

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Special Board Meeting  
September 15, 2004  
7:00 p.m.

**Minutes**

1. Call to Order:

President Scholl called the meeting to order at 7:00 p.m. on September 15, 2004.

Board Members Present:

Charles Scholl – President  
Tom Moore – Vice-President  
Ken Nishi  
David Brown  
Dan O'Brien

Board Members Absent:

None.

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel

Audience:

None

2. Oral Communications:

None.

The Board entered into closed session at 7:01 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54957.6  
Conference with Labor Negotiator  
Agency Negotiator: William Avery & Associates  
Employee Organizations: Teamsters Local 890 and SEIU Local 817

- B. Pursuant to Government Code Section 54957.6  
Conference with Labor Negotiator  
Agency Designated Representatives: Charles Scholl & Thomas Moore  
Unrepresented Employee: General Manager

The Board returned to open session at 8:15 p.m.

4. Possible Action on Closed Session Items:

Mr. Lowrey clarified that agenda item 3-A should read; "Agency Negotiators: William Avery & Associates; and, General Manager Mike Armstrong" and stated that no action was taken in closed session.

- A. Consider Adoption of Resolution No. 2004-47 to Approve the Memorandum of Understanding between SEIU Local 817 and the Marina Coast Water District:

Direction was given and no action was taken on this item.

- B. Consider Adoption of Resolution No. 2004-48 to Approve the Memorandum of Understanding between Teamsters Local 890 and the Marina Coast Water District:

Direction was given and no action was taken on this item.

- C. Consider Adoption of Resolution No. 2004-49 to Modify the General Manager's Contract:

The Board added the effective date of September 15, 2004; a base salary of \$126,106.08 in monthly installments of \$10,508.84; 80 hours management leave; and, termination pay of 360 days of base salary plus an amount equal to one year health care allowance, to the proposed draft Exhibit A.

On motion by Vice-President Moore; seconded by Director Brown; the Board approve Resolution No. 2004-49 with Exhibit A as modified.

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

5. Action Item:

- A. Consider 10:00 P.M. Adjournment Policy:

Agenda Item 5-A (continued):

Mr. Lowrey offered clarification to the transmittal on page 10. He suggested revising paragraph two to add the words, "It is the President's responsibility to call for a motion to **extend or continue adjourn** any regular or special Board meeting which is still in progress at 10:00 p.m. The motion to **extend or continue adjourn** would contain one of the following:"

Director Brown handed out a memo and explained his views on the 10:00 p.m. adjournment time and a super majority needed to continue meetings.

Director Nishi commented the Board is here to do work and the meetings are only two nights a month. He also commented that when Director Brown was President he used an hourglass to control discussion time and that did not work too well either. Director Nishi again commented that the Board needs to do the work that they signed up for when they ran for election.

Vice-President Moore suggested changing the meeting date and time to the second and fourth Friday's at 1:00 p.m. Discussion followed regarding starting the meetings at an earlier time.

Director O'Brien agreed with Director Brown's views.

Director Nishi asked what a super majority consisted of. Mr. Lowrey stated that if there were three members present all three would have to agree; if four members were present, three of the four would have to agree; and, if five members were present, four of the five would have to agree.

President Scholl stated that he didn't believe the Board should change the meeting time and date just to suit one person.

Director Brown answered that he was concerned that President Scholl was unable to run the meetings in a timely manner.

Director Nishi stated that Director Brown ran his meetings just as poorly and that it was difficult to keep on schedule.

Vice-President Moore stated that he could support Director Brown's idea of adjournment time and that one person can't be blamed for the meetings lasting so long as everyone contributes to the meetings. Everyone should attempt to try harder in getting the work done in a timely manner.

President Scholl asked what difference it makes if one person has to leave.

Agenda Item 5-A (continued):

On motion by Director Brown, seconded by Vice-President Moore; the Board adopt a Resolution as set forth in agenda item 5-A as follows:

It is the President's responsibility to call for a motion to extend or continue any regular or special Board meeting which is still in progress at 10:00 p.m. The motion to extend or continue would contain one of the following:

- a. The completion of the current agenda item;
- b. End the meeting at a time certain, i.e. 10:30 p.m.;
- c. Continue the meeting until all agenda items are complete.

In the absence of such a motion passing by two-thirds majority if four or more members are present or unanimous if only three members are present, the meeting would adjourn at 10:00 p.m. The previous is contingent upon the provision that any director can call for adjournment at any time during the meeting. With a vote of 3-Ayes, 2-Noes, 0-Absent, the motion was passed.

6. Director's Comments:

Director Nishi commented that at the last meeting he had asked for the capital fees in Fort Ord and he has yet to receive them. Mr. Armstrong apologized and said that Mr. Prasad has been extremely busy with MOU matters and stated that he would get them to Director Nishi the following day. Director Nishi voiced his concerns over the meetings that continue after the meeting is adjourned. He stated that when there are three Directors still present, he hopes that they are not discussing District business.

President Scholl commented on the lack of Planning Workshop items and voiced his disappointment with the other Directors lack of response towards contributing to the Planning Workshop.

7. Adjournment:

The meeting was adjourned at 8:54 p.m.

APPROVED:

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Charles H. Scholl, President

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ATTEST:

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Michael D. Armstrong, General Manager