

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
January 9, 2017
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on January 9, 2017.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Thomas P. Moore – Vice President
Bill Lee
Jan Shriner
Herbert Cortez

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Michael Wegley, District Engineer
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Human Resources/Customer Relations Manager
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

None

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, Thomas Moore

Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation: Two potential cases

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 during closed session and direction was given.

6. Pledge of Allegiance

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of A) Receive and File the Check Register for the Month of December 2016; and, B) Approve the Draft Minutes of the Regular Board Meeting of December 19, 2016. Director Shriner seconded the motion. The motion was passed.

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

9. Action Items:

A. Consider Appointing Public Member to the Water Conservation Commission:

Vice President Moore made a motion to appoint Margaret-Anne Coppennoll to the Water Conservation Commission and direct staff to advertise for the other vacant seat. Director Lee seconded the motion. Director Shriner asked several clarifying questions. The motion was passed.

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

Director Shriner made a motion to modify the previous motion to appoint Margaret-Anne Coppennoll to the vacant seat with the term ending in August 2017. Vice President Moore seconded the modification. The motion to modify was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	Yes	President Gustafson	-	No
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2017-01 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Bay Charter School for the Monterey Bay Charter School – New School at CSUMB Development Project:

Mr. Brian True, Capital Projects Manager, introduced this item explaining that although the agreement is with Monterey Bay Charter School, the school property belongs to CSUMB. The Board asked clarifying questions. Vice President Moore suggested removing the words “for non-potable use” from the first sentence. Mr. Roger Masuda, Legal Counsel, pointed out that the word “inspection” should be removed from the second to last sentence in section 2.1.7 so it would read, “three percent (3%) of construction costs of...”

Vice President Moore made a motion to adopt Resolution No. 2017-01 to approve a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Monterey Bay Charter School for the Monterey Bay Charter School – New School at CSUMB Development Project as amended. Director Shriner seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2017-02 to Set a Public Hearing on Whether to Form One or More Groundwater Sustainability Agencies for the 180/400 Foot Aquifer Subbasin and Authorize the Publication of a Notice of a Public Hearing:

Mr. Michael Wegley, District Engineer, introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2017-02 to set a Public Hearing on whether to form one or more Groundwater Sustainability Agencies for the 180/400 Foot Aquifer Subbasin and authorize the publication of a Notice of a Public Hearing. Director Shriner seconded the motion. The motion was passed.

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

- D. Consider Adoption of Resolution No. 2017-03 to Dedicate a Source of Revenue for Repayment of the Clean Water State Revolving Fund Financial Assistance Agreement to Fund the Regional Urban Water Augmentation Project:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and explained why the State required a dedicated source of revenue for repayment.

Agenda Item 9-D (continued):

Director Shriner made a motion to adopt Resolution No. 2017-03 to dedicate a source of revenue for repayment of the Clean Water State Revolving Fund Financial Assistance Agreement to fund the Regional Urban Water Augmentation Project. Director Cortez seconded the motion. The motion was passed.

Director Shriner	-	Yes	Vice President Moore	-	Yes
Director Lee	-	No	President Gustafson	-	Yes
Director Cortez	-	Yes			

10. Informational Items:

A. General Manager's Report:

Mr. Keith Van Der Maaten, General Manager, informed the Board that he was invited to speak at the Special Districts Association meeting on January 17th, and spoke at the Carmel Valley Association Water Committee on January 4th.

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:

President Gustafson noted the next meeting is in February.

3. Executive Committee:

President Gustafson noted the next meeting is in February.

4. Community Outreach Committee:

President Gustafson noted the next meeting is in February.

5. Budget and Personnel Committee:

President Gustafson noted the next meeting is in February.

6. MRWPCA Board Member:

Vice President Moore noted that there was a Strategic Plan workshop on January 13th and the next Board meeting was scheduled for January 30th.

7. LAFCO Liaison:

President Gustafson stated that there was nothing to report and that in the future Director Cortez would be attending as the new representative for 2017.

8. FORA:

Vice President Moore noted that the next meeting was on January 13th.

9. WWOC:

Mr. Van Der Maaten stated the next meeting is January 18th.

10. JPIA Liaison:

Director Shriner noted there was a Conference in Monterey on May 8th.

11. Special Districts Association Liaison:

Vice President Moore noted the next meeting is January 17th.

11. Board Member Requests for Future Agenda Items:

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

12. Director's Comments:

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

13. Adjournment:

The meeting was adjourned at 7:53 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary