



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
April 20, 2020

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:35 p.m. on April 20, 2020 via Zoom teleconference in 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, District Counsel
Kelly Cadiente, Director of Administrative Services
Derek Cray, Operations and Maintenance Manager
Michael Wegley, District Engineer
Teo Espero, IT Administrator
Rose Gill, HR/Risk Administrator
Don Wilcox, Senior Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Steve Matarazzo, UCMBEST
Howard Kranther, Marina Resident
Sarah Babcock, Marina Resident
Shawn Storm, Marina Resident

3. Public Comment on Closed Session Items:

There were no comments.

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

4. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) 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.)
- 2) 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)
- 3) 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)
- 4) 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)

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation – Two Potential Cases

Mr. Roger Masuda, District Counsel, did not participate in closed session. The Board ended closed session at 7:12 p.m.

President Moore reconvened the meeting to open session at 7:13 p.m.

5. Reportable Actions Taken during Closed Session:

President Moore reported that a motion was made and unanimously approved to make a change in the settlement agreement with regards to Agenda Item 4-A3.

6. Pledge of Allegiance:

Mr. Keith Van Der Maaten, General Manager, led everyone present in the pledge of allegiance.

7. Oral Communications:

President Moore noted that anyone participating via telephone would need to press *9 to raise their hand to speak. Ms. Paula Riso, Executive Assistant/Clerk to the Board, stated that that she received one written public comment earlier in the day. That comment was from Mr. Shawn Storm and it reads:

Dear MCWD Board: April 20, 2020

Wasteful MCWD's customers increase both cost and rates. A conserving customer must not subsidize a wasteful resident or business. I strongly encourage MCWD to work with city/county governments and regulatory agencies to enact the following excellent conservation opportunities:

1) Tiered Rates: Multiple tier rate structures is the best method to catalyze conservation. Marina's 2nd rate tier is 10ccf/month, which is double other providers; soquel creek water's is 6ccf and CalAmerican's is 4ccf. MCWD needs multiple tiers to promote conservation, Cal-American has five tiers.

2) Sustainable Code: Develop and phase in retrofit-code regulation to be required prior to a property's remodel permit approval and sale. The code shall require the following conservation retrofits:

- a) Native Landscape:
 -) Remove lawns, bushes and sprinklers, only allow low-use plant direct low-flow drip.
 -) Require modern controller systems with rain sensor, flow sensors and master valve control. System detects waste, alerts and allows remote control to stop waste until repair.
- b) Submetering
 -) Homes and apartments that share a common meter must be required to submeter each residence. Valley water's submeter study saved 15% per residence.
- d) Smartmeters/AMR: Alerts MCWD and home owner immediately to correct waste.
- e) Ultra High Efficiency (UHE) appliances: Only allow UHE: toilets, urinals and washers.
- f) Main Pressure Reduction Valve (PRV): Reduce home and business pressure to conserve. These initiatives' savings would keep Marina's water sustainable: high quality and rates low.

Best Regards, Shawn Storm, P.E.

8. Presentation:

- A. Consider Adoption of Resolution No. 2020-18 in Recognition and Appreciation of Thomas Barkhurst and to Adjourn the Meeting in his Memory:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item and expressed the District's deep grief over the loss of Thomas Barkhurst. He then shared his thoughts and fond memories of Thomas.

President Moore made a motion to adopt Resolution No. 2020-18 in recognition and appreciation of Thomas Barkhurst and to adjourn the meeting in his memory. Vice President Shriner seconded the motion. The motion was passed by the following vote:

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

President Moore read the narration into the record.

9. Consent Calendar:

Director Le requested to pull items A, B, and D from the Consent Calendar. Director Zefferman said he also wanted to pull item B from the Consent Calendar.

Vice President Shriner made a motion to approve the Consent Calendar consisting of: C) Consider Adoption of Resolution No. 2020-19 to Authorize a Notice of Completion for the Inter-Garrison Road Water Distribution Pipeline Project be Filed with the Monterey County Recorder; and E) Approve the Draft Minutes of the Regular Joint/Board Meeting of March 16, 2020. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

- A. Receive the Check Register for the Month of March 2020:

Director Le asked clarifying questions regarding the payment to Calcon.

Vice President Shriner made a motion to receive the check register for the month of March 2020. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

B. Consider Approval of the 2019 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community:

Director Zefferman and Director Le made suggested changes to the 2019 Consumer Confidence Report (CCR). Director Le asked for the location of the positive coliform samples. Mr. Cray answered that they were on Okinawa Road, Eichelberger Court, and Nijmegen Road.

Vice President Shriner made a motion to approve the 2019 Consumer Confidence Report for the Marina Coast Water District Water System, Central Marina and Ord Community with changes to the first page by moving the text under the Production Summary Graph so it was easier to follow in the previous paragraph, making the Production Summary Graph in million gallons only and dropping the acre-feet, stating that Board meetings are normally held the third Monday, and a better map showing the District's jurisdiction. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

D. Consider Adoption of Resolution No. 2020-20 Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 3, 2020:

Director Le asked if the Elections Code Section 10401 was correct in the Resolution and other clarifying questions including if the District was informing Ord customers they can run for the Board. Director Zefferman called a point of order stating that the question was outside of the Agenda Item. Mr. Masuda answered that the Elections Code should be 10400.

Vice President Shriner made a motion to adopt Resolution No. 2020-20 ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election set for November 3, 2020 with the change to the Election Code to 10400. President Moore seconded the motion. The motion was passed by the following vote:

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

10. Action Items:

A. Consider Adoption of Resolution No. 2020-21 to Approve a Water Supply Assessment for the Marina Downtown Vitalization Specific Plan:

Mr. Michael Wegley, District Engineer, introduced this item. The Board asked clarifying questions and made suggested edits.

Agenda Item 10-A (continued):

Vice President Shriner made a motion to adopt Resolution No. 2020-21 to approve a Water Supply Assessment for the Marina Downtown Vitalization Specific Plan and have staff double checking the numbers and figures in tables 2-3, 2-5, 3-6, and 4-1. Director Cortez seconded the motion. President Moore suggested a better title for Figure 1-1, edits to table 3-2, and, Appendix A, Section 4 bullets 1 and 7. Vice President Shriner amended her motion to include President Moore's edits. Director Cortez seconded the amended motion. The motion was passed by the following vote:

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

B. Consider Adoption of Resolution No. 2020-22 to Approve a Water Supply Assessment and Written Verification of Supply for the Marina Municipal Airport Business and Industrial Park / UCMBEST Center:

Mr. Wegley introduced this item. Mr. Steve Matarazzo, UCMBEST, thanked staff for their hard work on this Water Supply Assessment. The Board asked clarifying questions and Director Zefferman suggested that a Director could include a motion to carryover the edits made on Agenda Item 10-A. Director Le suggested correcting the date in Section 2.2.5 to 2021 and removing Well 12 from the production list.

Mr. Shawn Storm, Marina resident, commented that he was surprised by the comment that 3,000 acre feet of water use is sustainable, and he suggested there be stronger language in Section 4.2.3 such as he addressed in his public comment letter that was reported earlier in the meeting.

Vice President Shriner made a motion to adopt Resolution No. 2020-22 to approve a Water Supply Assessment and Written Verification of Supply for the Marina Municipal Airport Business and Industrial Park / UCMBEST Center with the similar edits to Item 10-A and the additional edits made in the discussion. Director Cortez 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			

C. Consider Adoption of Resolution No. 2020-23 to Approve Amendment No. 8 to the Professional Services Agreement with Carollo Engineers for Design of the Regional Urban Water Augmentation Project Distribution Mains Project:

Mr. Don Wilcox, Senior Engineer, introduced this item. The Board asked clarifying questions and Director Le suggested that the completion date be changed.

Vice President Shriner made a motion to adopt Resolution No. 2020-23 approving Amendment No. 8 to the Professional Services Agreement with Carollo Engineers for design of the Regional Urban Water Augmentation Project Distribution Mains Project. The Board asked more clarifying questions. Director Zefferman seconded the motion. Discussion followed.

Agenda Item 10-C (continued):

The motion was passed by the following vote:

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

D. Consider Adoption of Resolution No. 2020-24 to Approve a Building Removal Funding Agreement between Marina Coast Water District and the Fort Ord Reuse Authority:

Mr. Van Der Maaten introduced this item. The Board asked clarifying questions.

President Moore made a motion to adopt Resolution No. 2020-24 approving a Building Removal Funding Agreement between Marina Coast Water District and the Fort Ord Reuse Authority. 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			

E. Consider Adoption of Resolution No. 2020-25 to Approve a New Classification, Job Description and Salary Range for an Administrative Analyst for the Operations and Maintenance Department:

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

Vice President Shriner made a motion to adopt Resolution No. 2020-25 to approve a new classification, job description and salary range for an Administrative Analyst for the Operations and Maintenance Department. President Moore seconded the motion. The motion to was passed by the following vote:

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

F. Consider Adoption of Resolution No. 2020-26 to Approve the Restructuring of the Accounting Department and the New Classification, Job Description and Salary Range for an Accountant:

Ms. Gill introduced this item. The Board asked many questions about the proposed restructure.

Noting the time was 10:00 p.m., Director Zefferman made a motion to continue past 10:00 p.m. to complete Items 10-F, 10-G, and Item 12, while postponing Item 11 to a special meeting of the Board. Director Cortez seconded the motion.

Agenda Item 10-F (continued):

Director Zefferman amended his motion to include a five-minute break. Director Cortez seconded the amended motion.

Mr. Storm questioned if new accounting technologies had been looked into to make the position more efficient without the need for overtime.

The motion to continue past 10:00 p.m. was passed by the following vote:

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

Mr. Van Der Maaten noted that the District does use modern technologies and it is not a matter of technology, but a matter of needing more bodies to complete the work. He added that the District is always trying to stay up to date up with the newest technology.

Vice President Shriner made a motion to bring this item back for discussion at the budget workshop. Director Zefferman seconded the motion. Director Cortez asked for an amendment to include taking this proposed restructure to the Union first and then the Budget and Personnel Committee prior to bringing it back to the Board. Vice President Shriner made amended her motion to include bringing this item to the Union and Budget and Personnel Committee prior to bringing it back to the Board. Director Zefferman seconded the amended motion. The amended motion was passed with the following vote:

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

President Moore recessed the meeting from 10:13 p.m. to 10:20 p.m.

G. Consider Providing Direction to the Board President Regarding the Election of One Special District Representative to the Local Agency Formation Commission of Monterey County:

Vice President Shriner made a motion to elect Director Le for the one Special District representative to the Local Agency Formation Commission of Monterey County. Director Cortez seconded the motion. The motion was passed with the following vote:

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

12. Informational Items:

A. General Manager's Report:

1. Receive an Update on the District's Procedures Regarding Shut-Offs for Delinquent Accounts:

Mr. Van Der Maaten gave a brief update noting that the District has halted late fees and shut-offs for delinquent accounts. He added that there had been a question as to if a Declaration of Emergency was needed by the District for any reason, but he said that a Declaration of Emergency would only be needed if the District was short on resources or he needed to procure or move forward on an expenditure before Board approval. Mr. Van Der Maaten said this was already part of the District policy and there was not a need to do so at this point. He also advised the Board that the City of Marina and Monterey County have agreed to put a temporary hospital facility at the Joby Airplane site located at the Marina airport and have approached the District for help getting water and sewer set up within a two-week period.

Director Cortez suggested sending out a message of support from the District regarding Covid-19. Director Zefferman suggested discussing this at the Outreach Committee.

Director Le asked for a report at the next meeting on how many accounts didn't pay and how much they owe. He added that there were agencies that did declare an emergency and were able to apply for FEMA and he suggested the District should think about it for next time.

Vice President Shriner asked if someone was documenting the accounts that can't pay due to Covid or layoffs and if ACWA has insurance for agencies that are not able to collect their normal fees.

Mr. Masuda said that for FEMA funding the Board doesn't have to declare a disaster because the President already did.

15. Adjournment:

The meeting was adjourned in Thomas Barkhurst's memory at 10:37 p.m.

APPROVED:



Thomas P. Moore, President

ATTEST:



Paula Riso, Deputy Secretary