

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
April 12, 2006
7:00 p.m.

Minutes

1. Call to Order:

President Brown called the meeting to order at 7:00 p.m. on April 12, 2006.

Board Members Present:

David Brown – President
Howard Gustafson – Vice President
Ken Nishi
Tom Moore
Charles Scholl

Board Members Absent:

None

Staff Members Present:

Marc Lucca, General Manager
Lloyd Lowrey, Legal Counsel
Andrew Sterbenz, Interim District Engineer
Suresh Prasad, Director of Finance
Richard Youngblood, Conservation Coordinator
Joan Warren, Management Services Administrator
Stephenie Fogel, Administrative Assistant
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Doug Yount, City of Marina
Michael Shaw, Cypress Knolls
Bob Schaffer, Marina Community Partners
Dick Goblirsch, Del Rey Oaks
Eric Robinson, Cypress Knolls
Quinton Roland
Chandler Roland
Susan Kiefert
Barbara Montanti
Sherrie Payne

Paula Pelot
Mike Owen
Collin Gallagher
Bob Holden, MRWPCA
Billy Ingram
Jan Shriner
Rick de la Cruz
Les Gisse
Corey Finnegan, SEIU Representative

2. Oral Communications:

Mr. Mike Owen, Marina resident, announced the Marina Tree and Garden Club is holding a meeting on April 22, 2006 at the Marina Grange beginning at 2:00 p.m.

Mr. Chandler Roland, Marina resident, commented on water and Central Marina's revitalization. He stated that Central Marina needs the entire 1,100 afy of water allotted them, which includes 300 afy of desalinated water, for future growth. Mr. Chandler urged the Board to reconsider releasing the desalinated water to the Ord Community developers.

Mr. Bill Ingram, Marina resident, commented that the City of Marina had previously stated that there would be mechanisms in place to ensure water allocations are met. Mr. Ingram stated that he would like to see a detailed explanation of those mechanisms. He added that water was needed for Central Marina and the Ord Community developers should not receive any more than they were allocated.

Ms. Jan Shriner, Marina resident, voiced her concerns over available water supply. She asked several questions regarding giving water to the Ord Community developers, running the desalination plant even though it is very expensive to run; if the District could charge enough for the desalinated water to avoid additional city taxes; and, what happens when the Seaside Basin reaches its limits.

Mr. Les Gisse, Marina resident, asked that the Board consider reserving enough water for other small developments and improvements within the City of Marina.

Mr. Colin Gallagher, Marina resident, commented on the future growth of Central Marina and encouraged the board to find a balance to provide water for everyone involved. He asked that the Board allow others to review the agreement before it is acted on.

Mr. Quintin Roland, Marina resident, asked for clarification on the agenda. He commented that the agenda did not clearly state where the Board was considering an agreement to lease the desalination plant to developers. President Brown answered the agreement was under agenda item 5-A. Mr. Roland commented that the agenda was vague and did not state what the Board was considering doing. Discussion followed. Mr. Lloyd Lowrey, Legal Counsel, commented that the Brown Act requires the agenda title to apprise persons who might be interested in an item to attend the meeting. He opined that this agenda title was adequate as it aroused enough interest to encourage people to attend. Discussion followed. Mr. Roland asked if the lease agreement had been shared with the public. Director Scholl answered that the Board had not even seen the agreement yet and the details needed to be discussed in closed session. Director Scholl stated that he would like the public to have the opportunity to view the contract before the Board voted on it.

Agenda Item 2 (continued):

Mr. Corey Finnegan, SEIU Local 817, asked the Board to reconsider agenda item 6-B which adds a Customer Service Supervisor position and consider adding another Customer Service Representative position to help with the workload.

3. Presentation:

- A. Consider Adoption of Resolution No. 2006-25 in Recognition of Susan Kiefert, Customer Service Specialist, as Employee of the Quarter for April – June 2006:

Mr. Marc Lucca, General Manager, read the narration.

Director Moore made a motion to adopt Resolution No. 2006-25 recognizing Ms. Kiefert as Employee of the Quarter for April – June 2006, award her with a check and four hours off with pay. Vice President Gustafson seconded the motion. The motion was passed.

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

The Board entered into closed session at 7:31 p.m.

4. Closed Session:

- A. Pursuant to Government Code Section 54956.9
Conference with Real Property Negotiators
Property: District Desalination Plant
Negotiating Parties: MCWD and Marina Developers
Under Negotiation: Price and Terms

The Board returned to open session at 7:46 p.m.

5. Possible Action on Closed Session Items:

President Brown stated that direction was given to the negotiators and no action was taken in closed session.

Mr. Owen encouraged the Board to continue negotiations with everyone's best interest in mind. He added that the District's legal counsel seems to be someone who would objectively look out for the best interest of everyone as well.

6. Review Draft Board Items:

- A. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-26 to Authorize the Submission of an Application to LAFCO for the Annexation of the Marina Station Property into the Marina Coast Water District:

Mr. Andrew Sterbenz, Interim District Engineer, introduced this item. Director Moore pointed out that the maps on pages 51, 108 and 111 are not in sync with each other. Mr. Sterbenz stated that the maps would be updated before the application is sent to LAFCO.

President Brown requested that this item be place on the consent calendar for April 26, 2006.

- B. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-27 to Approve the Addition of a Customer Service Supervisor Position; Approve the Customer Service Job Description and Salary Range; and Direct the General Manager to Recruit and Fill the Position:

Ms. Joan Warren, Management Services Administrator, introduced this item. Mr. Suresh Prasad, Director of Finance, gave a brief presentation to the Board. Director Scholl asked for clarification of how this position would be advantageous to the District. Mr. Prasad answered that the position would help with daily non-routine questions regarding customer service, billing, and meter reading.

Director Moore voiced his concern over hiring another supervisor and asked how it would help the overworked staff. Mr. Prasad answered that this would be a hands-on supervisor.

Vice President Gustafson inquired if this position was a union position. Mr. Prasad answered affirmatively.

Director Nishi commented that coverage depth is needed when employees are out on vacation or sickness. He added that he could support another customer service employee but not another supervisory position. Mr. Prasad stated that this would be a hands-on supervisor who would help with daily activities, depth coverage as well as supervisory duties to help lighten the Director of Finance's workload. Director Nishi encouraged staff to hire from within. Mr. Lucca answered that in-house posting is always done before opening the position to the public. Any employee is encourage and eligible to apply for the position.

Mr. Michael Shaw questioned what types of questions are being asked that the customer services representatives cannot answer. Mr. Prasad stated that they are complex questions that cannot be answered at the customer service level.

President Brown requested that this item be placed as an action item for April 26, 2006.

- C. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-28 to Approve a Professional Services Agreement for Completion of CEQA Documentation for the Existing Desalination Plant:

Mr. Lucca introduced this item. Director Nishi asked if "Developer" could be better defined on page 172.

President Brown requested that this item be placed as an action item for April 26, 2006.

- D. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-29 to Direct Participation on Monterey Bay Regional Water Authority:

Mr. Lucca introduced this item. Director Scholl encouraged the Board to support this activity. Director Moore agreed that the District needs to be at the table. Director Nishi advised the need to be careful and voiced his concerns about Monterey County. Vice President Gustafson agreed with Director Nishi's concerns.

Mr. Lucca clarified that funds are not being asked for at this time. Director Scholl suggested added that language be added to say that "if" the funds are needed, \$5,000 would be available for use.

President Brown requested that this item be placed as an action item for April 26, 2006.

- E. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-30 to Accept the Title to Water, Reclaimed Water and Sewer Infrastructure for Seaside Highlands and Releasing the Performance Bonds:

Mr. Sterbenz introduced this item. Director Moore asked if the infrastructure meets the District's standards. Mr. Sterbenz answered that it did. Director Moore asked that an explanation of the variance be included for the next meeting.

Mr. Lowrey stated that the title to the water, reclaimed water and Sewer Infrastructure would include some formal changes.

Director Nishi asked for a report on the hot water recirculating pump issue.

President Brown requested that this item be place on the consent calendar for April 26, 2006.

- F. Review Draft Board Transmittal to Consider Adoption of Resolution No. 2006-31 to Approve Charity Donations in Lieu of Flowers for Grieving Employees:

Mr. Lucca introduced this item.

Agenda Item 6-F (continued):

Mr. Lowrey gave his opinion that this item is not a gift of public funds as it is to compensate for employee morale and it meets all of the guidelines. Discussion followed.

Mr. Lowrey stated that language could be added to allow any charity that meets tax exempt status under section 501(c)3 or 501(c)19.

President Brown requested that this item be placed as an action item for April 26, 2006.

G. Review Draft Board Transmittal to Consider Approving Expenditures for the Month of March 2006:

President Brown requested that this item be placed on the consent calendar for April 26, 2006.

H. Review Draft Board Transmittal to Consider Approval of the Draft Minutes of the Regular Board Meeting of February 22, 2006:

President Brown requested that this item be place on the consent calendar for April 26, 2006.

I. Review Draft Board Transmittal to Consider Approval of the Draft Minutes of the Special Budget Workshop of March 1, 2006:

President Brown requested that this item be placed as an action item for April 26, 2006.

J. Review Draft Board Transmittal to Consider Approval of the Draft Minutes of the Regular Board Meeting of March 8, 2006:

President Brown requested that this item be place on the consent calendar for April 26, 2006.

K. Review Draft Board Transmittal to Consider Approval of the Draft Minutes of the Regular Board Meeting of March 22, 2006:

President Brown requested that this item be place on the consent calendar for April 26, 2006.

7. Staff Report:

A. Water Conservation Status Report:

Mr. Rich Youngblood, Conservation Coordinator, gave a presentation to the Board. Director Scholl commented on the Garden Club and the potential of providing water conservation information at some of their meetings.

8. Discuss Possible Agenda Items for the April 26, 2006 Planning Workshop and Provide Direction to Staff:

Mr. Lucca reminded the Board that the Board Housekeeping item, revised agenda format, will be on the April 26th agenda. In keeping up with the Strategic Plan, the first quarterly water consumption report, as well as the financial advisor will be discussed at the planning workshop.

Director Nishi asked if the quarterly water consumption would have a footnote to show the weather. Mr. Lucca stated that it would be provided as an initial draft and staff would receive all Board comments and suggestions to incorporate into the next quarterly water consumption report.

9. Directors Comments:

Director Moore thanked Mr. Lucca for his hard work and his help with the MRWPCA negotiations. He added that he was glad to see the water consumption report would be provided next month and was looking forward to seeing the results.

Director Scholl commented that he was glad to see the community interest at the meeting even though some people were not completely aware of what was going on. He asked if there was some way of reaching out to the community and explaining what the Board was considering. Mr. Lowrey answered that a workshop or special meeting could be held to discuss the broad issue, although the Board needs to be careful about what is discussed so that they don't reveal anything that should not be revealed. Mr. Lowrey stated he felt the public comment the Board has already received to be very helpful.

Director Moore stated that since there was so much concern over having the closed session item with an action item regarding possible action on the closed session item immediately following each other, maybe action on closed session items should be held at the following meeting.

Mr. Lowrey stated the Brown Act does allow for action to be taken in closed session although the action taken needs to be reported in open session. It has not been the practice of this Board to take action in closed session. Mr. Lowrey stated that this Board has always held discussion in closed session and then taking the matter to the public to receive any of their concerns before taking action on an item.

Director Nishi stated he was going to suggest holding a workshop on this issue at the next meeting, instead of the other workshop items, to address the issues that cause concern to the public. Director Nishi added that the Board is starting to work together and complimented the President on his efforts to get everyone working together.

Agenda Item 9 (continued):

Vice President Gustafson commented on how he shares information with the community and encouraged the other Board members to go out and talk to people in the community as well.

President Brown commented that the Board was so preoccupied with the issue of making sure the public understood the facts about what the Board was considering in closed session, that they did not vote against each other as normally done.

President Brown recessed the meeting from 9:15 until 9:20 p.m.

The Board entered into closed session at 9:20 p.m.

10. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and MRWPCA
Under Negotiation: Price and Terms
- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator
Property: Water Rights
Negotiating Parties: MCWD and Clark Colony Water Company
Under Negotiation: Price and Terms
- C. Pursuant to Government Code Section 54957
Public Employee Appointment
Title: General Manager
Negotiating Parties: MCWD Board of Directors
Under Negotiation: Terms

The Board returned to open session at 10:03 p.m.

11. Possible Action on Closed Session Items:

Mr. Lowrey stated that no action was taken and direction was given to the negotiators.

Regular Board Meeting
April 12, 2006
Page 9 of 9

12. Adjournment:

The meeting was adjourned at 10:03 p.m.

APPROVED:

David W. Brown, President Date

ATTEST:

Marc A. Lucca, General Manager