

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
May 4, 2015
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on May 4, 2015.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None

Staff Members Present:

Bill Kocher, Interim General Manager
Roger Masuda, Legal Counsel
Andrew Sterbenz, Interim District Engineer
Jean Premutati, Management Services Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Rick Riedl, City of Seaside

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:31 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54957
Public Employee Appointment
Title: General Manager

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
- 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) 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)
 - 4) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate)
 - 5) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- C. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency Negotiators (Bill Kocher, Peter Le)
Employee Organization: Marina Coast Water District Employees Association
- D. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency Negotiators (Bill Kocher, Peter Le)
Employee Organization: Teamsters Local 890
- E. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Peter Le and Howard Gustafson
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others
Under Negotiation: Price and Terms

The Board ended closed session at 7:02 p.m.

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

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken during closed session and no direction was given. President Gustafson said that the Board would return to closed session at the end of the meeting.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

Vice President Le pulled item A from the Consent Calendar.

A. Approve the Draft Minutes of the Regular Board Meeting of April 20, 2015:

Vice President Le made a motion to approve the draft minutes of the regular Board meeting of April 20, 2015 with the first paragraph on page 5 deleted. President Gustafson seconded the motion. The motion was passed.

Director Shriner	-	No	Vice President Le	-	Yes
Director Moore	-	No	President Gustafson	-	Yes
Director Lee	-	Yes			

9. Action Items:

A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-20 to Authorize a Construction Contract with Maggiora Brothers Drilling for Well No. 30 Pump Replacement:

Mr. Andy Sterbenz, Interim District Engineer, introduced this item. The Board asked clarifying questions.

Director Shriner made a motion to authorize a construction contract with Maggiora Brothers Drilling for Well No. 30 Pump Replacement, subject to legal counsel's review of the Standard Contract used. Director Moore seconded the motion.

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

B. Discussion and Possible Action on Water Augmentation to the Ord Community (RUWAP):

Vice President Le introduced this item and handed out a letter he drafted.

Vice President Le made a motion for the President to sign the letter he prepared and send it to FORA and the other agencies copied in the letter. President Gustafson seconded the motion.

Director Moore made a motion to postpone this item until the next meeting until he could review the letter further. Director Shriner seconded the motion. Discussion followed. The motion failed.

Director Shriner	-	Yes	Vice President Le	-	No
Director Moore	-	Yes	President Gustafson	-	No
Director Lee	-	No			

The original motion for the President to sign the letter and send it to FORA and the other agencies copied in the letter was passed.

Director Shriner	-	No	Vice President Le	-	Yes
Director Moore	-	No	President Gustafson	-	Yes
Director Lee	-	Yes			

C. Receive Status Report on the Request for Proposals for District Legal Counsel Services and Personnel and Employment Law Services and Consider Providing Direction to Staff:

Ms. Jean Premutati, Management Services Administrator, introduced this item.

Following discussion, the Board requested this item be postponed to the next meeting for discussion in closed session.

10. Staff Report:

A. Receive an Update on the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations:

Mr. Bill Kocher, Interim General Manager, introduced this item and gave a brief update.

11. Informational Items:

A. General Manager's Report:

Mr. Kocher commented that he attended the MPRWA TAC meeting earlier that morning and gave a brief update. He also noted that Stephanie Strelow was hired to provide a comment letter for the Monterey Downs EIR. Mr. Kocher stated that interviews for the District Engineer position have been completed and an offer has been made.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le stated the next meeting was on May 7th.

2. Joint City District Committee:

Vice President Le stated that the update was provided at the last meeting.

3. Executive Committee:

Vice President Le stated they would be meeting later this month or next month.

4. Community Outreach Committee:

Vice President Le stated they would be meeting later this month or next month.

5. Budget and Personnel Committee:

Vice President Le stated they would meet later this month.

6. MRWPCA Board Member:

Vice President Le provided an update.

7. LAFCO Liaison:

Vice President Le provided an update.

8. FORA:

Vice President Le stated that they would meet on May 8th.

9. WWOC:

Vice President Le provided an update.

10. JPIA Liaison:

Director Shriner stated that the meeting was earlier that morning in Sacramento but hadn't heard any outcome.

11. Special Districts Association Liaison:

Vice President Le provided an update.

12. Director's Comments:

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

President Gustafson recessed the meeting from 7:57 p.m. until 8:01 p.m.

The Board returned to closed session at 8:02 p.m.

4. Closed Session:

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Public Employee Appointment
Title: General Manager

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Under Negotiation: Price and Terms

The Board ended closed session at 8:34 p.m.

President Gustafson reconvened the meeting to open session at 8:34 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken during closed session and no direction was given to the negotiators.

12. Adjournment:

The meeting was adjourned at 8:35 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary