

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
January 5, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on January 5, 2015.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Peter Le – Vice President  
Tom Moore  
Jan Shriner  
Bill Lee

Board Members Absent:

None.

Staff Members Present:

Roger Masuda, Legal Counsel  
Jean Premutati, Management Services Administrator  
James Derbin, Operations and Maintenance Superintendent  
Paul Lord, Water Conservation Specialist  
Paula Riso, Executive Assistant

Audience Members:

Andy Sterbenz, Schaaf & Wheeler  
Melvin Mason, Marina Resident  
Mike McCullough, MRWPCA  
Paul Scuito, MRWPCA

3. Public Comment on Closed Session Items:

No comments.

Mr. Roger Masuda, Legal Counsel, announced that an item arose after the agenda was posted and the Board needed to take action to add a closed session item regarding anticipated litigation.

Mr. Masuda stated that the closed session title would be:

Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to Subdivision (d4) of 54956.9  
One Potential Case

Vice President Le made a motion to add the item to closed session. Director Shriner seconded the motion. The motion was passed.

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

President Gustafson stated that the Board would enter into closed session 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 – Anticipated Litigation  
Initiation of Litigation Pursuant to Subdivision (d4) of 54956.9  
One Potential Case

The Board entered closed session at 6:31 p.m. The Board ended closed session at 6:48 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

5. Reportable Actions Taken during Closed Session:

Mr. Masuda reported that that no reportable action was taken during closed session on the added item 4-B; and that item 4-A would be covered under 9-B in open 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 pulled item A from the Consent Calendar.

A. Approve the Draft Minutes of the Regular Board Meeting of December 15, 2014:

Vice President Le made a motion to approve the draft minutes of the regular Board meeting of December 15, 2014. President Gustafson seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Special Board Meeting of December 29, 2014:

Director Moore made a motion to approve the draft minutes of the special Board meeting of December 29, 2014. President Gustafson seconded the motion. The motion was passed.

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

9. Action Items:

A. Discussion and Possible Action to Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2015, and as Negotiators for the Ad Hoc Recycled Water Pipeline, the Recycled Water, and the Sewer Infrastructure Committees:

President Gustafson provided a handout of his recommendations for committee assignments as follows:

Standing Committees

1. Joint City District Committee: Howard and Peter
2. Executive Committee: Howard and Peter
3. Community Outreach: Howard and Peter
4. Water Conservation Commission: Peter, Alternate: Bill

Ad Hoc Committee

5. Budget and Personnel: Howard and Peter
6. Planning and Operation Committee: Howard and Peter

Agenda Item 9-A (continued):

Outside Agencies

7. FORA: Howard and Peter
8. MRWPCA: Peter, Alternate: Howard
9. LAFCO: Peter, Alternate: Howard
10. JPIA: Jan, Alternate: Tom
11. Special Districts Association: Peter, Alternate: Howard
12. WWOC: Peter, Alternate: Howard

Negotiators

13. Sewer Infrastructures: Peter and Howard
14. Recycled Water and Recycled Pipeline: Peter and Howard

Director Moore commented that he would like to be on the Community Outreach Committee.

Mr. Masuda commented that there could be a Government Code 1099 issue, the incompatible office statute, and suggested keeping the current members of Director Moore and Vice President Le.

Vice President Le made a motion to approve the recommended committee assignments amended as follows, FORA: Peter, Alternate: Howard, MRWPCA: Peter, Alternate: Bill. Director Lee seconded the motion.

Director Moore made an alternate motion to approve the committee assignments, as amended in the prior motion, with the following change: Community Outreach: Tom and Peter. Director Shriner seconded the motion. The motion failed.

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

The motion by Vice President Le was passed.

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

B. Discussion and Possible Action to Consider Appointing and Acting/Interim/Temporary General Manager:

Mr. Masuda commented that in closed session the Board voted unanimously to appoint Bill Kocher as the Interim General Manager and approved a draft temporary employment contract with Mr. Kocher.

Agenda Item 9-B (continued):

Vice President Le made a motion to appoint Mr. Bill Kocher as the Interim General Manager and to authorize the President and staff to sign the revised contract. Vice President Le asked that staff contact Jeanine DeBacker to make the changes to the contract and send it to Mr. Kocher for signature on Tuesday morning. Director Moore seconded the motion. The motion was passed.

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

C. Discussion and Possible Action to Consider Appointing an Acting District Engineer and Directing Staff to Advertise for the Position of District Engineer:

The Board received a proposal from Schaaf & Wheeler that was handed out at the meeting. Vice President Le asked that the Board add an additional task to the proposal, "other engineering tasks as authorized by the Board and directed by the Interim General Manager."

Director Moore made a motion to appoint Schaaf & Wheeler temporarily as the acting District Engineer, pursuant to the proposal received and the additional task proposed by Vice President Le. Director Shriner seconded the motion. The motion was passed.

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

Vice President Le made a motion to direct staff to advertise for the position of District Engineer. Director Lee seconded the motion. Discussion followed. The motion was passed.

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

D. Discussion and Possible Action to Consider Directing Staff to Issue a Request for Proposals for Human Resource Legal Services:

Vice President Le made a motion to direct staff to issue a Request for Proposals for Human Resource Legal Services and bring back proposals in February for Board consideration. Director Lee seconded the motion. Discussion followed. The motion was passed.

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

E. Discussion and Possible Action to Consider Directing Staff to Issue a Request for Proposals for General Legal Services:

Vice President Le made a motion to direct staff to issue a Request for Proposals for General Legal Services and bring back proposals in February for Board consideration. President Gustafson seconded the motion. The motion was passed.

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

F. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-01 to Approve a Professional Services Agreement to Conduct an Executive Recruitment for the Position of General Manager:

Vice President Le made a motion for the Board to retain CPS HR Consulting and authorize staff to contact CPS and update the proposal and fee and authorize the Board President to execute the contract. President Gustafson seconded the motion. Discussion followed. The motion was passed.

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

G. Discussion and Possible Action to Consider Setting up a Date and Time to Discuss District Goals for 2015 and to Update the Adopted Strategic Plan with Senior Staff:

Director Moore made a motion that the Board and Senior Staff discuss District Goals for 2015 at the next Board meeting. Director Shriner seconded the motion. The motion was passed.

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

H. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-02 to Modify the District's Check Signing Policy:

Director Moore made a motion to adopt Resolution No. 2015-02 to modify the District's Check Signing Policy. Director Shriner seconded the motion. Discussion followed. Director Moore withdrew his motion.

Director Moore made a new motion to direct District Counsel to revise the wording of the Check Signing Policy so that the concept remains the same that checks up to and including \$25,000 are signed by one of four staff members. Director Shriner seconded the motion.

Agenda Item 9-H (continued):

The motion was passed.

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

- I. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-03 to Approve Revisions to Both the Board Procedures Manual Section Regarding the Water Conservation Commission, and the Water Conservation Commission Procedures, and Consider Appointing Public Members to the Available Water Conservation Commission Seats:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item.

Director Moore made a motion to adopt Resolution No. 2015-03 to approve revisions to both the Board Procedures Manual section regarding the Water Conservation Commission, and the Water Conservation Commission Procedures, and consider appointing public members to the available Water Conservation Commission seats. Director Shriner seconded the motion. The motion was passed.

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

10. Informational Items:

A. General Manager's Report:

1. Correspondence Received by Board or General Manager:

No report.

B. Counsel's Report:

1. General Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

President Gustafson noted the meeting was next week.

2. Joint City District Committee:

President Gustafson noted the next meeting was later this week.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

No report.

5. MRWPCA Board Member:

Director Moore gave a brief update.

6. LAFCO Liaison:

No report.

7. FORA:

Director Moore gave a brief update.

8. WWOC:

No report.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison:

President Gustafson stated that the next meeting is January 20, 2015.

11. Director's Comments:

Director Moore, Director Shriner and President Gustafson made comments.

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12. Adjournment:

The meeting was adjourned at 7:49 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary