



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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

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

## DIRECTORS

DAN BURNS  
*President*

HOWARD GUSTAFSON  
*Vice President*

KENNETH K. NISHI  
JAN SHRINER  
WILLIAM Y. LEE

## Agenda

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

11 Reservation Road, Marina, California

Tuesday, February 14, 2012, 6:30 p.m. PST

*(Please note the earlier start time)*

*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)

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

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, February 9, 2012 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 March 13, 2012.

2) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates, California Public Utilities Commission No. A.04-09-019

- C. Pursuant to Government Code Section 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b)  
One Case
  
- D. Pursuant to Government Code Section 54959.9  
Conference with Legal Counsel – Anticipated Litigation  
Potential Initiation of Litigation (c)  
One Case

#### **7:00 p.m. Reconvene Open Session**

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

#### **5. Pledge of Allegiance**

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

#### **7. Presentation**

- A. Consider Adoption of Resolution No. 2012-04 in Recognition of Martin Rosales, Systems Operator II, for 10 Years of Service to the Marina Coast Water District

*Action: The Board will consider adopting Resolution No. 2012-04 recognizing Martin Rosales, Systems Operator II, and awarding a plaque and gift certificate for 10 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. 2012-05 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the Watkins Gate Well & Pipeline Project

- B. Adopt Resolution No. 2012-06 to Direct Staff to Distribute Request for Proposals for a District Compensation Survey
- C. Approve the Expenditures for the Month of January 2012
- D. Approve the Draft Minutes of the Regular Board Meeting of January 10, 2012
- E. Approve the Draft Minutes of the Special Board Meeting of January 16, 2012

**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 Options for Possible Brown Act Violation

*Action: The Board of Directors will discuss a possible Brown Act violation and consider a course of action.*

- B. Consider Appointment to the Water Conservation Commission

*Action: Currently, the Water Conservation Commission has two vacant public member positions. Mr. Carroll Meuse has submitted an application to the Water Conservation Commission. The Commission has forwarded the application to the Board of Directors for consideration.*

- C. Consider Modifications to the Water Conservation Commission Procedures

*Action: The Water Conservation Commission has modified its procedures and is presenting them to the Board of Directors for consideration.*

- D. Consider Adoption of Resolution No. 2012-07 to Approve the District Reorganization Plan

*Action: The Board of Directors is requested to consider approval of a proposed organization structure revision, associated job descriptions, and classification modifications.*

- E. Consider Adoption of Resolution No-2012-08 to Approve the Job Description and Hire of a Contract, In-House Counsel or Distribute Request for Proposals for External District Legal Counsel

*Action: The Board of Directors will consider the option of hiring an in-house legal counsel or send Request for Proposals for external legal counsel.*

- F. Consider Adoption of Resolution No. 2012-09 to Direct Staff to Distribute Request for Proposals to Hire an Executive Recruiter for Recruitment of a General Manager and Contract In-House Counsel

*Action: The Board of Directors will consider directing staff to distribute a Request for Proposals to hire an executive recruiter for recruitment of a General Manager and an in-house counsel, if the in-house counsel option is approved.*

**10. Staff Report**

- A. Receive a Report on Backwater Protection Policy and Sewer Back-Up
- B. Receive 4<sup>th</sup> Quarter 2011 Ord Community Quarterly Water Consumption and Sewer Flow Report

**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):*

*Regular Meeting: Tuesday, March 13, 2012, 6:45 p.m.,  
11 Reservation Road, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: February 14, 2012

Submitted By: James Derbin

Presented By: Jim Heitzman

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-04 in Recognition of Martin Rosales, Collection Systems Operator II, for 10 Years of Service to the Marina Coast Water District

Detailed Description: The Board is requested to adopt a resolution approving a plaque and gift certificate for Martin Rosales, System Operator II who has reached his ten year anniversary with the District.

Martin Rosales began his employment with the District, January 29, 2002. Hired as a full time Meter Reader, Martin quickly learned the District's meter reading schedule and routes. Martin is well respected by his co-workers and supervisors. Over the last ten years, Martin has demonstrated a natural ability in handling customer issues and has received numerous accolades for his courteous demeanor.

On October 16, 2006, Martin was promoted to the Operations and Maintenance Department as a System Operator I. After three years Martin earned his Grade II certification in Collections and was promoted to a System Operator II.

Martin has shown initiative by enrolling in several California State University (CSU) Office of Water Programs classes earning his California Department of Public Health Water Distribution II certification in 2008. In addition, Martin has taken the following CSU classes to date:

- Operation and Maintenance of Wastewater Collection Systems, Volumes I and II
- Operation and Maintenance of Water Distribution Systems, Volume I
- Utility Management

It is with great pleasure that the District recognizes Martin Rosales's ten years of service to the Marina Coast Water District.

Prior Committee or Board Action: None.

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:       X   Yes                            No

Funding Source/Recap: Hospitality Account across all four cost centers.

Material Included for Information/Consideration: Resolution No. 2012-04.

Staff Recommendation: The Board of Directors approve Resolution No. 2012-04 recognizing Martin Rosales for his ten years of service and award a plaque and gift certificate.

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

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Board Action

Resolution No \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

February 14, 2012

Resolution No. 2012-04  
Resolution of the Board of Directors  
Marina Coast Water District  
Recognizing Mr. Martin Rosales, Collection Systems Operator II,  
For 10 Years of Service to MCWD

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Martin Rosales joined the District on January 29, 2002; and,

WHEREAS, Martin began his employment with the District as a Meter Reader, and on October 16, 2006 accepted a position in the Operation & Maintenance Department as a System Operator I; and,

WHEREAS, Martin has shown initiative by enrolling in several California State University Office of Water Programs classes earning his California Department of Public Health (CADPH) Water Distribution II certification in 2008; and,

WHEREAS, after three years of successful employment as an Operator I, Martin earned a promotion to the System Operator II; and,

WHEREAS, Martin is currently is preparing to take the CADPH Grade II Water Distribution Operator exam and the California Water Environmental Association Collections System Maintenance Grade III exam; and,

WHEREAS, Martin is a dedicated and loyal employee who is well respected and admired by his fellow employees and District customers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognizes Martin Rosales for ten years of service to the Marina Coast Water District, presents him with a plaque and gift certificate, and wishes him continued success with the District.

PASSED AND ADOPTED on February 14, 2012 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 \_\_\_\_\_

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Dan Burns, President

ATTEST:

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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. 2012-04 adopted, 2012.

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Jim Heitzman, Secretary



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: February 14, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2012-05 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the Watkins Gate Well & Pipeline Project
- B) Adopt Resolution No. 2012-06 to Direct Staff to Distribute Request for Proposals for a District Compensation Survey
- C) Approve the Expenditures for the Month of January 2011
- D) Approve the Draft Minutes of the Regular Board Meeting of January 10, 2011
- E) Approve the Draft Minutes of the Special Board Meeting of January 16, 2012

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: See individual transmittals.

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.)

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Board Action

\_\_\_\_\_Resolution No \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: February 14, 2012

Submitted By: Carl Niizawa  
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-05 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the Watkins Gate Well & Pipeline Project

Detailed Description: The Board of Directors is requested to authorize an amendment to the Professional Services Agreement (PSA) with Harris & Associates to provide inspection services for the Watkins Gate Well & Pipeline project. The amendment is for a not-to-exceed amount of \$14,500.

Harris & Associates has an existing contract with the District for inspection services. The Board adopted Resolution No. 2010-22 on April 13, 2010 that authorized a Professional Services Agreement (PSA) with Harris & Associates to provide construction management support with inspection services as needed. This PSA was amended through Board Resolution No. 2012-02 for inspection services related to the East Garrison Development Infrastructure Agreement.

Under the Amendment proposed in this Resolution, Harris & Associates would provide services related to inspection and observation of the Watkins Gate transmission pipeline installation, testing for pipeline leakage, pipeline deflection, disinfection and sampling procedures, preparation of a report of the inspection results, and provide a recommendation regarding the suitability of the infrastructure for acceptance and operation.

In February 2011, staff conducted a Request for Qualification (RFQ) process for Water and Wastewater Engineering Services. Harris & Associates responded to this RFQ and were deemed qualified to provide services related to Category C: Construction Management and Quality Assurance and Quality Control (QA/QC) within this RFQ (along with four other firms). The QA/QC component included inspection services for water delivery infrastructure for the Eastern Distribution Project.

In December 2011, staff solicited proposals from three of the Category C qualified firms. Of the three proposals received, the Harris & Associates proposal was deemed by staff to be the preferred response based on qualifications, availability, and proximity to other District projects. Harris & Associates is currently providing service.

Harris & Associates has provided fine service for the District and other jurisdictions in the region. They maintain an office within the City of Marina with project personnel currently providing inspection services for infrastructure that is planned to be transferred to the District in the East Garrison Development.

Staff has reviewed their qualifications and fee, find that the fee is reasonable, their rates are comparable to other engineering firms providing services to the District, are qualified to provide this type of inspection and observation, and are competitive based on general industry standards.

The contract amendment will be billed on a time and expense basis.

Environmental Review Compliance: With Resolution No. 2011-31, the Board adopted the Initial Study/Mitigated Negative Declaration for the Watkins Gate Well and Pipeline/Eastern Distribution Project.

Prior Committee or Board Action: The Board of Directors adopted Resolution No. 2010-22 on April 13, 2010 authorizing a Professional Services Agreement with Harris & Associates for engineering services related to inspection practices, inspection training, and on-call inspections; and Resolution No. 2012-02 amended the Professional Services Agreement with Harris & Associates for Inspection Services for the East Garrison Development.

Board Goals/Objectives: – *Objectives 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: CIP# OW-116 (Proposition 50 Grant Funded)

Material Included for Information/Consideration: Resolution No. 2012-05.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-05 amending the Professional Services Agreement with Harris & Associates to provide inspection services for the Watkins Gate Well & Pipeline Project.

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

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_\_\_     Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_     Abstained \_\_\_\_\_

Noes \_\_\_\_\_     Absent \_\_\_\_\_

Reagendized \_\_\_\_\_     Date \_\_\_\_\_     No Action Taken \_\_\_\_\_

February 14, 2012

Resolution No. 2012 – 05  
Resolution of the Board of Directors  
Marina Coast Water District  
Amending the Professional Services Agreement with  
Harris & Associates for Inspection Services for the  
Watkins Gate Well & Pipeline Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District is installing a replacement drinking water well and transmission pipeline at Watkins Gate Road as a part of the Eastern Distribution Project; and,

WHEREAS, the transmission pipeline installation requires inspection from qualified inspection personnel; and,

WHEREAS, Harris & Associates has been deemed qualified to provide this type of inspection service by District staff through a Request for Qualifications process; and,

WHEREAS, Harris & Associates has an existing contractual relationship with the District, they have long association with local jurisdictions in similar capacities, and Harris & Associates maintains a local office; and,

WHEREAS, District staff finds that the Harris & Associates fee proposal to conduct the inspection work is reasonable, their rates are comparable to other engineering firms providing services to the District, and their rates are competitive based on general industry-wide standards.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager to execute an amendment to the Professional Services Agreement with Harris & Associates for inspection services for the Watkins Gate Well & Pipeline Project and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution, the total dollar amount not-to-exceed \$14,500.

PASSED AND ADOPTED on February 14, 2012 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 \_\_\_\_\_

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Dan Burns, President

ATTEST:

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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. 2012-05 Adopted February 14, 2012.

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Jim Heitzman, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: February 14, 2012

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-06 to Direct Staff to Distribute a Request for Proposals for a District Compensation Survey

Detailed Description: At the December meeting, the Board approved distributing Request for Proposals (RFP) to conduct a District-wide classification and compensation survey.

In order to conduct a thorough classification and total compensation survey, a designated consultant will first want to complete the classification component of the study. During this phase, each employee completes a job analysis questionnaire detailing the types of tasks, duties and responsibilities necessary to perform each job in addition to several group or individual meetings. This part of the study takes the bulk of time to complete and analyze before beginning the compensation survey.

At this time, staff is in the process of modifying and adjusting job duties and descriptions and creating new classifications due to the proposed reorganization plan. If the reorganization plan is approved as presented, the timing of a classification study may conflict with some of the proposed changes to streamline processes and enhance efficiency. Rather than duplicate the efforts already expended and ensure a more cost effective study staff recommends postponing the classification segment of the study and proceed with only the total compensation survey at this time. Proceeding in this manner would reduce the total estimated cost by \$10K-\$12K and the scope of work should be completed on a time and materials basis.

Environmental Review Compliance: None.

Prior Committee or Board Action: The Budget and Personnel Committee discussed this item at the January 27, 2012 meeting and recommended this be brought to the Board for approval.

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: Expenditures are allocated across the five cost centers; 01-Marina Water, 02-Marina Sewer, 03-Fort Ord Water, 04-Fort Ord Sewer, 05-Recycled Water

Material Included for Information/Consideration:     Resolution No. 2012-06.

Staff Recommendation: The Board of Directors approve a Request for Proposals to obtain professional services to conduct a total compensation survey.

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

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Board Action

\_\_\_\_\_ Resolution No \_\_\_\_\_    Motion By \_\_\_\_\_    Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_    Abstained \_\_\_\_\_

Noes \_\_\_\_\_    Absent \_\_\_\_\_

Reagendized \_\_\_\_\_    Date \_\_\_\_\_    No Action Taken \_\_\_\_\_

February 14, 2012

Resolution No. 2012-06  
Resolution of the Board of Directors  
Marina Coast Water District

Directing Staff to Distribute a Request for Proposals for a District Compensation Survey

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at its meeting on December 13, 2011, the Board approved staff to distribute a Request for Proposals (RFP) to conduct a compensation and classification survey; and,

WHEREAS, in further reviewing the necessary time and effort required to complete the classification component of the study; and,

WHEREAS, at this time, staff is in the process of modifying job duties and descriptions and creating new classifications due to a proposed reorganization plan. The timing of a classification study may conflict with some of the recommendations proposed to streamline processes and enhance efficiency; and

WHEREAS, postponing the classification component of the study will reduce the total estimated cost originally proposed by \$10K-\$12K and the scope of work can be completed on a time and materials basis.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve a Request for Proposals to Conduct a Total Compensation Survey.

PASSED AND ADOPTED on February 14, 2012, 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 \_\_\_\_\_

\_\_\_\_\_  
Dan Burns, President



ATTEST:

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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. 2012-06 adopted February 14, 2012.

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Jim Heitzman, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: February 14, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Jim Heitzman

Agenda Title: Approve the Expenditures for the Month of January 2012

Detailed Description: The Board of Directors is requested to approve the attached January 2012 check register for expenditures totaling \$946,379.76.

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: Expenditures are allocated across the six cost centers; 01-Marina Water, 02-Marina Sewer, 03- Ord Water, 04- Ord Sewer, 05-Recycled Water, 06-Regional Water.

Material Included for Information/Consideration: January 2012 Summary Check Register.

Staff Recommendation: The Board of Directors approve the January 2012 expenditures totaling \$946,379.76.

Action Required:     \_\_\_ Resolution     \_\_\_ **X** \_\_\_ Motion     \_\_\_ Review

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_     Seconded By \_\_\_

Ayes \_\_\_     Abstained \_\_\_

Noes \_\_\_     Absent \_\_\_

Reagendized \_\_\_     Date \_\_\_     No Action Taken \_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: February 14, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of January 10, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of January 10, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact:     \_\_\_ Yes     \_\_X\_\_ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of January 10, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 10, 2012 regular Board meeting.

Action Required:     \_\_\_ Resolution     \_\_X\_\_ Motion     \_\_\_ Review

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_\_\_     Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_     Abstained \_\_\_\_\_

Noes \_\_\_\_\_     Absent \_\_\_\_\_

Reagendized \_\_\_\_\_     Date \_\_\_\_\_     No Action Taken \_\_\_\_\_

Marina Coast Water District

District Office  
11 Reservation Road  
Marina, California

Regular Board Meeting  
January 10, 2012  
6:45 p.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 6:30 p.m. on January 10, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President  
Howard Gustafson – Vice President  
Jan Shriner  
Kenneth K. Nishi  
Bill Lee

Board Members Absent:

None

Staff Members Present:

Jim Heitzman, General Manager  
Lloyd Lowrey, Legal Counsel  
Carl Niizawa, Deputy General Manager/District Engineer  
Jean Premutati, Management Services Administrator  
Kelly Cadiente, Director of Administrative Services  
Thomas Barkhurst, Water Quality Chemist  
Brian True, Capital Projects Manager  
James Derbin, Interim Operations and Maintenance Superintendent  
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Richard Newhouse, Marina Resident  
Bob Holden, MRWPCA  
Andy Sterbenz, Schaaf & Wheeler  
Christine Kemp, Noland, Hammerly, Etienne & Hoss  
Denise Duffy, Denise Duffy & Associates  
Allison Imamura, Denise Duffy & Associates  
Daniel Dawson, Del Rey Oaks City Manager  
Tim O'Halloran, City of Seaside  
Gary Varga, Attorney for CA Utility Services

3. Closed Session:

B. Pursuant to Government Code Section 54957  
Public Employee Performance Evaluation  
Title: District Counsel

C. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Section 54956.9)

1) 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)

2) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates, California Public Utilities Commission No. A.04-09-019

C. Pursuant to Government Code Section 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b)  
One Case (Validity of agreements for the Regional Desalination Project)

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

The Board ended closed session at 7:06 p.m. President Burns reconvened the meeting to open session at 7:07 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

3-A – no action was taken.

3-B – the Board of Directors conferred with Legal Counsel, no action was taken.

3-C – the Board of Directors conferred with Legal Counsel, no action was taken.

3-D – the Board of Directors conferred with Legal Counsel, no action was taken.

5. Pledge of Allegiance

President Burns led everyone present in the pledge of allegiance.

6. Oral Communications:

No comments were made.

7. Presentation:

- A. Consider Adoption of Resolution No. 2012-01 in Recognition and Appreciation of Director William Y. Lee's Service as Board President from December 2010 through December 2011:

Director Gustafson made a motion to adopt Resolution No. 2012-01 recognizing Director William Y. Lee's service as Board President from December 2010 through December 2011. Director Shriner seconded the motion. The motion was passed.

Director Lee	-	Abstained	Vice President Gustafson	-	Yes
Director Shriner	-	Yes	President Burns	-	Yes
Director Nishi	-	Yes			

President Burns read the narration and presented Director Lee with a plaque in recognition of his service as President of the Board during 2011.

8. Consent Calendar:

Vice President Gustafson made a motion to approve the Consent calendar consisting of:

- F) Adopt Resolution No. 2012-02 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the East Garrison Development
- G) Receive the Quarterly Financials for July 1, 2011 through September 30, 2011
- H) Approve the Expenditures for the Month of December 2011
- I) Approve the Draft Minutes of the Regular Board Meeting of December 13, 2011

Director Shriner seconded the motion. The motion was passed.

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

9. Public Hearing:

- A. Receive an Update on the Ord Community Annexation Process and Receive Public Comments on the Proposed Draft Ord Community Sphere of Influence Amendment, Service Area Annexation and Draft Initial Study/Negative Declaration:

Mr. Carl Niizawa, Deputy General Manager/District Engineer, introduced this item and Ms. Denise Duffy of Denise Duffy and Associates. Ms. Duffy provided a brief background of the Annexation process, the Sphere of Influence Amendment, and the draft Initial Study/Negative Declaration.

President Burns opened the Public Hearing at 7:16 p.m.

Mr. Gary Varga, Attorney for California Utility Services, explained that California Utility Services provided sewer service to most of the Toro Park area and suggested that the District look into the possibility of conflict between the territories. He suggested looking for any overlap and the practicality of the District extending services that far out. Mr. Varga handed out a letter that encompassed his comments.

President Burns closed the Public Hearing at 7:20 p.m.

10. Action Items:

- A. Consider Forming an Ad Hoc Committee to Address Issues Related to the Ord Community Annexation Process:

Mr. Jim Heitzman, General Manager, introduced this item and commented that staff believed an Ad Hoc Committee that would meet with staff on a regular basis would allow them to move more efficiently in the pursuit of the annexation.

Director Nishi requested to return to item 9-A.

- A. Receive an Update on the Ord Community Annexation Process and Receive Public Comments on the Proposed Draft Ord Community Sphere of Influence Amendment, Service Area Annexation and Draft Initial Study/Negative Declaration:

Director Nishi commented that he would like the second to the last bullet on page 6 of the Initial Study to reflect that a “portion” of the Armstrong Ranch is to be used for the Regional Desalination Plant, not the entire property.

Mr. Lowrey commented that the agreement with the Armstrong family for the acquisition of the property, allowed that the property was only to be used for the production, treatment, storage, and distribution of water with approximately ten acres to be utilized for the Regional Desal Plant.

Return to Agenda Item 10-A:

A. Consider Forming an Ad Hoc Committee to Address Issues Related to the Ord Community Annexation Process:

Director Shriner suggested that Board members contact Mr. Niizawa directly with their comments.

Director Shriner stated that a previous Ord Community Ad Hoc Committee was comprised of public members and asked if this committee would have public members as well as Board members. Mr. Lowrey clarified that the recommendation was to only have two Board members who would work with staff to allow a more efficient process for the annexation. He said that in the future there may be public participation, but right now the District needs to review, digest, and consider the appropriate next steps based on the comments received to date.

President Burns asked Mr. Lowrey what the next step was. Mr. Lowrey commented that it would be appropriate to have a motion to create the Ad Hoc Committee then the President will make the appointments. Mr. Heitzman added that the appointments could be made at a later time.

Vice President Gustafson made a motion to form an Ad Hoc Committee to address issues related to the Ord Community Annexation process.

Director Nishi called for a point of order and commented that the Board Procedures Manual states that the President will appoint to an Ad Hoc Committee. Director Nishi asked why the Board is voting to create an Ad Hoc Committee when they don't need to, and cautioned that this could set a precedent for future Ad Hoc Committees.

President Burns asked what the next course of action would be. Mr. Lowrey stated that his original recommendation remained, but that it would be the Board President's decision of what he wanted to do. Director Nishi asked for Mr. Lowrey's legal recommendation.

Mr. Lowrey opined that his legal recommendation is to create the Ad Hoc Committee for this particular matter because of the importance of it and that it has been a long standing matter of great interest to the public over the last several years.

Director Shriner asked for clarification on the definition of an Ad Hoc Committee. Mr. Lowrey answered that an Ad Hoc Committee is only for a short period of time, considers a specific matter and reports back to the Board. He added that as Director Nishi pointed out, it is not legally required for the Board to create one; he is just making the recommendation.



Return to Agenda Item 10-A:

Director Shriner made a motion to create an Ad Hoc Committee for the Board President to appoint members to. The motion died for lack of a second.

President Burns stated that he will appoint people to the Ad Hoc Committee and asked if anyone was interested in being on the Committee. Director Gustafson said he was interested in volunteering. Director Shriner said she also was interested in volunteering. President Burns said he would consider it as well. President Burns stated that he would make his final decision at a later time.

B. Consider Directing Staff to Draft a Request for Proposals for District Legal Services:

Mr. Lowrey and Ms. Christine Kemp recused themselves from the room.

Mr. Heitzman introduced this item.

Director Nishi made a motion to direct staff to draft a Request for Proposals for District Legal Services. Director Lee seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2012-03 to Direct Staff to Distribute a Request for Proposals to Conduct a District Compensation and Classification Survey:

Mr. Heitzman introduced this item. Director Nishi asked what the last salary survey cost the District. Ms. Jean Premutati, Management Services Administrator, stated that the survey was done in 2003 and she would have to look up the cost and report back to the Board. Director Nishi voiced his concern over placing a cap on the cost of the survey. He asked if Ms. Premutati knew how much FORA paid for their recent survey. Ms. Premutati answered that the cost was about \$20,000. Director Nishi commented that FORA had a third of the number of employees the District has and said he would like to see more documentation that \$25,000 is a realistic number.

Vice President Gustafson made a motion to adopt Resolution No. 2012-03 to Direct Staff to Distribute a Request for Proposals to Conduct a District Compensation and Classification Survey. President Lee seconded the motion. The motion was passed.

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

D. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2012:

President Burns recommended the following appointments to the standing committees of the Board and to outside agencies for 2012:

Water Conservation	Jan Shriner - Dan Burns, Alternate
Joint City/District	Howard Gustafson and Jan Shriner – Dan Burns, Alternate
Budget & Personnel	Dan Burns and Howard Gustafson – Ken Nishi, Alternate
Executive	Dan Burns and Howard Gustafson – Ken Nishi, Alternate
MRWPCA	Ken Nishi – Jan Shriner, Alternate
LAFCO	Ken Nishi – Dan Burns, Alternate
FORA	Ken Nishi – Howard Gustafson, Alternate
Special Districts Assoc.	Howard Gustafson, Carl Niizawa, Alternate
JPIA	Jan Shriner – Dan Burns, Alternate
Community Outreach	Howard Gustafson and Dan Burns

Director Nishi asked if each Board member can get a copy of the recommended appointments. Ms. Riso made copies for each Board member.

Director Nishi commented that an Operations & Maintenance Committee is not listed. President Burns stated that he hadn't yet decided if he wanted to reinstate the Operations & Maintenance Committee. Director Nishi voiced his concern over not having an Operations & Maintenance Committee especially with the recent sewer backup on the former Fort Ord.

Director Nishi stated that he had served on these committees for a long time and suggested that Director Shriner be the primary representative for the MRWPCA with himself as the alternate and having Vice President Gustafson be the primary representative for FORA with himself as the alternate.

President Burns commented that because there are some important issues between the District and the MRWPCA that Director Shriner may not be aware of, it would be in the District's best interest to have Director Nishi as the primary representative with MRWPCA. Director Nishi commented that the Board can vote for what they want, but that didn't mean he would attend the meetings.

Director Lee made a motion to approve the appointments with Director Nishi's changes. President Burns said that he couldn't agree with that. Mr. Lowrey said that these were Board appointments and that whatever motion is approved by a majority vote will stand. President Burns withdrew his appointment recommendation for the MRWPCA and tabled that recommendation until a later date. Director Shriner asked if President Burns was okay with the switch of the FORA primary and alternate. President Burns said he was fine with that change.

Agenda Item 10-D (continued):

Director Shriner made a motion to approve the following appointments with the MRWPCA appointment tabled until a later date.

Water Conservation	Jan Shriner - Dan Burns, Alternate
Joint City/District	Howard Gustafson and Jan Shriner – Dan Burns, Alternate
Budget & Personnel	Dan Burns and Howard Gustafson – Ken Nishi, Alternate
Executive	Dan Burns and Howard Gustafson – Ken Nishi, Alternate
LAFCO	Ken Nishi – Dan Burns, Alternate
FORA	Howard Gustafson – Ken Nishi, Alternate
Special Districts Assoc.	Howard Gustafson, Carl Niizawa, Alternate
JPIA	Jan Shriner – Dan Burns, Alternate
Community Outreach	Howard Gustafson and Dan Burns

Vice President Gustafson seconded the motion. The motion was passed.

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

11. Informational Items:

A. General Manager's Report:

No report.

B. District Engineer's Report:

No report.

C. Counsel's Report:

No report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

No report.

2. Joint City-District Committee:

No report.

3. Budget and Personnel Committee:

President Burns commented that the minutes are included in the packet.

4. Executive Committee:

President Burns commented that the minutes are included in the packet.

5. Community Outreach:

Vice-President Gustafson commented that the outreach firm has been interviewed and they were already given something to work on by Mr. Niizawa.

6. MRWPCA Board Member:

Director Nishi commented that the next meeting is scheduled for the end of the January.

7. FORA

Director Nishi said the meeting was scheduled for Friday, January 13th.

8. LAFCO Liaison:

Director Nishi commented that the next meeting is scheduled for the end of the January.

9. JPIA Liaison:

Director Shriner commented that the District received some certificates and copies of those were provided under correspondence, and there were free forums coming up at ACWA.

10. Special Districts Association Liaison

Vice President Gustafson commented that the meeting was January 17th.

11. CalDesal:

President Burns commented that the next meeting is February 2nd.

12. Regional Desalination Reports:

Mr. Heitzman stated that the next report was due later in the month.

12. Director's Comments:

Director Shriner thanked staff for sending out quarterly updates via email and questioned if the Regional Desal Reports would be on the website. She suggested there be more work on District policies such as the Purchasing Policy and Tech Plan.

13. Adjournment:

The meeting was adjourned at 7:54 p.m.

APPROVED:

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Dan Burns, President

ATTEST:

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Jim Heitzman, General Manager

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: February 14, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of January 16, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of January 16, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact:     \_\_\_ Yes     \_\_\_ **X** No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of January 16, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 16, 2012 special Board meeting.

Action Required:     \_\_\_ Resolution     \_\_\_ **X** Motion     \_\_\_ Review

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_\_\_     Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_     Abstained \_\_\_\_\_

Noes \_\_\_\_\_     Absent \_\_\_\_\_

Reagendized \_\_\_\_\_     Date \_\_\_\_\_     No Action Taken \_\_\_\_\_

Marina Coast Water District

District Office  
11 Reservation Road  
Marina, California

Special Board Meeting  
January 16, 2012  
9:00 a.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 9:00 a.m. on January 16, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President  
Howard Gustafson – Vice President  
Jan Shriner  
Kenneth K. Nishi

Board Members Absent:

William Lee - (excused – out of state on business)

Staff Members Present:

Jim Heitzman, General Manager  
Lloyd Lowrey, Legal Counsel  
Carl Niizawa, Deputy General Manager/District Engineer  
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

No audience was present.

The Board entered into closed session at 9:30 a.m., after announcement per Government Code Section 54957.7(a).

3. Closed Session:

D. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Section 54956.9)

1) 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)

2) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates, California Public Utilities Commission No. A.04-09-019

B. Pursuant to Government Code Section 54956.9

Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b)  
One Case

C. Pursuant to Government Code Section 54959.9

Conference with Legal Counsel – Anticipated Litigation  
Potential Initiation of Litigation (c)  
One Case

President Burns reconvened the meeting to open session at 9:32 a.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

3-A – the Board of Directors conferred with Legal Counsel and no action was taken.

3-B – the Board of Directors conferred with Legal Counsel and no action was taken.

3-C – the Board of Directors conferred with Legal Counsel and no action was taken.

5. Action Item

A. Consider a Director Appointment for Representative to the Monterey Regional Water Pollution Control Agency Board:

President Burns commented that he was recommending the appointments of himself as the primary and Director Shriner as the alternate to the Monterey Regional Water Pollution Control Agency Board.



Agenda Item 5-A (continued):

Director Gustafson made a motion to appoint President Burns as the primary representative to the Monterey Regional Water Pollution Control Agency and Director Shriner as the alternate. Director Shriner seconded the motion. The motion was passed.

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

6. Director's Comments:

Director Shriner thanked President Burns for doing a good job of presiding over the meeting.

Director Nishi requested that staff ensure the heaters are turned on before meetings.

President Burns thanked staff for setting up and attending the meeting despite the fact that it was a holiday.

7. Adjournment:

The meeting was adjourned at 9:34 a.m.

APPROVED:

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Dan Burns, President

ATTEST:

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Jim Heitzman, General Manager

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: February 14, 2012

Submitted By: Dan Burns

Presented By: Dan Burns

Agenda Title: Consider Options for Possible Brown Act Violation

Detailed Description: The Board of Directors is requested to discuss and consider if the Brown Act was violated on January 16, 2012.

On January 16, 2012, the Monterey County Weekly website reported the following statement:

“Marina Coast board member Jan Shriner says she was told during a special closed session this morning that a press release was forthcoming, but was instructed not to give details to the press.”

Government Code Section 54963, the last section of the Brown Act provides as follows:

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

The Board Procedures Manual Sections 14 and 43 provide the following:

**14. Code of Ethics.**

...

Q. Directors shall protect confidential information of the District, its officers and employees from unauthorized disclosure and dissemination.

**43. Director's Violation of Policies.**

If a Director breaches any of the policies contained in Sections 5, 8, 13, 14, 15, 16, 17, 33, 39, and 41 the Board may, in addition to any other consequences provided by law, publicly censure the offending Director and may as part of the censure take any or all of the following other actions, to be effective for a time determined by the Board:

- a) remove the offending Director from committees and representative positions to which the Director has been appointed or designated by the Board,
- b) prevent the offending Director from placing items on the agenda without the specific, advance authorization of the Board.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Executive Committee discussed this item on January 27, 2012.

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

Financial Impact:     \_\_\_ Yes     \_\_\_ **X** \_\_\_ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Article from the Monterey County Weekly that was published on their website January 16, 2012.

Possible Action: If the Board finds that a violation of Government Code section 54963 or Board Policy section 14 has occurred, the Board may take the actions specified in Government Code Section 54963(c) and Board Policy section 43.

Recommendation: No staff recommendation. This is a Board requested item.

Action Required:     \_\_\_ Resolution     \_\_\_ **X** \_\_\_ Motion     \_\_\_ Review

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_     Seconded By \_\_\_

Ayes \_\_\_     Abstained \_\_\_

Noes \_\_\_     Absent \_\_\_

Reagendized \_\_\_     Date \_\_\_     No Action Taken \_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: February 14, 2012

Submitted By: Brian True

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Appointment to the Water Conservation Commission

Detailed Description: Mr. Carroll Meuse, resident of Marina, has submitted an application to be appointed as a public member of the Water Conservation Commission.

The Water Conservation Commission is authorized nine positions. Five positions are presently filled. The vacant positions are two public member positions, the Army position, and the CSUMB position. The public positions are appointed for a term of two years.

Current Commission composition:

Board of Directors Member (1):	Jan Shriner - (Dan Burns-alternate)
City of Marina Council Member (1):	Jim Ford
Public Members (5):	Dan Amadeo
	Ruth Krotzer
	Harold Krotzer
	Vacant
	Vacant
Army Member (1):	Vacant
CSUMB Member (1)	Vacant

Environmental Review Compliance: None required.

Prior Committee or Board Action: On February 2, 2012, the Water Conservation Commission recommended forwarding this item for Board consideration.

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

Financial Impact:     \_\_\_ Yes     \_\_\_ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Application for appointment to the Water Conservation Commission by Mr. Carroll Meuse.

Staff Recommendation: The Board of Directors considers appointment of Mr. Carroll Meuse to the Water Conservation Commission.

Action Required:    \_\_\_\_\_Resolution      X  Motion    \_\_\_\_\_Review

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Board Action

\_\_\_\_\_Resolution No\_\_\_\_\_    Motion By\_\_\_\_\_    Seconded By\_\_\_\_\_

Ayes\_\_\_\_\_    Abstained\_\_\_\_\_

Noes\_\_\_\_\_    Absent\_\_\_\_\_

Reagendized\_\_\_\_\_    Date\_\_\_\_\_    No Action Taken\_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: February 14, 2012

Submitted By: Brian True

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Modifications to the Water Conservation Commission Procedures

Detailed Description: The Water Conservation Commission recommended at their February 2<sup>nd</sup> meeting to modify the Procedures for the Water Conservation Commission as shown in the attachment. The Commission requests Board authorization for the modifications.

Modifications to the Procedures were considered by the Commission because of recent requests for clarification and cost controlling measures by the Board of Directors.

Prior Committee or Board Action: On November 3, 2005 the Water Conservation Commission recommended that the MCWD Board approve the Procedures for the Water Conservation Commission. The MCWD Board approved the Procedures for the Water Conservation Commission on January 28, 2006. On February 2, 2012, the Water Conservation Commission recommended that the MCWD Board approve modifications to the Commissions' Procedures.

Financial Impact:  Yes  No

Funding Source/Recap: None

Material Included for Information/Consideration: Excerpt from the Board Procedures Manual; and, the Water Conservation Commission Procedures with modifications shown.

Staff Recommendation: The Board of Directors consider approval of the Water Conservation Commissions' recommendations to modify their Procedures.

Action Required:  Resolution  Motion  Review

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Board Action

Resolution No  Motion By  Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: February 14, 2012

Submitted By: Jean Premutati

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-07 to Approve the District Reorganization Plan

Detailed Description: In November 2011, the Board approved staff to move forward with a draft plan for District reorganization. The proposed reorganization would include the restructure of various departments, revised job descriptions and classifications, and a new organization chart. In December and January, the Budget and Personnel (B&P) Committee reviewed drafts of the plan recommended it be brought to the Board for approval.

Over the course of the past year, retirements and other resignations has provided an opportunity for re-evaluation of processes, job assignments and staffing to determine if, rather than simply fill the vacant approved positions, the District would benefit from reorganization. A reorganization plan evolved to increase the District's efficiency and effectiveness. Implementation of the proposed reorganization plan will provide a net savings of over \$200,000 in staff costs, while increasing the organizational effectiveness.

Improvement of Organizational Efficiency

The recent retirements of two department managers, the Water Quality Manager and the Conservation Coordinator, and the departure of the Operations and Maintenance (O&M) Superintendent, has created vacancies that have not been officially filled. Review of their responsibilities and duties was completed, and a temporary reallocation of responsibilities of the vacant positions was implemented.

The implementation of the reallocation of duties has verified how a reorganization for increased organizational efficiency of these departments can occur. It has been verified that a with distribution of the roles and responsibilities of the departed Water Quality and Conservation Coordinator and redefining roles and responsibilities of Water Quality Chemist, the Water Conservation Specialist, the Assistant O&M Superintendent, and the O&M Superintendent; that a reorganization plan would be achievable. Furthermore, by combining the Laboratory, Water Conservation, and Operation and Maintenance Departments into one department, supervisory needs will be reduced and the reorganization will increase efficiencies with the net reduction of three positions – the Water Quality Manager, the Conservation Coordinator- and one Operator III from the staff.

Review of each affected department details how this can be accomplished.

### Laboratory Department

Following the leave of the Water Quality Manager in January 2011, a review of the District's laboratory function and activities was conducted. The Water Quality Manager and the Water Quality Chemist had overlapping duties and the Chemist was cross-trained to fully maintain the lab in the absence of, and eventual retirement of, the Water Quality Manager. The Chemist, who has been with the District in this role since 1999, was willing to assume the higher level duties and responsibilities of the Water Quality Manager. These duties include maintaining the lab accreditation, regulatory compliance, and overall responsibility for sampling, data reporting and analysis. Assistance is also provided by college interns from CSUMB for the routine lab work done by the Chemist.

Overlapping capabilities had previously insured that there was full-time coverage for the two person department. Now, outsourcing the lab services would be done during the absence of the Water Quality Chemist.

For the reorganization, it is proposed to upgrade the current position of Water Quality Chemist to that of the Laboratory Supervisor to include the additional responsibilities assumed with the retirement of the Water Quality Manager. Supplemental work will continue to be supplied by using interns.

Laboratory services are an essential part of insuring the water provided by the District meets regulatory standards. Moving the lab under the umbrella of the O&M Department is a natural fit, as water sampling and associated lab testing is a requirement of a water supply operation and any abnormal lab result requires immediate operational action. The new Laboratory Supervisor will also benefit from additional help in the maintenance department, such as the purchase of laboratory supplies. Overall regulatory compliance reporting responsibility would be shifted from the Water Quality Manager to the O&M Superintendent

### Water Conservation Department

As with the Laboratory, the retirement of the Conservation Coordinator prompted a review of the Water Conservation department.

Water conservation, once just a noble practice, has been transformed by the state to a regulatory requirement. The main requirement of the water conservation program comes from the California Urban Water Management Planning Act as amended by AB 1420. It applies to all municipal suppliers with over 3,000 connections. The penalty for non-compliance is possible loss of grant funds from the Water Resources Agency and the State.

AB 1420 requires the implementation of all Best Management Practices (BMPs) specified by and to the coverage level determined by the California Urban Water Conservation Council. It requires annual reports to the Water Resources Control Board documenting compliance with the required BMPs. The BMPs are in five general areas: Utility Operations, Education Programs, Residential, Commercial/Industrial/Institutional, and Landscape.

The coverage level requirements of the California Water Conservation Council are robust. For example, compliance with the coverage requires the District provide leak detection for an average of 1.5 percent of residential customers a year and landscape water survey assistance to



an average of 1.5 percent of current residential customers per year. This level of compliance would require trained staffing or significant consultant time

A review of other public water agencies with similar compliance goals, have differing levels of water conservation spending. On average, the yearly expenditure rate for water conservation for the public water agencies surveyed is \$31.53 per connection. The District's expenditures in fiscal year 2010-11 for water conservation was \$318,589 or \$39.82 per connection. The District's 2011-2012 budget of \$389,105 or \$48.63 per connection. As approximately half of the budget is for internal staff, a reduction of the District staff personnel from two to one will bring the District yearly expenditure level below \$300,000 and closer to the average cost incurred by other water districts.

More information regarding requirements for the District's conservation program and public water agency survey is attached.

The duties of the Conservation Coordinator included staff support of the Water Conservation Committee, oversight of water conservation public outreach and education efforts, coordination of the District newsletters, oversight of the District's water conservation efforts and reporting, emergency response coordination and building security, water conservation rebates, and supervision of the Water Conservation Specialist. As with the Laboratory, the Water Conservation Specialist was knowledgeable about the duties of the Conservation Coordinator and was able to assume most of the oversight of the District's conservation efforts outside of the Water Conservation Committee. The Water Conservation Committee duties were given to the Capital Projects Manager.

Duties of the Conservation Coordinator extended beyond water conservation and these duties were distributed to other District staff. The emergency response coordination duties were conveyed to the O&M Department. Building security responsibility was likewise transferred to Operations and Maintenance. Paperwork related to District's conservation rebate program was given to the Engineering Administrative Assistant.

As with the Laboratory, integration of the conservation effort under the Operation and Maintenance umbrella will provide close supervision of and support for the efforts of the Water Conservation Specialist. The O&M Superintendent will have overall responsibility for the regulatory requirements of the District's conservation efforts and the Water Conservation Specialist will become a direct report.

#### Operations & Maintenance Department

The proposed plan for reorganization of the O&M Department was developed with recent personnel changes in the department. In 2010, the O&M Superintendent resigned and the Assistant O&M Superintendent was assigned as the acting Superintendent, while a System Operator III was temporarily moved into the Assistant Superintendent position in the same manner. Following this, it was found that there was not an operational need to fill the newly vacant Operator III position. The optimum structure for operations, and recommended in the proposed reorganizational plan, is for all eleven Operators, two Meter Readers, and the Utility Laborer to directly report to the acting Assistant O&M Superintendent; who would be continuously engaged with staff in the field on their activities. As such, the "Assistant O&M

Superintendent” would be better described as the “O&M Supervisor” given the number of direct reports.

The remaining Operator III would remain a field lead for more complex operations/maintenance involving more than one Operator.

Given the central role of the O&M Supervisor, it was found that the best role for the O&M Superintendent would be engaged in managing the department, providing direction to the O&M Supervisor for implementation, communication/correspondence with outside parties, regulatory compliance and reporting, and becoming involved in department problems/issues. The proposed structure for the reorganization would also have the O&M Superintendent supervising the Laboratory Supervisor and the Water Conservation Specialist.

#### Improvement of Organizational Effectiveness

Another goal for the proposed reorganization is that of increased effectiveness. The proposed reorganization has changes to the organizational structure and job descriptions to more effectively meet the goals and objectives of the District.

#### Operations & Maintenance

Increasing technological and regulatory requirements escalate the need to have staff trained and certified to successfully implement, efficiently control, and compliantly operate modern utility systems. It is important to have a designated staff member(s) completely understand how these systems work. For example, the District Operators need to have a Treatment Certification to work with the District chlorination systems. Furthermore, it is seen that the Operators would be more effective (and efficient) if cross-trained in both collections and distribution. This would allow all Operators to be eligible for call-outs or emergencies.

To best insure that the District’s Operations personnel are suitably trained and flexible in their assignments, it is proposed in the reorganization plan that the required certifications for Operators be changed from just a Distribution Certification, but to also include Collections Certification, and Treatment Certification at their respective Operator levels.

#### Engineering

As a water/wastewater agency, the District is very unique – the majority of its service area is a prime redevelopment zone –one of the few open coastal development areas in California. For the next 30 years, it is anticipated District staff will be involved in the planning, permitting, reporting, design and design review, construction management and inspection of Ord development and District infrastructure. Given the regulatory and political nature of the area, these tasks are labor intensive. As such, a greater than normal complement of staff associated with this type of project work is needed at the District.

In the Engineering department, the hiring of temporary, contract employees has filled the additional needs for project work. In August 2009, the Board approved the hire of an Assistant Engineer who was expected to perform more entry-level type duties and free up the professional engineers to conduct the more difficult and complex duties of the Department. In August 2010, a contract Capital Project Manager was hired to oversee the construction of the Imjin Office Park building and is now overseeing the construction of the Eastern Distribution System.

With the size of the District's capital improvement budget, and the requirements for the District's review and involvement in Ord development, it is seen that there will be continued need for staff to work on these projects. In the development of the Ord community and water/wastewater infrastructure, institutional and historical knowledge is critical; permanent employees, not seasonal consultants or contractors would be most effective in providing effective outcomes.

In review of the Engineering organizational structure, it was pointed out by the B&P Committee in December, that instead of having both a Project Manager and a Capital Projects Manager, that one of the positions should be a supervising engineer. This would allow the Deputy General Manager/District Engineer to work on more global District related issues and less direct engineering supervisory duties. The proposed reorganization plan has been modified for this by adding a Senior Engineer position in lieu of the Capital Projects Manager position.

In every organization it is incumbent upon staff to continually review all factors that have a direct impact on operations and staffing. In preparing the draft reorganization plan, staff looked to ensure an efficient and effective workforce.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Budget and Personnel Committee reviewed this item at its January 27, 2012 meeting.

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

Financial Impact:      Yes      No

Funding Source/Recap: Reorganization Plan will result in a cost savings of \$210,328 that will affect all four cost centers. See proposed reorganization position/compensation changes attachment.

Material Included for Information/Consideration: Resolution No. 2012-07; Proposed reorganization position/compensation changes; Detailed Review of Water Conservation Program; Current Org Chart; Proposed Org Chart; Proposed Job Descriptions.

Staff Recommendation: The Board of Directors is to consider adoption of Resolution No. 2012-07 that approves the proposed Reorganization Plan and authorizes the General Manager and/or Deputy General Manager/District Engineer to take all other actions to facilitate the Resolution.

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

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Board Action

\_\_\_\_ Resolution No \_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

February 14, 2012

Resolution No. 2012-07  
Resolution of the Board of Directors  
Marina Coast Water District  
Approval of District Reorganization Plan

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, analysis of District staff organization has generated a Reorganization Plan which increases District staff efficiency and effectiveness; and,

WHEREAS, recent departures of staff personnel have provided an opportunity for temporary realignment of staff duties consistent with the Reorganization Plan; and,

WHEREAS, implementation of the temporary staff realignment has proven to be successful.

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

1. Authorize the proposed changes to job descriptions, classifications, titles, and/or salary schedules for the following positions:
  - a. Water Quality Chemist to Laboratory Supervisor
  - b. Water Conservation Specialist
  - c. Operations and Maintenance Superintendent
  - d. Assistant Operations and Maintenance Superintendent to Operations and Maintenance Supervisor
  - e. System Operator I
  - f. System Operator II
  - g. System Operator III
  - h. Associate Engineer
2. Authorize the addition of the following regular, full-time positions with associated job descriptions and salary schedules:
  - a. Assistant Engineer
  - b. Project Manager
  - c. Senior Engineer
3. Maintain the following approved and vacant positions:
  - a. Water Quality Manager
  - b. Conservation Coordinator

4. Authorize elimination of one of the two System Operator III approved positions
5. Approve the revised District Staff Organization chart
6. Authorize the General Manager and/or Deputy General Manager/District Engineer to take all other actions and execute all documents as may be necessary or appropriate for the District Reorganization Plan and to give effect to this resolution.

PASSED AND ADOPTED on February 14, 2012 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 \_\_\_\_\_

\_\_\_\_\_  
 Dan Burns, 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. 2012-07 adopted February 14, 2012.

\_\_\_\_\_  
 Jim Heitzman, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: February 14, 2012

Submitted By: Jean Premutati

Presented By: Jim Heitzman

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No-2012-08 to Approve the Job Description and Hire of a Contract, In-House Counsel or Distribute Request for Proposals for External District Legal Counsel

Detailed Description: At the January 10, 2012 meeting, the Board directed staff to develop a Request for Proposals (RFP) for external District legal counsel. Attached is a draft RFP for Board review. Subsequently on January 27, 2012, the Budget and Personnel (B&P) Committee discussed consideration of hiring a contract In-House Counsel rather than seeking an external firm to provide District legal counsel. The Board is therefore presented with this option.

With regards to the legal issues that may stem from current projects and the ongoing need for legal services, using outside counsel can cost hundreds of thousands of dollars in just a few months. In-house counsel would enable the District to control costs over the same period of time and beyond.

Specific areas where the District could benefit from in-house counsel include having legal staff onsite to review and draft documents, attend meetings, provide legal advice and counsel as needed to the Board of Directors, General Manager and management staff at a set known cost instead of being charged on a quarter-hourly basis. In-house counsel would also coordinate any work from specialized outside counsel to minimize use and cost to the District. In addition, as with an external firm, the Board can elect to continue or terminate the contract counsel as needed.

If the Board chooses the option to hire In-house Counsel, staff recommends that the position be an exempt, at-will position with a District-paid benefit package at a salary of \$126,868-\$161,919, depending upon qualifications.

In-House Counsel will work under the direction of the General Manager and Board of Directors.

Environmental Review Compliance: None required.

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:       X   Yes            No

Funding Source/Recap: All six cost centers.





February 14, 2012

Resolution No. 2012-08  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving the Job Description  
and  
Hire of a Contract In-House Counsel

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Board directed staff to develop a Request for Proposals (RFP) for external District legal counsel; and

WHEREAS, the Budget and Personnel (B&P) Committee agenda included an discussed consideration of hiring of a contract In-House Counsel rather than seeking an external firm to provide District legal counsel. The Board is therefore presented with this option; and,

WHEREAS, with regards to the legal issues that may stem from the current projects and the ongoing need for legal services, outside counsel can easily run into the hundreds of thousands of dollars in just a few months while in-house counsel would enable us to control costs over the same period of time and beyond.

WHEREAS, specific areas where the District could benefit from in-house counsel include having legal staff onsite to review and draft documents, attend meetings, provide legal advice and counsel as needed to the Board of Directors, General Manager and management staff at a set known cost instead of being charged on a quarterly-hour basis. In-House Counsel would also coordinate any work from specialized outside counsel to minimize use and cost to the District. In addition, as with an external firm, the Board can elect to continue or terminate the contract counsel as needed.

WHEREAS, if the Board chooses the option to hire In-House Counsel, staff recommends filling this exempt, at-will position with a District-paid benefit package at a salary of \$126,868-\$161,919, depending upon qualifications.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the job description and temporary hire of a contract In-House Counsel.

PASSED AND ADOPTED on February 14, 2012, 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 \_\_\_\_\_

\_\_\_\_\_  
Dan Burns, 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. 2012-08 adopted February 14, 2012.

\_\_\_\_\_  
Jim Heitzman, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-F

Meeting Date: February 14, 2012

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-09 to Direct Staff to Distribute Request for Proposals to Hire an Executive Recruiter for Recruitment of a General Manager and Contract In-House Counsel

Detailed Description: At the January Budget and Personnel (B&P) Committee meeting, the General Manager discussed his intent to retire in the near future, but did not specify a date. This notice was given in order to supply the Board of Directors with ample notification so they could determine a recruitment process. In addition, the General Manager proposed the option of hiring contract In-House Counsel rather than pursue external legal services.

If the In-House Counsel option is approved it can be advantageous for both recruitments to be conducted by one recruiting firm. Both the General Manager and the In-House Counsel report to the Board of Directors.

An external recruiting firm has the knowledge and experience to oversee the process and provide the Board with as much direct involvement as is requested. In addition, these firms can be hired on a retainer or contingency basis. While these recruitments could be conducted in-house by Human Resources, an executive recruiter has access to networks and resources nation-wide including potential hires not actively seeking to change employers. The Management Services Administrator will be the liaison between the selected firm and the Board.

Staff is requesting the Board approve the distribution of a Request for Proposals (RFP) to hire an executive recruiter for recruitment of a General Manager and contract In-House Counsel. Staff will submit the responses to the RFP's to the Budget and Personnel Committee for review.

Environmental Review Compliance: None.

Prior Committee or Board Action: The Budget and Personnel Committee discussed these items at the January 27, 2012 meeting.

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

Financial Impact:      Yes      No

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

Material Included for Information/Consideration: Resolution No. 2012-09.

Staff Recommendation: The Board of Directors approve a Request for Proposals to hire an executive recruiter for recruitment of a General Manager and contract In-House Counsel.

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

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Board Action

Resolution No. \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

February 14, 2012

Resolution No. 2012-09  
Resolution of the Board of Directors  
Marina Coast Water District  
Directing Staff to Distribute a Request for Proposals to Hire an Executive Recruiter for  
Recruitment of a General Manager and Contract In-House Counsel

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at the January 27, 2012, Budget and Personnel (B&P) Committee meeting, the General Manager discussed his intent to leave sometime in the future, but did not specify a date. Advanced notice was given so the Board could determine a recruitment process. In addition, the option of hiring contract In-House Counsel was presented to the Committee; and,

WHEREAS, staff recommends developing a Request for Proposals (RFP) to hire an external recruiter on a retainer basis that specializes in executive level job searches for public sector. An external firm has access to networks and resources nation-wide including potential hires not actively seeking to change employers; and,

WHEREAS, an external firm will oversee these recruitments and provide the Board with as much direct involvement as requested and the Management Services Administrator will be the liaison between the Board and the recruiter; and,

WHEREAS, staff will submit responses to the RFP to the Budget and Personnel Committee for review.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve a Request for Proposals to Hire an Executive Recruiter for recruitment of a General Manager and contract In-House Counsel

PASSED AND ADOPTED on February 14, 2012, 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 \_\_\_\_\_

\_\_\_\_\_  
Dan Burns, President

ATTEST:

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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. 2012-09 adopted February 14, 2012.

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Jim Heitzman, Secretary

Marina Coast Water District  
Staff Report

Agenda Item: 10-A

Meeting Date: February 14, 2012

Submitted By: Carl Niizawa  
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Backwater Protection Policy and Sewer Back-Up

Detailed Description:

On September 15, 2011, a sewer back-up incident associated with the District sewer maintenance operations occurred at the Marina Community Partners Building 100, 12<sup>th</sup> Street, Marina. \$40,000 in clean-up and restoration costs was incurred. Staff filed for an insurance claim, and while the District's insurance provider questioned the claim on the basis that the District's code requires a backwater valve (which would have prevented such an incident), the claim was paid. This issue was brought before District's Executive Committee in November and December. At each of these meetings, more details on backwater issues was requested, including the District's practice with new development, the experience of other agencies, and more details on the backwater incident at the Community Partners Building. At its January 27, 2012 meeting, the Executive Committee asked that this item be brought before the Board.

Community Partners Building Incident and District History of Backwater Complaints  
(See attachment A)

District Backwater Policy

In review of comparative practice for backwater protection with other agencies, it was found that the District is more aggressive than other agencies. The District's policy (see attachment B) is for all laterals to have backwater protection, either an overflow device or a backwater valve, and the backwater valve to be installed:

1. When backwater protection is required.
2. When the lowest floor elevation is below the street or less than 1 foot above the top of the concrete box containing the overflow device.
3. Sewage cannot be allowed to overflow on the surrounding area

It is notable that #1 and #3 can be subjective to the reviewer.

Significantly, it appears from review of the California Uniform Plumbing Code and discussion with other agencies, that the District policy is not consistent with the State Plumbing Code:

*2010 California UPC*

*710.0 Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level.*

*710.1 Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping, shall be protected from backflow of sewage by installing an approved type of backwater valve. Fixtures on floor levels above such elevation shall not discharge through the backwater valve. Cleanouts for drains that*

pass through a backwater valve shall be clearly identified with a permanent label stating “backwater valve downstream”.

The underlined sentence of the 710.1 prohibits drainage from floors above the rim elevation of the upstream manhole from going through the backwater valve. Building officials from Watsonville and the City of Los Angeles confirmed this interpretation as meaning that sanitary flows should not go through a backwater valve, if and only if, the floor level is beneath the rim elevation of the upstream manhole. Second story plumbing which is above such elevation shall not.

It is apparent that the District’s standards have not been consistent the California Plumbing Code for years. The backwater policy restricting flows through the backwater valve has been in the Plumbing Code since the 1970s. Deviations from the code are not unusual for jurisdictions; however, there is typically a finding for such deviation which is usually minor.

The backwater standard is significantly different than the plumbing code. For example, the standard has backwater overflow devices on residential cleanouts. No other jurisdiction has such requirement and another jurisdiction felt that such was a violation of the state plumbing code which states that “707.3 Cleanouts shall be designed to be gas and water tight.”

Experience of other Agencies with backflow issues:

Salinas - The largest sewer system in the area, the City of Salinas, indicates that they have about 5-7 complaints of backwater a year. They have not received any claims for compensation. Their policy is consistent with the California Plumbing Code. Existing buildings are exempt from any new code requirement.

Seaside – They receive 4-7 complaints a year on backwater. Their policy is consistent with the state code. Existing buildings are exempt from any new code requirement.

Monterey - The City has a history of backwater problems. Several lawsuits for sewage backups occurred in Monterey, resulting in hundreds of thousands of dollars of payments. The City adopted a requirement for backwater valves for floor elevations less than 2’ above the upstream rim elevation (the same as the District). The City implemented a new policy and informed existing properties at risk (several thousand) that the installation of the backwater valve is their responsibility and that the City would be responsible for backwater problems.

Watsonville – Application consistent with the code. Existing buildings are exempt from any new code requirement.

Los Angeles – Several backwater problems, application consistent with the code. Existing buildings are exempt from any new code requirement.



## District's Practice with Recent Developments

A survey of recent past MCWD staff development plan reviews was done related to the installation of sanitary sewer backwater valves. From the research into the actual results of the plan reviews of a wide-variety of development projects, it is apparent that the decision to install or not install backwater valves in development projects is currently a subjective one. The end-result is that there was a non-uniform application of MCWD's standard.

Table 1 (below) contains specific data regarding the results of the plan review process relative to backwater valve installation for some recent and well-known projects.

A project that is not shown in Table 1 is the residential redevelopment project named Stilwell Kidney conducted by Monterey Bay Military Housing (associated with Clark-Pinnacle / RCI). More than thirty backwater valves were installed within the Stilwell Kidney project on lots that had final floor elevations lower than the elevation of the rim for the upstream manhole. Staff's current review discovered many additional lots that meet the criteria for requiring the installation of a backwater valve yet no backwater valve was called for or installed. After engaging with the design engineer for the project, the lack of clear policy that could be understood by the designer and the subjective review by staff yielded discrepancies in backwater valve installations within this project.

TABLE 1- Survey of Recent Developments regarding backwater valves

Development	Structure	Clean-out (Only) Installed?	Backwater Valve Installed?	Final Floor Elevation	U/S Manhole Rim Elevation	Action Meets CUPC Standard	Action Meets MCWD Standard	NOTES
City of Marina	Marina Library	Yes	No	42.04	39.50	Yes	Yes	
740 Neeson, Marina	Bldg 1	No	Yes	101.90	101.10	No	Yes	
Imjin Office Park	Carpenters Union	No	Yes	99.25	100 (est.)	Yes	Yes	
Imjin Office Park	FORA / MCWD	No	Yes	98.50	99.29	Yes	Yes	
Monterey Peninsula College	Public Safety Training, Bldg 4465	Yes	No	262.65	262.5	Yes	No	Re-development
Monterey Peninsula College	Public Safety Training, Bldg 4464	Yes	No	276.57	279.1	No	No	Re-development
Monterey College of Law	Bldg 4474	Yes	No	252.0	249.15	Yes	Yes	Re-development

Development	Structure	Clean-out (Only) Installed?	Backwater Valve Installed?	Final Floor Elevation	U/S Manhole Rim Elevation	Action Meets CUPC Standard	Action Meets MCWD Standard	NOTES
Monterey Peninsula College	Marina Ed Center	Yes	No	113.8	113.18	Yes	No	State project
WalMart (Marina)		Yes	No	30.36	30.32	Yes	No	Re-development
Community Hospital of Monterey Peninsula		Yes	No	93.50	92.1	Yes	Yes	
State Parks & Recreation	Marina State Beach	No	Yes	53.00	59 (est.)	Yes	Yes	Install soon
Shell Gas Station (Marina)		No	Yes	43.5	53.0	Yes	Yes	Install soon
Dunes	Best Buy	Yes	No	79.70	75.87	Yes	Yes	Checked in field
Dunes	Old Navy	Yes	No	79.20	74.37	Yes	Yes	Checked in field
Dunes	Kohls	Yes	No	76.20	74.37	Yes	Yes	Checked in field
Dunes	Bed, Bath & Beyond	Yes	No	77.20	72.95	Yes	Yes	Checked in field
Dunes	Michaels'	Yes	No	76.70	72.99	Yes	Yes	Checked in field
Dunes	Target	Yes	No	76.80	73.34	Yes	Yes	Checked in field
Dunes	REI	Yes	No	77.80	75.15	Yes	Yes	Checked in field

**Policy Recommendation:**

Staff revise District Standard for better consistency with the state code. As the District serves a multi-jurisdictional community, recommend seeking concurrence with the jurisdictions on this policy. Following adoption of the revised Standard, provide outreach for better community understanding of the new Standard.

Marina Coast Water District  
Staff Report

Agenda Item: 10-B

Meeting Date: February 14, 2012

Prepared By: Carl Niizawa

Subject: 4th Quarter 2011 Ord Community Water Consumption and Sewer Flow Report

Summary: The Board of Directors is requested to receive the 4th Quarter 2011 Ord Community Water Consumption and Sewer Flow Report. Quarterly water consumption reports have been submitted to the Board since 2006. The quarterly consumption report contains the Ord Community water consumption data organized by land-use jurisdiction.

This staff report also includes tracking information on Ord Community sewer flows and available sewer capacity. Ord Community sanitary sewer flow for the 4th Quarter of 2011 was 82.70 million-gallons which yields an average daily sewer flow of 0.89 million-gallons-per-day (MGD). The Ord Community's sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

The District maintains sewage conveyance capacity within the Ord Community equivalent to 3.3-MGD. The 3.3-MGD capacity managed by the District is further divided into 1.1-MGD for use by the US Army and 2.2-MGD for use by others in the Ord Community.

Below are informational annotations for the data included in the report:

- The rainfall total for the 4th Quarter of 2011 (October, November, December), was 2.93 inches. This rainfall amount is significantly lower than the historical quarterly average rainfall of 4.62 inches.
- The measured reference evapotranspiration rate for this period was 6.76 inches, higher than the historical quarterly average figure of 5.64 inches.
- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.
- "Army Facilities & Businesses - Ord" captures all uses not listed in the other Army categories.

The 1st Quarter 2012 Ord Community Water Consumption and Sewer Flow Report will be presented to the Board in May 2012.