

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
April 26, 2006
7:00 p.m.

Minutes

1. Call to Order:

President Brown called the meeting to order at 7:00 p.m. on April 26, 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
Evelina Adlawan, Water Quality Manager
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
Tim O'Holloran, City of Seaside

Bob McKenzie
Mike Owen
Nancy Isakson, CCWC
Michael Greva, CCWC
Bob Holden, MRWPCA
Corey Finnegan, SEIU Representative
Chris Luffman, Marina Station

2. Oral Communications:

Mr. Mike Owen, Marina resident, announced the Marina Tree and Garden Club is holding their next meeting on June 3, 2006 at the Marina Grange beginning at 2:00 p.m.

Mr. Chandler Roland, Marina resident, thanked Mr. Marc Lucca, General Manager, for his support on the requests for information he recently made. Mr. Chandler read a narration on water availability and saltwater intrusion. President Brown questioned if Mr. Roland was aware of the cost and maintenance problems relating to the desalination plant. Mr. Roland stated that he was aware of problems with the desalination motor. President Brown informed Mr. Roland of the issues with running the desalination plant. Mr. Roland suggested the Board continue the investigation of what is wrong with the motor before thinking about leasing the plant to the developers. Director Nishi stated that he agreed with getting the desalination plant running again. Director Scholl stated he would support a special meeting to provide background information to inform the public of the problems the District faces with running the plant. Discussion followed.

The Board entered into closed session at 7:18 p.m.

3. 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 7:25 p.m.

4. Possible Action on Closed Session Items:

President Brown stated that no action was taken in closed session. He added that this closed session item will be on the agenda for the May 10, 2006 meeting and as an action item on the May 24, 2006 agenda. Director Moore suggested removing item 4-A from the agenda until an agreement is made and the Board is ready to act on it. Discussion followed. Mr. Lloyd Lowrey, Legal Counsel, acknowledged that item 4-A can be removed as no action will be taken until the agreement received public perusal. Director Moore suggested removing possible action on all closed session items and allowing a two-week review time before taking action. Director Nishi asked if it pertained to only this item or would the format change and it would pertain to all closed session items. Mr. Lowrey stated he only intended it for this item on the knowledge that there will not be any action taken until the public has review the agreement.

Agenda Item 4 (continued):

Director Nishi stated that he would like to see action take place two weeks after the closed session so the Board is not accused of hiding anything from the public.

Mr. Michael Shaw, Cypress Knolls, suggested the Board use their usual schedule of reviewing items at one meeting and taking action at the next. Director Moore stated that was the general idea of what he had suggested earlier.

Mr. Lucca asked for clarification of what the Board was considering. Board consensus was that the agreement would continue to be discussed in closed session until the Board is satisfied that it is ready for public release. At that time, public would have time to review the agreement before action is taken.

5. Action Items:

A. Consider Adoption of Resolution No. 2006-32 to Approve a Memorandum of Understanding with the Clark Colony Water Company:

Mr. Lucca introduced this item. Director Moore asked if staff is prepared to support the timelines as they are very limited. Mr. Lucca answered that staff believes Clark Colony Water Company will work with the District to see the timelines are met.

Ms. Nancy Isakson, Clark Colony Water Company, stated this is the beginning of working together and invited the Board or a Committee of the Board to visit the site.

Director Moore made a motion to adopt of Resolution No. 2006-32 approving a Memorandum of Understanding with the Clark Colony Water Company. Director Scholl seconded the motion. The motion was passed.

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

B. 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:

Mr. Suresh Prasad, Director of Finance, introduced this item. President Brown questioned who was currently supervising the customer service department. Mr. Prasad answered that the Director of Finance is currently supervising this department. President Brown asked if staff could apply for this position. Mr. Prasad answered that all positions are open to District staff.

Agenda Item 5-B (continued):

Director Scholl asked if the education requirement was to bring in new tools or the knowledge to use new tools to get the work done without adding additional workforce. Mr. Prasad answered that staff would like to hire someone with experience at a supervisory position as well as someone to add knowledge and depth to the department including information technology.

Director Nishi voiced his concern that there would be a supervisory overload at the top and there was a need for regular workers to help with the workload. Mr. Prasad stressed that this would be a “hands-on” supervisor who will supervise and help with the workload. Discussion followed.

Director Scholl made a motion to adopt Resolution No. 2006-27 approving 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. Director Moore seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2006-29 to Direct Participation on Monterey Bay Regional Water Authority:

Mr. Lucca introduced this item.

Director Moore made a motion to adopt Resolution No. 2006-29 directing participation on Monterey Bay Regional Water Authority (MBRWA) and assigning the President as the Board representative. Director Scholl seconded the motion with the amendment that verbiage be added to say “up to \$5,000 as needed”. Director Moore moved to agree to the amendment. President Brown questioned Director Moore’s request to have the President as the Board representative. Director Scholl suggested amending the resolution to say “Board President or his designee”. President Brown asked for clarification from Mr. Lowrey. Mr. Lowrey stated that Board procedure is that the President makes an appointment to a committee and the Board confirms the appointment. The amended motion was passed.

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

President Brown asked if any Board members wanted to volunteer to represent the District. Vice President Gustafson volunteered. Director Nishi supported Vice President Gustafson.

Agenda Item 5-C (continued):

President Brown appointed Vice President Gustafson as the District representative on the MBRWA. Mr. Lowrey asked if President Brown would designate and alternate. President Brown stated he would be the alternate.

D. 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 Moore questioned if the District would wait until funds are received from the developer before proceeding. Mr. Lucca answered the District would wait until funds are received.

Vice President Gustafson made a motion to adopt Resolution No. 2006-28 to approving a Professional Services Agreement for completion of CEQA documentation for the existing desalination plant. President Brown seconded the motion. Mr. Quintin Roland, Marina resident questioned why the CEQA documentation needed to be done. Mr. Lowrey explained the current CEQA documentation is only for Central Marina and further documentation is needed for use outside of the present District jurisdiction. Discussion followed. The motion was passed.

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

E. Consider Adoption of Resolution No. 2006-31 to Approve Charity Donations in Lieu of Flowers for Grieving Employees:

Mr. Lucca introduced this item. President Brown voiced his concern that the suggested charities are limited.

Director Moore made a motion to adopt Resolution No. 2006-31 approving charity donations in lieu of flowers for grieving employees. Director Scholl seconded the motion with an amendment to allow donations to any Internal Revenue tax-exempt non-profit 501(c)3 or 501 (c)19 charity as specified by the employee. Director Moore amended his motion to include Director Scholl's amendment. The amended motion was passed.

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

F. Consider Approval of the Draft Minutes of the Special Budget Workshop of March 1, 2006:

President Brown commented that he had requested this item not be on the consent calendar because he was not at the meeting and wished to abstain from the vote.

Director Moore made a motion to approve the draft minutes of the special Budget Workshop of March 1, 2006. Director Scholl seconded the motion. The motion was passed.

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

6. Consent Calendar:

Mr. Lucca had asked to pull item B (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) from the consent calendar.

Vice President Gustafson made a motion to approve the consent calendar consisting of items: A) 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; C) Consider Approving Expenditures for the Month of March 2006; D) Consider Approval of the Draft Minutes of the Regular Board Meeting of February 22, 2006; E) Consider Approval of the Draft Minutes of the Regular Board Meeting of March 8, 2006; and, F) Consider Approval of the Draft Minutes of the Regular Board Meeting of March 22, 2006. Director Scholl seconded the motion. The motion was passed.

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

B. 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. Lowrey stated that this item was pulled because the changes mentioned at the last meeting have not been completed and he would like the Resolution to be amended in the 10th whereas to read, "...and found them complete and correct subject to changes and form;"

Agenda Item 6-B (continued):

Vice President Gustafson made a motion to adopt Resolution No. 2006-30 accepting the Title to Water, Reclaimed Water and Sewer Infrastructure for Seaside Highlands and Releasing the Performance Bonds, as amended by Mr. Lowrey. Director Scholl seconded the motion. The motion was passed.

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

7. Informational Items:

A. General Manager's Report:

Mr. Lucca updated the Board on AB1234 Ethics training opportunities. The Board discussed whether to wait until after the election so if there is any change in Board membership, all members will be done at once. Consensus was to wait until after the election. Mr. Lucca gave an update on the Prop. 50 Grant funding meetings. He also stated that there was a public records request on Well 33 and it is available to any interested Board members or members of the public.

B. Counsel's Report:

Mr. Lowrey stated he had nothing to report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Scholl stated that the class he was taking was complete and he would be able to attend the WCC meetings in the future. He added that the Marina Garden Club had their kick-off meeting and District staff was there with water conservation information and they gave a good representation of the District.

2. Joint City-District Committee:

There was no meeting.

3. MRWPCA Board Member:

Director Nishi commented that the meeting on Monday was very productive.

4. LAFCO Liaison:

Director Nishi stated that there were no items that affected the District. He commented that he enjoyed seeing the dynamics of the Board. Mr. Lucca stated that the Municipal Services Review for the annexation of the Ord Community should be out for public review in the near future.

5. JPIA Liaison:

Director Moore stated that the next meeting is on May 9th in Monterey and he planned on attending.

6. Special Districts Association (SDA) Liaison:

Director Moore gave an update on the April 18th meeting.

7. FORA:

Director Nishi stated there was nothing to report.

8. Executive Committee:

President Brown stated there was nothing to report.

9. Community Outreach:

Director Scholl stated there was nothing to report.

D. Directors Comments:

Vice President Gustafson commented that he was present when Congressman Sam Farr visited the area and toured the proposed Veteran's Cemetery and mentioned that they would need to approach the District when they are ready to proceed as the District will be providing the water to the cemetery.

President Brown recessed the meeting from 8:28 until 8:39 p.m.

8. Staff Report:

A. Review the 2005 Consumer Confidence Report for the Marina Coast Water District and Ord Community Water Systems:

Ms. Evelina Adlawan, Water Quality Manager, introduced this item.

Agenda Item 8-A (continued):

The Board asked several clarifying questions. Director Moore inquired on the cost estimates for translation to Spanish and Korean. Ms. Adlawan answered that she received several cost estimates ranging between \$620 and \$2,083.

Director Moore asked that the District's website address be placed in a more prominent place and bolded. He also asked for the undetected contaminants heading to be added in bold.

President Brown asked this item be placed on the May agenda for action.

B. Receive Quarterly Water Consumption Report:

Mr. Lucca introduced this item. Director Moore asked if the margining could be narrowed so the hole punches don't interfere with the data. He also asked for the headings to be renamed to reflect business and residential; and if the housing areas could be simplified to acre-foot per unit. Mr. Prasad answered that the report could reflect individual residential units. Director Moore inquired on construction water usage in the Ord Community. Mr. Prasad stated that is was combined under Marina Construction Water – Ord. Director Nishi inquired on the number of connections reported. Mr. Prasad stated that the report only counts active accounts. Director Nishi questioned if the line-loss water is accounted for in this report. Mr. Prasad stated it was not because there is no way of knowing which jurisdiction the line-loss is in. Mr. Lucca stated that line-loss could be reported separately.

C. Receive Report on Financial Advisor/Professional Management Firm:

Mr. Prasad introduced this item. There were no questions or comments on this item.

9. Planning Workshop:

A. 2006 Strategic Plan – Board Housekeeping: Revised Board Meeting Agenda Format:

President Brown asked this item to be postponed until the May 10, 2006 meeting to allow further review.

The Board entered into closed session at 9:08 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 54957
Public Employee Appointment
Title: General Manager
Negotiating Parties: MCWD Board of Directors
Under Negotiation: Terms

The Board returned to open session at 9:40 p.m.

11. Possible Action on Closed Session Items:

President Brown stated that the Board gave direction to the General Manager and the MRWPCA negotiating committee.

12. Adjournment:

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

APPROVED:

David W. Brown, President Date

ATTEST:

Marc A. Lucca, General Manager