

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
January 11, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on January 11, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee
Tom Moore
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Mike Wegley, District Engineer
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Brian True, Capital Projects Manager
Kelly Cadiente, Director of Administrative Services
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Herbert Cortez, Marina Resident
Ken Nishi, Marina Resident
Wendy Elliott, Marina Community Partners
Joe Correa, MCWD
Tony Kelsey, MCWD
Barbara Montanti, MCWD
Candace Cuisinier, MCWD
Susan Kiefert, MCWD
Stephenie Verduzco, MCWD
Ricky Verduzco, MCWD
Sherrie Payne, Salinas Resident

Brandon Payne, Salinas Resident
Melissa Borrero, Salinas Resident
Maria Guevara, Salinas Resident

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:32 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559
- 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019 & A.13-05-017 Settlement Agreement
- 3) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)
- 4) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 6) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator

Property: Recycled Water Pipeline, Recycled Water

Agency Negotiators: Howard Gustafson

Negotiating Parties: MRWPCA, MCWRA, MPWMD, City of Salinas and others.

Under Negotiation: Price and Terms

Agenda Item 4 (continued):

C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Howard Gustafson
Under Negotiation: Price and Terms

D. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

The Board ended closed session at 7:04 p.m.

President Gustafson reconvened the meeting to open session at 7:05 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that direction was given and no reportable action was taken.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Presentations:

A. Consider Adoption of Resolution No. 2016-01 Recognizing Sherrie Payne, Customer Service Representative II, Upon Her Retirement from the Marina Coast Water District:

President Gustafson read aloud the Resolution.

Vice President Moore made a motion to adopt Resolution No. 2016-01 recognizing Sherrie Payne, Customer Service Representative II, upon her retirement from the Marina Coast Water District. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

- B. Consider Adoption of Resolution No. 2016-02 in Recognition of Stephenie Verduzco, Administrative Assistant, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

President Gustafson read aloud the Resolution.

Vice President Moore made a motion to adopt Resolution No. 2016-01 recognizing Stephenie Verduzco, Administrative Assistant, and award a plaque and gift certificate for 10 years of service to the Marina Coast Water District. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

President Gustafson recessed the meeting from 7:14 – 7:21 p.m.

9. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the following item:

- A. Approve the Draft Minutes of the Special Board Meeting of December 29, 2015

Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

10. Action Items:

- A. Declare a Vacancy on the Board of Directors and Set a Date for Consideration of Appointment to Fill the Vacancy:

Mr. Keith Van Der Maaten, General Manager, introduced this item and explained the options to the Board.

Following discussion, Vice President Moore made a motion to advertise the vacancy where staff deems appropriate using the draft notice provided in the packet; and schedule a Board item to interview candidates in a timely manner. Mr. Van Der Maaten noted that the candidate interviews would be at the February 1, 2016 Board meeting. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

B. Receive the Draft District FY 2016-2017 Budget Schedule and Set Date for the 2016-2017 Budget Workshop:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and noted that the Budget Workshop is currently scheduled for March 7, 2016. Ms. Cadiente noted one date change to the schedule, the Draft Ord Community Budget would be given to the WWOC on March 10, 2016, not March 9th as indicated in the schedule.

Vice President Moore made a motion to approve the draft schedule. Director Shriner seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-04 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Phase 1A Development Project:

Mr. Mike Wegley, District Engineer, introduced this item.

Director Lee made a motion to approve the draft schedule. Vice President Moore seconded the motion.

Ms. Wendy Elliott, Marina Community Partners, thanked staff for their hard work to get this phase of the project completed and was looking forward to working together on the next phases. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

D. Discussion and Possible Action to Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2016, and as Negotiators to any Ad Hoc Committees of the Board:

President Gustafson's proposed appointments were provided in the packet.

Director Shriner made a motion to approve the proposed Director appointments to Standing Committees of the Board and to outside agencies for 2016, and as negotiators to any Ad Hoc Committees of the Board, as follows:

Agenda Item 10-D (continued):

Water Conservation	Committee Member: Jan Shriner – Bill Lee, Alternate
Joint City/District	Committee Members: Howard Gustafson and Tom Moore – Bill Lee, Alternate
Executive	Committee Members: Howard Gustafson and Tom Moore
Budget and Personnel	Committee Members: Howard Gustafson and Tom Moore – Bill Lee, Alternate
Community Outreach	Committee Members: Howard Gustafson and Tom Moore – Jan Shriner, Alternate
MRWPCA	Committee Member: Tom Moore – Jan Shriner, Bill Lee Alternates
LAFCO	Committee Member: Howard Gustafson – Tom Moore, Alternate
FORA	Committee Member: Howard Gustafson – Tom Moore, Alternate
Special Districts Assoc.	Committee Member: Jan Shriner – Tom Moore, Bill Lee, Howard Gustafson, Alternates
JPIA	Committee Member: Jan Shriner – Bill Lee, Alternate
FORA WWOOC	Committee Member: Keith Van Der Maaten – Mike Wegley/Staff, Alternate
MRWPCA Ad Hoc	Committee Members: Howard Gustafson, Tom Moore
SCSD Annexation Ad Hoc	Committee Members: Howard Gustafson, Tom Moore

Vice President Moore seconded the motion. The motion was passed with one vacant seat.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes

11. Informational Items:

A. General Manager's Report:

1. Correspondence Received:

Mr. Van Der Maaten briefly reviewed the correspondence received.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No report.

2. Joint City District Committee:

No report.

3. Executive Committee:

No report.

4. Community Outreach Committee:

No report.

5. Budget and Personnel Committee:

No report.

6. MRWPCA Board Member:

No report.

7. LAFCO Liaison:

No report.

8. FORA:

Mr. Van Der Maaten noted that they discussed the MOU for the three planning process.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is January 19th.

12. Board Member Requests for Future Agenda Items:

No comments.

13. Director's Comments and Reports on Meetings:

Director Shriner, Vice President Moore, and President Gustafson made comments.

President Gustafson recessed the meeting from 7:44-7:47 p.m.

The Board returned to closed session at 7:47 p.m.

5. Closed Session:

B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Peter Le and Howard Gustafson
Negotiating Parties: MRWPCA, MCWRA, MPWMD, City of Salinas and others.
Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Howard Gustafson
Under Negotiation: Price and Terms

D. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

The Board ended closed session at 8:00 p.m.

President Gustafson reconvened the meeting to open session at 8:00 p.m.

6. Reportable Actions Taken during Closed Session:

President Gustafson stated that direction was given and no reportable action was taken.

14. Adjournment:

The meeting was adjourned at 8:01 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary