

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
January 9, 2008
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on January 9, 2008.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi – Vice President
Tom Moore – arrived at 6:46 p.m.
Dan Burns
Bill Lee

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Jeff Cattaneo, District Engineer
Lloyd Lowrey, Legal Counsel
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Bob Holden, MRWPCA
Dick Goblirsch, City of Del Rey Oaks
Paula Pelot, Preston Park Tenants Association
Steve Zmak, Marina resident
David Gazek, Federal Development

3. Election of Board President and Vice President:

Vice President Nishi nominated Director Gustafson to serve a second term as President. Director Lee seconded the nomination. The nomination was approved.

Director Moore	-	Yes	Vice President Nishi	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

Director Burns nominated Director Nishi to serve a second term as Vice President. Director Lee seconded the nomination. The nomination was approved.

Director Moore	-	Yes	Vice President Nishi	-	Abstained
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

The Board entered into closed session at 6:48 p.m.

4. Closed Session:

A. Pursuant to Government Code Section 54956.8

Conference with Real Property Negotiator (General Manager, Directors Gustafson, Brown)
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and Monterey Regional Water Pollution Control Agency
Under Negotiation: Price and Terms

B. Pursuant to Government Code Section 54956.9

Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to subdivision (c) of Section 54956.9
1 Case – Case No. M87817

C. Pursuant to Government Code Section 54956.95

Liability Claims
Claimant: El Rancho Mobile Home Park and Shopping Center
Agency Claimed Against: Marina Coast Water District

D. Pursuant to Government Code Section 54956.8

Conference with Real Property Negotiator (General Manager)
Property: 11 Reservation Road
Negotiating Parties: MCWD and Marina Dunes
Under Negotiation: Price and Terms

E. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager)
Property: Easements, Rights-of-Way, Pipelines and Appurtenances, and Water Rights
Negotiating Parties: MCWD and Seaside County Sanitation District
Under Negotiation: Price and Terms

F. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiators (General Manager)
Property: Armstrong Ranch Reserved Area and Easements
Negotiating Parties: MCWD and Armstrong Family
Under Negotiation: Price and Terms

President Gustafson reconvened the meeting to open session at 7:02 p.m.

5. Possible Action on Closed Session Items:

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

6. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Consent Calendar:

Director Burns requested to pull item B from the consent calendar. Vice President Nishi requested to pull item C from the consent calendar.

Director Moore made a motion to approve the consent calendar consisting of items A) Adopt Resolution No. 2008-01 to Approve the Agreement for Exclusive Right to Negotiate for Purchase of Pre-1914 Water Right with Clark Colony Water Company; D) Approve the Quarterly Joint City District Committee Meeting Dates and Times for 2008; E) Approve the Proposed Regular Board Meeting Dates for November and December 2008; F) Approve the Expenditures for the Month of December 2007; and, G) Approve the Draft Minutes of the Regular Board Meeting of December 12, 2007. Director Burns seconded the motion.

Agenda Item 8 (continued):

The motion was passed.

Director Moore	-	Yes	Vice President Nishi	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

B. Adopt Resolution No. 2008-02 to Approve the Water Supply Assessment for the Proposed Resort at Del Rey Oaks:

Director Burns questioned if the Assessment was contingent on recycled water. Mr. Lloyd Lowrey, Legal Counsel answered that the Assessment provides that based on the available information, the Board believes there will be water available at the time development is built, and the District is not obligating itself to provide service if all the contracts are not met.

Director Moore provided a spreadsheet which questioned the number of bedrooms in the proposed homes and commented that he would like to know how many bedrooms are in each unit. Vice President Nishi asked if the District has asked for the number of bedrooms in previous Assessments. Mr. Jeff Cattaneo, District Engineer, stated that the District did not ask for number of bedrooms.

Director Burns made a motion to adopt Resolution No. 2008-02 approving the Water Supply Assessment for the proposed Resort at Del Rey Oaks. Director Lee seconded the motion. The motion was passed.

Director Moore	-	No	Vice President Nishi	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

C. Adopt Resolution No. 2008-03 to Approve Retroactive Collection of Capital Surcharge Elements of the Budget and the Ord Community Compensation Plan for FY 2005-2006, 2006-2007, and 2007-2008:

Mr. Jim Heitzman, General Manager, commented that this item was pulled so that staff could send a letter to affected customers that they will be receiving a retroactive surcharge on their water and sewer bills. This item will be postponed until January 23, 2008.

9. General Manager's/District Engineer's/Legal Counsel's Comments:

Mr. Heitzman stated that he had nothing to report. Mr. Cattaneo stated he had nothing to report.

Agenda Item 9 (continued):

Mr. Lowrey explained that the letter which was distributed earlier was in response to the Board's action in declaring the property at 11 Reservation Road as surplus. Following that action, the next step is to notify certain agencies advising them of the action and offering to negotiate with them for the lease or purchase of the site. Mr. Lowrey stated that the District is obligated to negotiate in good faith with the agency for up to sixty days and if an agreement is not reached, the District is free to dispose of the property in any way it sees fit.

10. Director's Comments:

Vice President Nishi commented that he would like to make several changes to the December 12, 2007 minutes that were approved earlier.

Director Moore made a motion to reopen the minutes to allow the changes. Director Lee seconded the motion. The motion was passed and the minutes were reopened.

Director Moore	-	Yes	Vice President Nishi	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

Vice President Nishi asked for page 1 of the minutes to show that Director Lee arrived at 7:45 p.m. and page 7 of the minutes to show the approved agreement was for the Exclusive Right to Negotiate for Purchase of Pre-1914 Water Right with Clark Colony Water Company.

Director Moore made a motion to approve the minutes with the suggested changes. Director Burns seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Nishi	-	Yes
Director Lee	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

11. Adjournment:

The meeting was adjourned at 7:29 p.m.

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APPROVED:

Howard Gustafson, President

Date

ATTEST:

Jim Heitzman, General Manager