

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
August 19, 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 19, 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:

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

Audience Members:

Pierce Rossum, Carollo Engineers
Lou Carella, Carollo Engineers
Bob Campbell, CAP
Fred Seamon, CAP
Mike McCullough, MRWPCA
Kenneth Nishi, Marina Resident
Ruth Krotzer, Marina Resident
Tom Jennings, Marina Resident
Sherrie Payne, MCWD Employee
Joe Correa, MCWD Employee

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:02 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

The Board ended closed session at 6:59 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 Director Lee to lead everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Kenneth Nishi, Marina resident, commented that the legal information he received from his Public Records Request Act was redacted and it was hard to confirm what time was accounted for at Board meetings. He suggested the invoices show a stricter accounting of time.

8. Presentations:

- A. Consider Adoption of Resolution No. 2013-45 in Recognition and Appreciation for Ms. Sherrie Payne, Customer Service Representative II, for 30 Years of Service to the Marina Coast Water District:

President Moore made a motion to adopt Resolution No. 2013-45 in recognition and appreciation for Ms. Sherrie Payne, Customer Service Representative II, for 30 years of service to the Marina Coast Water District and awarding her a gift certificate and plaque. 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			

- B. Consider Adoption of Resolution No. 2013-46 in Recognition of Community Member, Mr. Tom Jennings, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2013-46 in recognition of Community Member, Mr. Tom Jennings, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. 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. Consider Adoption of Resolution No. 2013-47 in Recognition of Community Member, Ms. Ruth Krotzer, for her Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2013-47 in recognition of Community Member, Ms. Ruth Krotzer, for her dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. Director Gustafson seconded the motion. The motion was passed.

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

- D. Consider Adoption of Resolution No. 2013-48 in Recognition of Community Member, Mr. Harold Krotzer, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

President Moore made a motion to adopt Resolution No. 2013-48 in recognition of Community Member, Mr. Harold Krotzer, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission. Director Gustafson seconded the motion. The motion was passed.

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

- E. Receive a Presentation on Advanced Seawater Reverse Osmosis Systems by Campbell Applied Physics:

Mr. Brian Lee, Interim General Manager, introduced Mr. Bob Campbell, Campbell Applied Physics, CAP Holdings. Mr. Campbell gave a brief background of CAP Holdings and their interest in setting up projects in the Monterey Bay region.

9. Consent Calendar:

Director Le requested to pull items 9-A, 9-B, 9-C, and 9-D from the Consent Calendar.

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

- E) Approve the Draft Minutes of the Regular Board Meeting of August 5, 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			

- A. Adopt Resolution No. 2013-49 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program:

Director Le commented that next year he would like to see the lesson plan include more water conservation and include Kindergarten through 5th Grade.

Agenda Item 9-A (continued):

Director Le made a motion to adopt Resolution No. 2013-49 to approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program. 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			

- B. Adopt Resolution No. 2013-50 to Approve an On-Call Professional Services Agreement with The EDCCO Group for District Supervisory Control and Data Acquisition Integration Services:

Director Le made a motion to table this item until more information can be provided. President Moore seconded the motion. The motion was passed.

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

- C. Adopt Resolution No. 2013-51 to Designate District Representatives to the Special Districts Association of Monterey County:

Director Le made a motion to adopt Resolution No. 2013-51 to designate District representatives to the Special Districts Association of Monterey County with the second "NOW, THEREFORE, BE IT RESOLVED" section in the Resolution to read that "The District may designate one or more alternates". Vice President Shriner seconded the motion. Mr. Nishi voiced his concerns over changing the voting representatives and with the District funding the meals for the Board members to attend the meetings. The motion was passed.

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

- D. Approve the Expenditures for the Month of July 2013:

Director Le voiced his concern over check number 56441.

President Moore made a motion to approve the expenditures for the month of July 2013 with the exception of check number 56441. Vice President Shriner seconded the motion. Mr. Nishi asked how the Board was going to stop payment on the check when it was sent a month ago and likely already cleared the bank. The motion failed.

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

Agenda Item 9-D (continued):

Director Le made a motion to table this item until the next meeting and staff can provide more information. 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			

10. Action Items:

- A. Consider Adoption of Resolution No. 2013-44 to Approve an Employment Contract with Brian C. Lee for Interim General Manager/District Engineer:

Ms. Jeanine DeBacker, Legal Counsel, introduced this item.

Vice President Shriner made a motion to adopt Resolution No. 2013-44 approving an employment contract with Brian C. Lee for Interim General Manager/District Engineer. Director Gustafson seconded the motion. Mr. Nishi voiced his concerns. The motion was passed.

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

- B. 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 revised draft 5-Year Rate Study Financial Plan by Pierce Rossum, Carollo Engineers. The Board gave direction to staff regarding the Rate Study and agreed to meet again on August 26th at 5:00 p.m. to approve the Rate Study.

- C. Consider Adoption of Resolution No. 2013-52 to Approve a Quitclaim Deed of Certain Assignment of Easements for Water and Wastewater Systems on the Former Fort Ord and Ord Military Community to the State of California, Acting By and Through the Department of Veterans Affairs:

President Moore made a motion to adopt Resolution No. 2013-52 to approve a Quitclaim Deed of certain assignment of easements for water and wastewater systems on the former Fort Ord and Ord Military Community to the State of California, acting by and through the Department of Veterans Affairs. Director Gustafson seconded the motion. The motion was passed.

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

Director Gustafson left the meeting at 9:24 p.m.

- D. Consider Applying to California Special Districts Association to Become a District of Distinction:

Following discussion, it was agreed to hold off on applying to California Special Districts Association until 2014.

- E. Discuss and Consider Methods for Updating the General Manager's Job Description and Compensation Range and Hiring a General Manager:

Director Le requested staff to prepare a draft job description and revise the hiring policy for the General Manager position and bring them back to the Board for review and consider appointing an Ad Hoc Committee.

- F. Consider Revisiting the Two Board Meetings Per Month Schedule:

The Board agreed to continue the two Board meetings per month schedule and revisit it again in another six months.

11. 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:

Vice President Shriner commented that the next meeting was September 5th at 5:30 p.m.

- 2. Joint City District Committee:

President Moore noted that the next meeting will be at the Carpenters Union Hall on August 22nd at 5:30 p.m. followed by the State of the District presentation.

- 3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that he scheduled to meet with CSUMB on October 16th and was waiting for Seaside Rotary and Chamber of Commerce to confirm meetings. Vice President Shriner noted that she met with District staff and had information regarding the Labor Day festivities.

5. MRWPCA Board Member:

President Moore stated the next meeting was scheduled for August 26th.

6. LAFCO Liaison:

No report.

7. FORA:

President Moore gave an update of the FORA Board meeting.

8. WWOC:

Mr. Lee stated that the August meeting was canceled and the next meeting is September 4th.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

No report.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Lee asked to have a discussion on how to address subject matter that comes up and is not on the agenda; and to have legal counsel caution members when they get off topic.

13. Director's Comments:

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

14. Adjournment:

At 9:56 p.m. President Moore adjourned the meeting to August 26, 2013, at 5:00 p.m. at 11 Reservation Road, Marina.

Regular Board Meeting
August 19, 2013
Page 9 of 9

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary