



# 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  
PETER LE  
MATT ZEFFERMAN

## 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, November 18, 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

- 1) 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.)

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 Wednesday, November 13, 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) 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
- 3) 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)
- 4) 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)
- 5) 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 – Three 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. Presentations**

- A. Consider Adoption of Resolution No. 2019-80 in Recognition of Sarah Babcock, 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. 2019-80 recognizing Sarah Babcock, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.*

- B. Consider Adoption of Resolution No. 2019-81 in Recognition of Shawn Storm, 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. 2019-81 recognizing Shawn Storm, 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 October 2019
- B. Receive the Quarterly Financial Statements for April 1, 2019 to June 30, 2019
- C. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of October 21, 2019
- D. Approve the Draft Minutes of the Special Joint Board/GSA Meeting of November 4, 2019
- E. Receive the Validated 2018 Water Loss Audit Report and Level 1 Validation Document

**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 Adoption of Resolution No. 2019-82 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, L.P. for the Junsay Oaks Senior Apartments Development Project

*Action: The Board of Directors will consider accepting the infrastructure improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Junsay Oaks, L.P. for the Junsay Oaks Senior Apartments Development Project.*

- B. Consider Adoption of Resolution No. 2019-83 to Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Ord Village Lift Station and Force Main Replacement Project

*Action: The Board of Directors will consider adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Ord Village Lift Station and Force Main Replacement Project.*

- C. Consider Adoption of Resolution No. 2019-84 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Military Housing, LLC for the Lower Stilwell Neighborhood, Phase 1 Project

*Action: The Board of Directors will consider approving a Water, Sewer and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Military Housing, LLC for the Lower Stilwell Neighborhood, Phase 1 Project.*

- D. Consider Adoption of Resolution No. 2019-76 to Approve Funding for Director Le to Attend the Association of California Water Agencies (ACWA) Fall Conference in San Diego; and, Consider Appointing a Voting Representative to Vote for ACWA President and Vice President for the 2020-2021 Term

*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, and consider appointing a voting representative to vote for ACWA President and Vice President for the upcoming term.*

**11. 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) |

**12. Correspondence**

**13. Board Member Requests for Future Agenda Items**

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

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

*Regular Meeting: Monday, December 16, 2019, 6:30 p.m.,  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*