

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
September 6, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on September 6, 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
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Michael Wegley, District Engineer
Paul Lord, Water Conservation Specialist III
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Daniel Jackson, MCWD
Joe Correa, MCWD
Joe Pineda, MCWD
Phil Clark, Seaside Resident
Grace Silva-Santella, Marina Resident
Bob Jacques, Seaside Groundwater Basin Watermaster

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 6:58 p.m.

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

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, reported that the Board took action on item 4-A4 by authorizing the District's attorney to file a petition for review by the California Supreme Court.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Public Hearing:

President Gustafson opened the Public Hearing at 7:02 p.m.

A. Public Hearing on Whether to Form One or Two Groundwater Sustainability Agencies:

Mr. Michael Wegley, District Engineer, introduced this item briefly explaining why the District was interested in being the Groundwater Sustainable Agency. He explained that the District was interested in two subbasins, the Marina area of the Seaside area subbasin, and the portion of the Corral De Tierra area subbasin that is within the District's service area.

President Gustafson closed the Public Hearing at 7:10 p.m.

9. Presentation:

A. Consider Adoption of Resolution No. 2016-53 in Recognition of Daniel Jackson, Systems Operator II, and Awarding a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Director Lee made a motion to adopt Resolution No. 2016-53 recognizing Daniel Jackson for 5 years of service to the Marina Coast Water District and awarding him a plaque and gift certificate. 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

10. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of the draft minutes of the regular Board meeting of August 15, 2016 with a correction to page 3. Director Lee seconded the motion.

Agenda Item 10 (continued):

The motion was passed with one vacant seat.

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

11. Action Items:

- A. Consider Adoption of Resolution No. 2016-54 to Elect to Become the Exclusive Groundwater Sustainable Agency within Portions of Two Subbasins and to Direct District Staff to Submit the Required Notifications to the California Department of Water Resources:

Mr. Wegley introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2016-54 to elect to become the exclusive Groundwater Sustainable Agency within portions of two subbasins and to direct District staff to submit the required notifications to the California Department of Water Resources. 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

- B. Consider Providing Direction to the Water Conservation Commission Regarding Goals/Objectives:

Mr. Paul Lord, Water Conservation Specialist III, introduced this item. Director Shriner referred to a handout she provided and made several suggestions. Discussion followed.

Vice President Moore made a motion to direct the Water Conservation Commission to update its goals, identifying projects and activities that Commissioners can engage in and any impact (positive or negative) they may have on District staff, and provide a report to the Board. 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. Consider Adoption of Resolution No. 2016-55 to Award a Construction Contract to Monterey Peninsula Engineering and Amend the FY 2016-2017 Capital Improvement Budget:

Mr. Wegley introduced this item and explained the reason for the budget amendment.

Agenda Item 11-C (continued):

Vice President Moore made a motion to adopt Resolution No. 2016-55 to award a construction contract to Monterey Peninsula Engineering and amend the FY 2016-2017 Capital Improvement Budget. 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

D. Consider Adoption of Resolution No. 2016-49 to Approve an Update to the District Procurement Policy and Eliminate the District Vehicle Replacement Policy:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to adopt Resolution No. 2016-49 approving an update to the District Procurement Policy and eliminating the District Vehicle Replacement Policy. 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

E. Consider Adoption of Resolution No. 2016-50 to Approve the District Sole Source Vendors Above \$45,000 List for FY 2016-2017:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item.

Director Shriner made a motion to adopt Resolution No. 2016-50 approving an update to the District Procurement Policy and eliminating the District Vehicle Replacement Policy. 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

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 Shriner gave a brief update and suggested presenting the Marina Tree Committee a certificate of appreciation for taking care of the demonstration garden at Well 11.

2. Joint City District Committee:

Vice President Moore gave a brief update.

3. Executive Committee:

Vice President Moore noted the next meeting was September 11th.

4. Community Outreach Committee:

Vice President Moore noted the next meeting was September 11th.

5. Budget and Personnel Committee:

Vice President Moore noted the next meeting was September 11th.

6. MRWPCA Board Member:

Vice President Moore gave a brief update.

7. LAFCO Liaison:

No report.

8. FORA:

Vice President Moore stated the next meeting is Friday, September 9th.

9. WWOC:

Mr. Van Der Maaten stated the next meeting was September 14th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting was scheduled for October 19th.

13. Board Member Requests for Future Agenda Items:

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

14. Director's Comments:

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

15. Adjournment:

The meeting was adjourned at 7:50 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary