



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: 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**

Monday, December 14, 2020, 6:30 p.m. PST

Due to Governor Newsom's Executive Order N-29-20 and recommendations on protocols to contain the spread of COVID-19, staff and Board members will be attending the December 14, 2020 meeting remotely from various locations and the meeting will be held via Zoom conference. There will be NO physical location of the meeting. The public is strongly encouraged to use the Zoom app for best reception.

There may be limited opportunity to provide verbal comments during the meeting. Persons who are participating via telephone will need to press *9 to be acknowledged for comments. Members of the public participating by Zoom will be placed on mute during the proceedings and will be acknowledged only when public comment is allowed, after requesting and receiving recognition from the Board President. Public comment can also be submitted in writing to Paula Riso at priso@mcwd.org by 9:00 am on Monday, December 14, 2020; such comments will be distributed to the MCWD Board before the meeting.

This meeting may be accessed remotely using the following Zoom link:

<https://us02web.zoom.us/j/86563310507?pwd=NDkxcVVrVW5LQIRPYzZMYmdScEczQT09>

Passcode: 328145

To participate via phone, please call: 1-669-900-9128; Meeting ID: 865 6331 0507 Passcode: 328145

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. [Administer Oath of Office](#)

Action: The Oath of Office will be administered to Thomas P. Moore and Herbert Cortez so they can serve as Directors to the Marina Coast Water District Board.

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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 District offices at 11 Reservation Road and 2840 4th Avenue, Marina. 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): City of Marina Council Chambers. A complete Board packet containing all enclosures and staff materials will be available for public review on the District website, Thursday, December 10, 2020. 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.

3. Roll Call

4. [Election of Board President and Vice-President for 2021](#)

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5. 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.*

6. 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 Party 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, Marina Coast WD, et al Defendants, 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

- C. Pursuant to Government Code 54957
Public Appointment
Title: Legal Counsel

7:00 p.m. Reconvene Open Session

7. 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.*

8. Pledge of Allegiance

9 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.*

10. Presentation

- A. [Consider Adoption of Resolution No. 2020-67 in Recognition and Appreciation of Keith Van Der Maaten for Dedicated and Outstanding Service as General Manager to Marina Coast Water District from August 2015 to December 2020](#)
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11. [Consent Calendar](#)

- A. [Receive and File the Check Register for the Month of November 2020](#)
(Page 9)
- B. [Receive the Quarterly Financial Statements for April 1, 2020 to June 30, 2020](#)
(Page 16)
- C. [Consider Approving the Draft Minutes of the Regular Joint Board/GSA Meeting of November 16, 2020](#)
(Page 29)
- D. [Consider Approving the Draft Minutes of the Special Joint Board/GSA Meeting of December 7, 2020](#)
(Page 38)
- E. [Receive the Validated 2019 Water Loss Audit Report and Level 1 Validation Document](#)
(Page 42)
- F. [Consider Renumbering Resolution No. 2020-62, Proclaiming the Marina Coast Water District's 60th Anniversary, to Resolution No. 2020-68](#)
(Page 77)
- G. [Consider Approving the Proposed Regular Board/GSA Meeting and Workshop Meeting Schedule for 2021](#)
(Page 80)

- H. [Consider Adoption of Resolution No. 2020-69 to Approve New Fees and Charges for Griffith, Masuda & Hobbs Legal Services for 2021](#)
(Page 82)
- I. [Consider Adoption of Resolution No. 2020-70 to Approve a Professional Services Agreement with Boutin Jones to Provide Special Legal Counsel in Labor and Employment Law Services to the District](#)
(Page 86)

12. 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 Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2020](#)
(Page 104)
- B. [Consider Adoption of Resolution No. 2020-71 to Authorize an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for the 2020 MCWD Urban Water Management Plan](#)
(Page 106)
- C. [Consider Adoption of Resolution No. 2020-72 to Authorize a Construction Contract between Marina Developers, Inc. and Monterey Peninsula Engineering for Reconstruction of the Booker Lift Station; and, Amend the FY 2020-2021 Capital Improvement Budget](#)
(Page 119)
- D. [Consider Adoption of Resolution No. 2020-73 to Approving the Reorganization of the Operations and Maintenance Department](#)
(Page 126)
- E. [Receive the 2020 Year In Review Report and Provide Comments](#)
(Page 142)
- F. [Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2021, and as Negotiators to any Ad Hoc Committees of the Board](#)
(Page 152)
- G. [Review the Revisions to the Board Procedure Manual](#)
(Page 154)

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 Report
- B. Counsel's Report

C. Committee and Board Liaison Reports

- | | |
|-----------------------------------|------------------------------------|
| 1. Water Conservation Commission | 6. M1W Board Member Liaison |
| 2. Joint City-District Committee | 7. LAFCO Liaison |
| 3. Executive Committee | 8. JPIA Liaison |
| 4. Community Outreach Committee | 9. Special Districts Association |
| 5. Budget and Personnel Committee | 10. MCWD/SVBGSA 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):*

Regular Meeting: Wednesday, January 20, 2021, 6:30 p.m.