

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

Regular Board Meeting  
February 13, 2008  
6:45 p.m.

**Minutes**

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on February 13, 2008.

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Ken Nishi – Vice President  
Dan Burns  
Bill Lee

Board Members Absent:

Tom Moore

Staff Members Present:

Jim Heitzman, General Manager  
Jeff Cattaneo, District Engineer  
Lloyd Lowrey, Legal Counsel  
Suresh Prasad, Director of Finance  
Richard Youngblood, Conservation Coordinator  
Barbara Montanti, Customer Service Assistant

Audience:

Bob Holden, MRWPCA  
Dannie Ryan  
Leif Coponen, Schaaf & Wheeler

The Board entered into closed session at 6:45 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiator (General Manager, Directors Gustafson, Nishi)  
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 – Existing Litigation  
Subdivision (a) of Section 54956.9  
- Monterey County Superior Court Case No. M87817, Jan Shriner v. Marina Coast Water District Board of Directors, et al.
  
- C. 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
  
- D. 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
  
- E. Pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiator (General Manager)  
Property: Armstrong Ranch Reserved Area and Easements  
Negotiating Parties: MCWD and Armstrong Family  
Under Negotiation: Price and Terms
  
- F. 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

President Gustafson reconvened the meeting to open session at 7:15 p.m.

4. Possible Action on Closed Session Items:

President Gustafson stated that action would be taken in open session regarding item 3-A.

Agenda Item 4 (continued):

Action on Agenda Item 3-A:

Mr. Lloyd Lowrey, Legal Counsel, commented that a Memorandum of Understanding was discussed and modified and is now available for public review prior to action by the Board.

Director Lee made a motion approve the Memorandum of Understanding (MOU). Director Burns seconded the motion. The motion was passed.

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

Mr. Lowrey stated that the Board also needs to take action to authorize sending a letter to the MRWPCA to be signed by the Board President.

Director Lee made a motion to send a letter to the MRWPCA with the stipulation that it be reviewed by the Board before being sent out. Director Burns seconded the motion. The motion was passed.

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

Vice President Nishi stated that he was voting no because once the vote is made, it is a public document. How can you vote on a document when you don't even know what you are agreeing to? Following discussion, Mr. Lowrey suggested making the general contents of the letter public to allow for public questioning.

Mr. Heitzman stated the content of the letter is to address consistent inappropriate comments made by an official of the Monterey Regional Pollution Control Agency.

Agenda Item 3-B:

Mr. Lowrey stated that no action was taken and direction was given to legal counsel.

President Gustafson asked for a moment of silence in memory of Mr. Rocky Lane, a retired MCWD employee who worked for the District for 16 years, who recently passed away.

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Consent Calendar:

Director Burns requested to pull item B from the consent calendar.

Director Burns made a motion to approve the consent calendar consisting of items A) Approve the Department of the Army a Right of Entry Agreement to District Lands; C) Approve the Draft March 2008 Newsletter; D) Approve Expenditures for the Month of January 2008; E) Approve the Draft Minutes of the Regular Board Meeting of January 23, 2008; and, F) Approve the Draft Minutes of the Special Board Meeting of January 30, 2008. Director Lee seconded the motion. The motion was passed.

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

B. Adopt Resolution No. 2008-07 to Participate in the Veterans Cemetery Master Development Plan Fund:

Director Burns asked if this could be approved without an amount designated and if this was going to be a gift. Mr. Heitzman stated that it would not be a gift; it would be a loan to FORA who would then disburse it to the Veterans Cemetery.

Mr. Heitzman suggested bringing this item back to the next meeting when he has the final numbers from FORA. President Gustafson agreed and requested this item to be returned on February 27, 2008.

8. Action Items:

A. Consider Appointing Members to the District's Hiring Procedures and Guidelines Ad Hoc Committee:

Agenda Item 8-A (continued):

Mr. Heitzman stated that the District did receive feedback from one community member.

President Gustafson recommended appointing the General Manager, Director Burns, and Paula Pelot to serve as members of the committee.

Vice President Nishi made a motion to appoint the General Manager, Director Burns, and Paula Pelot to serve as members of the committee. Director Lee seconded the motion. Mr. Lowrey asked how many would serve on the committee. President Gustafson answered that it would start with three, but could be increased if needed. The motion was passed.

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

B. Consider Adoption of Resolution No. 2008-08 to Approve an Increase in Life Insurance and AD&D Benefits for District Employees:

Mr. Heitzman stated that this was an economical way to increase employee benefits which would encourage recruitment for open positions at a cost of only cents per hour.

Director Burns made a motion to adopt Resolution No. 2008-08 approving an increase in Life Insurance and AD&D benefits for District employees. Director Lee seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2008-09 to Approve Revising the Student Intern Hiring Policy:

Mr. Heitzman briefed the Board on the policy revision and stated that the hourly salary would be \$14.00.

Director Lee made a motion to adopt Resolution No. 2008-09 approving revising the Student Intern Hiring Policy. Director Burns seconded the motion. The motion was passed.

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

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

There were no comments.

10. Director's Comments:

There were no comments.

11. Adjournment:

The meeting was adjourned at 7:45 p.m.

APPROVED:

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Howard Gustafson, President

Date

ATTEST:

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Jim Heitzman, General Manager