Return to Agenda

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
September, 3 2013
6:30 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:30 p.m. on September 3, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President
Bill Lee – arrived at7:12 p.m.
Peter Le

Board Members Absent:

Howard Gustafson

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Paula Pelot, Preston Park Tenants Association

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:31 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 54956.8
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 7:02 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 Ms. Paula Pelot, Preston Park Tenants Association, to lead everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Pelot noted that written copies of her questions and concerns regarding Proposition 218 were handed out to the Board members and briefly reviewed those with the Board.

8. Consent Calendar:

Director Le requested to pull item 8-A from the Consent Calendar. President Moore requested to pull item 8-B from the Consent Calendar

A. Approve the Expenditures for the Month of July 2013:

Director Le asked for clarification on the check register. Mr. Brian Lee, Interim General Manager, provided clarification.

Director Lee arrived at 7:12 p.m.

Ms. Pelot requested a copy of the back-up for Check No. 56451.

Vice President Shriner made a motion to approve the expenditures for the month of July 2013. Director Le seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Regular Board Meeting of August 19, 2013:

President Moore requested that Section 10-B on page 6 of the minutes be revised to "consider approving".

President Moore made a motion to approve the draft minutes of the regular Board meeting of August 19, 2013 with the requested change. Vice President Shriner seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

9. Action Items:

A. Consider Adoption of Resolution No. 2013-55 to Amend the Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors:

Ms. Jean Premutati, Management Services Administrator, introduced this item. Following discussion by the Board and public, the Board asked staff to bring back a revised Policy for consideration.

B. Review First Draft of Revised General Manager Position Description:

Ms. Premutati introduced this item. Following discussion by the Board and public, the Board asked staff to bring back a revised job description for consideration.

C. Consider Adoption of Resolution No. 2013-43 to Approve a Quitclaim Deed of an Abandoned Potable Water Pipe and Easements to Monterey Peninsula Unified School District:

Mr. Lee introduced this item.

Agenda Item 9-C (continued):

Director Le made a motion to adopt Resolution No. 2013-43 to approve a Quitclaim Deed of an abandoned potable water pipe and easements to Monterey Peninsula Unified School District. Vice President Shriner seconded the motion. The motion was passed.

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

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:

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 they held a meeting on August 22nd at 5:30 p.m. followed by the State of the District presentation at 6:30 p.m.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that he scheduled to meet with CSUMB on October 15th and asked to borrow the District laptop and projector so he could give a presentation. Vice President Shriner commented that the District was represented at the Labor Day Parade.

5. MRWPCA Board Member:

President Moore stated that he was unable to attend the last meeting but the next meeting was scheduled for September 30th.

6. LAFCO Liaison:

Director Le reported that LAFCO hired two new staff members.

7. FORA:

President Moore noted that the next meeting was September 13th.

8. WWOC:

Mr. Lee stated that the next meeting is September 4th.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

No report.

11. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Lee reminded the Board that he had asked to discuss a trust fund/foundation account for low-income or financially struggling customers. Staff said that they would put something together for discussion at the October meeting.

Director Le asked to schedule a kick-off meeting between the Board and auditors; a report on SCADA and request for additional funds; and, a staff report on the balance of developer accounts.

President Moore asked to clarify Section 16 of the Board Procedures Manual with regards to how counsel is directed.

12. Director's Comments:

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

President Moore recessed the meeting from 7:50 to 7:55 p.m.

The Board returned to closed session at 7:55 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 54956.8
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 9:50 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 9:50 p.m.

APPROVED:

_____
Thomas P. Moore, President

ATTEST:

_____
Brian C. Lee, Deputy Secretary