

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 at 7:12 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 due to the adjourned Board meeting of August 26th 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)

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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