



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
KENNETH K. NISHI
President

WILLIAM LEE
Vice President

THOMAS P. MOORE
HOWARD GUSTAFSON
DAN BURNS

Dual Locations

Agenda

Regular Board Meeting, Board of Directors

Marina Coast Water District

Navy Gateway Inns and Suites

1312 Meyerkord Avenue, Newport, RI 02841

and

11 Reservation Road, Marina, California

Tuesday, August 10, 2010, 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 54956.8

Conference with Real Property Negotiator (General Manager, Legal Counsel)

Property: Parcel of Land known as Sunset Place

Negotiating Parties: MCWD, Residents, City of Marina

Under Negotiation: Fee Title Ownership and Disposal

B. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

(Subdivision (a) of Section 54956.9)

Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

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, August 5, 2010 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Board Clerk at: 831-883-5910. The next regular meeting of the Board of Directors is scheduled for September 14, 2010.

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. Presentation

- A. Consider Adoption of Resolution No. 2010-52 in Recognition of Community Member, Bob Drake, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

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. Adopt Resolution No. 2010-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program With a Not-To-Exceed Amount of \$18,500
- B. Adopt Resolution No. 2010-54 to Authorize a \$25,000 Expenditure Within CIP# RW-0156 to Review and Process Marina Coast Water District's Request for the Right of Entry and Easements from the Army Corp of Engineers for Recycled Water Pipelines
- C. Adopt Resolution No. 2010-55 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Community Hospital Properties for the Community Hospital of the Monterey Peninsula (CHOMP) Marina Campus
- D. Adopt Resolution No. 2010-60 to Amend the Marina Coast Water District Conflict of Interest Code
- E. Approve the Expenditures for the Month of July 2010
- F. Approve the Draft Minutes of the Regular Board Meeting of July 13, 2010

9. Public Hearing

- A. Receiving Public Comment on Increases in District Rates, Fees, and Charges for Central Marina

10. 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 Second Reading and Adoption of Ordinance No. 52 Approving New District Rates, Fees & Charges for Central Marina Water and Wastewater

Action: The Board of Directors is requested to consider the second reading and adoption of Ordinance No. 52 approving new District rates, fees & charges for Central Marina Water and Wastewater.

- B. Consider Adoption of Resolution No. 2010-56 to Approve the Central Marina Budget for FY 2010-2011

Action: The Board of Directors will consider approving the Central Marina budget for FY 2010-2011.

- C. Consider Adoption of Resolution No. 2010-57 to Approve a Professional Services Agreement with Enovity Inc. for LEED Commissioning Services for Imjin Office Park Building C Within a Not-to-Exceed Amount of \$34,500

Action: The Board of Directors will consider approving a Professional Services Agreement with Enovity Inc. for LEED Commissioning Services for Imjin Office Park Building C within a not-to-exceed amount of \$34,500.

- D. Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Meeting Day and Time of Each Committee

Action: The Board of Directors will consider reinstating the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; to approve the charge, formation and meeting day and time of each Committee.

11. Staff Reports

- A. Update on the Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis
- B. Receive 2nd Quarter 2010 Ord Community Quarterly Water Consumption and Sewer Flow Report

12. 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. Special Districts Association Liaison |
| 5. JPIA Liaison | |

E. Director's Comments

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

*Special Meeting: Joint Board Meeting with FORA
Friday, August 13, 2010, 3:00 p.m.
201 13th Street, Building 2925, Marina*

*Regular Meeting: Tuesday, September 14, 2010, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: August 10, 2010

Submitted By: Rich Youngblood

Presented By: Rich Youngblood

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-52 in Recognition of Community Member, Bob Drake, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

Detailed Description: The Board of Directors is requested to consider adopting a resolution recognizing Bob Drake for his service on the Water Conservation Commission.

Bob Drake was appointed as a public member to the Water Conservation Commission in December 2009. As a member of the Commission he provided input on water conservation activities, practices and programs. During his tenure on the Water Conservation Commission, Mr. Drake provided invaluable insights and guidance.

Mr. Drake's dedication and commitment to public service has been recognized by his fellow Commission members and all those who have come into contact with him. For his unselfish dedication and commitment, the District wishes to recognize Bob Drake for his service, and wishes him well in the future.

Environmental Review Compliance: None required.

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

Prior Committee or Board Action: None.

Financial Impact: Yes No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2010-52.

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-52 to recognize community member, Bob Drake, for his dedicated service to the Marina Coast Water District as a member on the Water Conservation Commission.

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 _____

August 10, 2010

Resolution No. 2010 - 52
Resolution of the Board of Directors
Marina Coast Water District
Recognition of Public Member, Bob Drake,
for Dedicated Service to the Marina Coast Water District as a Member on the
Water Conservation Commission

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Bob Drake was appointed in December 2009 to serve as a member on the Water Conservation Commission of the Marina Coast Water District; and,

WHEREAS, during his tenure, Bob Drake rendered superior service to the District by providing invaluable participation and insights, and by contributing significant personal time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and commends Bob Drake for outstanding and dedicated service to the District and the Committee's of the Board.

PASSED AND ADOPTED on August 10, 2010, 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 _____

Kenneth K. Nishi, 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. 2010-52 adopted August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: August 10, 2010

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Carl Niizawa

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2010-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program with a Not-To-Exceed Amount of \$18,500
- B) Adopt Resolution No. 2010-54 to Authorize a \$25,000 Expenditure Within CIP# RW-0156 for the Right of Entry and Easements from the Army Corp of Engineers for Recycled Water Pipelines
- C) Adopt Resolution No. 2010-55 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Community Hospital Properties for the Community Hospital of Monterey Peninsula (CHOMP) Marina Campus
- D) Adopt Resolution No. 2010-60 to Amend the Marina Coast Water District Conflict of Interest Code
- E) Approve the Expenditures for the Month of July 2010; and,
- F) Approve the Draft Minutes of the Regular Board Meeting of July 13, 2010.

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *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 X 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: August 10, 2010

Submitted By: Rich Youngblood

Presented By: Rich Youngblood

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program with a Not-To-Exceed Amount of \$18,500

Detailed Description: The Board of Directors is requested to review and approve a Memorandum of Understanding (MOU) between the Marina Coast Water District (MCWD) and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program.

Both districts have worked together for more than ten years to bring water education to students within the community. This agreement strengthens this relationship and provides the means to integrate water conservation instruction into the curriculum at each school. MCWD will provide funding for classroom instruction provided to teach water conservation education in the MCWD service area elementary schools for the 2010-2011 School Year.

This MOU formalizes the planning and execution of the water conservation education program for the coming year and makes possible the scheduling of instruction in over 70 classes to more than 2,100 students. All elementary schools in the MCWD service area will receive the water conservation education classes. The instruction provided is correlated with the state academic curriculum standards and assists schools in teaching the water conservation related contained in the standards.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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: The funding for this program is included in the FY 2010/2011 Budget.

Material Included for Information/Consideration: Resolution No. 2010-53; and, Draft MOU between MCWD and Monterey Peninsula Unified School District.

August 10, 2010

Resolution No. 2010 - 53
Resolution of the Board of Directors
Marina Coast Water District
Approving a Memorandum of Understanding
with the Monterey Peninsula Unified School District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“MCWD”), at a meeting duly called and held on August 10, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, MCWD has developed a Memorandum of Understanding (MOU) with the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program that will facilitate the teaching of water conservation education; and,

WHEREAS, the MOU is an agreement to formalize planning and execution of the In-School Water Conservation Education Program; and,

WHEREAS, the funding for this MOU is included in the MCWD’s proposed budget for FY 2010/2011, which is scheduled for adoption in August 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the proposed Memorandum of Understanding regarding the In-School Water Conservation Education Program.

BE IT FURTHER RESOLVED, that the Board of Directors does hereby authorize the General Manager or the Deputy General Manager/District Engineer to sign the MOU with the Monterey Peninsula Unified School District for a not-to-exceed amount of \$18,500.

PASSED AND ADOPTED on August 10, 2010, 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 _____

Kenneth K. Nishi, 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. 2010-53 adopted August 10, 2010.

Jim Heitzman, Secretary

MEMORANDUM OF UNDERSTANDING
Between
MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT
And
MARINA COAST WATER DISTRICT

This agreement is between the Monterey Peninsula Unified School District (MPUSD) and the Marina Coast Water District (MCWD) for the 2010-2011 school year.

The terms and conditions set forth in this document shall constitute the entire agreement between MPUSD and MCWD and may not be amended except by a written document signed by both parties.

The parties agree to the following:

1. MCWD agrees to fully fund a part time science teacher position (not to exceed a total of \$18,500 and not to exceed approximately 529 hours at \$30.08 per hour (plus statutory benefits) for the 2010-2011 school year in the Elementary Schools in the MCWD service area.
2. This teacher will teach the water science awareness and conservation program in all the schools within MCWD service area during the 2010-2011 school year.
3. MPUSD will send a monthly invoice of the science teacher's monthly salary and benefit costs for reimbursement to the MCWD, Attn. Rich Youngblood, 11 Reservation Road, Marina, 93933. (Email: ryoungblood@mcwd.org, Tel: 883-5928, FAX: 384-0197) The final invoice is to be processed prior to July 1, 2011.
4. The MCWD shall submit a check within 30 days of invoice receipt made payable to the Monterey Peninsula Unified School District and sent to: Attn. Christine Reyes, P.O. Box 1031, Monterey, CA 93942-1031.
5. The payment will be deposited in an account dedicated for this purpose only.
6. The position shall be filled through MPUSD's established hiring process and shall be an employee of MPUSD and shall be entitled to the same rights, privileges and applicable benefits as other MPUSD employees.

The term of this MOU is for 2010-2011 school year only.

MARINA COAST WATER DISTRICT

MONTEREY PENINSULA
UNIFIED SCHOOL DISTRICT

Carl Niizawa
Deputy General Manager
11 Reservation Road
Marina, CA 93933

Susan H. Ziebell
Director of Business Services
P.O. Box 1031
Monterey, CA 93942-1031

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: August 10, 2010

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-54 to Authorize a \$25,000 Expenditure Within CIP# RW-0156 to Review and Process Marina Coast Water District's Request for the Right of Entry and Easements from the Army Corp of Engineers for Recycled Water Pipelines

Detailed Description: The Board of Directors is requested to authorize the expenditure of \$25,000 within CIP# RW-0156. The money will be provided to the Army Corp of Engineers for the review and processing of Marina Coast Water District's (MCWD) request for Right-of-Entry and Easements for the recycled water (RW) pipeline and facilities within the Regional Urban Water Augmentation Project (RUWAP). The segments of the RW pipeline that will benefit from this advancement in the construction process are those segments extending southwards in General Jim Moore Boulevard from the Lightfighter intersection and terminating in Normandy 500-feet east of Normandy's intersection with General Jim Moore Boulevard, as well as segments behind Marshall Elementary School adjacent to the City of Seaside property boundary eastwards to the D/E Reservoir site. The total distance of RW pipeline within the Army Corp's process is approximately 6,400 linear feet.

Federal law requires certain federal agencies to defray the cost of third-party rights and uses of federal property by obtaining reimbursement from the grantees of such rights or uses. The MCWD's request for Right-of-Entry and Easements from the Army and BRAC made September 15, 2009 and April 12, 2010 respectively appears to be a legitimate reimbursable matter for which the Army Corp can require MCWD, as the grantee of the property right contemplated, to pay some cost defrayment. The \$25,000 amount is dictated by an estimate provided to the MCWD from the Army Corp. The largest portion of that value appears to be for the property appraisal that will be conducted in accord with the complex federal regulation. Please note that as a result of the appraisal, MCWD may be asked to pay the fair market value for the proposed property rights to be given (i.e. for the Right-of-Entry and the Easements) and that the fair market cost (if requested) is not included in the \$25,000 expenditure.

The Army Corp's work and obtaining the value derived from the \$25,000 will be overseen by Carollo Engineers, the design consultant for the recycled water facilities. This oversight task is within their existing contract's scope of work.

Environmental Review Compliance: No environmental review is required for this action.

Prior Board Action: On May 12, 2009, the Board of Directors adopted Resolution No. 2009-31 approving a Professional Services Agreement with Carollo Engineers to achieve the final design for the recycled water pipeline and Blackhorse Reservoir, as well as on-call services for the RUWAP. On May 11, 2010, the Board of Directors adopted Resolution No. 2010-26 amending

the Professional Services Agreement with Carollo Engineers authorized by Resolution No. 2009-31 for completing the final design for the recycled water pipeline, Fifth Avenue Pump Station, Blackhorse Reservoir, and additional on-call services for the RUWAP.

Board Goals/Objectives: *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 needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: Yes No

Funding Source/Recap: The \$25,000 needed for this proposed expenditure is planned for in the FY 2010/2011 CIP Budget within the design phase of CIP# RW-0156 that is budgeted at approximately \$444,000. The sum of this expenditure and the design Professional Services Agreement encumbrance (not-to-exceed amount of \$370,000) does not exceed the budgeted value. The MCWD initially will utilize MCWD Reserves to fund the design phase of CIP# RW-0156.

Material Included for Information/Consideration: Resolution No. 2010-54.

Staff Recommendation: The Board of Directors adopt Resolution 2010-54 authorizing a \$25,000 expenditure within CIP# RW-0156 to review and process Marina Coast Water District's request for the Right of Entry and Easements from the Army Corp of Engineers for recycled water pipelines.

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_____

August 10, 2010

Resolution No. 2010 - 54
Resolution of the Board of Directors
Marina Coast Water District

Authorizing a \$25,000 Expenditure within CIP# RW-0156 to Review and Process
Marina Coast Water District's Request for the Right of Entry and Easements from the
Army Corp of Engineers for Recycled Water Pipelines

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on August 10, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District Board of Directors has adopted Resolution Nos. 2009-31 and 2010-26 approving and amending a Professional Services Agreement with Carollo Engineers to achieve the final design for the recycled water pipeline, Fifth Avenue Pump Station, Blackhorse Reservoir, and on-call services for the RUWAP and obtaining the project's Rights-of-Entry and Easements is within the Agreement scope of work; and,

WHEREAS, the Army Corp of Engineers requires the payment of \$25,000 as cost defrayment for processing the Right-of-Entry and Easements for segments of the recycled water pipeline; and

WHEREAS, the design phase of CIP# RW-0156 has adequate funds budgeted for the proposed expenditure and the design phase is part of the District's proposed FY 2010/2011 capital improvement budget scheduled for adoption in August 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to expend \$25,000 within the design phase of CIP# RW-0156 for the review and process of the Right of Entry and Easements from the Army Corp of Engineers for recycled water pipelines 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 August 10, 2010 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 _____

Kenneth K. Nishi, 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. 2010-54 adopted August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: August 10, 2010

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-55 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District (MCWD) and Community Hospital Properties for the Community Hospital of Monterey Peninsula (CHOMP) Marina Campus

Detailed Description: The Board of Directors is requested to approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement (hereafter referred to as the Infrastructure Agreement) between MCWD and Community Hospital Properties for the CHOMP Marina Campus. The enclosed draft Infrastructure Agreement is based upon the most recent board-approved format used for other development groups within the MCWD service area.

Marina Community Partners and Community Hospital Properties entered into a purchase agreement on February 12, 2009 for the purchase of 5 parcels of land within the University Villages Development (now known as the Dunes on Monterey Bay). The parcels are located on the southeast corner of Imjin Parkway and 2nd Avenue on the former Fort Ord. CHOMP proposes to build four buildings as their new Marina Campus. The project will consist of the construction of new utility mains and services to the buildings, constructing a new road, and constructing new landscaping and parking features.

The new infrastructure being transferred to the District will be constructed within the public right-of-way or within easements provided to MCWD by CHOMP. The specific infrastructure proposed for transfer includes PVC potable water pipelines, PVC gravity sewer pipelines, and associated man-holes. The CHOMP development also includes a separate purple recycled water irrigation system for which only the connection point in the public right-of-way will be owned, operated, and maintained by the District.

A Water Supply Assessment/Written Verification of Supply was not prepared for this development as a stand-alone project because the specific project consists of fewer than 500 units (California Water Code section 10912(b)).

Environmental Review Compliance: This agreement is not a "project" under the California Environmental Quality Act (CEQA). This work is categorically exempt under CEQA. Upon authorization of this proposed action by the Board, a Notice of Exemption will be filed.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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. 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 needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: _____ Yes X No

Funding Source/Recap: There is no financial impact.

Material Included for Information/Consideration: Resolution No. 2010-55; and, draft Infrastructure Agreement.

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-55 approving the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement between MCWD and Community Hospital Properties for the Community Hospital of Monterey Peninsula (CHOMP) Marina Campus.

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 _____

August 10, 2010

Resolution No. 2010 - 55
Resolution of the Board of Directors
Marina Coast Water District
Approving a Construction and Transfer of
Water, Sewer, and Recycled Water Infrastructure Agreement between
The Marina Coast Water District and the Community Hospital Properties for the
Community Hospital of Monterey Peninsula (CHOMP) Marina Campus

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Community Hospital Properties (“Developer”) has coordinated with the District on their Community Hospital of Monterey Peninsula (CHOMP) Marina Campus development, consisting of the new construction of four buildings and related infrastructure on the former Fort Ord lands; and,

WHEREAS, the City of Marina has allocated a portion of its former Fort Ord water supply allocation for the Developer’s use in developing the CHOMP Marina Campus, and,

WHEREAS, the District and the Developer are working cooperatively regarding proposed water, recycled water and sewer system improvements; and,

WHEREAS, the District and the Developer have agreed upon the proposed Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement and desire to enter into same.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager/District Engineer to sign the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement between MCWD and Community Hospital Properties for the Community Hospital of Monterey Peninsula Marina Campus and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED August 10, 2010, 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 _____

Kenneth K Nishi, 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. 2010-55 adopted August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: August 10, 2010

Submitted By: Paula Riso

Presented By: Lloyd Lowrey

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-60 to Amend the Marina Coast Water District Conflict of Interest Code

Detailed Description: The Board of Directors is requested to adopt Resolution No. 2010-60 amending the Marina Coast Water District (District) Conflict of Interest Code.

The Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt a Conflict of Interest Code. It is necessary for the District to periodically update its Conflict of Interest Code. The Monterey County Board of Supervisors requires a Local Agency Biennial Report on even numbered years. In 2008, the District reported there were no changes.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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. 2010-60; Local Agency Biennial Report; and, Conflict of Interest Code of the Marina Coast Water District.

Recommendation: Update District's Conflict of Interest Code and direct staff to submit same to Monterey County Board of Supervisors.

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 _____

August 10, 2010

Resolution No. 2010 - 60
Resolution of the Board of Directors
Marina Coast Water District
Amending the Marina Coast Water District
Conflict of Interest Code

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt a Conflict of Interest Code; and,

WHEREAS, it is necessary for the District to periodically update its Conflict of Interest Code with the last update in 2006; and review of said Code has indicated the list of Designated Positions required in Exhibit A should be revised; and,

WHEREAS, the Fair Political Practices Commission describes a Designated Employee as an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest; and,

WHEREAS, the District wishes to add two new positions: Deputy General Manager/District Engineer, and, Director of Administrative Services. Both of these are positions that can or may advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby amend the Marina Coast Water District Conflict of Interest Code to include the positions of Deputy General Manager/District Engineer, and Director of Administrative Services.

PASSED AND ADOPTED on August 10, 2010, 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 _____

Kenneth K. Nishi, 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. 2010-60 adopted August 10, 2010.

Jim Heitzman, Secretary

Clerk of the Board, County of Monterey
P.O. Box 1728
Salinas, California 93902

LOCAL GOVERNMENT AGENCY BIENNIAL REPORT

This agency has reviewed its Conflict of Interest Code on August 10, 2010 and has determined that:

An amendment is required. The following amendments are necessary:

 X Include new positions (including consultants) that must be designated

 Delete positions that manage public investments from the list of designated positions

 Revise disclosure categories

 X Revise the titles of existing positions

 Delete titles of positions that have been abolished

 Other (*describe*) _____

No amendment is required.

The Agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Contact Person: Paula Riso Phone Number (831) 883-5910
Name of Agency: Marina Coast Water District
Mailing Address: 11 Reservation Road, Marina, California 93933

Dated: _____

Jim Heitzman, General Manager

CONFLICT OF INTEREST CODE
 OF THE
MARINA COAST WATER DISTRICT
 OF MONTEREY COUNTY

(a) The Political Reform Act of 1974, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the political Reform Act after public notice and hearings. Therefore, the terms 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Marina Coast Water District.

(b) Pursuant to Government Code section 81008 and 2 Cal. Code of Regs. Section 18730 (b) (4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the Board of Directors, the agency shall make and retain a copy and forward the original of the statement to the code reviewing body. Statements for all other designated employees shall be retained by the agency, which shall make the statements available for public inspection and reproduction.

(c) APPENDIX

EXHIBIT A: DESIGNATED POSITIONS

List of Designated Positions	Assigned Disclosure Categories
Members of the Board of Directors	1
General Manager	1
<u>Deputy General Manager/District Engineer*</u>	1
District Engineer	1
<u>Director of Administrative Services*</u>	1
Operations and Maintenance Superintendent	1
Director of Finance	1
Management Services Administrator	1
Water Quality Manager	1
Conservation Coordinator	1
District Legal Counsel	1
Capital Projects Manager	1

*Add the Deputy General Manager/District Engineer position

*Add the Director of Administrative Services position

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: August 10, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Carl Niizawa

Agenda Title: Approve Expenditures for the Month of July 2010

Detailed Description: The Board of Directors is requested to approve the attached July 2010 check register for expenditures totaling \$1,163,402.17.

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: 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: July 2010 Summary Check Register.

Staff Recommendation: The Board of Directors approve the July 2010 expenditures totaling \$1,163,402.17.

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-F

Meeting Date: August 10, 2010

Submitted By: Paula Riso
Reviewed By: Carl Niizawa

Presented By: Paula Riso

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of July 13, 2010

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of July 13, 2010.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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 13, 2010.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 13, 2010 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 13, 2010
6:45 p.m.

Draft Minutes

1. Call to Order:

President Nishi called the meeting to order at 6:45 p.m. on July 13, 2010.

2. Roll Call:

Board Members Present:

Ken Nishi– President
Bill Lee – Vice President
Howard Gustafson
Tom Moore – arrived at 6:46 p.m.

Board Members Absent:

Dan Burns

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Suresh Prasad, Director of Finance
Brian True, Capital Projects Manager
Jean Premutati, Management Services Administrator
Sean Knight, Assistant Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Jan Shriner, Marina Resident
Andy Sterbenz, Schaaf & Wheeler
Alison Imamura, Denise Duffy & Associates
Denise Duffy, Denise Duffy & Associates

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

3. Closed Session:

A. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator (General Manager, Legal Counsel)

Property: Parcel of Land known as Sunset Place

Negotiating Parties: MCWD, Residents, City of Marina

Under Negotiation: Fee Title Ownership and Disposal

C. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

(Subdivision (a) of Section 54956.9)

Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

The Board ended closed session at 6:49 p.m.

President Nishi reconvened the meeting at 7:00 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported that on item 3-A, pursuant to Government Code 54956.8, the Board of Directors conferred with the Real Property Negotiators and no action was taken. On item 3-B, pursuant to Government Code 54956.9, the Board of Directors conferred with Legal Counsel and no action was taken.

5. Pledge of Allegiance:

President Nishi asked Ms. Jean Premutati, Management Services Administrator, to lead everyone present in the Pledge of Allegiance.

6. Oral Communications:

There were no comments.

8. Consent Calendar:

Director Moore requested to pull items B, D, E, F, and G from the Consent Calendar.

Director Gustafson made a motion to approve the Consent Calendar consisting of items A) Adopt Resolution No. 2010-44 to Approve the Contract Extension of the Temporary Assistant Engineer Position; and, C) Adopt Resolution No. 2010-46 to Authorize the Agreement with Bureau of Reclamation, Mid-Pacific Region, to Provide Assistance in Conducting a Feasibility Study and Associated Reviews and Assessments for a Not-to Exceed Amount of \$20,000. Director Moore seconded the motion. The motion was passed.

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

- B. Adopt Resolution No. 2010-45 to Authorize the Contract Extension with Troutman Sanders Strategies to Provide Consultant Services in Connection with Federal Government Affairs for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses:

Director Moore commented that the contract amount did not allow for any incidentals and asked if it should be increased. Mr. Jim Heitzman, General Manager, answered that there have never been any incidentals incurred in the past and did not expect any to be incurred in the remainder of this contract.

Director Moore made a motion to adopt Resolution No. 2010-45 to authorize the contract extension with Troutman Sanders Strategies to provide consultant services in connection with Federal Government Affairs for a not-to-exceed amount of \$36,000 plus direct expenses. Vice President Lee seconded the motion. The motion was passed.

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

- D. Adopt Resolution No. 2010-47 to Authorize the Construction Contract for CIP# OW-0170 With Randazzo Enterprises, Inc. for the Demolition of the Existing Municipal Well No.32 Site Structures Within a Not-To-Exceed Project Work Amount of \$29, 600:

Director Moore questioned why the contingency was larger than the usual 10%. Mr. Brian True, Capital Projects Manager, answered that because the contract amount was so small, the larger contingency allowed for unexpected costs that may arise. Mr. Carl Niizawa, Deputy General Manager/District Engineer, added that there could be asbestos or lead paint involved and that could trigger extra costs to the District to have it removed.

Agenda item 7-D (continued):

Director Moore made a motion to adopt Resolution No. 2010-47 to authorize the construction contract for CIP# OW-0170 with Randazzo Enterprises, Inc. for the demolition of the existing Municipal Well No.32 site structures within a not-to-exceed project work amount of \$29,600. Director Gustafson seconded the motion.

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

- E. Adopt Resolution No. 2010-48 to Approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services Related to CIP# OW-0207 for the Installation of Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA for a Not-to-Exceed Project Amount of \$6,200:

Director Moore again questioned why the contingency was so much higher than usual. Mr. True answered that there are uncertainties in what might be found when the work is performed and the extra funds would allow two additional site visits.

Director Moore made a motion to adopt Resolution No. 2010-48 to approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services related to CIP# OW-0207 for the installation of potable water pipelines in 3rd Avenue and 12th Street in Marina, CA for a not-to-exceed project amount of \$6,200. Director Gustafson seconded the motion.

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

- F. Approve the Expenditures for the Month of June 2010:

Director Moore questioned check numbers 49640, 49486, 49676, 49706, 49714 and 49723. Staff answered Director Moore's inquiries.

Director Gustafson made a motion to approve the expenditures for May 2010. Vice President Lee seconded the motion. The motion was passed.

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

G. Approve the Draft Minutes of the Regular Board Meeting of June 22, 2010:

Director Moore requested to postpone approval of the draft minutes until Director Burns returns.

President Nishi asked for corrections to pages 11 and 12 of the minutes. On page 11, under item 3 - MRWPCA Board Member, the second sentence is to read, "...have a pipeline ~~and it be included~~ in the 2010-2011 CIP." Under item 4 - LAFCO Liaison, second sentence is to read, "...June 16th Sphere of Influence Committee meeting, some minor changes were suggested for the June 28th Board meeting, and...". On page 12, the fourth paragraph under "Director's Comments" shall read as follows, "...could do something to show appreciation to the employees for their outstanding work." and, "...to get the City of Marina to comply, and it was successful."

Director Gustafson made a motion to approve the draft minutes of the regular Board meeting of June 22, 2010, as corrected. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	No	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Absent			

8. Action Items:

- A. Consider Adoption of Resolution 2010-49 to Ratify the Amended and Restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and Designate ACWA HBA Membership Representatives:

Ms. Premutati introduced this item explaining that the Board is requested to ratify the amended and restated ACWA HBA bylaws, ratify the amended JPA Agreement and to designate the Board President and General Manager as ACWA HBA membership representatives. Ms. Premutati also explained that there are several committees that the District staff can volunteer to serve on. Those committees meet quarterly and may occur via conference call.

Director Gustafson made a motion to adopt Resolution No. 2010-49 ratifying the amended and restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and designate the Board President and General Manager as ACWA HBA membership representatives. Vice President Lee seconded the motion. The motion was passed.

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

- B. Consider Adoption of Resolution No. 2010-50 to Approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services Related to the Regional Water Supply Project for a Not-to-Exceed Amount of \$535,000:

Mr. Niizawa introduced this item and answered that the services were reviewed and approved by California America Water Company (Cal Am) prior to Board approval. Director Moore asked what other environmental work needed to be done. Ms. Alison Imamura, Denise Duffy & Associates, answered that the Federal Process requires more detailed environmental work for the Endangered Species Act than what has already been completed.

Director Moore made a motion to adopt Resolution No. 2010-50 to approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services related to the Regional Water Supply Project for a not-to-exceed amount of \$535,000. Director Gustafson seconded the motion. The motion was passed.

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

- C. Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Day and Time of Each Committee:

Mr. Niizawa introduced this item. President Nishi suggested tabling this item until a full Board is present for discussion. He asked that each Board member email him their committee requests for consideration at the next meeting.

Director Moore made a motion to table this item until the next meeting. Director Gustafson seconded the motion. With a vote of 4-Ayes, 0-Noes, 1-Absent, the motion was passed.

9. Staff Reports:

- A. Update on the Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis:

President Nishi asked to table this item until the next meeting when Director Burns is present as he was the one who asked for information on this item.

All Directors present concurred to table this item until next meeting.

B. Oral Update on the Regional Urban Water Augmentation Project:

Mr. Heitzman commented that there are designs on the pump station and the pipeline. There are some issues with the pump station working with the rest of the distribution system, but those issues are being worked on. Mr. Heitzman commented that there are details still being discussed with the City of Marina regarding easements for the pipeline through the City and the location of the pump station. There is about 30% of the recycled water pipeline installed and the District is continuing to look for additional grant funds for this project. It is imperative that the easements with the City get resolved as soon as possible so the District can stay qualified for the State Revolving Fund monies.

C. Oral Update on the Regional Water Plan:

Mr. Heitzman commented that the judge has weighed in and approved the reimbursement agreement between the District and Cal Am and there is a great amount of support for this project from almost everyone. The agencies are working with Peninsula Mayors to see if they and/or the Monterey Peninsula Water Management District want to represent the constituents of the Peninsula. Mr. Heitzman commented that a Community Outreach forum is being developed for interested parties to participate, learn about the project and stay abreast of the project. Mr. Heitzman stated that the courts could make a decision within the next ninety days and then it will be forwarded to the CPUC for final determination.

10. Informational Items:

A. General Manager's Report:

Mr. Heitzman stated he had nothing to report.

B. District Engineer's Report:

Mr. Niizawa introduced Mr. Sean Knight, the Assistant Engineer in the District's engineering department. Mr. Knight thanked the Board for the opportunity to continue working for the District and is looking forward to being a part of helping the Community grow.

C. Counsel's Report:

Mr. Lowrey stated he had nothing to report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented there was no meeting last month.

2. Joint City-District Committee:

President Nishi stated they were meeting on Thursday, July 15th and the recycled water pipeline easement was one of the issues to be discussed.

3. MRWPCA Board Member:

President Nishi commented that the June 28th regular Board meeting was boiler-plate.

4. LAFCO Liaison:

Director Moore stated that there is no meeting in July and the next meeting was in August. Director Moore commented that he understood Mr. Don Champion was elected as Chair for the upcoming year. President Nishi commented that the meetings run slow although public member, Vince DiMaggio, keeps things moving along, and the meeting was boiler-plate.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated that the meeting was held July 9th and the meeting was boiler-plate.

7. Executive Committee:

No meeting was held.

8. Community Outreach:

Director Gustafson commented that there hasn't been a lack of press by any means, and the District didn't even have to do anything to get it.

9. Special Districts Association Liaison:

Director Gustafson commented that the meeting was next week on July 20th.

E. Director's Comments:

Director Gustafson commented that Vince DiMaggio, Sr. gave him his first job.

President Nishi commented that Marina Coast is on the threshold of doing something to help our neighbors to the south with their economic situation because of the additional supply of water. President Nishi congratulated his fellow Board members and encouraged them to keep up the good work as they persevere to move forward. President Nishi stated that he didn't think the District and Board members would take as much flack as they are taking. He thought that people would appreciate what the District is trying to do for everyone on the Peninsula and is surprised by the resistance. President Nishi said that he thinks if the District carries on, things should be okay.

11. Correspondence:

Mr. Heitzman commented that the District received a letter of appreciation from the California State University Monterey Bay, and as letters of appreciation are received, he will keep the Board informed.

President Nishi stated he would like to form an Ad-Hoc with the General Manager to look at ways to show appreciation to the staff.

12. Adjournment:

The meeting was adjourned at 7:41 p.m.

APPROVED:

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: August 10, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Prepared By: Carl Niizawa

Agenda Title: Consider Second Reading and Adoption of Ordinance No. 52 Approving New District Rates, Fees & Charges for Central Marina Water and Wastewater

Detailed Description: The Board is requested to conduct the second reading on Ordinance No. 52 to approve new water and wastewater rates, fees and charges for the Central Marina service area.

On February 14, 2007, the District Board adopted Resolution No. 2007-17, approving a Professional Services Agreement with Bartle Wells Associates (“BWA”) to Prepare a Five-Year Water, Wastewater and Recycled Water Financial Plan and Rate Study. On March 12, 2008, the Board adopted Resolution No. 2008-12 to approve amending the Professional Services Agreement to include an increase in fees to complete the rate study. On May 14, 2008, the Board approved the Five-Year Water and Wastewater Financial Plan and Rate Study. The approved Rate Study called for rate increases for FY 2010/2011 for both service areas.

The FORA Board must approve any increase in the rates for the Ord Community service area before they are adopted by the District. These would include the operating rates and capacity charges for water, wastewater and regional water. Staff has previously met with FORA staff to discuss the schedule and anticipated action by the boards.

The process for any rate change for Central Marina and Ord Community includes a public hearing to receive input from the rate payers before any change in rates is adopted. A Proposition 218 hearing is required in order to increase the rates charged for water and wastewater services for both the Central Marina and Ord Community. The Capacity Charge fee increase for both the Central Marina and Ord Community does not require a Proposition 218 notice or hearing. The Proposition 218 hearing for Central Marina is scheduled for August 10, 2010.

The amount of the increase in capacity charges exceeds the percentage increase in the Implicit Price Deflator for State and Local Government Purchases, as determined by the Department of Finance. This means that the District cannot charge the increased capacity fee to any school district, county office of education, community college district, state agency, or the University of California before first negotiating the increases with those entities in accordance with District Code section 6.16.020 and Government Code section 54999.3. Although these sections also apply to California State University at Monterey Bay (CSUMB), the District can charge the increased amounts to CSUMB as a result of and as limited by a Settlement Agreement and Mutual Release dated June 1, 2006, by which the District and California State University made an agreement regarding the amount of all future capacity charges. Accordingly, the District can charge the increased capacity charges as limited by the Settlement Agreement and Mutual

Release immediately to CSUMB but cannot charge the increased capacity charges to any other school district, state agency, county office of education, community college district or the University of California without first negotiating with those entities.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On February 14, 2007, the District Board adopted Resolution No. 2007-17 approving a Professional Services Agreement with Bartle Wells Associates ("BWA") to prepare a Five-Year Water, Wastewater and Recycled Water Financial Plan and Rate Study. On July 11, 2007, the District Board reviewed the rate study progress report. On March 12, 2008, the Board adopted Resolution No. 2008-12 to approve amending the Professional Services Agreement to include an increase in fees to complete the rate study. On April 30, 2008, the Board met and discussed the rate study at a rate study workshop. On May 14, 2008, the Board approved the Five-Year Water and Wastewater Financial Plan and Rate Study. On May 11, 2010, the Board completed the first reading of Ordinance No. 52.

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

Financial Impact: Yes No

Funding Source/Recap: All revenue accounts for the District.

Material Included for Information/Consideration: Ordinance No. 52.

Staff Recommendation: The Board of Directors consider second reading of Ordinance No. 52 approving new District rates, fees & charges for Central Marina Water and Wastewater.

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
ORDINANCE NO. 52

AN ORDINANCE AMENDING SECTIONS 6.08.030, 6.08.060, 6.08.090, 6.08.100, 6.12.020,
6.12.040 AND 6.12.050 OF THE DISTRICT CODE
CHANGING RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICES

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 30000 and following of the California Water Code, and Sections 66013 and 66016 of the California Government Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District law with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with publication, notice and hearing requirements of Section 6 of Article XIID of the California Constitution and Section 66016 of the California Government Code and Section 31027 of the California Water Code.
- B. The District Code establishes, among other things, water consumption charges, minimum monthly charges, monthly sewer charges, various service charges, and water and sewer capacity charges for the District's customers. Based on the recommendations of the District's General Manager and engineering and financial advisors, and the 2008 5-Year Water and Wastewater Financial Plan and Rate Study adopted by the Board of Directors on May 14, 2008, revised charges are necessary to meet operating and capital expenses for sound operation of the District and to enable the District to provide continued water and sewer service within existing service areas.
- C. The District's legal counsel advises, and the Board finds, that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.
- D. The estimated revenues from the rates, fees and charges will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed, will not be used for any purpose other than that for which the fee or charge was imposed, will not exceed the proportional cost of the service attributable to each identified parcel upon which the fee or charge is proposed for imposition and no fee or charge will be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question.

- E. The District has held a public hearing on the rates, fees and charges, not including Capacity Charges, for the Central Marina service area pursuant to and in accordance with Section 6 of Article XIII D of the California Constitution.
- F. At the public hearing, the Board heard and considered all protests to the Central Marina service area rates, fees and charges proposed and finds that written protests were submitted by less than a majority of the record owners of each identified parcel upon which the fee or charge is proposed for imposition; and
- G. No written requests are on file with the District for mailed notice of meetings on new or increased fees or service charges pursuant to Government Code Section 66016. At least 10 days prior to the meeting, the District made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service.
- H. The amount of the increase in capacity charges exceeds the percentage increase in the Implicit Price Deflator for State and Local Government Purchases, as determined by the Department of Finance. As a result, the District cannot charge the increased capacity fee to any school district, county office of education, community college district, state agency, or the University of California before first negotiating the increases with those entities in accordance with District Code section 6.16.020 and Government Code section 54999.3. Although these sections also apply to California State University at Monterey Bay, the District has complied with its obligation to negotiate with it and can charge the increased amounts to CSUMB as a result of and as limited by a Settlement Agreement and Mutual Release dated June 1, 2006, by which the District and California State University made an agreement regarding the amount of all future capacity charges. Accordingly, the District can charge the increased capacity charges as limited by the Settlement Agreement and Mutual Release immediately to CSUMB. The increased capacity charges to any other school district, state agency, county office of education, community college district or the University of California will be effective only when negotiations are concluded with those entities.

Section 3. Purpose Of Ordinance. The purpose of this Ordinance is to revise charges for water and wastewater services. This Ordinance amends Sections 6.08.030, 6.08.060, 6.08.090, 6.08.100, 6.12.020, 6.12.040 and 6.12.050 of the District Code.

Section 4. Temporary Water Service. Section 6.08.030 (F) of the District Code is amended to read in full as follows:

“6.08.030 Temporary water service.

F. The applicant shall be responsible for District equipment utilized for this purpose and the necessary repair or replacement costs shall be deducted from the applicant's deposit. The applicant is responsible for returning the District equipment and closing the account promptly after the job is complete. If a meter is not returned promptly, the District shall deduct the cost of replacing the meter from the applicant's deposit.

Gate Valve/Meter deposit	\$650.00
Water consumption deposit	\$1,100.00 minimum
Set or remove hydrant meter	\$ 140.00
Relocate meter per occurrence	\$ 140.00
Meter set, other than on fire hydrant	Actual Cost
Minimum monthly service charge	\$ 78.40
<u>Monthly quantity rate for each HCF (see Section 6.08.100 Water Consumption Rates)</u>	

Section 5. Monthly Minimum Water Charges. Section 6.08.060 of the District Code is hereby amended to read in full as follows:

“6.08.060 Monthly minimum water charges.

The monthly minimum charges for water service shall be:

Meter Size	Charges
<u>5/8” or 3/4”</u>	<u>\$17.11</u>
<u>1”</u>	<u>\$42.75</u>
<u>1-1/2”</u>	<u>\$85.51</u>
<u>2”</u>	<u>\$136.80</u>
<u>3”</u>	<u>\$256.50</u>
<u>4”</u>	<u>\$427.50</u>
<u>6”</u>	<u>\$855.00</u>
<u>8”</u>	<u>\$1,710.01”</u>

Section 6. Capacity charges for new or modified potable and recycled water service connections. Section 6.08.090 of the District Code is hereby amended to read in full as follows:

“6.08.090 Capacity charges for new or modified potable and recycled water service connections.

- A. The water capacity charge for each equivalent dwelling unit (“EDU,” as defined in Section 1.04.010) shall be as follows: \$5,450.00 per EDU

The capacity charge for water supply for non-residential purposes shall be as follows: \$16,350.00 per acre-foot

Appendix C shall be the basis for determining capacity charges for water service connections. The general manager shall determine the assigned water rate for those uses not specified in Appendix C. The assigned water rate for any use not specified in Appendix C may be increased within six months after the end of the first full year of any such use, if actual, metered water use for the year is higher than the use determined by the general manager in calculating the capacity charge.”

Section 7. Water Consumption Rates. Section 6.08.100 of the District Code is hereby amended to read in full as follows:

“6.08.100 Water consumption rates.

A. Water consumption by District Customers shall be measured in units of one hundred cubic feet (seven hundred forty-eight gallons). The quantity charge for water consumption per one hundred cubic feet (HCF) shall be as follows:

0-8 hcf	\$2.08 per hcf
9-16 hcf	\$2.53 per hcf
16 + hcf	\$4.62 per hcf

Construction Water Depots:

Meter Deposit	\$250.00
Minimum Monthly Charge	\$ 78.40
Monthly Quantity rate for each HCF (see above table for Consumption Rates)”	

Section 8. Sewer capacity charge and capacity charge for new and modified sewer service connection. Section 6.12.020 and 6.12.040 of the District Code is amended to read in full as follows:

“6.12.020 Capacity charge.

A. The collection system capacity charge for residential and equivalent dwelling units (EDU) shall be as follows: \$3,950.00 per EDU”

“6.12.040 Capacity charge for new and modified sewer service connection.

Table 6.12.040 summarizes the sewer collection system charge.”

Table 6.12.040 SEWER CAPACITY CHARGES	
Residential Units	
Sewer collection system capacity charge <u>\$3,950.00 per EDU.</u>	
Same charge per unit for single-family, multiple dwelling, condominium, trailer space, or mobile home.	
Nonresidential Units	
Sewer collection system capacity charge—based on fixture units as defined in the Uniform Plumbing Code per structure	
Fixture units are to be assigned based on ultimate plumbing fixtures per approved building plans, regardless of number of fixtures initially installed.	
Each twenty fixture units are equivalent to one equivalent	

dwelling unit (EDU). For each hotel/motel unit a minimum of one EDU per room will be applied.

The sewer collection system capacity charge is collected at the ratio of one EDU per each twenty fixture units. For example, twenty-four fixture units equals one point two (1.2) EDU's for a capacity fee of \$4,740.00 when the capacity charge per EDU is \$3,950.00.

Each nonresidential connection is a minimum of one EDU.

Section 9. Wastewater Collection Rates. Section 6.12.050 of the District Code is amended to read in full as follows:

“6.12.050 Wastewater collection rates.

Wastewater collection rates for all classes of customers within the District shall be as follows per month per equivalent dwelling unit (EDU), calculated using the table of user classifications and wastewater demand factors set forth in Appendix D of this code.

Monthly Wastewater Rates \$8.30 per equivalent dwelling unit”

Section 10. Adjustment of Capacity Charges. The capacity charges adopted by Sections 6 and 8 of this ordinance shall be adjusted each year, commencing on July 1, 2011, and continuing thereafter on each succeeding July 1, by an increment based on the change in the Engineering News Record Construction Cost Index for San Francisco over the prior year, using the index published for the first quarter of the calendar year, and rounded to the nearest \$25. The Board may, by resolution adopted before the effective date of any annual adjustment, determine that such adjustment shall not be effective for the next succeeding year, or that the adjustment shall be some other amount as may be set by the Board in compliance with the provisions of applicable law.

Section 11. Requirements for Rates, Fees and Charges. The rates, fees and charges adopted by this ordinance shall not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed. Revenues derived, respectively, from water and sewer capacity charges shall not be used for any purpose other than for capital facilities to provide, respectively, water and sewer service. If the capacity charges adopted by this ordinance create revenues in excess of actual cost, those revenues shall be used to reduce the capacity charges creating the excess.

Section 12. Effective Date. Sections 6 and 8 of this Ordinance shall take effect 60 days following adoption. All other sections shall take effect upon adoption. The District conducted a public hearing not less than 45 days after the District mailed notice of the proposed increase in rates, fees and charges to the customers directly liable to pay the rates, fees and charges in question (excluding capacity charges). At the public hearing held regarding the rate increases, the District Board considered all protests against the proposed increase in rates, fees

and charges (excluding capacity charges). A majority of customers that directly pay bills of the identified service address did not file written protests.

Section 13. Publication and Posting. Within 15 days after adoption, the District shall publish, in a newspaper published in Monterey County and circulated within the District, a summary of this ordinance with the names of those Directors voting for and against adoption, and shall post in the District office a certified copy of the full text of this ordinance as adopted along with the names of those Directors voting for and against adoption.

Section 14. Notice of Public Hearing. The Secretary is authorized and directed to mail notice of the rates, fees and charges (excluding capacity charges) proposed for adoption by this ordinance to the record owners or other persons directly liable to pay the rate, fee or charge in question, at the addresses shown on the billing records of the District. The District shall hold a public hearing not less than 45 days and not more than 60 days after mailing the notice, to consider all protests against the proposed rates, fees and charges (excluding capacity charges).

Section 15. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

Section 16. Existing Charges. Existing rates, fees and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance.

Section 17. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 18. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director _____, seconded by Director _____, the foregoing Ordinance is enacted and shall take effect on _____ by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: August 10, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-56 to Approve the Central Marina Budget for FY 2010-2011

Detailed Description: The Board of Directors is requested to receive and adopt the Marina Coast Water District (District, MCWD) FY 2010-2011 budgets, rates, fees and charges for the Central Marina service area.

Each year, the District follows a budget development process that results in the MCWD Board approval of the annual budget by June 30. On May 11, 2010, the MCWD Board approved the Proposition 218 rate increase process and scheduled two public hearing meetings. The MCWD/FORA for Ord Community service area public hearing meeting is scheduled for August 13, 2010. The MCWD for Central Marina service area public hearing meeting is scheduled for August 10, 2010.

On March 16, 2010, the draft budget and budget schedule was presented to the MCWD Board at its regular board meeting. On April 19, 2010, the MCWD Board met at its budget workshop and discussed the budget in detail.

The FORA Board is also required to approve the District's Ord Community annual budget. On March 17, 2010, the draft Ord Community budget was distributed and discussed with the FORA Water/Wastewater Oversight Committee (WWOC). On April 14, 2010, the draft Ord Community budget was again distributed and discussed with the FORA WWOC and was recommended by the Committee that the Ord Community budget be presented to FORA Board for adoption. The draft Ord Community budget will be presented to the FORA Board on August 13, 2010 for adoption.

The Draft FY 2010-2011 Budget includes operating and capital budgets in support of the District's two service areas and five cost centers (Marina and Ord Community). District overhead is apportioned to the cost centers according to a pre-determined formula (based on expenses). The allocation rate for this fiscal year has changed based on previous year (FY 2008-2009) audited expense figures. The draft budget includes a 7.8% rate increase for Marina and Ord cost centers. A proposition 218 process was followed to implement the rate increases. This Draft Budget includes several other key assumptions, which are contained in the Budget Summary Note.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The MCWD Board reviewed the Draft FY 2010-2011 Budget and Budget Schedule on March 16, 2010 and on April 19, 2010 during Budget workshop.

On June 22, 2010, the Board adopted Resolution No 2010-32 extending the FY 2009-2010 budget until FY 2010-2011 budget is adopted.

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

Financial Impact: Yes No

Funding Source/Recap: All Accounts

Material Included for Information/Consideration: Resolution No. 2010-56; FY 2010-2011 Draft Budget Document; and, FORA packet of Exhibits (provided separately).

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-56 approving the Central Marina Budget for FY 2010-2011.

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_____

August 10, 2010

Resolution No. 2010 - 56
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Central Marina Budget for FY 2010-2011

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, staff prepared and presented the draft FY 2010-2011 Budget that includes projected revenues, expenditures and capital improvement projects for five cost centers for the Marina and Ord Community Water, New Water and Wastewater systems, including the area within the jurisdiction of the FORA and the area remaining within the jurisdiction of the U.S. Army; and,

WHEREAS, the District Board reviewed the proposed FY 2010-2011 Budget on March 16, 2010 and April 19, 2010; and,

WHEREAS, on June 22, 2010, the District Board adopted Resolution No 2010-32 extending the FY 2009-2010 budget until the FY 2010-2011 budget is adopted; and,

WHEREAS, the District will approve the Ord Community water, new water and wastewater systems budget on August 13, 2010 by separate resolution, Resolution Nos. 2010-58 and 2010-59; and,

WHEREAS, a five-year water and wastewater financial plan and rate study prepared by Bartle Wells Associates in 2008 for the District recommended increase in rates, fees, charges and capacity charges for water and wastewater services to the District’s service area; and,

WHEREAS, the rates, fees and charges and capacity charges for Central Marina service area need to be changed from the prior fiscal year; and,

WHEREAS, rates, fees, charges and capacity charges for Central Marina service area are being adopted by the Board in Ordinance 52; and,

WHEREAS, Section 6.08.070 of the District Code provides that twenty-five percent of all monthly charges collected by the District shall be used for long-term water supply projects, but that this requirement may be waived by the Board on an annual basis; and,

WHEREAS, the Board finds, based on projected funding mechanisms and requirements, that it is in the District’s interest to waive the requirements of Section 6.08.070 of the District’s Code for FY 2010-2011.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the FY 2010-2011 Budget for Central Marina.
2. The requirements of Section 6.08.070 of the MCWD Code are waived for FY 2010-2011.

PASSED AND ADOPTED on August 10, 2010, 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 _____

Kenneth K. Nishi, 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. 2010-56 adopted August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: August 10, 2010

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-57 to Approve a Professional Services Agreement with Enovity Inc. for LEED Commissioning Services for Imjin Office Park Building C Within a Not-To-Exceed Amount of \$34,500

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement (PSA) with Enovity Inc. for LEED commissioning services for Building C in the Imjin Office Park (IOP) development in Marina, CA. Building C in the IOP is designed to achieve a LEED Silver rating. Achieving a LEED Silver rating requires a disinterested third-party commissioning effort that necessitates this proposed PSA.

The District Board acquired the Building C parcel by Resolution 2009-34 on May 12, 2009; that Board action also obligated the District to honor the existing agreement between Enovity and Fort Ord Reuse Authority (FORA) for LEED commissioning. This proposed PSA with Enovity re-sets the project work for a single building rather than the scope found in the original agreement that included the LEED commissioning work for all four proposed IOP buildings.

Enovity's scope includes construction, acceptance, and warranty phase work elements. The construction phase work elements include the development of a Commissioning Plan, contractor and architect coordination, submittal reviews, installation verifications, and systems start-up and functional performance testing. The acceptance phase includes assistance in developing the LEED System Manual for the building, approval of the Training Report, and generation of the Commissioning Report. The warranty phase work includes the post-occupancy reviews and resolving any warranty issues.

Staff reviewed Enovity's proposal and finds their level of effort and rates reasonable and consistent with industry norms. The contract value is for a not-to-exceed amount of \$31,130. The staff recommendation below for authorizing the PSA includes a contingency value of \$3,470 (approximately 11% over contract value), making the Board-authorized not-to-exceed project work amount \$34,500.

Environmental Review Compliance: No environmental review is required for this action.

Prior Board Action: On May 12, 2009, the District Board adopted Resolution No. 2009-34 approving agreements with the FORA to purchase property and lease back space in the Imjin Office Park. On June 22, 2010, the District Board adopted Resolution No. 2010-38 authorizing the contract to construct Building C in the Imjin Office Park.

Board Goals/Objectives: *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 needs of expanding service areas in an environmentally sensitive way.

Financial Impact: Yes No

Funding Source/Recap: The funds needed for this PSA is planned for in the FY 2010/2011 CIP Budget within CIP# WD-0201 that is budgeted at \$3,000,000. The sum of the construction contract (not-to-exceed encumbrance of \$2,596,000), design PSA (not-to-exceed encumbrance of \$130,000), and this PSA does not exceed the budgeted value. The District initially will utilize District Reserves to fund CIP# WD-0201 that includes this PSA; however, the District may choose to finance the entire project through a loan.

Material Included for Information/Consideration: Resolution No. 2010-57.

Staff Recommendation: The Board of Directors adopt Resolution 2010-57 approving a Professional Services Agreement with Enovity Inc. for LEED commissioning services for Building C in the Imjin Office Park (IOP) development for a not-to-exceed project work amount of \$34,500, including contingency.

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 _____

August 10, 2010

Resolution No. 2010 - 57
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with Enovity Inc.
for LEED Commissioning Services for Building C in the Imjin Office Park

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the On May 12, 2009, the District Board of Directors adopted Resolution No. 2009-34 approving agreements with the Fort Ord Reuse Authority to purchase property and lease back space in the Imjin Office Park Board and those agreements obligated the District to honor existing contractual arrangements, one of which was a contract with Enovity Inc. for the LEED commissioning work; and,

WHEREAS, the Building C in the Imjin Office Park is designed to achieve a LEED Silver rating but achieving that rating requires third-party commissioning efforts necessitating this proposed Professional Services Agreement (PSA); and,

WHEREAS, MCWD staff reviewed the proposal from Enovity and found their level of effort reasonable and their rates reasonable and consistent with industry norms such that staff recommends that a PSA with Enovity be approved by the Board for a not-to-exceed contract value of \$31,130 plus a contingency of \$3,470; and,

WHEREAS, the project to construct Building C in the Imjin Office Park, CIP# WD-0201, will have project costs shared across all four cost centers and is part of the District’s proposed FY 2010/11 capital improvement budget scheduled for adoption in August, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to execute a Professional Services Agreement with Enovity Inc. for LEED commissioning services for Building C in the Imjin Office Park and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution with the total not-to-exceed amount of \$34,500, including contingency.

PASSED AND ADOPTED on August 10, 2010 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 _____

Kenneth K. Nishi, 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. 2010-57 adopted August 10, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: August 10, 2010

Submitted By: Paula Riso

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Day and Time of Each Committee

Detailed Description: In September 2003, the Board of Directors decided to place the Budget and Personnel, Projects and Planning, and Operations and Maintenance Committees on hold due to the scheduling of two Board meetings per month. In August 2008, the Board of Directors revised the Board meeting schedule of two meetings per month back to one per month due to the lack of agenda items and development activity in the Ord and Marina Communities.

On June 22, 2010, the Board of Directors requested information regarding each Committee's charge and formation to be provided for consideration and reinstatement.

Refer to Attachment A for the proposed charge, formation and day and time of each committee.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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: None.

Material Included for Information/Consideration: Resolution No. 2010-51; and, Attachment A.

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2010-51 to reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to approve the charge, formation meeting and day and time of each committee.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

August 10, 2010

Resolution No. 2010 - 51
Resolution of the Board of Directors
Marina Coast Water District

Reinstating the Budget and Personnel Committee, the Projects and Planning Committee
and the Operations and Maintenance Committee,
and to Approve the Charge, Formation and Meeting Day and Time of Each Committee

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 10, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, in September 2003, the Board of Directors canceled the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; and,

WHEREAS, the Board of Directors has requested to reinstate the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; and,

WHEREAS, the formal charge, formation and meeting day and time of each committee is attached as Attachment A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby reinstate the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees, approves the charge, formation and meeting day and time of each committee (Attachment A).

PASSED AND ADOPTED on August 10, 2010 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 _____

Kenneth K. Nishi, 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. 2010-51 adopted August 10, 2010.

Jim Heitzman, Secretary

Attachment A

1) Budget and Personnel Committee:

The duties and responsibilities of the Budget and Personnel Committee shall include:

- (a) developing and recommending a financial policy to the Board;
- (b) reviewing the District's annual operating budget and making recommendations thereon to the Board;
- (c) reviewing the quarterly financial statement of the District;
- (d) advising the Board on methods and procedures which will assure that the financial policies adopted by the Board are carried out;
- (e) reviewing and advising the Board on financial feasibility of District projects, acting on undertakings referred to it by the Board;
- (f) requesting an annual audit;
- (g) receiving, reviewing, and evaluating the findings and financial reports of the outside auditors, including any and all management letters; and, based thereon, making recommendations to the Board concerning the financial operations of, and services provided by, the District;
- (h) reviewing the check register;
- (i) reviewing salary and wage levels, as proposed by the General Manager; and,
- (j) reporting and making personnel recommendations to the Board that are consistent with the Committee's budgetary review.

The Budget and Personnel Committee shall consist of two Directors and such other persons as the Board may appoint.

2) Operations and Maintenance Committee:

The duties and responsibilities of the Operations and Maintenance Committee shall be:

- (a) reviewing and making recommendations to the Board on the operation and maintenance of the District's works, as defined in section 30024 of the Water Code; and,
- (b) reviewing and making recommendations to the Board for regular and emergency operation and maintenance procedures and related expenditures.

The Operations and Maintenance Committee shall consist of two Directors and such other persons as the Board may appoint.

3) Projects and Planning Committee:

The duties of the Projects and Planning Committee shall be:

- (a) reviewing existing projects and making recommendations to the Board, as appropriate; and,
- (b) reviewing staff reports on proposed projects and making recommendations to the Board, as appropriate.

The Projects and Planning Committee shall consist of two Directors and such other persons as the Board may appoint.

Marina Coast Water District
Staff Report

Agenda Item: 11-A

Meeting Date: August 10, 2010

Prepared By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Subject: Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis

The Outfall Agreement between the Monterey Regional Water Pollution Control Agency (MRWPCA) and the Marina Coast Water District (District) calls for a baseline engineering analysis for determination of two factors used for the calculation of the outfall capacity fee for the District's share in costs associated with the capital repair/replacement of the outfall. These factors are the determination of the outfall capacity and the impact on useful life of the outfall with the addition of the brine discharge from the proposed District Regional Desalination Facility. Per the Outfall Agreement, the baseline engineering analysis is to be paid for by the District and arranged by MRWPCA for determination of these factors.

MRWPCA has hired the environmental engineering firm CH2MHill to conduct the outfall analysis and supply draft and final reports on its findings. The initial draft of this baseline engineering analysis "MRWPCA Outfall Hydraulic Flow Analysis" dated March 4th, 2010 by CH2MHill was completed and submitted to District staff for review and comment. The CH2MHill Outfall Report evaluated the outfall capacity and estimated the corrosion potential with the addition of the brine to the outfall.

The District staff commented on the CH2MHill draft report with the submittal of technical memorandums from the Trussell Technologies on both outfall capacity and brine corrosion potential. Trussell Technologies is a prominent environmental engineering firm with expertise in desalination treatment processes and corrosion control who serve as a sub-consultant to RMC in the District's Regional Project efforts. These memorandums provide additional detailed information into the elements shaping both the outfall capacity and brine corrosion potential.

The results from the technical analysis in the CH2MHill report and detailed response by Trussell Technologies for outfall capacity and the impact of the brine discharge from the desalination facility are summarized below.

Outfall Capacity

The capacity charge per the Outfall Agreement is based on the share of use of the outfall by the District's brine discharge. Determination of the outfall total capacity is required for calculation of the District's cost share per Exhibit C of the Outfall Agreement.

CH2MHill indicated in its draft report "MRWPCA Outfall Hydraulic Flow Analysis" that the actual outfall capacity is dependent on the roughness of the interior of the pipe (Hazen Williams "C" factor) and whether or not the outfall pipe is fitted with its maximum capacity of discharge valves – currently, 42 of the 171 discharge ports are plugged. CH2MHill did not determine the

Hazen Williams C factor for pipe surface roughness, but provided an estimated range. This resulted in a range for the outfall capacity with alternative scenarios for current condition with the 42 discharge ports plugged and the case with all the ports outfitted with valves. Their draft results are shown below. The treated water and brine mixture quantity assumes 12.7 million gallons per day (mgd) of brine from the District’s Regional Desalination Facility.

**Maximum Outfall Flow (million gallons per day)
Draft CH2M Hill Study 3/4/10**

Roughness factor “C”	Treated Water and Brine		Treated Water Only	
	Ports Plugged	Ports Open	Ports Plugged	Ports Open
80	53.2	58.4	66.2	71.8
100	64.8	71.4	76.9	84.8
120	73.2	82.3	87.5	96

CH2MHill modeling results shows a range of total capacity for the outfall with the brine and the existing ports plugged to be 53.2 – 73.2 mgd and with all ports open to be from 58.4 – 82.3 mgd.

By comparison, example value used in exhibit C of the outfall in calculation of the capacity charge is 65 mgd.

The technical memorandum from Trussell Technologies “Impact of MCWD Desal Concentrate on the Hydraulic Capacity of the MRWPCA Outfall” provided detailed explanation that the increased density of the treated water (effluent from sewage treatment facility) and brine (from the desalination facility) mix should *increase* the flow capacity of the outfall line and not result in decreased capacity compared to the treated water only, as shown in the CH2MHill draft results. Trussell revised the CH2MHill modeling results using the increased density that would increase the net “driving head” for outfall flow. The revised total capacity for the outfall with brine and with the existing ports plugged to be from 66.6 to 87.9 mgd and all ports open ranged from 72.7 to 96.5 mgd.

Comparison of the Trussell revised data to that of the draft CH2MHill report is shown below.

**Maximum Outfall Flow (million gallons per day)
Comparison of CH2M Hill and Trussell Results
For Treated Water and Brine Capacities**

Roughness factor “C”	CH2MHill		Trussell Technologies	
	Ports Plugged	Ports Open	Ports Plugged	Ports Open
80	53.2	58.4	66.6	72.2
100	64.8	71.4	77.4	85.2
120	73.2	82.3	87.9	96.5

It is notable that the revised calculated outfall capacity for the range of all listed roughness factors and both port scenarios exceed the example 65 mgd figure used in Exhibit C of the Outfall Agreement.

Impact of Brine Mixture on Outfall Corrosion

The Outfall agreement states that the District will pay for additional costs for repair or replacement if the Outfall requires repair or replacement significantly earlier due to the District's brine as indicated by the baseline engineering analysis.

The draft CH2MHill report indicated that with the increased chloride content of the brine and treated water mixture, the internal surface life of a new reinforced concrete pipe will be decreased by 40% from 48 years to 26 years.

The District comment to this was based on the submittal of Trussell Technologies Technical Memorandum No. 10 "Impact of MCWD Desalination Concentrate on Corrosion and Scaling on the MRWPCA Outfall". The memo indicates that "the life of the structure is not limited by the chloride in the concentrate for the Regional Desalination Plant, which is blended with the MRWPCA effluent, but from the chloride in marine environment, itself, in which the outfall has been located from the time of its construction." Trussell concluded that "in summary the introduction of the concentrate to the MRWPCA outfall should not be expected to reduce the life of the reinforced concrete outfall pipeline because the governing factor in the outfall life is the marine environment on the exterior of the pipe."

As a follow-up, MRWPCA staff has indicated that CH2MHill is preparing a revised MRWPCA Outfall Hydraulic Flow Analysis in response to the submitted Trussell memorandums.

Marina Coast Water District
Staff Report

Agenda Item: 11-B

Meeting Date: August 10, 2010

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Presented By: Rich Youngblood

Reviewed By: Carl Niizawa

Subject: Receive 2nd Quarter 2010 Ord Community Water Consumption and Sewer Flow Report

Summary: The Board of Directors is requested to receive the 2nd Quarter 2010 Ord Community Water Consumption and Sewer Flow Report. Quarterly water consumption reports have been submitted to the Board since 2006. This staff report also includes Ord Community sewer flow so that sewer capacity can be tracked. This report assists District staff in complying with several objectives from the Board's 2007/2008 Strategic Plan including:

Objective 1D – *Reduce “Unaccounted for Water” each Fiscal Year by 1% from the system average of 14.5% or about 6.7 AFY (FY 07/08 and FY 08/09).* The attached report helps track the number of meters installed at those properties that were previously unmetered and therefore assists with tracking unaccounted for water.

Objective 1E – *Reduce overall water usage each Fiscal Year by 0.5% from current amount of 4,300 AFY or about 21.5 AFY (FY 07/08 and FY 08/09).* The report tracks water use.

Objective 1G – *Annually review Urban Water Management Plan (UWMP) and amend as necessary.* The report assists in tracking water use that will be used in the annual update of the UWMP.

Objective 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 needs of expanding service areas in an environmental sensitive way.*

The Ord Community sewer flow is measured at the Ord Community flume. The flume went into operation in April 2007. This report tracks available sewer capacity that was dedicated by the US Army for use in the development of the Ord Community. The Army had sewer treatment capacity rights of 3.3 million gallons per day (mgd) of which it retained 1.1 mgd with 2.2 mgd for use by the Ord Community.

Ord Community Sewer flow, as measured at the old Main Garrison Wastewater Treatment Plant for the 2nd Quarter of 2010, was 78.6 million gallons or 0.86 mgd. This leaves an available balance of 2.4 mgd.

Below are informational notes for the data reported:

- The rainfall for the 2nd Quarter of 2010 (April, May, June), was 3.54 inches, above the historical quarterly average of 1.66 inches. The historical average evapotranspiration for this period is 13.63 inches compared to the average quarterly figure of 13.60 inches.
- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.

- “Army Facilities & Businesses - Ord” captures all uses not listed in the other Army categories

The 3rd Quarter 2010, Ord Community Water Consumption and Sewer Flow Report (July, August, September) will be presented to the Board in October 2010.