

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
May 26, 2004  
7:00 p.m.

**Minutes**

1. Call to Order:

President Scholl called the meeting to order at 7:00 p.m. on May 26, 2004.

Board Members Present:

Charles Scholl - President  
Ken Nishi  
David Brown  
Dan O'Brien

Board Members Absent:

Tom Moore - Vice-President

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel  
Jim Dowless, O & M Superintendent  
Suresh Prasad, ASO for Finance & Technology  
Connie Chavoya, ASO for Personnel & Administration  
Marc Lucca, District Engineer  
Rich Youngblood, Water Conservation Specialist

Audience:

Thomas Barkhurst, MCWD  
Keith Israel, MRWPCA  
Rob Wellington, MRWPCA  
Paula Pelot  
Charlotte Martin  
Larry Tubbleville  
Jeannie Coles  
Al Bunkley  
Simon Whitmey  
Anne Stevens

3. Presentation:

- A. Consider Adoption of Resolution No. 2004-28 in recognition of Thomas Barkhurst, Water Quality Chemist, and Awarding a Plaque and Gift Certificate for 5 Years of Service to MCWD:

Mr. Armstrong read the narration on this item.

On motion by Director Brown, seconded by Director O'Brien; the Board adopt Resolution No. 2004-28 in recognition of Thomas Barkhurst for 5 years of service to MCWD. The motion was passed.

Director O'Brien	-	Yes	Vice-President Moore	-	Absent
Director Brown	-	Yes	President Scholl	-	Yes
Director Nishi	-	Yes			

4. Consent Calendar:

Director Nishi requested to pull item A (Consider Adoption of Resolution No. 2004-29 to Approve the District Budget and Ord Community Compensation Plan for FY 2004-2005) from the Consent Calendar. Mr. Rob Wellington, legal counsel for the MRWPCA, requested that item B (Receive an Update on the Draft Programmatic EIR for the Regional Water Augmentation Project) be pulled from the Consent Calendar.

On motion by Director O'Brien, seconded by Director Brown; the Board approve the Consent Calendar consisting of: C) Consider Adoption of Resolution No. 2004-30 to Approve a Professional Services Agreement with Bill Lovvorn to Provide Consultant Services for the Water Education Program; D) Consider Approval of a Letter of Support of AB 2918 (Laird) Related to Energy Costs for Desalination Facilities; E) Consider Adoption of Resolution No. 2004-31 to Consider Calling a General District Election on November 2, 2004; F) Consider Approving Expenditures for the Month of April 2004; G) Consider Receiving the Quarterly Financial Statements for January 1, 2004 - March 31, 2004; H) Consider Revising the Director Appointments to Board of Director's Standing Committees and to Outside Agencies for 2004; I) Consider Approval of Minutes of the Regular Board Meeting of April 14, 2004; and J) Consider Approval of Minutes of the Regular Board Meeting of April 28, 2004. The motion was passed.

Director O'Brien	-	Yes	Director Nishi	-	Yes
President Scholl	-	Yes	Director Brown	-	Yes
Vice-President Moore	-	Absent			

- A. Consider Adoption of Resolution No. 2004-29 to Approve the District Budget and Ord Community Compensation Plan for FY 2004-2005:

Mr. Armstrong briefed the Board on this item.

Ms. Paula Pelot, Chairperson of the Preston Park Tenants Association, stated that there were problems with the way the public hearing was conducted; that not all of affected residents received the notice of proposed increases and protest due to mail delivery problems in the Ord Community; that the notice was enclosed with erroneous billings that drew off the attention of bill payers; that the method of protest was only referred to on the backside of the notice; that residents of the Bay View Community did not receive notice of the rate increases directly from the District

Mr. Larry Tubbeville, resident of Bay View Mobile Home Park, stated that their notification came from the property owner, not the District, and it was not specific as to the Proposition 218 process; that Bay View residents were told to submit their protest to the property owner, not the District; that there are serious operational issues with regard to lack of water pressure in the Bay View Mobile Home Park; that the District should, prior to levying these increases for Ord Community residents, be pursuing federal and state grants available as per OMB A133,A28,A87,A27 as well as the Code of Federal Regulations (CFRs) that having requirements of State, County and local governments for reporting purposes and for the authorization of the rate adjustments. He also stated that there was not sufficient time for information to be disseminated to the affected residents so that they could appropriately respond. He stated that many of the residents are disabled and are on fixed incomes.

Ms. Jeanne Coles, resident of Preston Park, stated that she also would like consideration given to disabled individuals who must live on fixed incomes.

Ms. Charlotte Martin, resident of Bay View Mobile Home Park, stated that a disabled neighbor living on a limited, fixed income could not be at the meeting because he was dealing with an eviction notice that had been given to him because he cannot afford to keep his lawn green. She stated that those living on fixed incomes are paying for the wealthy residents of the new developments. She added that the District should look into available grant monies before raising the rates to Ord Community residents.

President Scholl closed the public comments at 7:19 p.m.

Director Brown stated that Mr. Ray Roeder, owner of Bay View Mobile Home Park, was a client of his and as a result Director Brown felt that there was the perception that he had a conflict of interest. He then stepped down from the dais, left the room and did not participate in the budget discussions.

Agenda Item 4-A (continued):

Director Nishi said that he could not support the budget because it did not fully address the Koff & Associates compensation and classification study and the fact that the capital charges for the Ord Community are factored into the user fees. He also questioned the third paragraph on page 8 of the resolution which read “and any customer may avoid payment of the quantity rates and the service fees or charges by disconnecting from the facilities.”

Legal Counsel Lowrey suggested that the resolution be revised by removing that portion of the sentence.

On motion by President Scholl, seconded by Director O'Brien; the Board adopt Resolution No. 2004-29 to approve the District budget and Ord Community Compensation Plan for FY 2004-2005 with revisions as noted. The motion failed.

Director O'Brien	-	Yes	Director Nishi	-	No
President Scholl	-	Yes	Director Brown	-	Stepped Down
Vice-President Moore	-	Absent			

Additional public comments were made by Ms. Pelot that she represented 354 Preston Park residents and the portion of Abrams Park residents who signed the protest petition; that the District should be actively pursuing annexation of the Ord Community through LAFCO, and that the legal basis that had been used for the protest process should be very clearly laid out.

B. Receive an Update on the Draft Programmatic EIR for the Regional Water Augmentation Project:

Mr. Rob Wellington, legal counsel for the MRWPCA, and Mr. Keith Israel, General Manager of the MRWPCA, addressed the Board on the draft EIR for the Regional Water Augmentation Project and specifically the hybrid alternative.

On motion by Director Brown, seconded by Director O'Brien; the issue be brought back to the Board in July 2004. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

5. Informational Items:

A. General Manager's Report:

1. Review of the Process and Results of the Ord Community Service Area Prop 218 Protest for Proposed FY 2004-2005 Rates, Fees and Charges:

Agenda Item 5-A (continued):

Mr. Armstrong briefed the Board on the Proposition 218 protest process followed by FORA and MCWD for the proposed FY 2004-2005 Ord Community Compensation Plan.

President Scholl recessed the meeting from 8:20 until 8:30 p.m.

B. Counsel's Report:

None.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No comments.

2. Joint City-District Committee:

President Scholl briefed the Board on the last City-District meeting.

3. MRWPCA Board Member:

President Scholl briefed the Board on the last MRWPCA meeting.

4. LAFCO Liaison:

No comments.

5. JPIA Liaison:

No comments.

6. SDA Liaison:

No comments.

7. FORA:

No comments.

8. Executive Committee:

No comments.

9. Community Outreach:

No comments.

D. Director's Comments:

Director Nishi questioned the water usage on the corner of Imjin and Fourth Avenue and commented that water was running constantly from the hydrant. Staff will investigate. He also stated the District should have specific rules to charge for repairs and fees. Director Nishi also requested a report on the status of the proposed hot water recirculation project.

6. Planning Workshop:

A. Ord Community Service Area Systems:

Mr. Jim Dowless and Mr. Marc Lucca made an informative presentation to the Board regarding the Ord Community service area water and wastewater collection systems. It highlighted several existing problems with the condition of the system. The information focused on a comparison between the Marina and Ord Community systems, and proposed projects and on-going activities in the Ord Community service area. Specific projects and activities presented and discussed included: the Highway 1 sewer crossings, water pressure problems, sewer line failures, water mains design limitations, the Bayer Tank and possible inter-tie investigations, developer and FORA coordination, the PRV project and the AMR project.

Director Brown excused himself from the meeting at 9:30 p.m.

7. District Correspondence:

None.

8. Adjournment:

The meeting was adjourned at 9:40 p.m.

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APPROVED:

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Charles H. Scholl, President                      Date

ATTEST:

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Michael D. Armstrong, General Manager