



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
December 14, 2020

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:32 p.m. on December 14, 2020 via Zoom teleconference in Marina, California.

2. Administer Oath of Office:

Mr. Keith Van Der Maaten, General Manager, administered the Oath of Office to Thomas P. Moore and Herbert Cortez.

3. Roll Call:

Board Members Present:

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

Board Members Absent:

None

Staff Members Present:

Keith Van Der Maaten, General Manager
Roger Masuda, District Counsel
Kelly Cadiente, Director of Administrative Services
Michael Wegley, District Engineer
Derek Cray, Operations and Maintenance Manager
Patrick Breen, Water Resources Manager
Rose Gill, Human Resources/Risk Administrator
Andrew Racz, Associate Engineer
Paul Lord, Water Conservation Specialist
Teo Espero, IT Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Ken Pun, The Pun Group
Therese Kollerer

Shawn Storm
Mike McCullough

4. Election of Board President and Vice President for 2021:

Director Moore nominated Director Shriner for President. Director Zefferman seconded the nomination. Ms. Therese Kollerer voiced her support of Director Shriner for President. The nomination was passed by the following vote:

Director Cortez	-	Yes	Director Shriner	-	Yes
Director Le	-	No	Director Moore	-	Yes
Director Zefferman	-	Yes			

Director Moore nominated Director Zefferman for Vice President. Director Zefferman declined the nomination.

Director Zefferman nominated Director Moore for Vice President. Director Cortez seconded the nomination. The nomination was passed by the following vote:

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

5. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:42 p.m. to discuss the following items:

6. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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)
- 2) Marina Coast Water District, and Does 1-100 v. County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Property in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 3) Appeal No. A-3-MRA-19-0034 by California-American Water Company to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project

Agenda Item 6 (continued):

- 4) City of Marina vs. RMC Lonestar [CEMEX], California-America Water Company, et al., Defendants, Marina Coast WD, et al., Real Parties in Interest, Monterey County Superior Court Case No. 20CV001387 (Complaint for Breach of Contract, Declaratory Relief under the Agency Act, and Tortious Interference with Existing Contract)
 - 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 Damages, Breach of Warranties, etc.)
- B. Pursuant to Government Code Section 54956.9 and paragraph (4) of Subdivision (d) of Government Code Section 54956.9- one case
Conference with Legal Counsel – Existing Litigation and Anticipated Litigation
Name of case: California-American Water Company v. All Persons Interested..., Complaint for Reverse Validation, Monterey County Superior Court Case No. 20CV002436, and Marina Coast Water District’s consideration of joining that case
- C. Pursuant to Government Code 54957
Public Appointment
Title: Legal Counsel

The Board ended closed session at 7:06 p.m. President Shriner reconvened the meeting to open session at 7:07 p.m.

7. Reportable Actions Taken During Closed Session:

Mr. Roger Masuda, District Counsel, stated that there were no reportable actions taken during Closed Session.

8. Pledge of Allegiance:

Director Zefferman led everyone present in the pledge of allegiance.

9. Oral Communications:

There were no comments made.

10. Presentation:

- A. Consider Adoption of Resolution No. 2020-67 in Recognition and Appreciation of Keith Van Der Maaten for Dedicated and Outstanding Service as General Manager to Marina Coast Water District from August 2015 to December 2020:

Agenda Item 10 (continued):

Vice President Moore made a motion to adopt Resolution No. 2020-67 in recognition and appreciation of Keith Van Der Maaten for dedicated and outstanding service as General Manager to Marina Coast Water District from August 2015 to December 2020. Director Zefferman seconded the motion.

Ms. Kollerer stated that it has been an honor to have Keith Van Der Maaten be the General Manager for Marina Coast Water District the last five-plus years. She stated that from her perspective as a volunteer at many public forums and meetings, witnessing Keith in action was always reassuring and inspiring. She was also impressed that he was able to finalize the annexation of the Ord Community after many years of others trying to get it done. Ms. Kollerer thanked Keith for all of his many contributions and noted that he will be missed. She wished him success in all his future endeavors.

Ms. Paula Riso, Executive Assistant, commented that she would miss working with Mr. Van Der Maaten and appreciated the trustworthy, honest, sincere person he proved to be. She stated that the past five-plus years was a pleasure with a lot of special memories, and although she was extremely sad he was leaving, she wished Keith and his family the best in their future.

Mr. Derek Cray, Operations and Maintenance Manager, thanked Mr. Van Der Maaten for all he has done for the District including his leadership and mentorship. He stated it has been a privilege and honor to work with Keith and was very sad to see him go. Mr. Cray wished him the best in his new job at Laguna Beach County Water District.

Mr. Riso stated that Assemblymember Mark Stone's office sent a Certificate of Recognition to Mr. Van Der Maaten recognizing him for over five years of exemplary service as General Manager to the Marina Coast Water District, and his accessible responsive leadership and tireless advocacy for the wellbeing of ratepayers.

Vice President Moore commented that has been a joy working with Mr. Van Der Maaten and he has been an incredibly effective General Manager for the District. He said that the Board was able to rely on Mr. Van Der Maaten to take care of everything, including the extremely difficult strategic issues that had to be dealt with. Vice President Moore added that he has done a masterful job in encouraging the public, the Board, and employees to figure out a way to take on a huge national corporation. He stated he really appreciated all Keith has done for the District and wished him the best of luck and safe travels.

Director Zefferman commented that although he has only known Mr. Van Der Maaten a few years, he really appreciated Keith's help walking him through all the complicated issues the District is involved in. He stated that one thing he noticed over the last couple of years, is that no matter who Keith is interacting with, he comes from a place of honesty and integrity and a willingness to hear people and push things forward and get things done. Director Zefferman added one thing that Cal Am and others don't have – was someone who was the face of the District, presenting with integrity and honesty and straight shooting as opposed to lies and deception. He added that when the Board is looking for the next General Manager, he hopes they can find someone with as much integrity as Keith.

Agenda Item 10 (continued):

Mr. Van Der Maaten commented that the District has been through so much over the last five years and it wasn't just him, it was a team, and a community. He said the community itself has gone from virtual non-interest in water to one that is so strong, and he feels the integrity and honesty is what the community has. Mr. Van Der Maaten stated he is proud of where he works and who he works with, including the community. He said he will miss the Chili Cook-Off's and the pancake breakfasts and the many things he will look back on with fondness. He thanked the Board for giving him the opportunity to be the General Manager for the District.

President Shriner stated that if Mr. Van Der Maaten decided he just needed a sabbatical and wanted to come back, he was more than welcome. She added that it had been a pleasure to work with Mr. Van Der Maaten. President Shriner commented that the first time she went into Mr. Van Der Maaten's office after he was hired as the General Manager, she noticed the stacks of papers on his desk and the whiteboard behind him that had an amazing design with MCWD in the middle and a whole bunch of things around it. She said that was the first time she noticed that someone had looked at the big picture and realized how pivotal this water district was, as well as the regional challenges. President Shriner commented that Mr. Van Der Maaten was an amazing General Manager for the District.

The motion was passed by the following vote:

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

11. Consent Calendar:

Director Zefferman requested to pull Item E from the Consent Calendar. President Shriner requested to pull Item C from the 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 November 2020; B) Receive the Quarterly Financial Statements for April 1, 2020 to June 30, 2020; D) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of December 7, 2020; F) Consider Renumbering Resolution No. 2020-62, Proclaiming the Marina Coast Water District's 60th Anniversary, to Resolution No. 2020-68; G) Consider Approving the Proposed Regular Board/GSA Meeting and Workshop Meeting Schedule for 2021; H) Consider Adoption of Resolution No. 2020-69 to Approve New Fees and Charges for Griffith, Masuda & Hobbs Legal Services for 2021; and, I) Consider Adoption of Resolution No. 2020-70 to Approve a Professional Services Agreement with Boutin Jones to Provide Special Legal Counsel in Labor and Employment Law Services to the District. Director Cortez seconded the motion. The motion was passed by the following vote:

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

C. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of November 16, 2020:

President Shriner questioned the written comments in the minutes that were provided by Director Le who wasn't at the November 16th meeting. Discussion followed.

President Shriner questioned Mr. Masuda's comment on Item 14, Page 7 of the minutes. Mr. Masuda stated he should have said it goes to the Executive Committee for consideration.

Vice President Moore made a motion to approve the draft minutes of the regular Joint Board/GSA meeting of November 16, 2020 with the correction of removing Director Le's email from the Director Comments portion of the minutes and placing them as correspondence in the Board Packet file on the website. Director Zefferman asked Vice President Moore to include the clarification of Mr. Masuda's statement. Vice President Moore amended his motion to include clarification of Mr. Masuda's statement. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

E. Receive the Validated 2019 Water Loss Audit Report and Level 1 Validation Document:

Director Zefferman asked for clarification of what the data validity score represented. Mr. Paul Lord, Water Conservation Specialist, answered that the score is a measure of the accuracy of the District's data collection. Vice President Moore asked if staff could provide a graph of the validity scores. Mr. Lord commented that there is a chart of the scores on page 52 of the packet.

Vice President Moore made a motion to accept the Validated 2019 Water Loss Audit Report and Level 1 Validation Document. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

12. Action Items:

A. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2020:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Mr. Ken Pun, Pun Group.

Mr. Pun gave a presentation of the Independent Auditor's Report. Director Le asked clarifying questions.

Agenda Item 12-A (continued):

Director Zefferman made a motion to accept the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2020. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

Director Le left the meeting at 8:21 p.m.

- B. Consider Adoption of Resolution No. 2020-71 to Authorize an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for the 2020 MCWD Urban Water Management Plan:

Mr. Patrick Breen, Water Resources Manager, introduced this item, and Mr. Andy Sterbenz, Schaaf & Wheeler. Vice President Moore asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2020-71 authorizing an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for the 2020 MCWD Urban Water Management Plan. Director Cortez seconded the motion. The motion was passed by the following vote:

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

- C. Consider Adoption of Resolution No. 2020-72 to Authorize a Construction Contract between Marina Developers, Inc. and Monterey Peninsula Engineering for Reconstruction of the Booker Lift Station; and, Amend the FY 2020-2021 Capital Improvement Budget:

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

Vice President Moore made a motion to adopt Resolution No. 2020-72 authorizing a Construction Contract between Marina Developers, Inc. and Monterey Peninsula Engineering for Reconstruction of the Booker Lift Station; and, Amend the FY 2020-2021 Capital Improvement Budget. Director Cortez seconded the motion. Director Cortez thanked Mr. Racz for his clear and precise answers to their questions. The motion was passed by the following vote:

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

D. Consider Adoption of Resolution No. 2020-73 to Approve the Reorganization of the Operations and Maintenance Department:

Mr. Cray introduced this item and explained the proposed changes.

Vice President Moore made a motion to adopt Resolution No. 2020-73 approving the reorganization of the Operations and Maintenance Department. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

E. Receive the 2020 Year in Review Report and Provide Comments:

Ms. Rose Gill, Human Resources/Risk Administrator, introduced this item. Director Zefferman asked if it was allowable to have the Board member names on this report. Mr. Masuda answered that as long as it is not printed and sent in a mass mailing, it was allowable. The Board suggested adding hyperlinks to projects in the report and clarification that only Phase 1 of the Dunes Development is built-out. Mr. Van Der Maaten noted that a final report will be brought back in January for approval.

Vice President Moore made a motion to receive the 2020 Year in Review. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

F. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2021, and as Negotiators to any Ad Hoc Committees of the Board:

Ms. Riso introduced this item. Director Zefferman commented that he would like to be on the Joint/City District Committee. Director Cortez stated he would like to be on the Budget and Personnel and Community Outreach Committees.

Following discussion, President Shriner suggested the following appointments for 2021:

1.	Water Conservation Commission	Zefferman - Shriner as Alternate
2.	Joint City/District Committee	Shriner, Zefferman – Moore as Alternate
3.	Executive Committee	Shriner, Moore
4.	Budget and Personnel	Cortez, Shriner
5.	Community Outreach	Cortez, Zefferman – Shriner as Alternate

Agenda Item 12-A (continued):

Current appointments to outside agencies:

- | | | |
|----|--------------------------------|---|
| 1. | MIW | Moore – Zefferman as Alternate |
| 2. | LAFCO | Cortez – Zefferman as Alternate |
| 3. | JPIA | Le – Cortez as Alternate |
| 4. | SDA | Le – Shriner, Moore, Zefferman and Cortez as Alternates |
| 5. | MCWD/SVBGSA Steering Committee | Zefferman – Cortez as Alternate |

Vice President Moore made a motion to approve the Director appointments to Standing Committees of the Board and to Outside Agencies for 2021. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

G. Review the Revisions to the Board Procedures Manual:

Mr. Van Der Maaten introduced this item and explained some of the changes to the document. He noted that the Board was asked to provide any written comments prior to the January 12th Outreach Committee for discussion at the Committee. The Board asked to have a Word version of the document and a reminder sent to them so they can make their edits before the January 11th deadline.

13. Informational Items:

A. General Manager’s Report:

Mr. Van Der Maaten wished the District the best and that he would miss everyone immensely when he is gone.

B. Counsel’s Report:

Mr. Masuda thanked the Board for approval of the rate increase.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No meeting was held.

2. Joint City District Committee:

Vice President Moore stated that they met on November 18th.

3. Executive Committee:

Vice President Moore stated that the next meeting is scheduled for January 12th. President Shriner gave a brief update.

4. Community Outreach Committee:

Director Cortez gave a brief update.

5. Budget and Personnel Committee:

Director Cortez gave a brief update.

6. M1W Board Member:

Vice President Moore gave a brief update and noted the next meeting is January 25th.

7. LAFCO Liaison:

Director Cortez stated there was no report.

8. JPIA Liaison:

No report was given.

9. Special Districts Association Liaison:

Vice President Moore noted the next meeting is scheduled for January 19, 2021 and will be held via Zoom.

10. MCWD/SVBGSA Steering Committee:

Director Zefferman stated there was no meeting.

14. Board member Requests for Future Agenda Items:

President Shriner noted that the Board members can email in their requests.

15. Director's Comments:

Director Cortez made comments.

15. Director's Comments (continued):

Noting it was 10:00 p.m., President Shriner made a motion to continue past 10:00 p.m. until the Director's comments were done. Vice President Moore seconded the motion. The motion was passed by the following vote:

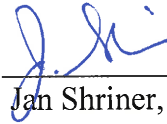
Director Cortez	-	Yes	Vice President Shriner	-	Yes
Director Le	-	Absent	President Moore	-	Yes
Director Zefferman	-	Yes			

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

16. Adjournment:

The meeting was adjourned at 10:12 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary