

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
June 9, 2009
6:30 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on June 9, 2009.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jean Premutati, Management Services Administrator
Brian True, Interim District Engineer
Suresh Prasad, Director of Finance
Evelina Adlawan, Water Quality Manager
Rich Youngblood, Conservation Coordinator
Jim Dowless, Operations and Maintenance Superintendent
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Vienna Moore, Marina Resident
Bob Holden, MRWPCA
Leif Coponen, Schaaf & Wheeler
Andy Sterbenz, Schaaf & Wheeler

The Board entered into closed session at 6:30 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: D/E Reservoir Site
Negotiating Parties: MCWD and City of Seaside
Under Negotiation: Lease Agreement
- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Lonestar Property
Negotiating Parties: MCWD and CEMEX
Under Negotiation: Price, Terms, and Conditions
- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: AMBAG Imjin Property
Negotiating Parties: MCWD, AMBAG
Under Negotiation: Price and Terms, Conditions
- D. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Water Rights
Negotiating Parties: MCWD, California American Water Company
Under Negotiation: Price and Terms
- E. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Negotiator: General Manager
Employee Organizations: Teamsters Local 890 and Unrepresented Employees
- F. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

The Board ended closed session at 7:12 p.m. and President Gustafson recessed the meeting from 7:12 until 7:14 p.m. President Gustafson reconvened the meeting to open session at 7:14 p.m.

4. Possible Action on Closed Session Items:

President Gustafson stated that no action was taken and direction was given. President Gustafson stated that one item was not discussed and the Board would return to Closed Session at the end of the meeting to discuss that and another item that additional information was provided.

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Consent Calendar:

Director Nishi requested to pull item F from the Consent Calendar.

Director Burns made a motion to approve the Consent Calendar consisting of items; A) Adopt Resolution No. 2009-35 to Approve the Formation of the Marina Coast Water District Employee Association for the Unrepresented Employees; B) Adopt Resolution No. 2009-36 to Approve Modifications to the Job Description and Salary Range for the Deputy General Manager/District Engineer Position C) Adopt Resolution No. 2009-37 to Transfer the Meter Reader Classifications to the Operations and Maintenance Department; D) Adopt a Resolution No. 2009-38 to Approve the Job Description and Temporary Hiring of an Hourly, Contract Utility Laborer; E) Approve Expenditures for the Month of May 2009; and, G) Approve the Draft Minutes of the Regular Board Meeting of May 12, 2009. Director Moore seconded the motion. The motion was passed.

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

F. Approve the Draft Minutes of the Regular Board Meeting of April 14, 2009:

Director Nishi stated that page 8 of the minutes, under item D3 should state "...and several new committees were created of which MCWD is on one." In addition, page 9, item D7 should state "Director Nishi commented that..."

Agenda Item 7-F (continued):

Director Nishi made a motion to approve the draft minutes of the regular Board meeting of April 14, 2009. Director Moore seconded the motion. The motion was passed.

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

8. Action Items:

A. Review the Draft District Reserve Fund Policy and Provide Direction to Staff:

Mr. Suresh Prasad, Director of Finance, introduced this item.

Director Nishi asked if one of the Reserve Funds could be titled "Legal Projects" for the Regional Plan. Mr. Heitzman stated that there are only a few terms that can be used to label Reserve Funds and he would look into appropriate titles.

B. Consider Adoption of Resolution No. 2009-39 (Ord Community Compensation Plan), 2009-40 (Capital Elements of Ord Community Plan), and 2009-41 (District Budget) to Adopt the Ord Community Compensation Plan and Central Marina Budgets for FY 2009-2010:

Mr. Prasad introduced this item and stated that Legal Counsel would like to add a finding to Resolution No. 2009-39.

Mr. Lowrey commented that the 18th WHEREAS of Resolution No. 2009-39 should be modified to read, "...are adopted under the authority of California Constitution Article 13D, Section 6, Government Code...", and adding another WHEREAS immediately following to read, "WHEREAS, the implemented and approved rate plan was adopted last year under Article 13D, Section 6; and,".

Director Moore made a motion to adopt Resolution No. 2009-39 (Ord Community Compensation Plan) to include the additional two findings mentioned above, 2009-40 (Capital Elements of Ord Community Plan), and 2009-41 (District Budget) to Adopt the Ord Community Compensation Plan and Central Marina Budgets for FY 2009-2010. Director Burns seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2009-42 to Approve a Revised Memorandum of Understanding between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the Regional Urban Water Augmentation Project (RUWAP):

Mr. Heitzman stated that this item was going to be pulled. Legal Counsel advised staff that more CEQA findings needed to be added to the Resolution.

Director Nishi asked when this item would be addressed. Mr. Heitzman announced that he would like to hold a special meeting on Friday, June 12th. The Board agreed to hold a special meeting on Friday, June 12 at 6:30 p.m.

9. Staff Reports:

- A. Receive a Report on the Processing of a Variance Request and Provide Direction to Staff:

Mr. Brian True, Interim District Engineer, introduced this item and stated that the issue before the Board is whether to extend beyond twelve months the requirement to pay additional capacity charges.

President Gustafson asked what staff's recommendation was. Mr. True answered that staff's recommendation was to deny the variance request. Mr. Heitzman commented that before this item comes back before the Board, staff has to determine if all variances should go to the board and/or if staff has any authority over a variance.

Director Burns commented that he would like to see staff develop a checklist so when a developer comes in to pay their fee they know exactly what the timelines are and maybe initial that they received the information. Mr. True answered that staff is modifying the application form to address that issue.

Director Nishi questioned the details behind the variance request. Mr. True answered that an applicant has twelve months to complete the connection to the system after connection costs are paid. In this case, the applicant paid the connection costs sixteen months ago and did not complete the plan check phase and connection to the system within the twelve-month period. Mr. True continued that the applicant was then subject to additional connection fees to connect to the system. Mr. True stated that the applicant is asking for relief from paying the additional costs. Director Nishi questioned if the applicant wanted relief or an extension. Mr. Heitzman answered that it could be either.

Director Nishi clarified that although the General Manager could make a recommendation, ratepayers have the right to come before the Board to ask for a variance. Mr. Lowrey stated that before the last change, ratepayers would request a variance and the General Manager would make a determination.

Agenda Item 9-A (continued):

If the ratepayer was not satisfied with the outcome, they could file an appeal to the Board within ten days. Mr. Lowrey stated that the change was that all variance requests would come directly to the Board with a recommendation by staff.

Mr. Heitzman commented that staff would clarify the process before the next meeting.

President Gustafson asked that this item be brought back for action.

B. Receive a Report on an Analysis of Training/Travel Expenditures:

Ms. Jean Premutati, Management Services Administrator, introduced this item explaining the annual training/travel costs.

10. Informational Items:

A. General Manager's Report:

Mr. Heitzman stated he had nothing to report.

B. District Engineer's Report:

Mr. True stated he had nothing to report.

C. Counsel's Report:

Mr. Lowery stated the District would submit testimony into the Public Utility Commission.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee stated that general items were discussed.

2. Joint City-District Committee:

President Gustafson stated a meeting was being scheduled.

3. MRWPCA Board Member:

Director Nishi reported that the regular meeting was boilerplate. Director Burns attended the special meeting held last night, where the RUWAP MOU was discussed and approved.

4. LAFCO Liaison:

Director Moore reported that the LAFCO meeting was canceled.

5. JPIA Liaison:

No comments.

6. FORA:

Vice President Nishi stated he gave comment at the last meeting.

7. Executive Committee:

No comments.

8. Community Outreach:

Vice President Lee stated the school water program was going great. President Gustafson added that a couple informational letters will be coming out.

9. Ord Community Ad Hoc Committee:

No comments.

10. Special Districts Association Liaison:

No comments.

E. Director's Comments:

Director Nishi asked to add Director Censure to the next Board meeting.

President Gustafson recessed the meeting from 7:39 until 7:44 p.m.

The Board entered into closed session at 7:44 p.m.

3. Closed Session:

- F. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager

President Gustafson reconvened the meeting to open session at 8:14 p.m.

4. Possible Action on Closed Session Items:

President Gustafson stated the General Manager's evaluation was completed.

Director Moore questioned a scheduling issue and stated that Director Nishi requested a censure item to be placed on the next agenda and would like to know what the actual topic would be.

Director Nishi stated the Board cannot discuss an item that will be on the next agenda.

Mr. Lowrey answered that it was permissible for the Board to discuss whether to place an item on the agenda.

President Gustafson stated that he would be placing the item on the agenda.

11. Adjournment:

The meeting was adjourned at 8:16 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager