

Marina Coast Water District

Marina Council Chambers
211 Hillcrest Avenue
Marina, California

Regular Board Meeting
September 15, 2014
6:00 p.m.

Draft Minutes

1. Call to Order:

Vice President Lee called the meeting to order at 6:00 p.m. on September 15, 2014.

2. Roll Call:

Board Members Present:

Bill Lee – Vice President
Howard Gustafson
Jan Shriner
Peter Le

Board Members Absent:

Tom Moore – President - excused

Staff Members Present:

Brian Lee, Interim General Manager
Roger Masuda, Legal Counsel
Kelly Cadiante, Director of Administrative Services
James Derbin, Operations and Maintenance Superintendent
Andy Sterbenz, Schaaf & Wheeler Engineering
Ken Pun, Pun & McGeady, LLP
Paula Riso, Executive Assistant

Audience Members:

Margaret Davis, Marina Resident
Melvin Mason, Jr., Marina Resident

3. Public Comment on Closed Session Items:

No comments.

Mr. Roger Masuda, Legal Counsel, 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 54956.9

Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Subdivision (c) of 54956.9
Two Potential Cases

D. Pursuant to Government Code 54957

Public Employee Appointment
Title: General Manager

E. Pursuant to Government Code 54957

Public Employee Evaluation
Title: General Manager

F. 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

G. 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

H. 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 6:03 p.m. The Board ended closed session at 6:58 p.m.

Vice President Lee reconvened the meeting to open session at 7:01 p.m.

5. Possible Action on Closed Session Items:

Mr. Roger Masuda, Legal Counsel, reported that the Board discussed items 4-A1, A2, A3, 4-B, 4-C, 4-D, 4-E, 4-F, and 4-H during closed session and no action was taken. He stated that Item 4-G, was not discussed.

6. Pledge of Allegiance:

Vice President Lee led everyone present in the pledge of allegiance.

7. Oral Communications:

No comments.

8. Consider Adoption of Resolution No. 2014-38 in Recognition of Tony Kelsey, Systems Operator II, and Awarding a Plaque and Gift Certificate for 35 Years of Service to the Marina Coast Water District:

Director Gustafson made a motion to adopt Resolution No. 2014-38 in recognition of Tony Kelsey, Systems Operator II, and awarding a plaque and gift certificate for 35 Years of Service to the Marina Coast Water District. Vice President Lee seconded the motion. The motion was passed.

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

9. Consent Calendar:

Director Gustafson pulled item B from the Consent Calendar. Director Le pulled item A from the Consent Calendar.

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

C. Approve the Draft Minutes of the Special Board Meeting of September 5, 2014:

Director Shriner seconded the motion. The motion was passed.

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

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

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

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

B. Approve the Draft Minutes of the Regular Board Meeting of September 2, 2014

It was noted that the minutes showed Mr. Brian Lee in attendance when he was not. Director Shriner made a motion to approve the September 2, 2014 minutes with the correction to remove Mr. Lee as present at the meeting. Director Le seconded the motion. The motion was passed.

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

10. Action Items:

A. Kick-Off Meeting between the Board of Directors and the District's Independent Audit Firm, Pun & McGeady, LLP on the FY 2013-2014 Annual Audit:

Mr. Ken Pun, Pun & McGeady, LLP, gave a brief presentation regarding the kick-off of the FY 2013-2014 independent audit and reviewed the latest changes in law and requirements. He stated that the auditors would be at the District the week of October 6th working on the audit. There were comments and clarifications by the Board of Directors.

- B. Consider Adoption of Resolution No. 2014-39 to Adopt an Updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to Declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations:

Following discussion, Director Shriner made a motion to adopt Resolution No. 2014-39 to adopt an updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations; and, revise the Stage 3 water restrictions for golf courses so that they have a plan for 30% water reduction, and a Stage 4 water reduction plan of 40%. Motion failed for lack of a second.

- C. Receive an Update on the General Manager Recruitment Process and Provide Guidance:

Director Le stated that they were considering the final applicant.

11. Staff Report:

- A. Update on the Status of the District's Five-Year Strategic Plan:

Mr. Brian Lee commented that there were three items, 1.1, 1.2 and 5.5, that would be completed this year, and there would be significant progress on items 1.3, 1.4, and 1.5. Mr. Lee added that 1.6 and 1.7 would be completed by end of FY 2015.

12. Informational Items:

- A. General Manager's Report:

- 1. Correspondence Received by Board or General Manager:

No report.

- B. Counsel's Report:

- 1. General Counsel's Report:

Mr. Masuda gave an update on the groundwater sustainability legislation.

- C. Committee and Board Liaison Reports:

- 1. Water Conservation Commission:

Director Shriner stated that the September 4th meeting was canceled and the next one was scheduled for October 2nd.

2. Joint City District Committee:

The next meeting is scheduled for September 24th.

3. Executive Committee:

No meeting was held.

4. Community Outreach Committee:

Director Shriner stated that they tried to hold a meeting on September 10th but the agenda did not get posted so they will try again on October 13th.

5. MRWPCA Board Member:

No report.

6. LAFCO Liaison:

Director Shriner stated that the next meeting was scheduled for September 22nd.

7. FORA:

Director Le stated that the meeting was rescheduled to September 19th and he would attend for President Moore.

8. WWOC:

Mr. Lee gave a brief update.

9. JPIA Liaison:

No report.

10. Special Districts Association Liaison:

The next meeting is October 21st.

13. Board Member Requests for Future Agenda Items:

A. Board Member Requests:

Director Le asked for: 1) fire service calculation and a list of fire service customers; 2) a proposal from Schaaf & Wheeler to review the SCSD study; 3) Cal Am Wheeling Agreement; and 4) SCADA Master Plan.

13. Director's Comments:

Director Shriner, Director Le, and Director Gustafson made comments.

14. Adjournment:

The meeting was adjourned at 7:55 p.m.

APPROVED:

William Y. Lee, Vice President

ATTEST:

Paula Riso, Deputy Secretary