

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
August 17, 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  
Tom Moore  
Jan Shriner

Board Members Absent:

Bill Lee - excused

Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, Legal Counsel  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Ken Nishi, Marina Resident  
Hans Uli Siebeneick, Seaside Resident

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 vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1-50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
  - 5) 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)
  - 6) 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

The Board ended closed session at 7:01 p.m.

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

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Joan Blake and Ms. Elizabeth Billingsley sent a letter to the Board voicing their concern with annexation of the Ord Community.

8. Consent Calendar:

Vice President Le requested to pull both items A and B from the consent calendar.

A. Receive and File the Check Register for the Month of July 2015:

Vice President Le inquired on a check included in the register.

Director Moore made a motion to receive and file the check register for the month of July 2015. Director Shriner seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Regular Board Meeting of August 3, 2015

Vice President Le had a question on the minutes.

Director Moore made a motion to approve the draft minutes of August 3, 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	-	Absent			

9. Action Item:

A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-43 to Approve a Request for Proposals for a Cyber Security Audit Services:

Mr. Keith Van Der Maaten, General Manager, introduced this item.

Agenda Item 9-A (continued):

Director Moore made a motion to adopt Resolution No. 2015-43 to approve a Request for Proposals (RFP) for a Cyber Security Audit Services with the following changes to the RFP:

- a. The proposal due date changed to September 18, 2015
- b. Add laptops and smartphones as part of the review in Section II of the RFP
- c. Add the phrase, “and make appropriate recommendations” to each bullet in Section II that states “Review”
- d. Add a bullet with respect to an “intrusion report”
- e. Add a bullet with respect to “examination of our data back-up procedures and related security and make recommendations”

And, the following changes to the Professional Services Agreement:

- a. Section 7 to read, “Consultant shall only accept direction or orders from the General Manager or his designee or from the Board of Directors based on something agreed upon by the Board by a majority vote.”
- b. Add a new Section to require that the chosen contractor sign a non-disclosure agreement

Director Shriner seconded the motion. The motion was passed.

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

#### 10. Informational Items:

##### A. General Manager’s Report:

Mr. Van Der Maaten reported that he had attended the Governor’s Drought Task Force meeting earlier that afternoon.

##### B. Counsel’s Report:

Mr. Masuda announced that he had recently attended a Sierra Water Working Group and met Gina Bartlett who will be working for the Steering Committee with regards to the Sustainable Groundwater Management Act.

##### C. Committee and Board Liaison Reports:

###### 1. Water Conservation Commission:

Vice President Le gave a brief update of the last meeting.

2. Joint City District Committee:

President Gustafson stated that the next meeting was August 26th.

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 for Vice President Le.

7. LAFCO Liaison:

The meeting was canceled.

8. FORA:

The meeting was canceled.

9. WWOC:

No meeting was held.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

An update was given at the last meeting.

11. Director's Comments:

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

President Gustafson recessed the meeting from 7:25-7:27 p.m.

The Board returned to closed session at 7:27 p.m.

- 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

President Gustafson reconvened the meeting to open session at 7:41 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken in closed session and this item was tabled until next meeting.

13. Adjournment:

The meeting was adjourned at 7:42 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary