

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
May 20, 2013
6:45 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:45 p.m. on May 20, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President
Peter Le

Board Members Absent:

Howard Gustafson - excused
Bill Lee - excused

Staff Members Present:

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
Sean Knight, Associate Engineer
Patrick Breen, Project Manager
Andrew Sterbenz, Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Member:

Mike McCullough, MRWPCA

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:46 p.m.

4. 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)
 - 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 7:01 p.m.

President Moore reconvened the meeting to open session at 7:03 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, Deputy General Manager/District Engineer, to lead everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

Director Le requested to pull agenda items 8-A through 8-D from the Consent Calendar.

- A. Adopt Resolution No. 2013-32 to Approve a Quitclaim Deed of Potable Water Pipe and Easements to California State University at Monterey Bay:

Director Le asked some clarifying questions regarding the survey map, the pipelines and the easements.

Director Le made a motion to table this item until the next meeting and bring back all the recording documentation for final approval. Vice President Shriner seconded the motion. The motion was passed.

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

- B. Receive the Quarterly Financial Statements for the Quarter Ended March 31, 2013:

Director Le asked staff to provide the legal and professional services broken down by cost center for each quarter.

Agenda Item 8-B (continued):

Director Le made a motion to receive the quarterly financial statements for the quarter ended March 31, 2013. Vice President Shriner seconded the motion. The motion was passed.

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

C. Approve the Expenditures for the Month of April 2013:

Director Le questioned check number 55819. Mr. Lee explained that the invoice covered work done for the Project Workshop the Board held in February 2013.

Director Le made a motion to approve the expenditures for the month of April 2013 subject to staff providing copies of the RMC invoices at a later date. Vice President Shriner seconded the motion. The motion was passed.

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

D. Approve the Draft Minutes of the Regular Board Meeting of May 6, 2013:

Director Le noted that Director Gustafson did not attend the Special Districts Association meeting in April.

President Moore made a correction to page 6 of the minutes to replace the word "Coast" with "Post" under item 7 on that page.

Director Le made a motion to adopt the draft minutes of the regular Board meeting of May 6, 2013 with the noted correction. Vice President Shriner seconded the motion. The motion was passed.

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

9. Action Items:

A. Consider Adoption of Resolution No. 2013-33 to Approve the District Technology Plan Appendix for FY 2013-2014:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item.

Agenda Item 9-A (continued):

Director Le asked clarifying questions and asked for staff to look into the cost to stream the Board meetings live; the speed of the DSL line; and, a new computer for the SCADA system.

Director Le made a motion to approve the District Technology Plan Appendix for FY 2013-2014 and directed staff to explore the comments made. Vice President Shriner seconded the motion. The motion was passed.

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

B. Receive Draft Budget for 2013-2014 and Schedule a Budget Workshop:

Ms. Cadiente introduced this item. The Board asked several clarifying questions and made some suggested changes. Mr. Lee asked the Board members to submit their questions and suggested changes in writing so that staff can address them accurately.

The Board agreed to hold the budget workshop at the June 3rd meeting.

10. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No report.

2. Joint City District Committee:

President Moore stated that the next meeting would be held later this week on May 22nd.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that they were looking to schedule a meeting with CSUMB.

5. MRWPCA Board Member:

President Moore stated that the meeting would be held later this week on May 23rd.

6. LAFCO Liaison:

Director Le stated that the Mayor's Committee selected Mayor Rubio as the representative for the City and County at LAFCO.

7. FORA:

President Moore commented that FORA reduced the developer's fee for each EDU from \$43,000 to \$28,000 in anticipation of encouraging more development on the Ord Community. He also clarified the miscommunication regarding the FORA staff report on the FY 2013-2014 budget and rates.

8. WWOC:

Mr. Lee stated that the District presented its quarterly report for Jan – March 2013. He added that there was discussion on the annual report card regarding the District's performance on the Ord Community and the report cards averaged a 3.5 on a scale of 1-5.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

No report.

11. CalDesal:

Mr. Lee commented that he attended the annual meeting in Sacramento and there was nothing to report.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le said that he would like the Board to look at the status of the RUWAP and Recycled Project; a report on the status of the rate study; and, a report on the Well 11 repair.

Agenda Item 12-A (continued):

Vice President Shriner commented that there was mention of the Veterinary Hospital as a Historic Place that should be considered.

13. Director's Comments:

Director Le suggested looking at a new water augmentation project and allocate some funds to look at alternate water supply.

Vice President Shriner thanked staff for the first look at the budget. She also thanked the friends of the Fort Ord War Horse and the great turnout. Vice President Shriner commented that the view of the District's Ord office grounds looked very nice from the War Horse celebration location.

President Moore commented that the War Horse event may be an annual event and suggested the District consider holding an open house on the same day.

The Board returned to closed session at 8:23 p.m.

4. Closed Session:

A. 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

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Unrepresented Employee: General Manager

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

The Board ended closed session and reconvened the meeting to open session at 10:03 p.m.

5. Possible Action on Closed Session Items:

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

13. Adjournment:

The meeting was adjourned at 10:03 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary