

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Special Board Meeting
March 18, 2009
5:31 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 5:30 p.m. on March 18, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Ken Nishi
Dan Burns

Board Members Absent:

Bill Lee – Vice President
Tom Moore

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Brian True, Interim District Engineer
Suresh Prasad, Director of Finance
Barbara Montanti, Customer Service Assistant

Audience Members:

Bob Schaffer, Marina Community Partners
Craig Anthony, California American Water Company
Alex Hulanicki, Consultant
Hebard Olsen, Monterey Resident

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Oral Communications:

None.

5. Action Items:

- A. Consider Adoption of Resolution No. 2009-19 to Approve a Memorandum of Understanding with the California American Water Company on the Coastal Water Project and Alternatives:

Mr. Jim Heitzman, General Manager, introduced this item. He commented that if Marina Coast Water District (MCWD) and the Regional Water Project were to move forward, there needed to be several more agreements. Mr. Heitzman stated agreements with the Monterey County Water Resources Agency (MCWRA) and the Monterey Regional Water Pollution Control Agency (MRWPCA). California American Water Company (CAW) would like to work with the District and sent an MOU for consideration by the MCWD Board.

Mr. Craig Anthony, General Manager CAW, stated that CAW is interested in and supports all the projects, especially the Regional Project. All the information needs to be perfected to the greatest extent possible so that when the CPUC has an opportunity to choose between the projects, they have the best information possible. Mr. Anthony said it is very important that the Regional Project gets a fair hearing and he hopes the Board agrees with the MOU.

Mr. Hebard Olsen, Monterey Resident, asked what happens when a public agency acquired private information from CAW but cannot disclose it.

Mr. Lloyd Lowrey, Legal Counsel, clarified that the Public Records Act makes all information, received or generated by the District, open to the public with some exceptions. Some exceptions include communications with legal counsel, certain kinds of confidential financial information that is submitted to regulatory agencies, and to some extent, it includes working drafts of some agreements. Mr. Lowrey stated that when agreements become final, then the information associated with those agreements is no longer subject to being held. It would be a specific examination each time a public records request is made whether or not there are grounds for confidentiality.

Mr. Olsen asked if the District makes a decision based on something that is not disclosed, legally where does it go. Mr. Heitzman stated that CAW is a private company but as a public agency, the District doesn't do that.

President Gustafson asked Mr. Heitzman to clarify Recital E of the MOU regarding who owned what.

Mr. Heitzman commented that of the three projects, two are owned and operated by CAW and a portion of the Regional Project would be owned by the MCWD (the desalination plant). MCWD is one of the leads on the Regional Project.

Director Burns made a motion to adopt Resolution No. 2009-19 to approve a Memorandum of Understanding with the California American Water Company on the Coastal Water Project and Alternatives. President Gustafson seconded the motion. The motion was passed.

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

6. Director's Comments:

Director Nishi commented that it is great to partner with CAW and move forward, and also with MCWRA and MRWPCA to make life easier on the Central Coast.

President Gustafson commented that there are several key components of this that are outside of just providing water. It's some of the problems that have plagued us for a number of years, it's solved. First, the Carmel River will flow again and become a habitat; and second, the water availability and the technology that we will gain from it will be incredible. President Gustafson stated he wanted to see this project become the "platinum" Leader in Energy and Environmental Design (LEED) project. The potential is there and President Gustafson hopes everyone supports it.

7. Adjournment:

The meeting was adjourned at 5:41 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager