

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
March 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 March 2, 2015.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Bill Lee - excused

Staff Members Present:

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

Audience Members:

Melvin Mason, Marina Resident
Debbie Stowe, Stowe Contracting
Margaret Davis, Marina Resident

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 54957.6

Conference with Labor Negotiator

Agency Negotiator (to be determined)

Employee Organization: Marina Coast Water District Employees Association

C. Pursuant to Government Code 54957.6

Conference with Labor Negotiator

Agency Negotiator (to be determined)

Employee Organization: Teamsters Local 890

D. 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

E. Pursuant to Government Code 54957

Public Employee Appointment

Title: General Manager

The Board entered closed session at 6:32 p.m. 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:

Mr. Roger Masuda, Legal Counsel, reported that during closed session, the Board discussed items 4-A, 4-B, 4-C, and 4-E, no reportable action was taken, and the Board would return to closed session at the end of the meeting to discuss item 4-D.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Debbie Stowe, Stowe Contracting, commented that they applied for the fire service fee reduction and was told it would take place February 1st. Ms. Stowe stated that during the previous discussions on the fire service fees, it was mentioned that the fee reduction would be retroactive to when the fee was initiated. She asked for clarification on whether it would be retroactive or not.

Mr. Bill Kocher, Interim General Manager, stated that this issue would need to be agendized on a future agenda for further discussion. The Board concurred to agendize this for a future agenda.

8. Consent Calendar:

Vice President Le pulled items A and B from the Consent Calendar.

A. Adopt Resolution No. 2015-09 to Revise the District's Sick Leave Policy:

Vice President Le asked for clarification on the Sick Leave Policy.

Vice President Le made a motion to bring back this item for further discussion and provide both the existing policy and new policy for comparison. Director Moore seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Regular Board Meeting of February 17, 2015:

Director Shriner made a motion to approve the draft minutes of the regular Board meeting of February 17, 2015. President Gustafson seconded the motion. The motion was passed.

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

9. Action Items:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-06 to Approve a FY 2014-2015 Capital Budget Adjustment of \$650,000 for the Regional Desalination Project:

Mr. Kocher introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-06 to approve a FY 2014-2015 Capital Budget Adjustment of \$650,000 for the Regional Desalination Project. President Gustafson seconded the motion. Vice President Le asked for a breakdown of the fees for each legal firm. The motion was passed.

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

- B. Receive an Update on the Desalination Project Work Plan:

Mr. Kocher gave a brief update on the Desalination Project Work Plan.

Director Moore made a motion approve items 1, 2, 3 of the work plan put together by the Interim General Manager and agendize the CalDesal membership for another agenda. Director Shriner seconded the motion. Director Le asked Director Moore to amend his motion to require each consultant to provide a written report on their findings with a limited cost of \$25,000. Director Shriner withdrew her second. Vice President Le seconded the motion.

Ms. Margaret Davis, Marina Resident, questioned why staff was moving quickly with this project and if the analysis would include the information that Rosemary Knight, Stanford, was working on. She asked if an alliance with other public agencies was being considered. Ms. Davis lastly asked what the projected cost for this project would be.

Vice President Le confirmed that the motion was to authorize staff to perform items 1, 2, 3 of the work plan put together by the Interim General Manager; to require each consultant to provide a written report on their findings with a limited cost of \$25,000; and, agendize the CalDesal membership for another agenda. The motion was passed.

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

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-10 to Concur in Nomination to the ACWA/JPIA Executive Committee:

Director Shriner asked clarifying questions.

Director Moore made a motion to adopt Resolution No. 2015-10 to adopt Resolution No. 2015-10 to Concur in Nomination, David Hodgin of Scotts Valley Water District, to the ACWA/JPIA Executive Committee. Vice President Le seconded the motion. The motion was passed.

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

D. Discussion and Possible Action to Consider Providing Direction Regarding Nomination to the Coastal Network, Seat A of the California Special Districts Association Board:

Following discussion, President Gustafson made a motion to nominate Vice President Le for election to the Coastal Network, Seat A of the California Special Districts Association Board. Director Moore seconded the motion. The motion was passed.

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

10. Staff Report:

A. Distribute Draft Budget for Discussion at the Budget Workshop on March 16, 2015:

Mr. Kocher stated that the draft budget was not quite ready for distribution and would be provided as soon as it was available.

11. 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.

B. Counsel's Report:

1. General Counsel's Report:

Mr. Masuda commented that he was appointed to the CSDA Law group.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le provided an update.

2. Joint City District Committee:

Vice President Le provided an update.

3. Executive Committee:

No report.

4. Community Outreach Committee:

No report.

5. MRWPCA Board Member:

Director Moore provided an update.

6. LAFCO Liaison:

No report.

7. FORA:

Vice President Le provided an update.

8. WWOC:

Mr. Kocher provided an update.

9. JPIA Liaison:

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

10. Special Districts Association Liaison:

The next meeting is in April.

12. Director's Comments:

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

President Gustafson recessed the meeting from 7:50 until 7:55 p.m.

The Board returned to Closed Session at 7:55 p.m.

4. Closed Session:

- D. 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

President Gustafson reconvened the meeting to open session at 8:26 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that direction was given to the negotiating team.

13. Adjournment:

The meeting was adjourned at 8:27 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Paula Riso, Deputy Secretary