

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Special Board Meeting
November 30, 2012
9:30 a.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 9:30 a.m. on November 30, 2012.

2. Roll Call:

Board Members Present:

Howard Gustafson – Vice President
Kenneth K. Nishi
Jan Shriner
Bill Lee

Board Members Absent:

Dan Burns – President

Staff Members Present:

Jim Heitzman, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Heberd Olsen
Ed Mitchell, Prunedale Resident

3. Pledge of Allegiance

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

4. Oral Communications:

None.

5. Action Items:

- A. Consider Adoption of Resolution No. 2012-82 to Approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District:

Mr. Jim Heitzman, General Manager, introduced this item stating that the Board and employees have been in negotiations for over six months and that during closed session at the last meeting, he was given direction by the Board. He stated that the direction was given to the Marina Coast Water District Employees Association who voted affirmatively on it and have submitted a Memorandum of Understanding for approval.

Director Lee made a motion to adopt Resolution No. 2012-82 to approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District. Director Nishi seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2012-83 to Approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District:

Mr. Heitzman commented that the details were the same as the last item and that the direction was given to the Teamsters Local 890 who voted affirmatively on it and have submitted a Memorandum of Understanding for approval.

Director Nishi made a motion to adopt Resolution No. 2012-83 to approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2012-84 to Approve the Terms and Conditions of the Employment Agreement Between the Unrepresented Employees and the Marina Coast Water District:

Mr. Heitzman commented that there are several positions not represented by the Employees Association or the Teamsters, and those are the Management Services Administrator, Deputy General Manager/District Engineer and District Legal Counsel. He stated that the Terms and Conditions would be the same as the others.

Agenda Item 5-C (continued):

Director Shriner asked if it would be a three-year term as well. Mr. Heitzman answered affirmatively.

Director Lee made a motion to adopt Resolution No. 2012-84 to approve the Terms and Conditions of the Employment Agreement between the Unrepresented Employees and the Marina Coast Water District. Vice President Gustafson seconded the motion. The motion was passed.

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

D. Consider Adoption of Resolution No. 2012-85 to Approve the FY 2012/2013 Marina Coast Water District Employees Association Salary Schedules:

Mr. Heitzman commented that the salary schedules are used in Human Resources when hiring employees and it is related to the prior MOU approvals.

Director Lee made a motion to adopt Resolution No. 2012-85 to approve the FY 2012/2013 Marina Coast Water District Employees Association salary schedules. Vice President Gustafson seconded the motion. The motion was passed.

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

E. Consider Adoption of Resolution No. 2012-86 to Approve the FY 2012/2013 Teamsters Local 890 Salary Schedules:

Mr. Heitzman said that this item is the same as the previous except it is for the Teamsters.

Director Lee made a motion to adopt Resolution No. 2012-86 to approve the FY 2012/2013 Teamsters Local 890 salary schedules. Vice President Gustafson seconded the motion. The motion was passed.

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

F. Consider Adoption of Resolution No. 2012-87 to Approve the FY 2012/2013 Unrepresented Employees Salary Schedules:

Mr. Heitzman said that this item was the same as the previous items except it is for the three unrepresented positions.

Director Nishi made a motion to adopt Resolution No. 2012-87 to approve the FY 2012/2013 Unrepresented Employees salary schedules. Director Lee seconded the motion. The motion was passed.

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

G. Consider Adoption of Resolution No. 2012-88 to Require a Super-Majority Vote, 4-1, for Any Annexation or it Goes to Vote of the 1961 Original MCWD Customers:

Mr. Roger Masuda, Legal Counsel, introduced this item explaining that there are two ways for areas to be annexed; the District can initiate annexation, or landowners outside the District can petition LAFCO to be annexed to the District. He explained that this Resolution requires a super-majority vote of the Board or it goes to the vote of the registered voters within the jurisdictional boundaries of Marina as those jurisdictional boundaries existed in 1975 when the City was incorporated. Mr. Masuda noted that a revised resolution was handed out.

Mr. Ed Mitchell, Prunedale resident, commented that the resolution was poorly written and the way section 1(b) was written, illegally establishes voting restrictions. He cautioned that the Department of Justice watches over voting regulations, and if brought to their attention, they could get involved.

Mr. Masuda explained that the vote only goes to the people if there is not a super-majority vote of the board. He said the revised resolution was amended so that residents living in the City of Marina within the jurisdictional boundaries (city limits), that were in place in 1975 when the City was incorporated, are eligible to vote.

Vice President Gustafson commented that in a 1975 agreement between MCWD and the City of Marina, it was stated that when the City was incorporated, if they wanted to annex MCWD, it would go to a vote of the people. He said he was trying to carry forward the policy of what those past Board members envisioned, like a living document. Vice President Gustafson added that Marina was not ready to absorb the cost of the Ord Community that is still developing.

Director Shriner asked if the amended resolution was made available to the public. Ms. Riso stated that she had copies for the public. Director Shriner asked if the agenda was labeled properly. Mr. Masuda stated that it adequately notified the public of what was going to be discussed.

Agenda Item 5-G (continued):

Director Shriner asked for clarification on the LAFCO process since the annexation application has already been sent to LAFCO. Mr. Masuda answered that an application has not yet been sent to LAFCO. Director Shriner affirmed that the super-majority vote would be if the District wants to send the application to LAFCO. Vice President Gustafson commented that it would allow the public to vote on what they want.

Director Shriner asked what the justification was for the super-majority vote. Mr. Masuda answered that there was no justification. He said that if the Board wants a super-majority, they can adopt it. Mr. Masuda added that the statute says at least a majority is required.

Director Shriner asked what the legal justification was for using the 1975 jurisdictional boundaries for something that goes into the future rather than using present jurisdictional boundaries. Mr. Masuda answered that Vice President Gustafson requested to use the 1975 jurisdictional boundaries and it is a policy decision that must be made by the Board.

Director Nishi asked when the Board packet was delivered. Ms. Riso answered that it was delivered on Wednesday. Director Nishi noted the agenda title shows 1961 and the resolution shows 1975 and asked if there was an issue with approving this item. Mr. Masuda answered that the 1975 date offers a broader jurisdiction and since it is offering more and not less than the 1961 date, there is no problem. Director Nishi asked if the revision to the resolution was just removing the word "then". Mr. Masuda answered that it was.

Vice President Gustafson commented that he was in favor of people voting on this to determine their future. He said that recently the Monterey Peninsula Water Management District eliminated half the people from voting and attached a fee to everyone's property taxes.

Director Lee made a motion to adopt Resolution No. 2012-88 as amended. Vice President Gustafson seconded the motion. The motion was passed.

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

6. Director's Comments:

Director Shriner commented that she finds it interesting that President Burns called a meeting for a day he is unavailable.

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7. Adjournment:

The meeting was adjourned at 9:54 a.m.

APPROVED:

, President

ATTEST:

Jim Heitzman, General Manager