

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
January 11, 2011
6:45 p.m.

Minutes

1. Call to Order:

President Lee called the meeting to order at 6:45 p.m. on January 11, 2011.

2. Roll Call:

Board Members Present:

Bill Lee – President
Dan Burns – Vice President
Howard Gustafson
Jan Shriner

Board Members Absent:

Ken Nishi

Staff Members Present:

Jim Heitzman, General Manager	Tuan Nguyen, Systems Operator II
Lloyd Lowrey, Legal Counsel	Tim Buhl, Systems Operator II
Carl Niizawa, Deputy General Manager/District Engineer	Stephenie Fogel, Administrative Assistant
Jean Premutati, Management Services Administrator	
Kelly Cadiente, Director of Administrative Services	
Thomas Barkhurst, Water Quality Chemist	
Rich Youngblood, Conservation Coordinator	
Brian True, Capital Projects Manager	
James Derbin, Operations and Maintenance Superintendent	
Joe Correa, Interim Assistant Operations and Maintenance Superintendent	
Paula Riso, Executive Assistant/Board Clerk	

Audience Members:

Bob Holden, MRWPCA	Ron Chesshire, MSCBCTC
Dave McCall, Marina Resident	Tom Moore, Marina Resident
Robin McCall, Marina Resident	Rick Verduco, Monterey Resident
Ruth Krotzer, Marina Resident	Cynthia Buhl, Monterey Resident
Andy Sterbenz, Schaaf & Wheeler	Richard Newhouse, Marina Resident
Manuel Pinheiro, Operating Engineers Local 3	

The Board entered into closed session at 6:45 p.m.

3. 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: Teamsters Local 890
- C. Pursuant to Government Code 54957.6
Conference with Labor Negotiators
Agency designated representatives: William Lee and Dan Burns
Unrepresented Employee: General Manager
- D. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Designated Representative: General Manager
Unrepresented Employees: Deputy General Manager/District Engineer and Management Services Administrator

The Board ended closed session at 6:56 p.m.

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

4. 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 labor negotiator, and no action was taken.

3-C – the Board of Directors met and conferred with the labor negotiators, and no action was taken.

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

5. Pledge of Allegiance:

President Lee led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Ron Chesshire, CEO of Monterey/Santa Cruz Building Construction Trades Council, commented that he was notified by the 6th Appellate Court District that the panel of judges upheld Judge O'Farrel's decision in regards to the payment of prevailing wages on the former Fort Ord. Mr. Chesshire commented that the Marina Coast Water District has been a leader and the first agency to ensure that training takes place on projects in this area. He also noted that the Board of Supervisors approved the Regional Desalination Project earlier that day and he looks forward to doing what they can to help with the Project. Mr. Chesshire offered assistance in monitoring to ensure that apprentices are used and prevailing wages are paid on the District's projects.

Manuel Pinheiro, Operating Engineers Local 3, commented that the City of Marina is the gateway to the Peninsula and that this project will be great for all building trades and will bring infrastructure and jobs to our area. Mr. Pinheiro stated that they offer a great apprenticeship program and are 38,000 strong.

7. Presentations:

- A. Consider Adoption of Resolution No. 2011-02 to Recognize Thomas Moore, for 17 Years of Outstanding and Dedicated Service as a Director to the Marina Coast Water District:

Director Gustafson made a motion to approve Resolution No. 2011-02 recognizing Thomas Moore, for 17 Years of outstanding and dedicated service as a Director to the Marina Coast Water District. 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			

President Lee read the narration and presented Mr. Moore with a plaque. Mr. Moore thanked staff for their professional help, he thanked the current and former Board members for their dedication, and thanked the public.

- B. Consider Adoption of Resolution No. 2011-03 in Recognition and Appreciation of Director Kenneth K. Nishi's Service as Board President from December 2009 through November 2010:

Director Gustafson made a motion to approve Resolution No. 2011-03 recognizing and appreciating Director Kenneth K. Nishi's service as Board President from December 2009 through November 2010. 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			

- C. Consider Adoption of Resolution No. 2011-04 in Recognition of Ms. Stephenie Fogel, Administrative Assistant, and Award a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Director Gustafson made a motion to approve Resolution No. 2011-04 recognizing Ms. Stephenie Fogel, Administrative Assistant, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District. 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			

President Lee read the narration and presented Ms. Fogel with a plaque and gift certificate. Mr. Jim Heitzman, General Manager, added his appreciation and thanks to Ms. Fogel.

- D. Consider Adoption of Resolution No. 2011-05 in Recognition of Mr. Tim Buhl, System Operator II, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Vice President Burns made a motion to approve Resolution No. 2011-05 recognizing Mr. Tim Buhl, System Operator II, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. 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			

President Lee read the narration and presented Mr. Buhl with a plaque and gift certificate. Mr. Heitzman added his appreciation and thanks to Mr. Buhl.

- E. Consider Adoption of Resolution No. 2011-06 in Recognition of Mr. Tuan Nguyen, System Operator II, and Awarding a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Vice President Burns made a motion to approve Resolution No. 2011-06 recognizing Mr. Tuan Nguyen, System Operator II, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District. 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			

President Lee read the narration and presented Mr. Nguyen with a plaque and gift certificate. Mr. Heitzman added his appreciation and thanks to Mr. Nguyen.

8. Consent Calendar:

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

- A. Approve the Expenditures for the Month of December
- B. Approve the Draft Minutes of the Regular Board Meeting of December 14, 2010
- C. Approve the Draft Minutes of the Special Board Meeting of January 4, 2011

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			

9. Action Items:

Mr. Heitzman commented that staff would like to pull agenda item 9-D from the agenda.

- A. Consider Appointment to the Water Conservation Commission:

President Lee asked if any of the applicants were present. Ms. Ruth Krotzer was the only applicant present.

Director Gustafson made a motion to appoint Ms. Ruth Krotzer to the Water Conservation Commission. Vice President Burns seconded the motion.

Agenda Item 9-A (continued):

Director Shriner made a motion to appoint Mr. David Vega to the Water Conservation Commission citing that Mr. Vega has 25 years of plumbing experience and 16 years of residence in Marina. She added that Ms. Krotzer has only 2 years of residence in Marina and is a historic tour guide. Director Shriner commented that the experience and length of residency of Mr. Vega might better serve the Commission. The motion failed for a lack of a second.

Director Gustafson repeated his motion to appoint Ms. Ruth Krotzer to the Water Conservation Commission. Vice President Burns repeated his second to the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Nishi	-	Absent	President Lee	-	Yes
Director Shriner	-	No			

B. Consider Adoption of Resolution No. 2011-07 to Approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District:

Vice President Burns made a motion to adopt Resolution No. 2011-07 approving the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District. 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			

C. Consider Adoption of Resolution No. 2011-08 to Approve the FY 2010/2011 Teamsters Local 890 Salary Schedules:

Director Gustafson made a motion to adopt Resolution No. 2011-08 approving the FY 2010/2011 Teamsters Local 890 Salary Schedules. 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			

- E. Consider Adoption of Resolution No. 2011-10 to Authorize Submission of an Application to the California Pollution Control Authority's (CPCFA) California Debt Limit Allocation Committee (CDLAC), State of California for a Qualified Private Activity Bond Allocation of \$340,000,000 to Finance the Regional Desalination Facility and to Place a Performance Deposit of \$100,000 on Account with Rabobank N.A.:

Ms. Kelly Cadiente, Director of Administration, introduced this item and explained that the District has to apply for an allocation to be able to go out and sell the bonds and the CDLAC requires the District to put a performance deposit down to guarantee that the District is serious about selling the bonds. The deposit is refunded when the bonds are sold.

Mr. Heitzman stated that the District is looking to see if the bonds can be taken in increments of \$50 to \$100 million to save the ratepayers the finance charge. The CDLAC is taking it under consideration as they have never done it that way before.

Director Gustafson thanked staff for choosing a local bank to handle the deposit.

Vice President Burns made a motion to adopt Resolution No. 2011-10 to authorize submission of an application to the California Pollution Control Authority's (CPCFA) California Debt Limit Allocation Committee (CDLAC), State of California for a Qualified Private Activity Bond Allocation of \$340,000,000 to finance the Regional Desalination Facility and to place a Performance Deposit of \$100,000 on account with Rabobank N.A.. 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			

- F. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2011:

President Lee submitted his suggestions for Director appointments to Standing Committees of the Board and to Outside Agencies for 2011:

Water Conservation Committee Member: Bill Lee - Dan Burns, Alternate

Joint City/District Committee Members: Dan Burns and Bill Lee – Ken Nishi, Alternate

Budget & Personnel Committee Members: Howard Gustafson and Dan Burns

Agenda Item 9-F (continued):

MRWPCA	Committee Member:	Dan Burns – Bill Lee, Alternate
LAFCO	Committee Member:	Howard Gustafson – Carl Niizawa, Alternate
FORA	Committee Member:	Dan Burns – Howard Gustafson, Alternate
Special Districts Assoc.	Committee Member:	Howard Gustafson - Bill Lee, Alternate
JPIA	Committee Member:	Jan Shriner – Ken Nishi, Alternate
Executive	Committee Members:	Bill Lee and Dan Burns
Community Outreach	Committee Members:	Howard Gustafson and Bill Lee

President Lee announced that he was placing the Operations and Maintenance and Projects and Planning Committees on hold until further notice.

Director Gustafson made a motion to approve President Lee's suggested Committee appointments. 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			

10. Staff Report:

A. Strategic Planning Update:

Ms. Jean Premutati, Management Services Administrator, introduced this item. The Board asked staff to prepare a Request for Proposals and bring it back to the Board for consideration.

11. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that the District received a refund of \$15,000 from JPIA, the District's Workers Compensation Insurance carrier for outstanding performance in 2010. Mr. Heitzman also commented that the Board of Supervisors approved the Regional Plan unanimously, making January 11, 2011 as the effective date for the Water Purchase Agreement.

Agenda Item 9-F (continued):

Mr. Heitzman stated that the Employee Association and the Teamsters thanked the Board for their patience during the recent negotiations.

B. District Engineer's Report:

Mr. Carl Niizawa, Deputy General Manager/District Engineer, commented that he attends outside agency meetings on behalf of the District, and is the professional support to the Board with regards to the other agencies meetings and any issues that may arise from those meetings.

C. Counsel's Report:

No report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

President Lee commented that they are doing an excellent job.

2. Joint City-District Committee:

Mr. Heitzman stated that the meeting has been postponed because the City appointed new members and want time to get them up to speed.

3. Budget and Personnel Committee:

Director Gustafson commented that the Committee went over insurance items and requested information on other items.

4. Operations and Maintenance Committee:

President Lee commented that this Committee is on hold.

5. Projects and Planning Committee:

President Lee commented that this Committee is on hold.

6. Special Districts Association Liaison:

Director Gustafson commented the next meeting was January 18th.

7. MRWPCA Board Member:

No comments.

8. LAFCO Liaison:

Mr. Moore commented that at the last meeting, the Director of AMBAG and briefed everyone on the future of Monterey County and urged the Board to get a copy of the report and respond to AMBAG.

9. JPIA Liaison:

No comments.

10. FORA:

No comments.

11. Executive Committee:

No meeting was held.

12. Community Outreach:

Director Gustafson commented that the conservation newsletter was just sent out and once the new Desal project gets going, there will be plenty of outreach.

E. Director's Comments:

Vice President Burns commented that he would like to see the candidates who run for commissions appear and speak before the Board about their qualifications and why they want to be appointed. President Lee asked Ms. Ruth Krotzer if she wanted to speak to the Board.

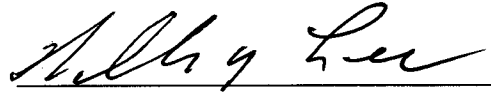
Ms. Ruth Krotzer clarified that she has lived in Marina since 1984. Several years ago, Ms. Krotzer served as a member on the Newbury Springs Water Association and was prolific in stopping overdraft of their water table. She also was a director on the Marina Chamber of Commerce. Ms. Krotzer has been involved with the Marina Historical Commission, the Monterey Peninsula Foundation to support the school district, the American Legion and American Legion Auxiliary, Marina Youth Arts Commission as well as numerous other civic involvements.

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12. Adjournment:

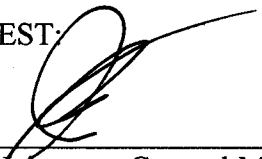
The meeting was adjourned at 7:49 p.m.

APPROVED:



William Y. Lee, President

ATTEST:



Jim Heitzman, General Manager