

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
February 16, 2016  
6:00 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:00 p.m. on February 16, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Tom Moore – Vice President  
Bill Lee  
Jan Shriner

Board Members Absent:

One vacant seat.

Staff Members Present:

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

Audience Members:

Andy Sterbenz, Schaaf & Wheeler  
Kenneth Nishi, Marina Resident  
Richard and Joleen Green  
Joe Correa  
Warren Foster  
Kurt Gonzalez  
Rene Magdaleno  
Tuan Nguyen  
Joe Pineda  
Jose Rodriquez

3. Public Comment on Closed Session Items:

None.

The Board entered into closed session at 6:02 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) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) 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)
- 5) 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.)
- 6) 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
- 7) 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 54957 (a)  
Threat to Public Services or Facilities

The Board ended closed session at 7:00 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Kenneth Nishi, Marina resident, voiced his concerns over the Board members who passed the agreement with the MRWPCA. He commented that the problem with the agreement between the District and the MRWPCA is that the District already had capacity rights and now was giving it away. He stated that a letter to the Grand Jury might be appropriate.

8. Presentations:

A. Consider Adoption of Resolution No. 2016-06 in Recognition of Tuan Nguyen, Systems Operator II, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-06 recognizing Tuan Nguyen, Systems Operator II, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. Director Lee 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 read the narration and presented Mr. Nguyen with the plaque and gift certificate.

- B. Consider Adoption of Resolution No. 2016-07 in Recognition of Joe Pineda, Systems Operator II/Cross-Connection Control Specialist, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Director Lee made a motion to adopt Resolution No. 2016-07 recognizing Joe Pineda, Systems Operator II/Cross-Connection Control Specialist, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. 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

President Gustafson read the narration and presented Mr. Pineda with the plaque and gift certificate.

9. Consent Calendar:

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

- A. Receive and File the Check Register for the Month of January 2016
- B. Receive the Quarterly Financial Statements for October 1, 2015 to December 31, 2015
- C. Approve the Draft Minutes of the Regular Board Meeting of February 1, 2016

Director Lee 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. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-08 Calling for an Election to Fill Director Vacancy, Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 8, 2016:

Mr. Nishi commented that the Board continuously spends money and asked how much the election was going to cost. He stated that last year the Board took action on the desal plant and no action has happened on that yet. Mr. Nishi reiterated that the Board does nothing except spend money and voiced his concerns over how it was causing the rates to increase each year for the ratepayers.

Vice President Moore made a motion to adopt Resolution No. 2016-08 calling for an election to fill Director vacancy, ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election set for November 8, 2016. Director Shriner seconded the motion.

Agenda Item 10-A (continued):

The motion was passed with one vacant seat.

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

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-10 to Approve a Professional Services Agreement with Runyon Saltzman Einhorn, Inc. to Provide Public Relations and Community Outreach Services to the District:

Ms. Jean Premutati, Management Services Administrator, introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-10 to approve a Professional Services Agreement with Runyon Saltzman Einhorn, Inc. to provide public relations and community outreach services to the District. 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

C. Receive the Marina Coast Water District FY 2015-2016 Mid-Year Report:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item, reviewed the report with the Board, and answered questions from the Board.

The Marina Coast Water District FY 2015-2016 Mid-Year Report was received.

D. Consider Directing a Board Member to Declare a Candidacy for the Independent Special District Selection Committee on the Local Agency Formation Commission of Monterey County:

President Gustafson made a motion direct Vice President Moore to declare his candidacy for the Independent Special District Selection Committee on the Local Agency Formation Commission of Monterey County. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

11. Staff Reports:

A. Receive Developers Report as of December 31, 2015:

Mr. Van Der Maaten introduced this item. Mr. Michael Wegley, District Engineer, explained that this report was just a snapshot in time but was not perhaps the most recent activity on the accounts. Vice President Moore asked staff to bring a proposal on billing methodology and whether a lien policy can be established.

12. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Lee gave a brief update.

2. Joint City District Committee:

No report.

3. Executive Committee:

President Gustafson stated that they met on February 8th.

4. Community Outreach Committee:

President Gustafson stated that they met on February 8th.

5. Budget and Personnel Committee:

President Gustafson stated that they met on February 8th.

6. MRWPCA Board Member:

Vice President Moore stated the next meeting was set for February 29th.

7. LAFCO Liaison:

The meeting was canceled.

8. FORA:

President Gustafson gave a brief update.

9. WWOC:

The meeting is set for February 17th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is April 19<sup>th</sup>.

13. Board Member Requests for Future Agenda Items:

No comments.

14. Director's Comments and Reports on Meetings:

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

15. Adjournment:

The meeting was adjourned at 7:43 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary