

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Regular Board Meeting
October 9, 2012
6:30 p.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 6:30 p.m. on October 9, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President
Howard Gustafson – Vice President
Jan Shriner
Bill Lee

Board Members Absent:

Kenneth K. Nishi

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Andy Sterbenz, Engineer
Patrick Breen, Project Manager
Sean Knight, Associate Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Tom Moore, Marina Resident
Pete Talbot, HDR
Veronica Larwood, CSUMB Student
Mike McCullough, MRWPCA

Mr. Lloyd Lowrey, Legal Counsel, announced that agenda items 3C and 3D had been dropped from the agenda. He said the Board was going to convene into closed session for items 3A1, 2, and 3; 3B; 3E; and, 3F Pursuant to Government Code Sections 54956.9; and 54957.6 as set forth on the agenda.

The Board entered into closed session at 6:31 p.m.

3. Closed Session:

A. 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

3) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019

B. Pursuant to Government Code Section 54956.9 (c)

Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case – MCWD Claims against Monterey County and MCWRA

E. Pursuant to Government Code 54957.6

Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association

F. Pursuant to Government Code 54957.6

Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Teamsters Local 890

The Board ended closed session at 6:41 p.m.

President Burns reconvened the meeting to open session at 7:00 p.m.

President Burns asked for a moment of silence in remembrance of Mr. Carl Niizawa, District Deputy General Manager/District Engineer, who passed away unexpectedly.

4. Possible Action on Closed Session Items:

Mr. Lowrey reported the following:

- 3-A1-3 – the Board conferred with legal counsel, direction was given, no action was taken.
- 3-B – the Board conferred with legal counsel, direction was given, no action was taken.
- 3-E – the Board conferred with the labor negotiator, no action was taken.
- 3-F – the Board conferred with the labor negotiator, no action was taken.

5. Pledge of Allegiance

President Burns led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Tom Moore, Marina resident, thanked President Burns for the moment of silence in remembrance of Mr. Niizawa and offered his sympathies to Mr. Niizawa's family. Mr. Moore stated that the filming of these meetings was paid for by donations and anyone can make a donation to More Transparency, PO Box 693, Marina, CA, 93933.

Mr. Lowrey stated that, due to the recent unexpected passing of Mr. Niizawa, there is a need to add an item to the agenda, Consider Adoption of Resolution No. 2012-65 to Adjourn the Meeting in Memory of Carl Niizawa, which will take place at the end of the meeting.

Vice President Gustafson made a motion to add Resolution No. 2012-65 to adjourn the meeting in memory of Carl Niizawa, to the end of the agenda. Director Lee seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent (Nishi), the motion was passed.

7. Consent Calendar:

Director Shriner requested to pull agenda item 7-D from the Consent Calendar. President Burns requested to pull agenda item 7-B from the Consent Calendar.

Agenda Item 7 (continued):

Vice President Gustafson made a motion to approve the Consent Calendar consisting of:

- A) Adopt Resolution No. 2012-61 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and the Monterey Bay Military Housing, LLC for Kidney at Fort Ord Phase 2 Development
- C) Adopt Resolution No. 2012-63 to Approve Obtaining 50-Year Easements from the Federal Government for Recycled Water Pipelines
- E) Approve the Draft Minutes of the Regular Board Meeting of September 11, 2012
- F) Approve the Draft Minutes of the Special Board Meeting of September 28, 2012

Director Lee seconded the motion. The motion was passed.

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

- B. Adopt Resolution No. 2012-62 to Authorize the General Manager to Sign a City of Marina Application Affidavit Allowing the Covenant Orthodox Presbyterian Church to Apply for a Zoning Clearance from the City of Marina for Imjin Office Park:

President Burns asked if the zoning clearance was approved by the City of Marina, would it affect the District if they decide to move their office to that site.

Mr. Patrick Breen, Project Manager, answered that it depends on what sort of lease would potentially be negotiated, if the City of Marina approves the zoning clearance.

Vice President Gustafson made a motion to adopt Resolution No. 2012-62 to authorize the General Manager to sign a City of Marina Application Affidavit allowing the Covenant Orthodox Presbyterian Church to apply for a zoning clearance from the City of Marina for Imjin Office Park. President Burns seconded the motion. The motion failed.

Director Lee	-	No	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	No
Director Nishi	-	Absent			

- D. Approve the Expenditures for the Month of September 2012:

Director Shriner inquired on check No. 54746 and asked what project RMC Water and Environment was working on. Mr. Jim Heitzman, General Manager, answered that they were working on the Regional Urban Water Augmentation Project.

Agenda Item 7-D (continued):

Vice President Gustafson made a motion to approve the expenditures for the month of September 2012. Director Shriner seconded the motion. The motion was passed.

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

8. Action Items:

A. Consider Adoption of Resolution No. 2012-64 to Approve the Professional Services Agreement with The EDCCO Group for District SCADA Integration Services:

Mr. Sean Knight, Associate Engineer, introduced this item. Vice President Gustafson asked that in the future, acronyms, i.e. SCADA, be spelled out the first time it is used in a document.

Vice President Gustafson made a motion to adopt Resolution No. 2012-64 to approve the Professional Services Agreement with The EDCCO Group for District SCADA Integration Services. Director Lee seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2012-60 to Revise the District's Expense Reimbursement and Travel Policy:

Ms. Jean Premutati, Management Services Administrator, introduced this item and explained the latest revisions made to the policy. She noted that in Section 8 of the policy, the word "In" will be removed so that it reads, "District meals".

Director Lee made a motion to adopt Resolution No. 2012-60 to revise the District's Expense Reimbursement and Travel Policy. Vice President Gustafson seconded the motion. The motion was passed.

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

9. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

Mr. Lowrey reported that Legislature recently passed Bill AB340 – Pension Reform Act, that could have a long-term impact on the District.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner commented that draft minutes were in the packet.

2. Joint City-District Committee:

Director Shriner stated that she was tasked to put together procedures for the Joint City District Committee and in reviewing the Board Procedure Manual, noticed that it states the Board President is supposed to sit on the Committee. She suggested maybe revising the Board Procedures Manual regarding that Committee.

3. Budget and Personnel Committee:

Vice President Gustafson commented that the meeting was boiler-plate.

4. Executive Committee:

President Burns commented that the minutes were in the packet.

5. Community Outreach:

Vice President Gustafson said that the newsletter was almost ready for production.

6. MRWPCA Board Member:

Mr. Heitzman said that the MRWPCA Board voted not to fund the Groundwater Replenishment Project.

7. FORA

Vice President Gustafson said that the District budget was discussed and the Veteran's Cemetery.

8. LAFCO Liaison:

No report was given.

9. JPIA Liaison:

Director Shriner commented that there was a memo regarding a modification to the JPIA liability program concerning wage payouts upon termination of employment.

10. Special Districts Association Liaison

Vice President Gustafson commented that the meeting was October 16, 2012.

11. CalDesal:

President Burns commented that there was a conference at the end of the month.

10. Director's Comments:

Director Shriner commented that it was amazing that everyone was working so well in supporting the District after losing Mr. Niizawa. She thanked the employees for their hard work.

Vice President Gustafson commented that he would miss Mr. Niizawa following their many years of working together. He said that Mr. Niizawa was a good engineer and taught him everything he knows about engineering.

President Burns commented that Mr. Niizawa had a good sense of humor and would be missed.

Mr. Lowrey read Resolution No. 2012-65 into the record.

The Board adopted Resolution No. 2012-65 with the following roll call vote:

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

11. Adjournment:

The meeting was adjourned at 7:19 p.m.

APPROVED:

Dan Burns, President

ATTEST:

Jim Heitzman, General Manager