

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Special Board Meeting
January 20, 2010
5:45 p.m.

Minutes

1. Call to Order:

President Nishi called the meeting to order at 5:45 p.m. on January 20, 2010.

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
Christine Kemp, Legal Counsel
Paula Riso, Executive Assistant

Audience Members:

Derrick Hansen, Friedman Dumas & Springwater
Bob Holden, MRWPCA – arrived at 5:50 p.m.
Jan Shriner, Marina Resident – arrived at 6:21 p.m.

3. Pledge of Allegiance:

Vice President Lee led everyone present in the pledge of allegiance.

4. Closed Session:

- A. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Outfall capacity, regional wastewater outfall, Marina, California
Agency negotiators: (General Manager, Legal Counsel)
Negotiating parties: MCWD, Monterey Regional Water Pollution Control Agency
Under negotiation: Price and terms of payment

The Board elected to forgo closed session and moved directly to open session.

5. Oral Communications:

None.

6. Action Item:

- A. Consider Adoption of Resolution No. 2010-08 to Approve an Agreement between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the Use of the Regional Treatment Plant's Outfall for Brine Disposal:

Mr. Jim Heitzman, General Manager, introduced this item.

Director Moore questioned the changes made to Exhibit C and the decrease in grant funds. Mr. Derrick Hansen, Friedman Dumas & Springwater, explained that incorrect numbers were entered into the formula the first time, and that has since been corrected.

President Nishi asked what escalators were used in figuring out the numbers. Mr. Hansen answered that the December 2009 ENRI CCI numbers were used.

Director Burns questioned the modifications made to the outfall diffuser ports and asked about the 65 million gallon capacity of the outfall. Mr. Hansen answered that the 65 million gallons is not a set number and will not be known until after the report is completed in April 2010. Director Burns questioned what would be the Operations and Maintenance (O&M) costs. Mr. Hansen stated that the District would pay the difference of the increase of costs related to the outfall. There were several clarifying questions on O&M costs.

President Nishi asked why the formulas in the agreement were changed. Mr. Heitzman stated that Mr. Hansen met with Municipal Financial Services and together they came to conclusions on the formula. Mr. Hansen also noted that he worked with the District's consultant, RMC Water and Environment, and they agreed with the way the calculations were made.

President Nishi asked why the Board of Directors did not receive a redlined version of the agreement showing the changes that were made since the last time it was viewed. Mr. Hansen stated that he could provide one, if needed. Director Burns commented that he was satisfied with staff going over the changes that were made.

Director Moore asked what the Board was being asked to do this evening. Mr. Heitzman stated that the Board was being asked to approve the agreement and the formula, with the final numbers to be inserted in the formula after the report was completed in April; and, documentation on the life expectancy of the infrastructure would be viewed and that agreed upon number will be inserted as well.

Mr. Heitzman recommended that the Board of Directors approve this agreement.

Vice President Lee made a motion to adopt Resolution No. 2010-08 approving an Agreement between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the use of the Regional Treatment Plant's Outfall for Brine Disposal. Director Burns seconded the motion. The motion was passed.

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

7. Director's Comments:

Director Moore thanked staff for their hard work on this agreement.

Director Burns commented that the duck-bills only are beneficial to a specific agency and they shouldn't be included in the formula.

Director Gustafson voiced his appreciation as well.

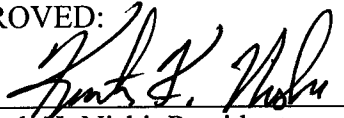
President Nishi stated that staff did a good job.

8. Adjournment:

The meeting was adjourned at 6:27 p.m.

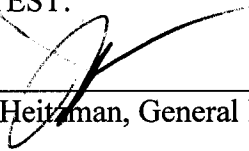
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APPROVED:



Kenneth K. Nishi, President

ATTEST:



Jim Heitzman, General Manager