

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
December 2, 2013
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on December 2, 2013.

2. Roll Call:

Board Members Present:

Tom Moore – President
Jan Shriner – Vice President – arrived at 6:02 p.m.
Bill Lee
Peter Le

Board Members Absent:

Howard Gustafson

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
James Derbin, Operations and Maintenance Superintendent
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Ernest Pons, Customer Service Supervisor
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Joe Correa
Jose Rodriguez
Susan Kiefert
Tony Kelsey
Joshua Kelsey
Rene Magdaleno
Ken Pun, Pun and McGeady
Paula Pelot, Preston Park Tenants Association
Ken Nishi, Marina Resident

3. Public Comment on Closed Session Items:

No comments.

Director Shriner arrived at 6:02 p.m.

The Board entered into closed session at 6:02 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)

The Board ended closed session at 6:59 p.m.

President Moore reconvened the meeting to open session at 7:00 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 Director Lee to lead everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Paula Pelot, Preston Park Tenants Association, encouraged contributions of money, labor and food to the Thomas Carman Food Pantry at 425 at the Epiphany Lutheran Church.

Mr. Kenneth Nishi, Marina resident, asked why the Board members continue to violate the Brown Act. He referenced a recent newspaper article.

8. Presentation:

- A. Consider Adoption of Resolution No. 2013-61 in Recognition of Jose Rodriguez, System Operator II, for 10 Years of Service to the Marina Coast Water District:

President Moore made a motion to adopt Resolution No. 2013-61 recognizing Jose Rodriguez, System Operator II, and awarding him a plaque and gift certificate for 10 years of service to the Marina Coast Water District. 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			

9. Consent Calendar:

Director Le requested to pull items 9-A and 9-B from the Consent Calendar.

Vice President Shriner made a motion to approve the Consent Calendar consisting of the following item:

- C) Approve the Revised Draft Minutes of the Regular Board Meeting of October 21, 2013

Director Le seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent (Gustafson) the motion was passed.

- A. Adopt Resolution No. 2013-62 to Amend the MCWD Employee Handbook, Section 13 – *Employee Relations*:

Vice President Shriner made a motion to amend the MCWD Employee Handbook, Section 13 – *Employee Relations*. Director Le seconded the motion. Ms. Pelot commented that a side-letter could be done to the Memorandum of Understanding so that it true's up to the Employee Handbook. The motion was passed.

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

- B. Approve the Expenditures for the Month of October 2013:

Vice President Shriner made a motion to approve the expenditures for the month of October 2013. President Moore seconded the motion. The motion was passed.

Agenda Item 9-B (continued):

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

10. Action Items:

- A. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2013:

Mr. Ken Pun, Pun & McGeady, gave a presentation on the Independent Auditor's Report for fiscal year ended June 30, 2013.

Ms. Pelot questioned *Note 4 – Receivables* on page 26 of the report.

Director Le made a motion to table this item. The motion died for lack of a second.

Director Lee made a motion to accept the Comprehensive Annual Financial Report and the Independent Auditor's Report for the fiscal year ended June 30, 2013. Vice President Shriner seconded the motion. Discussion followed. Director Lee called for the question. With a vote of 3-Ayes, 1-Absent, the call for the question was approved. The motion was passed.

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

- B. Receive an Update from the Audit Ad Hoc Committee:

Ms. Pelot requested that the District verify that the costs are being appropriately allocated.

- C. Approval by the Board of Directors of the Proposition 218 Protest Count for Central Marina and Determination by the Board of Directors Whether a Valid Majority Protest Occurred:

Mr. Lee requested to defer this item until next meeting. The Board concurred.

Ms. Pelot voiced her concerns that the mail files were corrupted.

- D. Consider Validating the Number of Proposition 218 Protests Tabulated on October 21, 2013 for the Proposed Increases in District Rates, Fees, and Charges for the Ord Community or Providing Other Direction to Staff:

Mr. Lee requested to defer this item until next meeting. Ms. Pelot reiterated that the mail files were fatally corrupted.

E. Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Policy Manual:

Director Le made a motion to adopt Resolution No. 2013-57 to amend Section 16 of the Board Policy Manual with suggested changes. 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 the Next Steps to Hire a Full-Time General Manager:

President Moore made a motion for staff to bring back for Board review, a Draft Request for Proposals (RFP) to be sent to recruiting firms. Vice President Shriner seconded the motion. Ms. Pelot commented that the language in the Recruitment Policy should read “promotional” and “open” instead of “internal” and “external”. The motion was passed.

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

11. Informational Items:

A. General Manager’s Report:

Mr. Lee reminded the Board that they had a draft Strategic Plan Word document for their review and he would like the suggested changes returned to him by December 4th.

B. Counsel’s Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner commented that the next meeting was December 5th at 5:30 p.m.

2. Joint City District Committee:

President Moore commented that the next meeting was scheduled for December 18th.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Vice President Shriner commented that she was volunteering at Santa's House in the Dunes Shopping Center on December 7th. Director Le asked for an item on the next agenda to discuss topics for the Community Outreach Committee to discuss with other agencies.

5. MRWPCA Board Member:

President Moore stated that they met on November 25th.

6. LAFCO Liaison:

Director Le reported that there was nothing of interest to the District.

7. FORA:

President Moore reminded everyone that there was a colloquium on December 12th and 13th at CSUMB being held by CSUMB and FORA.

8. WWOC:

Mr. Lee stated the next meeting was scheduled for December 18th.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

No report.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Lee, Director Le, Vice President Shriner, and President Moore made requests.

13. Director's Comments:

Director Lee, Vice President Shriner, and President Moore made comments.

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14. Adjournment:

The meeting was adjourned at 9:55 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary