

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
July 15, 2013
6:45 p.m.

Minutes

1. Call to Order:

President Moore called the meeting to order at 6:45 p.m. on July 15, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President
Howard Gustafson
Bill Lee
Peter Le – Arrived at 7:02 p.m.

Board Members Absent:

None

Staff Members Present:

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

Audience Members:

Kenneth Nishi, Marina Resident
Mike McCullough, MRWPCA
Lou Carella, Carollo Engineers
Pierce Rossum, Carollo Engineers
Brian McCarthy, Marina Resident
Carlos Urrutia, Monterey County

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 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

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)

Director Le arrived at 7:02 p.m.

The Board ended closed session at 7:12 p.m.

President Moore reconvened the meeting to open session at 7:13 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 Gustafson to lead everyone present in the pledge of allegiance.

7. Oral Communications:

Mr. Kenneth Nishi, Marina resident, voiced several concerns: 1) the fact that Mr. Jennings has yet to be recognized for his volunteer work on the Water Conservation Commission; 2) the actions of how previous General Manager was terminated; and 3) how the Teen Center was given a variance without Board approval.

Mr. Roger Masuda, Legal Counsel, addressed Mr. Nishi's questions regarding the previous General Manager.

8. Consent Calendar:

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

- A) Approve the Expenditures for the Month of June 2013
- B) Approve the Draft Minutes of the Regular Board Meeting of July 1, 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	-	No			

9. Action Items:

President Moore noted that there was a request to consider item 9-D before the rest of the action items. There were no objections from the Board.

- D. Consider Authorizing the Consent and Waiver of 90-Day Time Limit for a Special Election for East Garrison Public Financing Authority:

Vice President Shrinere made a motion to authorize the Consent and Waiver of 90-day time limit for a special election for East Garrison Public Financing Authority. President Moore seconded the motion. The motion failed.

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

A. Consider Public Appointments to the Water Conservation Commission:

Vice President Shriner made a motion to appoint Kevin Singley, whose application was provided at the Board meeting, to the 1-year term. Director Gustafson seconded the motion. The motion failed.

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

Director Le made a motion to appoint Jo Ann Cannon to public position #1. 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			

Vice President Shriner made a motion to appoint Jim Felton to public position #2. Director Le seconded the motion. The motion was passed.

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

Vice President Shriner made a motion to appoint Grace Silva-Santella to public position #3. Director Le seconded the motion. The motion was passed.

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

Director Le made a motion to appoint Dan Amadeo to public position #5 for the remainder of the term. Director Lee seconded the motion. The motion was passed.

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

- B. Receive Presentation of the Preliminary Findings of the Draft 5-Year Rate Study Financial Plan; and Provide Direction to Staff Regarding Preparation of the Final Rate Study:

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

- C. Consider Adoption of Resolution No. 2013-42 to Approve an Agreement with Monterey Peninsula Unified School District for Construction and Transfer of Water Infrastructure at Marina High School:

Director Le made a motion to adopt Resolution No. 2013-42 to approve an Agreement with Monterey Peninsula Unified School District for construction and transfer of water infrastructure at Marina High School. 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			

- E. Discuss Possible Participation in the Community Labor Day Parade:

Director Le volunteered to work a District information booth if staff would have everything ready ahead of time. President Moore and Vice President Shriner offered to volunteer at the booth as well.

- F. Discuss Director Participation at the California Special Districts Association Conference in Monterey, September 2013:

President Moore made a motion to support any Director who wants to attend the Conference for up to three days. 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			

- G. Discuss Communication Flow Between Directors and Staff Regarding Board Packet Items:

Vice President Shriner asked that staff try to deliver the Board packets by the Wednesday before the scheduled meeting to allow the Board to review the packet and ask staff any clarifying questions. Director Le said that he would rather see the packets on Thursday than mistakes happening by trying to make a Wednesday deadline. Mr. Lee commented that staff would attempt Wednesday deliveries, but there may be times that a Thursday delivery would be required.

H. Discuss How to Address Director's Comments in Action Minutes:

Director Le stated that he would like to see minutes showing only the action taken – motion and votes – and the comments made by public members but not Directors. It was agreed that the minutes just show public member comments and if desired, even leave those off for a few months to see what reaction the Board receives.

10. Informational Items:

A. General Manager's Report:

Mr. Lee noted that there were handouts from the California Water Board regarding the permit between the County and the State.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner noted that the next meeting was on August 1st and there would be a tour of District facilities.

2. Joint City District Committee:

President Moore stated that the next meeting was July 24th.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that he scheduled to meet with CSUMB in September or October. He stated that he was also going to meet with Marina in Motion. Vice President Shriner asked that a meeting be scheduled in late August to prepare for the Labor Day parade.

5. MRWPCA Board Member:

President Moore stated that the next meeting was later in July.

6. LAFCO Liaison:

Director Le stated that there was a meeting scheduled next week.

7. FORA:

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

8. WWOC:

Mr. Lee stated that there was a meeting on July 17th and that the same presentation on the draft Rate Study would be shown.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

Director Gustafson stated the next meeting was the following evening.

11. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

None.

11. Director's Comments:

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

The Board recessed from 9:37 to 9:40 p.m.

The Board returned to closed session at 9:40 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)

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

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 10:20 p.m.

President Moore reconvened the meeting to open session at 10:21 p.m.

5. Possible Action on Closed Session Items:

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

Regular Board Meeting
July 15, 2013
Page 9 of 9

13. Adjournment:

The meeting was adjourned at 10:21 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary