

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California
and, 745 E. Sandpiper Court, Corolla, NC

Regular Board Meeting
June 25, 2008
7:00 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 7:00 p.m. on June 25, 2008.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi – Vice President
Tom Moore – via telephone
Dan Burns
Bill Lee

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jeff Cattaneo, District Engineer
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Leif Coponen, Schaaf & Wheeler
Bob Schaffer, Marina Community Partners
Bob Holden, MRWPCA

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Oral Communications:

None.

5. Consent Calendar:

Director Moore requested to pull item B from the Consent Calendar.

Director Burns made a motion to approve the consent calendar consisting of items A) Adopt Resolution No. 2008-27 to Amend the Professional Services Agreement with Westin Engineering Inc. for the Asset Management Project Phase I Integration of the Springbrook/Cityworks/GIS Software; C) Adopt Resolution No. 2008-29 to Extend the Current FY 2007-2008 Budget; D) Approve Expenditures for the Month of May 2008; and, E) Approve the Draft Minutes of the Regular Board Meeting of May 28, 2008. Director Lee seconded the motion. The motion was passed.

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

B. Adopt Resolution No. 2008-28 to Approve a Long-Term Disability Plan for District Employees:

Director Moore stated that he pulled this item because he is opposed to piecemealing employee benefits rather than going through the negotiation process.

Director Burns made a motion to adopt Resolution No. 2008-28 approving a Long-Term Disability Plan for District employees. Director Lee seconded the motion. The motion was passed.

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|----------------|---|-----|----------------------|---|-----|
| Director Moore | - | No | Vice President Nishi | - | Yes |
| Director Lee | - | Yes | President Gustafson | - | Yes |
| Director Burns | - | Yes | | | |

6. Action Item:

A. Consider and Take Action on Making a Written Demand to the Monterey Regional Water Pollution Control Agency to Cure or Correct an Action Taken in Violation of the Brown Act:

Mr. Lloyd Lowrey, Legal Counsel, stated that he was asked to review the Monterey Regional Water Pollution Control Agency Board meeting minutes of May 29, 2008.

Agenda Item 6-A (continued):

Mr. Lowrey commented that the information provided in the minutes does present a violation of the Brown Act. He stated that the minutes are unclear as to whether the MRWPCA Board took an improper action in closed session or an action not on the agenda in open session. The agenda must have in general terms of what is to be discussed in closed or open session.

Mr. Lowrey commented that it appears in the minutes as though action was taken in closed session on a topic that was not the subject on the agenda, and action was taken on policy involving regional water projects and basin replenishment, not on negotiations over easements, rights-of-way, pipelines and appurtenances, water rights and improvements to real property as shown on the agenda. Mr. Lowrey stated that the effect of that, because the MCWD representative was excluded from the conversation, would be to disenfranchise or exclude from the regional policy discussion, all of the persons represented by the MCWD's representative, which is a fairly significant segment of the public.

Mr. Lowrey opined that either way, if action was taken in closed or open session, it was not properly agendaized and therefore a violation of the Brown Act. The MCWD Board can make a demand that the action be corrected or cured and Mr. Lowrey stated he provided a draft letter for the Board to consider sending to the MRWPCA.

Director Moore asked if the MRWPCA has had an opportunity to make any comments. Mr. Jim Heitzman, General Manager, answered that MRWPCA has had the opportunity to make comments but none were made.

Director Burns made a motion to make a written demand to the Monterey Regional Water Pollution Control Agency to cure or correct an action taken in violation of the Brown Act. Director Lee seconded the motion. The motion was passed.

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

7. Staff Report:

A. Receive Update on the Proposed Increase in Rates, Fees and Charges:

Mr. Suresh Prasad, Director of Finance, commented that the FORA Water/Wastewater Oversight Committee and Administrative Committee have discussed moving the operating rates ahead and holding off on approving the capacity charges. A follow-up meeting is set for July 2, 2008 to reconsider taking action on the capacity charges.

8. General Manager's/District Engineer's/Legal Counsel's Comments:

Mr. Heitzman introduced Ms. Jean Premutati as the District's new Management Services Administrator. Ms. Premutati began employment with the District in April. Mr. Heitzman also announced that Mr. Jeff Cattaneo, District Engineer, has taken a position of General Manager with San Benito County Water District and will be leaving the District in mid-July.

Mr. Cattaneo thanked the Board for the opportunity of working with the District and stated that he would help with the transition in any way he can.

Mr. Lowrey had no comments.

9. Director's Comments:

Director Burns inquired about the recruitment of the Assistant General Manager. Mr. Heitzman answered that recruitment was on hold until there was an acute need.

10. Correspondence:

Mr. Heitzman brought the Board's attention to the Safety Award the District received from American Water Works Association for 2006 safety achievements. President Gustafson requested a copy of the award.

11. Adjournment:

The meeting was adjourned at 7:21 p.m.

APPROVED:

Howard Gustafson, President

Date

ATTEST:

Jim Heitzman, General Manager