

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
August 3, 2015
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on August 3, 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:

Keith Van Der Maaten, General Manager
Bill Kocher, Interim General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Carmen Vargas, BOSC, Inc.
Mike McCullough, MRWPCA
David Moore, AMCAL
Rick Riedl, City of Seaside

3. Public Comment on Closed Session Items:

No comments.

Mr. Roger Masuda, Legal Counsel, noted that Agenda Item 4-D has changed from “anticipated” to “existing” litigation.

Director Shriner made a motion to change the language on Item 4-D from “anticipated” to “existing” litigation. 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			

The Board entered into closed session at 6:34 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)

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)

B. 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

- C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Howard Gustafson and Peter Le
Under Negotiation: Price and Terms

- D. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

The Board ended closed session at 7:05 p.m.

President Gustafson reconvened the meeting to open session at 7:07 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Masuda stated that the Board authorized in closed session by a 5-Ayes, 0-Noes vote to appeal the decision of the Santa Cruz Superior Court with relation to the slant wells.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Presentation:

- A. Consider Adoption of Resolution No. 2015-41 to Recognize Kelly Cadiente, Director of Administrative Services, and Awarding a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Director Moore made a motion to adopt Resolution No. 2015-41 to recognize Kelly Cadiente, Director of Administrative Services, and awarding a plaque and gift certificate for 5 Years of service to the Marina Coast Water District. 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. Consent Calendar:

Director Moore made a motion to approve the Consent Calendar consisting of the following item with page 3 corrected to show Vice President Le as absent:

- A. Approve the Draft Minutes of the Regular Board Meeting of July 20, 2015

Director Lee seconded the motion. The motion was passed.

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

10. Action Items:

- A. Receive a Final Report on the District's \$30,955,000 2015 Senior Lien Enterprise Revenue Refunding Bonds, Tax-Exempt Series A and Federally Taxable Series B:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Ms. Carmen Vargas of BOSC, Inc. Ms. Vargas gave a brief report on the refunding of the 2006 Certificates of Participation (COP). She informed the Board that refunding these COP's will save the District approximately \$2.6 million. There was no taken action on this item.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-42 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and AmCal Monterey Bay, LLC:

Mr. Mike Wegley, District Engineer introduced this item. The Board asked clarifying questions.

Director Moore made a motion to adopt Resolution No. 2015-42 to accept the infrastructure improvements installed under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and AmCal Monterey Bay, LLC. Director Shriner seconded the 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 Receive an Update on the Ord Community Annexation and Consider Any Direction to Staff on the Matter:

Mr. Keith Van Der Maaten, General Manager, introduced this item. Several Board members made comments.

Agenda Item 10-C (continued):

Director Moore made a motion to direct staff to begin preparation of an application and to amend the budget to fund that process. Director Shriner seconded the motion. Vice President Le suggested that the budget amendment be \$200,000 and to seek FORA endorsement before beginning work.

Director Moore amended his motion to include a budget amendment of \$200,000 and to seek FORA endorsement before beginning work. Director Shriner seconded the amendment. The motion was passed.

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

D. Discussion and Possible Action to Consider Providing Direction Regarding District Comments to the Monterey County Civil Grand Jury Report:

Mr. Van Der Maaten introduced this item. The Board made several suggested revisions.

Vice President Le made a motion to approve the District comments with Mr. Masuda's, Director Shriner, and Director Moore's revisions for signature by the Board President and to send it to the Grand Jury. 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			

E. Discussion and Possible Action to Ratify the Amendment to the Director Appointments to the Monterey Regional Water Pollution Control Agency:

Director Moore made a motion to ratify the amendment to the Director Appointment and make President Gustafson a second alternate to the Monterey Regional Water Pollution Control Agency effective July 27, 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			

11. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

Mr. Masuda welcomed Keith Van Der Maaten to the District as the new General Manager.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

President Gustafson stated the meeting was later this week.

2. Joint City District Committee:

President Gustafson stated that the meeting was canceled and the next meeting was at the end of August.

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:

President Gustafson attended the meeting.

7. LAFCO Liaison:

No report.

8. FORA:

President Gustafson attended the meeting and dropped off a letter for their Board members.

9. WWOC:

President Gustafson stated that meeting is this Wednesday.

10. JPIA Liaison:

Director Shriner gave a brief update on ACWA/JPIA programs and training opportunities.

11. Special Districts Association Liaison:

Director Moore gave a brief update.

12. Director's Comments:

The Board members welcomed Mr. Van Der Maaten to the District.

President Gustafson recessed the meeting from 7:55-8:00 p.m.

The Board returned to closed session at 8:00 p.m.

- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
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One Potential Case

President Gustafson reconvened the meeting to open session at 8:24 p.m.

5. Reportable Actions Taken during Closed Session:

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

12. Adjournment:

The meeting was adjourned at 8:24 p.m.

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APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary