



**MINUTES**  
**of the Regular Meeting**  
**Monterey Regional Water Pollution Control Agency**  
**Board of Directors**  
**March 27, 2006**

**1. CALL TO ORDER**

The Regular Meeting of the Board of Directors of the Monterey Regional Water Pollution Control Agency was Called to Order by Chair Shirrel at 7:00 p.m., on Monday, March 27, 2006, in the Board Room at 5 Harris Court, Bldg. D, Monterey, California.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**BOARD MEMBERS PRESENT:**

Peggy Shirrel, Chair	Moss Landing County Sanitation District
Joe Russell, Vice Chair	Del Rey Oaks
Ramiro Cortez	Boronda County Sanitation District
Carlo Cortopassi	Castroville Service Area 14
Kenneth Nishi	Marina Coast Water District
Jeff Haferman	Monterey
W.B. 'Butch' Lindley	Monterey County
David Pendergrass	Sand City
Darryl Choates	Seaside
Dewey Baird	US Army – Ex-Officio

**BOARD MEMBERS ABSENT:**

Dan Cort	Pacific Grove
Gloria De La Rosa	Salinas

**STAFF PRESENT:**

Keith Israel	General Manager
Jim Heitzman	Assistant General Manager
Ken Buchert	Assistant Legal Counsel
John Tiernan	Director of Administrative Services
Tom Buell	Director of Finance
James Dix	Wastewater Treatment Plant Operations Manager
Bob Holden	Recycled Water Project Coordinator
Ed Oyama	Lead Engineer
Mark Malanka	Field Maintenance & CSIP Supervisor
Karen Harris	Community Relations Specialist
Betty Nebb	Executive Assistant

**OTHERS PRESENT:**

Mr. and Mrs. Granville Perkins  
Mrs. Cortopassi  
Dave Berger – Monterey Peninsula Water Management District  
Marc Lucca – Marina Coast Water District  
Carl Niizawa – City of Salinas  
Bjorn Lundegard – City of Seaside  
Les Turnbeaugh – City of Monterey  
Ryan Shaw – Communication Planners

**AUDIENCE: (1)**

**4. PUBLIC COMMENTS**

[At 7:02 p.m., with no comments received, Chair Shirrel opened and closed Public Comments]

**5. CONSENT AGENDA**

Mr. Choates asked that Item H be pulled from the Consent Agenda for further discussion.

**ACTION TAKEN:** On a motion by Mr. Cortopassi, seconded by Mr. Russell, the Board unanimously approved the Consent Agenda, Items A through G, as follows:

- A. Approve Minutes – Regular Meeting February 27, 2006
- B. Receive Financial Statements – February 2006
- C. Receive Comparison Percentage of Budget Expended Through February 2006 vs. 2005
- D. Receive Check Register – February 2006
- E. Receive Plant Flows and Effluent Quality for Connected Agencies, Plus Flow

**Charts for Castroville, Fort Ord, Marina, Monterey Peninsula, and Salinas for February 2006 and March 15, 2006 Semi-Annual I/I and Spill Prevention Report**

- F. Receive Actual vs. Budgeted Fiscal Year 2005/06 Expenditures for the Capital Improvement Program and Capitalized Equipment Fund**
- G. Receive Actual vs. Anticipated Fiscal Year 2005/2006 Revenues from Capacity Charges**

Chair Shirrel opened discussion regarding Item 5H; Mr. Choates expressed a concern as to whether the Board Chair alone can create and appoint a Member to a Board Liaison position and questioned the need a one-person committee. He further questioned paying a stipend to an additional Member for representation when the Chair and Vice Chair should be able to cover all necessary meetings. Ken Buchert, Legal Counsel, clarified that Resolution 91-09 authorizes the Board Chair to appoint members to the committees and an interpretation could be that the Agency have a committee of one or a liaison person such as the Chair has done for this position.

Mr. Choates moved that the Board approve the Committee Assignments excluding the Board Liaison position for further study and review. Mr. Buchert clarified that, as defined in the Consent Agenda, the Board is not approving the Committee Assignments, but is receiving the Chair's report of her selections.

Mr. Choates asked for clarification on how the Board can approve the Committee Assignments. Mr. Buchert advised an item could have been placed on the agenda as an Action Item requesting the Board's approval.

Mr. Choates repeated his motion to receive and approve the Board Committee Assignments for 2006-2007, excluding the Board Liaison position until further discussion. Mr. Haferman seconded the motion adding his recommendation to wait until next month to discuss the liaison position.

Mr. Russell asked that all Board Members who are concerned with items on the agenda contact staff or the Board Chair prior to the meeting for additional information. Mr. Choates commented, although he had spoken to staff, he had not contacted the Chair. Mrs. Shirrel indicated that she would always encourage discussion to clarify any items on the agenda.

Mr. Buchert stated the motion and second on the floor to approve the assignments is not on the agenda and therefore would constitute a violation of the Brown Act. He suggested the motion and second be withdrawn with the understanding that the matter could be placed on the agenda for the next meeting.

Discussion followed regarding the Chair making Committee Assignments without the requirement of Board approval. Mr. Choates insisted that ratification of the appointments must come from the Board. Mr. Buchert restated that Resolution 91-09

states that the Chairperson of the Board of Directors may designate such committees deemed necessary or appropriate. He continued that in no place in the Resolution did it indicate that appointments were subject to approval by the Board. Mr. Pendergrass reminded the members that a copy of that Resolution had been included in the January agenda packet.

Discussion continued with Mr. Nishi requesting that the representative from MCWD be included on the Recycled Water Storage Committee and stated that other members from entities directly affected by the Groundwater Replenishment Project should also be on the committee. He stated the MCWD Board Chair would be addressing their Board's concern about the representation on that committee.

Mr. Pendergrass said in order for these projects to succeed, it is important for members of the committee to be positive regarding the use of purified water for the Hybrid Project and the Replenishment Project. He continued by stating the Chair has the right to select members for each committee as she chooses and those appointments stand.

Mr. Buchert reiterated assignments are the choice of the Chair and strongly suggested that the maker and/or the second withdraw the motion currently on the floor, otherwise the Board would be voting on a motion that is in violation of the Brown Act.

Mr. Choates stated he would not withdraw the motion because he would like a full legal interpretation with documentation and would like to continue this item to the following Board meeting.

Mr. Haferman did, however, withdraw the second, asking that the Board receive rather than approve the Committee Assignments.

**ACTION TAKEN: On a further motion by Mr. Choates, seconded by Mr. Haferman, the Board unanimously approved Item H of the Consent Agenda as follows:**

**H. Receive Board Committee Assignments for April 2006 through March 2007, with the matter to be agendized for the next Board meeting.**

**6. COMMITTEE REPORTS AND RELATED ACTION ITEMS**

**A. Budget Personnel Committee**

1. Receive and Approve Budget/Personnel Committee Minutes/Report for Monday, March 6, 2006.

**ACTION TAKEN: On a motion by Mr. Lindley, seconded by Mr. Russell, the Board unanimously approved the Budget Personnel Committee Minutes for March 6, 2006 including the following recommendations:**

- That the Board approve the recommendation to pursue debt financing as part of the annual budget process to fund major capital projects.
- That the Board approve the recommendation for staff to continue Succession Planning efforts.

**B. Recycled Water Storage Committee**

1. Receive and Approve Committee Minutes/Report for Thursday, March 16, 2006.

**ACTION TAKEN: On a motion by Mr. Russell, seconded by Mr. Lindley, the Board unanimously approved the Recycled Water Storage Committee Minutes for March 16, 2006 including the following recommendations:**

- Information only - no action taken.

**7. ACTION ITEMS**

**A. Approve Resolution 2006-5, A Resolution of Appreciation from the Board of Directors of MRWPCA to Dave Pendergrass for his service as Board Chair**

Chair Shirrel presented a plaque with the Resolution of Appreciation to former Board Chair Dave Pendergrass and a gift as a token of thanks for his continuing service. Mr. Pendergrass expressed his gratitude.

**ACTION TAKEN: On a motion by Mr. Lindley, seconded by Mr. Cortopassi, the Board unanimously approved Resolution 2006-5, A Resolution of Appreciation from the Board of Directors of MRWPCA to Dave Pendergrass for his service as Board Chair.**

**B. Approve Resolution 2006-6, A Resolution of Commendation and Appreciation to Granville Perkins for his years of service to MRWPCA and his continuing interest and support of the Agency**

Chair Shirrel presented a plaque with the Resolution of Commendation and Appreciation to Mr. Granville Perkins.

**ACTION TAKEN: On a motion by Mr. Lindley, seconded by Mr. Cortopassi, the Board unanimously approved Resolution 2006-6, A Resolution of Commendation and Appreciation to Granville Perkins for his years of service to MRWPCA and his continuing interest and support of the Agency.**

**C. Presentation of Street Sign “Granville Perkins Road” that has been Installed to Intersect with “SVRP Way” at the MRWPCA Regional Treatment Plant**

Mr. Israel presented a replica of the street sign to Mr. Perkins and relayed information regarding its location at the RTP. Mr. Perkins expressed his surprise and appreciation.

**8. INFORMATIONAL ITEMS**

**A. Fort Ord Update**

No comment.

**B. Reclamation Project Status Summary**

No comment.

**C. Strategic Planning Goals (2005-2008) and One-Year Objectives Update**

Mr. Israel reminded Board Members of the April 14, 2006 Strategic Planning Workshop.

**9. STAFF REPORTS**

**A. General Manager/Assist. General Manager/Legal Counsel**

No comment.

**B. Department Head(s)**

No comment.

**C. Presentation – Annual Treatment Plant Performance Report**

Mr. Heitzman introduced James Dix, Operations Manager since September, who has been with the agency for 26 years. James provided a presentation highlighting the 2005 annual report; 100% permit compliance; recycled water; special projects; maintenance, utilities; CoGen department; field maintenance; CSIP departments; operations; lab source control department; and public education.

Mr. Lindley asked about the effluent flow to the outfall that, according to the chart, looks like 1.8 million gallons per day. Mr. Dix responded that during the past season the Agency had to provide dilution for the brine. Mr. Heitzman continued saying we are working with the State Water Resources Control Board and trying to get the permit changed in order to discharge the brine with less water.

With no further questions, Chair Shirrel thanked Mr. Dix for an excellent presentation.

Chair Shirrel invited Mr. Pendergrass come forward and open his gift - a crystal

glass. Mr. Heitzman provided hats for all Board Members with the MRWPCA logo and the slogan "Ask me about MRWPCA purified water."

**10. BOARD MEMBER COMMENTS**

Mr. Baird, on behalf of the City of Monterey, thanked Karen Harris for the fabulous briefing and tour she provided the Environmental Magnet Team.

Chair Shirrel provided the following information:

- Board members and key staff need to complete a two-hour ethics course every two years. She advised that the CSDA will provide an online course for those unable to attend classes.
- Another trip to Orange County is being considered, possibly in April or May.
- Keith Israel will be giving a presentation at the CASA Conference at Lake Tahoe in April.

Mr. Haferman commented that all of the cities along the peninsula have been asked to come up with a solution for keeping storm water runoff out of the bay and asked why the storm water can't be diverted into the sewer system. Mr. Israel stated that currently we are not recycling water during the rainy season. Another problem is the storm water systems are so spread out it's hard to collect; however, MRWPCA would like to be involved and thinks the matter that will be resolved in the near future.

Chair Shirrel invited the audience and Board Members to enjoy refreshments in honor of Mr. Granville's presentation and in recognition of former Chair Dave Pendergrass' service to the Agency.

**11. ADJOURNMENT**

With no further business, Chair Shirrel adjourned the meeting at 8:02 p.m. to the next regularly scheduled Board Meeting in the Board Room at 5 Harris Court, Building D, on Monday, April 24, 2006, at 7:00 p.m.

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Keith E. Israel  
General Manager/Secretary to the Board

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Margaret Shirrel, Ph.D.  
Chair of the Board of Directors