

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Special Board Meeting  
January 11, 2014  
9:00 a.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 9:00 a.m. on January 11, 2014.

2. Roll Call:

Board Members Present:

Tom Moore – President  
Jan Shriner – Vice President  
Howard Gustafson  
Bill Lee

Board Members Absent:

Peter Le

Staff Members Present:

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

Audience Members:

Brent Ives, BHI Consulting  
Kenneth Nishi, Marina Resident  
Dan Amadeo, Marina Resident

3. Pledge of Allegiance:

President Moore asked Ms. Paula Riso to lead everyone present in the pledge of allegiance.

4. Oral Communications:

None.

5. Action Items:

- 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:

Vice President Shriner made a motion to 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. President Moore seconded the motion. The motion failed.

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

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

With the failure of the motion on item 5-A, this item was not considered.

- C. Election of Board President and Vice President:

Director Shriner nominated Director Moore for President. Director Moore seconded the nomination.

Director Lee nominated Director Gustafson for President. Director Gustafson seconded the nomination.

Director Le was absent.

Director Lee voted for Director Gustafson.

Director Gustafson voted for Director Gustafson.

Director Shriner voted for Director Moore.

Director Moore voted for Director Moore.

A majority vote did not occur for either nomination.

Director Moore nominated Director Shriner for Vice President. Director Shriner seconded the nomination.

Director Gustafson nominated Director Lee for Vice President. Director Lee seconded the nomination.

Director Le was absent.

Director Lee voted for Director Lee.

Director Gustafson voted for Director Lee.

Director Shriner voted for Director Shriner.

Director Moore voted for Director Shriner.

Agenda Item 5-C (continued):

A majority vote did not occur for either nomination.

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

Vice President Shriner made a motion to direct staff to communicate with the Marina City Manager to see if the District could work with the City's contractor and get a rough estimate on keeping the rain and animals out of the building at a cost not-to-exceed \$5,000. Director Gustafson seconded the motion. Mr. Dan Amadeo, Marina resident, commented that the City of Marina was paying for their project from the National Park Service parcels and suggested the District see if their building could be included in those funds or asking if the Fort Ord War Horse could donate funds toward the project. Mr. Kenneth Nishi, Marina resident, voiced his concern over the District spending public funds on something that is not a mission of the District. He suggested the Board members interested in weatherizing the building contribute their personal money.

Vice President Shriner amended her motion to include looking into private funding or funding through the National Park Service. Director Gustafson seconded the motion. The motion was passed.

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

6. Workshop:

A. Strategic Planning Workshop:

Mr. Brent Ives, BHI Consulting, reviewed the latest draft of the Five-Year Strategic Plan. The Board provided comments and suggested changes to the draft Plan. Mr. Ives will provide a final draft by February 18<sup>th</sup> and bring back to the Board for consideration as soon as possible after that.

President Moore recessed the meeting from 12:16 p.m. until 1:00 p.m.

7. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session at 1:01 p.m.

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

Director Gustafson left the meeting at 2:15 p.m.

The Board ended closed session at 2:22 p.m.

President Moore reconvened the meeting to open session at 2:23 p.m.

9. Possible Action on Closed Session Items:

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

10. Director's Comments:

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

11. Adjournment:

The meeting was adjourned at 2:24 p.m.

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APPROVED:

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Thomas P. Moore, President

ATTEST:

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Brian C. Lee, Deputy Secretary