

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
April 24, 2002  
7:00 p.m.

**Minutes**

1. Call to Order/Roll Call:

President Moore called the meeting to order at 7:00 p.m. on April 24, 2002.

Board Members Present:

Tom Moore – President  
David Brown – Vice-President  
Emmette Randle  
Kenneth Nishi  
Charles Scholl

Board Members Absent:

None.

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel  
Dave Meza, District Engineer  
Suresh Prasad, ASO Finance and Technology  
Paula Carina, Board Clerk

Audience:

Jim Brezack, RBF Consulting  
Denise Duffy, Denise Duffy & Associates

2. Oral Communications:

None.

Mr. Armstrong advised the Board that Mr. Avery had called and notified him that he was caught in traffic and would be arriving within the next several minutes.

President Moore suggested moving to Item 4-A while waiting for Mr. Avery.

4. Action Items:

Mr. Meza advised that the consultant for 4-A was not present yet and suggested moving to item 4-B as that consultant was present. President Moore concurred.

B. Consider Adoption of Resolution No. 2002-18 Approving an Agreement for Professional Services with RBF Consulting to Provide a Facilities Plan for the Marina Airport Area Recycled Water Pipeline Project:

Mr. Meza introduced this item. Mr. Jim Brezack voiced his appreciation in being considered for this project. President Moore asked for clarification if the total expenditure is less than the grant of \$75,000 and the District's share of \$75,000. Mr. Meza stated that both the District and the agency providing the grant would share in the savings, as the fee for the project would be split 50/50.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve a Professional Services Agreement with RBF Consulting to provide a Facilities Plan for the Marina Airport Area Recycled Water Project. Director Nishi suggested bringing recycled water further south than the Marina Airport and looking into providing recycled water to the proposed veteran's cemetery. President Moore inquired if the completed EIR would support bringing the pipeline further south? Mr. Lowrey answered that the EIR did not encompass anything further than the airport. Discussion followed. President Moore asked staff to look into a possible grant, possible customers and the distance of a project to include Parker Flats in the Recycled Water Project. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

A. Consider Adoption of Resolution No. 2002-17 Approving an Agreement for Professional Services with Denise Duffy & Associates to Prepare the Environmental Document and Permit Report for the Regional Urban Water Augmentation Project:

Mr. Meza introduced this item. Ms. Denise Duffy was present and addressed the Board. Vice-President Brown asked where the three consultants who bid on this project were located and mentioned that the range of cost between the consultants was a small amount. Director Scholl asked for clarification on the preliminary engineering conceptual/feasibility design. Ms. Duffy stated that after the alternatives are reviewed, only the feasible alternatives will proceed to the next step of a preliminary engineering conceptual/feasibility design. Director Nishi questioned if the scope of work should go further than the Marina Coast Water District's portion of Fort Ord?

Action Item 4-A (continued):

On motion by Vice-President Brown, seconded by Director Randle; the Board approve a Professional Services Agreement with Denise Duffy & Associates to prepare the Environmental Document and Permit Report for the Regional Urban Water Augmentation Project. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

Return to Agenda Item 3 Closed Session. The Board entered into closed session at 7:35 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54957.6  
Conference with Labor Negotiator  
Agency Negotiators: William Avery and Mike Armstrong  
Employee Organization: Teamsters Local 890

8. Possible Action on Closed Session Items:

The Board returned to Open Session at 7:52 p.m.

President Moore reported that direction was provided and no action was taken in closed session. President Moore requested the MOU Agreement to be agendized for the May 15, 2002 Special Board meeting.

The Board returned to Action Item 4-C.

- C. Consider Adoption of Resolution No. 2002-19 Approving the MCWD Board of Directors Procedures Manual:

On motion by Vice-President Brown, seconded by Director Randle; the Board approve Resolution No. 2002-19 approving the MCWD Board of Directors Procedures Manual. Discussion followed.

On motion by President Moore, seconded by Vice-President Brown, the Board approve Resolution No. 2002-19 approving the MCWD Board of Directors Procedures Manual with the following changes:

Action Item 4-C (continued):

- Page 4 – Item 5 – Second sentence after “and District events”, delete “whenever possible”.
- Page 6 – Item 6M – Add the word “assigned” before “committees”.
- Page 6 – Item 6 – Add an item “(U) Selecting Directors to serve as primary and alternate representatives to Standing Committees of the Board, Budget and Personnel, Operations and Maintenance, Projects and Planning, Joint City District; and the MRWPCA, JPIA, FORA, and LAFCO.”
- Page 6/7 – Item 8 – Third sentence after “among the Board members”, add “and no Director shall serve more than 3 consecutive years as president.”
- Page 7 – Item 8 – Add an item “(7) Reviewing the agenda in conjunction with the Secretary.”
- Page 7 – Item 8B – Have sentence read, “appointing members to Adhoc Committees of the Board” and delete rest of the sentence.
- Page 11 – Item 12 – Delete the first sentence.
- Page 11 – Item 15F – Change “should” to “shall”. Sentence will read, “Directors “shall” commit themselves”.
- Page 12 – Item 15G – Change “should” to “shall”. Third sentence will read, “directors “shall” commit to”.
- Page 12 – Item 15K – Change “policy” to “management”. Sentence will read, “concerning specific District “management” or operations”.
- Page 12 – Item 15 – Add an item “P.” General Manager will add wording stating that the Directors shall not discriminate or allow sexual harassment.
- Page 13 – Item 22 – After the 5<sup>th</sup> sentence ending in “ reported to the Board.” Delete rest of paragraph.
- Page 18 – Item 34 – Last sentence will be corrected to read, “Director’s comments taken at the end of each regular meeting shall be limited to five (5) minutes.”

Action Item 4-C (continued):

Page 20 – Item 44 – Change “shall” to “may”. First sentence will read, “Directors “may” receive compensation”. Change date in second sentence to read, “As of April 24, 2002, the Board has not authorized any monthly or meeting attendance compensation for its directors.

President Moore amended his motion, and Vice-President Brown seconded the amended motion to include:

Page 8 – Item 10B1 – Change “be” to “include”. Sentence will read, “Budget and Personnel Committee shall “include”.”

Director Nishi questioned the amended motion. Vice-President Brown motioned to end the debate, and Director Randle seconded the motion. With a vote of 4-Ayes, 1-No, 0-Absent, the motion to end the debate was passed. The motion to approve Resolution No. 2002-19 approving the MCWD Board of Directors Procedures Manual with the noted changes was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

President Moore recessed the meeting from 9:05 p.m. to 9:10 p.m.

President Moore ruled a special item arose after the posting of the agenda. President Moore motioned to add the item to the agenda, Vice-President Brown seconded the motion. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion to add the special item to the agenda was passed.

On motion by Vice-President Brown, seconded by Director Randle; the Board wished the Board Clerk, Paula Carina, a happy birthday. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion was passed.

D. Review and Discuss the Draft FY 2002/2003 Fort Ord Water and Wastewater Budget and Rates:

This item was for review only. Director Scholl commented that he objected to FORA’s policies of having the capital charge component paid by the ratepayer. Director Nishi questioned the legality of the Agreement with FORA. President Moore stated that the General Manager, responding to Board inquiry, had asked for a joint legal opinion from MCWD and FORA Counsel. Mr. Armstrong further explained that the current plan is to have MCWD and FORA Counsel form an opinion on these various issues, and then ask for a third party review. Discussion followed.

Mr. Lowrey explained that if the Board did not agree with FORA on certain issues, both agencies would go to mediation to resolve those issues.

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5. Consent Calendar:

Director Nishi requested to pull item E, and, Vice-President Brown requested to pull item A from the Consent Calendar.

On motion by Vice-President Brown, seconded by Director Randle; the Board approve Consent Calendar items, B (Approve minutes of the Special Board Meeting of March 13, 2002), C (Approve minutes of the Regular Board Meeting of March 27, 2002), D (Approve Expenditures for the Month of March, 2002), and F (Consider Approving a Name Change for the Presidio of Monterey Annex Water System to the Ord Community Water System) as presented. The motion was passed.

President Moore	-	Yes	Vice-President Brown	-	Yes
Director Randle	-	Yes	Director Nishi	-	No
		Director Scholl	-	Yes	

A. Approve Minutes of the Regular Board Meeting of February 27, 2002:

Vice-President Brown requested that Page 3, second paragraph, reflect "Vice-President Brown".

On motion by Vice-President Brown, seconded by Director Randle; the Board approve the minutes with said correction. With a vote of 4-Ayes, 1-No, 0- Absent, the motion was passed.

E. Review Financial Statement for January 1, 2002 – March 31, 2002:

Director Nishi questioned the revenues for water and sewer sales, administration expenses, engineering fees, and franchise fees. He also questioned the difference between the actual and budgeted water and sewer sales. Staff provided responses.

6. Informational Items:

A. General Manager's Report:

No report was given.

B. Strategic Plan Update:

No comments.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:  
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Informational Item 6-C1 (continued):

Director Nishi asked that the minutes reflect Director Scholl as the Commission member and not Director Nishi. Minutes should show Director Nishi as being present for the meeting.

2. Operations and Maintenance Committee:

No comments.

3. Budget and Personnel Committee:

No comments.

4. Projects and Planning Committee:

No comments.

5. Joint City-District Committee:

No comments.

6. MRWPCA Board Member:

President Moore commented he was not able to attend the Board meeting, and stated that the negotiations held on April 23, 2002 appeared to be successful.

7. LAFCO:

President Moore stated that he would be attending a meeting on May 2, 2002 with other Special Districts for selection of LAFCO Representative. He mentioned that he had received a letter from Mr. Zad Leavy asking for MCWD support as a LAFCO Commissioner. Mr. Armstrong stated nominations will be called for at the meeting, but no election will take place.

8. JPIA:

No comments.

D. District Correspondence:

President Moore commented on the letter of support from Barbara Boxer's office.

Informational Items (continued):

E. Director's Comments:

Director Nishi commented that of the Director's Manual should include a section that speaks on gifts. Directors need to be careful how they use public funds. Director Nishi questioned the phone call from Virginia. He also asked for copies of the Meza Construction prevailing wage documentation. Mr. Armstrong stated that he would provide copies to all Board members.

Director Scholl had no comments.

Vice-President Brown commented on the Virginia phone call.

Director Randle had no comments.

Mr. Lowrey shared information of a new publication, *A Local Officials Guide to Ethics Laws*.

Mr. Armstrong stated that he would, with the Board's permission, include a section on gifts in the Board Procedures Manual.

President Moore commented on the Virginia phone call.

President Moore reported that Vice-President Brown resigned as agency negotiator with the MCWD, MRWPCA and MCWRA. President Moore temporarily appointed Director Scholl as agency negotiator.

The Board entered into closed session at 9:44 p.m.

7. Closed Session:

- A. Pursuant to Government Code Section 54956.8
  - Conference with Real Property Negotiators
  - Property: Water Rights-Reclaimed Water
  - Agency Negotiators: Board – Thomas Moore and David Brown
  - Staff – Mike Armstrong and Legal Counsel Lloyd Lowrey
  - Negotiating Parties: Marina Coast Water District
  - Monterey County Water Resources Agency
  - Monterey Regional Water Pollution Control Agency
  - Under Negotiation: Price and Terms



8. Possible Action on Closed Session Items:

The Board returned to Open Session at 10:08 p.m.

President Moore reported that guidance was provided and no action was taken in Closed Session.

President Moore reported that an urgency item arose after the agenda was posted and it was a result of Director Brown resigning from the negotiating team. President Moore made a motion to add "Consideration of Appointment of a Replacement Negotiator for Director Brown". Vice-President Brown seconded the motion. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion was passed.

9. Consideration of Appointment of a Replacement Negotiator for Director Brown:

President Moore nominated Director Scholl as a replacement negotiator. Vice-President Brown seconded the motion. With a vote of 5-Ayes, 0-Noes, 0-Absent, the motion was passed.

10. Adjournment:

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

APPROVED:

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Thomas P. Moore, President

ATTEST:

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Michael D. Armstrong, General Manager