MARINA COAST WATER DISTRICT

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DIRECTORS
KENNETH K. NISHI
President

WILLIAM LEE
Vice President

THOMAS P. MOORE
HOWARD GUSTAFSON
DAN BURNS

Agenda
Regular Board Meeting, Board of Directors
Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, November 9, 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 54956.9
   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)

   B. Pursuant to Government Code 54957.6
   Conference with Labor Negotiator
   Agency Negotiator (General Manager)
   Employee Organization: Marina Coast Water District Employees Association

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, November 4, 2010 at the District office, Marina City Hall, and at the Marina Library. 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 December 14, 2010.

C. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Teamsters Local 890

D. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiators
Agency designated representatives: Kenneth K. Nishi and William Lee
Unrepresented employee: General Manager

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. 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. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2010

B. Consider Adoption of Resolution No. 2010-71 to Authorize the General Manager to Approve the Hire of Short-Term, Non-benefitted, Contract Employees

C. Consider Approval to Send a Letter of Request to Monterey County Water Resource Agency for the Inclusion of the Former Armstrong Ranch Property into the Castroville Seawater Intrusion Project

D. Receive the Quarterly Financial Statements for July 1, 2010 to September 30, 2010

E. Approve the Expenditures for the Month of October 2010

F. Approve the Draft Minutes of the Regular Board Meeting of October 12, 2010

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

A. Consider Adoption of Resolution No. 2010-72 to Authorize the Construction Contract for CIP# OW-0170 with Maggiora Bros. Drilling, Inc. for the Destruction of the Existing Well No. 32 and Construction of New Well No. 34 Within a Not-To-Exceed Project Work Amount of $655,090

Action: The Board of Directors will consider authorizing the construction contract for CIP# OW-0170 with Maggiora Bros. Drilling, Inc., for the destruction of the existing Municipal Well No. 32 and construction of new Well No. 34 within a not-to-exceed amount of $655,090.

B. Consider Adoption of Resolution No. 2010-69 to Adopt a Workforce Development Training Policy for Promotion of Local Apprenticeship Hiring in Marina Coast Water District Projects

Action: The Board of Directors will consider adopting a Workforce Development Training Policy to promote local apprenticeship hiring in Marina Coast Water District projects.

C. Consider Adoption of Resolution No. 2010-73 to Approve a Loan from Rabobank, N.A. for $3,276,000 to Fund the Construction of Building C and Site Improvements Within the Imjin Office Park

Action: The Board of Directors will consider approving financing for the Imjin Office Park Building C and site improvements.

D. Consider Adoption of Resolution No. 2010-74 to Accept the Water Supply Assessment for the Proposed Whispering Oaks Development in Monterey County

Action: The Board of Directors will consider accepting the Water Supply Assessment for the proposed Whispering Oaks Development.

E. Consider Adoption of Resolution No. 2010-75 to Approve Amendment No. 2 to the Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project for a Not-to-Exceed Amount of $578,000

Action: The Board of Directors will consider approving Amendment No. 2 to the Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project for a not-to-exceed amount of $578,000.

F. Consider Adoption of Resolution No. 2010-76 to Direct Staff to Seek Proposals for Supplemental Professional Legal Services for the Board Committees

Action: The Board of Directors will consider directing staff to seek proposals for supplemental professional legal services for Board Committees.

G. Consider Adoption of Resolution No. 2010-77 to Authorize the Issuance and Sale of Refunding Bonds in the Principal Amount of Not-to-Exceed $9,000,000 to Refund Outstanding Promissory Note Relating to Land Acquisition, and Approving Related Documents and Actions

Action: The Board of Directors will consider authorizing the issuance and sale of Refunding Bonds in the principal amount of not-to-exceed $9,000,000 to refund outstanding promissory note relating to land acquisition, and approving related documents and actions.

9. Staff Report

A. Receive 3rd Quarter 2010 Ord Community Quarterly Water Consumption and Sewer Flow Report

B. Receive Update on the Regional Water Supply Project

10. 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
2. Joint City-District Committee
3. Budget and Personnel Committee
4. Operations and Maintenance Committee
5. Projects and Planning Committee
6. Special Districts Association Liaison
7. MRWPCA Board Member
8. LAFCO Liaison
9. JPIA Liaison
10. FORA
11. Executive Committee
12. Community Outreach

E. Director's Comments

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

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

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7 Meeting Date: November 9, 2010

Submitted By: Paula Riso Presented By: Paula Riso
Reviewed By: Carl Niizawa

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

A) Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2010
B) Consider Adoption of Resolution No. 2010-71 to Authorize the General Manager to Approve the Hire of Short-Term, Non-benefitted, Contract Employees
C) Consider Approval to Send a Letter of Request to Monterey County Water Resource Agency for the Inclusion of the Former Armstrong Ranch Property into the Castroville Seawater Intrusion Project
D) Receive the Quarterly Financial Statements for July 1, 2010 to September 30, 2010
E) Approve the Expenditures for the Month of October 2010
F) Approve the Draft Minutes of the Regular Board Meeting of October 12, 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: 7-A | Meeting Date: November 9, 2010

Submitted By: Suresh Prasad | Presented By: Suresh Prasad
Reviewed By: Carl Niizawa

Agenda Title: Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2010

Detailed Description: The Board is requested to review and accept the Comprehensive Annual Financial Report (CAFR) and the Independent Auditor's Report for the fiscal year ended June 30, 2010. This is the fourth consecutive year that staff has prepared a CAFR report for the District.

R.J. Ricciardi, Inc., the District's external auditors provided an Independent Auditor's Report (included in the CAFR report) stating that the financial statements present fairly, in all material respects, the financial position of the District. R.J. Ricciardi, Inc. tested and found no material weaknesses related to the District's internal control structure. The audit resulted in a desired "no findings" conclusion.

The CAFR is an extensive report summarizing the financial activities of the District that occurred from July 1, 2009 through June 30, 2010. The CAFR is divided into three parts: Introductory, Financial, and Statistical Sections.

The introductory section contains a letter of transmittal, awards and achievements, organizational chart, and directory of officials. The letter of transmittal includes a brief overview of the District, policies and how the District controls it finances.

The financial section contains the Management's Discussion and Analysis report. This analysis illustrates the basic financial operations of the District in a more detailed manner than is found in the Letter of Transmittal. Also included in this section are the Independent Auditor's Report, the Basic Financial Statements, and Notes to the Financial Statements.

The final section of the report is a compilation of statistical schedules for the last ten years that depict various trends and general information of the District.

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the District for its CAFR for the fiscal year ended June 30, 2009. This was the second consecutive year that the District has received this prestigious award. In order to be awarded a Certificate of Achievement, the District had to publish an easily readable and efficiently organized CAFR that satisfied both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current CAFR continues to meet the Certificate of Achievement Program's requirements and we are

submitting it to GFOA to determine its eligibility for another certificate.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On July 14, 2009, the Board approved a three-year Audit Contract with R.J. Ricciardi, Inc.

Board Goals/Objectives: *Strategic Plan, Objective 4D - Present District's Audit of financial statements on an annual basis which shows the District meets generally accepted accounting principles.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: The Comprehensive Annual Financial Report for the fiscal year ended June 30, 2010.

Staff Recommen+dation: The Board of Directors consider accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the fiscal year ended June 30, 2010.

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: 7-B Meeting Date: November 9, 2010

Submitted By: Jean Premutati Presented By: Jean Premutati
Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-71 to Authorize the General Manager to Approve the Hire of Short-Term, Non-benefitted, Contract Employees

Detailed Description: From time to time, due to projects or assignments of short duration, the District finds it necessary to hire short-term, non-benefitted, contract staff whose classifications are not on the approved staff allocation list. Each time this occurs management is required to submit a request for approval to the Board of Directors. This can sometimes result in a delay of the start of a project because of the scheduling associated with agenda transmittal submissions and Board meetings.

In many cases, it is less costly to hire a short-term employee rather than an independent contractor who must carry their own workers' compensation and liability insurance as well as provide their own equipment. Hiring a contract employee provides staff the flexibility to act promptly and in the best interests of the District. In addition, staff benefits from the hiring from a local pool of candidates.

The hiring process would still require documentation similar to that of a regular, full-time employee. The District has the option of whether or not a contract employee receives a pre-employment physical based on the duration and duties required. Drug testing and background checks will be conducted on all employees regardless of the length of expected terms.

Staff is requesting the General Manager be authorized to approve the temporary hire of short-term, non-benefitted, contract employees whose knowledge and skill are directly related to the business of the District and when it is deemed necessary by the General Manager. These employees may be employed for a maximum of six (6) months or one thousand (1,000) hours and would not receive paid District benefits.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan 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.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2010-71.

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-71 to authorize the General Manager to approve the hire of short-term, non-benefitted, contract employees.

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_____

November 9, 2010

Resolution No. 2010 - 71
Resolution of the Board of Directors
Marina Coast Water District
Authorizing the General Manager to Approve the
Hire of Short-term, Non-benefitted, Contract Employees

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, when the District has projects or assignments of short duration and it is more advantageous to utilize the skills of short-term, non-benefitted contract employees; and,

WHEREAS, previously, these types of hires would require Board approval if the classification was not listed in the staff allocation list; and,

WHEREAS, contract employees length of employment may be for a maximum of six (6) months or one thousand (1,000) hours; and,

WHEREAS, the hiring process would continue to require drug testing and background checks, but the District has the option of foregoing pre-employment physicals based on the length of assignment; and,

WHEREAS, staff proposes the General Manager be authorized to approve the hire of short-term, non-benefitted, contract employees whose knowledge and skill are directly related to the business of the District and when it is deemed necessary by the General Manager.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to approve the hire of short-term, non-benefitted, contract employees.

PASSED AND ADOPTED on November 9, 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. 2010-71 adopted November 9, 2010.

_____
Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-C Meeting Date: November 9, 2010

Submitted By: Carl Niizawa Presented By: Carl Niizawa
Reviewed By: Jim Heitzman

Agenda Title: Consider Approval to Send a Letter of Request to Monterey County Water Resource Agency for the Inclusion of the Former Armstrong Ranch Property into the Castroville Seawater Intrusion Project

Detailed Description: The Board of Directors is requested to approve a letter of request to the Monterey County Water Resource Agency (MCWRA) for the inclusion of the recently acquired Armstrong Ranch Property into the Castroville Seawater Intrusion Project (CSIP) recycled water distribution system.

On March 16, 2010, the Board of Directors adopted Resolution No. 2010-18, which included the acquisition of 224-acres (+/-) of Armstrong Ranch Land. To facilitate the agricultural use of the property, it would be appropriate to seek its inclusion into the CSIP program. Approval by MCWRA would bring the former Armstrong Ranch property into the distribution system area and into Monterey County assessment area Zone 2B.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors adopted Resolution No. 200-18 on March 16, 2010 for approval of an addendum to the Coastal Water Project FEIR (SCH No. 2006101004) and approve the acquisition of 224-acres (+/-) of Armstrong Ranch Land and Appurtenant Easements.

Financial Impact: _____Yes ___X___No

Funding Source/Recap: No current impact.

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.*

Material Included for Information/Consideration: Letter Request and Property Description Attachments.

Staff Recommendation: The Board of Directors approve sending a letter of request to MCWRA for the inclusion of the former Armstrong Ranch property in the CSIP.

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: 7-D Meeting Date: November 9, 2010

Submitted By: Suresh Prasad Presented By: Suresh Prasad
Reviewed By: Carl Niizawa

Agenda Title: Receive the Quarterly Financial Statements for July 1, 2010 to September 30, 2010

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The Marina Coast Water District's (District) consolidated financial statement for the quarter includes revenues of $3.106 million and expenses of $2.022 million, resulting in operating reserves of $1.085 million. The District budget projected an operating reserve of $0.742 million for the same period. The operating reserve was higher than the budget expectation by $0.343 million due to increase in revenues and lower than budgeted expenses for the current quarter.

Summary of Cost Centers:

Description	Actual Qtr	Budget Qtr	Actual FYTD	Budget FYTD
Marina Water				
Revenues	1,103,713	1.067,725	1,103,713	1.067,725
Expenses	502,185	611,828	502,185	611,828
Op Reserves	601,528	455,897	601,528	455,897
Marina Sewer				
Revenues	182,158	188,600	182,158	188,600
Expenses	146,819	128,018	146,819	128,018
Op Reserves	35,339	60,582	35,339	60,582
Ord Community Water				
Revenues	1,382,923	1,298,875	1,382,923	1,298,875
Expenses	1,017,833	1,136,283	1,017,833	1,136,283
Op Reserves	365,090	162,592	365,090	162,592
Ord Community Sewer				
Revenues	413,254	439,950	413,254	439,950
Expenses	231,646	275,162	231,646	275,162
Op Reserves	181,608	164,788	181,608	164,788
Recycled Water Project				
Revenues	24,315	2,075	24,315	2,075
Expenses	123,036	104,336	123,036	104,336
Op Reserves	(98,721)	(102,261)	(98,721)	(102,261)
Consolidated Cost Centers				
Revenues	**3,106,362**	2,997,225	3,106,362	2,997,225
Expenses	**2,021,519**	2,255,627	2,021,519	2,255,627
Op Reserves	**1,084,843**	741,598	1,084,843	741,598

As of September 30, 2010, the District had $19.524 million in liquid investments, and $0.545 million of principal as internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers. The District also had $2.329 million of bond proceeds for construction purposes and $3.084 of bond proceeds for debt reserve purposes in the bank. The District owed $47.719 million in debt for the 2006 revenue certificates of participation bond, $0.483 million for the CalPERS loan and $7.451 million in Promissory Notes.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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 ___X___No

Funding Source/Recap: N/A

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

Staff Recommendation: The Board receive the Quarterly Financial Statements for July 1, 2010 to September 30, 2010.

Action Required: _____Resolution _____Motion ___X___Review

Board Action

_____Resolution No____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

6. Oral Communications:

Mr. Jim Heitzman, General Manager, introduced Mr. Don Evans, Evans Group International, as an esteemed consultant working on the Regional Water Project.

7. Presentation:

A. Consider Adoption of Resolution No. 2010-67 to Show Appreciation to the District Employees for Their Assistance With the 50th Anniversary Celebration of the Marina Coast Water District:

Director Gustafson made a motion to adopt Resolution No. 2010-67 showing appreciation to the District employees for their assistance with the 50th Anniversary celebration of the Marina Coast Water District. 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	-	Yes			

President Nishi read the narration, thanked the employees for their efforts and presented Mr. Heitzman with a commemorative Resolution. Mr. Heitzman also thanked the employees for their hard work. He noted that he had received many compliments from those who attended the event on the pleasant and friendly environment.

8. Consent Calendar:

Director Moore requested to pull item D from the Consent Calendar.

Director Gustafson made a motion to approve the Consent Calendar consisting of items A) Adopt Resolution No. 2010-68 to Approve Amendment No. 2 to the Agreement for Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure with Cypress Marina Heights, LP at Cypress Marina Heights – Phases I, II & III; B) Receive the Revised Quarterly Financial Statements for April 1, 2010 to June 30, 2010; and C) Approve the Expenditures for the Month of September 2010. Ms. Jan Shriner, Marina Resident, requested to pull items A and B from the Consent Calendar. Director Gustafson amended his motion to only include item C) Approve the Expenditures for the Month of September 2010. Director Moore seconded the motion. The motion was passed.

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

A. Adopt Resolution No. 2010-68 to Approve Amendment No. 2 to the Agreement for Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure with Cypress Marina Heights, LP at Cypress Marina Heights – Phases I, II & III:

Ms. Shriner asked that the Board postpone this item since the Joint City District Committee hasn't met since August and the Marina City Council is meeting this evening to discuss options on Marina Heights. She would like to see both the Water Board and City Council collaborate together for a better community.

President Nishi commented that the Joint City District Committee met on October 6th and there were no concerns regarding Marina Heights.

Mr. Heitzman commented that the Developer has made a huge investment in Marina Heights and is only asking the District to extend the term of the Agreement.

Director Gustafson made a motion to adopt Resolution No. 2010-68 approving Amendment No. 2 to the Agreement for Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure with Cypress Marina Heights, LP at Cypress Marina Heights – Phases I, II & III. Director Burns seconded the motion. The motion was passed.

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

B. Receive the Revised Quarterly Financial Statements for April 1, 2010 to June 30, 2010:

Ms. Shriner inquired about the unaudited income statement Year-to-Date "Budget" and "Actual" for the Capital Improvement Projects at the bottom of pages 17, Ord Community Water Fund, and 19, Recycled Water Fund, of the packet. She wanted to know why such a large amount was budgeted and only a small amount was expended. Mr. Suresh Prasad, Director of Finance, explained that of the items budgeted for FY 2009/2010, some were completed and some were postponed until the next fiscal year. President Nishi clarified that budgeting was just a planning document and not set in stone.

Mr. Heitzman commented that the Capital Improvements Projects in the Recycled Water Fund were delayed because the City of Marina has yet to provide the District with encroachment permits and thus the District has been unable to put in the recycled water pipeline as was budgeted.

Agenda Item 8-B (continued):

Director Burns made a motion to receive the revised Quarterly Financial Statements for April 1, 2010 to June 30, 2010. Director Gustafson seconded the motion. The motion was passed.

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

D. Approve the Draft Minutes of the Regular Board Meeting of September 14, 2010:

Director Moore noted that a slight revision to page 6 of the minutes was before the Directors on the dais.

Director Moore made a motion to approve the minutes of the regular Board meeting of September 14, 2010 with the correction noted. Director Gustafson seconded the motion. The motion was passed.

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

9. Action Items:

A. Consider Appointment to the Water Conservation Commission:

Mr. Youngblood stated that staff would like to pull item 9-A.

B. Consider Appointments to 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:

Mr. Carl Niizawa, Deputy General Manager/District Engineer, introduced this item.

President Nishi suggested the following for Committee Assignments:

Budget and Personnel – Director Burns, Director Gustafson
Operations and Maintenance – Director Burns, Vice President Lee
Projects and Planning – Director Moore, President Nishi

The Committees will meet following proper Brown Act 72-hour noticing and select future meeting dates and times from then forward.

Agenda Item 9-B (continued):

Vice President Lee made a motion to ratify the assignments as noted by President Nishi. Director Gustafson seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2010-69 to Adopt a Workforce Development Training Policy for Promotion of Local Apprenticeship Hiring in Marina Coast Water District:

Mr. Heitzman commented that staff would like to pull agenda item 9-C. Mr. Ralph Rubio, Carpenters Local #605, asked to make a comment on this item. He asked that the District approve the apprenticeship policy when it does return to the Board for consideration.

Ms. Shriner also asked that the Board approve this policy when it returns for consideration.

Mr. John Anzini, Carpenters Union #605, urged the Board to consider this policy when it returns for consideration.

Mr. Rob Hobbs, Dilbeck & Sons, commented that using Union contractors and sub-contractors equals quality work and urged approval of this item when it returns for consideration.

Mr. Pat Castillo, Carpenters Union #605, commented that the apprentice program produces quality carpenters and urged approval of this item when it returns for consideration.

D. Consider Adoption of and Provide Direction on Draft Resolution No. 2010-70 to Approve Financing and Payment in 2010 for the 224-acres (+/-) of Armstrong Ranch Land and Appurtenant Easements Acquired:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item explaining that all payments made through December 31, 2010, may be recovered through inclusion in computing the annexation fees and capacity charges on a per-acre-foot-basis for certain portions of the Armstrong Ranch that are annexed per the Annexation Agreement. This could allow the District to recoup approximately $6.5 Million if the District pre-pays the note when the Armstrong Ranch development reaches approximately 753 acre-feet of their water allocation; and could allow all of the payment to be recouped if the entire allocation is developed.

Agenda Item 9-D (continued):

Ms. Cadiente stated that staff recommends issuing subordinate bonds to refinance the Promissory Note and does not threaten the District's financial stability.

Director Moore asked if it were correct if the District pays off the current Promissory Note and borrows money to do so, once the payoff time rolls around, the District will not be able to recover those accruing interest costs in the capacity fees or other service charges on the Armstrong Ranch. Ms. Cadiente answered that Director Moore was correct. The District can only recover prior payments made for the property, the amount of the Promissory Note, and any interest paid on the Note prior to December 31, 2010 when and if the development occurs. Director Moore asked if the District would be responsible for the costs if development doesn't occur for a number of years. Ms. Cadiente answered that the District has already approved the Promissory Note and is responsible for paying for it. If the District issues subordinate bonds to prepay the Promissory Note, those costs will be reduced because the Promissory Note has a higher adjustable interest rate while the Subordinate Bonds have a lower fixed rate of interest. Director Moore clarified that the amount recovered from Armstrong Ranch capacity fees or other service charges would be in addition to the normal capacity charge calculations the District would do for any other developer in Central Marina. Mr. Heitzman answered that Director Moore was correct.

Vice President Lee made a motion to adopt Resolution No. 2010-70 to Approve Financing and Payment in 2010 for the 224-acres (+/-) of Armstrong Ranch Land and Appurtenant Easements Acquired by issuing subordinate bonds as recommended by staff. Director Moore seconded the motion. The motion was passed.

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

10. Staff Report:

A. Receive Update on Employee Development:

Ms. Jean Premutati, Management Services Administrator, introduced this item and briefed the Board of Directors on staff development that included training and certifications. Director Moore commented that he was impressed with the report and asked that this report be given annually to the Board in a spreadsheet format to show what employees are doing more specifically. President Nishi suggested that this information go through the Budget and Personnel Committee as a preliminary step before going to the Board.

11. Informational Items:

A. General Manager's Report:

No report.

B. District Engineer's Report:

Mr. Niizawa commented that at the last Board meeting Director Moore asked if it was appropriate for the Community Emergency Response Team (CERT) program to give a presentation to the Board. The CERT program is comprised of Marina Volunteer Firefighters Association and they train public and community groups with regards to emergency response items. Mr. Niizawa stated that there was little interface between the District and CERT because the District interfaces with active police, firefighters, and Regional emergency personnel because of the District's role as a public utility.

C. Counsel's Report:

No report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented that the Commission meeting was held the same evening the packet was distributed so the Commission meeting minutes would be in the next Board packet.

2. Joint City-District Committee:

President Nishi stated the Committee met October 6th. The issue was the Teen Center among other things and the City and District are trying to work it out. Councilmember O'Connell attended his first meeting since being appointed to fill the vacancy of Councilmember Gray.

3. MRWPCA Board Member:

President Nishi commented that the meeting was boiler plate.

4. LAFCO Liaison:

Director Moore stated that the meeting was September 27th and they ratified the past city's sphere of influence plans for the Salinas Valley region. President Nishi commented that on October 25th LAFCO will discuss the proposed Monterey County Regional Fire/Carmel Fire Protection District.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated that the Seaside Main Gate Consistency Determination was discussed.

7. Executive Committee:

No meeting was held.

8. Community Outreach:

Director Gustafson commented that there has been a lot of ancillary outreach due to the upcoming elections.

9. Special Districts Association Liaison:

Director Gustafson stated that the next meeting was scheduled for October 19th.

E. Director's Comments:

Director Burns asked if the Inspector the District just hired was responsible for looking at the work being done within the District. Mr. Niizawa commented that the District only deals with the foreman and the foreman deals with the subcontractor to make sure the work is performed correctly. The District will look at the work and either accepts it if done properly or doesn't if it was not done properly.

Director Burns noted that the Santa Cruz Water District is giving away gray water rebates and suggested the Water Conservation Commission look into it.

Director Burns asked Mr. Heitzman to give an update in the next few months on the negotiations with the MRWPCA regarding Outfall Capacity issues.

Director Burns thanked the Board and staff for the flowers he received while convalescing.

Director Moore stated that at the last meeting he asked to have a report about obtaining video equipment so the District doesn't have to rely on volunteers to film the meetings. He asked that the price of installing the equipment be provided at the next Board meeting.

Agenda Item 11-E (continued):

Director Gustafson commented that none of the construction work will be passed without it being done correctly and passing the Quality Assurance/Quality Control test the District requires. Director Gustafson voiced his appreciation of the work done on the apprentice program. He also commented that maybe the staff can look into an insurance program for customers that would add a small fee to their bills to help when there is a break in the water lines that causes large water bills. Mr. Heitzman commented that Smart Meters essentially do that for customers and some Districts are looking into supplying those meters to their customers.

Vice President Lee complimented the caliber of people that the District has on hand and the team-building efforts are unlike any he has seen. The laudatory comments he hears emphasize what a world class operation the District has.

President Nishi commented that he is glad the Board is working better together and more can be accomplished when working as a team and keeping everything positive.

13. Adjournment:

The meeting was adjourned at 8:18 p.m.

APPROVED:

_____
Kenneth K. Nishi, President

ATTEST:

_____
Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A Meeting Date: November 9, 2010

Submitted By: Gary Rogers Presented By: Gary Rogers
Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-72 to Authorize the Construction Contract for CIP# OW-0170 with Maggiora Bros. Drilling, Inc. for the Destruction of Existing Well No. 32 and the Construction of Well No. 34 Within a Not-To-Exceed Project Work Amount of $655,090

Detailed Description: The Board is requested to authorize the construction contract and contingency for CIP# OW-0170 with Maggiora Bros. Drilling, Inc. for the construction of a replacement municipal well (to be named MCWD Well No. 34) and the destruction of the existing/inoperable municipal Well No. 32.

In September of this year the District put out for competitive bid the "Well No. 34 Construction Bid Package (CIP OW-0170-B)".

On October 21, 2010, District staff opened bids submitted on a competitive basis from contractors for the Well No. 34 project CIP# OW-0170. Maggiora Bros. Drilling, located in Watsonville, California, has been deemed the apparent low bidder by submitting a project bid totaling $569,590.00. The second place bidder was Zim Industries, Inc., who submitted a bid in the amount of $610,970.00 while third and fourth-place bids were submitted for $613,097.00 and $721,270.00 respectively.

Staff has examined the Maggiora Bros. Drilling, Inc. bid documents submitted, and finds them and the contractor's qualifications to be in conformance with the bidding requirements. The District will hold the Payment and Performance Bonds for the full amount bid.

Staff is recommending an award of contract to Maggiora Bros. Drilling, Inc. in the amount of $569,590.00. Staff also recommends a contingency value of $85,500 (15% over contract value), be budgeted for this project, making the Board-authorized not-to-exceed project work amount $655,090.00.

Environmental Review Compliance: An Initial Study/Mitigated Negative Declaration CEQA Document, dated February 6, 2009, and Mitigation Monitoring and Reporting Program has been completed and was adopted via Board Resolution No. 2009-11 on February 10, 2009.

Prior Committee or Board Action: Resolution No. 2009-11, the Board adopted the Well No. 32 Replacement/Eastern Distribution System Project Initial Study/Mitigated Negative Declaration CEQA Document; Resolution No. 2009-12, the Board approved the Well No. 32 Replacement/Eastern Distribution System Project. Resolution No. 2010-47, the Board authorized 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.

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: __X__Yes _____No

Funding Source/Recap: The funding for this project will come from the District reserves, however, a portion of the funds will be reimbursed by the Prop 50 grant proceeds.

Material Included for Information/Consideration: Resolution No. 2010-72.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2010-72 authorizing the construction contract for CIP# OW-0170 with Maggiora Bros. Drilling, Inc. for the destruction of the existing Well No. 32 and construction of new Well No. 34 within a not-to-exceed project work amount of $655,090.

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_____

November 9, 2010

Resolution No. 2010 - 72
Resolution of the Board of Directors
Marina Coast Water District
Authorizing the Construction Contract for CIP# OW-0170
With Maggiora Bros. Drilling, Inc. for
the Destruction of the Existing Well No. 32 and Construction of New Well No. 34
Within a Not-to-Exceed Project Work Amount of $655,090

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the proposed Well No. 32 Replacement/Eastern Distribution System Project contains components that are part of the MCWD CIP and identified within the 2006 Master Plan; and,

WHEREAS, in Resolution No. 2009-11, this Board adopted the Initial Study/Mitigated Negative Declaration (IS/MND) for the Well No. 32 Replacement/Eastern Distribution System Project and approved the Mitigated Monitoring and Reporting Program; and,

WHEREAS, in Resolution No. 2009-12, this Board approved the Well No. 32 Replacement/Eastern Distribution System Project; and,

WHEREAS, in Resolution No. 2010-47, the Board authorized 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; and,

WHEREAS, Maggiora Bros. Drilling, Inc. submitted the apparent low bid of $569,590 and Maggiora Bros. Drilling, Inc. submittal met the bid requirements.

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 execute a construction contract with Maggiora Bros. Drilling, Inc. to conduct CIP# OW-0170 and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution within a Board-authorized not-to-exceed project work amount of $655,090 that includes a $85,500 (approximately 15%) contingency value.

PASSED AND ADOPTED on November 9, 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. 2010-72 adopted November 9, 2010.

_____
Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B Meeting Date: November 12, 2010

Submitted By: Carl Niizawa Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-69 to Adopt a Workforce Development Training Policy for Promotion of Local Apprenticeship Hiring in District Public Works Projects

Detailed Description: The Board is requested to consider adopting a policy in conformance with the Fort Ord Reuse Authority (FORA) Workforce Development Training Policy (October 14, 2005) for promotion of local apprenticeship hiring for the District's public works projects.

Unemployment in Monterey County has risen significantly in the economic downturn. Unemployment has been particularly hard on those locally in the construction trades and those construction trade apprentices in need of work experience. On May 27, 2010, the Board adopted Ordinance No. 53 to support hiring of local residents for the District's public works projects. An accompanying policy to promote the use of local construction trade apprentices in the District's public works projects would be consistent with current regional needs and the FORA Workforce Development Training Policy.

The FORA Workforce Development Training Policy encourages its member jurisdictions to adopt its policy for the utilization of trained local apprentices for the development of property on the former Fort Ord. The FORA Workforce Development Training policy reinforces the mandatory State Labor Code law requiring apprentice use in public works projects, requires that 85% of apprentices employed be local residents, and includes a requirement for 25% of the apprentices to come from local qualified apprenticeship programs. These requirements are intended to stimulate demand for local apprentices and encouragement for enrollment in local qualified apprenticeship schools.

For the District's use, staff recommends small modifications of the FORA policy. The first recommended modification is for the expansion of this policy to the entire MCWD service area beyond the former Fort Ord. The second recommended modification is the addition of language to negate requirements of the policy where such implementation would violate federal or state grant/loan rules for project funding.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On May 27, 2010, the Board of Directors adopted Ordinance No. 53, adding Chapter 2.10 to the district code to promote local hiring for District public works.

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: N/A

Material Included for Information/Consideration: Resolution No. 2010-69; and, Workforce Development Training Policy for Public Works Projects.

Staff Recommendation: For the Board of Directors to adopt the proposed Policy to promote local hiring of Apprentices for District Public Works Projects.

Action Required: __X__Resolution _____Motion _____Review _____ Ordinance
(Roll call vote is required.)

Board Action

_____Resolution No____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

November 9, 2010

Resolution No. 2010 - 69
Resolution of the Board of Directors
Marina Coast Water District
Adoption of Workforce Development Training Policy for Promotion of
Local Apprenticeship Hiring in District Public Works Projects

RESOLVED by the Board of Directors of the Marina Coast Water District, at a regular meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, unemployment in Monterey County has risen significantly in the economic downturn and has been particularly hard on those locally in the construction trades and those construction trade apprentices in need of work experience; and,

WHEREAS, there is a need to provide local residents with more opportunities to participate in workforce development and apprenticeship programs; and,

WHEREAS, the Fort Ord Reuse Authority encourages its member jurisdictions to adopt its Workforce Development Training policy for the utilization of trained local apprentices for the development of property on the former Fort Ord.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the attached Workforce Development Training Policy for Public Works Projects and authorize the General Manager and/or the Deputy General Manager/District Engineer to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on November 9, 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. 2010-69 adopted November 9, 2010.

_____

Jim Heitzman, Secretary

Workforce Development Training Policy for Public Works Projects
Marina Coast Water District
November 9, 2010

1. Construction contractors or subcontractors contracting for work in public works projects with MCWD in its service area or under its authority shall employ or cause to be employed registered apprentices in State approved apprenticeship programs established in California Labor Code Division 3 Chapter 4, commencing with section 3070. The apprenticeship programs must have graduated apprentices annually for at least the past five (5) years.

    a) This requirement applies to any craft for which the State of California Department of Apprenticeship Standards has approved an apprenticeship program. A properly indentured apprentice will be employed under the regulations of the craft or trade at which he or she is indentured and shall be employed only at the work of the craft or trade in which he or she is registered.
    b) The apprenticeship program five year graduation requirement shall not be required of any trade or craft not recognized by the Department of Labor or Division of Apprenticeship Standards as an apprenticeable occupation for more than five years immediately prior.

2. Apprentices, indentured under this Workforce Development Training Policy, shall be paid not less than the prevailing wage, as defined by the California Department of Industrial relations as defined in Division 2, Part 7, and Chapter 1 of the California Labor Code. The minimum number of apprentice work hours is determined by California Labor Code 1777.5.

3. Eighty-five percent (85%) of the apprentices indentured under this Workforce Development Training Policy must reside in the Counties of Santa Cruz, San Benito and Monterey.

4. Graduates of the following programs are eligible for apprenticeship:
    a) Monterey County Workforce Investment Board Pre-Apprenticeship
    b) Mission Trails Regional Occupation Program – Construction
    c) Construction Programs in regional educational institutions serving Monterey, San Benito and Santa Cruz Counties.

    The number of hours worked by apprentice graduates from these programs may not be less than twenty-five percent (25%) of the total apprentice hours worked on any single project.

5. The General Manager and/or Deputy General Manager/District Engineer shall establish procedures for compliance with this policy which shall include but, are not limited to the following:

    a) On MCWD Projects “Certified Payrolls” on appropriate forms shall be submitted no more than weekly or less than monthly, commensurate with the size of the project.
    b) Penalties for non-compliance shall be assessed. Penalties shall start at no less than $100 per day or exceed no more than $1,000 per day for each day of violation, commensurate with the size of the project.

6. A waiver may be granted by the General Manager and/or Deputy General Manager/District Engineer if a contractor demonstrates undue hardship or circumstances where insufficient qualified apprentice graduates are available for employment. Submission of requests for waivers must be in writing and sent to the General Manager and/or Deputy General Manager/District Engineer.

7. The General Manager and/or Deputy General Manager/District Engineer shall take all actions and execute all documents as may be necessary or appropriate to give effect to this policy except where such applications are inconsistent with state/federal law or rules governing use of outside project financing.

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C Meeting Date: November 9, 2010

Submitted By: Kelly Cadiente Presented By: Kelly Cadiente
Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-73 to Approve a Loan from Rabobank, N.A. for $3,276,000 to Fund the Construction of Building C and Site Improvements Within the Imjin Office Park

Detailed Description: On May 12, 2009, the Board adopted Resolution No. 2009-34 approving agreement with the Fort Ord Reuse Authority (FORA) to purchase property and lease back space of the to-be-built Building C within the Imjin Office Park. On July 24, 2009, the District successfully closed escrow and obtained ownership to the FORA portion of the Imjin Office Park Property.

On December 8, 2009, the Board approved an Imjin Office Park site improvements contract with Ausonio Incorporated for $618,502.25, plus a contingency of $61,497.75, for an approved allocation total of $680,000. On June 22, 2010, through a competitive bid process, the Board awarded to Dilbeck and Sons, Inc. for the construction contract for Building C within the Imjin Office Park. The approved contract was for $2,257,596 plus 15% contingency, for an approved total amount of $2,596,000. This brings the total cost of site improvements and building construction to $3,276,000.

Currently, construction costs are being funded with unrestricted general fund reserves. In order to maintain reserve balances for future needs, staff has researched alternative funding options for the Imjin Office Park Project. Staff obtained two loan options from the District's Bank Rabobank, N.A.

Loan Option 1: 12-Month Real Estate Construction Loan
The credit facility would be secured by a First Deed of Trust on the land and the 15,001 square foot office building. The interest rate on the loan is 4.50% (prime rate + 0.50%) and there is a one-time loan fee of 0.50%. The total estimated cost of the loan for option 1 is $83,948.

Loan Option 2: Certificate of Deposit Secured Non-Revolving Line of Credit (CDSNRLOC)
A CDSNRLOC will accrue interest on a fixed rate basis on the loan amounts advanced based on the Rabobank 12 month Certificate of Deposit (CD) rate of interest (currently 0.70%) plus a credit margin of 1.5% for an overall rate of 2.2%. There is also a one-time loan fee of 0.25%. The total estimated net cost of the loan for option 2 is $18,217 ($41,223 in fees and interest expense -$23,006 in interest earned on the CD).

Given the lower overall cost for Option 2, staff recommends obtaining a Certificate of Deposit Secured Non-Revolving Line of Credit.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On May 12, 2009, the Board adopted Resolution No. 2009-34 approving an agreement with FORA to purchase property and lease back space of the to-be-built Building C within the Imjin Office Park. On December 8, 2009, the Board approved Imjin Office Park site improvements contract to Ausonio Incorporated for $618,502.25 plus contingency of $61,497.75 for an approved allocation total of $680,000. On June 22, 2010, the Board approved Dilbeck and Sons, Inc. as the Building Contractor for the construction of Building C within the Imjin Office Park Project.

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

Financial Impact: ___X___Yes _____No

Funding Source/Recap: Operating Debt Service Accounts for Marina and Ord water and wastewater cost centers.

Material Included for Information/Consideration: Resolution No. 2010-73; Rabobank, N.A. letter of interest dated October 27, 2010; and, Cost breakdowns for Loan Options 1 and 2.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2010-73 approving a Certificate of Deposit Secured Non-Revolving Line of Credit from Rabobank, N.A. for $3,276,000 to fund construction of Building C and site improvements within the Imjin Office Park.

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_____

November 9, 2010

Resolution No. 2010 - 73
Resolution of the Board of Directors
Marina Coast Water District
Approving a Certificate of Deposit Secured Non-Revolving Line of Credit
from Rabobank, N.A. for $3,276,000
to Fund Construction of Office Building C and Site Improvements
within the Imjin Office Park Project

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on May 12, 2009 the Board approved agreement with Ford Ord Reuse Authority (FORA) to purchase and construct Building C within the Imjin Office Park; and,

WHEREAS, on December 8, 2009, the Board approved an Imjin Office Park site improvements contract with a total project allocation of $680,000; and,

WHEREAS, on June 22, 2010, the Board approved Dilbeck and Sons, Inc. as the Building Contractor for the construction of Building C within the Imjin Office Park plus contingency for an allocated total of $2,596,000, bringing total approved project costs to $3,276,000; and,

WHEREAS, Rabobank, N.A. has proposed a loan program to fund the construction and site improvements of the project; and,

WHEREAS, the terms and conditions of the loan program provide for a line of credit with a fixed interest rate secured by a Certificate of Deposit with no pre-payment penalty.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District adopt Resolution No. 2010-73, authorizing an agreement with Rabobank, N.A. to provide a new line of credit for the District to fund construction of office Building C and site improvements within the Imjin Office Park Project and authorizes the General Manager and/or the Deputy General Manager/District Engineer to sign contract documents 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 November 9, 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. 2010-73 adopted November 9, 2010.

_____
Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D Meeting Date: November 9, 2010

Submitted By: Carl Niizawa Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-74 to Accept the Water Supply Assessment for the Proposed Whispering Oaks Development in Monterey County

Detailed Description: The Board of Directors is requested to approve the Whispering Oaks Water Supply Assessment (attached as Exhibit A).

At the request of the Monterey County Redevelopment Agency, Carollo Engineers prepared a draft Water Supply Assessment (WSA) for the proposed Whispering Oaks Development. The WSA is prepared in accordance with Senate Bill 610 to assure that proposed developments are provided with a reliable water supply. Information from Carollo Engineers draft WSA was contained in the circulated Whispering Oaks draft Environmental Impact Report (EIR).

District staff provided comments on the Whispering Oaks draft EIR indicating that the WSA used had not been approved by the District Board and, as such, could not be considered final. District staff subsequently requested changes to the draft WSA to maintain consistency with the District's water supply standards, as documented in the MCWD 2005 Urban Water Management Plan. The current revised WSA meets these standards and staff recommends its acceptance.

As detailed in the WSA, the Whispering Oaks project is estimated to use up to 92.72 acre-feet per year, depending on its final configuration. Monterey County previously has allocated 527.5 acre-feet per year to other developments within the portions of the Ord Community in their jurisdiction. The current amount of water that Monterey County has allocated, including the 92.7 acre-feet per year for Whispering Oaks, totals 620.2 acre-feet per year which is within the 710 acre-feet amount of potable groundwater eligible for Monterey County to allocate in the former Fort Ord area.

Board Goals/Objectives: *Strategic Plan, 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.*

Prior Committee or Board Action: None

Financial Impact: _____Yes ___X___No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2010-74; and, Water Supply Assessment for the Proposed Whispering Oaks Development (Exhibit A).

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-74 to accept the Water Supply Assessment for the proposed Whispering Oaks Development.

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_____

November 9, 2010

Resolution No. 2010 - 74
Resolution of the Board of Directors
Marina Coast Water District
Accepting the Water Supply Assessment
for the Proposed Whispering Oaks Development

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regularly scheduled meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Monterey County Redevelopment Agency is required to produce a water supply assessment (Water Code section 10910 et. seq.) as part of the development approval process for the proposed Whispering Oaks Development; and,

WHEREAS, the Monterey County Redevelopment Agency requested that the District, as the public water supplier for the area of development, to analyze and accept the prepared WSA for the Whispering Oaks Development; and,

WHEREAS, the District reviewed the revised draft Water Supply Assessment for the proposed Whispering Oaks Development and found it consistent with the MCWD 2005 Urban Water Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Marina Coast Water District does hereby accept the Water Supply Assessment for the proposed Whispering Oaks Development.

PASSED AND ADOPTED on November 9, 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 the Resolution No. 2010-74 adopted November 9, 2010.

_____
Jim Heitzman Secretary

Exhibit A

Whispering Oaks Water Supply Assessment

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E | Meeting Date: November 9, 2010

Submitted By: Carl Niizawa | Presented By: Carl Niizawa
Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2010-75 to Approve Amendment No. 2 to the Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project for a Not-to-Exceed amount of $578,000

Detailed Description: The Board of Directors is requested to authorize an amendment to Professional Services Agreement (PSA) with RMC Water and Environment (RMC) for $578,000 for Program Management and Engineering Services currently needed for the Regional Water Supply Project. These tasks are focused on supporting the Test Well permitting effort and associated activities in support of obtaining a California Coastal Commission permit.

The Board approved the current RMC contract for the Regional Water Supply Project at its February 9, 2010 in the amount of $341,000 which was intended to last for approximately three months, until approximately April 2010. At its June 22, 2010 meeting, the Board approved Amendment No. 1 in the amount of $898,000. The purpose of Amendment No. 1 was to address additional services necessary in light of the schedule for the California Public Utilities Commission (CPUC) process being extended through November 2010 at which time the CPUC is expected to issue its final decision. It is now expected that a CPUC decision may be available in December 2010.

There is a need for project support in the area of initiating a Test Well Program. A Test Well Program is being initiated by the Monterey County Water Resources Agency (MCWRA) consistent with the conditions of a Three-Way Agreement between Marina Coast Water District (MCWD), MCWRA, and the California American Water Company (CAW). The Test Well Program requires certain permitting and engineering support activities to maintain progress that is critical to the overall Regional Water Supply Project schedule. The Test Wells are being designed by MCWRA and its consultant, Geosciences, in coordination with MCWD and its consultant, RMC.

This contract amendment focuses on the engineering support and permitting activities associated with the MCWRA Test Well Program, including assistance in easement and rights-of-way acquisition, Coastal Commission permitting, coordination with Monterey Regional Water Pollution Control Agency (MRWPCA), the California Department of Public Health, Monterey County Department of Health, and other permitting and approval agencies.

The Test Well Program, including the permitting activities included in this amendment, is included in the scope of work delineated in the March 30, 2010 Reimbursement Agreement between MCWD and CAW, which covers project approval and development costs associated with the Regional Water Supply Project through December 31, 2010. RMC will coordinate with

MCWD and CAW to ensure that these activities are consistent with the Reimbursement Agreement.
Currently the expectation is that full implementation of the Regional Water Supply Project will: a) begin after completion of the CPUC process scheduled for December 2010; b) begin after any approvals needed by the MCWD Board; and, c) be implemented in accordance with the conditions of a Three-Way Agreement among MCWD, MCWRA, and CAW. This second amendment to the February 2010 professional services agreement continues the previous work until the potential initiation of full implementation of the Regional Water Supply Project.

This proposed amendment to the Professional Services Agreement with RMC for Program Management and Engineering Services for the Regional Water Supply Project will be performed and invoiced on a time and material basis for the not-to-exceed amount of $578,000. With the previous approved contract amount, as amended, of $1,239,000, the contract total becomes $1,817,000.

Environmental Review Compliance: None required.

Prior Board Action: In October 2004, the District Board of Directors certified the Environmental Impact Report for the Regional Urban Water Augmentation Project. The Board has passed Resolution Nos. 2005-56, 2006-07, 2006-12, 2006-47, 2006-82, 2007-77, 2007-89, 2008-52, 2009-16 and 2009-30 authorizing progressive phases of Program Management for the Regional Urban Water Augmentation Project. In February 2010, the Board passed Resolution 2010-09 approving the original scope of the current RMC contract, and in June 2010, the Board passed Resolution 2010-42 approving the first amendment to the current RMC contract.

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: ___X___Yes _____No

Funding Source/Recap: The $578,000 project costs will be assigned to Cost Center 6, Regional Water Supply Project, within budgeted CIP Number GW-0157 RUWAP Desalination – Detailed Design that is budgeted for $2,012,456.

Material Included for Information/Consideration: Resolution No. 2010-75.

Staff Recommendation: The Board of Directors authorize Amendment No. 2 to the Professional Services Agreement with RMC Water & Environment for $578,000 for a total not to exceed amount of $1,817,000 for continued Program Management and Design within the Regional Water Supply Project.

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_____

November 9, 2010

Resolution No. 2010 - 75
Resolution of the Board of Directors
Marina Coast Water District
Approving Amendment No. 2 to a Professional Services Agreement with
RMC Water and Environment for Program Management and Engineering Services
for the Regional Water Supply Project

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 9, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, in October 2004, the District Board of Directors certified its *Environmental Impact Report - Regional Urban Water Augmentation Project* (Water Augmentation Project EIR); and,

WHEREAS, The Board of Directors approved Resolution No. 2009-39 and 2009-40 on June 9, 2009 adopting the Ord Community Budget and Compensation Plan for FY 2009/2010 which includes funding for this phase of the Regional Urban Water Augmentation Project; and,

WHEREAS, District staff and RMC staff have identified time critical tasks to continue a schedule that provides incremental potable water supply, the Board has passed Resolution Nos. 2005-56, 2006-07, 2006-12, 2006-47, 2006-82, 2007-77, 2007-89, 2008-52, and 2009-16 authorizing progressive phases of Program Management for the Regional Urban Water Augmentation Project, RMC has been in a leading role in the Regional Water Supply project work since inception, and RMC's staff is exceptionally familiar with all of the progressive phases of the RUWAP due to their continuing role as overall RUWAP Program Managers; and,

WHEREAS, The Board of Directors approved Resolution No. 2010-09 on February 9, 2010 for a professional services agreement with RMC for $341,000 for continued program management and engineering services during the then expected three month period until the California Public Utilities Commission (CPUC) provides final determination on the Regional Water Supply Project; and,

WHEREAS, The Board of Directors approved Resolution No. 2010-42 on June 22, 2010 for an amendment to the professional services agreement with RMC for $898,000 for continued program management and engineering services during the period thru November 2010 until the CPUC provides final determination on the Regional Water Supply Project; and,

WHEREAS, it is recognized that the Test Well Program is time critical to the overall schedule for the Regional Water Supply Project and the Test Well Program is being pursued by Monterey County Water Resources Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to take all actions and execute

all documents as may be necessary or appropriate to give effect to this resolution and for which the total authorized value shall not exceed $578,000.

PASSED AND ADOPTED on November 9, 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. 2010-75 adopted November 9, 2010.

_____
Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F Meeting Date:November 9, 2010

Submitted By: Carl Niizawa Presented By: Carl Niizawa
Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2010-76 to Direct Staff to Seek Proposals for Supplemental Professional Legal Services for Board Committees

Detailed Description: The Board of Directors is requested to consider the need for legal support for the Board committees. If additional legal support is desired by the Board, it is recommended that the Board direct staff to issue a Request for Proposals for providing these services.

On September 14th, the Board of Directors adopted Resolution No. 2010-51 to reinstate the Budget and Personnel Committee, the Projects and Planning Committee, and the Operations and Maintenance Committee. The Board also has a Joint City District Committee and a Water Conservation Commission. Along with staff support, it is appropriate for the Board to consider if it is desired to have legal support with committee meetings, committee agendas, and questions.

In consideration of the District's current legal work load, and anticipated needs of the Regional Project, the additional obligation of the committees would require supplementary legal professional(s). Such support could be supplied from the current Counsel's firm. If the Board decides to have legal support for the committees, it is recommended that Board direct staff to issue a RFP and seek available options. These proposals could then be reviewed by the Executive Committee for a recommendation to the Board.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The District Board of Directors approved Resolution No. 2010-51 on September 14, 2010 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.

Financial Impact: ___X___Yes _____No

Funding Source/Recap: No current impact.

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.*

Material Included for Information/Consideration: Resolution No. 2010-76.

Staff Recommendation: If legal support is needed, adopt Resolution No. 2010-76 to direct staff to issue a Request for Proposal for supplemental legal professional services.

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_____

November 9, 2010

Resolution No. 2010 - 76
Resolution of the Board of Directors
Marina Coast Water District
Issuance of a Request for Proposals for Supplemental Professional Legal Services

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 9, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on September 14, 2010 the Board of Directors reinstated the Budget and Personnel Committee, the Projects and Planning Committee, and the Operations and Maintenance Committee; and,

WHEREAS, the Board also has a Joint City District Committee and a Water Conservation Commission; and,

WHEREAS, the Directors find a need for professional legal services for its committee meetings and staff reports; and,

WHEREAS, the quantity of work for existing Legal Counsel is substantial with current and anticipated issues.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2010-76 directing staff to issue a Request for Proposals for supplemental professional legal services for review by the District's Executive Committee and authorizes the General Manager and/or Deputy General Manager/District Engineer to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on November 9, 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. 2010-76 adopted November 9, 2010

_____
Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-G Meeting Date: November 9, 2010

Submitted By: Kelly Cadiente Presented By: Kelly Cadiente
Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-77 to Authorize the Issuance and Sale of Refunding Bonds in the Principal Amount of Not-to-Exceed $9,000,000 to Refund Outstanding Promissory Note Relating to Land Acquisition, and Approving Related Documents and Actions

Detailed Description: On March 16, 2010, the Board adopted Resolution No. 2010-18, approving exercise of an option created in 1996 for acquisition of land and easements on the Armstrong Ranch. As consideration for the land and easements, the District delivered to the Armstrong Family a Promissory Note in the amount of the $7,351,786 and recorded a Deed of Trust to secure payment of the Note.

The District may prepay the Note in whole or in part and paragraph 4 of the Note provides that all payments made through December 31, 2010, shall be included in computing annexation fees, capacity charges and/or service charges charged by MCWD, on a per acre-foot per year basis, for portions of the Armstrong Ranch annexed as provided in the 1996 Annexation Agreement and Groundwater Mitigation Framework.

On October 12, 2010, staff recommended the District issue subordinate bonds to refinance the Promissory Note and the Board adopted Resolution No. 2010-70 authorizing the General Manager to seek a commitment of funds to pay in full the Promissory Note to "Sandhills as Nominee" Dated 6-30-10.

Staff has been working with Brian O'Connor, Senior Vice President of Hutchinson, Shockey, Erley and Company (HSE), to secure financing and meet the December 31, 2010 prepayment deadline on the Promissory Note. The proposed financing will include the issuance of Subordinate Refunding Bonds in the maximum principal amount of $9,000,000, for the purpose of providing funds to refund the Promissory Note. The average rate of interest to be borne by the Subordinate Refunding Bonds (taking into account any original issue discount on the sale thereof) shall not exceed 4.00% per annum. Under this proposed financing, HSE will serve as Underwriter of the issuance, Union Bank, N.A., will act as trustee, relating to the issuance and sale of the Subordinate Refunding Bonds, and Jones Hall, a professional law corporation will serve as bond counsel.

Environmental Review Compliance: None required.

Prior Committee or Board Actions: On March 16, 2010, the Board adopted Resolution No. 2010-18, approving exercise of an option created in 1996 for acquisition of land and easements on the Armstrong Ranch. On October 12, 2010, the Board adopted Resolution No. 2010-70

authorizing the General Manager to seek a commitment of funds to pay in full the Promissory Note to "Sandhills as Nominee" Dated 6-30-10.

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: __X__ Yes _____ No

Funding Source/Recap: Bond payments made prior to development will be funded by District reserves intended for the purpose with on-going payments planned for within the CIP Budget as a line item within Cost Center 1 (Marina Water), "Armstrong Purchase Option per 2/2A Agreement)".

Materials Included for Information/Consideration: Resolution No. 2010-77. The District's Preliminary Official Statement; Installment Sale Agreement; Trust Agreement; and, Purchase Contract will be provided at the meeting.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2010-77 authorizing the issuance and sale of refunding bonds in the principal amount of not to exceed $9,000,000 to refund outstanding promissory note relating to land acquisition, and approving related documents and actions to approve bond financing

Action Required: __X__Resolution _____Motion _____Review
(Roll call vote is required.)

Board Action

_____Resolution No____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Resolution No. 2010 - 77

Resolution of the Board of Directors of The Marina Coast Water District
Authorizing the Issuance and Sale of Refunding Bonds in the Principal Amount of
Not-To-Exceed $9,000,000 To Refund Outstanding Promissory Note Relating To
Land Acquisition, and Approving Related Documents and Actions

November 9, 2010

WHEREAS, the Marina Coast Water District (the "District") owns and operates facilities and property for the supply, treatment and distribution of water (the "Water System") and the collection, treatment and disposal of wastewater within the service area of the District (the "Wastewater System") and in order to finance the acquisition of land to be used for various public purposes of the District relating to the Water System and the Wastewater System, the District has executed and delivered a Promissory Note Secured by Deed of Trust dated June 25, 2010, in the aggregate principal amount of $7,351,786.00 (the "Promissory Note"); and

WHEREAS, in order to provide funds to refund the Promissory Note and thereby realize interest rate savings to the District, the Board of Directors of the District wishes to authorize the issuance and sale of 2010 Subordinate Enterprise Revenue Refunding Bonds of the District in the aggregate principal amount of not to exceed $9,000,000 (the "Refunding Bonds"), under the provisions of Articles 10 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, commencing with Section 53570 of said Code (the "Refunding Bond Law"); and

WHEREAS, the Refunding Bonds will be secured by a pledge of and lien on the net revenues derived by the District from the operation of the Water System and the Wastewater System, on a basis which is subordinate to the outstanding obligations of the District relating to the Enterprise Revenue Certificates of Participation, Series 2006 which have previously been executed and delivered in the aggregate principal amount of $42,310,000 (the "2006 Certificates");

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Marina Coast Water District as follows:

Section 1. Authorization of Refunding Bonds. The Board of Directors hereby authorizes the issuance of the Refunding Bonds in the maximum principal amount of $9,000,000, for the purpose of providing funds to refund the Promissory Note. The Refunding Bonds shall be revenue bonds which are payable from and secured by a pledge of and lien on the net revenues of the Water System and the Wastewater System, on a basis which is subordinate to the outstanding obligations of the District relating to the 2006 Certificates. The Refunding Bonds are authorized to be issued under the provisions of the Refunding Bond Law.

Section 2. Approval of Indenture of Trust. The Board of Directors hereby approves the Indenture of Trust between the District and Union Bank, N.A., as trustee, relating to the issuance and sale of the Refunding Bonds, in substantially the form on file with the Clerk of the Board together with any changes therein or additions thereto deemed advisable by the General

Manager, the Deputy General Manager/District Engineer or the Director of Administrative Services (each, an "Authorized Officer"). The President or the Vice President are each hereby authorized and directed for and in the name and on behalf of the District to execute the final form of the Indenture of Trust, and the Clerk of the Board is hereby authorized and directed to attest the final form of the Indenture of Trust. Execution of the Indenture of Trust by the President or the Vice President shall be conclusive evidence of the approval of any changes therein or additions thereto by an Authorized Officer.

Section 3. Negotiated Sale of Refunding Bonds. The Board of Directors hereby approves the sale of the Refunding Bonds by negotiation with Hutchinson, Shockey, Erley & Company as underwriter (the "Underwriter") under a Purchase Contract between the District and the Underwriter in the form on file with on file with the Clerk of the Board, together with any changes therein or additions thereto approved by an Authorized Officer, and the execution thereof by an Authorized Officer shall be conclusive evidence of such approval. The amount of Underwriter's discount for the Refunding Bonds shall be not more than 1.00% of the par amount thereof and the average rate of interest to be borne by the Refunding Bonds (taking into account any original issue discount on the sale thereof) shall not exceed 4.00% per annum.

Section 4. Official Statement. The Board of Directors hereby approves and deems final within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, the preliminary Official Statement describing the Refunding Bonds in the form on file with the Clerk of the Board. An Authorized Officer is hereby authorized, at the request of the Underwriter, to execute an appropriate certificate affirming the Board of Directors' determination that the preliminary Official Statement has been deemed final within the meaning of such Rule. Distribution of the preliminary Official Statement by the Underwriter is hereby approved. An Authorized Officer is hereby authorized and directed to approve any changes in or additions to a final form of said Official Statement, and the execution thereof by an Authorized Officer shall be conclusive evidence of approval of any such changes and additions. The Board of Directors hereby authorizes the distribution of the final Official Statement by the Underwriter. The final Official Statement shall be executed in the name and on behalf of the District by an Authorized Officer.

Section 5. Engagement of Professional Services. The firm of Jones Hall, A Professional Law Corporation, is hereby retained as bond counsel to the District, in connection with the issuance and sale of the Refunding Bonds. An Authorized Officer is hereby authorized and directed on behalf of the District to execute an agreement with said firm in the form on file with the Clerk of the Board.

Section 6. Official Actions. The President, the Vice President, the General Manager, the Deputy General Manager/District Engineer, the Finance Director, the Clerk of the Board, and all other officers of the District, are authorized and directed in the name and on behalf of the District to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, including but not limited to a Continuing Disclosure Certificate in substantially the form appended to the Official Statement, which they or any of them deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and documents approved under this Resolution. Whenever in this resolution any officer of the District is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of

such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 7. Effective Date. This resolution shall take effect from and after the date of approval and adoption thereof.

*** * * * * * * * * * ***

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the Board of Directors of the Marina Coast Water District at a regular meeting thereof held on November 9, 2010.

AYES:

NOES:

ABSENT:

_____
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. 2010-77 adopted November 9, 2010

_____
Jim Heitzman, Secretary

Marina Coast Water District
Staff Report

Agenda Item: 9-A Meeting Date: November 9, 2010

Prepared By: Suresh Prasad, Rich Youngblood Presented By: Rich Youngblood
Reviewed By: Carl Niizawa

Subject: Receive 3rd Quarter 2010 Ord Community Water Consumption and Sewer Flow Report

Summary: The Board of Directors is requested to receive the 3rd 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.

The 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.

Below are informational notes for the data reported:

- The rainfall for the 3rd Quarter of 2010 (July, August, September), was 2.33 inches, above the historical quarterly average of 0.28 inches. The historical average evapotranspiration for this period is 10.82 inches compared to the average quarterly figure of 10.34 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

Ord Community Sewer flow as measured at the old Main Garrison Wastewater Treatment Plant for the 2nd Quarter of 2010 was 79.5 million gallons or 0.86 mgd. This leaves an available balance of 2.4 mgd.

The 4th Quarter 2010, Ord Community Water Consumption and Sewer Flow Report will be presented to the Board in February 2011.

MARINA COAST WATER DISTRICT

Report Modified: 11/2/2010

9-YEAR ANNUAL CONSUMPTION REPORT BY LAND USE JURISDICTION - SUMMARY

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
TOTALS FOR ORD COMMUNITY - ARMY									
Total Consumption (af)	56.59	66.74	86.15	157.54	206.17	231.41	212.02	248.47	208.56
Army Retention (af)	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577
Water Used (%)	30%	30%	31%	36%	39%	41%	39%	42%	33%
Unmeterd Water Use (af)	410.00	410.00	410.00	410.00	410.00	410.00	410.00	410.00	307.50
TOTALS FOR ORD COMMUNITY - CITY OF MONTEREY									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FORA Allocation (af)	65	65	65	65	65	65	65	65	65
Water Used (%)	0%	0%	0%	0%	0%	0%	0%	0%	0%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS FOR ORD COMMUNITY - COUNTY/STATE PARKS									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FORA Allocation (af)	45	45	45	45	45	45	45	45	45
Water Used (%)	0%	0%	0%	0%	0%	0%	0%	0%	0%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTALS FOR ORD COMMUNITY - CSUMB									
Total Consumption (af)	111.85	111.59	126.91	158.01	121.51	129.20	142.10	270.73	306.82
FORA Allocation (af)	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035
Water Used (%)	57%	57%	58%	61%	58%	58%	60%	60%	30%
Unmeterd Water Use (af)	475.00	475.00	475.00	475.00	475.00	475.00	475.00	350.00	0.00

TOTALS FOR ORD COMMUNITY - DEL REY OAKS									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FORA Allocation (af)	243	243	243	243	243	243	243	243	243
Water Used (%)	0%	0%	0%	0%	0%	0%	0%	0%	0%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTALS FOR ORD COMMUNITY - MARINA									
Total Consumption (af)	317.04	286.79	257.22	228.75	288.16	434.88	323.86	289.81	209.16
FORA Allocation (af)	1,325	1,325	1,325	1,325	1,325	1,325	1,325	1,325	1,325
Water Used (%)	24%	22%	19%	17%	22%	33%	24%	22%	16%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTALS FOR ORD COMMUNITY - MONTEREY COUNTY									
Total Consumption (af)	7.51	5.44	4.85	8.04	5.89	196.96	36.57	4.31	8.07
FORA Allocation (af)	710	710	710	710	710	710	710	710	710
Water Used (%)	1%	1%	1%	1%	1%	28%	5%	1%	1%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTALS FOR ORD COMMUNITY - SEASIDE									
Total Consumption (af)	210.37	239.53	468.23	456.60	414.91	451.22	483.56	429.61	678.83
FORA Allocation (af)	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012
Water Used (%)	21%	24%	46%	45%	41%	45%	48%	42%	67%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTALS FOR ORD COMMUNITY - UCMBEST									
Total Consumption (af)	0.40	3.03	4.15	5.28	5.36	2.49	1.53	1.61	1.39
FORA Allocation (af)	230	230	230	230	230	230	230	230	230
Water Used (%)	0%	1%	2%	2%	2%	1%	1%	1%	1%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - ARMY

Army Facilities & Businesses - Ord

Total Consumption (af)	50.39	63.63	62.18	37.32	36.49	46.42	39.16	44.94	36.50
No. of Connections	29	29	28	28	28	29	29	29	29
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	410	410	410	410	410	410	410	410	308

Army Construction Water - Ord

Total Consumption (af)	0.00	0.07	21.72	20.88	0.78	0.03	3.54	40.48	1.53
No. of Connections	0	1	1	4	2	1	1	3	1
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
Fitch Park Army - Ord									
Total Consumption (af)	0.00	0.00	0.00	1.31	63.96	81.79	78.91	75.03	55.89
No. of Connections	0	0	0	72	211	213	213	213	213
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Hayes Park Army - Ord									
Total Consumption (af)	6.20	3.03	2.26	98.03	104.95	103.17	90.42	87.52	58.71
No. of Connections	25	25	48	164	164	164	164	164	164
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Kidney - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.50	55.93
No. of Connections	0	0	0	0	0	0	0	54	285
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

TOTALS FOR ORD COMMUNITY - ARMY									
Total Metered Consumption (af)	56.59	66.74	86.15	157.54	206.17	231.41	212.02	248.47	208.56
Army Retention (af)	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577
Water Used (%)	30%	30%	31%	36%	39%	41%	39%	42%	33%
Unmeterd Water Use (af)	410.00	410.00	410.00	410.00	410.00	410.00	410.00	410.00	307.50

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - CITY OF MONTEREY

City of Monterey - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

TOTALS FOR ORD COMMUNITY - CITY OF MONTEREY

Total Metered Consumption (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
FORA Allocation (af)	**65**	**65**	**65**	**65**	**65**	**65**	**65**	**65**	**65**
Water Used (%)	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - COUNTY/STATE PARKS

County/State Parks - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

TOTALS FOR ORD COMMUNITY - COUNTY/STATE PARKS

Total Metered Consumption (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
FORA Allocation (af)	**45**	**45**	**45**	**45**	**45**	**45**	**45**	**45**	**45**
Water Used (%)	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
ORD COMMUNITY - CSUMB									
CSUMB									
Total Consumption (af)	89.07	91.23	108.13	139.72	106.07	113.27	118.71	157.88	101.19
No. of Connections	74	73	74	81	78	84	83	87	96
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	475	475	475	475	475	475	475	350	0
CSUMB - Frederick Park									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.63	73.69
No. of Connections	0	0	0	0	0	0	0	131	135
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
CSUMB - Schoonover I									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67.25	105.50
No. of Connections	0	0	0	0	0	0	0	245	246
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
CSUMB - Schoonover II									
Total Consumption (af)	22.79	20.36	18.78	18.30	15.44	15.93	23.39	28.97	26.44
No. of Connections	66	66	66	66	66	66	152	152	155
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
TOTALS FOR ORD COMMUNITY - CSUMB									
Total Metered Consumption (af)	**111.85**	**111.59**	**126.91**	**158.01**	**121.51**	**129.20**	**142.10**	**270.73**	**306.82**
FORA Allocation (af)	**1,035**	**1,035**	**1,035**	**1,035**	**1,035**	**1,035**	**1,035**	**1,035**	**1,035**
Water Used (%)	**57%**	**57%**	**58%**	**61%**	**58%**	**58%**	**60%**	**60%**	**30%**
Unmeterd Water Use (af)	**475.00**	**475.00**	**475.00**	**475.00**	**475.00**	**475.00**	**475.00**	**350.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - DEL REY OAKS

Del Rey Oaks - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

TOTALS FOR ORD COMMUNITY - DEL REY OAKS

Total Metered Consumption (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
FORA Allocation (af)	**243**	**243**	**243**	**243**	**243**	**243**	**243**	**243**	**243**
Water Used (%)	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**	**0%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
ORD COMMUNITY - MARINA									
Abrams Park - Ord									
Total Consumption (af)	98.93	111.07	89.26	76.31	71.97	70.11	80.39	83.78	56.38
No. of Connections	219	226	226	226	227	229	228	228	228
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Cypress Knolls - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0
Land Use Agency Allocation	156	156	156	156	156	156	156	156	156
Water Used (%)					0%				
MCWD WSA Estimate	156	156	156	156	156	156	156	156	156
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Marina - Ord									
Total Consumption (af)	28.20	23.54	24.65	31.92	25.59	23.33	17.44	17.36	13.74
No. of Connections	35	34	35	44	44	41	38	39	38
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
Marina Airport - Ord									
Total Consumption (af)	13.25	7.62	6.11	5.36	4.99	5.24	5.32	7.94	7.21
No. of Connections	15	17	16	21	21	22	18	20	23
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Marina Construction Water - Ord									
Total Consumption (af)	50.08	12.14	14.29	8.63	47.21	86.98	13.86	18.26	13.90
No. of Connections	5	7	10	11	12	22	16	10	10
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Marina Heights - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.00	6.94	85.07	47.92	8.34	6.64
No. of Connections	0	0	0	0	4	9	7	7	7
Land Use Agency Allocation	293	293	293	293	293	293	293	293	293
Water Used (%)					2%	29%	16%	3%	2%
MCWD WSA Estimate	350	350	350	350	350	350	350	350	350
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
Preston Park - Ord									
Total Consumption (af)	126.58	132.41	122.91	105.71	100.71	100.78	106.09	111.16	79.49
No. of Connections	392	389	388	380	379	380	379	378	378
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
School - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.60	0.50	0.46	0.39
No. of Connections	0	0	0	0	0	2	2	2	2
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
University Villages - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.83	30.75	62.77	52.34	42.51	31.40
No. of Connections	0	0	0	1	3	26	14	13	13
Land Use Agency Allocation	593	593	593	593	593	593	593	593	593
Water Used (%)				0%	5%	11%	9%	7%	5%
MCWD WSA Estimate	732	732	732	732	732	732	732	732	732
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
UV Specific Plan - Ord									
Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0
Land Use Agency Allocation	124	124	124	124	124	124	124	124	124
Water Used (%)					0%				
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
TOTALS FOR ORD COMMUNITY - MARINA									
Total Metered Consumption (af)	**317.04**	**286.79**	**257.22**	**228.75**	**288.16**	**434.88**	**323.86**	**289.81**	**209.16**
FORA Allocation (af)	**1,325**	**1,325**	**1,325**	**1,325**	**1,325**	**1,325**	**1,325**	**1,325**	**1,325**
Water Used (%)	**24%**	**22%**	**19%**	**17%**	**22%**	**33%**	**24%**	**22%**	**16%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
ORD COMMUNITY - MONTEREY COUNTY									
County - Ord									
Total Consumption (af)	6.85	5.28	4.85	4.07	2.96	5.02	7.05	2.88	7.87
No. of Connections	5	5	6	6	6	6	4	5	6
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
County Construction Water - Ord									
Total Consumption (af)	0.66	0.16	0.00	2.56	0.43	0.00	0.02	0.73	0.14
No. of Connections	2	1	0	2	1	0	1	1	1
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
East Garrison - Ord									
Total Consumption (af)	0.00	0.00	0.00	1.41	2.50	191.94	29.51	0.70	0.06
No. of Connections	0	0	0	1	3	4	5	3	1
Land Use Agency Allocation	470	470	470	470	470	470	470	470	470
Water Used (%)				0%	1%	41%	6%	0%	0%
MCWD WSA Estimate	470	470	470	470	470	470	470	470	470
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

TOTALS FOR ORD COMMUNITY - MONTEREY COUNTY									
Total Metered Consumption (af)	7.51	5.44	4.85	8.04	5.89	196.96	36.57	4.31	8.07
FORA Allocation (af)	710	710	710	710	710	710	710	710	710
Water Used (%)	1%	1%	1%	1%	1%	28%	5%	1%	1%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
ORD COMMUNITY - SEASIDE									
Bay View Mobile Park - Ord									
Total Consumption (af)	0.00	14.64	72.19	60.14	59.89	63.10	66.34	63.61	48.09
No. of Connections	0	223	223	223	223	223	223	223	223
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Seaside Golf Course - Ord									
Total Consumption (af)	0.52	0.31	0.60	1.28	10.56	21.01	1.39	1.05	320.24
No. of Connections	1	1	1	6	7	6	3	2	3
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
School - Ord									
Total Consumption (af)	121.23	110.12	113.86	114.78	82.11	90.17	126.82	94.82	78.58
No. of Connections	7	7	7	9	12	12	13	16	17
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
Seaside - Ord									
Total Consumption (af)	3.08	3.13	3.96	3.12	2.61	6.67	5.26	6.03	3.51
No. of Connections	3	3	3	4	8	7	8	9	9
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Seaside Construction Water - Ord									
Total Consumption (af)	4.01	36.90	21.46	1.65	10.48	7.04	19.55	26.79	45.88
No. of Connections	5	19	17	7	8	7	13	9	7
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Seaside Highlands - Ord									
Total Consumption (af)	0.00	9.68	166.50	194.54	170.89	185.72	192.72	166.66	129.22
No. of Connections	0	111	326	392	392	391	392	391	389
Land Use Agency Allocation	125	125	125	125	125	125	125	125	125
Water Used (%)		8%	133%	156%	137%	149%	154%	133%	103%
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30
* represents year to date consumption figures which have been billed to customers									
Seaside Highlands Soaper Field - Ord									
Total Consumption (af)	0.00	0.00	24.26	18.35	16.77	13.42	11.67	10.82	7.82
No. of Connections	0	0	1	1	1	1	1	1	1
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
Sun Bay (300 units) - Ord									
Total Consumption (af)	81.53	64.77	65.40	62.74	61.60	64.09	59.81	59.83	45.49
No. of Connections	300	300	300	300	300	300	300	300	300
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0
TOTALS FOR ORD COMMUNITY - SEASIDE									
Total Metered Consumption (af)	**210.37**	**239.53**	**468.23**	**456.60**	**414.91**	**451.22**	**483.56**	**429.61**	**678.83**
FORA Allocation (af)	**1,012**	**1,012**	**1,012**	**1,012**	**1,012**	**1,012**	**1,012**	**1,012**	**1,012**
Water Used (%)	**21%**	**24%**	**46%**	**45%**	**41%**	**45%**	**48%**	**42%**	**67%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010 as of Sep 30

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - UCMBEST

U C MBEST - Ord

Total Consumption (af)	0.40	3.03	4.15	5.28	5.36	2.49	1.53	1.61	1.39
No. of Connections	2	3	3	3	3	3	3	3	3
Land Use Agency Allocation									
Water Used (%)									
MCWD WSA Estimate									
Unmetered Water Use	0	0	0	0	0	0	0	0	0

TOTALS FOR ORD COMMUNITY - UCMBEST

Total Metered Consumption (af)	**0.40**	**3.03**	**4.15**	**5.28**	**5.36**	**2.49**	**1.53**	**1.61**	**1.39**
FORA Allocation (af)	**230**	**230**	**230**	**230**	**230**	**230**	**230**	**230**	**230**
Water Used (%)	**0%**	**1%**	**2%**	**2%**	**2%**	**1%**	**1%**	**1%**	**1%**
Unmeterd Water Use (af)	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Committee and Board Liaison Reports

Draft Minutes
Water Conservation Commission
October 7, 2010

1. Call to Order:

The meeting was called to order at 5:30 p.m. Commission members Bill Lee, Dan Amadeo, Jim Ford, Bob Brown, Steven Reeves, and Nathan Chaney were present. Rich Youngblood and Paula Riso were present from staff. Richard Newhouse and Jay Tulley were absent.

2. Public Comments on Any Item Not on the Agenda:

There were no comments.

3. Approve the Draft September 2, 2010 Minutes:

Commissioner Ford made a motion to approve the draft September 2, 2010 minutes. Commissioner Lee seconded the motion. The motion was passed with Commissioner Chaney abstaining.

4. Consider Appointment of Jim Felton to the Water Conservation Commission:

Commissioner Amadeo made a motion to forward this item to the Board of Directors for approval. Commissioner Ford seconded the motion. The motion was passed unanimously.

5. Receive Update on the Public Information Program:

Mr. Youngblood gave an update of the public events the District has attended and is scheduled to participate in this year with the next upcoming event at the Marina Air Faire on October 16 and 17. He also reviewed public notices that have been and will be sent out this year.

6. Receive Report on the Fall 2010 Water Wise Update:

Mr. Youngblood stated that the Water Wise Update will be included with monthly bills, to all District customers within the next month. The Update has information on clothes washer, toilet, hot water recirculation, and landscape rebates. It also has information on adjusting landscape watering for the winter.

7. Receive Update on Board/District Activities:

Commissioner Lee commented that the three Board members up for re-election have been busy campaigning. He also gave a brief update on the Regional Water Supply Project stating that the Project is awaiting approval from Judge Minkin to be forwarded to the CPUC for possible approval in November.

Mr. Youngblood commented that Mr. Heitzman, MCWD General Manager, spoke at the AMBAG Water Forum on October 1st at which a conservation speaker also spoke.

8. Receive Comments from Commission Members:

Commissioner Amadeo commented that all five of the members running for the District's open seats participated in a debate on September 27th.

9. Adjournment:

The meeting was adjourned at 5:57 pm.

Draft Minutes
Joint City/District Committee Meeting

October 6, 2010

1. Call to Order:

The Joint City/District Committee was called to order 5:10 p.m. by Vice Chair Lee. In attendance were:

- Committee members: MCWD President Ken Nishi, MCWD Vice President Bill Lee, Councilmember Frank O'Connell, and Alternate Tony Altfeld.

- General Manager Jim Heitzman and Deputy General Manager/District Engineer Carl Niizawa attended for Marina Coast Water District.

- Attending members of the public included: Dan Amadeo.

2. Public Comments on Any Item Not on the Agenda:

No comments.

3. Approve the Draft Minutes of August 30, 2010:

President Nishi asked if the Committee wanted to postpone the minutes until next meeting. Councilmember O'Connell and Mr. Altfeld commented that they would have to abstain anyway, as they were not at the August 30th meeting. President Nishi commented that he had some corrections but they would be made at the next meeting.

This item was postponed until the next meeting.

4. Election of Chair:

President Nishi suggested waiting to elect a chair until everyone is present.

This item was postponed until the next meeting.

5. Items of Mutual Interest:

a. Water Supply Assessment for Marina Downtown Revitalization Project:

Mr. Heitzman commented that due to Legal Counsel's advice, this item was pulled from the District's Board meeting agenda.

Agenda item 5-a (continued):

b. Regional Desal

Mr. Heitzman gave a brief update to the Committee members and commented that the CPUC decision on the Regional Water Project is anticipated in November or December.

c. City of Marina Teen Center:

Mr. Niizawa commented that the District received a submittal earlier that afternoon and it would be reviewed by staff. Councilmember O'Connell asked for a brief background on this item. Mr. Niizawa explained that the City of Marina turned in plans for the Teen Center and when the project was completed, it was not in compliance with the approved plans. The City and District have been working over the past year to come to a resolution.

d. Franchise Agreement – RUWAP pipeline through the City of Marina

Mr. Altfeld stated that the City staff met with Mr. Niizawa and discussed the Franchise Agreement and that the Agreement is now with the District's Legal Counsel. Mr. Heitzman explained that for three years, the District has been trying to get an encroachment permit from the City for installing the RUWAP pipeline, and due to the delay, is now in danger of losing funding eligibility for that pipeline.

e. Possible Annexation of Fort Ord Lands by MCWD

Mr. Heitzman commented that the District is in the process of reviewing annexation on an environmental basis. If the District annexes the Fort Ord Lands, it would give the Ord Community ratepayers the ability to vote for board members and give them a voice of governance. Mr. Heitzman commented that while the District owns the entire infrastructure on the Former Fort Ord it is under contract to supply water to the Ord Community. Annexation would expand the District's service area and be recognized by the State. Mr. Altfeld commented that the last time it was discussed at Marina City Council, the preference by the City Council was that the District only annex up to the City of Marina's border.

f. Public Relations between Marina City Council and MCWD:

Vice President Lee commented that everything is good between City Council and the District.

g. Professional Relations between the City of Marina and MCWD Staffs:

Mr. Heitzman commented that while he, Mr. Altfeld and Mr. Yount work well together, there is some stress at other staff positions. Mr. Altfeld said staff is working together and wants the Teen Center issue resolved.

h. Ongoing Projects between the City of Marina and MCWD:

Mr. Heitzman commented that the District would like to work with the City and put ideas together to show water conservation within the City. Mr. Altfeld stated that the City Council is discussing Smart Meters.

6. Committee Member Comments and Identify Agenda Items for the Next Committee Meeting:

President Nishi commented that it had been previously discussed to hold meetings during daylight savings at the District offices, and in the winter, hold them at the City offices. Mr. Altfeld agreed. President Nishi clarified that the City would decide where the meeting would be held and provide the support staff. Mr. Altfeld concurred and said City staff would put the agenda together and contact Committee members for availability.

7. Adjournment:

Meeting adjourned at 5:57 p.m.

Draft Minutes
Budget and Personnel Committee Meeting

October 22, 2010

1. Call to Order:

The Budget and Personnel Committee was called to order 9:02 a.m. by Director Gustafson. In attendance were:

- Committee members: Director Howard Gustafson and Director Dan Burns.
- Staff: Jim Heitzman, Carl Niizawa, Kelly Cadiente, Jean Premutati, and Paula Riso.

2. Public Comments on Any Item Not on the Agenda:

No comments.

3. Election of Chair:

Director Burns nominated Director Gustafson as Chair.

4. Review, Discuss, and Approve the Duties and Responsibilities of the Committee:

Chair Gustafson's suggestion for duties and responsibilities include: reviewing the budget before it goes before the Board; and reviewing personnel needs with regards to the budget. Mr. Heitzman suggested adding closed session items with regards to personnel issues. Director Burns' suggested that the Committee's personnel items include: reviewing labor negotiations and make suggestions to the labor negotiator; reviewing worker's compensation claims and accommodations made regarding those claims; reviewing hiring recommendations before a vacancy is filled; review applications for management vacancies and make recommendations; hold initial negotiations with the General Manager on his contract; and hold initial negotiations with the Deputy General Manager on his contract. Director Burns' suggested that the Committee's budget items include: review medical costs; CalPERS costs; review budget adjustments i.e. moving CIP projects to the next fiscal year; participating in a Rate Study; and, financing of projects i.e. securing bonds to pay for projects.

Director Burns also stated that he would like a member of the Board to attend meetings in Sacramento and Washington D.C. with the General Manager when appropriate. Mr. Heitzman commented that there are some meetings that are staff related and some with other elected officials. He agreed that it would be valuable to have Board members present at those meetings.

Mr. Heitzman suggested putting the suggestions together in a revised duties and responsibilities list and considering approval at the next meeting.

Ms. Premutati asked for clarification on what kind of Workers' Compensation information Director Burns wanted to see. Director Burns commented that he would like to see the District's experience rating, any accommodations that are being made for a worker, how many workers are on Workers' Comp, and what caused those injuries to see if there is a way to alleviate the cause. Ms. Premutati asked if a quarterly report would suffice. Director Burns said quarterly was sufficient.

5. Identify Agenda Items for the Next Committee Meeting:

Mr. Heitzman said he had some items for the next meeting. The revised duties and responsibilities will be presented for review and approval by the Board.

6. Identify Meeting Date and Time for the Next Committee Meeting:

The Committee selected November 19, 2010 at 9:00 am for the next meeting.

7. Committee Member Comments:

Director Gustafson inquired on the staffing and finance options of the Regional Desal. Mr. Heitzman commented that there are no definitive thoughts on the staffing of the Regional Desal as the project has yet to be approved.

8. Adjournment:

The meeting was adjourned at 9:32 am.

Draft Minutes
Operations and Maintenance Committee Meeting

October 26, 2010

1. Call to Order:

The Operations and Maintenance Committee was called to order 9:01 a.m. by Vice President Lee. In attendance were:

- Committee members: Vice President Bill Lee and Director Dan Burns.
- Staff: Carl Niizawa, Jim Dowless, Evelina Adlawan, Rich Youngblood and Paula Riso.

2. Public Comments on Any Item Not on the Agenda:

No comments.

3. Election of Chair:

Director Burns nominated Vice President Lee as Chair.

4. Review, Discuss, and Approve the Duties and Responsibilities of the Committee:

The Committee discussed matters and upcoming projects for possible discussion and approval. Mr. Niizawa commented that this Committee can identify and prioritize projects that may influence the operations and maintenance of the District and then the Projects and Planning Committee will look at implementing those projects.

The Committee asked to add to future agenda items: reviewing the SCADA system; reviewing security issues; reviewing the Maintenance Management Program; receiving semi-annual reports on sewer spills, water leaks in the Ord Community, and the Fats, Oil and Grease Program.

5. Identify Agenda Items for the Next Committee Meeting:

The Committee asked that the following items be discussed at the next meeting: review of the SCADA system; an update on the Automated Meter Reading installations; create a priority list of project and upgrades; receive an update on the water use at the Bayonet/Blackhorse Golf Course. Chair Lee inquired on the Sand City Desal Plant and asked to see if there was a possibility for a tour of the plant. Mr. Niizawa answered that he would check into a tour and an update on the plant would be provided at the next Committee meeting.

6. Identify Meeting Date and Time for the Next Committee Meeting:

The Committee selected November 30, 2010 at 9:00 am for the next meeting.

7. Committee Member Comments:

Ms. Adlawan commented that it was nice that this committee was formed. Mr. Dowless stated that if anyone was interested in site tours to let him know and he would schedule them.

8. Adjournment:

The meeting was adjourned at 10:29 am.

Draft Minutes
Projects and Planning Committee Meeting

October 27, 2010

1. Call to Order:

The Projects and Planning Committee was called to order 5:32 p.m. by President Nishi. In attendance were:

- Committee members: President Kenneth Nishi and Director Tom Moore.
- Staff: Carl Niizawa, Jim Dowless, Evelina Adlawan, Rich Youngblood and Paula Riso.

2. Public Comments on Any Item Not on the Agenda:

No comments.

3. Election of Chair:

President Nishi was selected as Chair.

4. Review, Discuss, and Approve the Duties and Responsibilities of the Committee:

The Committee members were satisfied with the Duties and Responsibilities as provided.

5. Identify Agenda Items for the Next Committee Meeting:

Mr. Niizawa commented that the following items can be discussed at the next meeting: the Eastern Distribution Project; and issues with the FORA property and the District's 4th Avenue property/office facilities.

Director Moore asked to have a routine update on the Regional Water Project. Mr. Niizawa recommended that the status of the RUWAP be discussed as well.

Mr. Niizawa commented that the Operations and Maintenance Committee will be discussing prioritizing a list of projects that need to be completed. Those projects will then go to the Budget and Personnel Committee for discussion to make sure funds are available and then the projects will be brought to this Committee for implementation.

Director Moore asked for a periodical update on the Clark Colony Water District. He also asked to revisit the land swap issue between the District and the City of Marina. Mr. Niizawa stated that that issue can be discussed under the office facilities issue. President Nishi asked for a report on the cost of demolition of the District's Ord buildings. Mr. Niizawa answered that he would have a report for the next meeting.

6. Identify Meeting Date and Time for the Next Committee Meeting:

The Committee selected the third Wednesday of the month with the next meeting on November 17, 2010 at 5:40 p.m.

7. Committee Member Comments:

Ms. Riso commented that items going before the Board are intended to pass through Committees first for discussion. President Nishi stated that it would be preferable for the items to go to the Committees first, but if there is an urgent item and there isn't time for Committee review, it should not be delayed and should go to the Board for consideration.

8. Adjournment:

The meeting was adjourned at 6:00 p.m.