

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
February 9, 2010
6:45 p.m.

Minutes

1. Call to Order:

President Nishi called the meeting to order at 6:45 p.m. on February 9, 2010.

2. Roll Call:

Board Members Present:

Ken Nishi – President
Bill Lee – Vice President
Howard Gustafson
Dan Burns
Tom Moore – arrived at 6:50 p.m.

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Jean Premutati, Management Services Administrator
Rich Youngblood, Conservation Coordinator
Paula Riso, Executive Assistant

Audience Members:

Bob Holden, MRWPCA
Jan Shriner, Marina Resident
Vienna Merritt Moore, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Richard Newhouse, Marina Resident

The Board entered into closed session at 6:46 p.m.

3. Closed Session:

- A. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Water Rights
Negotiating Parties: MCWD and Clark Colony Water Company
Under Negotiation: Price and Terms
- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Desalination Plant, 11 Reservation Road
Negotiating Parties: MCWD and Marina Community Partners
Under Negotiation: Renovation and Use of Existing Real Property Facilities

President Nishi reconvened the meeting to open session at 7:02 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, stated that no action was taken in closed session and instruction was given to the negotiators.

5. Pledge of Allegiance:

President Nishi asked Ms. Jan Shriner, Marina resident, to lead everyone present in the pledge of allegiance.

6. Oral Communications:

Ms. Shriner commented that she would like to know why the District is not funding professional taping of the Board meetings. She noted that the Marina City Council meetings coincide with the MCWD meetings and civically minded people are often split on which meeting to attend. Ms. Shriner commented that if the meetings were televised, it would allow people a chance to see both meetings.

Mr. Richard Newhouse, Marina resident, commented that the meetings used to be on Wednesday's and now they are on Tuesday's and asked if there was a reason why they were switched.

7. Consent Calendar:

Director Moore requested to pull item A.

Director Gustafson made a motion to approve the Consent Calendar consisting of items; B) Approve the Expenditures for the Month of January 2010; C) Approve the Draft Minutes of the Regular Board Meeting of January 12, 2010; and, D) Approve the Draft Minutes of the Special Board Meeting of January 20, 2010. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

A. Receive the Quarterly Financial Statements for October 1, 2009 to December 31, 2009:

Director Moore asked why the Regional Water Augmentation expenses didn't show the funds paid to RMC Water and Environment. Mr. Jim Heitzman, General Manager, commented that staff would look into it and provide an answer at a later time.

Director Moore made a motion to receive the Quarterly Financial Statements for October 1, 2009 to December 31, 2009. Director Gustafson seconded the motion. With a vote of 5-Ayes, 0-Noes, 0- Abstained, 0-Absent, the motion was passed unanimously.

8. Action Items:

A. Consider Adoption of Resolution No. 2010-09 to Approve a Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project:

Mr. Carl Niizawa, Deputy General Manager/District Engineer, introduced this item and reviewed the Regional Water Supply Project tasks that have already been completed by RMC.

Director Gustafson made a motion to adopt Resolution No. 2010-09 approving a Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- B. Consider Adoption of Resolution No. 2010-10 to Approve a Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Recycled Water Project (RUWAP) and Amend the FY 2009/2010 Budget:

Mr. Niizawa introduced this item.

Vice President Lee made a motion to adopt Resolution No. 2010-07 approving a Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Recycled Water Project (RUWAP) and Amend the FY 2009/2010 Budget. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- C. Consider Adoption of Resolution No. 2010-11 to Approve a Reimbursement Resolution to the State Water Resources Control Board Clean Water State Revolving Fund for the Recycled Water Facility Component of the Regional Urban Water Augmentation Project:

Mr. Niizawa stated that staff would like to pull this item. President Nishi tabled this item until a later date.

- D. Consider Appointing a District Negotiation Team to Discuss the Process Regarding the General Manager's Evaluation and Contract:

Mr. Heitzman introduced this item. Director Moore questioned when the current contract renews. Mr. Lowrey commented that an answer from either party whether to renew the contract or not, needs to be received by March 8, 2010. Director Burns inquired on the process for negotiations and evaluations. Mr. Lowrey answered that historically, the President and Vice President have been the negotiating team while the entire Board does the Performance Evaluation.

President Nishi said that since historically, the Executive Committee, i.e. President and Vice President, have done the negotiations, he would like to continue with that practice. President Nishi also asked the Board to consider if they want to use a different evaluation form.

Director Moore made a motion to appoint the Executive Committee as the negotiation team. Director Gustafson seconded the motion. During public comment, Ms. Shriner asked the Board to reconsider the eight percent (8%) annual increases. With a vote of 4-Ayes, 1-Noes (Burns), 0-Abstained, 0-Absent, the motion was passed.

Director Moore asked to set a special meeting date as the next regular Board meeting is after the contract renewal date. The Board selected February 17, 2010 at 6:00 pm. Mr. Heitzman requested to have another special meeting on March 3, 2010 at 6:00 pm. Director Burns asked if action had to take place by the March 3, 2010 meeting or would the contract automatically renew. Mr. Lowrey answered that if no action or notice was given by March 8, 2010, the contract automatically renews. He added that upon mutual agreement, the contract negotiations can be extended to a later date. Mr. Newhouse asked for clarification. Mr. Lowrey repeated that the contract automatically renews on March 9, 2010 unless both parties mutually agree to extend the negotiations period. Ms. Shriner inquired if the decision is to terminate, how much notice is given. Mr. Lowrey answered that it is six months. Ms. Shriner asked what the cost to the District was to terminate the contract. Mr. Lowrey answered it was one year's salary. Ms. Shriner asked if it included benefits. Mr. Lowrey answered that he would have to look at the contract to find that answer. Ms. Shriner commented that the special meeting of February 17th coincides with a City Council meeting.

9. Staff Reports:

A. Receive 4th Quarter 2009 Ord Community Water Consumption and Sewer Flows Report:

Mr. Rich Youngblood, Conservation Coordinator, introduced this item. Director Moore asked why there was usage in the Marina Heights development. Mr. Youngblood answered that there are seven irrigation meters installed there. Director Burns inquired on the CSUMB usage numbers. Mr. Youngblood stated that now all the meters have been installed at CSUMB, their usage is being recorded instead of listed under estimated usage.

Vice President Lee made a motion to receive the 4th Quarter 2009 Ord Community Water Consumption and Sewer Flows Report. Director Moore seconded the motion. With a vote of 5-Ayes, 0-Noes, 0- Abstained, 0-Absent, the motion was passed unanimously.

B. Receive Update on the Regional Urban Water Augmentation Project/Regional Plan:

Mr. Heitzman introduced this item stating that the District is contemplating putting in an application to the California Pollution Control Financing Authority (CPCFA) for Private Activity Bonds (PAB) which are low-interest bonds. An Inducement Resolution needs to be submitted to place the District's financing needs on record and in line for PAB allocation.

C. Receive Draft Employee Handbook for Review:

Ms. Jean Premutati, Management Services Administrator, introduced this item and explained that the Board is asked to review the Draft Employee Handbook and provide feedback to staff by February 26th.

10. Workshop:

A. Ord Community Ad Hoc Recommendation Discussion – Part IV:

Mr. Niizawa gave a brief update of what was discussed at the last three workshops. Workshop I discussed the Committee's Recommendation; Workshop II discussed technical issues; and Workshop III was a briefing. Mr. Niizawa explained the District's investments (Ord infrastructure improvements) and the dynamics that come with the investments and operation of the Ord Community.

11. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that the CPUC met under Judge Minken and everything looked favorable as the parties are working diligently together. Staff would like to prepare some options on a "Citizen's Committee" to meet monthly or quarterly to bring in citizens who are concerned about the Regional Water Project and want to participate in the forum on a regular basis. In the near future, staff will bring information on the cost and how it might occur.

B. District Engineer's Report:

Mr. Niizawa commented that CalAm has retracted its offer of the recycled pipe in General Jim Moore Blvd.

C. Counsel's Report:

Mr. Lowery stated he had attended a workshop by ACWA on the new water legislation adopted last December. The new water legislation is aimed to reflect emphasis on conservation, and to give co-equal weight on environmental values and water supply.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented that the Water Conservation Commission met last week and there wasn't a full attendance to be able to approve the past minutes.

2. Joint City-District Committee:

President Nishi stated they were meeting next week.

3. MRWPCA Board Member:

President Nishi commented that the MRWPCA passed the Outfall Agreement at their last meeting.

4. LAFCO Liaison:

Director Moore stated that they met on the 25th of January and approved a draft policy on preservation of open space and agricultural lands, including agricultural land buffers. They also discussed a DEIR on the City of Gonzales' General Plan. Director Moore also commented that the Franklin J. Lunding, Planning 2020, Inc. lawsuit was finally settled.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated the meeting was scheduled for Thursday, February 11th instead of Friday, February 12th.

7. Executive Committee:

No meeting was held.

8. Community Outreach:

Director Gustafson commented there were no formal meetings.

9. Special Districts Association Liaison:

Director Gustafson commented that new officers were selected and it was a general meeting.

A. Director's Comments:

Director Burns commented that in answer to Mr. Newhouse's question, he didn't know why the meetings were on Tuesday instead of Wednesday, but they have been held on Tuesday for the two years he has been on the Board. Director Burns commented to Ms. Shriner that the cost of filming the meetings has increased from \$4,800 to \$10,000 per year since she first started asking the Board to fund AMP filming the meetings. Director Burns asked Ms. Shriner several questions: 1) What is the real figure to film the meetings; 2) What is the return on investment; 3) How many people in Marina are really going to watch the meeting; and, 4) How can you confirm it.

Director Moore thanked Mr. Niizawa for a very good briefing on the OCAC process. He also commented that he had not yet had a chance to read the Handbook.

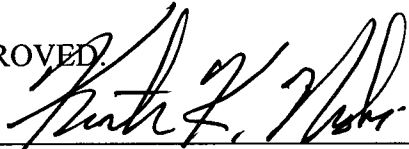
Director Gustafson commented that he had read the Handbook and it looked good. He added that it was a good meeting and good reports.

President Nishi commented that at the last meeting, the Board was supposed to get a report at this meeting on the list of contractors used in the landscaping incentive program and he hoped to get the report at the next meeting. President Nishi added that when Directors give their Committee Reports, please provide information that is related to water issues or would be advantageous to the District.

12. Adjournment:

The meeting was adjourned at 8:03 p.m.

APPROVED:



Kenneth K. Nishi, President

ATTEST:



Jim Heitzman, General Manager