

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
April 15, 2013
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on April 15, 2013.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Bill Lee – Excused

Staff Members Present:

Brian Lee, Deputy General Manager/District Engineer
Roger Masuda, Legal Counsel
James Derbin, Operations and Maintenance Superintendent
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Patrick Breen, Project Manager
Andrew Sterbenz, Engineer
Thomas Barkhurst, Laboratory Supervisor
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Ken Nishi, Marina Resident

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:03 p.m.

4. Closed Session:

- A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

Agenda Item 4 (continued):

1) Ag Land Trust v. Marina Coast Water District and Does 1-100, 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)

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

- B. 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
- C. 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
- D. Pursuant to Government Code Section 54957
Conference with Legal Counsel
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 6:30 p.m.

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

5. Possible Action on Closed Session Items:

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

6. Pledge of Allegiance:

President Moore asked Mr. Brian Lee, Acting General Manager, to lead everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Kenneth Nishi, Marina resident, made several comments: 1) at the April 1st meeting, he did not use his entire four minutes for comments on an agenda item and was not allowed to comment a second time on that same item; 2) a copy of the lease agreement was not available to the public at the March 18th meeting as was stated by the Interim General Manager at the last meeting; 3) the Board President asked about paying off the loan for the Imjin property quicker, was he not aware it was already in the information provided on page 42 of the packet; 4) a Director asked if staff had considered selling the Imjin property, does the Director not understand the roles of staff and the Board; and, 5) why would a Director ask about the cost centers for the new building in the Imjin Office Park unless they were inexperienced or does not understand the budget process.

8. Consent Calendar:

Director Le requested to pull agenda items 8-B and 8-C from the Consent Calendar.

Vice President Shriner requested to pull agenda item 8-D from the Consent Calendar.

Mr. Lee stated that there was a revised Resolution for agenda item 8-A and pulled it from the consent calendar.

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

- E) Approve the Expenditures for the Month of March 2013
- F) Approve the Draft Minutes of the Regular Board Meeting of April 1, 2013

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

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

- A. Adopt Resolution No. 2013-27 in Recognition and Appreciation to the Volunteer Videographers Public Service by Filming the District Board Meetings for the Last 5 Years:

The Board briefly discussed this item and received public comment.

Agenda Item 8-A (continued):

Director Le made a motion to adopt the revised Resolution No. 2013-27 in recognition and appreciation to the volunteer videographers' public service by filming the District Board meetings for the last 5 Years. Vice President Shriner seconded the motion. The motion was passed.

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

B. Adopt Resolution No. 2013-28 to Revise Policy Nos. 5.12 and 8.5 of the Employee Handbook:

The Board briefly discussed this item.

Director Gustafson made a motion to adopt the Resolution No. 2013-28 to Revise Policy Nos. 5.12 and 8.5 of the Employee Handbook with the changes as provided. Vice President Shriner seconded the motion. The motion was passed.

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

C. Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System:

Following discussion of this item, the Board recommended tabling this item until May 6, 2013.

D. Approve the Compilation of Action Minutes for Board Meetings:

The Board briefly discussed this item.

Director Le made a motion to approve the compilation of action minutes for Board meetings. Vice President Shriner seconded the motion. The motion was passed.

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

9. Action Items:

A. Consider Adoption of Resolution No. 2013-29 to Approve a Contract with Pun & McGeady, LLP to Provide Annual Audit Services to the District:

Agenda Item 8-A (continued):

The Board discussed this item and received public comment.

Director Le made a motion to adopt Resolution No. 2013-29 to approve a Contract with Pun & McGeady, LLP to Provide Annual Audit Services to the District for one-year with an option to renew the second year. Vice President Shriner seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2013-30 to Authorize the Acting General Manager to Sign a Professional Service Agreement with the Paul Davis Partnership for Architectural Services for the Imjin Office Park Building E to House the Bureau of Land Management:

The Board briefly discussed this item and received public comment. There was a request for video surveillance to be placed on both the Imjin properties.

Director Le made a motion to adopt Resolution No. 2013-23 to authorize the Acting General Manager to Sign a Professional Service Agreement with the Paul Davis Partnership for Architectural Services for the Imjin Office Park Building E to House the Bureau of Land Management. Vice President Shriner seconded the motion. The motion was passed.

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

10. Staff Report:

- A. 1st Quarter 2013 Ord Community Water Consumption and Sewer Flow Reports:

Director Le questioned if the CSUMB dorms used water from the City of Marina's allocation. Mr. Lee confirmed that CSUMB dormitory water would come from the City of Marina's allocation.

11. Informational Items:

- A. General Manager's Report:

Mr. Lee commented that any letters received for the Board or General Manager will be listed on the next agenda.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner said the next meeting was May 2nd at 5:30 p.m.

2. Joint City District Committee:

President Moore stated that the Joint City District Committee had not met since the last Board meeting.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Vice President Shriner commented that the Committee met with the Kiwanis's on April 9th. Director Le said that he met with the Rotary and there is a need for more outreach in the community.

5. MRWPCA Board Member:

President Moore stated that they had not met since the last Board meeting.

6. LAFCO Liaison:

Director Le stated that the meeting was the next week.

7. FORA:

President Moore stated that FORA held meetings on the last two Friday's and updated the Board on the recent actions.

8. WWOC:

Mr. Lee stated that the meeting would be held on April 17th.

9. JPIA Liaison:

Director Gustafson said that there was nothing to report.

10. Special Districts Association Liaison

Director Gustafson said that the meeting was April 16th.

11. CalDesal:

No report.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le said that he would like to see contract agreements included in future packets.

13. Director's Comments:

Director Gustafson thanked staff for a good job.

Director Le commented that the Strategic Workshop was last weekend and suggested that Board members get their comments in as soon as possible.

Vice President Shriner commented that she understands that it will take two-three months before the Strategic Plan comes back to the Board for approval, and, she added that she likes the new format of answering questions from the public at the meeting.

Director Le asked staff to email the draft Strategic Plan to the Directors for their comments.

President Moore commented that the Strategic Workshop was excellent and well led by Mr. Ives. He thanked staff for the tour of the facilities.

15. Adjournment:

The meeting was adjourned at 8:30 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Jim Heitzman, General Manager