

Marina Coast Water District

District Office
11 Reservation Road
Marina, California

Special Board Meeting
January 12, 2013
1:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 1:02 p.m. on January 12, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President
Howard Gustafson
Peter Le

Board Members Absent:

Bill Lee

Staff Members Present:

Jim Heitzman, General Manager
Roger Masuda, Legal Counsel
Mark Fogelman, Special Counsel
James Markman, Special Counsel
Jeanine DeBacker, Special Counsel – Arrived at 3:45 p.m.
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

None

3. Pledge of Allegiance

President Moore asked Mr. Roger Masuda, Legal Counsel, to lead everyone present in the pledge of allegiance.

4. Oral Communications:

Vice President Shriner commented that Fort Ord received national recognition for their land management and they have 40% of the Bureau of Land Management (BLM) volunteers working for them while holding only 1% of BLM's land.

4. Oral Communications (continued):

Vice President Shriner also shared that Pinnacles National Monument was just named a National Park with one of their large volunteer groups, the Mutsun Tribal Band, who was nationally recognized for their service with the National Park Service.

5. 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, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case No. H038550

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 54957
Conference with Legal Counsel
Public Employee Performance Evaluation
Title: General Manager

The Board took a break from 2:36 to 2:44 p.m.

Director Gustafson left the meeting at 4:02 p.m. before item 5-D.

At 4:12 p.m., Mr. Jim Heitzman, Mr. James Markman, Mr. Mark Fogelman, and Mr. Masuda left closed session following item 5-C.

At 4:16 p.m., the Board returned to Closed Session with Ms. Jeanine DeBacker present for agenda item 5-D.

The Board ended closed session at 5:27 p.m.

President Moore reconvened the meeting to open session at 5:27 p.m.

6. Possible Action on Closed Session Items:

President Moore stated that no reportable actions were taken in closed session.

7. Director's Comments:

Director Shriner thanked staff for making arrangements for a Saturday session as it was very productive. She also thanked staff for all their hard work.

President Moore thanked staff for spending their time on a Saturday helping the Board understand all the litigation the District is involved with.

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8. Adjournment:

The meeting was adjourned at 5:29 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Jim Heitzman, General Manager