

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
February 21, 2017
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on February 21, 2017.

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
James Derbin, Operations and Maintenance Superintendent
Jean Premutati, Human Resources/Customer Relations Manager
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Phil Clark, Seaside Resident
Andy Sterbenz, Schaaf & Wheeler
Martin Rosales, MCWD
Jose Rodriguez, MCWD
Joe Pineda, MCWD
Rene Magdaleno, MCWD
Joe Correa, MCWD

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, Thomas Moore

Under Negotiation: Price and Terms

The Board ended closed session at 7:02 p.m.

President Gustafson reconvened the meeting to open session at 7:03 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. 2017-09 in Recognition of Martin Rosales, System Operator II, for 15 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2017-09 recognizing Martin Rosales for 15 years of service to the Marina Coast Water District. 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) Receive and File the Check Register for the Month of January 2017; B) Receive the Quarterly Financial Statements for October 1, 2016 to December 31, 2016; C) Adopt Resolution No. 2017-10 to Revise the Associate Engineer Job Description Requirements; D) Approve the Draft Minutes of the Regular Board Meeting of January 9, 2017; and, E) Approve the Draft Minutes of the Regular Board Meeting of February 6, 2017. 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 Approving the Proposed Water Conservation Commission Goals and Objectives for 2017:

Mr. Paul Lord, Water Conservation Specialist III, introduced this item.

Agenda Item 10-A (continued):

Vice President Moore asked clarifying questions. Director Shriner inquired on the working groups and how well they were helping the District staff. Mr. Lord stated that the working groups were very helpful.

Vice President Moore made a motion to approve the proposed Water Conservation Commission Goals and Objectives for 2017. Director Shriner seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2017-11 to Approve the 2017 MCWD Sewer System Management Plan:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item. Vice President Moore complimented staff on the well-written document. Director Shriner agreed it was well-written.

Director Shriner made a motion to adopt Resolution No. 2017-11 to approve the 2017 MCWD Sewer System Management Plan. Vice President Moore seconded the motion. The motion was passed.

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

C. Receive the Marina Coast Water District FY 2016-2017 Mid-Year Report:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. Vice President Moore inquired into the Late Charges and Meter Fees. Ms. Cadiente explained.

Vice President Moore made a motion to receive the Marina Coast Water District FY 2016-2017 Mid-Year Report. 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 Appointment of a Hearing Officer for an Employee Appeal:

Mr. Roger Masuda, Legal Counsel, introduced this item. Mr. Keith Van Der Maaten, General Manager, noted that there was mutual agreement on Paul Crost for the Hearing Officer.

Agenda Item 10-D (continued):

Vice President Moore made a motion to appoint a Hearing Officer for an employee appeal. 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. Staff Reports:

A. Receive the 4th Quarter 2016 MCWD Water Consumption and Sewer Flow Reports:

Ms. Cadiente introduced this item. Director Shriner and Vice President asked clarifying questions.

B. Receive the Developer Account Update through December 31, 2016:

Mr. Wegley introduced this item. There was discussion on how to resolve the delinquent accounts.

12. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten informed the Board that the District recently sent an employee with the Vactor truck to help out the Monterey Regional Water Pollution Control Agency with an issue they were having as a result of the recent storms and power outage.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner gave a brief update and noted that there were open positions on the Commission.

2. Joint City District Committee:

President Gustafson noted the next meeting is set for March 22nd.

3. Executive Committee:

President Gustafson noted the meeting was boiler-plate.

4. Community Outreach Committee:

President Gustafson noted the meeting was boiler-plate.

5. Budget and Personnel Committee:

President Gustafson noted the meeting was boiler-plate.

6. MRWPCA Board Member:

President Gustafson stated the next meeting was set for February 27th and he would be attending for Vice President Moore.

7. LAFCO Liaison:

Director Cortez stated that he would be attending the next meeting on February 27th.

8. FORA:

Vice President Moore noted that they met on February 10th and the next meeting is scheduled for March 10th.

9. WWOC:

Mr. Van Der Maaten stated the next meeting is February 22nd.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Director Shriner gave an update.

13. Correspondence:

No comments.

14. Board Member Requests for Future Agenda Items:

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

15. Director's Comments:

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

Regular Board Meeting
February 21, 2017
Page 7 of 7

16. Adjournment:

The meeting was adjourned at 7:51 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary