

Marina Coast Water District

District Offices  
11 Reservation Road  
Marina, California

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

**Minutes**

1. Call to Order:

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

2. Roll Call:

Board Members Present:

Howard Gustafson – President  
Ken Nishi – Vice President  
Tom Moore – arrived right after roll call at 6:45 p.m.  
Dan Burns  
Bill Lee

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager  
Christine Gianascol Kemp, Legal Counsel  
Brian True, Interim District Engineer  
Jean Premutati, Management Services Administrator  
Evelina Adlawan, Water Quality Manager  
Rich Youngblood, Conservation Coordinator  
Paula Riso, Executive Assistant/Clerk to the Board

Audience:

Leif Coponen, Schaaf & Wheeler  
Bob Holden, MRWPCA  
Bob Schaffer, Marina Community Partners

The Board entered into closed session at 6:46 p.m.

3. Closed Session:

- A. 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

The Board ended closed session at 6:59 p.m.

President Gustafson reconvened the meeting to open session at 7:00 p.m.

4. Possible Action on Closed Session Items:

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

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Presentation:

- A. Consider Adoption of Resolution No. 2008-38 in Recognition of Evelina Adlawan, Water Quality Manager, and Awarding a Plaque and Gift Certificate for 30 Years of Service to MCWD:

President Gustafson read the narration.

Director Moore made a motion to adopt Resolution No. 2008-38 recognizing Evelina Adlawan, Water Quality Manager, and awarding a plaque and gift certificate for 30-years of service to MCWD. 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			

Mr. Jim Heitzman, General Manager, commended Ms. Adlawan on her tenure with the District.

8. Consent Calendar:

Director Moore pulled item B from the Consent Calendar. Vice President Nishi pulled item E from the Consent Calendar.

Director Moore made a motion to approve the Consent Calendar consisting of items A) Adopt Resolution No. 2008-39 to Approve Amendment 1 to the Agreement for Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure with Marina Community Partners, LLC at University Villages – Phase 1A; C) Approve Expenditures for the Month of July 2008; D) Approve the Draft Minutes of the Special Joint Board Meeting of July 11, 2008; and F) Approve the Draft Minutes of the Special Board Meeting of July 30, 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			

B. Accept and Approve a Compressed Work Week Schedule or 9/80 Flex Time Plan for District Employees:

Ms. Jean Premutati, Management Services Administrator, introduced this item and reviewed the handout with the proposed compressed work week schedule. Director Lee asked if this item needed approval from the Board. Mr. Heitzman answered that approval by the Board would be appreciated. Mr. Heitzman explained the cost savings associated with closing the District offices every other Friday and the proposed longer hours for customer service to accommodate customers. Discussion followed.

Vice President Nishi made a motion to accept and approve a compressed work week schedule or 9/80 flex time plan for District employees. 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			

Director Moore commented that he voted no because he had concerns that closing the office would inconvenience the customers every other Friday as well as the operations and maintenance department not being available except on call-out.

E. Approve the Draft Minutes of the Regular Board Meeting of July 23, 2008:

Vice President Nishi asked if staff had an answer to the question he asked on July 23, 2008 and notated on page 5 of the minutes under item 10-A. Mr. Brian True, Interim District Engineer, answered that if a house was torn down and a new, much larger, house was built in its place, no additional capacity charges would be assessed unless the plans showed an increased EDU for the property. Vice President Nishi asked if there would be increased capacity charges because of the larger meter size. Mr. True answered that there would not be increased capacity charges due to a larger meter on the property. Following much discussion, Mr. Heitzman stated that staff would bring back a report on capacity charges.

Vice President Nishi stated that on page 7, under Director's Comments, Director Moore commented that the Special District's Association (SDA) held a meeting on July 15, 2008. That comment was incorrect as there was not a quorum for July 15<sup>th</sup>. Director Moore stated that although the SDA did not have a quorum, they still met and there was no action taken on any business. Vice President Nishi asked for the minutes to be corrected and brought back to the next meeting.

9. Action Items:

A. Consider Adoption of Resolution No. 2008-34 (Ord Community Budget and Compensation Plan):

Mr. Heitzman introduced this item and explained that FORA adopted this budget on August 8, 2008.

Director Burns made a motion to adopt Resolution No. 2008-34 (Ord Community Budget and Compensation Plan). President Gustafson seconded the motion. The motion was passed.

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

B. Consider Providing Direction to the Board President on Nomination to the LAFCO Independent Special District Primary Seat:

Vice President Nishi made a motion to nominate Ms. Anne McGowan to the LAFCO Independent Special District Primary Seat. Director Lee seconded the motion. The motion was passed.

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

C. Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Region 3 Seat:

Vice President Nishi made a motion to nominate Mr. Vincent Ferrante to the California Special Districts Association Region 3 Seat. Director Lee seconded the motion. The motion was passed.

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

D. Consider Revising the Current Board Meeting Schedule of Two Board Meetings Per Month to One Board Meeting Per Month and Changing the Day of the Meeting:

Mr. Heitzman introduced this item.

Director Moore stated that Tuesday doesn't work for him as he has other commitments on Tuesdays. Vice President Nishi stated that he has other commitments as well but he has been accommodating the Board and the second Tuesday of the month works best for him. President Gustafson commented that he was going to suggest the first Tuesday of the month as it doesn't conflict with any holidays.

Vice President Nishi made a motion that the Board meet on the second Tuesday of the month and meet once a month. Mr. Bob Schaffer, Marina Community Partners, commented that the second Tuesday has a potential for conflict with the City of Marina Council meetings. Director Burns asked if the Board was going to vote on both schedule changes or take one at a time. Ms. Christine Gianascol Hemp, Legal Counsel, stated that each item can be voted on separately.

Vice President Nishi made a motion that the Board hold one meeting per month. Director Lee seconded the motion. The motion was passed.

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

Vice President Nishi made a motion that the Board meet on the second Tuesday of the month. President Gustafson seconded the motion. The motion was passed.

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

President Gustafson stated the next meeting will be August 27, 2008 with the following meeting, September 9, 2008, beginning the one meeting per month schedule.

E. Consider Documentation Received from the Monterey Regional Water Pollution Control Agency and Give Direction to the General Manager:

Mr. Heitzman introduced this item.

Vice President Nishi stated that the highlighted page showed proposed clarifications and asked if the Monterey Regional Water Pollution Control Agency (MRWPCA) adopted those clarifications. Ms. Kemp answered that the letter indicated the proposed changes were adopted. Vice President Nishi stated that he was at the meeting and the MRWPCA Board did not take action in adopting the clarifications, they only discussed them. His concern was that if the attached draft letter from MCWD was sent, the MRWPCA can go back to what they did before with no repercussions. Ms. Kemp stated that the intent of the letter is to put MRWPCA on notice that the District is watching their behavior. Mr. Heitzman commented that staff could look into this issue and see what, if any, action was taken and send a sterner letter based on that information. Discussion followed.

Vice President Nishi made a motion to send a sterner letter to the MRWPCA based on the results of staffs review of the information received. Director Lee seconded the motion. The motion was passed.

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

10. Staff Reports:

A. Receive 2<sup>nd</sup> Quarter 2008 Ord Community Quarterly Water Consumption and Sewer Flow Report:

Mr. Heitzman commented the information was provided in the packet.

B. Receive Information Regarding Change in Audit Firm:

Mr. Heitzman announced that Nicholson & Olson will no longer do governmental audits. The auditing staff has started their own company, Marcello & Company, and has agreed to audit the District for the remainder of the current contract. Mr. Heitzman stated that as this year's audit is ready to begin, staff would like to use Marcello & Company for this year and go out to bid next year. Vice President Nishi stated that he has concerns over using this auditing staff. Auditors are supposed to work for the Board and these auditors don't. President Gustafson commented that he was not inclined to postpone this year's audit and was in favor of Marcello & Company doing this audit as they are familiar with the District.

Vice President Nishi stated he would like to make a comment on item 10-A, Receive 2<sup>nd</sup> Quarter 2008 Ord Community Quarterly Water Consumption and Sewer Flow Report. The Board returned to item 10-A for comment.

A. Receive 2<sup>nd</sup> Quarter 2008 Ord Community Quarterly Water Consumption and Sewer Flow Report:

Vice President Nishi voiced his concern that the Seaside Highlands total consumption and the land use agency allocation getting close to the total allocation. He would like to see an agenda item to discuss how to enforce land-use-jurisdictions that are exceeding their anticipated use. Director Moore stated that he has expressed this concern in the past. Vice President Nishi stated the District needs to look at the legal ramifications of when the District tries to stop them. Mr. Heitzman added that Seaside Highlands was expecting recycled water to be available for use and that has not happened.

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

There were no comments.

12. Director's Comments:

There were no comments.

13. Adjournment:

The meeting was adjourned at 8:00 p.m.

APPROVED:

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Howard Gustafson, President

Date

ATTEST:

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Jim Heitzman, General Manager