

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
November 21, 2016
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on November 21, 2016.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

One vacant seat

Staff Members Present:

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

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Ken Pun, The Pun Group, LLP
Tamela Hatfield, MCWD
Tony Akel, Akel Engineering Group

3. Public Comment on Closed Session Items:

None.

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)
- 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)
- 8) In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company, State Water Resources Control Board Cease and Desist Order WR 2009-0060

B. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Howard Gustafson
Under Negotiation: Price and Terms

The Board ended closed session at 6:58 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken during closed session.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Presentations:

A. Consider Adoption of Resolution No. 2016-63 in Recognition of Tamela Hatfield, Accountant II, for 5 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-63 in recognition of Tamela Hatfield, Accountant II, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

President Gustafson read the narration and presented Ms. Hatfield with a plaque and gift certificate.

B. Consider Adoption of Resolution No. 2016-64 in Recognition of JoAnn Cannon, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Vice President Moore made a motion to adopt Resolution No. 2016-64 in recognition of JoAnn Cannon, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. Director Shriner seconded the motion. The motion was passed with one vacant seat.

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

- C. Consider Adoption of Resolution No. 2016-65 in Recognition of the Marina Tree and Garden Club for their Membership's Dedicated Service as Caretakers of the Drought Tolerant Plantings at the Marina Coast Water District Well No. 11:

Vice President Moore made a motion to adopt Resolution No. 2016-65 in recognition of the Marina Tree and Garden Club for their membership's dedicated service as caretakers of the drought tolerant plantings at the Marina Coast Water District Well No. 11. Director Shriner seconded the motion. The motion was passed with one vacant seat.

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

9. Consent Calendar:

Vice President Moore requested to pull Agenda Item 9-B 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 October 2016. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

10. Action Items:

- A. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2016:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Mr. Ken Pun, Pun Group, LLP, the District's independent auditor. Mr. Pun reviewed the Comprehensive Annual Financial Report and answered clarifying questions by the Board.

Director Lee made a motion to accept the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2016. Vice President Moore seconded the motion. The motion was passed with one vacant seat.

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

- B. Consider Adoption of Resolution No. 2016-66 to Authorize a Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water:

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

Agenda Item 10-B (continued):

Vice President Moore made a motion to adopt Resolution No. 2016-66 to authorize a Professional Services Agreement with Akel Engineering Group, Inc. for the Master Plans and Capacity Fees Study for Sewer, Water and Recycled Water. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

C. Consider Adoption of Resolution No. 2016-67 to Approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2016-67 to approve Amendment No. 1 to the Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and Marina Coast Water District. Director Lee seconded the motion. The motion was passed with one vacant seat.

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

11. 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:

Director Shriner noted that the Commission would be having a holiday dinner on December 1st in lieu of a meeting. She also thanked Dr. JoAnn Cannon for all her help on the Commission.

2. Joint City District Committee:

President Gustafson noted the meeting is in January.

3. Executive Committee:

The next meeting is scheduled for December.

4. Community Outreach Committee:

The next meeting is scheduled for December

5. Budget and Personnel Committee:

The next meeting is scheduled for December.

6. MRWPCA Board Member:

Vice President Moore stated the next meeting is November 28th.

7. LAFCO Liaison:

President Gustafson stated the meeting is November 28th.

8. FORA:

No report.

9. WWOC:

Mr. Van Der Maaten gave a brief update.

10. JPIA Liaison:

Director Shriner stated that there is a conference in Monterey in May 2017 and she was interested in attending.

11. Special Districts Association Liaison:

The next meeting is January 17th.

12. Board Member Requests for Future Agenda Items:

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

13. Director's Comments:

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

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14. Adjournment:

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

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary