

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Special Board Meeting
August 17, 2009
5:30 p.m.

Minutes

1. Call to Order:

President Gustafson called the meeting to order at 5:30 p.m. on August 17, 2009.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Paula Riso, Executive Assistant

Audience Members:

John Doughty, AMBAG Executive Director

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Oral Communications:

Mr. Jim Heitzman, General Manager, introduced Mr. John Doughty, AMBAG Executive Director.

The Board entered into closed session at 5:31 p.m.

5. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: AMBAG Imjin Property
Negotiating Parties: MCWD and AMBAG
Under Negotiation: Price, Terms, and Conditions

President Gustafson reconvened the meeting to open session at 6:04 p.m.

6. Possible Action on Closed Session Items:

- A. Consider Adoption of Resolution No. 2009-63 to Make Findings Under CEQA, Approve a Purchase Agreement for the AMBAG Imjin Property and Authorize Filing a Notice of Determination:

Director Nishi made a motion to adopt Resolution No. 2009-63 to make findings under CEQA, approve a Purchase Agreement for AMBAG Imjin Property and authorize filing a Notice of Determination with an addition of language in the first FURTHER RESOLVED of the Resolution. Mr. Lloyd Lowrey, Legal Counsel, provided the language to read, "in the form attached hereto as Attachment A with provision for AMBAG to indemnify Marina Coast Water District against any delay and damages caused by AMBAG. Director Moore asked if the motion included the General Manager the ability to make non-substantial changes which may include some slight changes in the actual financial numbers. Director Nishi answered that his motion included the General Manager's ability to make non-substantial changes. Vice President Lee seconded the motion. The motion was passed.

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

7. Director's Comments:

Director Nishi commented that he was glad the Board was working together to get this item solved.

8. Adjournment:

The meeting was adjourned at 6:07 p.m.

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APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager