



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
March 18, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on March 18, 2019 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Thomas P. Moore – President
Jan Shriner – Vice President
Herbert Cortez
Peter Le

Board Members Absent:

Matt Zefferman

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Michael Wegley, District Engineer
Rose Gill, HR/Risk Administrator
Patrick Breen, Water Resources Manager
Brian True, Senior Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident, WCC Member
Shawn Storm, Marina Resident, WCC Member
Sarah Babcock, Marina Resident, WCC Member
Darren McBain, LAFCO Principal Analyst

3. Public Comment on Closed Session Items:

There were no public 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

- 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 Application (“A.”) 12-04-019
- 3) In the Matter of the Application of California-American Water Company (U 210 W) for an Order (1) Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency to Settle and Resolve Claims and Issues Between the Parties and to Promote the Development, Construction and Operation of a Water Supply Project for Monterey County on an Expedited Basis, and (2) Authorizing the Transfer of Authorized Costs Related to the Settlement Agreement to Its Special Request 1 Surcharge Balancing Account, California Public Utilities Commission Application (“A.”) 13-05-017, and related California Supreme Court petition for writ of review.
- 4) City of Marina and Marina Coast Water District, Petitioners v. Public Utilities Commission of the State of California, Respondent (California-American Water Company, et al., Real Parties in Interest), Petitions for Writ of Review, California Supreme Court Case No. S253585
- 5) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Damages, 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. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468

Agenda Item 4-A (continued):

- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

- 8) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

The Board ended closed session at 7:12 p.m.

President Moore reconvened the meeting to open session at 7:13 p.m.

5. Reportable Actions Taken during Closed Session:

Roger Masuda, District Counsel, stated that there were no reportable actions taken during Closed Session and direction was given.

6. Pledge of Allegiance:

Mr. Masuda led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no public comments.

8. Consent Calendar:

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of February 2019; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of February 19, 2019; and, C) Approve the Draft Minutes of the Joint Board/GSA Meeting of March 11, 2019. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

9. Action Items:

A. Review the LAFCO Municipal Services Review for the Marina Coast Water District and Provide Comments and Direction:

Mr. Michael Wegley, District Engineer, introduced this item and gave a brief presentation. The Board asked clarifying questions and made the following suggested changes to the Administrative Draft:

- Page 14 – Clarify that “The Dunes on Monterey Bay” was previously known as University Villages so that it is consistent with Marina Heights/Sea Haven
- Page 19 – clarify that there is no limit to pumping in the deep aquifer and add wording on the Army retaining water upon the transfer
- Pages 21/22 – clarify the difference between the 180/400 foot aquifer and the 180/400 foot aquifer subbasin; correct date to 2015 under SGMA
- Page 23 – first paragraph, put the quotation in italics; add a target date for other water sources
- Page 27 – first paragraph, correct the meeting frequency and venue for the Joint City District Committee
- Page 28/38 – possibly re-word “contested and spirited” campaigns
- Page 30 – update the number of staff positions and title of Operations and Maintenance “Manager”
- Page 35 – add to first paragraph “SVBGSA” as the lead agency for the 180/400 foot basin plan; third paragraph, change to “Cal-Am *has* appealed the Planning Commission’s decision...”
- Pages 41-45 – make the legend bigger, perhaps one full page for all maps since they have the same legend
- Pages 46/47 – add 400 foot aquifer map and perhaps AEM maps
- Page 49 – Add key MCWD staff (including Carl Niizawa) and counsel to Acknowledgements

President Moore made a motion receive the draft report the LAFCO Municipal Services Review. Vice President Shriner seconded the motion. The motion was passed.

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

B. Consider Adoption of Resolution No. 2019-17 to Approve the District Maintenance Management Plan:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item noting that this Plan will be a working document that will be updated annually. He gave a brief presentation. The Board asked clarifying questions. President Moore recommended keeping paper back-up of the District system in case of a catastrophic power outage and the system is inaccessible.

Agenda Item 9-B (continued):

Director Cortez made a motion to adopt Resolution No. 2019-17 to approve the District Maintenance Management Plan. Vice President Shriner seconded the motion. The motion was passed.

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- C. Consider Adoption of Resolution No. 2019-18 to Amend a Professional Services Agreement with MWH Constructors for Regional Urban Water Augmentation Project Construction Management Services:

Mr. Wegley introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2019-18 to amend a Professional Services Agreement with MWH Constructors for Regional Urban Water Augmentation Project Construction Management Services. Director Le seconded the motion. The motion was passed.

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	Yes			

- D. Consider Adoption of Resolution No. 2019-19 to Approve Revisions to the Board Procedures Manual:

Mr. Keith Van Der Maaten, General Manager, introduced this item and noted the revisions were to Section 12 regarding the Water Conservation Commission. Director Le voiced his disappointment that they were unable to make additional changes on the Board Procedures Manual (BPM) at this meeting. Mr. Van Der Maaten noted that the BPM can be brought back at another meeting for more discussion and revisions. Director Le said he would like the BPM to be brought back with the proposed changes he had emailed to the General Manager. Director Cortez asked if all Directors can propose changes. President Moore assured him that all Directors can propose changes. Discussion followed. Director Le said the two items he requested are: 1) changing the Closed Session to 1 hour; and, 2) increasing compensation from \$50 to \$100.

Vice President Shriner made a motion to adopt Resolution No. 2019-19 to approve the revisions to the Board Procedures Manual with the additional language stating that changes were made to Section 12.B. President Moore seconded the motion. The motion was passed.

Director Zefferman	-	Absent	Vice President Shriner	-	Yes
Director Le	-	Yes	President Moore	-	Yes
Director Cortez	-	No			

10. Staff Report:

A. Receive the Developer Account Update through December 31, 2018:

Mr. Brian True, Senior Engineer, introduced this item. The Board asked clarifying questions. Director Le asked if the report could be broken into two reports, one listing developers that owe money, and one listing developers that have a credit. He also suggested looking at how other agencies keep track of their projects.

11. Workshop:

A. Review the 5-Year Strategic Plan:

Mr. Van Der Maaten introduced this item and quickly reviewed staff's revisions. The following changes were suggested by the Board:

- Page 2 - listing the Board member names alphabetically by last name
- Page 7 - rework the Vision Statement
- Page 11 - add comma after, "...and recycled water"; end of paragraph, correct the date
- Page 15 - incorporate green policies into Section 2.2 to reduce carbon emissions
- Page 21 - update the Objective for Section 4.0 (will also be discussed in the Community Outreach Committee)
- Page 22 - correct Sections to 4.3 and 4.4 and un-italicize Section 4.3
- Page 27 - end of Section 6.6, correct the date
- Page 29 - under 1.2, clarify who is responsible for 180/400 GS Plan and Target Date
- Pages 31-34 - Target Dates need to be updated

12. Informational Items:

A. General Manager's Report:

1. Update on the Salinas River Stakeholder Statement:

Mr. Van Der Maaten said that he needs to do additional research to see what is happening with the Salinas River Stakeholder Statement because the planning group he was a part of has concluded and the facilitator is no longer on the project. He noted that the County is now in charge of the statement and he will need to follow up with them.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner gave a brief update and noted the next meeting is April 4th.

2. Joint City District Committee:

President Moore said they would be meeting on May 1st.

3. Executive Committee:

President Moore noted that they met, and the next meeting is April 9th.

4. Community Outreach Committee:

Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Director Cortez gave a brief update.

6. M1W Board Member:

President Moore gave a brief update and noted the next meeting is on March 25th.

7. LAFCO Liaison:

Director Cortez noted the next meeting is March 25th.

8. FORA:

Mr. Van Der Maaten gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated that they met, and the next meeting is April 3rd.

Vice President Shriner noted that it was 10:00 p.m. and, President Moore asked if there was a motion to continue past 10:00 p.m.

Vice President Shriner made a motion to continue the meeting past 10:00 p.m. Director Cortez seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent (Zefferman), 0-Abstained, the motion was passed.

10. JPIA Liaison:

No report was given.

11. Special Districts Association Liaison:

President Moore noted the next meeting was April 16th and Pete Delgado, Salinas Valley Memorial Healthcare, would be the speaker.

12. SVGSA Liaison:

No update was given.

13. Correspondence:

There were no comments.

14. Board Member Requests for Future Agenda Items:

President Moore noted that they can email in their requests. Director Cortez asked to have the Board Procedures Manual brought back.

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 10:09 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary