



**Montara Water
and Sanitary District**
Serving the Community of Montara and Moss Beach

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To sensitively manage the natural resources entrusted to our care, to provide the people of Montara - Moss Beach with reliable, high – quality water, wastewater, and trash disposal at an equitable price, and to ensure the fiscal and environmental vitality of the district for future generations. Be open to providing other services desired by our community.

AGENDA

District Board of Directors

October 15, 2020 at 7:30 p.m.

DUE TO COVID-19, THIS MEETING WILL BE CONDUCTED REMOTELY PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 TEMPORARILY SUSPENDING AND MODIFYING CERTAIN TELECONFERENCE REQUIREMENTS UNDER THE RALPH M. BROWN ACT. MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

Directors, staff and the public may participate remotely via the application ZOOM:

ZOOM MEETING INFORMATION:

WEBSITE: <https://us02web.zoom.us/j/81673730134?pwd=RlFKb2cyY0M0bmlHZVNPc3pmcG1adz09>

MEETING ID: 816 7373 0134

Password: 702324

CALL IN PHONE NUMBER: +1 669 900 9128

INSTRUCTIONS for remote access are available at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. You also may view video during the meeting via live stream or after the meeting at <https://videoplayer.telvue.com/player/wuZKb9gwEY7sMACIIsr7VSJglB35kNZA/stream/159?fullscreen=true&showtabssearch=false&autostart=false> . If you experience technical difficulties or have technical questions prior to or during the meeting, please contact MWSD's IT support at (650) 728-7843.

Note: Public participation is not permitted during closed session discussion items.

Public Comment

In accordance with the Government Code, members of the public may address the Board on specific agenda items when the matter is announced by the Board President. Any other item of interest that is within the subject matter jurisdiction of the District may be addressed during the Oral Comments portion of the meeting. A "raise hand" button available for every Zoom user can be used to alert the President of the intent to comment.

Public comment also may be submitted in writing (in accordance with the three-minute per speaker limit) via email to info@mwsd.net up to one-hour prior to the scheduled meeting time. Please indicate in your email the agenda item to which your comment applies. The District Clerk will read all comments into the record. Comments and materials related to an item on this Agenda submitted after distribution of the Agenda Packet are available in the District Clerk's office during normal business hours and may also be available on the District's web site (www.mwsd.montara.org) subject to staff's ability to post the documents before the meeting.

Upon request, this Agenda and written agenda materials will be made available in appropriate alternative formats to persons with a disability. Request for a disability-related modification or accommodation in order to participate in the public meeting should be emailed to info@mwsd.net or submitted by phone at 650-728-3545 at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, and local orders, the format of this meeting may be altered, or the meeting may be canceled. You may check on the status of the meeting by visiting the District's website at: <http://mwsd.montara.org> .

CALL TO ORDER

ROLL CALL

PRESIDENT'S STATEMENT

ORAL COMMENTS (Items other than those on the agenda)

PUBLIC HEARING

CONSENT AGENDA

OLD BUSINESS (none)

NEW BUSINESS

1. [Public Information Item Regarding HMB Lawsuit](#)

REPORTS

1. Sewer Authority Mid-Coastside Meetings (Slater-Carter).
2. MidCoast Community Council Meeting (Slater-Carter).
3. CSDA Report (Lohman).
4. LAFCo Report (Lohman).
5. Attorney's Report (Fitzgerald).
6. Directors' Reports.
7. General Manager's Report (Heldmaier).

FUTURE AGENDAS

1. MWSD Defined Benefit Plan Actuarial Evaluation.
2. Strategic Community Planning Workshop.

CONVENE IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code §54956.9(d)(4))

Initiation of Litigation

Number of cases: 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code §54956.9(d)(1))

Case Name: *City of Half Moon Bay v. Granada Community Services District, et al.*

(Santa Clara County Super. Crt. No. 17CV316927)

REPORT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ADJOURNMENT

The District has a curfew of 10:30 p.m. for all meetings. The meeting may be extended for one hour by vote of the Board.

MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting **October 15, 2020**

TO: BOARD OF DIRECTORS



FROM: Clemens Heldmaier, General Manager

SUBJECT: Public Information Item Regarding HMB Lawsuit

In July of 2017, the City of Half Moon filed a lawsuit against the Sewer Authority Mid-Coastside (SAM) and its member agency partners, the Montara Water and Sanitary District and Granada Community Services District. In the lawsuit, the City seeks to avoid its contractual responsibility for costs and expenses related to SAM's Intertie Pipeline System (IPS) that ties together SAM's joint sewer treatment system and is a critical component of managing the mid-Coast's sewage and protecting our coastal environment. SAM has existed under a Joint Powers Agreement (JPA) since 1976 serving the community with an integrated wastewater treatment system to treat the combined sewage from all three member agencies. The IPS is a SAM owned asset that the City has historically paid for over 40 years; HMB is seeking to renege on its obligation to contribute its proportionate share to maintain and operate this essential joint system, resulting in a disproportional burden on the remaining SAM members disproportionately in contravention of the JPA agreement.

Soon after the filing of the lawsuit, the member agencies spent two (2) years participating in the formal mediation process in an effort to resolve the dispute informally; when this effort recently failed, the City imputed blame on Montara and Granada with inaccurate, self-serving public statements related to the settlement efforts.

In light of the above developments, the City has requested that the matter proceed to trial in the Superior Court (in and for the County of Santa Clara). A trial setting conference has been set for March 9, 2021.

MWSD stands ready to defend its ratepayers.

RECOMMENDATION:

No action required. This item is for informational purposes only.