

Minutes
Joint City/District Committee Meeting

May 30, 2012

1. Call to Order:

The Joint City/District Committee was called to order at 5:00 p.m. by Chair Brown. In attendance were:

- Committee members: MCWD Director Howard Gustafson, MCWD Director Jan Shriner, and Councilmember David Brown.
- General Manager Jim Heitzman, and Deputy General Manager Carl Niizawa attended for Marina Coast Water District.
- Interim City Manager Doug Yount attended for the City of Marina.
- Mr. Dan Amadeo attended for the public.

2. Public Comments on Any Item Not on the Agenda:

No comments.

3. Approve the Draft Minutes of April 25, 2012:

Chair Brown made a motion to approve the April 25, 2012 minutes. Vice Chair Gustafson seconded the motion. Director Shriner questioned if her comment regarding the email referring to her as a Water District Director was captured in the minutes. Ms. Riso answered affirmatively. The motion was passed by a unanimous vote of those present.

4. The Joint Committee May Discuss the Following Items of Mutual Interest to the City and District:

a. Regional Desal

Mr. Heitzman reported that a pre-hearing on the new application by CalAm was taking place on June 6th.

b. MRWPCA Funding for Groundwater Replenishment:

Mr. Heitzman stated that there was still the question of why the MRWPCA is taking funds from Marina, Salinas, Boronda, Moss Landing, and Castroville as they receive no benefit from it. Mr. Heitzman added that the issue is the legality of using funds from ratepayers that don't receive any benefit from the project.

c. City of Marina Teen Center:

Mr. Niizawa stated that there hasn't been any move since the last discussion on adding another meter and that he will schedule a talk with City staff to resolve the issue.

d. Possible Annexation of Fort Ord Lands by MCWD

Mr. Heitzman commented that the process was still moving forward and District staff will be meeting with LAFCO staff in the next week to begin discussion on annexation.

e. Sale of City Owned Land:

Mr. Yount commented that the District needs to search their records for the Grant Deed and plat map so further discussions can continue. He added that he thought a purchase agreement was drawn up awhile ago, but if not, one could be put together quickly.

f. Infrastructure Agreement/Service to Marina High School:

Mr. Heitzman stated that information was sent to Mr. Yount and that MPUSD was going to upgrade their pipes and turn it over to the District. He added that the upgrade will allow for expansion when MPUSD is ready to expand the school. Mr. Niizawa stated that this was a requirement by the fire department.

g. Ongoing Projects between the City of Marina and MCWD:

Mr. Yount stated that at some point there needs to be discussion on the land swap for the elementary school site. He said that when development moves forward the District needs to identify a piece of property they would be interested in swapping with the City for the elementary school site.

h. Possible Brown Act Violation:

Mr. Heitzman commented that at the last meeting there was a conversation about something not on the agenda and after consulting with Mr. Lowrey, MCWD Legal Counsel, it was determined that it was a Brown Act violation. Mr. Lowrey told Mr. Heitzman that if it is not on the agenda, the Committee is not supposed to discuss it. Mr. Heitzman added that an email was sent to three members of the Committee by Director Shriner and that was also determined to be a Brown Act violation. Director Shriner stated she didn't recall the email and asked if Mr. Heitzman could forward it to her. Mr. Heitzman stated that he couldn't forward it. Chair Brown said he didn't recall the email either and asked if the email discussed Joint City District business. Mr. Heitzman answered that it did. Chair Brown asked what item was discussed that wasn't on the agenda. Mr. Heitzman answered that there was discussion on changing the location and date of the meetings and the email that Director Shriner referred to. Chair Brown stated that there is a standard item on the agenda "Committee Member Comments and Identify Agenda Items for the Next Committee Meeting". Vice Chair Gustafson commented that under that item someone can ask to have something added to the next meeting with no discussion, just a simple yes or no from the Committee.

Agenda Item 4-h (continued):

Chair Brown said that if it is in the context of discussing matters to be set for the next agenda meeting it would be allowed. Director Shriner said that she had asked for the agenda item in February and it has not appeared on any agenda since then and thought that it should fit under "Ongoing Projects between the City of Marina and MCWD". Vice Chair Gustafson stated that they shouldn't be discussing it and they are discussing it right now. Chair Brown said that they were discussing whether there was a Brown Act violation. Director Shriner asked if she could request a copy of the email from Mr. Lowrey. Chair Brown stated that he disagreed with the interpretation of the Brown Act violation as long as they were discussing possible agenda items for future meetings. Vice Chair Gustafson said that there can't be discussion. Mr. Heitzman stated that there can be brief clarification/discussion on adding something to the agenda but not a ten minute dialogue. He said that if there are questions asked, answered, and opinions expressed, on an item not on the agenda, it is a Brown Act violation because the public was not given notice of the item in case they want to express their own opinion. Chair Brown stated that if the discussion goes far enough to the point where they appear to take an action that is where there is a Brown Act violation. Mr. Heitzman said that the argument needs to be taken up with legal counsel. Chair Brown asked if Mr. Lowrey advised of his opinion in an email and if so could he get a copy of the email. Mr. Heitzman said that he would forward the email to Chair Brown.

5. Committee Member Comments and Identify Agenda Items for the Next Committee Meeting:

Director Shriner thanked Mr. Yount for his help and that she did hear from the Police Chief about the incident on March 21st. She stated that she had asked for an agenda item to talk about meetings and had a meeting schedule they could look at and discuss. Director Shriner said that she was told this is the place on the agenda where she needs to request agenda items and she had requested the meeting discussion in February but hasn't yet seen it on an agenda. Chair Brown asked for clarification of what Director Shriner was asking to be placed on the next Committee agenda. Director Shriner said that she was asking to have discussion about the MCWD Board regularly scheduled meetings to be held in the City of Marina Council Chambers on the second Wednesday or other optional dates.

Chair Brown asked Mr. Heitzman how items got placed on the agenda. Mr. Heitzman said that requests were done at a Committee meeting or they notify the Chair that they want something on the agenda. He added that Ms. Riso puts the agenda together when the District is hosting the meetings and the City Clerk puts the agenda together when the City is hosting the meetings as they are alternated every six months. Chair Brown asked that Director Shriner's request be placed on the next agenda.

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Agenda Item 5 (continued):

Vice Chair Gustafson commented that he would like to thank the City Police Officers for responding quickly to an incident in front of his home.

6. Adjournment:

Meeting adjourned at 5:19 p.m.