

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
December 15, 2014  
6:00 p.m.

Draft Minutes

1. Call to Order:

Vice President Lee called the meeting to order at 6:00 p.m. on December 15, 2014.

2. Roll Call:

Board Members Present:

Bill Lee – Vice President  
Howard Gustafson  
Jan Shriner  
Peter Le

Board Members Absent:

Tom Moore

Staff Members Present:

Brian Lee, Interim General Manager  
Roger Masuda, Legal Counsel  
Jeanine DeBacker, Special Counsel  
Kelly Cadiente, Director of Administrative Services  
Jean Premutati, Management Services Administrator  
Paula Riso, Executive Assistant

Audience Members:

Jane Parker, Monterey County Supervisor

3. Pledge of Allegiance:

Vice President Lee led everyone present in the pledge of allegiance.

4. Administer Oath of Office:

Monterey County Supervisor Jane Parker thanked Ms. Shriner and the entire Board of their hard work on the difficult issues surrounding this area. Supervisor Parker then administered the Oath of Office to Ms. Jan Shriner.

Mr. Brian Lee, Interim General Manager, administered the Oath of Office to Mr. William Lee and Mr. Howard Gustafson. Mr. Lee congratulated the Directors on their election victory.

5. Election of Board President and Vice President:

Director Le nominated Director Gustafson for President and himself for Vice President. Director Gustafson seconded the motion. The motion was passed.

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

6. Public Comment on Closed Session Items:

No comments.

President Gustafson stated that the Board would enter into closed session to discuss the following items as time permits:

7. Closed Session:

A. 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) Appeal by California-American Water Co. of City of Marina decision denying permit for construction, operation, and decommissioning of slant test well, up to 4 monitoring well clusters, and related infrastructure at CEMEX sand mining plant, Lapis Road, Marina, Monterey County (California Coastal Commission Appeal No. A-3-MRA-14-0050).

5) Application of California-American Water Co. for permit to construct, operate, and decommission test slant well at CEMEX sand mining facility on Monterey Bay shoreline, Marina, Monterey County (California Coastal Commission Application No. 9-14-1735), this pertains to that portion of the proposed slant test well project below the mean-tide line for which the Coastal Commission has original jurisdiction.

- B. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9  
Two Potential Cases
- C. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to Subdivision (c) of 54956.9  
One Potential Case
- D. Pursuant to Government Code 54957  
Public Employee Appointment  
Title: General Manager
- E. Pursuant to Government Code 54957  
Public Employee Performance Evaluation  
Title: Legal Counsel
- F. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Negotiating parties: Tom Moore and Peter Le  
Under Negotiation: Price and Terms
- G. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Sewer Infrastructure  
Negotiating parties: Tom Moore and Peter Le  
Under Negotiation: Price and Terms

The Board entered closed session at 6:11 p.m. The Board ended closed session at 7:01 p.m.

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

8. Reportable Action Taken during Closed Session:

Mr. Roger Masuda, Legal Counsel, reported that the Board discussed items 7-A1, 7-A2, 7-A3, 7-A4, 7-A5, 7-D and 7-F during closed session and stated that no reportable actions were taken during closed session.

9. Oral Communications:

No comments.

10. Consent Calendar:

Director Le pulled item B from the Consent Calendar.

Director Shriner made a motion to approve the Consent Calendar consisting of item:

A. Receive and File the Check Register for the Month of November 2014:

Director Lee seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Regular Board Meeting of December 1, 2014

Vice President Le asked clarifying questions.

Vice President Le made a motion to approve the draft minutes of the regular Board meeting of December 1, 2014. Director Lee seconded the motion. The motion was passed.

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

11. Action Items:

A. Discussion and Possible Action to Approve the Proposed Regular Board Meeting Dates for 2015:

Vice President Le made a motion to approve the proposed regular Board meeting dates for 2015. Director Lee seconded the motion. The motion was passed.

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

- B. Receive a Report from Director Le Regarding his Attendance at the Association of California Water Agencies Fall Conference in San Diego:

Vice President Le stated that he emailed the other Directors his report, and then he gave a brief update for the record.

12. Informational Items:

- A. General Manager's Report:

- 1. Correspondence Received by Board or General Manager:

Mr. Lee reported that the District's new website was now in place and was compatible with mobile devices. He announced that his last day with the District would be January 9, 2015.

- B. Counsel's Report:

- 1. General Counsel's Report:

Mr. Masuda handed out a copy of a webinar presentation by Brent Ives regarding communication protocols for staff and Board members.

- C. Committee and Board Liaison Reports:

- 1. Water Conservation Commission:

Director Shriner noted that they met on December 4<sup>th</sup> and there may be a recommendation coming before the Board to address the two qualified applicants.

- 2. Joint City District Committee:

Director Lee stated that they talked about the same things they usually do.

- 3. Executive Committee:

No meeting was held.

- 4. Community Outreach Committee:

Director Shriner commented that there was discussion that came out of the Joint City District Committee on the median strip irrigation.

- 5. MRWPCA Board Member:

Vice President Le gave a brief update.

6. LAFCO Liaison:

Director Shriner stated that the next meeting is scheduled for late January.

7. FORA:

No report.

8. WWOC:

Mr. Lee stated that the next meeting is scheduled for January.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison:

President Gustafson stated that the next meeting is January 20, 2015.

13. Board Member Requests for Future Agenda Items:

Director Le asked for: 1) committee appointments and negotiator appointments; and 2) direction to the Interim General Manager to provide the status of all the projects he is working on.

Director Shriner asked for an annual review of the Strategic Plan to possibly be facilitated by Brent Ives.

14. Director's Comments:

Director Shriner and President Gustafson made comments.

President Gustafson recessed the meeting from 7:23 until 7:25 p.m.

The Board returned to closed session at 7:25 p.m. to discuss item 7-E, 7-F.

7. Closed Session:

- E. Pursuant to Government Code 54957  
Public Employee Performance Evaluation  
Title: Legal Counsel

- F. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Negotiating parties: Tom Moore and Peter Le  
Under Negotiation: Price and Terms

The Board ended closed session at 7:39 p.m.

8. Possible Action on Closed Session Items:

Mr. Masuda stated that item 7-F was discussed during closed session and that no reportable action was taken during closed session.

13. Adjournment:

The meeting was adjourned at 7:40 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary