

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
December 14, 2010
6:45 p.m.

Minutes

1. Call to Order:

Vice President Lee called the meeting to order at 6:45 p.m. on December 14, 2010.

2. Roll Call:

Board Members Present:

Bill Lee – Vice President
Howard Gustafson
Dan Burns
Jan Shriner

Board Members Absent:

Ken Nishi– President

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Suresh Prasad, Director of Finance
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Rich Youngblood, Conservation Coordinator
Evelina Adlawan, Water Quality Manager
James Derbin, Interim Operations and Maintenance Superintendent
Brian True, Capital Projects Manager
Gary Rogers, Associate Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Colin Gallagher, Marina Resident
Richard Newhouse, Marina Resident
John Tiernan, MRWPCA
Jane Parker, Monterey County Supervisor
Luana Conley, Marina Resident
Frank Lambert, Marina Resident
Laura Dickey, Marina Resident

Andy Sterbenz, Schaaf & Wheeler Engineering
Mike Owen, Marina Resident
Scott Miller, Monterey County Sheriff's Office
Paula Pelot, Marina Resident
Patty Cramer, Marina Resident
Sylvia Shih, Marina Resident
George Riley, Monterey Resident

3. Declare the Election of Directors to the Marina Coast Water District:

A. Consider Adoption of Resolution No. 2010-80 to Declare the Election of Directors to the Marina Coast Water District Board:

Director Burns made a motion to adopt Resolution No. 2010-80 declaring the election of Directors to the Marina Coast Water District Board. Director Gustafson seconded the motion. The motion was passed.

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

4. Administer Oath of Office:

Monterey County Supervisor Jane Parker congratulated Ms. Shriner on her election victory then administered the Oath of Office to Ms. Jan Shriner.

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

5. Election of Board President and Vice President:

Director Gustafson nominated Vice President Lee for President and Director Burns for Vice President. Director Shriner seconded the motion. The motion was passed.

Director Burns	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Absent
Director Shriner	-	Yes			

The Board entered into closed session at 7:01 p.m.

6. Closed Session:

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

- B. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association
- C. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Teamsters Local 890
- D. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency designated representatives: Kenneth K. Nishi and William Lee
Unrepresented Employee: General Manager
- E. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Designated Representative: General Manager
Unrepresented Employee: Deputy General Manager/District Engineer

President Lee ended closed session at 7:21 p.m. and reconvened the meeting to open session at 7:22 p.m.

7. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

3-A – the Board of Directors met and conferred with Legal Counsel, and no action was taken.

3-B – the Board of Directors met and conferred with the negotiator, no action was taken although action will be taken later in the meeting on this item.

3-C – the Board of Directors met and conferred with the negotiator, direction was given and no action was taken.

3-D – the Board of Directors met and conferred with the negotiator, direction was given and no action was taken.

3-E – the Board of Directors met and conferred with the negotiator, direction was given and no action was taken.

8. Pledge of Allegiance:

President Lee led everyone present in the Pledge of Allegiance.

9. Oral Communications:

Ms. Patty Cramer, Marina resident, asked how much the District charged for water and if Mobile Home Park owners could make a profit on what they charge residents for water. She also asked on the outcome of Mr. Marshall Reeves request regarding Mobile Home Parks.

Ms. Luana Conley, Marina resident, asked the Board of Directors to consider having the meetings filmed and aired on Access Monterey Peninsula, and to consider changing meeting dates so they don't conflict with the City of Marina's Council meetings.

10. Consent Calendar:

Vice President Burns asked to pull item D from the Consent Calendar.

Director Gustafson made a motion to approve the Consent Calendar consisting of items:

- A. Adopt Resolution No. 2010-81 to Approve a Real Estate Transfer from the Marina Coast Water District to Residents at Sunset Place
- B. Adopt Resolution No. 2010-82 to Approve the Unit Modification Order to Teamsters Union Local 890
- C. Approve the Proposed Regular Board Meeting and Standing Committee Meeting Dates and Times for 2011
- E. Approve the Draft Minutes of the Regular Board Meeting of November 9, 2010
- F. Approve the Draft Minutes of the Special Board Meeting of November 29, 2010

Director Shriner seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	Yes			

D. Approve the Expenditures for the Month of November 2010:

Vice President Burns inquired on the refunds given. Mr. Suresh Prasad, Director of Finance, explained that refunds were given on accounts that were closed and had a credit balance.

Vice President Burns made a motion to approve the expenditures for the month of November 2010. Director Gustafson seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	Yes			

11. Action Items:

- A. Consider Adoption of Resolution No. 2010-83 to Approve the Technical Design and Construction of the Proposed Well No. 34:

Mr. Gary Rogers, Associate Engineer, introduced this item. Vice President Burns asked if the well would be in the 900' aquifer. Mr. Rogers answered affirmatively. Director Shriner asked who owned the property where the wells are located and the Watkins Gate property. Mr. Rogers answered that the property where the wells are located are owned by UCMBEST and the Watkins Gate property is owned by a developer, Union Community Partners.

Director Gustafson made a motion to adopt Resolution No. 2010-83 approving the Technical Design and Construction of the Proposed Well No. 34. Vice President Burns seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	Yes			

- B. Consider Adoption of Resolution No. 2010-84 to Approve the Memorandum of Understanding (MOU) between the Marina Coast Water District Employees Association and the Marina Coast Water District:

Mr. Heitzman introduced this item. Director Shriner inquired if there is anything in the MOU about accommodating economic crisis. Mr. Heitzman answered that there were no increases given last year and since then, several employees have left and their work has been absorbed by other employees. This saves the ratepayers approximately \$150,000 per year with little return to those employees doing the extra work.

Vice President Burns made a motion to adopt Resolution No. 2010-84 approving the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District. Director Shriner seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	Yes			

C. Consider Adoption of Resolution No. 2010-85 to Approve the FY 2010/2011 Marina Coast Water District Employees Association Salary Schedules:

Mr. Heitzman commented that since the Board of Directors just approved the MOU, this action adopts the salary schedules for that item.

Vice President Burns made a motion to adopt Resolution No. 2010-85 approving the FY 2010/2011 Marina Coast Water District Employees Association salary schedules. Director Gustafson seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	Yes			

12. Staff Report:

A. Receive Verbal Update on the Regional Water Supply Project:

Mr. Heitzman commented that the California Public Utilities Commission (CPUC) recently ratified the Water Purchase Agreement stating that the Agreement was fair for all parties involved and those that receive the greater benefits pay the greater amount. Mr. Heitzman stated that this was a milestone for our region as we have been looking for a new water supply for over 30 years. The next steps were securing bonds and going before the Coastal Commission for at least 25 permits. Director Shriner inquired what the immediate next step was. Mr. Heitzman stated it was securing bonds.

13. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that on Thursday, December 16th, there was a holiday luncheon at noon at the Ord offices and all the Directors were invited.

B. District Engineer's Report:

No report.

C. Counsel's Report:

Mr. Lowrey commented that this was the time for Directors to think about the AB1234 Ethics training that is required every two years. He commented that there were some opportunities to take the class in the Monterey area in the near future or the training is available online.

Agenda item 13-C (continued):

Mr. Lowrey commented that he works for the Board through the General Manager, and every Board member can call him as long as it doesn't require written opinion and something that won't take more than an hour. This keeps the cost down and keeps the General Manager in the loop.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

President Lee commented that the minutes were included with the Board packet.

2. Joint City-District Committee:

President Lee stated that there wasn't a December meeting and the next meeting was in January.

3. Budget and Personnel Committee:

Director Gustafson commented that there was a meeting this upcoming Friday.

4. Operations and Maintenance Committee:

President Lee commented that the minutes were included with the Board packet. Mr. Heitzman commented that this might be an opportunity to let the other Directors know that they can submit their requests for Committee appointment for 2011. Mr. Lowrey commented that the President appoints members to Ad Hoc Committees. The President makes recommendations to the Standing Committees and the Board appoints the members. The Board also appoints representatives to outside agencies.

5. Projects and Planning Committee:

Director Shriner commented that she was informed that she would be the placeholder at tomorrow's meeting since she was replacing Mr. Moore. She suggested an adjustment in the policy for when there is a change of Directors and maybe the meetings could be postponed until an appointment is made. President Lee stated that the December meeting for the Projects and Planning Committee is postponed until January.

6. Special Districts Association Liaison:

Director Gustafson commented the next meeting was in January.

7. MRWPCA Board Member:

Vice President Burns stated that there was no District representation at the last meeting.

8. LAFCO Liaison:

No comments.

9. JPIA Liaison:

No comments.

10. FORA:

Director Gustafson commented that he was present at the last meeting where a time capsule was assembled.

11. Executive Committee:

No meeting was held.

12. Community Outreach:

Director Gustafson commented that the WaterWise Update was just sent out.

E. Director's Comments:

Director Shriner inquired when the application period closes for the Water Conservation Commission. Mr. Richard Youngblood, Conservation Coordinator, announced that to date, two applications have been received, and they will be reviewed at next meeting on January 6th. If any other applications are received during the next several weeks, they will be included in the review.

Vice President Burns asked who will answer the question made by Ms. Cramer during the Oral Communications. Mr. Carl Niizawa, Deputy General Manager/District Engineer, commented that he would answer Ms. Cramer's question. Vice President Burns also commented that he attended a presentation by Australians on desalination and found it very informative. Mr. Heitzman commented that several of their people are on the District's team.

Director Gustafson commented that he is looking forward to another prosperous year with Mr. Heitzman. He also commented that there is a lot of new technology with desalination that is very interesting.

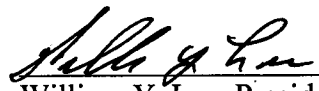
Director Shriner thanked everyone for the kind and respectful treatment she has received and congratulated Vice President Burns and President Lee for their appointments as Vice President and President.

President Lee thanked the public for attending the meeting and thanked the General Manager, Legal Counsel, and staff for making the District the premier water distributor of the region.

14. Adjournment:

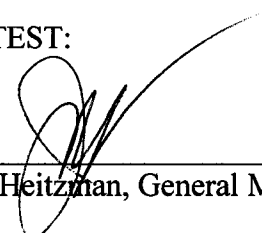
The meeting was adjourned at 7:48 p.m.

APPROVED:



William Y. Lee, President

ATTEST:



Jim Heitzman, General Manager