

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
January 24, 2007
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on January 24, 2007 after which the Board entered into closed session.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi – Vice President
Bill Lee
Tom Moore

Board Members Absent:

David Brown

Staff Members Present:

Marc Lucca, General Manager
Lloyd Lowrey, Legal Counsel
Andrew Sterbenz, Interim District Engineer
Jim Dowless, Operations and Maintenance Superintendent
Suresh Prasad, Director of Finance
Richard Youngblood, Conservation Coordinator
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

LaTonya Olivier, TPO Human Resources
Bob Holden, MRWPCA
Jill Anderson, City of Seaside
Ernest Pons-Worley
Dale North
Martin Rosales
Maria Rosales
Jeff Cattaneo

3. Closed Session:

- A. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Pipelines and Related Appurtenances
Negotiating Parties: MCWD and California American Water
Under Negotiation: Price and Terms

- C. 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

President Gustafson reconvened the meeting to open session at 7:08 p.m.

5. Possible Action on Closed Session Items:

President Gustafson stated that no action was taken in closed session.

4. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Marc Lucca, General Manager, introduced Mr. Ernest Pons-Worley, the District's new Customer Service Supervisor. Mr. Lucca also introduced Mr. Jeff Cattaneo, the District's new District Engineer.

7. Presentations:

- A. Consider Adoption of Resolution No. 2007-08 in Recognition of Dale North, Systems Operator III, and Awarding a Plaque and Gift Certificate for 15 Years of Service to the Marina Coast Water District:

President Gustafson presented Mr. North with a plaque and gift certificate.

Agenda Item 7-A (continued):

Vice President Nishi made a motion to adopt Resolution No. 2007-08 recognizing Dale North, and awarding a plaque and gift certificate for 15 years of service to the Marina Coast Water District. Director Moore seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2007-09 in Recognition of Martin Rosales, Collection Systems Operator I, and Awarding a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District:

Vice President Nishi made a motion to adopt Resolution No. 2007-09 recognizing Martin Rosales, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District. Director Moore seconded the motion. The motion was passed.

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

President Gustafson presented Mr. Rosales with a plaque and gift certificate. President Gustafson then recessed the meeting from 7:12 until 7:24 p.m. so everyone could enjoy a congratulatory piece of cake.

8. Consent Calendar:

Director Nishi requested to pull item A (Adopt Resolution No. 2007-10 to Approve a Revised Memorandum of Agreement with the FORA, Monterey County, City of Seaside, City of Marina, Monterey Peninsula College, Transportation Agency of Monterey County, and Monterey-Salinas Transit Regarding the Allocation of Self-Insured Retention) from the consent calendar.

Director Moore made a motion to approve the consent calendar consisting of item B) Approve the Draft Minutes of the Regular Board Meeting of January 10, 2007. Director Lee seconded the motion. The motion was passed.

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

- A. Adopt Resolution No. 2007-10 to Approve a Revised Memorandum of Agreement with the FORA, Monterey County, City of Seaside, City of Marina, Monterey Peninsula College, Transportation Agency of Monterey County, and Monterey-Salinas Transit Regarding the Allocation of Self-Insured Retention:

Vice President Nishi stated that he pulled this item so he could vote against it.

Director Moore made a motion to adopt Resolution No. 2007-10 approving a revised Memorandum of Agreement with the FORA, Monterey County, City of Seaside, City of Marina, Monterey Peninsula College, Transportation Agency of Monterey County, and Monterey-Salinas Transit regarding the allocation of self-insured retention. Director Lee seconded the motion. The motion failed.

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

9. Action Items:

- A. Reconsider District's Appointment to Special Districts Association:

President Gustafson commented that when he made the Committee appointments on January 10, 2007, he was clear on the intent of what he would like to accomplish as a team. He stated that, as the primary representative to the Special Districts Association (SDA), he wanted to be the main contact for the District and did not consider that as alternate, Director Moore would be nominated Chair of the SDA. President Gustafson commented that he took it as a personal affront from the other Districts and was disappointed that Director Moore did not inform him of the SDA's intentions. President Gustafson stated that he felt he had no other choice than to appoint another Director to the SDA alternate position. President Gustafson stated he would like to appoint Director Lee as the alternate to the SDA and asked for a motion.

Vice President Nishi stated that he would like to hear all comments before a motion is made. He added that he felt that way on all issues, not just this one.

Director Moore stated that he would make his comments after the motion is made.

Vice President Nishi made a motion to replace Director Moore with Director Lee as the SDA alternate. President Gustafson seconded the motion.

Director Moore commented that he felt there were some misimpressions and was confident that no one at the SDA meeting was aware that President Gustafson was primary and Director Moore the alternate to the SDA for the Marina Coast Water District.

Agenda Item 9-A (continued):

Director Moore commented that he has been the primary District representative to the SDA since its inception. He added that it was an honor for the Marina Coast Water District to be elected to the Presidency of the SDA by a unanimous vote. Director Moore commented that he had not known until now that President Gustafson had a grand strategy and did not think any other special district knew of any grand strategy either. Director Moore stated that he made it clear that President Gustafson was the primary representative to the organization and that if there is anything to be voted on, President Gustafson would exercise the vote unless he was not present, then Director Moore would exercise the vote on behalf of the District. Discussion followed. President Gustafson stated the grand strategy was to develop recycled water and desal within the next couple years.

The motion failed.

Director Moore	-	No	Vice President Nishi	-	Yes
Director Lee	-	Abstained	President Gustafson	-	Yes
Director Brown	-	Absent			

President Gustafson directed this item to be returned to before Board on February 14, 2007.

B. Consider Providing Direction to the Ord Community Ad Hoc Committee Representatives:

Mr. Lucca clarified that per earlier Board action, the Ord Community Ad Hoc Committee would consist of one primary and one alternate, and the District has heard from four of the nine agencies invited to participate.

Director Moore commented that he agreed with President Gustafson's previous appointment that the District should have two primary representatives on the Committee. He added that with two representatives present, one could listen to the comments of the other agencies while the other is speaking.

Vice President Nishi disagreed with Director Moore. Vice President Nishi stated that the District needs to set the example and have one primary representative. Vice President Nishi added that the District needs to get everyone to buy into what we are doing and the District needs to be one of the group.

Director Moore commented that Vice President Nishi misinterpreted what he had said which reinforces his comments on why there needed to be two primary representatives attend the meetings. He added that another reason for two representatives is that the District is the one who established the Committee and by having two representatives at the meeting, the other agencies can get a better view of where the District Board is going with the annexation process.

Agenda Item 9-B (continued):

Vice President Nishi agreed that you could be sitting right next to someone and not hear what they are saying, but the District needs to play by the same rules.

Director Lee commented that he was looking at it from a workload point of view. If there are nine agencies providing feedback to one District representative, the workload may be quite heavy and can understand the need for two primary representatives.

President Gustafson asked for a legal opinion.

Mr. Lloyd Lowrey, Legal Counsel, stated that from a legal standpoint, this was the District Board's committee and they could make whatever rules they want. He understood Vice President Nishi's concerns and stated they were valid concerns. Mr. Lowrey pointed out that at other agencies, LAFCO, for example, the alternates very typically were seated at the table, but the primary was the one to vote unless absent.

Vice President Nishi commented that just because others are doing it, doesn't mean it is right. The District needs to set the bar. Vice President Nishi added that staff would be present to support the representative so there shouldn't be too heavy a workload.

President Gustafson suggested appointing Director Moore as the primary and Director Lee as the alternate representative to the OCAC. Director Moore commented that he still felt the alternate should attend as well although not participate, especially if other agencies bring their alternates.

Director Nishi commented that the alternates could attend, but shouldn't be seated at the table or making comments. Mr. Lowrey agreed that alternates shouldn't comment unless it is a public discussion.

President Gustafson suggested seating the primary representative around the main table and the alternates are on the perimeter of the discussion table.

President Gustafson directed staff to form the first meeting and set the date.

Director Lee made a motion to appoint Director Moore as the primary and Director Lee as the alternate to the OCAC; and to direct staff to schedule a first meeting as soon as possible. Vice President Nishi seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2007-11 to Approve a Reimbursement Agreement for Water, Sewer and Recycled Water Facilities between East Garrison Partners I, LLC and Marina Coast Water District:

Mr. Andrew Sterbenz, Interim District Engineer, introduced this item.

Director Moore stated that page 57, section 2.4.1 was missing a word in the fourth sentence. Mr. Sterbenz answered that the sentence should read "...upon completion of each such facility and District acceptance..."

Director Moore made a motion to adopt Resolution No. 2007-11 approving a Reimbursement Agreement for Water, Sewer and Recycled Water Facilities between East Garrison Partners I, LLC and Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

D. Consider Adoption of Resolution No. 2007-12 to Approve a Professional Services Agreement with TPO Human Resources to Conduct a 2007 Board Plan and Goals Session:

Mr. Lucca introduced this item. President Gustafson suggested holding two meetings.

Director Moore made a motion to adopt Resolution No. 2007-12 approving a Professional Services Agreement with TPO Human Resources to conduct a 2007 Board Plan and Goal Session and scheduling two special meetings for the 2007 Board Plan and Goals. Mr. Lucca commented that the amount under the "Resolved" section of the Resolution was incorrect and it should be \$8,100. Director Moore amended his motion to include the corrected amount on the Resolution. Director Lee seconded the motion. The motion was passed.

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

10. Staff Reports:

A. Receive 4th Quarter 2006 Water Consumption Report:

Mr. Rich Youngblood, Conservation Coordinator, introduced this item.

Agenda Item 10-A (continued):

Vice President Nishi commented that the Ord Community water consumption was getting high and stated that recycled water, not potable water, should be used for construction. He congratulated the Conservation Department for their work stating that things are moving in a positive direction.

President Gustafson agreed that recycled water should be used for construction and that conservation was playing a pivotal role.

Director Lee questioned the definition of unaccounted for water. Mr. Youngblood answered that unaccounted for water runs the gamut from leaks to un-metered use of fire hydrants.

B. Review Draft Ordinance XX on Establishing Procedures for Issuance of an Emergency Proclamation:

Mr. Lucca introduced this item. Vice President Nishi commented that the Board may have already passed a Resolution, possibly in 1989. Mr. Lucca answered that staff would research prior resolutions and policies to see if the Board had previously adopted an emergency procedure. Mr. Lowrey commented that he did not believe the District had passed anything on emergency procedures although it may have passed a resolution for a specific event. He added that the District should be proactive rather than reactive. Vice President Nishi stated that he thought the District had done a disaster plan. Mr. Lowrey agreed that there was a disaster plan done but not in the form of an Ordinance declaring emergency procedures.

Director Moore stated the Board should engage the General Manager to declare an emergency. President Gustafson agreed. Mr. Lucca added that within seven days of his declaring an emergency, a meeting would have to be scheduled for the Board to affirm the declaration.

Mr. Lucca stated that this item would be brought back as a first reading at the next meeting unless it is discovered that a resolution was already done.

11. Informational Items:

A. General Manager's Report:

Mr. Lucca informed the Board that Bob Brown will continue on the Water Conservation Commission. He added that he was proud to announce that a Marina Heights representative and a redevelopment representative from the City of Marina, would be holding a brown bag lunch for District employees to discuss affordable housing at the Marina Heights development.

Agenda Item 11-A (continued):

Mr. Lucca announced that there is a California Public Utilities Commission meeting in San Francisco on February 7, 2007, to which he and President Gustafson will be attending. He also announced that he will be on vacation in mid-March, with specific dates to follow. Mr. Lucca stated that on January 31, 2007 there is a Division of Ratepayers Advocates meeting regarding the Coastal Water Project being held at UCMBEST.

B. Counsel's Report:

Mr. Lowrey stated that he had nothing to report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Lee commented the meeting was scheduled for the following week.

2. Joint City-District Committee:

President Gustafson commented that there was discussion on the construction within the City of Marina. Mr. Lucca added that there was also follow-up on the Fats, Oils and Grease program; meters and meter change-out programs.

3. MRWPCA Board Member:

Vice President Nishi stated that the meeting was scheduled for the next week.

4. LAFCO Liaison:

Vice President Nishi stated that the meeting was cancelled.

5. JPIA Liaison:

No comments.

6. Monterey Bay Regional Water Authority:

No comments.

7. FORA:

Vice President Nishi stated that the 150 afy loan given to certain land use jurisdictions was made permanent. Director Moore asked what happened with the UCMBEST request. Vice President Nishi answered that UCSC was using only a small portion of their total 230 afy. The issue of making the water loan permanent was so the developers could get their projects moving. UCSC was concerned that they get the same treatment as everyone else.

8. Executive Committee:

President Gustafson commented that there was discussion on holding a meeting.

9. Community Outreach:

President Gustafson commented that the Fats, Oil and Grease program was moving along and there were several proposals for the Committee to review at its next meeting.

10. Ord Community Ad Hoc Committee:

This Committee has not met yet.

10. Special Districts Association (SDA) Liaison:

Director Moore commented that Kate McKenna, LAFCO Executive Officer, gave a presentation to the SDA and he had copies of the slides. He added that there was also a discussion on upcoming program ideas, including discussion on several General Plans.

D. Director's Comments:

Vice President Nishi commented that he was glad the Board is still working together. It is getting better where there can be disagreement but still keep the meeting civil.

President Gustafson agreed that the Board was doing a good job working together.

12. Planning Workshop:

A. Receive Update on District Activities to Reduce Unaccounted for Water Use and Overall Water Usage:

Mr. Youngblood introduced this item. He stated that unaccounted for water has been reduced by over 5% in the last year, surpassing the District Board's goal of 1%.

Agenda item 12-A (continued):

Director Moore inquired if there were any customers where the water goes straight from the well to the user without a meter in between. Mr. Youngblood answered that there were several areas that did not have meters. Director Moore asked what the timeframe was to get meters installed. Mr. Youngblood answered that it was in process now. Discussion regarding metering followed.

Director Moore suggested that the Conservation Department look into notices for customers not obeying the time restrictions for watering their yards. Mr. Youngblood answered that the District was already giving notices but would increase the efforts. Director Moore stated that he was contacted by the Principal of Seaside High School who was interested in getting the field by the school up to speed. Mr. Youngblood answered that staff has already been in contact with them regarding the field.

Vice President Nishi suggested looking into subsidizing (by informing them of the water savings) schools for installation of artificial turf.

13. Correspondence:

No comments.

The Board re-entered into closed session at 8:47 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators
Property: Pipelines and Related Appurtenances
Negotiating Parties: MCWD and California American Water
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President Gustafson reconvened the meeting to open session at 9:52 p.m.

5. Possible Action on Closed Session Items:

President Gustafson stated that direction was given and no action was taken in closed session.

14. Adjournment:

The meeting was adjourned at 9:53 p.m.

APPROVED:

Howard Gustafson, President

Date

ATTEST:

Marc A. Lucca, General Manager