

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
May 16, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:31 p.m. on May 16, 2016.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Tom Moore – Vice President
Bill Lee – arrived at 6:34 p.m.
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
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Scott Rose, Runyon, Saltzman, Einhorn
Allison Goss, Mahoney & Associates
Peter Baird, Mahoney & Associates

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) 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: Sewer Infrastructure

Negotiating Parties: Howard Gustafson

Under Negotiation: Price and Terms

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

President Gustafson reconvened the meeting to open session at 7:02 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:

No comments.

8. Presentation:

- A. Receive a Verbal Status Update on Communications, Education, and Outreach by Runyan, Saltzman & Einhorn:

Mr. Scott Rose, Runyon, Saltzman & Einhorn, introduced himself and gave a brief overview of the latest public relations efforts as well as planned future efforts. He also discussed the internal survey that was recently completed and noted that while there were a few areas of potential improvement, the results were very positive.

9. Consent Calendar:

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

- A. Receive the Quarterly Financial Statements for January 1, 2016 to March 31, 2016
- B. Receive and File the Check Register for the Month of April 2016
- C. Approve the Draft Minutes of the Regular Board Meeting of April 18, 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. Consider Adoption of Resolution No. 2016-30 to Authorize the Bureau of Land Management Building Real Estate Commission Payment to Mahoney & Associates; and, Approve a General Release and Settlement of Claims:

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

Agenda Item 10-A (continued):

The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-30 to authorize the Bureau of Land Management building real estate commission payment to Mahoney & Associates; and, approve a General Release and Settlement of Claims. President Gustafson 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. Approve an Agreement with the Naval Postgraduate School to Allow Installation of a Sensor Hosting Tripod Tower and Perform Rawinsonde Launches at the Marina Coast Water District Reservation Road Office Site:

Mr. Keith Van Der Maaten, General Manager, stated that this item had been pulled at the request of the Naval Postgraduate School.

- C. Discuss District Goals for 2016 and Update the Adopted Five-Year Strategic Plan:

Mr. Van Der Maaten reviewed each of the goals and noted the progress and new completion dates. The Board asked clarifying questions and made several suggested edits.

Director Shiner suggested removing “and NPS” from the Status Description of Goal 4.1.

Vice President Moore suggested adding a new goal “4.4 – Develop an Annual Report” to provide an annual status of past year’s progress and the progress of strategic planning efforts. He also encouraged movement on goals 6.3 and 6.6 and noted that they require commitment from the Board members.

11. 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 Shriner gave a brief update.

2. Joint City District Committee:

Vice President Moore noted the next meeting was scheduled for July.

3. Executive Committee:

Vice President Moore gave a brief update.

4. Community Outreach Committee:

Vice President Moore gave a brief update.

5. Budget and Personnel Committee:

Vice President Moore gave a brief update.

6. MRWPCA Board Member:

Vice President Moore noted the meeting was scheduled for May 26th.

7. LAFCO Liaison:

President Gustafson noted the meeting was next week.

8. FORA:

Mr. Van Der Maaten gave a brief update noting that the FORA Board approved the District FY 2016-2017 budget.

9. WWOC:

No report.

10. JPIA Liaison:

Director Shriner gave a brief update.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting was July 19th.

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12. Board Member Requests for Future Agenda Items:

President Gustafson noted that any requests could be emailed to staff.

13. Director's Comments and Reports on Meetings:

Director Shriner and Vice President Moore made comments.

14. Adjournment:

The meeting was adjourned at 7:40 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary