. Director's Comments:

Director Moore and Director Shriner made comments.

The Board returned to Closed Session at 7:47 p.m.

4. Closed Session:

A. Pursuant to Government Code 54957  
Public Employee Appointment  
Title: General Manager

B. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Section 54956.9)

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Under Negotiation: Price and Terms
  
- F. Pursuant to Government Code 54957  
Public Appointment  
Title: Legal Counsel

The Board ended closed session at 8:33 p.m.

President Gustafson reconvened the meeting to open session at 8:34 p.m.

5. Reportable Actions Taken during Closed Session:

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

Return to Agenda Item 9-A.

- A. Discussion and Possible Action to Authorize the Board President to Submit a Comment Letter on the Pure Water Monterey Groundwater Replenishment Project EIR:

Following discussion, Director Moore made a motion for the Board President to sign the revised comment letter for submission to the MRWPCA. Director Shriner seconded the motion. The motion was passed.

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

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13. Adjournment:

The meeting was adjourned at 8:37 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary