

Marina Coast Water District

Marina Council Chambers  
211 Hillcrest Avenue  
Marina, California

Regular Board Meeting  
March 16, 2015  
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on March 16, 2015.

2. Roll Call:

Board Members Present:

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

Board Members Absent:

Bill Lee - excused

Staff Members Present:

Roger Masuda, Legal Counsel  
Kelly Cadiente, Director of Administrative Services  
Jean Premutati, Management Services Administrator  
James Derbin, Operations and Maintenance Superintendent  
Andrew Sterbenz, Interim District Engineer  
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Melvin Mason, Marina Resident

3. Action Item:

- A. Discussion and Possible Action to Consider Designating Agency Negotiator(s) to Meet and Confer with the Marina Coast Water District Employees Association and Teamsters Local 890 regarding Renewal of Memorandums of Understanding:

Director Moore made a motion to designate Mr. Bill Kocher, Interim General Manager, and Vice President Le as the Agency Negotiators to meet and confer with the Marina Coast Water District Employees Association and Teamsters Local 890 regarding renewal of Memorandums of Understanding, and using Option 3 as listed in the Board packet. Vice President Le seconded the motion.

Agenda Item 3-A (continued):

The motion was passed.

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

4. Public Comment on Closed Session Items:

No comments.

The Board entered into closed session to discuss the following items:

5. 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)

4) Marina Coast Water District v. California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate).

B. Pursuant to Government Code 54957  
Public Employee Appointment  
Title: General Manager

The Board entered closed session at 6:33 p.m. The Board ended closed session at 6:58 p.m.

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

6. Reportable Actions Taken during Closed Session:

President Gustafson announced that the Board scheduled a special meeting for March 25<sup>th</sup> at 6:00 p.m. to be held at the District offices, 11 Reservation Road, Marina, to continue discussion on a closed session item.

7. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

8. Oral Communications:

No comments.

9. Budget Workshop:

- A. Receive a Presentation on Draft District FY 2015-2016 Budget, Rates, Fees and Charges for the Marina and Ord Community Service Areas and Provide Direction Regarding Preparation of the Final Budget Documents:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and gave a brief presentation on the draft District budget for FY 2015-2016. The Board asked clarifying questions and provided direction to Ms. Cadiente.

- B. Receive District Draft Five-Year Capital Improvements Projects Budget for the Marina and Ord Community Service Areas and Provide Direction Regarding Preparation of the Final CIP Budget Documents:

Mr. Andy Sterbenz, Interim District Engineer, briefly reviewed the draft five-year CIP budget with the Board. The Board asked clarifying questions and provided direction to Mr. Sterbenz.

10. Consent Calendar:

Vice President Le pulled item A from the Consent Calendar.

Director Moore made a motion to approve the Consent Calendar consisting of items:

- B) Receive and File the Check Register for the Month of February 2015
- C) Approve the Draft Minutes of the Special Board Meeting of February 28, 2015
- D) Approve the Draft Minutes of the Regular Board Meeting of March 2, 2015

Director Shriner seconded the motion. The motion was passed.

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

A. Adopt Resolution No. 2015-09 to Revise the District’s Sick Leave Policy:

Vice President Le asked for clarification on the Sick Leave Policy regarding retirees.

Director Moore made a motion to adopt Resolution No. 2015-09 to revise the District’s Sick Leave Policy. Director Shriner seconded the motion. The motion was passed.

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

11. Action Items:

A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-11 to Approve the District Technology Plan Appendix for FY 2015-2016:

Following discussion, Director Moore made a motion to adopt Resolution No. 2015-11 to approve the District Technology Plan Appendix for FY 2015-2016 and directed staff to seek an appropriate computer security consultant to perform a security audit of all the District’s systems, including the SCADA system, and bring the proposals back to the Board for approval. Director Shriner seconded the motion. The motion was passed.

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

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-12 to Create a Water Conservation Specialist I/II Position; Reclassify the Current Water Conservation Specialist Position to a Water Conservation Specialist III; Approve the Job Descriptions and Salary Ranges for Both; and Direct the General Manager to Recruit and Fill the Water Conservation Specialist I/II Position in Fiscal Year 2015-2016:

Mr. James Derbin, Operations and Maintenance Superintendent, introduced this item. The Board asked clarifying questions regarding reclassification.

Director Moore made a motion to adopt Resolution No. 2015-12 to create a Water Conservation Specialist I/II position; create a Water Conservation Specialist III position; approve the job descriptions, adding “working with outside agencies” to the Water Conservation Specialist III job description, and salary ranges for both; and direct the General Manager to recruit and fill two Water Conservation Specialist positions in Fiscal Year 2015-2016. Director Shriner seconded the motion. Discussion followed.

Agenda Item 11-B (continued):

Director Moore amended his motion to include the word “conservation” added to the seventh bullet of the Water Conservation Specialist I job description; and, add “evaluating the water conservation education program” to the duties of the Water Conservation Specialist III job description. Director Shriner seconded the motion

The motion was passed.

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

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-13 to Approve Funding for Directors to Attend the American Association of Water Works (AWWA) ACE Conference in Anaheim:

Vice President Le recused himself from the dais at 8:26 p.m.

Director Moore made a motion to adopt Resolution No. 2015-13 to approve funding for Director Le to attend the AWWA ACE conference in Anaheim. President Gustafson seconded the motion. The motion was passed.

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

Vice President Le returned to the dais at 8:30 p.m.

D. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-14 to Concur in Nomination to the ACWA/JPIA Executive Committee:

Director Moore made a motion to adopt Resolution No. 2015-13 to concur in nomination, Mr. Paul Dorey of Vista Irrigation District, to the ACWA/JPIA Executive Committee. Director Shriner seconded the motion. The motion was passed.

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

E. Discussion and Possible Action to Consider the Adoption of Resolution No. 2015-08 to Approve the Proposed Revisions to the Board Procedures Manual:

President Gustafson stated that this item had been pulled from the agenda.

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. Roger Masuda, Legal Counsel, commented that the State Water Resources Control Board was going to consider adoption of new emergency regulations for mandatory action on water conservation on March 17<sup>th</sup>. He added that this item should be considered at the next Board meeting as the District has thirty days to implement the changes.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Le provided an update.

2. Joint City District Committee:

President Gustafson stated that the meeting was scheduled for the next week.

3. Executive Committee:

No report.

4. Community Outreach Committee:

No report.

5. MRWPCA Board Member:

Vice President Le provided an update.

6. LAFCO Liaison:

No report.

7. FORA:

Vice President Le provided an update.

8. WWOC:

Vice President Le stated the next meeting was scheduled for April 1<sup>st</sup>.

9. JPIA Liaison:

Director Shriner noted that the next meeting was set for May 4<sup>th</sup> in Sacramento.

10. Special Districts Association Liaison:

President Gustafson stated that the next meeting is in April.

13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 8:40 p.m.

APPROVED:

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Howard Gustafson, President

ATTEST:

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Paula Riso, Deputy Secretary