

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
August 5, 2013
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on August 5, 2013.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Howard Gustafson

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Jeanine DeBacker, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Pierce Rossum, Carollo Engineers
Kyle Rhorer, Carollo Engineers

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:01 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

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)

B. Pursuant to Government Code 54956.9 (b)(1)

Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation: One Potential Case

C. 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

D. Pursuant to Government Code 54957.6

Conference with Labor Negotiator (Howard Gustafson)
Unrepresented Employee (Interim General Manager)

The Board ended closed session at 7:09 p.m.

President Moore reconvened the meeting to open session at 7:14 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 Director Le to lead everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

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

- A) Approve the Draft Minutes of the Regular Board Meeting of July 15, 2013

President Moore seconded the motion. The motion was passed.

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

9. Action Items:

- A. Receive Presentation of Additional Rate Scenarios of the Draft 5-Year Rate Study Financial Plan; Provide Direction to Staff Regarding Preparation of the Final Rate Study; and Schedule a Special Board Meeting for a Budget Workshop:

The Board of Directors received a presentation of the draft 5-Year Rate Study Financial Plan by Pierce Rossum, Carollo Engineers. The Board gave direction to staff regarding the Rate Study.

- B. Consider Providing Direction on the Process to Revise the Board Procedures Manual:

The Board of Directors directed staff to email the Board Procedures Manual in a Word document to all the Directors so they can edit the manual in track-change and return it to staff. Staff was also asked to forward the California Special Districts Association sample Board Procedures Manual to each Director for reference.

10. Staff Report:

- A. 2nd Quarter 2013 Ord Community Water Consumption and Sewer Flow Reports:

This report will be available on the District website.

11. Informational Items:

- A. General Manager's Report:

Mr. Lee asked that any Directors interested in attending the CSDA conference please let him know by the August 9th deadline. Director Le asked for a General Manager's update on the BLM building, a report on Well 11, and information regarding a kick-off meeting with the auditors at the next meeting.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Mr. Lee commented that there was no quorum, but those present did go on a tour of District facilities.

2. Joint City District Committee:

President Moore gave an update of the Joint City District meeting.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that he scheduled to meet with CSUMB in September or October.

5. MRWPCA Board Member:

President Moore gave an update of the latest MRWPCA Board meeting.

6. LAFCO Liaison:

Director Le stated that the next meeting was in August.

7. FORA:

President Moore stated that the next meeting was Friday, August 9th.

8. WWOC:

Mr. Lee stated that the initial draft Rate Study was provided at the last meeting and staff has started receiving comments back.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

President Moore provided an update of the July 16th SDA meeting.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Lee asked to have a discussion on the pros and cons of desalination and surface water. Mr. Lee answered that staff would bring it before the Board within the next several months.

13. Director's Comments:

Director Le, Vice President Shriner, and President Moore made comments.

The Board recessed from 9:14 to 9:16 p.m.

The Board returned to closed session at 9:16 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

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)

B. Pursuant to Government Code 54956.9 (b)(1)
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation: One Potential Case

C. 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

- D. Pursuant to Government Code 54957.6
Conference with Labor Negotiator (Howard Gustafson)
Unrepresented Employee (Interim General Manager)

The Board ended closed session at 9:40 p.m.

President Moore reconvened the meeting to open session at 9:41 p.m.

5. Possible Action on Closed Session Items:

- D. Consider Adoption of Resolution No. 2013-44 to Approve an Employment Agreement with Brian C. Lee for the Position of Interim General Manager:

President Moore made a motion to direct the labor counsel to prepare a contract for the Interim General Manager position with an annual compensation of \$190,000, plus a \$500 monthly car allowance and the other terms agreed upon in the draft contract, for approval at the August 19th meeting. Vice President Shriner seconded the motion. Mr. Masuda added that it was retroactive to June 1, 2013. President Moore clarified that Mr. Lee would hold both the Interim General Manager and District Engineer positions. The motion was passed.

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

The Board returned to closed session at 9:45 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

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)

- B. Pursuant to Government Code 54956.9 (b)(1)
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation: One Potential Case

- C. 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

President Moore reconvened the meeting to open session at 10:32 p.m.

5. Possible Action on Closed Session Items:

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

14. Adjournment:

The meeting was adjourned at 10:32 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary