



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

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President

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HERBERT CORTEZ
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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
Monday, October 21, 2019, 6:30 p.m. PST

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

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, October 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.

- 1) 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.
- 2) 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.)
- 3) 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
- 4) 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)
- 5) 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)
- 6) Marina Coast Water District, and Does 1-100 v, County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Party in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

- B. Pursuant to Government Code 54956.9(d)(4)
 Conference with Legal Counsel – Anticipated Litigation
 Initiation of Litigation – Two Potential Cases

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. Consent Calendar

- A. Receive and File the Check Register for the Month of September 2019
- B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of September 16, 2019
- C. Consider Adoption of Resolution No. 2019-73 to Approve Revisions to the Policy for the High-Efficiency Toilet Rebate Program

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9. Marina Coast Water District Groundwater Sustainability Agency Matters

A. Action Item

- 1. Consider Adoption of Resolution No. 2019-GSA03 to Authorize the General Manager to Apply to the California Department of Water Resources to Obtain a Grant under the 2019 Sustainable Groundwater Management (SGM) Grant Program Planning – Round 3 Grant Pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) (Wat. Code, § 79700 et seq.) and/or the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68) (Pub. Resources Code, § 80000 et seq.)

Action: The Board of Directors will consider authorizing the General Manager to apply for an Groundwater Sustainability Planning Grant.

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10. Return to Marina Coast Water District Matters

11. 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 Adoption of Resolution No. 2019-74 Making Determination of Lack of Unused Capacity in MCWD Water Conveyance Facility per California-American Water Company Request (Water Code §1813)

Action: The Board of Directors will consider adopting Resolution No. 2019-74 making determination of lack of unused capacity in MCWD water conveyance facility per California-American Water Company Request (Water Code §1813).

- B. Consider Adoption of Resolution No. 2019-75 to Approve Reclassification of the Assistant Engineer to an Associate Engineer Position Within the Engineering Department

Action: The Board of Directors will consider approving the reclassification of the Assistant Engineer to an Associate Engineer position within the engineering department.

- C. Consider Approving Funding for Director Le to Attend the Association of California Water Agencies Fall Conference in San Diego

Action: The Board of Directors will consider approving funding for Director Le to attend the Association of California Water Agencies Fall Conference in San Diego.

12. Staff Reports

- A. Receive an Update on the Ord Lift Station Easement
- B. Receive a Report on Current Capital Improvement Projects
- C. Receive the 3rd Quarter 2019 MCWD Water Consumption Report
- D. Receive the 2019 Sewer Flow Report through September 30, 2019

13. 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 Reports - Verbal
 - 1. Update on Developer's Deposit Policy
 - 2. Update on Well 12 and Watkins Gate Well
 - 3. Update on SVBGSA Final Plan
- B. Counsel's Report
- C. Director's Report
 - 1. Receive a Report from Director Le Regarding his Attendance at the California Special Districts Association Fall Conference in Anaheim
- D. Committee and Board Liaison Reports
 - 1. Water Conservation Commission
 - 2. Joint City-District Committee
 - 3. Executive Committee
 - 4. Community Outreach Committee
 - 5. Budget and Personnel Committee
 - 6. M1W Board Member Liaison
 - 7. LAFCO Liaison
 - 8. FORA
 - 9. WWOC Report
 - 10. JPIA Liaison
 - 11. Special Districts Association
 - 12. SVBGSA Liaison (Steering Committee)

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):*

*Special Meeting: Monday, November 4, 2019, 6:30 p.m.,
MCWD District Office, 11 Reservation Road, Marina*

*Regular Meeting: Monday, November 18, 2019, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*