



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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**DIRECTORS**  
WILLIAM Y. LEE  
*President*

DAN BURNS  
*Vice President*

HOWARD GUSTAFSON  
KENNETH K. NISHI  
JAN SHRINER

## Agenda

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

11 Reservation Road, Marina, California

Tuesday, September 13, 2011, 6:45 p.m. PST

*This meeting has been noticed according to the Brown Act rules. The Board of Directors 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 Section 54956.95

Liability Claims

Claimant: Ausonio Incorporated

Agency Claimed Against: Marina Coast Water District

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, September 8, 2011 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Board Clerk at: 831-883-5910. The next regular meeting of the Board of Directors is scheduled for October 11, 2011.

- C. Pursuant to Government Code Section 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b)  
One Case

A letter dated June 21, 2011, from the Monterey County Board of Supervisors transmitted a “Summary of Preliminary Findings Regarding Director Stephen Collins’ Business Relationship With RMC Water and Environment and Marina Coast Water District.” The Summary, prepared by Remcho, Johansen & Purcell, LLP, states that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party. Based on the statements in the Remcho Summary, and based on reports in the news media, a point has been reached where, in the opinion of the MCWD Board based on the advice of its legal counsel, there is a significant exposure to litigation against MCWD.

- D. Pursuant to Government Code Section 54959.9  
Conference with Legal Counsel – Anticipated Litigation  
Potential Initiation of Litigation (c)  
One Case

- E. Pursuant to Government Code Section 54957  
Public Employee Performance Evaluation  
Title: 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.*

- A. Consider Engaging Remy, Thomas, Moose & Manley
- B. Consider Changing the Limited Waiver Approved July 29, 2011

## **5. Pledge of Allegiance**

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

## **7. Presentation**

- A. Consider Adoption of Resolution No. 2011-64 in Recognition of Ernest Pons, Customer Service Supervisor, and Award a Plaque and Gift Certificate for 5 Years of Service to the Marina Coast Water District

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

- A. Adopt Resolution No. 2011-65 to Approve a Correction to the Finance Department Reorganization
- B. Adopt Resolution No. 2011-66 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement Between the Marina Coast Water District and Community Hospital Properties for the Community Hospital of the Monterey Peninsula Marina Campus
- C. Adopt Resolution No. 2011-67 to Approve a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Union Community Partners East Garrison for Phase I and Phase II of East Garrison Development
- D. Approve the Expenditures for the Month of August 2011
- E. Approve the Draft Minutes of the Special Board Meeting of July 29, 2011
- F. Approve the Draft Minutes of the Regular Board Meeting of August 9, 2011

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

- A. Consider Approving a Request for Qualifications to Provide Review of Documents Related to the District and Respond as Needed

*Action: The Board of Directors will consider approving a Request for Proposals to provide review of documents related to the District's water and wastewater operations.*

- B. Consider Providing Direction for District Public Outreach

*Action: The Board of Directors will consider providing direction for Public Outreach.*

- C. Review the Draft Proposed Project Description for Annexation of the Ord Community and Approve Resolution No. 2011-68 Directing Staff to Initiate the CEQA Process and Prepare a Draft LAFCO Application for Future Consideration

*Action: The Board of Directors will consider Directing staff to Initiate the CEQA process and prepare a draft LAFCO Application for Future Consideration.*

- D. Consider Adoption of Resolution No. 2011-69 to Approve a Contract Amendment for Denise Duffy & Associates for Planning and Environmental Services for Marina Coast Water District's Ord Community Annexation

*Action: The Board of Directors will consider approving an amendment to the Professional Services Agreement with Denise Duffy & Associates for Phase II Planning and Environmental Services based upon the draft proposed project description.*

- E. Consider Adoption of Resolution No. 2011-70 to Approve an Agreement of Purchase and Sale with the Union Community Partners-East Garrison, LLC for the Construction of Watkins Gate Well and Pipeline

*Action: The Board of Directors will consider approving an Agreement of Purchase and Sale with the Union Community Partners-East Garrison, LLC for the construction of Watkins Gate Well and Pipeline.*

- F. Consider Adoption of Resolution No. 2011-71 to Approve a Professional Services Agreement for Geotechnical Consulting Services with Earth Systems Pacific for the Eastern Distribution System Project

*Action: The Board of Directors will consider approving a Professional Services Agreement for Geotechnical Services with Earth Systems Pacific for Well No. 34 Improvements and Watkins Gate Well/Pipeline Improvements.*

- G. Consider Adoption of Resolution No. 2011-72 to Approve a Construction Contract with The Don Chapin Company, Inc. for the Construction of the Watkins Gate Well and Pipeline Project

*Action: The Board of Directors will consider approving a Construction Contract with The Don Chapin Company, Inc. for the construction of the Watkins Gate Well and Pipeline Project.*

- H. Consider Adoption of Resolution No. 2011-73 which Authorizes Staff to Issue a Request for Proposal for Professional Services Related to Real Estate Services for District Owned Property at Imjin Office Park

*Action: The Board of Directors will consider authorizing staff to issue a Request for Proposal for Professional Services related to Real Estate Services for District owned property at Imjin Office Park.*

- I. Consider Adoption of Resolution No. 2011-74 to Approve Obtaining Permanent Easements from the Federal Government for Recycled Water Pipelines

*Action: The Board of Directors will consider obtaining permanent easements from the Federal Government for Recycled Water Pipelines.*

- J. Consider Adoption of Resolution No. 2011-56 to Amend the Board Procedures Manual

*Action: The Board of Directors will consider amending the Board Procedures Manual.*

**10. Staff Report**

- A. Receive an Update on the Status of the Water Loan to the Monterey Peninsula Water Management District
- B. Receive an Update on the District Audit Commissioned by the FORA Board

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

- A. General Manager's Report
- B. District Engineer's Report
- C. Counsel's Report
- D. Committee and Board Liaison Reports
  - 1. Water Conservation Commission
  - 2. Joint City-District Committee
  - 3. Budget & Personnel Committee
  - 4. Executive Committee
  - 5. Community Outreach
  - 6. MRWPCA Board Member
  - 7. FORA
  - 8. LAFCO Liaison
  - 9. JPIA Liaison
  - 10. Special Districts Association Liaison
  - 11. CalDesal
  - 12. Regional Desalination Reports

**12. Director's Comments**

**13. Correspondence**

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

*Board Workshop: Friday, September 30, 2011, 9:00 a.m.,  
Holiday Inn Express  
189 Seaside Court, Marina*

*Regular Meeting: Tuesday, October 11, 2011, 6:45 p.m.,  
11 Reservation Road, Marina*