

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
May 5, 2014
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on May 5, 2014.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Howard Gustafson

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Jeanine DeBacker, Special Legal Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Brian True, Capital Projects Manager

Audience Members:

Susan Kiefert, MCWD Employee
Tony Kelsey, MCWD Employee
Joshua Kelsey
Nancy Graham
Kenneth Nishi, Marina Resident
Dan Amadeo, Marina Resident/Water Conservation Commissioner – arrived at 8:40 p.m.
Grace Silva-Santella, Marina Resident/Water Conservation Commissioner
JoAnn Cannon, Marina Resident/Water Conservation Commissioner
Laura Lee Leink, CSUMB
Suzie Wooster, CSUMB

3. Public Comment on Closed Session Items:

No comments.

President Moore stated that the Board would enter into closed session to discuss the following items as time permits:

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 Nos. H038550 and H039559

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, San Francisco Superior Court Case No. CGC-13-528312 (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
Two Potential Cases

- C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: Interim General Manager

The Board entered closed session at 6:01 p.m. The Board ended closed session at 6:58 p.m.

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

5. Possible Action on Closed Session Items:

President Moore reported that the Board discussed items 4-A1, 4-A2, 4-A3, 4-B, and 4-C during closed session. Mr. Roger Masuda, Legal Counsel, stated that no reportable actions were taken in closed session.

6. Pledge of Allegiance:

President Moore asked Mr. Brian Lee, Interim General Manager, to lead everyone present in the pledge of allegiance.

7. Oral Communications:

None.

8. Election of Board Vice President:

Noting that there was not a full Board present, Vice President Shriner made a motion to table this until the next meeting. Director Lee seconded the motion. The motion was passed.

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

9. Public Hearing:

A. Receive Public Comment on Proposed Changes in District Capacity Charges for the Ord Community Service Area:

President Moore opened the Public Hearing at 7:04 p.m.

After receiving no public comments, President Moore closed the Public Hearing at 7:04 p.m.

10. Presentations:

A. Consider Adoption of Resolution No. 2014-17 in Recognition of Susan Kiefert, Customer Service Representative II, for 30 Years of Service to the Marina Coast Water District:

President Moore made a motion to adopt Resolution No. 2014-17 in recognition of Susan Kiefert, Customer Service Representative II, for 30 years of service to the Marina Coast Water District. Director Lee seconded the motion. The motion was passed.

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

President Moore presented Ms. Keifert with a plaque and gift certificate.

B. Receive a Brown Act Training Session from Special Legal Counsel:

Ms. Jeanine DeBacker, Special Legal Counsel, gave a brief training session on the Brown Act.

Agenda Item 10-B (continued):

The Board asked clarifying questions regarding training for members of District committees and Board members attending outside agency functions.

Mr. Kenneth Nishi, Marina resident, disagreed with a comment made by President Moore regarding the Marina City Council meeting. In addition, he voiced his concerns over there being a quorum of the Water Conservation Commission present. Mr. Nishi also voiced his concerns over individual Directors meeting with the General Manager to possibly discuss the same items.

Ms. DeBacker stated that she would bring back answers to the Board and public member questions at the next meeting.

Mr. Brian True, Capital Projects Manager, commented that there was *not* a quorum of the Water Conservation Commission present at that time. He said a quorum would require four members and only three were present.

Vice President Shriner asked if the Board would consider moving agenda item 12-C up on the agenda in order to accommodate the public members present for that item. There was consensus from the Board to move to agenda item 12-C.

12. Action Item:

- C. Provide Direction to MCWD's Interim General Manager Regarding the Water Conservation Commission's Recommendation to Engage with CSUMB to Develop Water Conservation Outreach Activities:

Ms. JoAnn Cannon, Marina Resident/Water Conservation Commissioner, gave a brief presentation to the Board regarding the District joining with CSUMB and their Service Learning Program.

Ms. Laura Lienk, CSUMB, explained how the Service Learning and Cap Stone programs work.

Ms. Susie Wooster, CSUMB, gave a brief explanation on how the Service Learning Program and CSUMB staff will work with the District.

Ms. Grace Silva-Santella, Marina Resident/Water Conservation Commissioner, encouraged the Board to consider working with CSUMB and the Service Learning Program.

Director Lee made a motion to have staff review the Memorandum of Understanding for the Service Learning Program and negotiate possible changes with CSUMB staff before bringing it back for Board consideration on June 2, 2014. Vice President Shriner seconded the motion.

Mr. Dan Amadeo, Marina Resident Water Conservation Commissioner, advised the Board that the meeting was not being televised live.

Agenda Item 12-C (continued):

Ms. Silva-Santella left the meeting at 8:40 p.m. to avoid a quorum of the Water Conservation Commission.

Mr. Amadeo voiced his support for proper resourcing of the Outreach and Conservation programs and mentioned several ideas the District might want to pursue.

The motion to have staff review the Memorandum of Understanding for the Service Learning Program and negotiate possible changes with CSUMB staff before bringing it back for Board consideration on June 2, 2014 was passed.

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

11. Consent Calendar:

Director Le stated he wanted to pull Items A and B from the Consent Calendar.

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

- C) Approve the Revised Draft Minutes of the Regular Board Meeting of April 7, 2014
- D) Approve the Draft Minutes of the Regular Board Meeting of April 21, 2014

President Moore seconded the motion. The motion was passed.

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

A. Dissolution of the Audit Ad Hoc Committee:

Director Le made a motion to approve dissolution of the Audit Ad Hoc Committee and bring Vice President Shriner's recommendations back to a future meeting as an action item for discussion. Director Lee seconded the motion. The motion was passed.

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

B. Receive and File the Check Register for the Month of March 2014:

Vice President Shriner made a motion to receive and file the Check Register for the month of March 2014. President Moore seconded the motion. The motion was passed.

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

12. Action Items:

A. Consider Adoption of Resolution No. 2014-18 to Approve the Changes in Capacity Charges for Water and Wastewater Services for the Ord Community Services Area:

Mr. Masuda pointed out some clerical errors in the Resolution. Discussion followed.

Vice President Shriner made a motion to adopt Resolution No. 2014-18 to approve the changes in Capacity Charges for water and wastewater services for the Ord Community services area with the numbering errors, including the one in Section 3, corrected. President Moore seconded the motion. Discussion on the Carollo Tech Memo followed. The motion was passed.

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

B. Consider Second Reading of Ordinance No. 57 Approving New District Capacity Charges for the Central Marina Service Area and Adoption of Ordinance No. 57:

Vice President Shriner made a motion to waive the reading of the entire Ordinance No. 57, an Ordinance amending Sections 6.08.090, 6.12.020, and 6.12.040, of the District Code changing Capacity Charges for water and wastewater services for the Central Marina Service Area. President Moore seconded the motion. The motion was passed.

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

Vice President Shriner made a motion to approve Ordinance No. 57. President Moore seconded the motion. The motion was passed.

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

D. Consider Designating Real Property Negotiator(s) to Discuss the Recycled Water Pipeline and Possible Terms and Conditions with the Monterey Regional Water Pollution Control Agency:

Director Le made a motion to appoint President Moore and himself to be the real property negotiators to discuss the Recycled Water Pipeline and possible terms and conditions with the Monterey Regional Water Pollution Control Agency (MRWPCA). President Moore seconded the motion.

Vice President Shriner made a substitute motion to appoint President Moore and Director Lee to be the real property negotiators to discuss the Recycled Water Pipeline and possible terms and conditions with the MRWPCA. Director Lee stated he wasn't sure his schedule would allow the time it might take for negotiations. The motion died for lack of a second.

President Moore stated that the General Manager should be involved during the negotiation discussions and that the MRWPCA be made aware that any decisions must be made by the entire Board.

The original motion was passed.

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

E. Direct Board President Regarding Voting on the Local Agency Formation Commission's Proposed Cost Share Allocation Formula for Independent Special Districts:

President Moore introduced this item.

Vice President Shriner made a motion to approve the amended LAFCO formula and direct the Board President to vote "yes" on the cost share allocation ballot, sign the ballot and return it by May 30, 2014. Director Le seconded the motion. The motion was passed.

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

F. Consider Providing Permission for the Board President to Attend the Board Meeting via Teleconference on June 16, 2014:

President Moore made a motion to approve the Board President to attend the Board Meeting via teleconference on June 16, 2014. The motion was passed.

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

13. Staff Report:

- A. Receive an Update on the Marina City Council and Planning Commission Joint Meeting Study Session held on April 29, 2014:

Mr. Lee gave a brief report and asked for feedback from the Board. Vice President Shriner provided positive feedback.

14. Informational Items:

- A. General Manager's Report:

1. Correspondence Received by Board or General Manager: None.
2. Receive a Report on the Status of the Executed Agreement with the City of Seaside to Supply Water to the Two Golf Courses: Mr. Lee commented that the City of Seaside has used about 44% of the water agreed upon in the contract for the golf courses.
3. Receive a Report on the Status of the Executed Water Wheeling Agreement with California American Water Company: Mr. Lee stated the District was in the process of developing a work plan with Cal Am regarding the pipeline.

- B. Counsel's Report:

No report.

- C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Shriner gave a brief update.

2. Joint City District Committee:

Director Lee gave a brief update.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Vice President Shriner noted that this was now a committee of one.

5. MRWPCA Board Member:

President Moore gave a brief update.

6. LAFCO Liaison:

Vice President Shriner gave a brief update.

7. FORA:

President Moore noted that the joint meeting on the budget was canceled by FORA.

8. WWOC:

Mr. Lee gave a brief update.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

President Moore stated that the next meeting is scheduled for July.

15. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Vice President Shriner asked for discussion on agenda item order.

16. Director's Comments:

Vice President Shriner and President Moore made comments.

17. Adjournment:

The meeting was adjourned at 9:44 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary