

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
July 21, 2014
6:00 p.m.

Draft Minutes

1. Call to Order:

President Moore called the meeting to order at 6:00 p.m. on July 21, 2014.

2. Roll Call:

Board Members Present:

Tom Moore – President
Bill Lee – Vice President
Jan Shriner
Peter Le – arrived at 6:06 p.m.

Board Members Absent:

Howard Gustafson - excused

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Kelly Cadiente, Director of Administrative Services
Jean Premutati, Management Services Administrator
James Derbin, Operations and Maintenance Superintendent
Brian True, Capital Projects Manager
Paul Lord, Water Conservation Specialist
Paula Riso, Executive Assistant

Audience Members:

Kenneth Nishi, Marina Resident
Scott Leavenworth, Marina Business Owner
Gary Stowe, Stowe Contracting
Debbie Stowe, Stowe Contracting

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 – & A.13-05-017 Settlement Agreement

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

D. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Negotiating Parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

E. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator
Property: Armstrong Ranch
Negotiating Parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

F. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

The Board entered closed session at 6:02 p.m. The Board ended closed session at 6:59 p.m.

President Moore reconvened the meeting to open session at 7:02 p.m.

5. Possible Action on Closed Session Items:

President Moore reported that the Board discussed items 4-A1, A2, A3, 4-B, 4-C during closed session. He added that the Board would return to closed session at the end of the meeting to discuss items 4-D, 4-E, and 4-F. Mr. Roger Masuda, Legal Counsel, stated that no reportable actions were taken in closed session.

6. Pledge of Allegiance:

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

7. Oral Communications:

Mr. Scott Leavenworth, Marina business owner, voiced his concern over the fire service fee that was on his recent water bill. He questioned the meter size and added that he would like to get on a future agenda to discuss this fee.

Mr. Gary Stowe, Stowe Contracting, voiced his concern over the fire service fee as well. He added that he had never received notice from the District regarding the rate increase. He also asked that this issue be discussed on a future agenda.

Mr. Kenneth Nishi, Marina resident, stated that the Interim General Manager (IGM) made a comment at a recent meeting that the District was a small player in the CSIP expansion MOU. He asked if the Board gave direction to the IGM to make that comment. Mr. Nishi asked why the appointed negotiators were not at the meeting. He also voiced his concern over the IGM referring to the Board as "My Board". Mr. Nishi stated that it was the ratepayer's Board.

Ms. Debbie Stowe, Stowe Contracting, voiced her concern over the fire service fee. She asked what service she was receiving for the fee. Ms. Stowe added that her meter was not 6" but was a 5/8" meter.

8. Consent Calendar:

Director Le pulled item A, B, and D from the Consent Calendar

Director Shriner made a motion to approve the Consent Calendar consisting of the following item: C) Approve the Draft Minutes of the Special Board Meeting of July 9, 2014. Director Le seconded the motion. The motion was passed.

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

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

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

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

B. Approve the Draft Minutes of the Regular Board Meeting of July 7, 2014:

Director Le asked that the minutes show that he abstained from the vote on page 4, item 8-B. Director Shriner noted that there was a revision to page 5 of the minutes on the dais.

Director Le made a motion to approve the draft minutes of the regular Board meeting with the notation that Director Le abstained from the vote on page 4, item 8-B; and the corrections to page 5. Director Shriner seconded the motion. The motion was passed.

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

D. Adopt Resolution No. 2014-31 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program:

Following discussion, Director Shriner made a motion to adopt Resolution No. 2014-31 to approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program. Director Le asked if Director Shriner would amend her motion to include fourth and fifth grade classes and direct staff to evaluate the effectiveness of the last thirteen years of the program and look at the education programs of other districts. President Moore suggested a future agenda item to direct staff to evaluate the effectiveness of the last thirteen years of the program and look at the education programs of other districts. President Moore seconded Director Shriner's motion. Mr. Nishi voiced his concern over how the Board operates. He added that the request Director Le made last year was never followed up. Mr. Nishi applauded Director Le for making sure that the ratepayers get more for their money. The motion failed.

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

Agenda Item 8-D (continued):

Director Shriner made a motion to continue this item until all five Board members were present. President Moore seconded the motion. The motion failed.

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

9. Action Items:

- A. Receive a Verbal Update on the General Manager Recruitment Process and Provide Guidance:

President Moore noted that there would be a special Board Meeting on July 23rd at 6:30 p.m. on the next phase of the recruitment process.

- B. Consider Providing Direction to the Water Conservation Commission Regarding an Opinion/Editorial Article Concerning Water Conservation and Other Activities Promoting Conservation and Addressing the Drought:

Director Le made a motion to have the Water Conservation Commission submit the Opinion/Editorial article signed by the Board President and authorize the Board President to provide edits to the Water Conservation Commission. Director Shriner seconded the motion. The motion was passed.

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

- C. Discuss Possible Participation in the Community Labor Day Parade:

Director Shriner made a motion to participate in the festival only. President Moore seconded the motion.

Director Shriner and President Moore volunteered to work the booth since staff was already committed to work at the Monterey County Fair that day. Director Shriner suggested asking the Water Conservation Commission if they might volunteer as well.

The motion was passed.

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

10. Informational Items:

A. General Manager's Report:

1. Correspondence Received by Board or General Manager:

Mr. Lee noted that District staff was looking to see how the State Water Control Board's recent resolution might affect the District.

B. Counsel's Report:

No report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Director Shriner noted the Commission toured a gray water facility and the next meeting was August 7th.

2. Joint City District Committee:

President Moore noted that the next meeting was July 23rd.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Director Shriner stated that she was ready to schedule an Outreach Committee meeting with the alternate, Vice President Lee, as soon as he was ready.

5. MRWPCA Board Member:

President Moore noted that the meeting was July 28th and there was a lien hearing regarding delinquent accounts.

6. LAFCO Liaison:

Director Shriner stated that Steve Snodgrass was now the LAFCO President and that Castroville Community Services District merged with Moss Landing Sanitation District.

7. FORA:

President Moore stated that there was a meeting on July 11th and gave a brief update.

8. WWOC:

Mr. Lee gave a brief update.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison

Director Shriner stated that they met on July 15th and there was discussion on Assembly Bill 1728 and Senate Bill 104.

11. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Shriner asked for: 1) the MOU on the Service Learning Program; 2) the veterinary barracks documents regarding conveyance of the property to the District; 3) the MND going before the City of Marina Council; and 4) future use of the CEMEX property for the District.

Director Le asked to: 1) address the remaining sections of the Board Procedures Manual; and, 2) the Board authorize the District Counsel to review the Cal Am Wheeling Agreement.

Director Lee asked to: 1) look at Armstrong Ranch and what the District can do with the property; 2) the Board Procedures Manual; and, 3) discuss how the agenda is put together.

President Moore asked to: 1) consider AB 1728 and SB 104; and, 2) bring back the MPUSD contract to allow additional direction to staff.

12. Director's Comments:

Director Shriner, and Vice President Lee made comments.

President Moore recessed the meeting from 8:12 until 8:23 p.m.

At 8:23 p.m., the Board returned to Closed Session to discuss agenda items 4-D, 4-E, and 4-F.

- D. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
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- E. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
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- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating Parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

President Moore reconvened the meeting to open session at 9:39 p.m.

5. Possible Action on Closed Session Items:

President Moore reported that the Board discussed items 4-D, 4-E, and 4-F during closed session. Mr. Masuda stated that no reportable actions were taken in closed session.

13. Adjournment:

The meeting was adjourned at 9:39 p.m.

APPROVED:

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary