

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
October 21, 2013
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on October 21, 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
Jean Premutati, Management Services Administrator
Brian True, Capital Projects Manager
Ernest Pons, Customer Service Supervisor
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Paula Pelot, Preston Park Tenants Association
Ken Nishi, Marina Resident
Denise Turley, Marina Resident
David Moon, AMCAL
Kathleen ~~Barr~~ Barra, East Garrison
Andy Leif, South County Housing
Nathan Maiken, Seaside Resident
Karin Sobichevski, Seaside Resident
Tom Faulkner, East Garrison
Maria del Socorro Viorato, East Garrison
Jose Poitran Estrada, East Garrison
Lynda Bright, East Garrison
Mari Perez, East Garrison
Tong Wallman, Marina Resident
Phil Hoffa, Seaside Resident

Suzanne King, Seaside Resident
Sal Horquita, Seaside Resident
Alfrieda Wilkins, Marina Resident
John Silvestrini, MPUSD
Barbara and Uli Siebeneick, Seaside Resident
June Kumada, East Garrison
Delores Chaves, East Garrison
Esteban Arcinbule, East Garrison
Isabel Montes, East Garrison
Lucio Vasques, East Garrison
Columba Recendiz, East Garrison
Martha Ponciano, East Garrison
Ciriaco Bello, East Garrison
Lisa Lael, East Garrison
Juan Uranga, Center for Community Advocacy

Audience Members (continued):

<u>Michael Cady, UCP Benchmark</u>	<u>Andrew Hunter, Whitson Engineers</u>
<u>Allan Groves, Seaside Highlands</u>	<u>Terry Siegrist, City of Marina</u>
<u>Matt Howard, Seaside Highlands</u>	<u>Sharon Limbach, Seaside Highlands</u>

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)

The Board ended closed session at 6:31 p.m.

President Moore reconvened the meeting to open session at 6:33 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. Riso to lead everyone present in the pledge of allegiance.

President Moore announced that the Public Hearing would begin promptly at 7:00 p.m. and any protests needed to be received before 7:00 p.m. and directed the public to District staff waiting at the side of the room.

7. Oral Communications:

Ms. Paula Pelot, Preston Park Tenants Association, asked the Board of Directors to make certain that the audio recordings of the hearings from the beginning of the process up, and through this meeting, be kept as administrative records.

Mr. Kenneth Nishi, Marina resident, commented that the farmers were friends of the District and the District was not following agreements that were already signed. He also voiced his concerns over not following through with CIP projects.

8. Consent Calendar:

Director Le requested to pull items 8-A and 8-D from the Consent Calendar. Ms. Pelot requested to pull item 8-D from the Consent Calendar. Mr. Nishi requested to pull item 8-B from the Consent Calendar.

Director Le made a motion to approve the Consent Calendar consisting of item 8-C (Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013). 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			

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

Director Le asked if there were any invoices outstanding for Friedman Dumas & Springwater. Mr. Lee answered that he believed all invoices from Friedman Dumas & Springwater had been processed unless received within the last few days. Director Le asked that all the invoices be resolved before the next meeting.

Director Le made a motion to approve the expenditures for the month of September 2013 subject to the direction given. Vice President Shriner seconded the motion. Mr. Nishi commented that instead of getting into the minutia, the Board could have had these invoices paid by Ag Land Trust had they moved forward with the desalination plant. The motion was passed.

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

B. Approve the Correction to the Approved Regular Board Meeting Minutes of July 15, 2013

Mr. Nishi voiced his concerns over when Director Le arrived at the July 15th meeting and asked when he would get an answer regarding the Teen Center.

Agenda Item 8-B (continued):

Vice President Shriner made a motion to approve the correction to the approved minutes of July 15, 2013. Director Le asked if Vice President Shriner would amend her motion to add "Director Le arrived at the Council Chambers at 7:02 p.m." Vice President Shriner amended her motion to include Director Le's correction. 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			

C. Approve the Draft Minutes of the Regular Board Meeting of September 16, 2013:

Director Le asked that the date on page 1 of the minutes under Item 1 be corrected. Ms. Pelot stated that the comment she made regarding Item 8-A at the top of page 4 should read that she wanted the District to adopt "a" resolution, not the Carpinteria resolution.

Vice President Shriner made a motion to approve the September 16th Board meeting minutes with the corrections. 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			

President Moore suggested discussing the Information Items while waiting for the Public Hearing to begin at 7:00 p.m.

10. Informational Items:

A. General Manager's Report:

Mr. Lee, Interim General Manager, reported that the District received a letter from CSUMB regarding the Agreement between MCWD and CSUMB and it will be discussed in more detail under item 12-A. Director Le asked that the Board be provided copies of the letters received from the City of Marina and any others regarding the Prop 218 protest. He also noted that he was informed by the auditors that they were waiting for information from District staff and asked Mr. Lee to follow-up with the auditors to see what they needed. Director Le asked when the District would be submitting the financial reports to the State Auditor.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner commented that there would be another joint meeting with the Community Outreach Committee on November 7th.

2. Joint City District Committee:

President Moore commented that the next meeting was scheduled for October 23rd.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Director Le said that they gave a presentation to CSUMB students on October 15th and there were a lot of questions by the students. The Committee will give another presentation to CSUMB students in January 2014.

5. MRWPCA Board Member:

President Moore stated that the next meeting was October 28th. He stated that MRWPCA staff has expressed an interest in beginning negotiations with the District on the possible use of facilities in the Ord Community for the proposed Groundwater Replenishment Project.

6. LAFCO Liaison:

Director Le reported that the next meeting was October 28th.

7. FORA:

President Moore stated the District's consultant, Carollo Engineers, gave a brief presentation on the rate study at the FORA Board meeting.

8. WWOC:

Mr. Lee commented that they reviewed the rate study and questions are being forwarded to District staff from FORA. Director Le asked for a copy of the District's response to the questions.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

Vice President Shriner stated that there were presentations by a State Controller and an Assemblymember.

Director Le gave a brief update on the Ad Hoc Audit Committee. He stated that auditor is still working on the audit and hopefully a draft will be ready by next month. Director Le commented that the Committee members met with the auditors to discuss the two projects and the auditor submitted a proposal but it was not what Director Le was looking for so they will meet again and go into details and also look at cost allocation issues.

President Moore reviewed the process the District would hold for the Prop 218 process. He asked that any protests be turned in to staff before the start of the 7:00 p.m. meeting.

President Moore opened the Public Hearing at 7:00 p.m.

9. Public Hearing:

A. Receive Public Comment on Proposed Increases in District Rates, Fees, and Charges for the Ord Community Service Area:

Ms. Paula Pelot, Preston Park Tenants Association, voiced her concerns over the rate increase and if the District's rate study really validated them. She opined that the process was invalid due to a number of errors made by the District which include not having a parcel list completed by the time the notices were mailed, and the fact that there were several mistakes made on the notice itself.

Ms. Lynda Bright, Mid Peninsula Housing Authority, voiced her concern over the fact that although there are sixty-eight tenants, there are only two parcels so they are allowed only two votes. She also voiced her concern over the high rates.

Mr. Terry Siegrist, City of Marina, asked that the record show that they had provided their protest in accordance with the program.

Mr. Alan Groves, Seaside Highlands, voiced his concerns over the CIP projects and the pace of development of those projects over the years. He questioned if there was a need for a rate increase when the District had funded projects in the past without rate increases.

Ms. Kathleen Barra, East Garrison resident, voiced her concerns over the rate increase stating that it would be a financial hardship.

Agenda Item 9-A (continued):

Mr. Andy Leif, South County Housing, suggested that there be different rates between apartments and houses.

Ms. June Kumada, East Garrison resident, voiced her concerns over the rate increase stating that it would be a financial hardship.

Mr. Tom Faulkner, East Garrison resident, voiced his concerns over the rate increase stating that it would be a financial hardship.

Ms. Valentina, East Garrison resident, voiced her concerns over the rate increase stating that it would be a financial hardship.

Ms. Karin Sobichevski, Seaside Highlands, questioned when and if recycled water would be available to Seaside Highlands.

Mr. Juan Uranga, Center for Community Advocacy, stated that the rate increase would change the character of the low income housing at Manzanita Place and make it unaffordable for low income families to live there. He asked that the Board find a way to exempt low income families from the rate increase.

Ms. Suzanne King, Seaside resident, voiced her objection of the rate increase stating that it would be a financial hardship.

Mr. Sal Horquita, Seaside resident, voiced his support of Ms. Pelot's presentation.

Unknown Member, Center for Community Advocacy, stated that he was there to represent the Spanish speaking people from Manzanita Place and voiced his concern over the rate increase stating that it would be a financial hardship on the families.

Mr. Phil Hoffa, Seaside resident, stated that the increase would cause belt tightening for the customers and said he wasn't sure if the District has tightened their belt.

After the public members completed voicing their opinions, President Moore closed the Public Hearing at 7:24 p.m. and thanked everyone who provided testimony.

B. General Manager's Verbal Report on the Result of Proposition 218 Protests to the Proposed Increases in District Rates, Fees, and Charges for the Ord Community Service Area:

Mr. Lee thanked the volunteers from the League of Women voters who helped with the verification process of the protests received for the Prop 218 process. He gave a brief background of the process the District used for the Prop 218 process.

Agenda Item 9-B (continued):

Mr. Roger Masuda, Legal Counsel, explained that the Sixth District Court of Appeals rendered a decision on a case that found only owners of record, and not tenants or customers, need to be notified of rate increases. He added that the District bent over backwards to make sure that all the owners and customers in the Ord Community and Central Marina were notified. Mr. Masuda said that Prop 218 states that revenues derived from the fee or charge shall not exceed the funds required to provide the water service. He added that Prop 218 prohibits any water district from charging one class of customer a higher rate in order to provide a cost break to another class or low income customer.

Mr. Lee thanked everyone for attending the meeting.

Vice President Shriner asked staff to contact Seaside Highlands regarding their questions. Mr. Lee said he made a note to contact their Home Owners Association.

Director Le commented that the bills for homes with fire service will be reduced by the proposed rates. He stated that to complete the recycled water project the District would need another \$30 million. Director Le added that to finish the CIP projects, additional funds would be required.

Mr. Lee stated that there were 569 parcels in the Ord Community and 285 protests were needed for a majority protest. He added that 246 protests were verified as valid.

10. Action Item:

- A. Approval by the Board of Directors of the Proposition 218 Protest Count and Determination by the Board of Directors Whether a Valid Majority Protest Occurred:

Vice President Shriner asked Mr. Masuda for a legal assessment of the process carried out as a District. Mr. Masuda opined that staff did a very good job and they complied with the law.

A member of the public asked for an official count of protests received and how many were valid and how many were invalid. Mr. Lee said that staff did not have a total count of how many protests were received, only those that were valid. He asked staff to count the protests and provide him the number.

Vice President Shriner made a motion to approve the Proposition 218 protest count and determination by the Board of Directors. Director Le seconded the motion.

Ms. Pelot stated that an incomplete account was given of how many protests were received and how many were rejected and the reason for rejection. She suggested that the District keep all the records for the administrative record in case they go to court. Ms. Pelot commented that the Sixth District Court of Appeals was not final as the Supreme Court could overrule their decision. She added that the process was faulty from the outset and asked for an accounting of what votes were rejected and the reason for the rejection.

Agenda Item 10-A (continued):

Ms. Jean Premutati, Management Services Administrator, stated that there were thirteen duplicates and no rejections. She added that the protests deemed invalid were done so because they did not receive service from the District. Ms. Premutati did not have a final count of the total protests received both valid and invalid.

Ms. King commented that she was confused about when the meeting was going to be held and was unable to receive any assistance from staff.

~~Unknown resident~~ Sharon Limbach, Seaside Highlands, commented that she received a letter at her home address with someone else's name. She also commented that when she called customer service she was told to throw that notice in the garbage. She stated that the letter addressed to her was sent to a different address but she did eventually receive it. ~~She also stated that when she called customer service she was told to throw the notice in the garbage.~~

Mr. Matt Howard, Seaside Highlands Homeowner Association, commented that there was confusion about when the meeting was going to be held and even the information on the website had the wrong date of October 11, 2013 at Carpenters Union Hall. He said that he was eventually able to talk to a manager who confirmed the correct date and time of the meeting.

Ms. Denise Turley, Marina resident, asked for the total number of protests submitted; the total number of protests ruled valid; the total number of protests ruled invalid and the reason they were ruled invalid. She stated that she also had a hard time finding out when the date of the meeting was. Ms. Turley commented that if she was paying the same sewer costs as her neighbor, who has three times the amount of sewage, was she not subsidizing her neighbor with her payment.

Director Le asked what the next step was. Mr. Masuda answered that the next step was to hold a joint meeting with the FORA Board to consider adoption of rates.

Vice President Shriner asked if the numbers could be given at the FORA meeting. Mr. Masuda stated that the protests were public documents and that information could be provided.

There was discussion on how the protests were counted, verified, what invalidated a protest, and the total number of protests received.

Mr. Groves asked for clarification on how the protests were counted for a multiple parcel protest. Mr. Lee explained that if a protest was turned in with eighty parcel numbers and only ten of those parcels receive service from the District, only ten were counted as valid.

Mr. Siegrist asked for a detailed accounting of what the City of Marina submitted and what was accepted.

Mr. Uranga asked for clarification on whether parcels not receiving service but residing within the District were being counted. Mr. Lee answered that if they did not receive service, they were not counted.

Agenda Item 10-A (continued):

Mr. Hoffa stated that the testimony received shows that there was a lot of confusion and if recounted, there is a possibility enough protests were received to stop the rate increase. He stated that it behooves everyone to get it done right and do it over again.

Mr. Masuda clarified that under Prop 218, if the District is not providing service to the parcel, then it is not a valid protest.

Mr. Michael Cady, UCP Benchmark Homes, stated that they submitted a protest with over 400 parcels and all of those parcels have water services to them, but not necessarily a meter.

President Moore stated that this process was complicated and gave a brief explanation of the Prop 218 process and the District's jurisdictional boundaries.

Vice President Shriner asked if tabulation could continue and be made available to the public.

Vice President Shriner restated her motion to approve the Proposition 218 protest count and determination by the Board of Directors that there was not a valid majority protest ~~count~~. Director Le restated his second. The motion was passed.

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

President Moore recessed the meeting from 8:10 to 8:15 p.m.

President Moore opened the Public Hearing at 8:16 p.m.

11. Public Hearing:

A. Receive Public Comments on Changes the Capacity Charges for the Central Marina and Ord Community Service Areas:

Mr. Siegrist stated that the City of Marina submitted an objection to the proposed increases and provided parcel numbers.

Ms. Pelot stated that a number of developers were concerned about the proposed changes and the methodology used.

Mr. Cady stated that they were looking into the methodology used for the capacity charges and would make a presentation at the FORA Board meeting.

After the public members completed voicing their opinions, President Moore closed the Public Hearing at 8:20 p.m.

Agenda Item 11-A (continued):

Director Le asked for copies of all protest letters received by the District for both the rates and capacity charges.

Mr. Masuda clarified that public can object to the capacity charges but they do not get to file a protest on them. Mr. Siegrist clarified that the City of Marina understands they don't get a protest, but they did file an objection letter.

12. Action Items:

- A. Consider Adoption of Resolution No. 2013-59 to Approve an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project:

Mr. Lee explained that the District received a letter from CSUMB dated October 14, 2013 and following review with legal counsel, staff is reluctantly thinking of pulling their support of the infrastructure agreement. Mr. Lee stated that CSUMB looks to be pulling back from the agreement where they receive reduced capacity charges and they in turn are supposed to grant the District easements on their property to build the facilities needed for expansion of the District. He said that until the District can confirm if CSUMB is going to give the District easements, he is hesitant to accept any more infrastructure agreements.

Director Le stated that he had a lot of questions and didn't want staff to proceed with this project until the Board approved it so there wasn't a waste of time and money. He wanted staff and the developer to hear the Board's perspective and following discussion, the item could be tabled until the next meeting if needed.

Mr. David Moon, AMCAL, stated that they have been working with CSUMB for three years to provide much needed student housing, the last two years with the City of Marina and FORA, and the last year with the District. He said they have spent over \$2 million on this project already and are ready to fund a loan on December 1st. Mr. Moon stated that he is stunned by this development as this was the first they have heard of it.

Mr. Andrew Hunter, ~~Woodsen-Whitson~~ Engineers, asked how the District's tanks are tied to this project and how it affects the users.

Mr. Lee expressed his frustration with the delay, but voiced his concern over moving forward until everything is understood.

President Moore asked if the District had ever received any easements from CSUMB after the agreement was signed.

Mr. Brian True, Capital Projects Manager, answered that in the agreement, three parcels were memorialized to be granted easements and the District has not received any easements from CSUMB to date.

Agenda Item 12-A (continued):

Director Le recommended an Ad Hoc Committee meet with CSUMB staff. Following discussion, President Moore appointed himself and Director Le to an Ad Hoc Committee to meet with CSUMB staff and asked staff to look up the amount CSUMB paid for capacity charges and if they are paying the \$20 monthly surcharge.

Mr. Moon voiced his concerns over the limited amount of time that these issues need to be resolved so the project can keep to its timeline.

Director Le asked if there was a requirement that the District own facilities within private property. He asked why the District would want to accept responsibility and liability for the infrastructure. Director Le suggested putting a variance or waiver in the agreement.

This item is tabled until further action.

B. Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Policy Manual:

Mr. Lee introduced this item.

Director Le handed out his proposed revisions.

President Moore suggested addressing item 12-C before 12-B since Ms. Jeanine DeBacker, Legal Counsel, was waiting.

C. Discuss and Consider Procedure in Disciplinary Action for Appeals of Personnel Disciplinary Actions:

Ms. DeBacker stated that she was there to take clarify something that fortunately, the District hasn't had to deal with before. She stated that as a public employer, the employees of the District have certain due process rights, meaning, that if there is going to be some discipline against an employee, they are entitled to a Skelly Hearing where they will receive a written notice of the discipline. Ms. DeBacker said they have an opportunity to meet with the General Manager and a representative on their behalf to talk about that discipline, then, if the General Manager determines that discipline is appropriate, a written notice of such discipline is given to the employee and the employee is then given fifteen days from receiving that notice to file an appeal. She added that pursuant to the Memorandums of Understanding (MOU), the appeal is by either the Board of Directors or an appointed Hearing Officer. Ms. DeBacker stated that either a private meeting is held with the Board or, before an appointed Hearing Officer, who then gives a non-binding recommendation to the Board, who then sits down and talks about it in closed session and determines whether or not to take that recommendation and approve it or not. She stated that it is heard before the full Board of Directors, in closed session, unless the employee asks that it be public, and whatever the ruling the Board makes is final.

Agenda Item 12-C (continued):

Ms. DeBacker said that currently there is a pending appeal that must be heard by November 14th and the first step is for the Board to determine whether they would like to deal with the matter as an appeal hearing heard before the entire Board, or, have the appeal heard by an appointed Hearing Officer, who would then provide a non-binding recommendation for the Board to consider. Ms. DeBacker provided a panel of Hearing Officers that she recommends if the Board wanted to go that route. She added that the hearing must commence by the thirtieth day and once the hearing is complete, the Hearing Officer has ten days to get the Board his or her written recommendation. Ms. DeBacker stated that the District needs to provide ten days advance notice to the employee of the date time and place of the hearing.

Director Le questioned the rough cost for the Hearing Officer. Ms. DeBacker answered that the hearing officer's range from \$285 per hour to \$325 per hour.

Vice President Shriner asked approximately how long the hearing would take. Ms. DeBacker approximated that it would take about an hour.

Director Le stated that he preferred the Board hear the case. Director Lee agreed with Director Le.

President Moore asked if Ms. DeBacker would be present. Ms. DeBacker answered that since she has already advised at the lower level, she will continue to advise Mr. Lee.

Vice President Shriner made a motion that the entire Board hear the appeal rather than a Hearing Officer. 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			

Ms. DeBacker asked if she could schedule the hearing for the November 4th meeting. President Moore affirmed putting the hearing on the next meeting agenda.

President Moore returned to item 12-B.

B. Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Policy Manual:

President Moore suggested the Board table this item until the next meeting. The Board concurred. This item will return on November 4, 2013.

- D. Provide Direction on Whether to Authorize the Board President to Attend the Monterey County Water Resources Agency Board Meeting as a Representative of the Marina Coast Water District:

President Moore introduced this item.

The Board directed President Moore to attend the Monterey County Water Resources Agency Board meeting as a representative of the Marina Coast Water District.

14. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le requested to have the Strategic Plan on the next meeting agenda.

Vice President Shriner requested having a LAFCO representative to give a presentation to the Board about where the process is on the Sphere of Influence or Annexation of the Ord Community. She also asked to have a FORA representative talk about the \$20 million voluntary contribution from FORA to the District. Vice President Shriner suggested having the Center for Community Advocacy meet with staff to talk about funding for low-income families.

President Moore suggested establishing a committee to involve members of the public from the Ord Community to discuss items of mutual interest.

15. Director's Comments:

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

The Board returned to closed session at 9:48 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)

At 10:01 p.m. Vice President Shriner made a motion to continue the meeting until 10:30 p.m. unless it finished sooner. Director Le seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

At 10:30 p.m. Vice President Shriner made a motion to continue the meeting until 2:00 a.m. unless it finished sooner. Director Le seconded the motion. With a vote of 3-Ayes, 1-Noes, 1-Absent, the motion was passed.

The Board ended closed session at 10:46 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 10:46 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary