



**Marina Coast Water District**  
Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
May 20, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on May 20, 2019 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Roll Call:

Board Members Present:

Thomas P. Moore – President  
Jan Shriner – Vice President  
Herbert Cortez  
Matt Zefferman

Board Members Absent:

Peter Le

Staff Members Present:

Keith Van Der Maaten, General Manager  
David Hobbs, District Counsel  
Kelly Cadiente, Director of Administrative Services  
Derek Cray, Operations and Maintenance Manager  
Michael Wegley, District Engineer  
Rose Gill, HR/Risk Administrator  
Patrick Breen, Water Resources Manager  
Brian True, Senior Engineer  
Andrew Racz, Associate Engineer  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Philip Clark, Seaside Resident, WCC Member  
Brian McMinn, American Public Works Assoc.  
Vera Nelson, EKI Environment and Water  
Ken Nishi, Marina Resident  
Tony Kelsey, MCWD Employee

Kurt Gonzalez, MCWD Employee  
Jose Rodriguez, MCWD Employee  
Candace Cuisinier, MCWD Employee  
Barbara Montante, MCWD Employee  
Thomas Barkhurst, MCWD Employee  
Susan Kiefert, MCWD Employee

3. Public Comment on Closed Session Items:

There were no public comments.

The Board entered into closed session at 6:31 p.m. to discuss the following items:

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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 Application (“A.”) 12-04-019
- 2) In the Matter of the Application of California-American Water Company (U 210 W) for an Order (1) Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency to Settle and Resolve Claims and Issues Between the Parties and to Promote the Development, Construction and Operation of a Water Supply Project for Monterey County on an Expedited Basis, and (2) Authorizing the Transfer of Authorized Costs Related to the Settlement Agreement to Its Special Request 1 Surcharge Balancing Account, California Public Utilities Commission Application (“A.”) 13-05-017, and related California Supreme Court petition for writ of review.
- 3) City of Marina and Marina Coast Water District, Petitioners v. Public Utilities Commission of the State of California, Respondent (California-American Water Company, et al., Real Parties in Interest), Petitions for Writ of Review, California Supreme Court Case No. S253585
- 4) 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 Damages, Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. 15CV00267, Sixth Appellate District Court of Appeals Case No. H045468

Agenda Item 4-A (continued):

- 6) 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)
  - 7) 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 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Keith Van Der Maaten, Jan Shriner)  
Employee Organization: Marina Coast Water District Employees Association
- C. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Keith Van Der Maaten, Jan Shriner)  
Employee Organization: Teamsters Local 890

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. David Hobbs, District Counsel, stated that there were no reportable actions taken during Closed Session and direction was given.

6. Pledge of Allegiance:

Director Zefferman led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no public comments.

8. Presentations:

- A. Consider Adoption of Resolution No. 2019-27 in Recognition of Thomas Barkhurst, Laboratory Supervisor, for 20 Years of Service to the Marina Coast Water District:

Director Cortez made a motion to adopt Resolution No. 2019-27 recognizing Thomas Barkhurst for 20 years of services to the Marina Coast Water District and presenting him with a gift certificate. Vice President Shriner seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

President Moore read the narration and presented Mr. Barkhurst with a gift certificate.

- B. Consider Adoption of Resolution No. 2019-28 in Recognition of Susan Kiefert, Customer Service/Billing Representative II, for 35 Years of Service to the Marina Coast Water District:

President Moore made a motion to adopt Resolution No. 2019-28 recognizing Susan Kiefert for 35 years of services to the Marina Coast Water District and presenting her with a gift certificate. Director Zefferman seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

President Moore read the narration and presented Ms. Kiefert with a gift certificate.

- C. Consider Adoption of Resolution No. 2019-29 Proclaiming the Week of May 19-25, 2019 2019 National Public Works Week:

Mr. Michael Wegley, District Engineer, introduced this item and Mr. Brian McMinn who was there as Vice President of the Monterey Bay Chapter of the American Public Works Association. Mr. McMinn thanked the Board for recognizing District employees and Public Works Week.

Vice President Shriner made a motion to adopt Resolution No. 2019-29 proclaiming May 19-25, 2019 National Public Works Week. Director Zefferman seconded the motion. The motion was passed.

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

9. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Staff Report:

1. Receive an Update on the 180/400 Foot Aquifer Groundwater Sustainability Planning Process:

Mr. Patrick Breen, Water Resources Manager, introduced this item and Ms. Vera Nelson, EKI Environmental and Water. Ms. Nelson gave a brief presentation on the progress of the Groundwater Sustainability Plan. The Board asked clarifying questions. Director Cortez questions who authors the chapters in the Plan. Ms. Nelson clarified that the Salinas Valley Basin Groundwater Sustainability Agency is the author of the 180/400 Foot Aquifer chapter, the Marina Coast Water District Groundwater Sustainability Agency is the author of the Monterey Subbasin chapter.

10. Return to Marina Coast Water District Matters:

11. Consent Calendar:

Director Zefferman asked to pull item E, and Director Cortez asked to pull item G from the Consent Calendar.

Vice President Shriner made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of April 2019; B) Receive the Quarterly Financial Statements for January 1, 2019 to March 31, 2019; C) Approve the Draft Minutes of the Joint Board/GSA Meeting of April 15, 2019; D) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of May 1, 2019; F) Consider Adoption of Resolution No. 2019-31 to Amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services; H) Consider Adoption of Resolution No. 2019-33 to Approve Amendment No. 1 to the Professional Services Agreement with GHD, INC. for Design and Construction Support Services for the Imjin Lift Station Improvement Project; and I) Consider Adoption of Resolution No. 2019-34 to Approve Task Order 10 for Inspection and Construction Support Services for the Sea Haven Development Phase 5A as Part of the On-Call Professional Services Agreement with Harris & Associates. Director Cortez seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

- E. Consider Adoption of Resolution No. 2019-30 to Award a Contract to Don Chapin Company, Inc. for Construction On-Call Services:

Director Zefferman noted that there was only one submittal and asked if there were any others the District could ask. Mr. Derek Cray, Operations and Maintenance Manager, said that he sent the request to five companies qualified for this work, but only one responded.

Agenda Item 11- E (continued):

Director Cortez made a motion to adopt Resolution No. 2019-30 to award a contract to Don Chapin Company, Inc. for construction on-call services. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

G. Consider Adoption of Resolution No. 2019-32 to Approve a Tree Replacement Funding Agreement between Marina Coast Water District and California State University at Monterey Bay:

Director Cortez voiced his exasperation that CSUMB, following difficult negotiations, is reserving the right to plant the trees wherever they see fit and asked if that was a stipulation that was added at the last minute. Mr. Wegley answered that the agreement didn't specify where the trees were going to be planted but they did provide a plot map showing where they were planning on planting them. He said the map was difficult to read so it wasn't included in the packet. Mr. Wegley added that it didn't really matter where they were planted as long as they weren't planted within the District's easement.

Vice President Shriner made a motion to adopt Resolution No. 2019-32 to approve a Tree Replacement Funding Agreement between Marina Coast Water District and California State University at Monterey Bay. President Moore seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	No			

12. Action Items:

A. Consider Adoption of Resolution No. 2019-35 to Approve Amendment 1 with Monterey One Water for NPDES Permitting Work on the Pure Water Advanced Water Treatment and Outfall Wastewater Disposal for the Regional Urban Water Augmentation Project:

Mr. Wegley introduced this item.

Vice President Shriner made a motion to adopt Resolution No. 2019-35 to approve Amendment 1 with Monterey One Water for NPDES Permitting Work on the Pure Water Advanced Water Treatment and Outfall Wastewater Disposal for the Regional Urban Water Augmentation Project. Director Zefferman seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

- B. Consider Adoption of Resolution No. 2019-36 to Authorize the General Manager to Submit an Application and Execute a Grant Agreement with the United States Bureau of Reclamation for a WaterSMART: Title XVI Water Reclamation and Reuse Program Grant for the Regional Urban Water Augmentation Project:

Mr. Wegley introduced this item. Vice President Shriner asked if the grant would be approximately \$3 million. Mr. Wegley answered that it looks like the District would be eligible for somewhere between \$3 million to \$3.5 million.

Director Zefferman made a motion to adopt Resolution No. 2019-36 to authorize the General Manager to submit an application and execute a Grant Agreement with the United States Bureau of Reclamation for a WaterSMART: Title XVI Water Reclamation and Reuse Program Grant for the Regional Urban Water Augmentation Project. Vice President Shriner seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

- C. Consider Adoption of Resolution No. 2019-37 to Approve the 2018 Memorandum of Understanding Update with the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Group and Approve a Reimbursement to the Monterey Peninsula Water Management District for Prop 1 Funding Grant Preparation Costs:

Mr. Andrew Racz, Associate Engineer, introduced this item. The Board asked clarifying questions.

Vice President Shriner made a motion to adopt Resolution No. 2019-37 to approve the 2018 Memorandum of Understanding update with the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Group and approve a reimbursement to the Monterey Peninsula Water Management District for Prop 1 Funding Grant Preparation Costs. President Moore seconded the motion. The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

- D. Discuss, Consider, and Determine Action on Vice President Jan Shriner's Request for Censure as to Director Peter Le:

Mr. David Hobbs, District Counsel, introduced this item. Director Cortez questioned what "censure" meant and if it pertained to what was described on Page 199 of the Board packet. Mr. Hobbs answered that there were two requests of the Board: 1) does what was presented warrant moving forward with a formal investigation; and, 2) if so, what manner of investigation would the Board want to take.

Agenda Item 12- D (continued):

Director Zefferman stated that he appreciates the effort Vice President Shriner put into this request and can see some of the issues that were raised, but he was not sure about the exhibits from 2014 which showed that the Board already took action. As to the Social Media items Director Le posted, Director Zefferman said he was not comfortable moving forward on those items because Director Le hadn't been elected to the Board when those were made. He added that although he felt the tone of Director Le's comments were negative towards the District, he didn't read them as being personal attacks on staff. Director Zefferman commented that he wasn't comfortable moving forward with an investigation on Director Le's conduct with Director Le being absent and not able to speak to these measures.

Director Cortez made a motion table this item until the June meeting. Director Zefferman seconded the motion.

Mr. Ken Nishi, Marina Resident, commented that he was impressed with the two new Board members as it shows they care. He said he was glad to see they weren't getting buffaloed. Mr. Nishi suggested that an unbiased approach was to take the redacted information to a class at CSUMB and let them investigate and see what they come up with. He commented that everyone needed to be treated fairly.

Vice President Shriner commented that her biggest concern was returning to the challenges that the Board experienced in the previous years when Director Le was on the Board and the negative impacts in the morale of the staff and the increasing absenteeism on the Board. She agreed that Social Media was not the best place to collect evidence, and he was not on the Board at the time, but she said she wanted to learn from the past and avoid repeating the pattern.

The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

E. Discuss, Consider, and Determine Action on Director Peter Le's Harassment Complaint against Vice President Jan Shriner:

Mr. Hobbs introduced this item.

Director Zefferman suggested that they consider tabling this item until Director Le is back before considering any kind of an investigation.

Vice President Shriner commented that there was an allegation of claims in 1995 but no record or evidence was provided.



Agenda Item 12- E (continued):

Director Cortez commented that the Board just went through harassment training in which there was a specific definition of harassment and when he reads Vice President Shriner's emails, he fails to see what is defined as harassment. He stated that he wasn't sure what the role of the Vice President was, but he didn't see the emails as harassing.

Director Cortez made a motion to dismiss this claim of harassment and to hold additional training for workplace harassment. Director Zefferman seconded the motion.

Mr. Nishi commented that he was impressed with the new Board members and the leadership and character they were showing.

President Moore commented that there were ways to block unwanted emails and suggested that Director Le can block any sender whose emails he doesn't want to receive. He added that he supports the additional harassment training.

The motion was passed by the following vote:

Director Zefferman	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Cortez	-	Yes			

13. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten stated that the AEM 2.0 was recently completed and he has received the initial report showing that they were able to gather all the data they were hoping to get. He said that now the interpretation of the data was underway and would take several months.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner gave a brief update and noted the next meeting is June 6th.

2. Joint City District Committee:

President Moore said they would be meeting on June 26th.

3. Executive Committee:

President Moore noted that no meeting would be held in June.

4. Community Outreach Committee:

Director Zefferman gave a brief update.

5. Budget and Personnel Committee:

Director Cortez gave a brief update.

6. MIW Board Member:

President Moore gave a brief update and noted the next meeting is on May 23rd.

7. LAFCO Liaison:

Director Cortez gave a brief update.

8. FORA:

Director Zefferman gave a brief update.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

No update was given.

11. Special Districts Association Liaison:

President Moore stated the next meeting is scheduled for July 16th.

12. SVGSA Liaison:

Mr. Van Der Maaten gave a brief update and noted they would be meeting again on May 21st.

14. Board Member Requests for Future Agenda Items:

President Moore noted that the tabled item would be brought back as well as harassment training. He said they can also email in their requests.

15. Director's Comments:

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

President Moore recessed the meeting from 8:35 to 8:40 p.m.

4. Closed Session:

The Board reentered into closed session at 8:40 p.m. to discuss the following items:

B. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Keith Van Der Maaten, Jan Shriner)  
Employee Organization: Marina Coast Water District Employees Association

C. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Keith Van Der Maaten, Jan Shriner)  
Employee Organization: Teamsters Local 890

The Board ended closed session at 9:46 p.m.

President Moore reconvened the meeting to open session at 9:46 p.m.

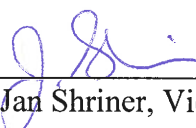
5. Reportable Actions Taken during Closed Session:

Mr. Hobbs stated that there were no reportable actions taken during Closed Session and direction was given.


16. Adjournment:

The meeting was adjourned at 9:47 p.m.

APPROVED:

  
\_\_\_\_\_  
Jan Shriner, Vice President

ATTEST:

  
\_\_\_\_\_  
Paula Riso, Deputy Secretary