

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
April 27, 2005  
7:00 p.m.

**Minutes**

1. Call to Order:

Vice President Brown called the meeting to order at 7:00 p.m. on April 27, 2005.

Board Members Present:

David Brown – Vice President  
Ken Nishi  
Charles Scholl

Board Members Absent:

Tom Moore – President  
Howard Gustafson

Staff Members Present:

Mike Armstrong, General Manager  
Lloyd Lowrey, Legal Counsel  
Marc Lucca, Deputy General Manager/District Engineer  
Rich Youngblood, Conservation Coordinator  
Suresh Prasad, Director of Finance  
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Sid Williams  
Tony Altfeld, City of Marina  
Chris Keen, Cypress Knolls  
David Osias  
Allison Imamura

2. Oral Communications:

None.

3. Action Items:

A. Consider Revision to the Board Procedure Manual as to Positions in the Water Conservation Commission and Terms of Appointment:

Mr. Richard Youngblood, Conservation Coordinator, introduced this item. Director Scholl noted that the presentation was different from the one provided in the Board packet. Director Nishi voiced his concern over the WCC making recommendations on the structure of the commission and having members voting on something that affects them. He also questioned the appointment of Mr. Dan O'Brien for a two year term and requested the documentation on Mr. O'Brien's appointment. Vice President Brown questioned what would happen to agenda item 3-B if the Board did not approve this item. Mr. Youngblood answered that the Board could appoint two members from the City of Marina but none from the Ord Community as none applied.

Director Scholl made a motion to approve the revision to the Board Procedure Manual (BPM) as to positions on the Water Conservation Commission and terms of appointment as presented. Vice-President Brown seconded the motion. Director Nishi asked if the motion only approved the proposed revision to the BPM and does not appoint anyone to fill the positions. Vice President Brown confirmed that it was only to approve the BPM revision. Discussion followed. Mr. Lloyd Lowery asked for clarification on the language of the revision to the BPM. Mr. Armstrong asked Director Scholl to clarify the proposed language for the motion. Director Scholl stated that the proposed language revision to 3 (c) would include the terms of three positions to be appointed on odd years and two positions to be appointed on even years with the terms expiring in December of each year. The motion failed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Director Scholl asked why Director Nishi opposed the motion. Director Nishi stated that if the terms were made to coincide with what was presented i.e. three positions to be appointed on even years and two positions to be appointed on odd years he could agree with it.

Director Scholl made a motion to amend his motion to include the terms of appointment as three positions to be appointed on even years and two positions to be appointed on odd years. Vice-President Brown seconded the amended motion. The motion was passed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	Yes			

B. Consider Applicants to Fill the Public Member Positions on the Water Conservation Commission:

Mr. Youngblood introduced this item. Vice President Brown asked if Mr. Sid Williams would like to address the Board. Mr. Williams introduced himself and spoke of his familiarity with the area and the water issues in the area. Director Scholl clarified that two positions would run from April 2005 until December 2005 and two positions that will run from April 2005 until December 2006.

Vice President Brown made a motion to nominate Mr. Mike Ordonez to a two-year term. Motion failed for lack of a second.

Vice President Brown made a motion to nominate Mr. Ordonez to a one-year term. Motion failed for lack of a second.

Director Scholl made a motion to appoint Mr. Williams to a two-year term. Vice President Brown seconded the motion. Director Scholl stated that Mr. Williams would be an excellent addition to the WCC. The motion was passed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	Yes			

Director Scholl made a motion to appoint Mr. Colin Gallagher to a one-year term. Vice President Brown seconded the motion. Director Nishi stated that he cannot support appointments if the applicants do not make an effort to be present and fight for the positions. Director Scholl stated that there have been vacancies for too long on the WCC and the applicants shouldn't be penalized for not being able to make the meeting. Vice President Brown agreed. The motion failed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Director Scholl made a motion to appoint Mr. William Lee to a two-year term. Vice President Brown seconded the motion. Vice President Brown asked why Director Scholl would support Mr. Lee to be appointed to the WCC and not Mr. Ordonez. Director Scholl answered that he had been serving on the WCC since January and Mr. Ordonez has only made one meeting. Director Nishi commented that he thought the Board wanted quantity and not quality and the standard is set too low. The motion failed.

Agenda Item 3-B (continued):

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Director Scholl made a motion to appoint Mr. Lloyd Eads to a two-year term. Vice President Brown seconded the motion. Director Scholl commented that the applicants have shown interest by attending several WCC meetings over the last several months. The motion failed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Vice President Brown made a motion to nominate Mr. Ordonez to a one-year term. Director Scholl seconded the motion. The motion failed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Vice President Brown asked that staff place this item on the May 11, 2005 agenda to fill the remaining three positions.

Mr. Lowrey commented that the answer to Director Nishi's questions regarding Mr. Dan O'Brien's appointment was on page 66 of the packet. Director Nishi questioned when the last time the elected WCC members served longer than two years. Mr. Lowrey stated that the policy addresses two-year terms. Director Nishi asked when Mr. O'Brien's term ended. Mr. Lowrey stated it was two years from the time of appointment.

C. Consider Adoption of Resolution No. 2005-26 to Amend the 1998 Water/Wastewater Facilities Agreement Between FORA and the Marina Coast Water District – Amendment No. 2:

Mr. Armstrong introduced this item. He explained that the item was modified since the last time the Board reviewed it. This version only amends section 7.3.1 of the Agreement and the FORA Board already approved the modification.

Director Scholl made a motion to adopt Resolution No. 2005-26 to amend the 1998 Water/Wastewater Facilities Agreement between FORA and the Marina Coast Water District – Amendment No. 2. Vice President Brown seconded the motion. The motion was passed.

Agenda Item 3-C (continued):

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	Yes			

4. Consent Calendar:

Director Nishi requested to pull items A and C from the Consent Calendar.

Vice President Brown made a motion to approve the Consent Calendar consisting of items B) Consider Adoption of Resolution No. 2005-28 to Approve a Professional Services Agreement with Denise Duffy & Associates for Annexation of the Marina Station Portion of the Armstrong Ranch Property into the Marina Coast Water District; D) Consider Approving Expenditures for the Month of March 2005; E) Consider Approval of the Draft Minutes of the Regular Board Meeting of February 9, 2005; F) Consider Approval of the Draft Minutes of the Regular Board Meeting of February 23, 2005; G) Consider Approval of the Draft Minutes of the Special Board Meeting of March 2, 2005; H) Consider Approval of the Draft Minutes of the Regular Board Meeting of March 9, 2005; and, I) Consider Approval of the Draft Minutes of the Regular Board Meeting of March 23, 2005. Director Scholl seconded the motion. The motion was passed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	Yes			

- A. Consider Adoption of Resolution No. 2005-27 to Approve the Plan for the MCWD Regional Urban Water Augmentation Project and File a Notice of Determination for the Project:

Director Nishi voiced his concern over the ability to provide desalinated water. He stated that he cannot support this action. Director Scholl commented that the action was to file a Notice of Determination for the project and it is needed to move forward to provide adequate water supply for the projects that are planned in the Ord Community. Mr. Armstrong reiterated that this Notice of Determination is to wrap up the environmental process and publishing the Notice of Determination so that the next steps can be taken to identify a project. Director Nishi stated that by then, the funds will have been spent on recycled and desal.

Director Scholl made a motion to adopt Resolution No. 2005-27 to approve the Plan for the MCWD Regional Urban Water Augmentation Project and file a Notice of Determination for the project. The motion failed.

Agenda Item 4-A (continued):

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Vice President Brown asked that this item be returned to the May 11, 2005 Board meeting.

C. Consider Adoption of Resolution No. 2005-29 to Accept the Ord Community Wastewater Collection System Master Plan:

Director Nishi asked if the Del Rey Oaks/Seaside sewer lines were addressed in the report. Mr. Lucca answered that they were. Director Nishi asked Mr. Lucca to show him where it was in the report. Mr. Armstrong suggested moving to the next item while Mr. Lucca researched the report.

5. Informational Items:

A. General Manager's Report:

Mr. Armstrong mentioned that there is a Regional Water Forum sponsored by AMBAG on May 19, 2005 from 8:00 am until 3:00 p.m. at the Monterey Beach Hotel.

B. Counsel's Report:

Mr. Lowrey commented that he provided a letter in response to Mr. Nishi's questions on March 23, 2005.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Scholl commented that there have been vacancies on the WCC for a long time and if he were a candidate he might consider withdrawing his application.

2. Joint City-District Committee:

Director Scholl stated that there was discussion by the City of Marina on the availability of an adequate water supply for the proposed projects.

3. MRWPCA Board Member:

Director Scholl stated that there were three meetings since the last Board meeting. One was the Recycled Water Committee and the main topic was the treatment process to produce recycled water. Also, a Strategic Planning Session was held on April 22, 2005 and four very good goals were produced for the next year. Director Scholl added that a Board meeting was held on April 25, 2005 and the main topic discussed was the content of salt in recycled water.

4. LAFCO Liaison:

No comments.

5. JPIA Liaison:

No comments.

6. Special Districts Association (SDA) Liaison:

Director Scholl commented that Director Gustafson attended as the alternate.

7. FORA:

Vice President Brown stated that he was unable to attend the FORA Board retreat but Director Scholl did as the alternate. Director Scholl commented that the three major issues were water related. He added that the April 8, 2005 Board meeting included reports from local legislative representatives with several issues pertaining to water.

8. Executive Committee:

No comments.

9. Community Outreach:

No comments.

D. Director's Comments:

Director Nishi asked for a list of verbal contracts.

Vice President Brown commented that he was happy to select Mr. Williams to the WCC but was dismayed that the other vacant seats could not be filled. He commented that he didn't understand why Director Nishi didn't vote in favor of Mr. Lee as Director Nishi had previously asked Mr. Lee to run for the Board.

Agenda Item 5-D (continued):

Director Nishi answered that regardless of whether he asked someone to apply doesn't mean the standards are going to change for that individual.

Mr. Armstrong stated that Mr. Lucca was ready to return to Item 4-C.

4-C. Consider Adoption of Resolution No. 2005-29 to Accept the Ord Community Wastewater Collection System Master Plan:

Mr. Lucca explained that the Master Plan contains several discussions regarding sewer flows being diverted through the Seaside County Sanitation District (SCSD). If flows are not diverted through SCSD, additional analysis will be required to route the flows through the Ord Community. Director Nishi stated that he would like to see MCWD's position nailed down with Seaside.

Director Scholl made a motion to adopt Resolution No. 2005-29 to accept the Ord Community Wastewater Collection System Master Plan. Vice President Brown seconded the motion. Director Scholl asked if the Board was paralyzed if only three Directors were present. Vice President Brown commented that they were able to approve most of the Consent Calendar and a few other items. The motion failed.

Director Gustafson	-	Absent	Vice President Brown	-	Yes
Director Scholl	-	Yes	President Moore	-	Absent
Director Nishi	-	No			

Vice President Brown asked to have this item returned to the May 11, 2005 agenda for consideration.

7. Planning Workshop:

A. Preparation for Joint Board Meeting with FORA Board of Directors:

Mr. Armstrong introduced this item. He commented that the FORA Board is anxious consider these items; the Water Augmentation Project, and the proposed MCWD FY 2005-2006 Ord Community Budget, Rates, Fees and Charges. Mr. Armstrong stated that District staff, FORA staff, and, land use jurisdictions met with representatives from Citigroup and have additional meetings planned over the next several weeks with the possibility of a joint Board meeting in early June.



Agenda Item 7-A (continued):

Director Nishi stated that he feels it is the Boards responsibility to give input on which way to go. The District should recommend capital charges and we may have the same problem on the Armstrong Ranch. Director Nishi stated either the developers or ratepayers will end up paying for it. Discussion followed.

8. Adjournment:

The meeting was adjourned at 8:17 p.m.

APPROVED:

---

David W. Brown, Vice President      Date

ATTEST:

---

Michael D. Armstrong, General Manager