

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: February 14, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of January 16, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of January 16, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of January 16, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 16, 2012 special Board meeting.

Action Required: ___Resolution ___X___Motion ___Review

Board Action

___Resolution No___ Motion By___ Seconded By___

Ayes___ Abstained___

Noes___ Absent___

Reagendized___ Date___ No Action Taken___

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Special Board Meeting
January 16, 2012
9:00 a.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 9:00 a.m. on January 16, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President
Howard Gustafson – Vice President
Jan Shriner
Kenneth K. Nishi

Board Members Absent:

William Lee - (excused – out of state on business)

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

No audience was present.

The Board entered into closed session at 9:30 a.m., after announcement per Government Code Section 54957.7(a).

3. Closed Session:

D. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

1) Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

2) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates, California Public Utilities Commission No. A.04-09-019

B. Pursuant to Government Code Section 54956.9

Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b)
One Case

C. Pursuant to Government Code Section 54959.9

Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation (c)
One Case

President Burns reconvened the meeting to open session at 9:32 a.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

3-A – the Board of Directors conferred with Legal Counsel and no action was taken.

3-B – the Board of Directors conferred with Legal Counsel and no action was taken.

3-C – the Board of Directors conferred with Legal Counsel and no action was taken.

5. Action Item

A. Consider a Director Appointment for Representative to the Monterey Regional Water Pollution Control Agency Board:

President Burns commented that he was recommending the appointments of himself as the primary and Director Shriner as the alternate to the Monterey Regional Water Pollution Control Agency Board.

Agenda Item 5-A (continued):

Director Gustafson made a motion to appoint President Burns as the primary representative to the Monterey Regional Water Pollution Control Agency and Director Shriner as the alternate. Director Shriner seconded the motion. The motion was passed.

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

6. Director's Comments:

Director Shriner thanked President Burns for doing a good job of presiding over the meeting.

Director Nishi requested that staff ensure the heaters are turned on before meetings.

President Burns thanked staff for setting up and attending the meeting despite the fact that it was a holiday.

7. Adjournment:

The meeting was adjourned at 9:34 a.m.

APPROVED:

Dan Burns, President

ATTEST:

Jim Heitzman, General Manager