



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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## DIRECTORS

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HERBERT CORTEZ  
MATT ZEPPERMAN  
PETER LE

## Agenda

**Regular Board Meeting, Board of Directors  
Marina Coast Water District  
and**

**Regular Board Meeting, Board of Directors  
Marina Coast Water District Groundwater Sustainability Agency**

Marina Council Chambers

211 Hillcrest Avenue, Marina, California

**Tuesday, January 22, 2019, 6:30 p.m. PST  
(Please note the date)**

*This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the third Monday of each month with workshops scheduled for the first Monday of some months. The meetings normally begin at 6:30 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.*

***Our Mission:*** We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.

**1. Call to Order**

**2. Roll Call**

**3. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

**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

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, January 17, 2019. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

- 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); First Appellate District Court of Appeals Case Nos. A145604, A146166, A146405
- 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 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
- 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)

## **7:00 p.m. Reconvene Open Session**

**5. Reportable Actions Taken During Closed Session** *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*

## **6. Pledge of Allegiance**

**7. Oral Communications** *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

## **8. Presentations**

- A. Consider Adoption of Resolution No. 2019-01 In Recognition and Appreciation of Brian West, System Operator II, Upon his Retirement from the Marina Coast Water District

*Action: The Board will consider adopting Resolution No. 2019-01 recognizing Brian West upon his retirement from the Marina Coast Water District.*

- B. Consider Adoption of Resolution No. 2019-02 in Recognition of Charlie Eskridge, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-02 recognizing Charlie Eskridge, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- C. Consider Adoption of Resolution No. 2019-03 in Recognition of Margaret-Anne Coppernoll, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-03 recognizing Margaret-Anne Coppernoll, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- D. Consider Adoption of Resolution No. 2019-04 in Recognition of Bethany Taylor, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-04 recognizing Bethany Taylor, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- E. Consider Adoption of Resolution No. 2019-05 in Recognition of Jim Felton, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-05 recognizing Jim Felton, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- F. Consider Adoption of Resolution No. 2019-06 in Recognition of Efrim Valentin, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-06 recognizing Efrim Valentin, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- G. Consider Adoption of Resolution No. 2019-07 in Recognition of Jason Montgomery, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

*Action: The Board will consider adopting Resolution No. 2019-07 recognizing Jason Montgomery, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

## **9. Consent Calendar**

- A. Receive and File the Check Register for the Month of December 2018
- B. Receive the Quarterly Financial Statements for July 1, 2018 to September 30, 2018
- C. Approve the Draft Minutes of the Joint Board/GSA Meeting of December 17, 2018

**10. Action Items** *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to four minutes.*

- A. Consider Setting the Term Limits for the Water Conservation Commission Members

*Action: The Board of Directors will consider setting the term limits for the Water Conservation Commission members. Three of the positions will serve two-year terms and two positions will serve three-year terms.*

- B. Consider Adoption of Resolution No. 2019-08 to Approve Advertising and Hiring at Either an Associate Engineer Level or a Senior Civil Engineer Level to Fill the Existing Vacancy in the Engineering Department

*Action: The Board of Directors will consider revising the Associate Engineer job description requirements to allow flexible staffing.*

- C. Consider Adoption of Resolution No. 2019-09 to Approve the Revisions to the District's Employee Handbook

*Action: The Board of Directors will consider approving the revisions to the District's Employee Handbook.*

- D. Consider Adoption of Resolution No. 2019-10 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Marina Community Partners for the Dunes 1B Development Project

*Action: The Board of Directors will consider accepting improvements installed under Infrastructure Agreement with Marina Community Partners for the Dunes on Monterey Bay, Phase 1B.*

- E. Consider Adoption of Resolution No. 2019-11 Placing a Director in Nomination as a Member of the Association of California Water Agencies Region 5 Position

*Action: The Board of Directors will consider nominating a Director to the ACWA Region 5 Board.*

## **11. Staff Report**

- A. Receive the 4<sup>th</sup> Quarter 2018 MCWD Water Consumption and Sewer Flow Reports

**12. Informational Items** *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.*

- A. General Manager's Report

- B. Counsel's Report

- C. Committee and Board Liaison Reports

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|-----------------------------------|---|
| 1. Water Conservation Commission  | 7. LAFCO Liaison                        |
| 2. Joint City-District Committee  | 8. FORA                                 |
| 3. Executive Committee            | 9. WWOC Report                          |
| 4. Community Outreach Committee   | 10. JPIA Liaison                        |
| 5. Budget and Personnel Committee | 11. Special Districts Association       |
| 6. M1W Board Member Liaison       | 12. SVBGSA Liaison (Steering Committee) |

## **13. Correspondence**

## **14. Board Member Requests for Future Agenda Items**

**15. Director's Comments** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

**16. Adjournment** *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: **Tuesday, February 19, 2019, 6:30 p.m.,**  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*