

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
July 1, 2013
6:45 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:45 p.m. on July 1, 2013.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Howard Gustafson

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Jeanine DeBacker, Legal Counsel
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Kenneth Nishi, Marina Resident
Mike McCullough, MRWPCA

3. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 6:46 p.m.

4. 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 (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

3) 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)

4) 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 54956.9 (b)(1)

Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation: One Potential Case

C. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator (General Manager, District Counsel)
Property: Water Rights
Negotiating Parties: Clark Colony Water Company and MCWD
Under Negotiations: Price and Terms

D. Pursuant to Government Code 54957.6

Conference with Labor Negotiator (Howard Gustafson)
Unrepresented Employee (Interim General Manager)

The Board ended closed session at 7:15 p.m.

President Moore reconvened the meeting to open session at 7:16 p.m.

5. Possible Action on Closed Session Items:

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

6. Pledge of Allegiance:

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

7. Oral Communications:

Mr. Kenneth Nishi, Marina resident, commented that he had not received an answer for the question he asked at the June 17th meeting regarding Mr. Heitzman's contract. Mr. Nishi also stated that he was not allowed to comment on the Joint City/District Committee item at the June 17th meeting and asked for answers to several questions regarding the Marina Teen Center.

Mr. Roger Masuda, Legal Counsel, answered that on May 20th during closed session, the Board members negotiated the parameters of the separation agreement and it was signed by Mr. Heitzman on May 31st and was final on June 8th.

Mr. Brian Lee, Interim General Manager, commented that with regards to the Teen Center, he had followed procedures as he interpreted them to be and that maybe at a future meeting there should be discussion to clarify the role of the District Engineer.

8. Consent Calendar:

Director Le requested to pull item 8-D from the Consent Calendar. President Moore requested to pull agenda items 8-A, 8-B, and 8-C from the Consent Calendar.

A. Approve the Draft Minutes of the Regular Board Meeting of May 20, 2013:

Director Le made a motion to approve the draft minutes of the regular Board meeting of May 20, 2013. Vice President Shriner seconded the motion. The motion was passed.

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

B. Approve the Draft Minutes of the Regular Board Meeting/Budget Workshop of June 3, 2013:

Vice President Shriner made a motion to adopt the draft minutes of the regular Board meeting/Budget Workshop of June 3, 2013. Director Le seconded the motion. The motion was passed.

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

C. Approve the Draft Minutes of the Adjourned Regular Board Meeting of June 13, 2013:

Mr. Nishi asked if Human Resources Legal Counsel was present or on the phone during closed session of this meeting. Mr. Masuda answered that the separation agreement was already final as of that meeting and there was no closed session discussion regarding the General Manager.

Vice President Shriner made a motion to adopt the draft minutes of the adjourned regular Board meeting of June 13, 2013. Director Le seconded the motion. The motion was passed.

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

D. Approve the Draft Minutes of the Regular Board Meeting of June 17, 2013:

Vice President Shriner noted that the roll call on page 3 of the minutes had the wrong Director absent. President Moore requested the minutes to show Director Le as an excused absence.

Vice President Shriner made a motion to adopt the draft minutes of the regular Board meeting of June 17, 2013 with the corrections noted. President Moore seconded the motion. The motion was passed.

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

9. Action Items:

A. Consider Adoption of Resolution No. 2013-41 to Amend the Mass Mutual (Hartford) 457(b) Deferred Compensation Plan to Allow Rollover Contributions and Plan-to-Plan Transfers:

Ms. Jean Premutati introduced this item.

Director Le made a motion to adopt Resolution No. 2013-41 amending the Mass Mutual (Hartford) 457(b) Deferred Compensation Plan to Allow Rollover Contributions and Plan-to-Plan Transfers. Vice President Shriner seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2013-42 to Approve an Agreement with Monterey Peninsula Unified School District for Construction and Transfer of Water Infrastructure at Marina High School:

Mr. Lee introduced this item. There were clarifying questions. This item will be brought back to the next meeting with corrections.

- C. Consider Adoption of Resolution No. 2013-43 to Approve a Quitclaim Deed of an Abandoned Potable Water Pipe and Easements to Monterey Peninsula Unified School District:

Mr. Lee introduced this item. There were clarifying questions. This item will be brought back to the next meeting with corrections.

- D. Receive the Compilation of Draft Comments on the Notice of Preparation for the Monterey Regional Water Pollution Control Agency's Monterey Peninsula Groundwater Replenishment Project's Environmental Impact Report and Provide Direction to Staff Regarding Submittal of Final Comments:

Director Le made a motion to direct staff to send a letter to the Monterey Regional Water Pollution Control Agency with the final comments as provided in the packet. Vice President Shriner seconded the motion. The motion was passed.

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

- E. Consider Continued Membership in CalDesal – an Advocacy Organization for Desalination:

Mr. Lee introduced this item.

Director Le made a motion to discontinue membership with CalDesal. Vice President Shriner seconded the motion. The motion was passed.

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

- F. Consider Nominating a District Board Member to the Position of President or Vice President to the Association of California Water Agencies Board:

Mr. Lee introduced this item.

Agenda Item 9-F (continued):

Director Le made a motion to take no position on the nomination. Vice President Shriner seconded the motion. The motion was passed.

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

G. Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Board of Directors Region 3, Seat B:

Mr. Lee introduced this item.

Director Le made a motion to vote for the incumbent, Sherry Sterrett. Vice President Shriner seconded the motion. The motion was passed.

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

H. Discuss Possible Participation in the Community Labor Day Parade:

Vice President Shriner introduced this item. Mr. Lee stated that staff would bring this item back with information regarding costs and participation in the parade.

10. Informational Items:

A. General Manager's Report:

Mr. Lee reported that the District is working with the City of Marina regarding the backflow issues that were brought up at the last Board meeting. He also noted that staff has met with the customer with the high water bill and it has been resolved. Mr. Lee stated that an updated budget schedule was included in the packet as well as the latest evaluation form that was provided by FORA. Mr. Lee informed the Board that the District's finance department was awarded a 2012 certificate of achievement for the Comprehensive Annual Financial Report (CAFR).

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner noted that there was an open application period for four positions until 5:00 p.m. on July 11th. Director Le stated he would like to have a joint meeting on August 1st between the Community Outreach and Water Conservation Commission.

2. Joint City District Committee:

President Moore stated that there was discussion on a State of the District presentation.

3. Executive Committee:

No meeting was held.

4. Community Outreach:

Director Le said that they were going to contact CSUMB and there might be a joint meeting in August with the Water Conservation Commission.

5. MRWPCA Board Member:

President Moore stated that they met on June 24th and authorized consultant work for \$2.3 million on the groundwater recycling proposal.

6. LAFCO Liaison:

Director Le stated that there were no items of interest to the District.

7. FORA:

President Moore commented that the state legislature approved a bill to provide \$1.5 million towards the Veteran's Cemetery. The next meeting was rescheduled for July 12th.

8. WWOC:

Mr. Lee stated that there was no quorum so they did not hold the meeting.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

President Moore stated that the next meeting is July 16th.

11. CalDesal:

No report.

11. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le suggested the Board discuss whether to assign a Director to attend the California Special Districts Association conference in September.

Vice President Shriner suggested that the Board discuss the flow of communication by Directors with regards to questions and answers before the meetings. She also stated that she would like to discuss how to record the Director's comments in the action minutes.

President Moore commented that the Board Procedures Manual needed updating and asked if August was soon enough to look at it. The Board members concurred that August was a good time to review it.

Director Lee stated that he would like to discuss funding for low-income customers through a donation program at the August 1st meeting.

12. Director's Comments:

Director Lee commented that a previous Water Conservation Commission member was sent to Iraq and is now being sent to Afghanistan but while on the Commission, he spoke of how the water education program in the elementary schools made a big impact on him.

Vice President Shriner inquired when the Strategic Planning Workshop was coming back before the Board. Mr. Lee answered that staff was meeting with the consultant in July and then will discuss when it will come back to the Board.

President Moore thanked and congratulated Ms. Cadiente on winning another CAFR award for the District.

The Board recessed from 8:40 to 8:45 p.m.

The Board returned to closed session at 8:45 p.m.

4. Closed Session:

- A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
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Under Negotiations: Price and Terms

D. Pursuant to Government Code 54957.6
Conference with Labor Negotiator (Howard Gustafson)
Unrepresented Employee (Interim General Manager)

The Board ended closed session at 10:08 p.m.

President Moore reconvened the meeting to open session at 10:09 p.m.

5. Possible Action on Closed Session Items:

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

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13. Adjournment:

The meeting was adjourned at 10:09 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary