

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
May 18, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on May 18, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Peter Le – Vice President  
Bill Lee  
Tom Moore  
Jan Shriner – arrived at 6:36 p.m.

Board Members Absent:

None

Staff Members Present:

Bill Kocher, Interim General Manager  
Roger Masuda, Legal Counsel  
Andrew Sterbenz, Interim District Engineer  
Jean Premutati, Management Services Administrator  
Kelly Cadiente, Director of Administrative Services  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

None.

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:31 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54957  
Public Employee Appointment  
Title: General Manager

- B. 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 Nos. H038550 and H039559
  - 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 & A.13-05-017 Settlement Agreement
  - 3) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)
  - 4) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate)
  - 5) Marina Coast Water District v. California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- C. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Marina Coast Water District Employees Association
- D. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Teamsters Local 890
- E. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Agency Negotiators: Peter Le and Howard Gustafson  
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others  
Under Negotiation: Price and Terms
- F. Pursuant to Government Code 54957  
Public Appointment  
Title: Legal Counsel

Director Shriner arrived at 6:36 p.m.

The Board ended closed session at 7:02 p.m.

President Gustafson reconvened the meeting to open session at 7:03 p.m.

5. Reportable Actions Taken during Closed Session:

President Gustafson stated that no reportable action was taken during closed session.

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consent Calendar:

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

- A. Receive and File the Check Register for the Month of April 2015
- B. Approve the Draft Minutes of the Regular Board Meeting of May 4, 2015
- C. Approve the Draft Minutes of the Special Board Meeting of May 9, 2015

Director Shriner seconded the motion. The motion was passed.

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

9. Action Items:

- A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-22 to Approve a Contract with Fieldman Rolapp & Associates to Provide Financial Advisory Services to the District:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item.

Director Moore made a motion to approve a contract with Fieldman Rolapp & Associates to provide Financial Advisory Services to the District. President Gustafson seconded the motion. The Board asked clarifying questions.

Agenda Item 9-A (continued):

The motion was passed.

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

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-23 to Authorize a Contract for District Legal Counsel Services:

Ms. Jean Premutati, Management Services Administrator, introduced this item.

Vice President Le made a motion for staff to place an ad with CSDA, ACWA and send out proposals for Legal Counsel Employment Services. President Gustafson seconded the motion.

Director Shriner made a substitute motion to use Option #1 – to maintain current legal services with Griffith & Masuda and retain their partner firm of Littler Mendelson for Labor and Employment Law services. Director Moore seconded the motion. Discussion followed. Director Moore withdrew his second.

Director Moore made a substitute motion to use Option #2 – to maintain current legal services with Griffith & Masuda for District Legal Counsel services and solicit new RFP for Labor and Employment Law services. Director Shriner seconded the motion. President Gustafson clarified that it would include placing an ad with CSDA, ACWA and sending out RFP's. Director Moore stated his motion included those stipulations. The motion was passed.

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

10. Staff Report:

A. Receive an Update on the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations:

Mr. Bill Kocher, Interim General Manager, introduced this item and gave a brief update. Mr. Roger Masuda, Legal Counsel, stated that the end user is the one to enforce the requirements on outside irrigation and the end user is the State.

11. Informational Items:

A. General Manager's Report:

Mr. Kocher commented that he attended the ACWA conference in Sacramento last week and gave a brief update.

Agenda Item 9-A (continued):

Mr. Kocher stated that the two employee groups are ready to begin negotiations on the MOU. He stated that Mike Wegley accepted the District Engineer position and will begin June 8th.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le stated the next meeting was on June 4<sup>th</sup>.

2. Joint City District Committee:

President Gustafson stated that the meeting was next week.

3. Executive Committee:

Vice President Le stated they would be meeting in June.

4. Community Outreach Committee:

Vice President Le stated they would be meeting in June.

5. Budget and Personnel Committee:

Vice President Le stated they would be meeting in June.

6. MRWPCA Board Member:

Vice President Le stated that the next meeting was May 28<sup>th</sup>.

7. LAFCO Liaison:

Vice President Le stated that the meeting was earlier that day.

8. FORA:

Vice President Le gave a brief update.

9. WWOC:

Vice President Le stated that no meeting was set yet.

10. JPIA Liaison:

Director Shriner stated that she would try to get information on the May meeting and share it with the Board.

11. Special Districts Association Liaison:

President Gustafson stated the next meeting was in July.

12. Director's Comments:

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

13. Adjournment:

The meeting was adjourned at 7:35 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary