

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
December 19, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on December 19, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Thomas P. Moore – Vice President
Bill Lee
Jan Shriner
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Melvin Mason, Marina Resident
Andrew Sterbenz, Schaaf & Wheeler
Robert Porr, Fieldman, Rolapp & Associates

3. Public Comment on Closed Session Items:

None.

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

- 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) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) 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)
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 6) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 7) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Sewer Infrastructure

Negotiating Parties: Howard Gustafson

Under Negotiation: Price and Terms

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

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation: Two potential cases

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 and direction was given.

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. 2016-70 to Recognize Audie Robinson, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Vice President Moore made a motion to adopt Resolution No. 2016-70 to recognize Audie Robinson for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. Director Lee seconded the motion. The motion was passed.

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

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Adopt Resolution No. 2016-71 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program; B) Adopt Resolution No. 2016-72 to Authorize a Notice of Completion for the Reservation Road Siphon Remediation Project be Filed with the Monterey County Recorder; C) Receive the Quarterly Financials for July 1, 2016 to September 30, 2016; D) Receive and File the Check Register for the Month of November 2016; and, E) Approve the Draft Minutes of the Regular Board Meeting of December 5, 2016. Director Lee seconded the motion. The motion was passed.

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2016-73 to Approve an Updated District Debt Management Policy:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Mr. Robert Porr, Fieldman, Rolapp & Associates. Mr. Porr gave a brief presentation to the Board on the Debt Management Policy and how new legislation, SB 1029, affects the policy. Vice President Moore had several suggested edits and clarifications.

Vice President Moore made a motion to table this item until the next meeting and bring it back with the suggested corrections. Director Shriner seconded the motion. The motion to table was passed.

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

- B. Receive the Draft District FY 2017-2018 Budget Schedule and Set Date for the 2017-2018 Budget Workshop:

Ms. Cadiente introduced this item. The Board asked clarifying questions. This item was received by the Board.

- C. Consider Adoption of Resolution No. 2016-74 to Amend the On-Call Professional Services Agreement with Harris & Associates for Inspection and Construction Support Services for the East Garrison Phase 2 Development Project:

Me. Michael Wegley, District Engineer, introduced this item. Director Cortez and Director Shriner asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-74 to amend the on-call Professional Services Agreement with Harris & Associates for inspection and construction support services for the East Garrison Phase 2 Development Project. Director Lee seconded the motion. The motion was passed.

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

- D. Consider Approving the Revised Regular Board Meeting and Workshop Meeting Dates for 2017:

The Board reviewed the revised regular Board meeting and workshop meeting dates for 2017.

Agenda Item 10-D (continued):

Director Shriner asked to move the June 19th meeting to June 26th.

Vice President Moore made a motion approve the revised Board meeting and workshop meeting dates for 2017 and hold the June meeting on June 26th. Director Lee seconded the motion. The motion was passed.

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

E. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2017, and as Negotiators to any Ad Hoc Committee of the Board:

Following discussion, Vice President Moore made a motion to approve the following appointments:

Water Conservation	Committee Member: Jan Shriner – Bill Lee, Alternate
Joint City/District	Committee Members: Tom Moore and Jan Shriner – Bill Lee, Alternate
Executive	Committee Members: Howard Gustafson and Tom Moore
Budget and Personnel	Committee Members: Howard Gustafson and Herbert Cortez – Tom Moore, Alternate
Community Outreach	Committee Members: Howard Gustafson and Tom Moore – Jan Shriner and Herbert Cortez, Alternates
MRWPCA	Committee Member: Tom Moore – Howard Gustafson, Alternate
LAFCO	Committee Member: Herbert Cortez – Bill Lee, Alternate
FORA	Committee Member: Howard Gustafson – Tom Moore, 1 st Alternate Jan Shriner, 2 nd Alternate Bill Lee, 3 rd Alternate Herbert Cortez, 4 th Alternate Keith Van Der Maaten, 5 th Alternate

Agenda Item 10-E (continued):

Special Districts Assoc. Committee Member: Jan Shriner –
Tom Moore, 1st Alternate
Bill Lee, 2nd Alternate
Herbert Cortez, 3rd Alternate
Howard Gustafson, 4th Alternate

JPIA Committee Member: Jan Shriner –
Herbert Cortez, Alternate

FORA WWOC Committee Member: Keith Van Der Maaten –
Mike Wegley/Staff, Alternate

MRWPCA Ad Hoc Committee Members: Howard Gustafson, Tom Moore

SCSD Annexation Ad Hoc Committee Members: Howard Gustafson, Tom Moore

Director Lee seconded the motion. The motion was passed.

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

11. Informational Items:

A. General Manager's Report:

1. Monterey County's Notice of Public Hearing for Formation of a Groundwater Sustainability Agency:

Mr. Keith Van Der Maaten, General Manager, informed the Board that Monterey County sent a public notice that they were holding a meeting on December 22nd to discuss being the Groundwater Sustainability Agency (GSA) over the Monterey sub-basin. He also noted that the City of Marina sent a letter of support for the District to be the GSA of the Monterey sub-basin and copied the Board of Supervisors. Mr. Roger Masuda, Legal Counsel, noted that the meeting time for the Monterey County Board of Supervisors Public Hearing was actually 3:30 p.m.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner noted that the next meeting is January 5, 2017.

2. Joint City District Committee:

President Gustafson noted the meeting is in February.

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:

No report.

7. LAFCO Liaison:

President Gustafson stated that there was no meeting.

8. FORA:

Director Lee gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated the next meeting is January 18th.

10. JPIA Liaison:

Director Shriner noted.

11. Special Districts Association Liaison:

The next meeting is January 17th.

12. Correspondence:

No comments.

13. Board Member Requests for Future Agenda Items:

President Gustafson noted that any requests could be emailed to staff.

14. Director's Comments:

Director Cortez, Director Shriner, Vice President Moore, and President Gustafson made comments.

15. Adjournment:

The meeting was adjourned at 8:08 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary