

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
February 2, 2015
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on February 2, 2015.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None.

Staff Members Present:

Bill Kocher, Interim General Manager
David Hobbs, Legal Counsel
Andy Sterbenz, Interim District Engineer
Brian True, Capital Projects Manager
Jean Premutati, Management Services Administrator

Audience Members:

Paul Scuito, Monterey Regional Water Pollution Control Agency
Keith Israel, Monterey Regional Water Pollution Control Agency
Mike McCullough, Monterey Regional Water Pollution Control Agency

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session to discuss the following items:

4. 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) 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)

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

The Board entered closed session at 6:30 p.m. The Board ended closed session at 6:58 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. David Hobbs, Legal Counsel, reported that that during closed session, the Board discussed items 4-A1, A2, A3, A4, and A5 and that action was taken on item 4-A4 to file an appeal regarding the temporary restraining order. On a motion by Director Moore, seconded by Director Shriner, that motion was passed.

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Presentation:

- A. Receive a Presentation from the Monterey Regional Water Pollution Control Agency (MRWPCA) on the Groundwater Replenishment Project and the Brine Outfall Agreement:

Mr. Keith Israel, MRWPCA General Manager, and Mr. Paul Scuito, MRWPCA Deputy General Manager, gave a brief presentation to the Board. The Board asked clarifying questions.

9. Consent Calendar:

Director Moore pulled items A and B from the Consent Calendar.

- A. Receive the Quarterly Financial Statements for October 1, 2014 to December 31, 2014:

The Board asked clarifying questions, to which Mr. Bill Kocher, Interim General Manager, said he would provide answers.

Director Moore made a motion to receive the Quarterly Financial Statements for October 1, 2014 to December 31, 2014. Director Shriner seconded the motion. The motion was passed.

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

- B. Approve the Draft Minutes of the Regular Board Meeting of January 21, 2015:

Director Moore noted that his questions were not attached to the minutes as mentioned. Vice President Le asked that page 7 of the minutes reflect under Item G that the motion asked for staff reports to have a signature or initial, and staff reports on contracts and legal documents to have the signature of District Legal Counsel with approval as to form.

Director Moore asked if Vice President Le wanted Ms. Riso to review the audio tape of the meeting and reflect the correct motion in the minutes. Vice President Le responded affirmatively.

Agenda Item 9-B (continued):

Director Moore made a motion to approve the draft minutes of the regular Board meeting of January 21, 2015 with the corrections noted. Director Shriner seconded the motion. The motion was passed.

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

10. Action Items:

- A. Receive a Report on the Status of Annexing the Cemex Property; Soliciting Proposals for Environmental Services in Connection with this Annexation, and; Preparing an Application for Submission to the Local Agency Formation Commission of Monterey County (LAFCO):

Mr. Kocher gave a brief update to the Board letting them know that he was in the process of contacting Cemex. He also noted that there was never an environmental review done on this annexation as there was a conflict with the firm who was selected to do the work. Mr. Kocher added that he had spoken with LAFCO and they were waiting on several things to be completed before moving forward.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-05 to Approve the Purchase of a Ford Transit Van and Installation of the Existing District Pipeline Inspection Camera System into the New Van:

President Gustafson stated that this item had been pulled from the agenda.

- C. Discussion and Possible Action to Provide Direction to Staff Regarding the Recruitment of a Deputy General Manager/District Engineer or a District Engineer:

Vice President Le stated that at the January 5th meeting, the Board had approved recruiting for a District Engineer. Discussion followed.

Director Moore made a motion to direct staff to recruit for a Deputy General Manager/District Engineer. Director Shriner seconded the motion. The motion failed.

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

D. Review the Proposed Revisions to the Board Procedure Manual:

Mr. Kocher introduced this item. Discussion followed. President Gustafson suggested that Ms. Riso email dates to the Board for scheduling a special meeting to discuss this item more fully.

11. Staff Report:

A. Receive 3rd Quarter 2014 Ord Community Water Consumption and Sewer Flow Report:

The Board asked clarifying questions.

12. Informational Items:

A. General Manager's Report:

1. Correspondence Received by Board or General Manager:

Mr. Kocher gave a brief update on the Bureau of Land Management building construction; and, notified the Board that he talked to a reporter with the Monterey Weekly earlier that day. Director Moore asked for information on how the District was going about collecting balances due from developers.

B. Counsel's Report:

1. General Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le stated that his update was in the packet.

2. Joint City District Committee:

President Gustafson and Vice President Le gave a brief update.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

No report.

5. MRWPCA Board Member:

Vice President Le stated that his update was in the packet.

6. LAFCO Liaison:

No report.

7. FORA:

Vice President Le stated that his update was in the packet.

8. WWOC:

Vice President Le gave a brief update.

9. JPIA Liaison:

Director Shriner noted that the next meeting was set for May 4th in Sacramento.

10. Special Districts Association Liaison:

No report.

13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 8:19 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary