



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HOWARD GUSTAFSON
WILLIAM Y. LEE
PETER LE

Agenda Special Board Meeting Board of Directors Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue, Marina, California
Saturday, January 11, 2014, 9:00 a.m.

This meeting has been noticed according to the Brown Act rules.

Mission: *Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Vision: *The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.*

1. **Call to Order – 9:00 AM**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Oral Communications** *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*
5. **Action Items** *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these items as each item is reviewed by the Board. Please limit your comment to four minutes.*
 - A. Consider a One-Time Waiving of the Requirement in Section 17 of the Board Procedures Manual Where a Request for an Agenda Item be Submitted Seventeen Days Prior to the Board Meeting

Action: The Board of Directors will consider waiving of the requirement in Section 17 of the Board Procedures Manual where a request for an agenda item be submitted seventeen days prior to the Board meeting for this one-time basis.

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 24 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, January 9, 2014 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Board Clerk at: 831-883-5910. The next regular meeting of the Board of Directors is scheduled for February 3, 2014.

- B. Consider Adoption of Resolution No. 2014-03 to Provide Legal Representation for Director Le During the Investigation of Employee Complaints Against His Actions

Action: The Board of Directors will consider whether to provide legal representation for Director Le during the investigation of employee complaints against his actions.

- C. Election of Board President and Vice-President

Action: The Board will elect two Directors to serve as President and Vice President of the Board until December 2014.

- D. Consider Adoption of Resolution No. 2014-04 to Fund Weatherization of the Fort Ord Station Veterinary Hospital Barracks Located at 2872 Fifth Avenue

Action: The Board of Directors will consider contributing funds towards weatherizing the District-owned Fort Ord Station Veterinary Hospital Barracks and designating the source of those funds.

6. Workshop

- A. Strategic Planning Workshop

The Board of Directors will consider the District's mission, vision and core values statements, and discuss a five year strategy for the District and provide direction to staff on compilation of the final document.

Noon – Recess

1:00 PM

- 7. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

8 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)

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9
One Potential Case

9. Possible Action on Closed Session Items *The Board will report out on any action taken during Closed Session, and may take additional action in Open Session, as appropriate. Any closed session items not completed will be discussed at the end of the meeting.*

10. Directors Comments

11. Adjournment *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Monday, February 3, 2014, 6:45 p.m.,
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-A

Meeting Date: January 11, 2014

Requested By: Directors Shriner and Moore

Presented By: Brian C. Lee

Agenda Title: Consider a One-Time Waiving of the Requirement in Section 17 of the Board Procedures Manual Where a Request for an Agenda Item be Submitted Seventeen Days Prior to the Board Meeting

Detailed Description: On January 8, 2014, Director Le requested to add an item to the January 11, 2014 special meeting agenda concerning legal representation during the investigation of employee complaints against him. The Board of Directors is requested to consider waiving the requirement in Section 17 of the Board Procedures Manual where a Director must request, in writing, adding an agenda item seventeen days before the meeting. This would be a one-time waiver.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: Staff has no recommendation as this is a Board requested item.

Action Required: ___Resolution ___X___Motion ___Review

Board Action

___Resolution No___ Motion By___ Seconded By___

Ayes___ Abstained___

Noes___ Absent___

Reagendized___ Date___ No Action Taken___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-B

Meeting Date: January 11, 2014

Requested By: Director Le

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-03 to Provide Legal Representation for Director Le During the Investigation of Employee Complaints Against His Actions

Detailed Description: This item will be considered at this meeting only upon a majority approval of Agenda Item 5-A.

The Board of Directors is requested to consider provide legal representation for Director Le during the investigation of employee complaints against him.

Director Le stated that since the District recommended hiring a qualified investigator to look into complaints made against him, he was requesting that the District provide legal representation for him during the investigation as he was acting as a Director during the complaint periods.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2014-03.

Staff Recommendation: Staff has no recommendation as this is a Board requested item.

Action Required: ___ X Resolution ___ Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

January 11, 2014

Resolution No. 2014-03
Resolution of the Board of Directors
Marina Coast Water District
Providing Legal Representation for Director Le During the Investigation
of Employee Complaints Against His Actions

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on January 11, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on December 3, 2013, District staff telephoned Special Legal Counsel and stated that a pattern of what staff believes constitute inappropriate, unprofessional, and potentially harassing behavior by Director Peter Le that had been a regular part of Board meetings had continued and apparently escalated during the December 2, 2013 meeting; and,

WHEREAS, on December 17, 2013, District staff repeated the complaint to Counsel based on conduct at the December 16 Board meeting; and,

WHEREAS, on January 6, 2014, the Board of Directors approved retaining an outside investigator to determine if there is any additional, relevant evidence of allegedly inappropriate conduct by Director Le in his communications with District staff and consultants; and,

WHEREAS, on January 8, 2014, Director Le requested the Board consider providing him legal representation during the investigation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize legal representation for Director Le during the investigation of complaints against him.

PASSED AND ADOPTED on January 11, 2014 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2014-03 adopted January 11, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-C

Meeting Date: January 6, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Election of Board President and Vice President

Detailed Description: Resolution No. 98-1, as amended, states that the Board will annually elect a President and Vice-President. The Board Procedures Manual last revised on December 2, 2013 states:

“This District shall have a President who shall be elected by the Board from among the five (5) elected directors. The President shall be elected annually in the month of December. It is the Board's policy to rotate the office of President among the Board members and no Director shall serve more than three (3) consecutive years as president.”

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board considered this item on December 16, 2013 and January 6, 2014 and was unable to procure a majority vote for either President or Vice President.

Board Goals/Objectives: *Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: N/A

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors elect a President and Vice-President to serve the next 1-year term.

Action Required: Resolution Motion Review

Board Action

Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-D

Meeting Date: January 11, 2014

Requested By: Director Shriner

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-04 to Fund Weatherization of the Fort Ord Station Veterinary Hospital Barracks Located at 2872 Fifth Avenue

Detailed Description: The Board of Directors is requested to consider funding weatherization of the District-owned Fort Ord Station Veterinary Hospital Barracks.

The Office of Historic Preservation (OHP) received a nomination package to consider the Fort Ord Veterinary Hospital for the National Register of Historic Places. The National Register is the official list of the Nation's cultural resources worthy of recognition and preservation.

As the property owner of record, on June 17, 2013, the District voted to support the nomination and sent a letter of support to the OHP.

It has been requested that the Board consider funding weatherization of the building.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On June 17, 2013, the District voted to support the nomination of the Fort Ord Veterinary Hospital for the National Register of Historic Places and sent a letter of support to the OHP.

Board Goals/Objectives: *Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: The Board will determine the source of the funds.

Material Included for Information/Consideration: Resolution No. 2014-04.

Staff Recommendation: Staff has no recommendation as this is a Board requested item.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

January 11, 2014

Resolution No. 2014-04
Resolution of the Board of Directors
Marina Coast Water District
Fund Weatherization of the Fort Ord Station Veterinary Hospital Barracks
Located at 2872 Fifth Avenue

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on January 11, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Office of Historic Preservation (OHP) received a nomination package to consider the Fort Ord Veterinary Hospital for the National Register of Historic Places. The National Register is the official list of the Nation’s cultural resources worthy of recognition and preservation; and,

WHEREAS, on June 17, 2013, the District voted to support the nomination of the Fort Ord Veterinary Hospital for the National Register of Historic Places and sent a letter of support to the OHP.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize funding the weatherization of the Fort Ord Station Veterinary Hospital Barracks Located at 2872 Fifth Avenue and designates the funds to come from _____.

PASSED AND ADOPTED on January 11, 2014 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2014-04 adopted January 11, 2014.

Brian C. Lee, Secretary