



**Marina Coast Water District**  
Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
December 17, 2018

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:32 p.m. on December 17, 2018 at the Marina Council Chambers, 211 Hillcrest Avenue, Marina, California.

2. Administer Oath of Office:

Mr. Keith Van Der Maaten, General Manager, administered the Oath of Office to Jan Shriner, Matt Zefferman, and Peter Le.

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, Legal Counsel  
Kelly Cadiente, Director of Administrative Services  
Derek Cray, Operations and Maintenance Manager  
Michael Wegley, District Engineer  
Brian True, Senior Engineer  
Patrick Breen, Water Resources Manager  
Rose Gill, Human Resources/Risk Administrator  
Paul Lord, Water Conservation Specialist  
Paula Riso, Executive Assistant/Clerk to the Board

Agenda Item 3 (continued):

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Philip Clark, Seaside Resident  
Lisa Berkley, Marina Resident  
Audra Walton, Marina Resident  
Bruce Delgado, City of Marina Mayor

Ken Pun, Pun Group  
Paula Pelot, Marina Resident  
Shawn Storm, Marina Resident  
Jose Rodriguez, MCWD Employee  
Sarah Babcock, East Garrison Resident

4. Election of Board President and Vice President:

Director Shriner nominated Director Moore for President. There were no other nominations. The nomination was passed by the following vote:

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

Director Moore nominated Director Shriner for President. There were no other nominations. The nomination was passed by the following vote:

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

5. Public Comment on Closed Session Items:

There were no public comments.

The Board entered into closed session at 6:38 p.m. to discuss the following items:

6. 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

Agenda Item 6 (continued):

- 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) 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)

The Board ended closed session at 7:01 p.m.

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

7. Reportable Actions Taken during Closed Session:

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

8. Pledge of Allegiance:

Vice President Shriner led everyone present in the pledge of allegiance.

9. Oral Communications:

Mr. Bruce Delgado, City of Marina Mayor, commented that this is an important time in the City's history and that the City and District's values are much aligned especially when it comes to protecting groundwater for the future. Mayor Delgado wished the District well in their projects to protect the groundwater and stated that the City was supporting them.

10. Presentations:

- A. Consider Adoption of Resolution No. 2018-66 in Recognition of Jose Rodriguez, System Operator II, for 15 Years of Service to the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2018-66 in recognition of Jose Rodriguez, System Operator II, for 15 years of service to the Marina Coast Water District. Director Cortez seconded the motion. The motion was passed.

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

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

- B. Consider Adoption of Resolution No. 2018-67 to Recognize Howard Gustafson for 14 Years of Outstanding and Dedicated Service as Director to the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2018-67 in recognition of Howard Gustafson for 14 years of outstanding and dedicated service as Director to the Marina Coast Water District. Director Cortez seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2018-68 to Recognize William Y. Lee for 12 Years of Outstanding and Dedicated Service as Director to the Marina Coast Water District

Director Cortez made a motion to adopt Resolution No. 2018-66 in recognition of William Y. Lee for 12 years of outstanding and dedicated service as Director to the Marina Coast Water District. Vice President Shriner seconded the motion. The motion was passed.

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

11. Consent Calendar:

President Moore made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of November 2018; B) Receive the Quarterly Financial Statements for April 1 , 2018 to June 30, 2018; C) Approve the Draft Minutes of the Joint Board/GSA Meeting of November 19, 2018; D) Receive the Validated 2017 Water Loss Audit Report and Level 1 Validation Document; E) Receive Response to Marina Coast Water District Board Request for a Listing of Developer Account Balances Written Off by the District; and F) Approve the Proposed Regular Board/GSA Meeting and Workshop Meeting Schedule for 2019. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

12. Action Items:

A. Consider Appointments of Five Public Members to the Water Conservation Commission:

Mr. Keith Van Der Maaten, General Manager, introduced this item. President Moore asked if applicants that were present would please introduce themselves.

Ms. Audra Walton, Marina resident, introduced herself. She said she is a gamer and enjoys playing simulation games. Ms. Walton said she is a member of Citizens for Just Water and has spoken before the California Public Utilities Commission, the California Coastal Commission, and LAFCO.

Mr. Phil Clark, Seaside resident, introduced himself. He mentioned that he was on the Water Conservation Commission since August 2016 and they had worked on the Ordinance for Code 3.36. Mr. Clark stated that he had attended many outreach events and enjoyed sharing the 5-minute shower concept. He added that he would like to be considered for the Commission.

Ms. Sarah Babcock, East Garrison resident, introduced herself. She commented that she created a water conservation program for her senior project at CSUMB. Ms. Babcock stated her dream was to get into the water conservation industry and it would mean a lot to be on the Water Conservation Commission.

Mr. Shawn Storm, Marina Resident, introduced himself. He stated he was a certified professional engineer with experience in high technology and a master's in computer engineering management. Mr. Storm stated he had submitted ideas for meeting the "20% reduction by 2050" initiatives. He said he has a lot of water saving ideas he would like to share with the District and appreciates the consideration for the Commission.

Mayor Delgado voiced his support for Ms. Walton.

Agenda Item 12-A (continued):

Ms. Lisa Berkley, Marina resident, voiced her support for Ms. Walton.

Director Le suggested each Board member select a member for the Commission. President Moore stated that he had a spreadsheet and if each Board member would rank their selection's he would enter them into the spreadsheet and that would determine the top five candidates. Director Cortez asked how they would determine who would get the longer terms. President Moore answered that the two top candidates would get the 3-year terms and the other three candidates would get the 2-year terms.

President Moore recessed the meeting from 7:27 p.m. until 7:37 p.m.

President Moore announced that the Board selected Sarah Babcock, Bill Huynh, Audra Walton, Shawn Storm, and Phil Clark for the Water Conservation Commission.

President Moore asked if any of the candidates would like to volunteer for the two-year term. There were no responses.

Director Cortez made a motion to table the selection of terms until the next meeting. Director Zefferman seconded the motion. Director Le stated that he would like to make the term recommendations at this meeting to avoid any more delay in holding the Water Conservation Commission meetings. Mr. Masuda stated that the Commission can meet even though the terms haven't been decided yet. The motion was passed.

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

B. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2018:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and Mr. Ken Pun, The Pun Group, LLP. Mr. Pun gave a presentation on the Independent Auditor's Report. The Board asked some clarifying questions about OPEB liability.

Director Cortez made a motion to accept the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year ended June 30, 2018. Vice President Shriner seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2018-69 Approving an Amendment to the On-Call Engineering Services Agreement with Harris & Associates for Ongoing Construction Support Services to the East Garrison Development Project:

Mr. Brian True, Senior Engineer, introduced this item explaining the history of contracting with this contractor for the East Garrison development. The Board asked clarifying questions. Director Le inquired if Harris is inspecting the new homes for the hot water recirculation system. Mr. Van Der Maaten noted that Harris has included hot water recirculation inspections to their list.

Director Cortez made a motion to adopt Resolution No. 2018-69 to approve an amendment to the On-Call Engineering Services Agreement with Harris & Associates for ongoing construction support services to the East Garrison development project. Director Zefferman seconded the motion. The motion was passed.

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

D. Consider Approving the 2018 Year in Review:

Mr. Van Der Maaten introduced this item. Director Le suggested adding several sentences regarding the Regional Desal. Director Cortez commented that he would like to see the GM and Board President's pictures on the cover letter.

Mr. Clark noted that the picture on the front of the report was of Lovers Point in Pacific Grove.

Ms. Berkley commended staff on the report and suggested adding a notation regarding the Social Media Policy to the report.

Director Cortez suggested moving the Social Media notation to the end of the section.

Vice President Shriner made a motion to approve the 2018 Year in Review with the suggested modifications. Director Cortez seconded the motion. The motion was passed.

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

E. Receive the Draft District FY 2019-2020 Budget Schedule and Set Date for the 2019-2020 Budget Workshop:

Ms. Cadiente introduced this item. Director Le asked clarifying questions.

Agenda Item 12-E (continued):

President Moore made a motion to approve the draft District FY 2019-2020 Budget Schedule and set March 4, 2019 for the 2019-2020 Budget Workshop. Vice President Shriner seconded the motion. The motion was passed.

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

F. Consider Director Appointments to Committees of the Board and to Outside Agencies for 2019, and as Negotiators to any Ad Hoc Committees of the Board:

President Moore made the following appointments:

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

Current appointments to outside agencies:

1.	MIW	Moore – Zefferman as Alternate
2.	FORA	Zefferman – Shriner, GM as Alternates
3.	LAFCO	Cortez – Zefferman as Alternate
4.	JPIA	Le – Cortez as Alternate
5.	SDA	Le – Moore, Shriner, Cortez, and Zefferman as Alternates
6.	FORA WWOC	GM – Zefferman as Alternate
7.	SVBGSA Steering Committee	Shriner – Moore as Alternate

Current appointments to Ad Hoc Committees:

1. MCWD / SCSD Ad Hoc Committee – Moore, Shriner as negotiators

Vice President Shriner made a motion to approve the appointments to Committees of the Board and to outside agencies for 2019, and as negotiators to any Ad Hoc Committees of the Board. Director Cortez seconded the motion. The motion was passed.

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



13. Staff Report:

A. Water, Sewer, and Recycled Water Master Plan and Capacity Fee Schedule:

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

14. Informational Items:

A. General Manager's Report:

Mr. Van Der Maaten invited the Board members to a Christmas Pancake Breakfast the managers would be cooking for the employees. The breakfast will be December 20<sup>th</sup> at 6:30 am.

B. Counsel's Report:

No report was given.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner commented that the next meeting is scheduled for January 3, 2019.

2. Joint City District Committee:

President Moore said they would be meeting in February.

3. Executive Committee:

President Moore noted that they would be meeting again on January 8, 2019.

4. Community Outreach Committee:

No report was given.

5. Budget and Personnel Committee:

No report was given.

6. M1W Board Member:

President Moore gave a brief update.

7. LAFCO Liaison:

No report was given.

8. FORA:

President Moore gave a brief update.

9. WWOC:

Mr. Van Der Maaten stated that the next meeting was December 19th.

10. JPIA Liaison:

No update was given.

11. Special Districts Association Liaison:

President Moore said they would meet January 15, 2019.

12. SVGSA Liaison:

No update was given.

15. Board Member Requests for Future Agenda Items:

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


16. Director's Comments:

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

17. Adjournment:

The meeting was adjourned at 9:13 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary