

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
March 12, 2008
6:45 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on March 12, 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 – arrived at 6:46 p.m.

Board Members Absent:

None.

Staff Members Present:

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

Audience:

Bob Holden, MRWPCA
Leif Coponen, Schaaf & Wheeler
Charles Scholl, Resident

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

Directors Lee and Moore arrived at 6:46 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Directors Gustafson, Burns)
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 54956.8
Conference with Real Property Negotiator (General Manager)
Property: 11 Reservation Road
Negotiating Parties: MCWD and Marina Dunes
Under Negotiation: Price and Terms

- C. 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

- D. 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

- E. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager)
Property: District Desalination Plant
Negotiating Parties: MCWD and California American Water Company
Under Negotiation: Price and Terms

President Gustafson reconvened the meeting to open session at 7:14 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, stated that direction was given and no action was taken.

Mr. Lowrey stated that the Board had a desire to take action to appoint a different negotiator to item 3-A until March 31, 2008.

Agenda Item 4 (continued):

Director Lee made a motion to appoint Vice President Nishi as the negotiator to item 3-A until March 31, 2008. 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			

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

Director Moore voiced his concern about receiving his Board packet late due to mail delays. He suggested postponing agenda items 7 and 8 until next meeting. Vice President Nishi stated he received his packet late as well and was able to make an informed decision. President Gustafson requested that the packets be delivered to the Board members doors in the future. He also added that he did not see a need to postpone the items to next meeting.

7. Consent Calendar:

Vice President Nishi inquired who made a change to page six of the minutes as was handed out prior to the meeting. Mr. Lowrey stated he made the word change adding the word "alleged" before the word Brown Act under Counsel's Report.

Vice President Nishi made a motion to approve the consent calendar consisting of items A) Approve Expenditures for the Month of February 2008; and B) Approve the Draft Minutes of the Regular Board Meeting of February 27, 2008. 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			

9. Action Items:

- A. Consider Adoption of Resolution No. 2008-11 to Approve Funding the Unpaid Employee Liability Portion of the California Public Employees Retirement System:

Agenda Item 9-A (continued):

Mr. Jim Heitzman, General Manager, stated that this was to remove the liability of the employees in the Marina Coast Water District to pay the unfunded liability with the California Public Employee Retirement System. He explained that the unfunded liability does hinder recruitment.

Director Moore reiterated his comments from the last meeting that this should be dealt with during union contract negotiations.

Mr. Charles Scholl, Marina resident, commented that recruitment may be difficult but not impossible with the unfunded liability. He added that the Board was shirking their responsibilities to the ratepayers by not including this with union contract negotiations.

Vice President Nishi made a motion to approve funding the unpaid employee liability portion of the California Public Employees Retirement System. Director Burns seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2008-12 to Approve an Amendment to the Professional Services Agreement between the District and Bartle Wells Associates for Five-Year Rate Study Financial Plan:

Mr. Heitzman introduced this item. Vice President Nishi inquired if the original contract of \$44,000 had a contingency. He stated that if a contingency was added to this amendment as well as the original contract, the consultant was twenty percent over budget and asked that staff watch the budget more closely. Mr. Heitzman stated that the amount included a peer review that the Board had requested.

Director Moore made a motion to adopt Resolution No. 2008-12 approving an amendment to the Professional Services Agreement between the District and Bartle Wells Associates for the Five-Year Rate Study Financial Plan. 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			

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

Mr. Heitzman announced that the District would hold an employee luncheon on Friday, March 14th with corned beef and cabbage and invited the Directors to attend.

Mr. Lowrey stated that the State Water Resources Control Board released a draft Cease and Desist order to California American Water Company. There will be hearings and conferences over the next several months.

10. Director's Comments:

Director Burns inquired about the TCE plume and asked if it impacts the District wells. Mr. Heitzman answered that it does impact some wells but they are being monitored. Director Moore suggested having the US Army BRAC office give another update to the Board.

Director Moore commented about the Associated Press doing an investigative piece on water quality in regards to pharmaceutical contaminations.

Vice President Nishi commented that it was the responsibility of the Board to take the District to the forefront which requires thinking outside of the box. He added it was a positive thing to do the unfunded PERS because the District needs exceptionally qualified people on staff.

President Gustafson commented that the pharmaceutical contaminations have been around for years.

11. Adjournment:

The meeting was adjourned at 7:31 p.m.

APPROVED:

Howard Gustafson, President

Date

ATTEST:

Jim Heitzman, General Manager