

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Regular Board Meeting
January 8, 2013
6:45 p.m.

Draft Minutes

1. Call to Order:

Vice President Shriner called the meeting to order at 6:45 p.m. on January 8, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President
Bill Lee
Peter Le

Board Members Absent:

Howard Gustafson

Staff Members Present:

Jim Heitzman, General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Andy Sterbenz, Interim District Engineer
Jean Premutati, Management Services Administrator
Patrick Breen, Project Manager
Peter Spiro, Associate Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Mike McCullough, MRWPCA
Pete Talbot, HDR Consultants
Larry Johnson, HDR Consultants
Brian Lee
Sid Williams
Grace Silva-Santella, Marina Resident
Ron Weitzman, WaterPlus
Bill Hood
Julie Hood
Jack Stewart
Beth Palmer, Monterey Downs
Mike Salerno, Keep Fort Ord Wild

Norbert Schulz, Filance
Bill Godwin, Fugro Consultant
Brian Boudreau

The Board entered into closed session at 6:46 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

4) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, Monterey County Superior Court Case No. M120053 (Complaint for Declaratory Relief)

5) State Water Resources Control Board's Proposed Revocation of Monterey County Water Resources Agency Water Right Permit 11043 authorizing the diversion of up to 168,538 acre-feet per year from the Salinas River

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

C. Pursuant to Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C)

Conference with Legal Counsel – Anticipated Litigation
Potential Litigation
Two Cases

1) Claims of MCWRA and Monterey County against MCWD

2) Claims of California–American Water Company against MCWD

D. Pursuant to Government Code Section 54956.9 (c)

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

The Board ended closed session at 7:24 p.m.

President Moore reconvened the meeting to open session at 7:27 p.m.

4. Possible Action on Closed Session Items:

Mr. Roger Masuda, Legal Counsel, stated that no reportable actions were taken in closed session.

5. Pledge of Allegiance:

President Moore asked Vice President Shriner to lead everyone present in the pledge of allegiance.

6. Oral Communications:

No comments.

7. Presentations:

- A. Consider Adoption of Resolution No. 2013-01 in Recognition and Appreciation of Kenneth K. Nishi, for over 20 Years of Outstanding and Dedicated Service as a Director to the Marina Coast Water District:

Director Lee made a motion to adopt Resolution No. 2013-01 in recognition and appreciation of Kenneth K. Nishi, for over 20 years of outstanding and dedicated service as a Director to the Marina Coast Water District. President Moore seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

- B. Consider Adoption of Resolution No. 2013-02 in Recognition and Appreciation of Dan Burns, for 5 Years of Outstanding and Dedicated Service as a Director to the Marina Coast Water District:

Director Lee made a motion to adopt Resolution No. 2013-02 in recognition and appreciation of Dan Burns, for 5 years of outstanding and dedicated service as a Director to the Marina Coast Water District. Director Le seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

8. Consent Calendar:

Director Le requested to pull agenda item 8-B from the Consent Calendar.

Vice President Shriner requested to pull agenda items 8-A and 8-C from the Consent Calendar.

A. Adopt Resolution No. 2013-03 to Approve the Revised District Records Retention Schedules:

Vice President Shriner asked if it would be possible to look at all the records retention schedules under this item. Mr. Masuda commented that this item should only address the one change noted in the staff report. He said if the Board wants to look at other records retention schedules, they should ask staff to bring back the item for further review. Vice President Shriner stated that she would like to look at other retention schedules but they could approve this one now and bring the entire retention schedule back for discussion at a later meeting.

Director Le made a motion to adopt Resolution No. 2013-03 approving the revised District Records Retention Schedules. Vice President Shriner seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

B. Approve the Revised Draft Minutes of the Regular Board Meeting of November 13, 2012:

Director Le noted that he voted approval of the November 30, 2012 minutes at the December 11, 2012 meeting, but he should have abstained as he was not a Board member on November 30th. President Moore commented that he did the same when they voted on the minutes in the consent calendar on December 11th. Mr. Masuda stated that they could make note in these minutes that they meant to abstain from the vote.

President Moore noted that there was not a quorum of those present at the November 13, 2012 minutes to approve them and asked that they be brought back next month for consideration.

C. Approve the Draft Minutes of the Special Board Meeting of December 6, 2012:

Vice President Shriner commented that she would like to strike the first sentence in the last paragraph on page 3 of the minutes and have the second sentence read, "Director Nishi and ~~said~~ Mr. Riley had been attending..."

These minutes will also be brought back next month as there was not a quorum of those present at the December 6, 2012 meeting approve them.

9. Action Items:

- A. Consider Adoption of Resolution No. 2013-04 to Approve Contracts for Construction of the East Garrison Sanitary Sewer Lift Station Rehabilitation and East Garrison Pressure Reducing Valve Station Project:

Mr. Andrew Sterbenz, Interim District Engineer, introduced this item.

Director Le asked what the estimated completion date was. Mr. Sterbenz answered that the sewer lift station had a completion timeframe of sixty days and the pressure reducing valve station had a completion timeframe of ninety days. Director Le commented that the contracts weren't in the Board packet for the Board members to review and asked that in the future, after legal counsel reviews them, all contracts and agreements to be included in the packet for Board review.

Director Le stated that the Resolution needs to be revised to state that the Board is approving the contracts; justify the sole-source contractors; and, list the funding source as noted in the transmittal. Director Le also suggested staff look into installing SCADA at the pressure reducing valve stations.

Director Le made a motion to adopt Resolution No. 2013-04 to approve contracts for construction of the East Garrison Sanitary Sewer Lift Station Rehabilitation and East Garrison Pressure Reducing Valve Station Project as revised. Vice President Shriner seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

- B. Consider Adoption of Resolution No. 2013-05 to Authorize a Construction Contract with Maggiora Brothers Drilling for Well No. 11 Equipment, and to Amend the FY 2012-2013 Capital Improvement Budget:

Mr. Patrick Breen, Project Manager, introduced this item.

Director Le questioned the funding source for the Capital Reserve. Ms. Kelly Cadiente, Director of Administrative Services, answered that Capital Reserves are funded through capacity fees and the operation budget.

Director Le voiced his disappointment that staff did not inform the Board that the District Wells were out of service. He said that the Board could have scheduled a special meeting to approve getting them fixed. Mr. Masuda commented that although the District has two systems, they are looped and while the Central Marina Wells were down, the Ord Community Wells supplied enough water for both areas. He said that the District keeps track of how much water is wheeled from one system to the other to keep them balanced.

Agenda Item 9-B (continued):

Mr. Bill Hood, public member, asked if the District already had Maggiora Brothers on contract when they were brought in to inspect the problem with the Well. Mr. James Derbin, Operations and Maintenance Superintendent, answered that the District does not have a standing contract with Maggiora Brothers for on-call services, but they are often called because they are the most available and provide the best service at the best cost.

President Moore asked how deep Well No. 11 was. Mr. Breen answered that the well was about 1,640 feet deep.

Director Le asked that the Resolution language be revised to justify the sole-source and notate where the funds were coming from. Mr. Masuda handed out revisions to the Resolution with those notations.

Director Le made a motion to adopt the revised Resolution No. 2013-05 to authorize a construction contract with Maggiora Brothers Drilling for Well No. 11 Equipment, and to amend the FY 2012-2013 Capital Improvement Budget. Vice President Shriner seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

C. Consider Adoption of Resolution No. 2013-06 to Suspend the Professional Services Agreement with HDR Constructors, Inc.:

Mr. Sterbenz introduced this item and explained the options available to the Board.

Director Lee commented that the previous Board members, who were also duly elected, made a decision and moved forward with that decision. He noted that nothing has changed, and questioned why the Board would now decide to suspend this action.

Director Le asked what year desalinated water would be needed on the Ord Community. Mr. Sterbenz answered that it depended on the redevelopment of the Ord Community and noted that the City of Seaside has already allocated almost all of their supply and could need additional water within the next couple of years. He added that based on the 2010 Urban Water Management Plan, there could be a need for additional water as early as 2015.

Vice President Shriner said that she was looking for the most options for the Board and that could include revisiting the Regional Urban Water Augmentation Project and the contractor decision and agreement. She said that they want to keep the options open and asked why termination of the contract was not an option. Vice President Shriner stated that she felt the decision to award this contract at a previous meeting was rushed and not discussed thoroughly.

Agenda Item 9-C (continued):

Mr. Peter Talbot, HDR Constructors, Inc., commented that HDR's interest was in supporting the District in moving forward with the improvement of its water system. He said that they have been following the Regional Project and now the local project for over three years and in the past, voiced support of the Regional Project. Mr. Talbot said that they would like to maximize the use of all the work done previously and since receiving the contract, they have received 56 gigabytes of data that they are ready to begin looking at. He stated that they regularly inform water utilities to diversify their sources of supply to ensure there are alternatives in the case of problems with quality or quantity of supply. Mr. Talbot said that they would like to see a way of recovering the costs spent on the Regional Project by using some of the data collected for that project. He concluded that the idea of a workshop on the project would be good and they would be interested in participating.

President Moore commented that he had asked for this item to be looked at by the new Board now that its composition has changed. He gave several reasons for re-looking at this project such as: the haste in which the contract was given; and, the need for water from the Base Reuse Plan and the reassessment which could require more or less water than the original Base Reuse Plan did.

President Moore made a motion to go with Option 2 to adopt Resolution No. 2013-06 to suspend the Professional Services Agreement with HDR Constructors, Inc. for 90 days and revisit the item in March for further direction. Vice President Shriner seconded the motion.

Director Lee commented that just because a decision is made in a quick timeframe doesn't mean it is a wrong decision. He explained that part of the project is desalination which could help with the saltwater intrusion issue. Director Lee said that he did not agree with the delay and could not vote in favor of it.

Director Le commented that there is no money in the budget to pay for desalination projects and there is still plenty of water available for both Central Marina and the Ord Community as they are not even using half of the allotted water. He said that he would not support desalination until there is a firm financial plan with the ratepayers supporting it and all of the water issues resolved.

Vice President Shriner commented that both Directors have valid points and added that Marina is lucky that they are still drawing well water. She clarified that she felt the time from when the RFQ was received to the time the contract was awarded was rushed. Vice President Shriner said that there were many meetings over the holidays and everyone was rushed and overwhelmed.

Director Lee said that he had three points he wanted to make: 1) cheap water equals cheap salty water; 2) \$100 million project – you have to have a project to produce the water to create the revenue to pay for the project; 3) everyone continues to overdraft the Salinas Valley and contribute to the saltwater intrusion where strategically placed intake wells for desalination could diminish the saltwater intrusion.

Agenda Item 9-C (continued):

The motion to adopt Resolution No. 2013-06 to suspend the Professional Services Agreement with HDR Constructors, Inc. for ninety days and revisit the item in March for further direction, was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | No | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

D. Consider Approving the Board Meeting Schedule and Venue for 2013:

President Moore commented that the idea was to move the meetings to Wednesdays at the City Council Chambers for more accessibility and use of video equipment. Director Lee said he didn't agree with moving the meeting venue.

Director Le commented that he would like the Board to direct the General Manager to talk to the City of Marina staff about holding meetings on the second and fourth Monday or Wednesday of each month. He added that he would also like to direct the General Manager to hire a temporary videographer to film meetings at this location and submit to AMP for broadcasting. President Moore said that hiring a videographer was not on the agenda but could be discussed at a future meeting. He clarified that the Monterey Regional Water Pollution Control Agency holds meetings on the last Monday of the month.

Director Shriner commented that Wednesdays or Mondays would work and asked if staff had any issues with a Monday meeting. Staff did not. Mr. Heitzman commented that staff talked with the City of Marina staff and they said that Mondays would work best because some of the prescheduled Wednesday meetings could last longer than scheduled. President Moore commented that there are several federal holidays on Mondays that would have to be scheduled around. He asked if Monday worked for Director Lee. Director Lee said Monday or Tuesday worked best for him.

Mr. Heitzman said that District staff would need to talk with City staff and bring back the information at the next meeting for the Board to take action on. He said that once the Board takes action, it would have to go back to City Council to take action and it could take a couple of months before the process is complete. President Moore said that until then, the Tuesday meeting schedule will continue.

Mr. Sid Williams, Marina resident, commented that if there were two meetings a month there wouldn't be as many items each meeting and the length of the meeting would be shorter and there would be less people, i.e. contractors or consultants, at the meetings. He said that there wouldn't be a need to move the venue at an additional cost to the District.

Agenda Item 9-D (continued):

Director Lee commented that moving the meeting venue might be more convenient for the public, but staff has all their resources here at this office. He said that it didn't make sense to go over to someone else's property because the District has nothing to do with the City as they are a land use jurisdiction. Director Lee asked why the District should pay to use someone else's building when the District has its own building at no cost and the meetings are already being filmed.

President Moore confirmed that staff had direction.

E. Consider Revising the Current Board Meeting Schedule of One Board Meeting Per Month to Two Board Meetings Per Month:

Director Le commented that there are times when the Board room is full and people have to wait outside and can't hear what is being discussed. He said that another option was to hire a videographer to put the meetings on AMP. Director Le said that there are too many items for discussion to have just one meeting a month and would like to hold two meetings a month.

Director Le made a motion to revise the current Board meeting schedule from one Board meeting per month to two Board meetings per month and to revise the Board Procedures Manual to show the new meeting schedule. Vice President Shriner seconded the motion.

Mr. Jack Stewart, public member, commented that the people complaining about the meetings are not the District's ratepayers. He added that if it works to hold two meetings a month at the District office that is what they should do. Mr. Stewart said that it is prudent to hold meetings where staff is housed so that information and resources are available at a moment's notice. He concluded that the Board should have sage advice so that they could make sage decisions.

Director Lee commented that over the last several years the meetings have ended by 8:30 p.m. or so. He said that to hold two meetings a month will cost the District twice as much in things such as legal fees, and staff will have to immediately turn around and prepare for the next meeting. Director Lee concluded that it would also be difficult for the public who find it hard to attend one meeting a month and now there will be two meetings to try to attend.

Director Le noted that the District held over 24 meetings in 2012 with many special meetings. He said that if there are no items to discuss, the second meeting can be canceled. Director Le said that two meetings provide more benefit to the public and staff than holding special meetings. Vice President Shriner agreed.

President Moore stated that he supported holding two meetings per month at least on a temporary basis and suggested revisiting the schedule in six months. He suggested starting the new schedule in February.

Agenda Item 9-E (continued):

Mr. Hood commented that in regards to the meeting room, the Board can always hold the meeting at a different venue on evenings where there is a controversial item on the agenda and a large crowd is anticipated.

Mr. Masuda asked for clarification if the February meetings will be held on the second and fourth Tuesday. President Moore confirmed that the meetings will be held on Tuesday until the Board finds out if the Council Chambers are available on Monday's. Director Le also confirmed that his motion was for the second and fourth Tuesday starting in February until staff returns with information regarding Council Chamber availability. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | No | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

F. Consider Director Appointments to Committees of the Board and to Outside Agencies for 2013:

Mr. Heitzman stated that since the Board meetings will be twice a month, the Budget and Personnel and Executive Committee meetings will double to twice a month as well since many of the agenda items were sent through the Committee meetings before going to the Board. Mr. Heitzman said that if the Budget and Personnel and Executive Committees were not filled then they wouldn't meet and there wouldn't be an issue.

President Moore asked Mr. Masuda if the President and Vice President met with the General Manager to discuss the agenda, would that constitute a meeting of the Executive Committee since the President and Vice President were members of that Committee. Mr. Masuda stated that it did not. President Moore asked if the Budget and Personnel Committee had to meet each month. Mr. Masuda said that since it wasn't in the Board Procedures Manual, it didn't have to meet.

President Moore handed out his recommended appointments to Committees and outside agencies noting that the Budget and Personnel Committee would be dropped from the list. His recommendations are as follows:

| | |
|---------------------|---|
| Water Conservation | Jan Shriner with Bill Lee as Alternate |
| Joint City/District | Tom Moore and Bill Lee with Peter Le as Alternate |
| Executive | Tom Moore and Jan Shriner |
| MRWPCA | Tom Moore with Peter Le as First Alternate and Bill Lee as Second Alternate |
| LAFCO | Peter Le with Jan Shriner as First Alternate and Howard Gustafson as Second Alternate |
| FORA | Tom Moore with Peter Le as First Alternate and Howard Gustafson as Second Alternate |

Agenda Item 9-F (continued):

| | |
|--------------------------|--|
| Special Districts Assoc. | Howard Gustafson with Jan Shriner as First Alternate, Peter Le as Second Alternate, Bill Lee as Third Alternate, and Tom Moore as Fourth Alternate |
| JPIA | Howard Gustafson with Bill Lee as First Alternate and Jan Shriner as Second Alternate |
| Community Outreach | Jan Shriner and Peter Le with Bill Lee as Alternate |
| FORA WWOC | Peter Le with Howard Gustafson as Alternate |

Director Le made a motion to approve the appointments as recommended by President Moore. Vice President Shriner seconded the motion. The motion was passed.

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|--------------------|---|--------|------------------------|---|-----|
| Director Lee | - | Yes | Vice President Shriner | - | Yes |
| Director Gustafson | - | Absent | President Moore | - | Yes |
| Director Le | - | Yes | | | |

President Moore asked if it was okay to assign someone to the FORA WWOC since it was not a Board Committee and there were no voting members. Mr. Heitzman said that it was a public meeting and anyone could attend.

10. Staff Report:

A. Update on the Water Supply Assessment for the Monterey Downs and Horse Park and Central Coast Veterans Cemetery Specific Plan:

Mr. Sterbenz introduced this item explaining that the City of Seaside asked that the document show the long name to match the one on the EIR and that the water allocation table be corrected. He explained how the numbers in the water allocation table were derived and briefly reviewed answers to the questions in the staff report. Mr. Sterbenz commented that the CEQA schedule for this project has moved back to early summer.

Mr. Masuda advised staff that the District should have a questionnaire for the jurisdiction to fill out when asking for a Water Supply Assessment so that staff knows exactly what the project entails. He added that a Water Supply Assessment is required for the CEQA process on the entire development and the Written Verification of Supply is for the subdivision.

Director Le commented that the clock started in August and the District should issue an Addendum now. President Moore stated that this is just an information item and action will be taken at the next meeting.

Vice President Shriner asked what documents the District received in August from the City of Seaside. Mr. Sterbenz answered that the District received the project description and the water demand report as prepared by the developer. Vice President Shriner asked if the project description was similar to a specific plan.

Agenda Item 10-A (continued):

Mr. Sterbenz answered that the project description was less detailed than a specific plan. Vice President Shriner asked about the endowment parcel. Mr. Sterbenz answered that the endowment parcel was adjacent to the Veteran's Cemetery and the proceeds from the land sale of the endowment parcel will fund the construction of the Veteran's Cemetery.

Director Le stated that the Board approved the Water Supply Assessment in November and asked if staff made changes and sent it to the City of Seaside consultant and developer after that approval without providing a copy to the Board members.

Mr. Sterbenz answered that when he made corrections to the table and noticed that the corrections might affect the math in the EIR, he sent it to the City of Seaside's project manager and to FORA as they were in the process of updating the water allocation history for the Base Reuse Plan. Director Le questioned why staff didn't get Board approval before sending out the revision stating that staff didn't have the authority to make revisions to a Board approved document and send it out. Mr. Sterbenz answered that since it was an administrative correction to a technical report he didn't think it needed Board approval to send out. Director Le disagreed and said that he didn't expect staff to do it again.

Vice President Shriner said that she appreciated Mr. Masuda's advice to have a questionnaire filled out by the jurisdictions when requesting a Water Supply Assessment.

President Moore questioned the timeline requirements for Written Verification of Supply. Mr. Masuda said that there are no timeline requirements. President Moore questioned if the law states what specific information the jurisdiction is supposed to provide when requesting a Water Supply Assessment. Mr. Masuda answered that there was no law regarding what information needs to be provided. He clarified that the Water Supply Assessment was a technical advisory document for the jurisdiction as part of CEQA.

Ms. Beth Palmer, Monterey Downs, commented that the District was able to pass a resolution in April so they must have had the enough information for an outside firm to provide a bid, a contract price, and prepare the Water Supply Assessment within the contract price. She added that if the request for the Water Supply Assessment came in August, the District had ninety days to provide it and if they needed an extension, they had to provide the request in writing for an extension of no more than thirty days. Ms. Palmer said that the written extension request was never done so the Assessment is past due. She said that under Water Code 66473B1 the City of Seaside can conditionally approve the tentative map based on the water and those conditions have to be met to record the map. Ms. Palmer added that Water Code 66473B3 comes into play later when the map is trying to be recorded and the District cannot confirm water availability, then the City has to make a finding before the map can be recorded. She also pointed out that the 2010 Urban Water Management Plan shows a water demand factor of .25 acre-feet for this size residential unit and the Water Supply Assessment has a more conservative water demand factor of .28.

Agenda Item 10-A (continued):

Mr. Williams commented that the Water Supply Assessment was accepted and passed by the Board twice and now there are changes to be made. He cautioned to think twice before changing anything.

Mr. Mike Salerno, Keep Fort Ord Wild, asked if the City of Seaside has water to allocate or are they already in a negative situation.

Mr. Stewart commented on the Veteran's Cemetery site and explained how the Master Plan has evolved and the water allocation may be even less than first thought.

Mr. Brian Boudreau, Monterey Downs, commented that the City of Seaside has no issues with this report. He said that if they have any changes they will be addressed during the EIR. Mr. Boudreau said that he agreed with Director Le's statements about the process of how water on the Ord Community was allocated. He said that no one knows when or if the projects will ever happen and it makes it hard to plan water use and they were stuck with what was allocated and they will work their way around it within CEQA guidelines.

Vice President Shriner commented that she had felt they were rushing through this when it was approved back in November. She said she asked for the documents and they were eventually delivered but they were not provided in time for the previous Board to make an informed decision.

President Moore commented that he asked for this because he would like the District to provide the most accurate information to the land use jurisdictions. He suggested in the future that Water Supply Assessments and Written Verification of Supply requests be processed separately and not in the same Board item.

11. Informational Items:

A. General Manager's Report:

No report.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner commented that it was a good meeting and there were some items that would be on the February Board agenda.

2. Joint City-District Committee:

No meeting was held in December.

3. Budget and Personnel Committee:

No meeting was held in December.

4. Executive Committee:

No meeting was held in December.

5. Community Outreach:

No comments.

6. MRWPCA Board Member:

No comments.

7. FORA

No comments.

8. LAFCO Liaison:

No comments.

9. JPIA Liaison:

No comments.

10. Special Districts Association Liaison

President Moore commented the next meeting was Tuesday, January 15th.

11. CalDesal:

No comments.

12. Board Member Requests for Future Agenda Items:

A. Reminder of January 12, 2013 Legal Issues Workshop:

President Moore reminded everyone that there was a closed session legal workshop on Saturday, January 12th.

B. Set Date for Project Workshop for RUWAP and Desalination Discussion:

Mr. Heitzman commented that a date can be decided via email.

C. Set Date for Strategic Planning Workshop:

Mr. Heitzman commented that a date can be decided via email.

Director Shriner asked that there be an agenda item for the WCC appointment, an item for a temporary videographer, a workshop for the legal summary, and to revisit the capacity charge credit issue.

Director Le asked for information on the letter that was on the dais and discussed in closed session, and a closed session item on the General Manager's contract. President Moore noted that the General Manager's evaluation was going to be done in February per his contract.

13. Director's Comments:

Director Lee commented that the Board was spending too much time in the weeds. He said that they hired a General Manager and he was given authority to do things and the Water Code gives him authority to do things, but whenever he does anything, the Board is chiding him for doing anything. Director Lee said that the Board is having a hard time staying on topic and getting out on time. He added that to take time to try and create the next agenda is wrong and should be done offline to not waste everyone's time.

President Moore noted that it was past 10:00 p.m. and a motion to continue was needed.

Vice President Shriner made a motion to continue. Director Le seconded the motion. With a vote of 3-Ayes, 1-No (Lee), 1-Absent (Gustafson), the motion was passed.

Director Le commented that at the last meeting he mentioned streamlined the committees to improve efficiency.

Vice President Shriner stated that she appreciated all the Directors deciding to participate in discourse and she hoped everyone will continue working toward positive comments and civil discourse.

President Moore thanked everyone for staying until this late hour. He also apologized to the public for an inappropriate interchange between a Director and a member of the public at the last meeting. President Moore said that everyone should treat each other with respect and as a first line of defense, Directors should try to internalize comments they may find offensive. He said that he, as Board President, was a second line of defense, while the third line of defense was the rest of the Board who could speak up.

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14. Adjournment:

The meeting was adjourned at 10:06 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Jim Heitzman, General Manager