



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
January 22, 2019

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on January 22, 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
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
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Philip Clark, Seaside Resident, WCC Member
Shawn Storm, Marina Resident, WCC Member
Efreem Valentin, Marina Resident

3. Public Comment on Closed Session Items:

There were no public comments.

The Board entered into closed session at 6:32 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); 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)

Agenda Item 4-A (continued):

- 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 6:59 p.m.

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

5. Reportable Actions Taken during Closed Session:

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

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. 2019-01 In Recognition and Appreciation of Brian West, System Operator II, Upon his Retirement from the Marina Coast Water District:

Vice President Shriner made a motion to adopt Resolution No. 2019-01 in recognition and appreciation of Brian West, System Operator II, upon his retirement from the Marina Coast Water District. 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			

- B. Consider Adoption of Resolution No. 2019-02 in Recognition of Charlie Eskridge, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Director Zefferman made a motion to adopt Resolution No. 2019-02 in recognition of Charlie Eskridge, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. Director Cortez seconded the motion.

Agenda Item 8-B (continued):

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. 2019-03 in Recognition of Margaret-Anne Coppernoll, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2019-03 in recognition of Margaret-Anne Coppernoll, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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			

- D. Consider Adoption of Resolution No. 2019-04 in Recognition of Bethany Taylor, Public Member, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Vice President Shriner made a motion to adopt Resolution No. 2019-04 in recognition and appreciation of Bethany Taylor, public member, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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			

- E. Consider Adoption of Resolution No. 2019-05 in Recognition of Jim Felton, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2019-05 in recognition and appreciation of Jim Felton, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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			

- F. Consider Adoption of Resolution No. 2019-06 in Recognition of Efrem Valentin, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Director Cortez made a motion to adopt Resolution No. 2019-06 in recognition and appreciation of Efrem Valentin, public member, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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			

President Moore presented Mr. Valentin with his Resolution of Recognition.

- G. Consider Adoption of Resolution No. 2019-07 in Recognition of Jason Montgomery, Public Member, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Vice President Shriner made a motion to adopt Resolution No. 2019-07 in recognition and appreciation of Jason Montgomery, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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			

9. Consent Calendar:

Director Le pulled items A and C from the Consent Calendar.

Director Zefferman made a motion to approve the Consent Calendar consisting of: B) Receive the Quarterly Financial Statements for July 1, 2018 to September 30, 2018. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

A. Receive and File the Check Register for the Month of December 2018:

Director Le asked about Check No. 66959, and what well was repaired. Mr. Michael Wegley, District Engineer, answered that it was for an Army groundwater monitoring well.

Director Cortez asked about Check No. 66948 and if the District was satisfied with the answering service. Ms. Kelly Cadiente, Director of Administrative Services, answered that there have been no issues with the answering service.

Vice President Shriner made a motion to receive and file the check register for the month of December 2018. 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			

B. Approve the Draft Minutes of the Joint Board/GSA Meeting of December 17, 2018:

Director Le asked that page 2 of the minutes be corrected to show, "Director Moore nominated Director Shriner for Vice President."

Director Cortez made a motion to approve the draft minutes of the Joint Board/GSA meeting of December 17, 2018 with the correction. 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			

10. Action Items:

A. Consider Setting the Term Limits for the Water Conservation Commission Members:

Vice President Shriner commented that she attended the last Water Conservation Commission meeting and noted that there was discussion regarding the term limits and the Commission's recommendation to the Board was that Commissioner Babcock, Commissioner Walton, and Commissioner Huynh serve the 2-year terms, while Commissioner Clark and Commissioner Storm serve the 3-year terms.

Vice President Shriner made a motion for Commissioner Babcock, Commissioner Walton, and Commissioner Huynh to serve the 2-year terms, while Commissioner Clark and Commissioner Storm serve the 3-year terms. 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			

- B. Consider Adoption of Resolution No. 2019-08 to Approve Advertising and Hiring at Either an Associate Engineer Level or a Senior Civil Engineer Level to Fill the Existing Vacancy in the Engineering Department:

Ms. Rose Gill, Human Resources/Risk Administrator, introduced this item. The Board asked clarifying question.

Director Cortez made a motion to adopt Resolution No. 2019-08 to approve advertising and hiring at either an Associate Engineer Level or a Senior Civil Engineer Level to fill the existing vacancy in the Engineering Department. 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. 2019-09 to Approve the Revisions to the District’s Employee Handbook:

Ms. Gill introduced this item explaining the last revision was in 2015 and these changes will bring the Employee Handbook current with legal requirements. Director Le suggested adding that Sexual Harassment Training is required for all employees. Vice President Shriner suggested adding language to the Smoking section regarding vaping and suggested it be treated the same as smoking. She also commented on “toll calls” and asked if that was still a relevant term.

Vice President Shriner made a motion to adopt Resolution No. 2019-09 to approve the revisions to the District’s Employee Handbook with the addition of language regarding Sexual Harassment Training and vaping. President Moore 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 Adoption of Resolution No. 2019-10 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Marina Community Partners for the Dunes 1B Development Project:

Mr. Brian True, Senior Civil Engineer, introduced this item. The Board asked clarifying questions regarding the infrastructure and the life expectancy of the pipelines.

Director Zefferman made a motion to adopt Resolution No. 2019-10 to accept the infrastructure improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Marina Community Partners for the Dunes 1B Development Project. Director Cortez seconded the motion.

Agenda Item 10-D (continued):

President Moore made several additional comments including the suggestion of keeping track of water use by each phase of the Ord developments. The motion was passed.

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

E. Consider Adoption of Resolution No. 2019-11 Placing a Director in Nomination as a Member of the Association of California Water Agencies Region 5 Position:

Ms. Paula Riso, Executive Assistant, introduced this item. Vice President Shriner asked clarifying questions and asked if Director Le would be interested in the position. Director Le said he would be interested in applying for the position.

President Moore made a motion to adopt Resolution No. 2019-11 by placing Director Le in nomination as a member of the Association of California Water Agencies Region 5 position. 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			

11. Staff Report:

A. Receive the 4th Quarter 2018 MCWD Water Consumption and Sewer Flow Reports:

Ms. Cadiente introduced this item. The Board asked clarifying questions. Director Zefferman asked if the flows could be shown in graphs to make it easier to see the fluctuations.

12. Informational Items:

A. General Manager's Report:

No report was given.

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.

2. Joint City District Committee:

President Moore said they would be meeting on February 27th.

3. Executive Committee:

President Moore noted that they met, and the next meeting is February 12th.

4. Community Outreach Committee:

The next meeting is February 12th.

5. Budget and Personnel Committee:

The next meeting is February 12th.

6. M1W Board Member:

President Moore stated that the next meeting is January 25th.

7. LAFCO Liaison:

Director Cortez said the next meeting is January 28th.

8. FORA:

Director Zefferman gave a brief update and noted that he would be unable to attend the next meeting.

9. WWOC:

Mr. Van Der Maaten stated that the meeting was canceled, and the next meeting is February 6th.

10. JPIA Liaison:

No update was given.

11. Special Districts Association Liaison:

President Moore gave a brief update.

12. SVGSA Liaison:

No update was given.

13. Correspondence:

Vice President Shriner commended the District on the low ratio of "Paid Claims and Case Reserves" as recognized by ACWA/JPIA.

14. Board Member Requests for Future Agenda Items:

Director Le requested the following items: 1) Discuss governance for annexation; 2) Review/Revision of the Board Procedures Manual; 3) A requirement to have developers put at least 1" of paving on the roads before the District accepts it; and, 4) An update on the status of the 180/400' aquifers. President Moore noted that any requests could be emailed to staff.

15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:24 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary