

Draft Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
October 5, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on October 5, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Peter Le – Vice President  
Tom Moore  
Bill Lee  
Jan Shriner

Board Members Absent:

None.

Staff Members Present:

Keith Van Der Maaten, General Manager  
Roger Masuda, Legal Counsel  
Mike Wegley, District Engineer  
James Derbin, Operations and Maintenance Superintendent  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Jo Ann Cannon, Marina Resident  
Colleen Courtney, CSUMB Student

3. Public Comment on Closed Session Items:

Vice President Le made a motion to add the Recycled Water Pipeline to the Closed Session Agenda. The motion died for lack of a second.

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  
(Subdivision (a) of Section 54956.9)

- 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) 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)
- 4) 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.)
- 5) 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
- 6) 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 54956.9(d)(4)  
Conference with Legal Counsel – Initiation of Litigation  
Two Potential Cases

The Board ended closed session at 7:03 p.m.

President Gustafson reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, stated that the Board unanimously authorized James Markman, Special Legal Counsel, to file an appeal.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

Director Moore pulled item 8-A from the Consent Calendar.

A. Approve the Draft Minutes of the Regular Board Meeting of September 21, 2015:

Director Lee made a motion to approve the draft minutes of the regular Board meeting of September 21, 2015. Director Shriner seconded the motion. The motion was passed.

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

9. Action Item:

A. Discussion and Possible Action to Consider Appointments of Public Members to the Water Conservation Commission:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item.

Ms. Colleen Courtney introduced herself to the Board and explained her interest in joining the Commission.

Ms. Jo Ann Cannon introduced herself to the Board and also shared the reasons why she had served on the Commission and why she was interested in continuing to serve.

Following discussion, Director Moore made a motion to appoint all four applicants to the Water Conservation Commission with a start date of September 3, 2015 for Mr. Felton, Ms. Cannon, and Ms. Silva-Santella, and a start date of October 5, 2015 for Ms. Courtney. Director Shriner seconded the motion. The motion was passed.

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

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-48 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the Dunes on Monterey Bay Development Phase 1B, 1C-1, and 1C-2:

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

Director Moore made a motion to adopt Resolution No. 2015-48 to amend the Professional Services Agreement with Harris & Associates for inspection services for the Dunes on Monterey Bay Development Phase 1B, 1C-1, and 1C-2. Director Shriner seconded the motion.

Vice President Le made a substitute motion to adopt Resolution No. 2015-48 to amend the Professional Services Agreement with Harris & Associates for inspection services for the Dunes on Monterey Bay Development Phase 1B and 1C-1 for \$120,000; and direct staff to issue a Request for Proposals for Phase 1C-2; and direct staff to review a staffing plan to look into temporary or permanent employee for inspection services. President Gustafson seconded the motion. The substitute motion was passed.

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

C. Receive, File, and Ratify the Latest Version of the Board Procedures Manual:

Mr. Keith Van Der Maaten, General Manager, introduced this item.

Director Moore made suggested revisions. Director Shriner made suggested revisions.

Vice President Le made a motion to agendize this item in November so Directors can suggest amendments they would like to see and the General Manager would make a list of the changes for consideration. The motion died for lack of a second.

Director Moore made a motion to ask Directors to provide their changes to the General Manager and the General Manager will bring back a copy of the Board Procedures Manual, with highlights showing the changes as clearly as possible, in November. President Gustafson seconded the motion. The motion was passed.

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

D. Receive an Update on Implementing the Sustainable Groundwater Management Act and the Recently Passed Groundwater Adjudication Legislation and Provide Direction:

Mr. Van Der Maaten introduced this item.

Agenda Item 9-D (continued):

Vice President Le suggested the General Manager set up a meeting between himself, President Gustafson, Gina Bartlett and Bennett Brooks.

10. Correspondence Received by the District, Directors and General Manager:

None.

11. Informational Items:

A. General Manager's Report:

1. Receive a Verbal Update on the Cyber Security Audit RFP Process:

Mr. Van Der Maaten noted that five proposals were received and they will be brought to the next meeting for consideration. He also noted that the Department of Homeland Security may be able to perform a portion of the audit for no cost to the District.

2. Receive a Verbal Update on the In-School Water Conservation Education:

Mr. Van Der Maaten commented that the last Science Teacher had retired and that at this time there is no new teacher in place.

Mr. Van Der Maaten stated that he had received a complaint from Director Le about an employee. Pursuant to the Board Procedures Manual, he reported that the complaint was addressed, thus fulfilling the obligation in the Board Procedures Manual.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

The next meeting is October 8th.

2. Joint City District Committee:

The next meeting is October 28th.

3. Executive Committee:

The next meeting is November 12th.

4. Community Outreach Committee:

The next meeting is November 12th.

5. Budget and Personnel Committee:

The next meeting is November 12th.

6. MRWPCA Board Member:

Vice President Le gave an update.

7. LAFCO Liaison:

No report.

8. FORA:

The next meeting is October 9th.

9. WWOC:

No report.

10. JPIA Liaison:

No report.

11. Special Districts Association Liaison:

The next meeting is scheduled for October 20<sup>th</sup>.

12. Board Member Requests for Future Agenda Items:

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

13. Director's Comments and Reports on Meetings:

No comments.

President Gustafson recessed the meeting from 8:20-8:24 p.m.

The Board returned to closed session at 8:24 p.m.

4. Closed Session:

- B. Pursuant to Government Code 54956.9(d)(4)  
Conference with Legal Counsel – Initiation of Litigation  
Two Potential Cases

President Gustafson reconvened the meeting to open session at 8:40 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken in closed session and direction was given.

14. Adjournment:

The meeting was adjourned at 8:40 p.m.

APPROVED:

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Thomas P. Moore, Director

ATTEST:

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Paula Riso, Deputy Secretary