



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

DIRECTORS
HOWARD GUSTAFSON
President

WILLIAM LEE
Vice President

THOMAS P. MOORE
KENNETH K. NISHI
DAN BURNS

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, September 22, 2009, 6:45 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors now meets regularly on the second Tuesday of each month. The meetings normally begin at 6:45 p.m. at the District offices at 11 Reservation Road, Marina, California.

Mission: Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.

Vision: The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.

1. Call to Order

2. Roll Call

3. Closed Session

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: D/E Reservoir Site
Negotiating Parties: MCWD, City of Seaside
Under Negotiation: Lease Agreement

- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Former Fort Ord Well Sites
Negotiating Parties: MCWD, UCMBEST, FORA, U.S. Army
Under Negotiation: Easements and Fee Title Ownership

- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Cell Antennae - D/E Reservoir Site
Negotiating Parties: MCWD, Metro PCS
Under Negotiation: Price, Terms, and Conditions

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, September 17, 2009 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. The next regular meeting of the Board of Directors is scheduled for October 13, 2009.

7:00 p.m. Reconvene Open Session

4. Possible Action on Closed Session Items *The Board will report out on any action taken during Closed Session, and may take additional action in Open Session, as appropriate. Any closed session items not completed will be discussed at the end of the meeting.*

5. Pledge of Allegiance

6. Oral Communications *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

7. Presentations

- A. Consider Adoption of Resolution No. 2009-65 in Recognition of Barbara Montanti, Customer Service Assistant, and Awarding a Plaque and Gift Certificate for 10 Years of Service to Marina Coast Water District
- B. Consider Adoption of Resolution No. 2009-66 in Recognition of Tony Kelsey, Systems Operator II, and Awarding a Plaque and Gift Certificate for 30 Years of Service to Marina Coast Water District

8. Consent Calendar *Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to three minutes.*

- A. Appoint Mr. Richard Newhouse to the Water Conservation Commission
- B. Adopt Resolution No. 2009-67 to Approve a Professional Services Agreement with Westin Engineering Inc. to provide Asset Management System Maintenance and Support Services for FY 2009/2010
- C. Adopt Resolution No. 2009-68 to Approve Preparation and Submittal of a Financial Assistance Application to the Clean Water State Revolving Fund for the Regional Desalination Project and Authorize a Representative
- D. Adopt Resolution No. 2009-69 to Approve a Dedicated Source of Revenue for Repayment of the Clean Water State Revolving Fund for the Regional Urban Water Augmentation Project's Recycled Water Facilities
- E. Receive the Quarterly Financial Statements for April 1, 2009 to June 30, 2009
- F. Approve Expenditures for the Month of August 2009
- G. Approve the Draft Minutes of the Regular Board Meeting of July 14, 2009

- H. Approve the Draft Minutes of the Regular Board Meeting of August 11, 2009
- I. Approve the Draft Minutes of the Special Board Meeting of August 17, 2009
- J. Approve the Draft Minutes of the Special Board Meeting of September 3, 2009

9. Action Items *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to three minutes.*

- A. Consider Adoption of Resolution No. 2009-55 to Provide a Variance Regarding 223/225 Palm Avenue

Action: The Board of Directors will consider whether to approve a variance request for capacity charges for 223/225 Palm Avenue.

- B. Consider Appointing Two Directors to a Regional Urban Water Augmentation Project Ad-Hoc Committee

Action: The Board of Directors will consider appointing two Directors to an Ad-Hoc Committee with regards to the Regional Urban Water Augmentation Project and dealing with local agencies.

- C. Consider Adoption of Resolution No. 2009-70 to Censure a Director

Action: The Board of Directors will consider adopting a resolution to censure a Director.

10. Staff Report

- A. Receive Update on the Hot Water Recirculation System Rebate Program

11. Informational Items *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to three minutes.*

- A. General Manager's Report
- B. District Engineer's Report
- C. Counsel's Report

D. Committee and Board Liaison Reports

- | | |
|----------------------------------|---|
| 1. Water Conservation Commission | 6. FORA |
| 2. Joint City-District Committee | 7. Executive Committee |
| 3. MRWPCA Board Member | 8. Community Outreach |
| 4. LAFCO Liaison | 9. Ord Community Ad Hoc Committee |
| 5. JPIA Liaison | 10. Special Districts Association Liaison |

E. Director's Comments

12. Correspondence

13. Adjournment *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Tuesday, October 13, 2009, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: September 22, 2009

Submitted By: Suresh Prasad

Presented By: Jim Heitzman

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2009-65 in Recognition of Barbara Montanti, Customer Service Assistant, and Awarding a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District

Detailed Description: Barbara Montanti joined the District on August 26, 1999. As the Customer Service Assistant for the District, her work days are filled with demanding and challenging tasks in the office, answering calls and assisting customers.

Barbara's primary responsibility is to help customers on the phone and in person, input cash receipts, and respond to customer queries regarding their water bill and other questions. Barbara is always helpful in providing service to our customers. Barbara greets the District customers and visitors with a smile and interacts well with customers even in difficult situations. Barbara has also filled in for the Clerk of the Board during several Board meetings and has done a great job.

It is with great pleasure that we recognize Barbara Montanti's ten years of service to the Marina Coast Water District. We collectively thank her for her years of outstanding service, and wish her well in her continued service to the District.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: X Yes No

Funding Source/Recap: Expenditures for plaque and gift certificate is allocated across four cost centers from the Hospitality & Awards account.

Material Included for Information/Consideration: Resolution No. 2009-65.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2009-65 recognizing Barbara Montanti, Customer Service Assistant, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District.

Action Required: X Resolution Motion Review
(Roll call vote is required.)

Board Action

 Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

Resolution No. 2009-65
Resolution of the Board of Directors
Marina Coast Water District
In Recognition of Barbara Montanti for 10 Years
of Service to the Marina Coast Water District

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Barbara Montanti joined the District on August 26, 1999 as a Customer Service Assistant; and,

WHEREAS, Barbara’s primary responsibility is to help customers on the phone and in person, input cash receipts, and respond to customer queries regarding their water bill and other questions; and,

WHEREAS, Barbara is always helpful in providing service to our customers. She greets the District customers and visitors with a smile and interacts well with customers even in difficult situations; and,

WHEREAS, Barbara has also filled in for the Clerk of the Board during several Board meetings and has done a great job; and,

WHEREAS, during her ten years with the District, Barbara has played an integral role in the District and has rendered a consistent and outstanding performance of her duties.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognize Barbara Montanti for ten years of outstanding and dedicated service to the District and wish her many more years with the District.

PASSED AND ADOPTED on September 22, 2009, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-65 adopted September 22, 2009.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-B

Meeting Date: September 22, 2009

Submitted By: Jim Dowless

Presented By: Jim Heitzman

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2009-66 in Recognition of Tony Kelsey, Systems Operator II, and Awarding a Plaque and Gift Certificate for 30 Years of Service to the Marina Coast Water District

Detailed Description: Tony Kelsey joined the District on September 5, 1979, where he began to learn the various duties assigned to wastewater treatment plant operations and wastewater collection system maintenance. Over time, he transitioned into water treatment and water distribution assignments, obtaining numerous State and County certifications.

In addition to numerous field assignments and responsibilities, Tony is responsible for maintaining O & M's supply and parts inventory, and processes the purchase orders for day to day repairs and maintenance operations.

It is with great pleasure that the District recognize Tony Kelsey's thirty years of service to the Marina Coast Water District. We collectively thank him for his years of outstanding service, and wish him well in his continued service to the District.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: Expenditures for plaque and gift certificate is allocated across four cost centers from the Hospitality & Awards account.

Material Included for Information/Consideration: Resolution No. 2009-66.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2009-66 recognizing Tony Kelsey, Systems Operator II, and awarding a plaque and gift certificate for 30 years of service to the Marina Coast Water District.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Resolution No. 2009-66
Resolution of the Board of Directors
Marina Coast Water District
In Recognition of Mr. Tony Kelsey for 30 Years
of Service to the Marina Coast Water District

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Tony Kelsey joined the District on September 5, 1979 as a Wastewater Treatment Plant Operator; and,

WHEREAS, Tony transitioned into Water Treatment and Water Distribution responsibilities to include appropriate certifications; and,

WHEREAS, Tony maintains the O & M Department's supplies and inventories; and,

WHEREAS, Tony processes the purchase orders for day to day repairs and maintenance operations; and,

WHEREAS, during his thirty years with the District, Tony has played an integral role in the District and has rendered a consistent and outstanding performance of his duties.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognize Tony Kelsey for thirty years of outstanding and dedicated service to the District and wish him many more years with the District.

PASSED AND ADOPTED on September 22, 2009, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-66 adopted September 22, 2009.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: September 22, 2009

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of: A) Appoint Mr. Richard Newhouse to the Water Conservation Commission; B) Adopt Resolution No. 2009-67 to Approve a Professional Services Agreement with Westin Engineering Inc. to provide Asset Management System Maintenance and Support Services for FY 2009/2010; C) Adopt Resolution No. 2009-68 to Approve Preparation and Submittal of a Financial Assistance Application to the Clean Water State Revolving Fund for the Regional Desalination Project and Authorize a Representative; D) Adopt Resolution No. 2009-69 to Approve a Dedicated Source of Revenue for Repayment of the Clean Water State Revolving Fund for the Regional Urban Water Augmentation Project Recycled Water Facilities; E) Receive the Quarterly Financial Statements for April 1, 2009 to June 30, 2009; F) Approve Expenditures for the Month of August 2009; G) Approve the Draft Minutes of the Regular Board Meeting of July 14, 2009; H) Approve the Draft Minutes of the Regular Board Meeting of August 11, 2009; I) Approve the Draft Minutes of the Special Board Meeting of August 17, 2009; and, J) Approve the Draft Minutes of the Special Board Meeting of September 3, 2009.

Environmental Review Compliance: None.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: See individual transmittals.

Material Included for Information/Consideration: See individual transmittals.

Staff Recommendation: The Board of Directors approve the Consent Calendar as presented.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: September 22, 2009

Submitted By: Rich Youngblood

Presented By: Rich Youngblood

Reviewed By: Jim Heitzman

Agenda Title: Appoint Mr. Richard Newhouse to the Water Conservation Commission

Detailed Description: The Water Conservation Commission is authorized nine positions of which six are presently filled. The three vacant positions are public member vacancies. Mr. Richard Newhouse, resident of the City of Marina, has submitted an application to be appointed. The public positions are appointed for a term of two years.

Board of Directors Member (1):	Bill Lee Dan Burns (alternate)
City of Marina Council Member (1):	Jim Ford
Public Members (5):	Sid Williams Nathan Chaney Vacant (3)
Army Member (1):	Dennis Oaks
CSUMB Member (1)	Bob Brown

Environmental Review Compliance: None required.

Prior Committee or Board Action: On September 3, 2009 the Water Conservation Commission considered Mr. Newhouse's application to the Water Conservation Commission.

Board Goals/Objectives: *2007 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Application for appointment to the Water Conservation Commission by Richard Newhouse.

Recommendation: The Board of Directors is requested to appoint Mr. Richard Newhouse to the Water Conservation Commission.

Action Required: _____ Resolution ___X___ Motion _____ Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: September 22, 2009

Submitted By: James Derbin

Presented By: Brian True

Reviewed By: Jim Heitzman

Agenda Title: Adopt Resolution No. 2009-67 to Approve a Professional Services Agreement with Westin Engineering Inc. to provide Asset Management System Maintenance and Support Services for FY 2009/2010

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Westin Engineering Inc. (Westin) to provide Asset Management System Maintenance and Support Services for FY 2009/2010 on a time-and-materials basis for a not-to-exceed amount of \$30,000. On July 23, 2008, the Board of Directors approved a similar Professional Services Agreement with Westin for FY 2008/2009 Asset Management System support via Resolution No. 2008-37.

On February 28, 2007, the Board of Directors authorized the Asset Management System via Resolution No. 2007-24. Pursuant to that direction, staff entered into a Professional Services Agreement with Azteca Systems Inc. and their business partner Westin Engineering Inc. to purchase the necessary equipment and to provide support for the new System. On April 11, 2008, the Azteca Cityworks Asset Management software was implemented successfully and District staff has been using the software, capturing all Service Requests and Work Orders in this modern software program. Staff found the services provided by Westin to be an important part of maintaining and troubleshooting technical issues with the Asset Management software.

To ensure continued use and successful implementation of the Asset Management System programs, staff is requesting the District enter into a Professional Services Agreement with Westin to provide ongoing System maintenance of the custom Springbrook/Cityworks/GIS integration for FY 2009/2010. Support is needed for future service-pack installation, other non-routine troubleshooting outside of the staff's expertise, and on-call support services for non-routine events and issues.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The District Board of Directors approved the FY 2009/2010 Budget on June 9, 2009. The District Board of Directors approved Resolution No. 2008-37 on July 23, 2008 authorizing staff to enter into a Professional Services Agreement with Westin Engineering Inc. to provide Asset Management System maintenance and technical support for FY 2008/2009. The Board of Directors approved Resolution No. 2007-24 on February 28, 2007 authorizing staff to enter into a Professional Services Agreement with Azteca Systems Inc. and their business partner Westin Engineering Inc. to purchase the necessary equipment to support the Asset Management System.

Financial Impact: Yes No

Funding Source/Recap: This item will be funded from the 2009/2010 Engineering Operating Budget, across all four cost centers, in the amount of \$30,000.

Board Goals/Objectives: – *2007/2008 Strategic Plan – Objectives Goal No. 1 – To manage and sustain the District’s groundwater and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards.*

Material Included for Information/Consideration: Resolution No. 2009-67.

Staff Recommendation: The Board of Directors adopt Resolution No. 2009-67 to approve a Professional Services Agreement with Westin Engineering Inc. to provide Asset Management System Maintenance and Support Services for FY 2009/2010.

Action Required: X Resolution Motion Review
(Roll call vote is required.)

Board Action

 Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

Resolution No. 2009-67
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with Westin Engineering Inc.
to Provide Asset Management System Maintenance and Support Services
for FY 2009/2010

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 22, 2009, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on February 28, 2007, the Directors approved Resolution No. 2007-24 to implement an Asset Management System and the System’s software and equipment currently is in use; and,

WHEREAS, on July 23, 2008, the Directors approved Resolution No. 2008-37 that authorized staff to enter into a Professional Services Agreement with Westin Engineering Inc. to provide Ongoing Technical Support for the Asset Management System and staff has expressed the need to continue obtaining technical support services from Westin Engineering Inc.; and,

WHEREAS, Staff has received a quote from Westin Engineering Inc. for ongoing Asset Management System maintenance and development on a time-and-material basis for a not-to-exceed amount of \$30,000; and,

WHEREAS, the District Board adopted the FY 2009/2010 Marina Coast Water District Budget on June 9, 2009; and,

WHEREAS, staff is recommending the District enter into Professional Services Agreement with Westin Engineering Inc. on a time-and-materials basis for ongoing Asset Management System maintenance and development.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2009-xx to approve a Professional Services Agreement with Westin Engineering Inc. and authorizes the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution, the total dollar amount of which shall not-to-exceed \$30,000.

PASSED AND ADOPTED on September 22, 2009 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-67 adopted September 22, 2009

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: September 22, 2009

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Adopt Resolution No. 2009-68 to Approve Preparation and Submittal of a Financial Assistance Application to the Clean Water State Revolving Fund for the Regional Desalination Project and to Authorize a Designated Representative

Detailed Description: The Marina Coast Water District is pursuing financing/funding from the Clean Water State Revolving Fund, administered by the State Water Resources Control Board. RMC Water and Environment is preparing a Financial Assistance Application (FAA) with assistance from MCWD staff for the Regional Desalination Project. The resolution is to approve submittal of the application and to designate Jim Heitzman, Marina Coast Water District General Manager, as the authorized representative.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____ Yes No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2009-68.

Staff Recommendation: The Board of Directors adopt Resolution No. 2009-68 to approve preparation and submittal of a Financial Assistance Application to the Clean Water State Revolving Fund for the Regional Desalination Project and authorize a designated Representative.

Action Required: Resolution _____ Motion _____ Review _____
(Roll call vote is required.)

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Resolution No. 2009-68
Resolution of the Board of Directors
Marina Coast Water District
Approve the Submittal of the Clean Water State Revolving Fund Application
to the State Water Resources Control Board
for the Regional Desalination Project
and to Authorize a Designated Representative

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Jim Heitzman, General Manager, is hereby authorized and directed to sign and file, for and on behalf of the District, a Financial Assistance Application for financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Regional Desalination Project; and,

WHEREAS, the District hereby agrees, and, further authorizes the aforementioned representative to certify, that the District has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financing assistance received from the State Water Resources Control Board; and,

WHEREAS, Jim Heitzman, is hereby authorized to negotiate and execute a financing assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize Jim Heitzman, General Manager, the authorized representative, to sign and file a Financial Assistance Application with the State Water Resources Control Board.

PASSED AND ADOPTED on September 22, 2009, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-68 adopted September 22, 2009.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: September 22, 2009

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Jim Heitzman

Agenda Title: Adopt Resolution No. 2009-69 to Approve a Dedicated Source of Revenue for Repayment of the Clean Water State Revolving Fund for the Regional Urban Water Augmentation Project's Recycled Water Facilities

Detailed Description: The District has applied for Clean Water State Revolving Fund (CWSRF) for the Recycled Water facilities of the Regional Urban Water Augmentation Project (RUWAP). If the District is awarded funds from the CWSRF and Water Recycling Funding Program (WRFP) for construction of the recycled water facilities within the RUWAP, it is required that the District establish one or more dedicated sources of revenue for repayment. Revenues will be considered dedicated when the District adopts this resolution committing a source of fund for repayment. The dedicated sources of revenues include: sewer services charges, water user rates including revenue from the sale of recycled water, as well as all other revenues of the District.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goal/Objectives: *2007/2008 Strategic Plan, Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: If the District is awarded funds from CWSRF and WRFP, all revenue accounts will be used to pay for debt service.

Material Included for Information/Consideration: Resolution No. 2009-69.

Staff Recommendation: The Board of Directors adopt Resolution No. 2009-69 to approve a dedicated source of revenue for repayment of the Clean Water State Revolving Fund for the RUWAP's recycled water facilities.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Resolution No. 2009-69
Resolution of the Board of Directors
Marina Coast Water District
Dedicated Source of Revenue for the Repayment of
Clean Water State Revolving Fund for the
Regional Urban Water Augmentation Project's Recycled Water Facilities

September 22, 2009

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District dedicates the following sources of revenue: sewer services charges, water user rates including revenues from the sale of recycled water, as well as all other revenues of the District to payment of any and all Clean Water State Revolving Fund ("CWSRF") and Water Recycling Funding Program ("WRFP") financing on the Regional Urban Water Augmentation Project ("RUWAP") facilities (Project No. C-5471-110 and C-5519-110); and,

WHEREAS, this dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby dedicate the aforementioned sources to pay the CWSRF and WRFP financing for the RUWAP.

PASSED AND ADOPTED on September 22, 2009, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-69 adopted September 22, 2009.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: September 22, 2009

Submitted By: Suresh Prasad
Reviewed By: Jim Heitzman

Presented By: Suresh Prasad

Agenda Title: Receive the Quarterly Financial Statements for April 1, 2009 to June 30, 2009

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$3.832 million and expenses of \$2.013 million, resulting in operating reserves of \$1.819 million. The District budget projected an operating reserve of \$0.630 million for the same period. The operating reserve was higher than the budget expectation by \$1.189 million due to increase in revenues for the current quarter.

Summary of Cost Centers:

<u>Description</u>	<u>Actual Otr</u>	<u>Budget Otr</u>	<u>Actual FYTD</u>	<u>Budget FYTD</u>
Marina Water				
Revenues	938,670	857,612	3,697,870	3,517,358
Expenses	<u>568,567</u>	<u>626,433</u>	<u>2,029,123</u>	<u>2,505,732</u>
Op Reserves	370,103	231,179	1,668,747	1,011,626
Marina Sewer				
Revenues	156,208	186,516	687,213	746,066
Expenses	<u>132,791</u>	<u>99,130</u>	<u>485,484</u>	<u>396,520</u>
Op Reserves	23,417	87,386	201,730	349,546
Ord Community Water				
Revenues	2,388,640	1,216,000	6,005,613	4,823,000
Expenses	<u>931,425</u>	<u>969,838</u>	<u>3,318,500</u>	<u>3,879,353</u>
Op Reserves	1,457,215	246,162	2,687,114	944,447
Ord Community Sewer				
Revenues	343,196	406,112	1,565,072	1,624,450
Expenses	<u>255,263</u>	<u>265,822</u>	<u>934,502</u>	<u>1,063,288</u>
Op Reserves	87,933	140,290	630,570	561,162
Regional Water Augmentation				
Revenues	5,105	10,000	19,314	40,000
Expenses	<u>125,307</u>	<u>84,540</u>	<u>442,102</u>	<u>338,160</u>
Op Reserves	(120,203)	(74,540)	(422,788)	(298,160)
Consolidated Cost Centers				
Revenues	3,831,818	2,676,241	11,975,083	10,751,674
Expenses	<u>2,013,354</u>	<u>2,045,764</u>	<u>7,209,710</u>	<u>8,183,053</u>
Op Reserves	1,818,465	630,477	4,765,373	2,568,621

As of June 30, 2009, the District had \$14.762 million in liquid investments, and \$0.631 million of principal as internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers. The District also had \$12.127 million of bond proceeds for construction purposes in the bank. The District owed \$41.203 million in debt for the 2006 revenue certificates of participation bond and the CalPERS loan.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Goal No. 4 – To manage the District’s finances in the most effective and fiscally responsible manner.*

Financial Impact: _____ Yes ___X___ No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Quarterly Financial Statements, Investments and Debt Summary Statements.

Staff Recommendation: The Board receive the Quarterly Financial Statements for April 1, 2009 to June 30, 2009.

Action Required: _____ Resolution _____ Motion ___X___ Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F

Meeting Date: September 22, 2009

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Jim Heitzman

Agenda Title: Approve Expenditures for the Month of August 2009

Detailed Description: The Board is requested to approve the attached August 2009 check register for expenditures totaling \$1,370,880.61.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Goal No. 4 – To manage the District’s finances in the most effective and fiscally responsible manner.*

Financial Impact: ___ Yes ___ **X** ___ No

Funding Source/Recap: Expenditures are allocated across the five cost centers; 01-Marina Water, 02-Marina Sewer, 03- Ord Water, 04- Ord Sewer, 05-New Water.

Material Included for Information/Consideration: August 2009 Summary Check Register.

Staff Recommendation: The Board of Directors approve the August 2009 expenditures totaling \$1,370,880.61.

Action Required: ___ Resolution ___ **X** ___ Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-G

Meeting Date: September 22, 2009

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of July 14, 2009

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of July 14, 2009.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of July 14, 2009.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 14, 2009 regular Board meeting.

Action Required: ___ Resolution ___ X Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
July 14, 2009
6:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:30 p.m. on July 14, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee – Vice President – arrived at 6:33 p.m.
Ken Nishi
Tom Moore
Dan Burns

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jean Premutati, Management Services Administrator
Brian True, Interim District Engineer
Suresh Prasad, Director of Finance
Rich Youngblood, Conservation Coordinator
Barbara Montanti, Customer Service Assistant

Audience Members:

Mitch Winick, Monterey College of Law
Bob Holden, MRWPCA
Jan Shriner, Green Party
Andy Sterbenz, Schaaf & Wheeler
Stuart Bennett, CalPERS
Salvadore Lucido, 223/225 Palm Avenue

The Board entered into closed session at 6:30 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: D/E Reservoir Site
Negotiating Parties: MCWD and City of Seaside
Under Negotiation: Lease Agreement
- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Lonestar Property
Negotiating Parties: MCWD and CEMEX
Under Negotiation: Price, Terms, and Conditions
- C. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Negotiator: General Manager
Employee Organizations: Teamsters Local 890 and Unrepresented Employees

The Board ended closed session at 6:51 p.m.

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

4. Possible Action on Closed Session Items:

President Gustafson stated that direction was given on item 3-A; and direction was given on item 3-C with action to be taken under agenda items 8-D and 8-E.

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Consent Calendar:

Agenda Item 7 (continued):

Director Burns made a motion to approve the Consent Calendar consisting of items; A) Approve Expenditures for the Month of June 2009; B) Approve the Draft Minutes of the Special Board Meeting of May 19, 2009; C) Approve the Draft Minutes of the Regular Board Meeting of June 9, 2009; D) Approve the Draft Minutes of the Special Board Meeting of June 12, 2009; and, E) Approve the Draft Minutes of the Special Board Meeting of July 1, 2009. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

8. Action Items:

- A. Consider Adoption of Resolution No. 2009-46 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District (MCWD) and Monterey College of Law (MCL) for the MCL Criminal Justice Center in Seaside, CA:

Mr. Brian True, Interim District Engineer, introduced this item.

Director Moore made a motion to adopt Resolution No. 2009-46 to approving a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between MCWD and Monterey College of Law (MCL) for the MCL Criminal Justice Center in Seaside, CA. Director Burns seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

Mr. Mitch Winick, Monterey College of Law, complimented staff and consultants for the great job in getting this project completed.

- B. Consider Adoption of Resolution No. 2009-47 to Approve an Audit Contract for FY 2008/2009 through FY 2010/2011:

Mr. Suresh Prasad, Director of Finance, introduced this item and commented that the audit firm staff recommended was R.J. Ricciardi, Inc. Director Burns asked if this was a three-year contract. Mr. Prasad answered it was.

Agenda Item 8-B (continued):

Director Burns made a motion to adopt Resolution No. 2009-47 approving an Audit Contract for FY 2008/2009 through FY 2010/2011. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

C. Consider Adoption of Resolution No. 2009-48 to Approve the District Reserve Fund Policy:

Mr. Prasad introduced this item. Director Moore had a clarifying question.

Director Burns made a motion to adopt Resolution No. 2009-48 approving the District Reserve Fund Policy. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

D. Consider Adoption of Resolution No. 2009-49 to Approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District:

Ms. Jean Premutati, Management Services Administrator, introduced this item. She stated that there were a few minor changes to the document. The changes are:

- 1) Article 10.5 – Shift Differential, the end of the first sentence should read, “...rate of pay for all hours worked during the assigned shift.” The second sentence should also read the same, “...rate of pay for all hours worked during the assigned shift.”
- 2) Article 12 – Holidays, the last paragraph should read, “Association members who are statutorily non-exempt...”
- 3) Article 15.6 – Voluntary Furlough, item 5 should read, “may take up to forty (40) hours of ~~unpaid leave~~ of voluntary furlough without pay at any one time...”

Director Moore made a motion to adopt Resolution No. 2009-49 approving the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District with the aforementioned changes. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

E. Consider Adoption of Resolution No. 2009-50 to Approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District:

Ms. Premutati introduced this item and mentioned that the table of contents is missing Article 15.7 – Voluntary Furlough Without Pay.

Director Burns made a motion to adopt Resolution No. 2009-50 approving the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

F. Consider Adoption of Resolution No. 2009-51 to Approve a Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration California Public Employees' Retirement System and the Board of Directors Marina Coast Water District:

Ms. Premutati introduced this item and Mr. Stuart Bennett, California Public Employees Retirement System. Director Moore asked a question regarding any increases that may be upcoming over the next few years. Mr. Bennett answered that unless the economy has a drastic turn-around, there will be increases in employer paid contributions.

Director Burns made a motion to adopt Resolution No. 2009-51 approving a Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration California Public Employees' Retirement System (CalPERS) and the Board of Directors Marina Coast Water District. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

G. Consider Adoption of Resolution No. 2009-52 to Approve the Paying and Reporting of Employer-Paid Member Contributions of CalPERS for the Marina Coast Water District Employees Association; and Resolution No. 2009-53 to Approve the Paying and Reporting of Employer-Paid Member Contribution of CalPERS for the Management and Confidential Unit, Teamsters Local 890:

Ms. Premutati introduced this item.

Agenda Item 8-G (continued):

Director Moore made a motion to adopt Resolution No. 2009-52 approving the Paying and Reporting of Employer-Paid Member Contributions of CalPERS for the Marina Coast Water District Employees Association and Resolution No. 2009-53 to Approve Paying and Reporting of Employer-Paid Member Contributions of CalPERS for the Management and Confidential Unit, Teamsters Local 890. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

H. Consider Adoption of Resolution No. 2009-54 to Approve a Professional Services Agreement with The EDCCO Group for SCADA Design Integration for the Recycled Water Component of the Regional Urban Water Augmentation Project:

Mr. True introduced this item.

Director Burns made a motion to adopt Resolution No. 2009-54 approving a Professional Services Agreement with The EDCCO Group for SCADA Design Integration for the Recycled Water Component of the Regional Urban Water Augmentation Project. Director Moore seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

I. Consider Adoption of Resolution No. 2009-55 to Provide a Variance Regarding 223/225 Palm Avenue:

Director Nishi asked to hold this item until later in the meeting as the applicant was delayed in getting to the meeting.

President Gustafson agreed to postpone this item until later in the meeting.

J. Consider Censure of a Director:

Mr. Lloyd Lowrey, Legal Counsel, introduced this item. He recommended, in accordance with a recent decision in the California courts, to give Director Moore due process to receive information at this meeting and take no action until the following meeting to allow Director Moore adequate time to respond.

Agenda Item 8-J (continued):

Director Burns asked why this time the censure is being handled differently than last time. Mr. Lowrey answered that last time it involved an employee and was discussed in closed session. This time, it does not involve an employee and a Board member is an elected official, not an employee.

Director Moore asked Mr. Lowrey to state for the record that he prepared the agenda transmittal and draft resolution. Mr. Lowrey answered affirmatively. Director Moore asked if Mr. Lowrey could swear that the information regarding this item in the Board packet is true, the whole truth and nothing but the truth. Mr. Lowrey answered no, that it was not his function. His function was to investigate, obtain facts and to try to verify the facts to the best of his ability. It was not his job to attest to the veracity of the facts, and he did not have enough first hand knowledge that he would consider appropriate to be able to attest to. Mr. Lowrey stated he tried diligently to obtain the facts set forth here and to send them forth as clearly as possible. Director Moore asked if Mr. Lowrey spoke directly to him during the process of obtaining the facts. Mr. Lowrey answered that he did not. Director Moore stated that now there was a series of derogatory allegations that are now part of a permanent public record. If they are not Mr. Lowrey's allegations, then whose allegations are they? Mr. Lowrey commented that at a previous meeting, Director Nishi had asked to have this item on the agenda. Director Moore stated that at the June 9, 2009 meeting, when Director Nishi asked to have a censure item placed on the agenda, Director Moore asked what the topic of the censure would be and no one answered his question. Director Moore voiced his disappointment in having these allegations made public without anyone talking directly to him.

Director Moore stated that he would be responding to the allegations and some of them are quite ambiguous. First, the Special Districts Association position Director Moore allegedly took over and secondly there is no evidence other than references to the Board Procedures Manual and three different Board meetings. Director Moore commented that in order to prepare a response, he needs to know what specific evidence is involved. Director Moore stated that the burden of proof must lay with those making the allegations. Director Moore stated that he would be unavailable during the August meeting due to obligations with his employer and asked that this be put off until the September Board meeting.

President Gustafson stated that when he came on the Board there was not much being done. As a resident of Marina, he noticed that there seemed to be officials who used the organization to control development and used water as a hostage.

Director Nishi answered that they weren't talking about water and they were talking about the censure.

President Gustafson commented that when the Board met in discussions on the Recycled Water Project they met as a team; and when the Board wanted representation for the Special Districts Association, they as a Board decided that they wanted Director Ken Nishi to represent us.

Agenda Item 8-J (continued):

Director Nishi asked what was being done tonight. Mr. Lowrey answered that they are receiving the transmittal and draft resolution. It may be discussed and no action will be taken at this time. Director Nishi asked if the Board was being asked to receive this information and making a motion to take action at a different meeting. Mr. Lowrey answered affirmatively and stated that Director Moore asked for additional information and if anyone wanted to provide additional information they may do so at this time.

President Gustafson commented that the Board did not want Director Moore to represent them at the Special Districts Association (SDA) and the Board approved another Director to do so. Contrary to the Board's wishes, Director Moore continued to attend and got promoted within the organization. On the LAFCO representation, the Board approved Director Nishi to run for election and Director Moore went out on his own contrary to the Board's wishes. It doesn't look good and it seems the District lost respect with the SDA. President Gustafson stated he wants the Board to work together as a team.

Director Burns commented that it is only fair to have all the facts before making a decision and it is fair to grant Director Moore an extension.

Vice President Lee commented that he hadn't heard if this item was going to be continued.

Mr. Lowrey commented that there had been a request to reschedule and if the Board desires further investigation and more detailed memoranda, they can direct staff and him to do that.

Director Burns made a motion to reschedule this item and for staff to further investigate and provide more detail at that meeting. Vice President Lee seconded the motion. Director Nishi stated that he could agree to that if Director Moore brings a copy of his orders in. Director Moore answered that he would bring in his orders. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

9. Staff Reports:

A. Receive 2nd Quarter 2009 Ord Community Quarterly Water Consumption and Sewer Flows Report:

Mr. Rich Youngblood, Conservation Coordinator, introduced this item.

Director Nishi questioned the water percentage used on page 292 under Army Facilities & Businesses – Ord.

Agenda Item 9-A (continued):

Mr. Prasad commented that the percentage is reflected in water allocation and there is no specific allocation for this list. Mr. Youngblood stated there is not an allocation for Army facilities by themselves. This retention by the Army is for the entire Army community. Director Nishi asked why there is a water percentage at the bottom then. Mr. Prasad answered that it is a form report. Mr. Andy Sterbenz, Schaaf & Wheeler, suggested creating sub-categories like those in the Marina section. Mr. Prasad answered that he uses Crystal Reports to create this report and will try to adjust it accordingly. Director Nishi questioned the CSUMB allocations and asked that they be included in the breakdown. He also asked that the Abrams Park and Marina – Ord show allocations. Mr. Prasad will adjust the report to include those numbers.

President Gustafson returned to the postponed item 8-I.

- I. Consider Adoption of Resolution No. 2009-55 to Provide a Variance Regarding 223/225 Palm Avenue:

Mr. True introduced this item.

Director Nishi questioned how many EDU's are proposed for this project. Mr. True answered that there are six (6) EDU's for water, six (6) EDU's for sewer and one (1) EDU for the laundry unit for a total of seven (7) EDU's. Director Nishi asked how many EDU credits Mr. Lucido has. Mr. True answered that he has three (3) EDU credits. Mr. True stated that the plan review is still being processed and the final numbers will be decided when the plan review is complete. Director Nishi questioned why this isn't waiting until the plan review is complete so the Board can have the final numbers.

Director Moore asked how much was paid in capacity charges. Mr. Salvatore Lucido commented that he paid approximately \$34,000 in capacity charges and was under the impression that it would carry him through the completion of the project. He was not aware that there was a one-year window on the permit and needed to complete the project before that time. Mr. Lucido stated that now he owes an additional \$14,000. He is asking the Board to consider a payment plan or decreasing the fee of what is owed. Mr. Lucido commented that he did not receive all the information that he needed to know to complete the job in time.

Director Moore asked what the \$34,000 included. Mr. True answered that it included connection costs, permit applications, plan check fees, etc. Director Nishi asked if Mr. Lucido paid for everything at the time he got the permits. Mr. True answered that Mr. Lucido had paid for everything that was known at the time. Director Nishi asked why there was a delay in payment until the fees were increased. Mr. True answered that the plans were not complete and the process was never completed. Mr. Lucido stated that he was under the impression that everything was okay.

Agenda Item 8-I (continued):

Director Moore stated that he agreed with Director Nishi and wanted to wait until the plan check process is complete then asked staff to put together a payment plan. President Gustafson agreed that it would be best to work with final numbers.

Vice President Lee asked if the water was connected and if the apartments were being held up because there was no connection. Mr. Lucido answered that everything was being held up at this point but his engineers are just about complete with the revisions and the plans should be heading back to the District within the next few days. Vice President Lee asked if other connections from the street to the property have been completed. Mr. Lucido answered that electrical and gas lines have been put in. The only things not in the ground are the water and sewer lines.

Mr. True commented that Attachment B shows the revised forms the District will be using in the Engineering Department.

Mr. Lowery commented that it would be appropriate to continue this at sometime in the future so the applicant is not left hanging.

Director Nishi made a motion to allow the applicant to cut into the street so he can get his occupancy, and staff come back with documentation that shows the District used due diligence to cover themselves. Mr. Lowrey clarified that the District will allow connection to the system, and at the next regularly scheduled meeting, staff will bring back the amount of fee and terms of payment.

Mr. Jim Heitzman, General Manager, asked that staff meet with the applicant and bring back an agreement to the next meeting. Discussion followed.

Mr. Lowrey asked if the motion was that staff meet with the applicant and bring back an agreement to the next meeting or schedule a special meeting if necessary. Director Nishi amended his motion to have staff bring back an agreement to the next meeting or schedule a special meeting if necessary. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

B. Receive a Report on the Customer Parking Areas at the Reservation Road Office:

Mr. Heitzman gave a brief report on the designated customer parking areas. Director Moore suggested that a time limit be placed on the customer parking signs. Mr. Heitzman answered that it could be done. Director Nishi stated that he did not want to spend any more funds on parking signs. Discussion followed.

10. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that there was a cost hearing at the PUC that lasted two days on the Coastal Water Project. The result was that the Regional Water Plan is a more cost efficient project and even if the rates were increased by 50%, it would still be more cost efficient than the Coastal Water Project.

Public Participation meetings were held in Monterey and Seaside. Approximately 95% were in favor of the Regional Water Plan being publicly owned. MCWRA, MRWPCA, MCWD, and CalAm are working together to understand each others projects and where the projects can benefit the other.

Director Moore asked if the hybrid project had any support. Mr. Heitzman answered that the hybrid project was ridiculed by a number of people and they don't want to hear about it. The hybrid project may not have been engineered sufficiently.

Director Nishi stated that Mr. Heitzman made positive comments at the Public Participation meeting regarding CalAm.

B. District Engineer's Report:

Mr. True stated he had nothing to report.

C. Counsel's Report:

Mr. Lowery observed that the Administration Law Judge who is presiding over the PUC process is a person who has a great depth of experience and favors collaborative approaches rather than litigation. The District's decision early on to participate in a collaborative approach was a wise decision. At this stage of the game, there isn't a project yet and all parties are participating in the process.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No comments.

2. Joint City-District Committee:

No comments.

3. MRWPCA Board Member:

Director Nishi reported that the regular meeting was boilerplate. The Budget went through and capacity charges. Director Nishi said he voiced his concern that the packet listed names alphabetically and the newspaper did not.

4. LAFCO Liaison:

No comments.

5. JPIA Liaison:

No comments.

6. FORA:

Vice President Nishi stated the yearly legislative session presentations were made at the meeting and the budget was approved.

7. Executive Committee:

No comments.

8. Community Outreach:

Vice President Lee stated Mr. Paul Lord has been keeping customers informed on the available rebates. Also, a customer suggested considering a rebate for hot water recirculating pumps. President Gustafson commented that it helps to place the hot water heater in the correct spot for maximum efficiency. Director Burns said he thought the District was considering rebates on tankless water heaters at one time.

9. Ord Community Ad Hoc Committee:

No comments.

10. Special Districts Association Liaison:

No comments.

E. Director's Comments:

Director Burns commented on the censure issue. He stated that if Board members are going to be held accountable for their actions at all times, he doesn't want to wait to address the issues. As the issues arise, the issues should be placed on the table and discussed.

Agenda Item 10-E (continued):

Director Nishi commented that hopefully the Board can work together to get things solved and it is better if they all worked as a team. If they work together they can get things done. Director Nishi agreed that the District should look into rebates for tankless water heaters.

Director Moore asked if the next meeting would return to the 6:45 p.m. time frame. President Gustafson answered it would.

President Gustafson reiterated what Director Nishi said about working together.

11. Adjournment:

The meeting was adjourned at 8:25 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-H

Meeting Date: September 22, 2009

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of August 11, 2009

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of August 11, 2009.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District’s expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of August 11, 2009.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 11, 2009 regular Board meeting.

Action Required: ___ Resolution ___ X Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
August 11, 2009
6:45 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 6:45 p.m. on August 11, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee – Vice President
Ken Nishi
Dan Burns

Board Members Absent:

Tom Moore

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Jean Premutati, Management Services Administrator
Brian True, Interim District Engineer
Suresh Prasad, Director of Finance
Rich Youngblood, Conservation Coordinator
Ernest Pons, Customer Services Supervisor
Paula Riso, Executive Assistant

Audience Members:

Bob Holden, MRWPCA
Jan Shriner, Marina Resident
Vienna Merritt Moore, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Rick Sauerwein, Salinas Resident
Graham Wiseman, NEWCAL Inc.
Greg Heim, DataNet Solutions

The Board entered into closed session at 6:45 p.m.

3. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: D/E Reservoir Site
Negotiating Parties: MCWD and City of Seaside
Under Negotiation: Lease Agreement
- B. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Lonestar Property
Negotiating Parties: MCWD and CEMEX
Under Negotiation: Price, Terms, and Conditions
- C. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: Former Fort Ord Well Sites
Negotiating Parties: MCWD, UCMBEST, FORA, U.S. ARMY
Under Negotiation: Easements and Fee Title Ownership
- D. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: AMBAG Imjin Property
Negotiating Parties: MCWD and AMBAG
Under Negotiation: Price, Terms, and Conditions

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

4. Possible Action on Closed Session Items:

President Gustafson stated that direction was given. Mr. Lloyd Lowrey, Legal Counsel, stated that no action was taken and direction was given. The Board will consider setting a special meeting to consider action on item 3-D.

Director Nishi made a motion to set the special meeting for Monday, August 17, 2009 beginning at 5:00 p.m. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

5. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

6. Oral Communications:

Ms. Vienna Merritt-Moore, Marina resident, commented that with all the action going on with the District, maybe the next agenda could have an item to give an update on all the projects the District is involved with.

7. Consent Calendar:

Director Nishi pulled item 7-D and requested that it be postponed until the next Board meeting. Director Nishi made a motion to approve the Consent Calendar consisting of items; A) Adopt Resolution No. 2009-57 to Transfer the Operations Engineer from the Engineering Department to the Vacant Assistant Operations & Maintenance Superintendent Position in the Operations & Maintenance Department and Amend the FY 2009/2010 Budget; B) Adopt Resolution No. 2009-58 to Approve the District Technology Plan Appendix for 2009/2010; and, C) Approve Expenditures for the Month of July 2009. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

8. Action Items:

- A. Consider Adoption of Resolution No. 2009-59 to Approve the Job Description and Hire of an Assistant Engineer to a One-Year Contract:

Mr. Jim Heitzman, General Manager, introduced this item. Director Burns asked if this position received benefits. Mr. Heitzman answered that it did not.

Director Burns made a motion to adopt Resolution No. 2009-59 approving the job description and hire of an Assistant Engineer to a one-year contract. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

- B. Consider Adoption of Resolution No. 2009-60 to Adopt a Final Resolution to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the Board of Director of the Marina Coast Water District:

Ms. Jean Premutati, Management Services Administrator, introduced this item.

Director Burns made a motion to adopt Resolution No. 2009-60 adopting a Final Resolution to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the Board of Director of the Marina Coast Water District. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

- D. Consider Adoption of Resolution No. 2009-61 to Approve the Hiring of a Temporary, Part-Time Customer Service Assistant:

Mr. Heitzman introduced this item.

Vice President Lee made a motion to adopt Resolution No. 2009-61 approving the hiring of a temporary, part-time Customer Service Assistant. President Gustafson seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

- D. Consider Adoption of Resolution No. 2009-55 to Provide a Variance Regarding 223/225 Palm Avenue:

Mr. Heitzman stated that due to last minute information received, this item would be pulled and brought back to the September meeting.

- E. Consider Adoption of Resolution No. 2009-62 to Approve a Memorandum of Agreement between Marina Coast Water District and the Monterey Peninsula Water Management District:

Mr. Heitzman introduced this item explaining that this MOA is for the two agencies to work together on water issues.

Agenda Item 8-E (continued):

Director Nishi made a motion to adopt Resolution No. 2009-62 approving a Memorandum of Agreement between Marina Coast Water District and the Monterey Peninsula Water Management District. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

9. Staff Reports:

B. Receive a Report on the District's Document Storage System:

Mr. Heitzman stated that the Board has passed a Green/Sustainable Policy and part of that is to cut back on paper products. The District has many rooms of old files and papers that will be put into the document imaging system and with the ability to view all the documents, staff won't need to waste paper printing and copying those documents to view them. Mr. Suresh Prasad, Director of Finance, gave a brief presentation on the Laserfiche Document Storage System.

President Gustafson commented that the existing plans can be put into the system and in the future, the District can require developers to submit their work in electronic form to save paper.

10. Informational Items:

A. General Manager's Report:

Mr. Heitzman commented that he has been making many presentations on the Regional Water Plan and is always available to make a presentation to anyone at anytime. He added that anytime anyone wants a presentation on any project the District is working on, he would be happy to do so.

Director Burns suggested putting this information in the newsletter to update everyone on what was going on.

Ms. Merritt-Moore asked that staff inform her of any upcoming presentations so she could film it for the public to see.

C. District Engineer's Report:

Mr. True stated he had nothing to report.

C. Counsel's Report:

Mr. Lowery stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee stated that discussion was held regarding the booth at the Monterey County Fair and praised the efforts of Mr. Paul Lord and staff on the beautiful landscaping at the Ord office.

4. Joint City-District Committee:

President Gustafson stated that the meeting was being rescheduled.

5. MRWPCA Board Member:

Director Nishi reported that the meeting was boilerplate.

4. LAFCO Liaison:

Director Nishi stated no meeting was held.

7. JPIA Liaison:

No comments.

8. FORA:

Vice President Nishi stated the July meeting was canceled and the August meeting was upcoming on Friday.

7. Executive Committee:

No comments.

8. Community Outreach:

Vice President Lee stated that there was public outreach the Monterey County Fair. President Gustafson commented that Mr. Heitzman was reaching the public with his many presentations.

9. Ord Community Ad Hoc Committee:

No comments.

10. Special Districts Association Liaison:

President Gustafson commented that Senator Abel Maldonado was the speaker and talked about the State budget.

E. Director's Comments:

President Gustafson thanked staff for a job well done.

11. Correspondence:

President Gustafson stated that correspondence was in the packet.

12. Adjournment:

The meeting was adjourned at 7:27 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-I

Meeting Date: September 22, 2009

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of August 17, 2009

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of August 17, 2009.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District’s expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of August 17, 2009.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 17, 2009 special Board meeting.

Action Required: ___ Resolution ___ X Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Special Board Meeting
August 17, 2009
5:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 5:30 p.m. on August 17, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee – Vice President
Ken Nishi
Dan Burns
Tom Moore

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Paula Riso, Executive Assistant

Audience Members:

John Doughty, AMBAG Executive Director

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Oral Communications:

Mr. Jim Heitzman, General Manager, introduced Mr. John Doughty, AMBAG Executive Director.

The Board entered into closed session at 5:31 p.m.

5. Closed Session:

- A. Pursuant to Government Code Section 54956.8
Conference with Real Property Negotiator (General Manager, Legal Counsel)
Property: AMBAG Imjin Property
Negotiating Parties: MCWD and AMBAG
Under Negotiation: Price, Terms, and Conditions

President Gustafson reconvened the meeting to open session at 6:04 p.m.

6. Possible Action on Closed Session Items:

- A. Consider Adoption of Resolution No. 2009-63 to Make Findings Under CEQA, Approve a Purchase Agreement for the AMBAG Imjin Property and Authorize Filing a Notice of Determination:

Director Nishi made a motion to adopt Resolution No. 2009-63 to make findings under CEQA, approve a Purchase Agreement for AMBAG Imjin Property and authorize filing a Notice of Determination with an addition of language in the first FURTHER RESOLVED of the Resolution. Mr. Lloyd Lowrey, Legal Counsel, provided the language to read, "in the form attached hereto as Attachment A with provision for AMBAG to indemnify Marina Coast Water District against any delay and damages caused by AMBAG. Director Moore asked if the motion included the General Manager the ability to make non-substantial changes which may include some slight changes in the actual financial numbers. Director Nishi answered that his motion included the General Manager's ability to make non-substantial changes. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

7. Director's Comments:

Director Nishi commented that he was glad the Board was working together to get this item solved.

8. Adjournment:

The meeting was adjourned at 6:07 p.m.

Special Board Meeting
August 17, 2009
Page 3 of 3

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-J

Meeting Date: September 22, 2009

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of September 3, 2009

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of September 3, 2009.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District’s expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of September 3, 2009.

Staff Recommendation: The Board of Directors approve the draft minutes of the September 3, 2009 special Board meeting.

Action Required: ___ Resolution ___ X Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District

District Offices
11 Reservation Road
Marina, California

Special Board Meeting
September 3, 2009
5:30 p.m.

Draft Minutes

1. Call to Order:

President Gustafson called the meeting to order at 5:00 p.m. on September 3, 2009.

2. Roll Call:

Board Members Present:

Howard Gustafson – President
Bill Lee – Vice President
Ken Nishi
Dan Burns

Board Members Absent:

Tom Moore

Staff Members Present:

Jim Heitzman, General Manager
Paula Riso, Executive Assistant

Audience Members:

None.

3. Pledge of Allegiance:

President Gustafson led everyone present in the pledge of allegiance.

4. Oral Communications:

None.

5. Action Item:

- A. Consider Adoption of Resolution No. 2009-64 to Authorize the General Manager to Run for Election to the National Water Resources Association Board of Directors:

Mr. Jim Heitzman, General Manager, introduced this item stating that this special meeting was called because the regular meeting was postponed until September 22, 2009 and the deadline for nomination to the National Water Resources Association (NWRA) Board of Directors is September 10, 2009.

Vice President Lee asked how much of Mr. Heitzman's time this position would require. Mr. Heitzman answered that there are four scheduled meetings per year and that a benefit to the NWRA is the ability to interface and network with a lot of people that could potentially find major funds for the District.

Director Nishi made a motion to adopt Resolution No. 2009-64 authorizing the General Manager to run for election to the National Water Resources Association Board of Directors. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Absent	Vice President Lee	-	Yes
Director Nishi	-	Yes	President Gustafson	-	Yes
Director Burns	-	Yes			

6. Director's Comments:

No comments.

7. Adjournment:

The meeting was adjourned at 5:04 p.m.

APPROVED:

Howard Gustafson, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: September 22, 2009

Submitted By: Jim Heitzman
Reviewed By: Jim Heitzman

Presented By: Brian True

Agenda Title: Consider Adoption of Resolution No. 2009-55 to Provide a Limited Variance to
223/225 Palm Avenue

Detailed Description: The Board of Directors is requested to take action on a Variance Request. The Applicants' completed Variance Request Form was received by District staff on April 14, 2009. The Variance Request Form, a letter response from the General Manager to the Applicant containing notification of his recommended course of action, the Interim District Engineer's memorandum to the General Manager, and a letter from the Applicant are included as Attachment A to this Transmittal.

Staff advises the Board that MCWD Code Sections 208.020 C. and D., state that the District Board will take action at this meeting or defer action until a later meeting and that the Board has the power, by resolution, to approve or disapprove requests for variances, after considering recommendations received from the General Manager.

Staff's recommendation is that the Variance Request be denied on the basis that the conditions for granting such a variance (MCWD Code Section 2.08.020 D. – Variances) have not been met. Denying the Request will result in the Applicant being required to pay all current connection costs based on the July 20, 2009 authorized-for-construction plan-set at the current cost rates; however, staff further recommends that the Board direct the General Manager to enter into a Letter Agreement with the Applicant that will allow him to make monthly payments over a 12-month period until the Applicant has paid the complete cost and interest charges to connect to the MCWD water and sewer systems. This Letter Agreement will provide a limited variance to Water Code sections 6.08.090 D. and 6.12.020 D. that specifies "No service shall be provided through a connection for which the required capacity charge has not been paid." The Letter Agreement will specify all other terms and conditions for the Applicant to make the payments over time.

The Applicant's current total connection costs sum to \$40,073. The Applicant made a \$30,016 payment in April of 2008. The principal balance remaining is \$10,057 plus interest costs on the outstanding balance in accordance with the amortized schedule. The Applicant will commence making monthly payments towards that balance upon connection to MCWD's infrastructure. In the capacity charge portion of the connection cost computation, the Applicant was provided a credit for 4 EDU's of existing water use and 4 EDU's of existing sewer use.

Environmental Review Compliance: None required.

Prior Board Actions: The Board received reports on this matter at the May 12 and June 9, 2009 Board meetings. The Board provided direction to staff on the Action Item at the July 14, 2009 meeting. The item was included on the August 11, 2009 Board Meeting agenda but the item was removed from the agenda based on new received information.

Board Goals/Objectives: *2007/2008 Strategic Plan, Goal No. 2 – To meet 100% of current and future customers needs and make timely improvements and increase infrastructure and level of services and human resources to meet the needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: _____ Yes ___X___ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2009-55; Attachment A – Variance Request; and Attachment B – draft Letter Agreement, Amortization Schedule, Invoice.

Staff Recommendation: The Board of Directors deny the Variance Request and direct Staff to enter into a Letter Agreement with the Applicant providing the Applicant with the ability to make monthly payments over a 12-month period until the cost plus interest is paid in full.

Action Required: ___X___ Resolution _____ Motion _____ Review
(Roll call vote is required.)

Board Action

Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Resolution No. 2009-55
Resolution of the Board of Directors
Marina Coast Water District
Approving a Limited Variance for 223/225 Palm Avenue Regarding Connection Fees

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on April 2, 2008 the Applicant paid connection costs, including capacity charges, to the District to connect to the system and failed to complete the connection within the twelve month time limit; and,

WHEREAS, on April 14, 2009, the Applicant submitted a Variance Request (Attachment A); and,

WHEREAS, the Board of Directors desires to deny the specific variance request to the District’s Water Code but desires to provide a limited variance to the Code that allows the Applicant to make full payment plus any interest costs by monthly payments over a 12-month period pursuant to a Letter Agreement and associated amortization schedule and invoice (Attachment B).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to enter into a Letter Agreement with the Applicant specifying the terms and conditions of the payments over time and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on September 22, 2009 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-55 adopted September 22, 2009.

Jim Heitzman, Secretary

Attachment A

Variance Request Processing

Attachment B

Draft Letter Agreement, Amortization Schedule, Invoice

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: September 22, 2009

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Appointing Two Directors to a Regional Urban Water Augmentation Project Ad-Hoc Committee

Detailed Description: The Board of Directors is requested to consider appointing two Directors to an Ad-Hoc Committee regarding the Regional Urban Water Augmentation Project (RUWAP) and dealing with other local agencies.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District’s expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider appointing two Directors to a Regional Urban Water Augmentation Project Ad-Hoc Committee.

Action Required: _____Resolution X Motion _____Review

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: September 22, 2009

Submitted By: Lloyd Lowrey

Presented By: Lloyd Lowrey

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2009-70 to Censure a Director

Detailed Description: By this action, the Board will decide whether to proceed with a possible censure of Director Moore for actions inconsistent with the District's Code of Ethics.

The District's Board Procedures Manual and, specifically, the Code of Ethics contained therein, require that a Board members' conduct, "at all times, enhance the integrity and goals of the District" and "the confidence the public has in the District" and require that, "once the Board takes action, directors shall commit to supporting said action and not to create barriers to the implementation of said action". (Section 14(G); and "all individuals should work together in a collaborative process, assisting each other in the conduct of the District's affairs". (Section 14(L)). Directors Nishi and Gustafson have questioned whether Director Moore's actions violate Sections 14(G) and 14(L).

On January 10, 2007, the Board of Directors voted to select Director Gustafson to be the District's representative to the Special Districts Association of Monterey County (SDAMC), with Director Moore as the alternate. On February 28, 2007, the Board of Directors voted to select Director Lee as the District's alternate representative to the SDAMC, replacing Director Moore. Notwithstanding this action by the MCWD Board, Director Moore has continued to attend the Association meetings, continues to serve on the Special District Association (SDA) Board of Directors and continued to seek reimbursement from the District for the cost of his meals at the Special District meetings through April 21, 2009.

On May 28, 2008, the Board of Directors voted to nominate and support Director Nishi as a candidate for the alternate position representing special districts on the Monterey County Local Agency Formation Commission (LAFCO) Board Special District seat. Contrary to the Board selection of Director Nishi to run for the LAFCO Board seat, Director Moore opposed Director Nishi, and was elected as special district alternative representative to LAFCO.

Description of Proposed Action:

The proposed action is to determine if the other Board members wish to censure Director Moore for his above described actions.

At the July 14, 2009, Board meeting, the Board voted to hire an investigator to review the allegations and proposed censure, and set the September meeting as the date to further consider the censure and the investigator's report. The September meeting was later rescheduled from September 9 to September 22. District Counsel engaged Sue Parris to conduct the investigation. Ms. Parris completed a report that was forwarded to the General Manager on September 1. The

report was forwarded to Director Moore on September 10. Sue Parris will be available at the September 22 meeting to deliver her report and respond to questions.

Censure is an official reprimand of a Board member by the Board, normally based on a violation of Board policy or other behavior considered inappropriate by the Board. The resolution or motion of censure may not infringe any of the member's free speech rights or impose any punishment. It may not prevent the censured Board member from performing official duties, such as the right to vote as a Board member, or restrict the Board member's opportunities or ability to speak before the Board or to the public. It may request that the Board member act or refrain from acting in some specified way. A majority vote is required to adopt a resolution or pass a motion for censure.

In this case, the proposed censure is based on alleged violations of Board policy, specifically, Sections 14(G) and 14(L). The Parris Report states that there are facts that might support an interpretation that some of the alleged actions were not in accord with Board policy. The Parris Report does not find factual support for some of the allegations, including the request for reimbursement of meals and taking positions at the Special Districts Association contrary to the position of the MCWD Board and official SDA representative.

The Board has given Director Moore adequate notice of the proposed action and an opportunity to respond. The Board should review this Transmittal and the proposed Resolution, review the written report and presentation from Sue Parris, and decide whether the actions of Director Moore support censure. This Transmittal and the Resolution have taken the Parris Report into account.

Board Goals/Objectives: 2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None

Financial Impact: _____ Yes X No

Funding Source Recap: N/A

Material Included for Information/Consideration: Resolution No. 2009-70; and, Investigation Report on Assessment of Proposed Censure.

Staff Recommendation: None.

Action Requested: _____ Resolution X Motion _____ Review

Board Action

_____ Resolution No. _____ Motion By _____ Seconded By _____

Ayes: _____ Abstained: _____

Noes: _____ Absent: _____

Reagendized: _____ Date: _____ No Action Taken: _____

Resolution No. 2009-70
Resolution of the Board of Directors
Marina Coast Water District Issuing
Censure of Director

September 22, 2009

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regularly scheduled meeting duly called and held on September 22, 2009 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Director Thomas Moore is a member of the Marina Coast Water District Board of Directors; and,

WHEREAS, another Board member has asked the Board to consider censuring Director Moore for certain actions that allegedly violated Sections 14(G) and Section 14(L); and,

WHEREAS, censure is an official reprimand of a Board member by the Board, normally based on a violation of Board policy or other behavior considered inappropriate by the Board; and,

WHEREAS, a resolution or motion of censure may not infringe a Board member's free speech rights or impose any punishment, or prevent the censured Board member from performing official duties, such as the right to vote as a Board member, or restrict the Board member's opportunities or ability to speak before the Board or to the public; and,

WHEREAS, by way of censure, the Board may request that a Board member act or refrain from acting in some specified way; and,

WHEREAS, the District's Board Procedures Manuel and, specifically, the Code of Ethics contained therein, require that, in order to assist in the governance of the behavior between and among members of the Board, the Code of Ethics requires that:

“Once the Board takes action, directors shall commit to supporting said action and not to create barriers to the implementation of said action”. (Section 14(G); and,

“All individuals should work together in a collaborative process, assisting each other in the conduct of the District's affairs”. (Section 14(L)); and,

WHEREAS, the Board of Directors gave Director Moore adequate notice of the proposed censure at its July 14, 2009 regularly scheduled Board meeting and gave Director Moore the opportunity to respond to and comment on the proposed censure at its September 2009 meeting, thereby affording Director Moore adequate notice of the “charges” against him and a reasonable opportunity to respond; and,

WHEREAS, Director Moore violated the District's Code of Ethics Sections 14(G) and 14(L) by continuing to serve on the Special Districts Association of Monterey County despite

the fact that the Board, on January 10, 2007, elected Director Gustafson to be the District's representative to the Special Districts Association of Monterey County; and,

WHEREAS, Director Moore also violated the District's Code of Ethics Sections 14(G) and 14(L) by running for election to the LAFCO Board Special District seat despite the fact that the Board, on May 28, 2008, elected Director Nishi to be the Director that the District wanted to run for election to the LAFCO Board.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby find:

1) Director Moore has failed to behave in a manner consistent with the vote of the majority of the Board members by continuing to serve on the Special District Association and failing to support the Board's vote as to who should run for election to the LAFCO seat, and running against said Board's choice for the LAFCO seat, thereby creating barriers to the implementation of the Board's actions in violation of Section 14(G) of the Board's Code of Ethics and failing to work together in a collaborative process and assist other Board members in the conduct of the District's affairs in violation of Section 14(L) of the Board's Code of Ethics which actions merit censure; and,

2) Director Moore is hereby censured for his conduct which is contrary to the Board's Code of Ethics; and,

3) Director Moore is requested to refrain from engaging in similar conduct in the future.

PASSED AND ADOPTED on September 22, 2009, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Howard Gustafson, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2009-70 adopted September 22, 2009.

Jim Heitzman, Secretary

Marina Coast Water District
Staff Report

Agenda Item: 10-A

Meeting Date: September 22, 2009

Prepared By: Rich Youngblood

Reviewed By: Jim Heitzman

Agenda Title: Receive Update on the Hot Water Recirculation System Rebate Program

Summary: This program provides an incentive to customers to retrofit existing homes with hot water recirculation systems to reduce water consumption. When customers turn on the hot water and let it run until it becomes hot enough to use, they are wasting water. The amount of water wasted varies with a number of factors including the distance between the hot water heater and faucet where demand is required. This rebate will provide an incentive to retrofit a hot water recirculation system to the present system to reduce the wasted water.

The rebate provided will be up to \$125 per installation, not to exceed the cost of the pump being installed. While this does not reimburse customer the entire cost of a retrofit which will vary from site to site, it provides an incentive for those who would consider doing so.

The data available to judge the effectiveness of hot water recirculation system retrofit programs for communities such as ours is not available. This program will allow us to collect data on the customer experiences in our service area to better evaluate the retrofitting of hot water recirculation systems in our community.

This program will be funded by transferring \$4,000 of the funds provided by K&B Homes to the operational budget. These funds were paid by K&B Homes as conservation offset for not installing District-approved hot water recirculation systems in the model homes at the Seaside Highlands Development. The budget amendment will be suggested as follows:

	<u>Budget</u>	<u>Change</u>	<u>Balance</u>
From: K&B Homes Account	\$46,000	-\$4,000	\$42,000
To: Hot Water Recirculation Program	\$0	\$4,000	\$4,000

Per direction from the Board, this item will be brought to the October Board meeting for consideration.