

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
February 18, 2014  
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on February 18, 2014.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

None

Staff Members Present:

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

Audience Members:

David Burnett, Marina Resident  
Kenneth Nishi, Marina Resident  
Paula Pelot, Preston Park Tenants Association

3. Public Comment on Closed Session Items:

No comments.

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  
(Requested by the Board)

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  
(Requested by the Board)

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)  
(Requested by the Board)

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  
(Requested by the Board)

C. Pursuant to Government Code 54957

Public Employee Performance Evaluation  
Title: Interim General Manager  
(Requested by the Board)

The Board ended closed session at 6:57 p.m.

President Moore reconvened the meeting to open session at 7:00 p.m.

5. Possible Action on Closed Session Items:

Mr. Roger Masuda, Legal Counsel reported that the Board authorized payment to Steve Churchwell who represented Jim Heitzman during his deposition taken by California American Water Company for an additional amount of \$7,212.50; and, authorized payment to Jim Heitzman for his time in the deposition for an amount of \$4,674.

Agenda Item 5 (continued):

The authorization was approved by the following vote:

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

Ms. Jeanine DeBacker, Special Legal Counsel, added that the Board also approved an additional payment of \$377.51 to Steve Churchwell that went above the previously authorized contract amount.

6. Pledge of Allegiance:

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

7. Oral Communications:

President Moore apologized for the technical glitch that prohibited people from watching the February 3<sup>rd</sup> meeting live.

An audience member asked if the District had a program or information on rainwater harvesting.

Mr. David Burnett, Marina resident, thanked Mr. Brian Lee, Interim General Manager, and Vice President Shriner for attending the Marina Planning Commission meetings. He added that the District's Board has a real insight into the water issues that impact the ratepayers in the City of Marina and would like to see the District and City work together on what's best for the citizens of Marina.

8. Election of Board President and Vice President:

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

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

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

The nomination for Director Moore for President was passed.

Director Lee made a motion to nominate Director Gustafson for Vice President. Director Gustafson seconded the nomination.

Agenda Item 8 (continued):

Director Moore made a motion to nominate Director Shriner for Vice President. Director Shriner seconded the nomination. Ms. Paula Pelot, Preston Park Tenants Association, commented that three Board positions were up for re-election in November and suggested the two members not for re-election should be in these positions.

Director Lee	-	Le	Vice President Shriner	-	Shriner
Director Gustafson	-	Gustafson	President Moore	-	Shriner
Director Le	-	None			

The nomination for Vice President failed.

Director Gustafson made a motion to table the nomination of Vice President. Director Shriner seconded the motion. Mr. Masuda clarified that by tabling the nomination, Director Shriner would continue in the Vice President position until she gets replaced.

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

9. Consent Calendar:

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

Director Gustafson made a motion to approve the Consent Calendar consisting of the following item:

- C) Adopt Resolution No. 2014-06 to Revise Policy No. 3.1 Equal Employment Opportunity of the Employee Handbook

Vice President Shriner seconded the motion. The motion was passed.

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

A. Receive and File the Check Register for the Month of January 2014:

Director Gustafson made a motion to receive and file the check register for the month of January 2014. Vice President Shriner seconded the motion. The motion was passed.

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

- B. Adopt Resolution No. 2014-05 to Approve an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services:

Director Gustafson made a motion to adopt Resolution No. 2014-05 to approve an amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for on-call engineering services. Vice President Shriner seconded the motion. The motion was passed.

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

10. Action Items:

- A. Receive a Verbal Report from Special Legal Counsel Regarding the Investigation on Employee Complaints Against Director Peter Le:

The Board received a verbal report from Special Legal Counsel regarding the investigation on employee complaints against Director Le. No action was taken on this item.

- B. Consider Adoption of Resolution No. 2014-07 to Declare a Stage One Conservation Level:

Director Gustafson made a motion to adopt Resolution No. 2014-07 to declare a Stage One Conservation Level. Vice President Shriner seconded the motion. The motion was passed.

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

- C. Receive the FY 2013-2014 Mid-Year Report:

Director Gustafson made a motion to receive the FY 2013-2014 mid-year report. Vice President Shriner seconded the motion. The motion was passed.

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

- D. Receive Draft District FY 2014-2015 Budget Schedule and Set Date for the 2014-2015 Budget Workshop:

Director Gustafson made a motion to receive the draft District FY 2014-2015 Budget schedule and set March 17, 2014 for the 2014-2015 Budget Workshop. Vice President Shriner seconded the motion.

Agenda Item 10-D (continued):

The motion was passed.

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

E. Consider Director Appointments to the LAFCO and FORA Committees of the Board for 2014:

Director Gustafson made a motion to appoint President Moore to the FORA Committee. Vice President Shriner seconded the motion. The motion was passed.

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

Director Le made a motion to appoint Vice President Shriner to the LAFCO Committee. Vice President Shriner seconded the motion. The motion was passed.

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

F. Consider Adoption of Resolution No. 2014-08 to Approve a Professional Services Agreement to Conduct an Executive Recruitment and Placement for the Position of General Manager:

Vice President Shriner made a motion to adopt Resolution No. 2014-08 to Approve a Professional Services Agreement with Neher & Associates to conduct an Executive Recruitment and placement for the position of General Manager. Director Gustafson seconded the motion. The motion was passed.

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

G. Consider the Sale of Surplus Property – 11 Reservation Road, Marina:

Vice President Shriner made a motion to have staff do a feasibility study on how to subdivide and maintain the property needed for future projects and the cost of consolidating staff and a timeline. President Moore seconded the motion.

Agenda Item 10-G (continued):

The motion was passed.

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

H. Consider Impact of Request for Board Agenda Items:

Vice President Shriner made a motion to authorize the President and Vice President to review the Board meeting agendas until the Board Procedures Manual is complete and sets the pace of agenda items through the end of May 2014. President Moore seconded the motion. The motion was passed.

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

11. Informational Items:

A. General Manager's Report:

Mr. Lee commented that a company called PERC Water gave a presentation to local General Managers on opportunities for reclamation of the command facility and water supply projects for the Monterey County Water Resources Agency and having the water available to other agencies. He stated that PERC will give a presentation to the District Board on March 17<sup>th</sup>. With regards to the annexation, Mr. Lee commented that staff is waiting for documentation from LAFCO.

B. Counsel's Report:

No report.

Directors Lee and Gustafson left the meeting at 9:17 p.m.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner gave a brief update.

2. Joint City District Committee:

President Moore commented that the next meeting was scheduled for February 26<sup>th</sup>.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Director Le gave a brief update.

5. MRWPCA Board Member:

President Moore stated that the next meeting is February 24<sup>th</sup>.

6. LAFCO Liaison:

No report.

7. FORA:

President Moore gave a brief update and stated that the next meeting was March 14<sup>th</sup>.

8. WWOC:

Mr. Lee stated that the draft Budget process for FY 2014-2015 would be presented on February 19<sup>th</sup>.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

The next meeting is scheduled for April 15, 2014.

12. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Vice President Shriner made requests.

13. Director's Comments:

Director Le requested to revisit item 11-C5 and 11-C6. Discussion followed.



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Return to agenda item 13.

Vice President Shriner and President Moore made comments.

14. Adjournment:

The meeting was adjourned at 9:35 p.m.

APPROVED:

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Thomas P. Moore, President

ATTEST:

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Brian C. Lee, Deputy Secretary