



# Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
Via Zoom Teleconference  
November 16, 2020

## Minutes

### 1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on November 16, 2020 via Zoom teleconference in Marina, California.

### 2. Roll Call:

#### Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Herbert Cortez  
Matt Zefferman

#### Board Members Absent:

Peter Le

#### Staff Members Present:

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

#### Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Peter Said  
Adam Scow  
Laura Staman  
Anne Davis

### 3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:33 p.m. to discuss the following items:

4. 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)
- 2) 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 Property in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 3) Appeal No. A-3-MRA-19-0034 by California-American Water Company to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project
- 4) City of Marina vs. RMC Lonestar [CEMEX], California-America Water Company, et al., Defendants, Marina Coast WD, et al., Real Parties in Interest, Monterey County Superior Court Case No. 20CV001387 (Complaint for Breach of Contract, Declaratory Relief under the Agency Act, and Tortious Interference with Existing Contract)
- 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.)

B. Pursuant to Government Code Section 54956.9 and paragraph (4) of Subdivision (d) of Government Code Section 54956.9- one case

Conference with Legal Counsel – Existing Litigation and Anticipated Litigation

Name of case: California-American Water Company v. All Persons Interested..., Complaint for Reverse Validation, Monterey County Superior Court Case No. 20CV002436, and Marina Coast Water District's consideration of joining that case

The Board ended closed session at 6:57 p.m. President Moore reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

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

7. Oral Communications:

There were no comments made.

8. Presentation:

- A. Consider Adoption of Resolution No. 2020-62 to Proclaim the Marina Coast Water District's 60<sup>th</sup> Anniversary:

Mr. Keith Van Der Maaten, General Manager, introduced this item.

Director Cortez made a motion to adopt Resolution No. 2020-62 proclaiming the Marina Coast Water District's 60<sup>th</sup> anniversary. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

9. Consent Calendar:

Director Zefferman requested to pull Item D from the 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 September 2020; B) Receive and File the Check Register for the Month of October 2020; C) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of September 21, 2020; and, E) Consider Adoption of Resolution No. 2020-63 to Ratify the Emergency 30" Sewer Repair Located Near the Ord Wastewater Facility. Director Cortez seconded the motion. The motion was passed by the following vote:

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

D. Approve the Draft Minutes of the Special Joint Board/GSA Meeting of November 4, 2020:

Director Zefferman noted a typo on page 2 of the minutes and noted that “Vice” needed to be added to Vice President Shriner’s title.

Director Zefferman made a motion to approve the draft minutes of the special Joint Board/GSA meeting of November 4, 2020 with the correction. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

10. Action Items:

- A. Consider Adoption of Resolution No. 2020-64 to Approve a Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Marina Developers, LLC for the Sea Haven Phase 3B Development Project:

President Moore stated that this item has been pulled from the agenda.

- B. Consider Adoption of Resolution No. 2020-65 to Approve a Professional Services Agreement with The Paul Davis Partnership for Architectural Services for Tenant Improvements at 920 Second Avenue:

Mr. Patrick Breen, Water Resources Manager, introduced this item. He noted some corrections to the scope of work: Section 4.2 – change ‘County’ to ‘District’; Section 5.5 – change ‘CHOMP’ to ‘District’; and, renumber the subsections under Section 5.

Director Cortez made a motion to adopt Resolution No. 2020-65 approving a Professional Services Agreement with The Paul Davis Partnership for architectural services for tenant improvements at 920 Second Avenue with the noted corrections. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

- C. Consider Referring the Hiring of Interim General Manager to an Ad Hoc Committee:

Mr. Van Der Maaten introduced this item and explained options available to the Board. He noted that staff was recommending referring this to the Ad Hoc Committee (Vice President Shriner and President Moore) for their review and recommendation to the Board. The Board asked clarifying questions regarding the process. President Moore summarized that a notice would be placed on the District website and for interested parties to send their letters of interest by 5:00 p.m. on November 20th, and the Ad Hoc Committee would meet and narrow the selection down to two candidates.

Agenda Item 10-C (continued):

Director Cortez made a motion to refer the review of letters of interest to the Ad Hoc Committee for them to narrow the selection, but all Board members would receive copies of the letters of interest at the next Board meeting. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

11. Staff Reports:

A. Receive a Report on the Fiscal Impacts to the District due to Covid-19:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item noting that there was a significant drop in revenue in the Ord Community possibly due to CSUMB holding virtual classes and not having students physically on campus. She also pointed out that Central Marina revenue was down due to laundromats not paying their bills. Director Cortez asked if staff could make courtesy calls to delinquent accounts requesting payment. Ms. Cadiente answered that they would begin making courtesy calls.

B. Receive a Report on Current Capital Improvement Projects:

Mr. Michael Wegley, District Engineer, introduced this item. President Moore noted Regional Urban Water Augmentation Project distribution pipeline work being done on various roads in Marina.

C. Receive the 3rd Quarter 2020 MCWD Water Consumption Report:

Ms. Cadiente introduced this item.

D. Receive the 3rd Quarter 2020 Sewer Flow Report:

Ms. Cadiente introduced this item.

E. Receive a Report on 2020 Pure Water Monterey and MCWD Recycled Water Flows through September 30, 2020:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item.

F. Receive a Report on 2020 Potable Water Production through September 30, 2020:

Mr. Cray introduced this item.

12. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten informed the Board that staff from the 4th Avenue office, with the exception of the Operations and Maintenance department, have moved into the Imjin office.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No meeting was held.

2. Joint City District Committee:

President Moore stated that the next meeting is scheduled for November 18th.

3. Executive Committee:

President Moore stated that the next meeting is scheduled for December 8th.

4. Community Outreach Committee:

Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Vice President gave a brief update.

6. M1W Board Member:

President Moore gave a brief update and noted the next meeting is November 30th.

7. LAFCO Liaison:

Director Cortez stated there was no report.

8. JPIA Liaison:

No report was given.

9. Special Districts Association Liaison:

President Moore noted they met, and the next meeting is scheduled for January 19, 2021 and will be held via Zoom.

13. Correspondence:

President Moore noted the letters received by the District.

14. Board member Requests for Future Agenda Items:

President Moore noted that the Board members can email in their requests. Director Zefferman suggested adding the MCWD/SVBGSA Steering Committee to the next agenda.

President Moore asked if any Board member wished to take up the items Director Le requested to have as future agenda items. Mr. Masuda stated that his request needs to be agendized for the next meeting.

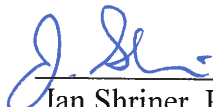
15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:36 p.m. to December 7, 2020 at 6:30 p.m.

APPROVED:

  
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Jan Shriner, President

ATTEST:



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Paula Riso, Deputy Secretary