



## **Marina Coast Water District**

Special Board Meeting/Groundwater Sustainability Agency Board Meeting  
11 Reservation Road, Marina  
November 4, 2019

### Minutes

#### 1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on November 4, 2019 at the District office, 11 Reservation Road, Marina, California.

#### 2. Roll Call:

##### Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Herbert Cortez – arrived at 6:32 p.m.  
Peter Le  
Matt Zefferman

##### Board Members Absent:

None

##### Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, District Counsel  
Derek Cray, Operations and Maintenance Manager  
Kelly Cadiente, Director of Administrative Services  
Teo Espero, IT Administrator  
Paula Riso, Executive Assistant/Clerk to the Board

##### Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Robert Porr, Fieldman Rolapp & Associates  
Laura Carpenter, Fieldman Rolapp & Associates  
Ken Pun, The Pun Group  
Charles Adams, Jones Hall  
Dan Kurz, Morgan Stanley

3. Pledge of Allegiance:

Director Zefferman led everyone present in the pledge of allegiance.

4. Oral Communications:

There were no public comments.

5. Action Items:

- A. Consider Adoption of Resolution No. 2019-77 to Award a Contract to Calcon Systems for Installation and Integration of Generator and ATS Components; and, Consider Adoption of Resolution No. 2019-78 to Award a Contract to the Don Chapin Company to Perform Site Work to Allow the Installation of Generators:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item. Director Le asked if this contract was exempt from going out to bid. Mr. Cray answered that as this was an emergency, there was not the requirement to go to bid, and the District was using their on-call contractors. Director Le also asked who would inspect the project and inquired about survey work. Mr. Cray answered that staff would do the inspection and there would not be any surveying performed. The Board asked clarifying questions including if a warranty was included for the work.

Vice President Shriner made a motion to adopt Resolution No. 2019-77 awarding a contract to Calcon Systems for installation and integration of generator and ATS components; and, adopting Resolution No. 2019-78 awarding a contract to the Don Chapin Company to perform site work to allow the installation of generators. Director Cortez seconded the motion. More discussion regarding timing, how long the generators could run when the electricity is out, and how long diesel fuel will last.

President Moore made a substitute motion to adopt Resolution No. 2019-77 awarding a contract to Calcon Systems for installation and integration of generator and ATS components; and, adopting Resolution No. 2019-78 awarding a contract to the Don Chapin Company to perform site work to allow the installation of generators, and added that staff request a 1-year warranty for the work. Director Zefferman seconded the motion.

Director Le made a substitute motion to adopt Resolution No. 2019-77 awarding a contract to Calcon Systems for installation and integration of generator and ATS components; and, adopting Resolution No. 2019-78 awarding a contract to the Don Chapin Company to perform site work to allow the installation of generators, and added that surveying and testing to be done on the sites. The motion died for lack of a second.

Agenda Item 5-A (continued):

The substitute motion by President Moore was passed by the following vote:

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

B. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2019:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Mr. Ken Pun, The Pun Group. Mr. Pun gave a presentation on the Independent Auditor's Report for the Fiscal Year ended June 30, 2019. The Board asked clarifying questions.

Vice President Shriner made a motion to accept the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2019. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

C. Consider Adoption of Resolution No. 2019-79 to Authorize the Delivery and Sales of Enterprise Revenue Certificates of Participation, Series 2019 in the Principal Amount of Not-to-Exceed \$23,000,000 to Finance Water and Wastewater System Improvements, and Approving Related Documents and Official Actions:

Ms. Cadiente introduced this item. She introduced the consultants that were present for the meeting: Mr. Robert Porr and Ms. Laura Carpenter of Fieldman Rolapp & Associates; Mr. Charles Adams, Jones Hall; and Mr. Dan Kurz, Morgan Stanley. Ms. Carpenter gave a presentation on the debt service numbers and projections as well as an update to the financing schedule. Director Le asked why the presentation wasn't given to the Board prior to the meeting. Ms. Carpenter explained that the information in the presentation was all in the packet but was just summarized in the presentation. Mr. Kurz gave a brief presentation and provided a market update. Mr. Adams reviewed the legal documents the Board is requested to approve. The Board asked clarifying questions. Director Shriner noted a typo on page B-5 of the Purchase Agreement where the lettering for the last paragraph should be (n) and not (l).

Vice President Shriner made a motion to adopt Resolution No. 2019-79 to authorize the delivery and sales of Enterprise Revenue Certificates of Participation, Series 2019 in the principal amount of not-to-exceed \$23,000,000 to finance water and wastewater system improvements, and approving related documents and official actions. Director Cortez seconded the motion.

Agenda Item 5-C (continued):

The motion was passed by the following vote.

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

6. Public Comment on Closed Session Items:

There were no public comments.

President Moore recessed the meeting from 8:32 p.m. until 8:42 p.m.

The Board entered into closed session at 8:42 p.m. to discuss the following items:

7. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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)

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

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation – Two Potential Cases

President Moore reconvened the meeting to open session at 9:58 p.m.

8. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, District Counsel, stated that there were no reportable actions taken during Closed Session.

9. Director's Comments:

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

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10. Adjournment:

The meeting was adjourned at 10:03 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary