



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
April 16, 2018

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:31 p.m. on April 16, 2018 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiante, Director of Administrative Services
Mike Wegley, District Engineer
Jean Premutati, Human Resources/Customer Relations Manager
Derek Cray, Operations and Maintenance Superintendent
Patrick Breen, Water Resources Manager
Thomas Barkhurst, Laboratory Supervisor
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Ian Gottschalk, Stanford Research
Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident
Margaret-Anne Coppernoll, Marina Resident

Catherine Stedman, Cal Am Water
Kathy Biala, Citizens for Just Water
David Hodgens, ACWA
Vera Nelson, EKI Environment and Water

3. Public Comment on Closed Session Items:

Ms. Margaret-Anne Coppernoll, Marina resident, stated that she had comments on the Monterey Peninsula Water Supply Project Final Environmental Impact Report and handed a copy of her comments to Ms. Riso for distribution to the Board members.

The Board entered into closed session at 6:33 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); First Appellate District Court of Appeals Case No. A145604, A146166, A146405
- 5) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (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. 15CV00267
- 7) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)

- 8) LandWatch Monterey County v Marina Coast Water District and Does 1 through 25, inclusive, Monterey County Superior Court Case No. 18CV000877 (Petition for Writ of Mandate)
- 9) Keep Fort Ord Wild v Marina Coast Water District, Marina Coast Water District Board of Directors, and Does 1 through 25, Monterey County Superior Court Case No. 18CV000883 (Petition for Writ of Mandate)
- 10) Marina Coast Water District, and Does 1-100 v, County of Monterey, County of Monterey Health Department Environmental Health Bureau, and Does 101-110, Monterey County Superior Court Case No. 18CV000816 (Petition for Writ of Mandate and Complaint for Injunctive Relief)

B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Thomas Moore and Jan Shriner
Under Negotiation: Price and Terms

C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Water Supply
Negotiating parties: to be determined
Under Negotiation: Price and Terms

D. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:02 p.m.

President Moore reconvened the meeting to open session at 7:03 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that the Board voted unanimously to nominate the President and Vice President as the negotiating team for the General Manager's contract negotiations.

6. Pledge of Allegiance:

Mr. Keith Van Der Maaten, General Manager, led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Presentation of a Refund Check from ACWA/JPIA from the Rate Stabilization Fund:

Ms. Jean Premutati, Human Resources/Customer Relations Manager, introduced Mr. David Hodgins, ACWA/JPIA, who presented the Board with a refund check \$41,627. He said these funds are from the Rate Stabilization Fund and are returned to members when they exceed -50% of the current year's Liability Basic Premium.

9. Marina Coast Water District Groundwater Sustainability Agency Matters

A. Presentations:

1. Receive a Presentation from Stanford University on the Final Results of the Airborne Electromagnetic Survey of the Salinas Valley:

Mr. Van Der Maaten introduced Mr. Ian Gottschalk, Stanford University, and reminded the Board that Mr. Gottschalk gave a preliminary report on the Airborne Electromagnetic Survey (AEM) in August 2017. He stated that Mr. Gottschalk was back to present the final results of the AEM report.

Mr. Gottschalk explained that the survey focused on the hydrostratigraphy and water quality in the Northern Salinas Valley. He said that hydrostratigraphy is a word to describe the layering of the aquifers and aquitards in a region, and water quality focused on total dissolved solids (TDS) as a measure of drinking quality of water. Mr. Gottschalk said the TDS is closely related to electrical resistivity that is measured in the electromagnetic surveys. Mr. Gottschalk reviewed the areas where salt water had intruded into the aquifer, and noted that there were far more areas with fresher water than originally understood from the monitoring well data received from the County. The Board asked clarifying questions.

2. Receive an Update from EKI on the Groundwater Sustainability Agency Progress:

Mr. Van Der Maaten introduced Ms. Vera Nelson, EKI Environment and Water, and noted that many of the efforts of the AEM survey will support the Groundwater Sustainability Plan (GSP). Ms. Nelson reviewed the Sustainable Groundwater Management Act (SGMA) compliance efforts that EKI has assisted the District with. Those efforts include stakeholder engagement; peer information review of basin setting elements for the GSP; Groundwater Sustainability Planning Study Report; the Prop 1 Grant; and, GSP initial notification. Ms. Nelson then reviewed the preliminary data collected and noted recommendations that would be helpful for the GSP.

B. Action Item:

1. Consider Adoption of Resolution No. 2018-GSA01 to Approve Amendment 1 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning:

Mr. Michael Wegley, District Engineer, introduced this item. He stated that the District was notified on April 4, 2018 that the Prop 1 Grant submitted for the GSP development, was fully funded. Mr. Wegley discussed the four phases of the GSP development schedule and EKI's scope of work to complete the first two phases. The Board asked clarifying questions.

Director Gustafson made a motion to adopt Resolution No. 2018-GSA01 to approve Amendment 1 to the Professional Services Agreement with EKI Environment & Water, Inc. for Groundwater Sustainability Planning. Director Lee seconded the motion. The motion was passed.

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

C. Staff Report:

1. Receive Update on the Notice of Intent to Prepare a Groundwater Sustainability Plan to the California Department of Water Resources and Other Interested Parties:

Mr. Wegley introduced this item explaining where the District was in regards to the GSP. He noted that the GSP initial notification was sent to the Department of Water Resources on March 29, 2018; the GSP covers the Marina and Ord subareas of the Monterey Subbasin; it is a prerequisite for signing the Prop 1 Grant Agreement; it updates the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) initial notification for Monterey Subbasin; and, that copies have been sent to the Cities of Marina and Seaside, Fort Ord, Monterey County, Monterey County Water Resources Agency, and the SVBGSA. The Board asked clarifying questions.

10. Return to Marina Coast Water District Matters

11. Consent Calendar:

Director Gustafson made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of March 2018; B) Approve the Draft Minutes of the Joint Board/GSA Meeting of March 12, 2018; C) Approve the Draft Minutes of the Joint Board/GSA Meeting of March 19, 2018; D) Approve the 2017 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community; E) Adopt Resolution No. 2018-20 to Approve the Updated District Expense Reimbursement and Travel Policy; and, F) Adopt Resolution No. 2018-21 to Update the District Procurement Policy. Director Lee seconded the motion.

Agenda Item 11 (continued):

The motion to approve the Consent Calendar was passed.

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

12. Action Items:

- A. Consider Adoption of Resolution No. 2018-22 to Approve a New Classification and Salary Range for a Human Resource/Risk Administrator:

Ms. Premutati introduced this item. She explained that the new job description was more in line with other human resource positions in the industry. Ms. Premutati added that this new position classification was coming to the Board before the others because her retirement is only several months away and they wanted to get started with the recruitment process as soon as possible. Vice President Shriner commented that Ms. Premutati has done a fantastic job since she came to the District.

Director Gustafson made a motion to adopt Resolution No. 2018-22 to approve a new classification and salary range for a Human Resource/Risk Administrator. Director Lee seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2018-23 to Approve Amendment No. 4 to the Professional Services Agreement with Carollo Engineers for Design of the Regional Urban Water Augmentation Project Distribution Mains:

Mr. Wegley introduced this item and updated the Board on the Regional Urban Water Augmentation Project (RUWAP). He explained that this agreement was for design of the distribution mains for the RUWAP.

Director Gustafson made a motion to adopt Resolution No. 2018-23 to Approve Amendment No. 4 to the Professional Services Agreement with Carollo Engineers for Design of the Regional Urban Water Augmentation Project Distribution Mains. Vice President Shriner seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2018-24 Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 6, 2018:

Mr. Van Der Maaten introduced this item. Director Lee asked if the incumbents run unopposed, does the District still have to pay for the election. President Moore stated that if there are three seats and three candidates they are deemed elected and the District does not need to hold an election.

Director Gustafson made a motion to adopt Resolution No. 2018-24 ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election set for November 6, 2018. Vice President Shriner seconded the motion. The motion was passed.

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

- D. Consider Providing Direction to the Board President Regarding Voting for Election of One Special District Alternate Representative to LAFCO:

Mr. Van Der Maaten introduced this item.

Director Gustafson made a motion to direct the Board President to vote for Herbert Cortez as the Special District Alternate Representative to LAFCO. Director Lee seconded the motion. The motion was passed.

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

13. Staff Report:

- A. Receive the 1st Quarter 2018 MCWD Water Consumption and Sewer Flow Report:

Ms. Kelly Cadiente, Director of Administrative Services, gave a brief review of the 1st quarter report. She noted that she had not yet received the sewer flow report from Monterey One Water, so that information was not included in the report. President Moore asked staff to bring an update to the Board when the sewer information was received. He also suggested using a twelve month period of time for the water allocation usage percentage. President Moore suggested a couple of formatting changes for the variance report.

- B. Receive Status Report on FY 2018-2019 Budget Process:

Ms. Cadiente gave an update on the budget and provided a revised budget calendar.

14. 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:

Vice President Shriner gave a brief update.

2. Joint City District Committee:

President Moore stated the next meeting was scheduled for Wednesday, May 2nd.

3. Executive Committee:

President Moore stated that the met on April 10th.

4. Community Outreach Committee:

Director Gustafson said the meeting was boiler-plate.

5. Budget and Personnel Committee:

Director Cortez gave a brief update.

6. M1W Board Member:

President Moore gave a brief update.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten said the next meeting is scheduled for April 25th.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

President Moore gave a brief report.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief report.

15. Correspondence:

16. Board Member Requests for Future Agenda Items:

President Moore noted that any requests could be emailed to staff and suggested bringing the Travel Policy back for one additional change.

17. Director's Comments:

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

18. Adjournment:

The meeting was adjourned at 9:14 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Paula Riso, Deputy Secretary