

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
May 6, 2013
6:00 p.m.

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on May 6, 2013.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None

Staff Members Present:

Jim Heitzman, General Manager
Brian Lee, Deputy General Manager/District Engineer
Roger Masuda, Legal Counsel
Jeanine DeBacker, Special Counsel
James Derbin, Operations and Maintenance Superintendent
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Brian True, Capital Projects Manager
Patrick Breen, Project Manager
Andrew Sterbenz, Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Member:

Mike McCullough, MRWPCA

3. Action Item:

A. Consider Appointment of a Labor Negotiator:

Vice President Shriner made a motion to nominate President Moore as the Labor Negotiator. The motion failed for lack of a second.

Agenda Item 3-A (continued):

Director Le made a motion to nominate President Moore and Vice President Shriner as Labor Negotiators. Vice President Shriner seconded the motion. The motion was passed.

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

4. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:04 p.m.

5. Closed Session:

A. Pursuant to Government Code Section 54957.6

Conference with Labor Negotiator (Name(s) of designated representative(s) attending the closed session to be announced at an open session held prior to the closed session.)

Unrepresented Employee: General Manager

B. Pursuant to Government Code Section 54957

Conference with Legal Counsel

Public Employee Performance Evaluation

Title: General Manager

C. 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 No. H038550

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

3) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, Monterey County Superior Court Case No. M120053 (Complaint for Declaratory Relief)

Agenda Item 5 (continued):

4) State Water Resources Control Board's Proposed Revocation of Monterey County Water Resources Agency Water Right Permit 11043 authorizing the diversion of up to 168,538 acre-feet per year from the Salinas River

- D. Pursuant to Government Code Section 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case – MCWD Claims against Monterey County and MCWRA
- E. Pursuant to Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C)
Conference with Legal Counsel – Anticipated Litigation
Potential Litigation
Two Cases
 - 1) Claims of MCWRA and Monterey County against MCWD
 - 2) Claims of California–American Water Company against MCWD
- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, District Counsel)
Property: Water Rights
Negotiating Parties: Clark Colony Water Company and MCWD
Under Negotiations: Price and Terms

The Board ended closed session at 7:00 p.m.

President Moore reconvened the meeting to open session at 7:01 p.m.

6. Possible Action on Closed Session Items:

President Moore stated that no reportable actions were taken in closed session.

7. Pledge of Allegiance:

President Moore asked Mr. Jim Heitzman, General Manager, to lead everyone present in the pledge of allegiance.

8. Oral Communications:

No comments.

9. Presentation:

- A. Consider Adoption of Resolution No. 2013-31 in Recognition and Appreciation of Ms. Jean Premutati, Management Services Administrator, for 5 Years of Service to Marina Coast Water District:

Director Gustafson made a motion to adopt Resolution No. 2013-31 recognizing Ms. Jean Premutati, Management Services Administrator, for 5 Years of Service to Marina Coast Water District and presenting her with a plaque and gift certificate. Vice President Shriner seconded the motion. The motion was passed.

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

President Moore read the narration and presented Ms. Premutati with a plaque and gift certificate.

10. Consent Calendar:

Director Le requested to pull agenda item 10-C from the Consent Calendar.

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

- A) Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System
B) Approve the Draft Minutes of the Special Board Workshop of April 13, 2013

Vice President Shriner seconded the motion. The motion was passed.

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

- C. Approve the Draft Minutes of the Regular Board Meeting of April 15, 2013:

Director Le made a motion to adopt the draft minutes of the regular Board meeting of April 15, 2013 with the clarification that his motion on page 5 of the minutes includes “the Board provides direction to the auditors and they report directly back to the Board”. Vice President Shriner seconded the motion. The motion was passed.

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

11. Staff Reports:

A. Receive a Report Regarding the Update to the Infrastructure Agreement Template:

Mr. Brian Lee, Deputy General Manager/District Engineer, briefly explained the updates proposed and that the revised Infrastructure Agreement Template will return to the Board for consideration within the next month.

Director Le asked that the Word document be provided to the Board so that they could review and make track-changes to the document. The Board members made several suggested changes/clarifications to the document.

Mr. Lee thanked the Board for their input and said that staff would bring the Infrastructure Agreement back as soon as possible for consideration.

B. Receive Update on the Marina and Ord Community Budgets:

Mr. Lee explained that staff plans to bring a draft budget before the Board on May 20th. Director Le directed staff to inform FORA of a pending rate increase.

11. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that a Public Records Request was received from Mr. Michael Stamp's office. Director Le asked when the information was provided Mr. Stamp and asked to see a copy of what was provided.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

There was no report.

2. Joint City District Committee:

President Moore stated that there were updates on the CSUMB Dormitory; the BLM Lease; inviting other Land Use Jurisdictions to future meetings; permit applications received by the City of Marina from California American Water Company; and a State of the Water presentation to be held in July.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that he wanted to hold a joint meeting with the Water Conservation Commission. President Moore cautioned having a quorum of the Board at a joint meeting.

5. MRWPCA Board Member:

President Moore stated that Chair Orman resigned from his seat as he will be living outside of the representative jurisdiction; Gloria De La Rosa was appointed Vice Chair; and the MRWPCA recently did some testing on industrial ponds; the Board approved refinancing some bonds; discussed using Bayonet/Blackhorse wells for injection tests as part of the Groundwater Replenishment Project; and discussed getting a permit from FORA for a monitoring well. President Moore commented that there was discussion at a recent meeting where it was said that the District owes the MRWPCA \$3 million. Mr. Heitzman clarified that Mr. Lee met with Mr. Israel and Mr. Hagemann and was informed that there was not a debt owed by the District to the MRWPCA. Director Le commented that the MRWPCA sent a letter in November 2012 notifying the District of the \$3 million debt, and asked if the District can get another letter from the MRWPCA clarifying that there is no debt.

6. LAFCO Liaison:

Director Le stated that LAFCO approved the proposed work program, which included the District's Municipal Services Review and Annexation, and hired a new employee to handle it for the next year.

7. FORA:

President Moore commented that the Post Re-Assessment Ad Hoc Committee made more progress on Categories 1 and 4.

8. WWOC:

Mr. Heitzman stated that there was nothing to report.

9. JPIA Liaison:

Director Gustafson stated that there was nothing to report.

10. Special Districts Association Liaison

Director Gustafson commented that several County Supervisors spoke as well as the Economic Development Coordinator for Monterey County.

11. CalDesal:

Mr. Heitzman commented that the State Water Resources Control Board has asked CalDesal to stay involved in the outfall and intake issues for desal.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le said that he would email President Moore his requests.

Vice President Shriner commented that several of the Water Conservation Commissioner terms will be ending in August and it should be discussed in the near future. She added that they needed to start discussing training requirements for the Water Conservation Commissioners. Vice President Shriner suggested looking at the FORA contract regarding the timeframe and what happens when FORA sunsets.

13. Director's Comments:

Director Gustafson advised the ratepayers need to be cautious when it comes to annexing the Ord Community as Central Marina could be responsible for paying infrastructure costs on the Ord Community.

Director Le asked how the Rate Study was progressing. He also asked for the results of the survey that the FORA WWOC handed out last meeting.

Vice President Shriner thanked staff for incorporating all the comments on the Consumer Confidence Report. She asked if staff wanted her to email her comments on the Infrastructure Agreement Template. Mr. Lee said that it would be helpful.

President Moore thanked staff for their hard work.

The Board returned to closed session at 7:52 p.m.

5. Closes Session:

A. Pursuant to Government Code Section 54957.6

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B. Pursuant to Government Code Section 54957

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Potential Initiation of Litigation

One Case – MCWD Claims against Monterey County and MCWRA

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Two Cases

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F. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator (General Manager, District Counsel)

Property: Water Rights

Negotiating Parties: Clark Colony Water Company and MCWD

Under Negotiations: Price and Terms

The Board ended closed session and reconvened the meeting to open session at 8:26 p.m.

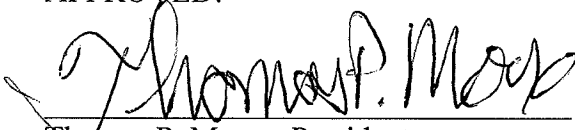
6. Possible Action on Closed Session Items:

President Moore stated that no reportable actions were taken in closed session.

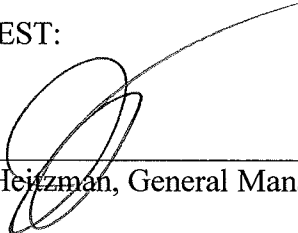
15. Adjournment:

The meeting was adjourned at 8:26 p.m.

APPROVED:


Thomas P. Moore, President

ATTEST:


Jim Heitzman, General Manager