



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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

DIRECTORS

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, June 12, 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, June 7, 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 July 10, 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

3) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019

- 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
- D. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association
- E. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Teamsters Local 890

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. 2012-31 in Recognition of Mr. Joe Correa, Operations and Maintenance Supervisor, for 20 Years of Service to the Marina Coast Water District

Action: The Board will consider adopting Resolution No. 2012-31 recognizing Mr. Joe Correa, Operations and Maintenance Supervisor, and awarding him a plaque and gift certificate for 20 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. 2012-32 Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 6, 2012
- B. Adopt Resolution No. 2012-33 to Retain Ms. Jeanine DeBacker as Personnel Attorney with the Firm of McPharlin Sprinkles and Thomas LLP
- C. Adopt Resolution No. 2012-34 to Approve a Professional Services Agreement with Mr. Ron Allen to Provide Consultant Services for the Water Education Program
- D. Adopt Resolution No. 2012-35 to Approve a Professional Services Agreement with Monterey Bay Technologies to Provide Information Technology Support Services for FY 2012-2013
- E. Adopt Resolution No. 2012-36 to Approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to Phase I of the East Garrison Lift Station Improvements Project
- F. Approve District Membership with the Alliance for Water Efficiency
- G. Approve the Expenditures for the Month of May 2012
- H. Approve the Draft Minutes of the Regular Board Meeting of May 8, 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 Adoption of Resolution No. 2012-37 to Approve the Central Marina Portion of the Budget for FY 2012-2013

Action: The Board of Directors will consider approving the Central Marina portion of the budget for FY 2012-2013.

- B. Consider Adoption of Resolution Nos. 2012-38 (Ord Community Compensation Plan), and 2012-39 (Capital Elements of Ord Community Plan), to Adopt the Ord Community Portion of the Budget for FY 2012-2013

Action: The Board of Directors will consider adopting the Ord Community portion of the budget for FY 2012-2013.

- C. Consider Adoption of Resolution No. 2012-40 to Approve a Request for Proposals for a 5-Year Financial Plan and Rate Study

Action: The Board of Directors will consider approving a Request for Proposals for a 5-year Financial Plan and Rate Study.

- D. Consider Variance Request Regarding Metering for the University Village Apartments Development and if the Variance Request is Approved Adopt Resolution No. 2012-41

Action: The Board of Directors will consider a variance request made by South Bay Housing Authority for metering at the University Village Apartments development.

- E. Consider Adoption of Resolution 2012-42 to Initiate CEQA Studies and LAFCO Application for the Annexation of CEMEX Property into the Marina Coast Water District

Action: The Board of Directors will consider initiating CEQA studies and LAFCO application for the annexation of CEMEX property into the Marina Coast Water District.

- F. Consider Adoption of Resolution 2012-43 to Approve a Professional Services Agreement with Denise Duffy & Associates for Environmental Services Related to the CEQA Studies and LAFCO Application for the Annexation of CEMEX Property into the Marina Coast Water District

Action: The Board of Directors will consider approving a Professional Services Agreement with Denise Duffy & Associates for environmental services related to the CEQA studies and LAFCO application for the annexation of CEMEX property into the Marina Coast Water District.

- G. Consider Adoption of Resolution No. 2012-44 to Approve Professional Services Agreement for Wastewater Engineering Services with Wood Rogers for Design of the Reservation Road Siphon Remediation Project

Action: The Board of Directors will consider approving a Professional Services Agreement for Wastewater Engineering Services with Wood Rogers for design of the Reservation Road Siphon Remediation Project.

- H. Consider Adoption of Resolution No. 2012-45 to Amend the MCWD Board Procedures Manual Regarding US Army and CSUMB Positions on the Water Conservation Commission

Action: The Board of Directors will consider amending the MCWD Board Procedures Manual regarding the US Army and CSUMB positions on the Water Conservation Commission.

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

A. General Manager's Report

B. Counsel's Report

C. Committee and Board Liaison Reports

- | | |
|----------------------------------|---|
| 1. Water Conservation Commission | 7. FORA |
| 2. Joint City-District Committee | 8. LAFCO Liaison |
| 3. Budget & Personnel Committee | 9. JPIA Liaison |
| 4. Executive Committee | 10. Special Districts Association Liaison |
| 5. Community Outreach | 11. CalDesal |
| 6. MRWPCA Board Member | 12. Regional Desalination Reports |

11. Director's Comments

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

*Regular Meeting: Tuesday, July 10, 2012, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: June 12, 2012

Submitted By: James Derbin

Presented By: Jim Heitzman

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-31 in Recognition of Mr. Joe Correa, Operations and Maintenance Supervisor, for 20 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 Joe Correa, Operations and Maintenance Supervisor, who has reached his twenty year anniversary with the District.

Joe Correa began his employment with the District on May 19, 1992. During his career, he has worked in water and wastewater treatment, water reclamation, and water distribution. Joe successfully operated the District's desalination plant for several years. The experience he gained operating and maintaining the desalination plant qualified Joe for taking the CADPH Grade III Water Treatment Operator exam which he passed in 2011.

Currently Joe Correa holds the following professional certifications:

- CADPH Water Distribution Operator Grade D4
- CADPH Water Treatment Operator Grade III
- CWEA Collections II

Joe's unique problem solving abilities have influenced every aspect of District operations. He continues to make a significant contribution in the area of electrical trouble shooting, sewer lift station repairs, well motors, water booster pump motors, switches, relays, etc. resulting in a significant reduction in outside electrical contractor fees.

Joe was recently promoted to the position of Operations and Maintenance Supervisor. Joe has taken on the new responsibilities of this position with great strides and is positively influencing how we operate and maintain the Districts assets.

It is with great pleasure that the District recognizes Joe Correa's twenty years of service to the Marina Coast Water District, and wishes him well in his continued service to the District.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Objective No. 2C – Set and sustain a work environment for staff that matches the District's vision and mission statements*

Financial Impact: X Yes No

Funding Source/Recap: Hospitality Accounts for all four cost centers.

Material Included for Information/Consideration: Resolution No. 2012-31.

Staff Recommendation: The Board of Directors approve Resolution No. 2012-31 recognizing Joe Correa for his twenty years of service and award a plaque and gift certificate.

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

Board Action

Resolution No. _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-31
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Mr. Joe Correa, Operations and Maintenance Supervisor,
For 20-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 June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Joe Correa joined the District on May 19, 1992; and,

WHEREAS, Joe has worked in water and wastewater treatment, water reclamation, water distribution and operated and maintained the Districts desalination plant; and,

WHEREAS, Joe's problem solving skills and solid work ethic have significantly contributed to the successful operation of District water and wastewater facilities; and,

WHEREAS, Joe continues to make positive contributions in the area of electrical trouble shooting and repairs, sewer lift station repairs, well motor repair, water booster pump and motor repair, all resulting in a significant reduction in outside electrical contractor expenses for the District; and,

WHEREAS, Joe’s hard work and dedication has recently earned him a promotion to the Operations and Maintenance Supervisor position; and,

WHEREAS, Joe 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 Joe Correa for twenty 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 June 12, 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. 2012-31 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: June 12, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2012-32 Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 6, 2012
- B) Adopt Resolution No. 2012-33 to Retain Ms. Jeanine DeBacker as Personnel Attorney with the Firm of McPharlin Sprinkles and Thomas LLP
- C) Adopt Resolution No. 2012-34 to Approve a Professional Services Agreement with Mr. Ron Allen to Provide Consultant Services for the Water Education Program
- D) Adopt Resolution No. 2012-35 to Approve a Professional Services Agreement with Monterey Bay Technologies to Provide Information Technology Support Services for FY 2012-2013
- E) Adopt Resolution No. 2012-36 to Approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to Phase I of the East Garrison Lift Station Improvements Project
- F) Approve District Membership with the Alliance for Water Efficiency
- G) Approve the Expenditures for the Month of May 2012
- H) Approve the Draft Minutes of the Regular Board Meeting of May 8, 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.)

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: June 12, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Adopt Resolution No. 2012-32 Ordering an Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election Set for November 6, 2012

Detailed Description: Pursuant to Section 10002 et seq. of the Elections Code, the Governing Body of the District must call the election to be held on November 6, 2012 for the purpose of electing successors to the terms of office which will expire in 2012. The Board must adopt a resolution calling for the election no later than July 2, 2012. The District has staggered terms and therefore must meet this requirement every two years.

Following the statute of previous years, the District will limit the Candidate's Statement to 200 words or less and the candidate is responsible for paying the cost of publishing the Candidate's Statement of Qualifications in the Voter's Information Pamphlet at the time of filing his/her statement.

The terms of Mr. Kenneth K. Nishi and Mr. Dan Burns will expire this November 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: Yes No

Funding Source/Recap: The approximate cost is \$33,495, which depends on the number of registered voters in the District's jurisdiction and how many pamphlets are printed and mailed. This cost will be allocated to both Marina cost centers; 01-Marina Water and 02-Marina Sewer.

Material Included for Information/Consideration: Resolution No. 2012-32; Correspondence from Monterey County Election Department; and, Election Calendar.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-32 ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election set for November 6, 2012. The Board is also asked to limit the Candidate's Statement to 200 words or less and the candidate is responsible for paying the cost of publishing the Candidate's Statement of Qualifications.

June 12, 2012

Resolution No. 2012-32
Resolution of the Board of Directors
Marina Coast Water District

Resolution Ordering An Election, Requesting County Elections to Conduct the Election,
and Requesting Consolidation of the Election Set for November 6, 2012

RESOLVED by the Board of Directors ("Board"), of the Marina Coast Water District ("District"), at a regular meeting duly called and held on June 12, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and,

WHEREAS, the resolution of the governing body of the city or district shall specify the services requested; and,

WHEREAS, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and,

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and,

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and,

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision of the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections office, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and,

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and,

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 6, 2012.

NOW THEREFORE BE IT RESOLVED AND ORDERED, that the Board of Directors of the Marina Coast Water District hereby orders an election be called and consolidated with any and all elections also called to be held on November 6, 2012 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Marina Coast Water District requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403; and,

BE IT FURTHER RESOLVED AND ORDERED, that said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and,

BE IT FURTHER RESOLVED AND ORDERED, that the Monterey County Elections Department conduct the election for the following offices on the November 6, 2012 ballot:

<u>Seats Open</u>	<u>Office</u>	<u>Term</u>	<u>District</u>
Kenneth K. Nishi	Director	4 Year	Marina Coast Water District
Dan Burns	Director	4 Year	Marina Coast Water District

BE IT FURTHER RESOLVED, the candidates shall submit payment to the Elections Department upon submission of the candidate's statement.

PASSED AND ADOPTED on June 12, 2012, by the Board of Directors of the Marina Coast Water District by the following 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. 2012-32 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: June 12, 2012

Submitted By: Jean Premutati
Reviewed By: Carl Niizawa

Presented By: Jean Premutati

Agenda Title: Adopt Resolution No. 2012-33 to Retain Ms. Jeanine DeBacker as Personnel Attorney with the Firm of McPharlin Sprinkles & Thomas LLP

Detailed Description: At a regular meeting on July 12, 2011, the Board approved Resolution No. 2011-53 selecting the law firm of Hoge Fenton Jones and Appel to represent the District in all matters related to personnel and employment law. Ms. Jeanine DeBacker, an attorney with Hoge Fenton was assigned as our representative. Recently, Ms. DeBacker left Hoge Fenton and has moved her practice to McPharlin Sprinkles & Thomas in San Jose.

The District received notification from Ms. DeBacker that, while recognizing that the District is a client of Hoge Fenton, she would like to continue to represent us at her new firm at the same fee schedule as before. Ms. DeBacker is familiar with the Board, District staff, and has represented the District regarding several personnel matters. In addition, there remains active casework pertaining to matters of the District which Ms. DeBacker is familiar with. Therefore, staff recommends the Board approve a new contract with Ms. DeBacker at her new firm.

Environmental Review Compliance: None.

Prior Committee or Board Action: The Budget and Personnel Committee recommended to forward this resolution to the full Board.

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 all cost centers.

Material Included for Information/Consideration: Resolution No. 2012-33.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-33 to retain Ms. Jeanine DeBacker as personnel attorney with the firm of McPharlin Sprinkles & Thomas LLP.

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-33
Resolution of the Board of Directors
Marina Coast Water District

Consider Adoption of Resolution No. 2012-33 to Retain Ms. Jeanine DeBacker
as Personnel Attorney with the Firm of McPharlin Sprinkles & Thomas LLP

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on July 12, 2011, the Board approved Resolution No. 2011-53 selecting the Law Firm of Hoge Fenton Jones and Appel to represent the District in personnel and employment law matters; and,

WHEREAS, Ms. Jeanine DeBacker, Esq., of Hoge Fenton who has been representing the District, has moved her law practice to McPharlin Sprinkles & Thomas LLP and has provided notification that she would like to continue to represent the District at the same negotiated fee schedule; and,

WHEREAS, Ms. DeBacker is familiar with the Board, District staff and currently has active cases related to matters of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-33, to retain Ms. Jeanine DeBacker as personnel attorney with the firm of McPharlin Sprinkles & Thomas LLP.

PASSED AND ADOPTED on June 12, 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. 2012-33 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: June 12, 2012

Submitted By: James Derbin

Presented By: James Derbin

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-34 to Approve a Professional Services Agreement with Mr. Ron Allen to Provide Consultant Services for the Water Conservation Education Program

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Mr. Ron Allen for services in support of the Water Conservation Education Program for a not-to-exceed amount of \$12,000.

The Water Conservation Education Program (Program) provides water use efficiency education to all the kindergarten through third grade students in the District's service area. The Program uses a variety of strategies to introduce and improve the water use efficiency practices of students, teachers, and indirectly, their family members and acquaintances. The Program includes classroom instruction, school assemblies, in-service training, and the distribution of classroom instruction materials to teachers.

The Program is in its eleventh year and has proven to be a great success. Students, teachers, principals and administrators comment that the classes and presentations provided are very helpful towards providing the students with an understanding of environmental science and water use efficiency.

Maintaining our strong relationship with the Monterey Peninsula Unified School District (MPUSD) is essential to the continued success of the Program. Having thirty years of service as an educator in the MPUSD, including two tours as the principal of Olson Elementary School in Marina, Mr. Allen uses his knowledge of the school district policies and procedures to coordinate the integration of the Water Science Teacher's class instruction into the ongoing activities of the MPUSD.

The contracted services are performed by Mr. Allen as the consultant, as needed, throughout the year. Planning for each school year starts in July of the previous school year. The services provided include introducing the Program to the school administrators and principles, drafting and presenting the memorandum of understanding to the school district, producing and adjusting timelines for instruction, soliciting feedback about the class instruction, coordinating and tracking payroll for the Water Science Teacher, and maintaining support for the Program.

The most important element of the Program is the classroom instruction. Over 1,300 students attend 65 classroom lessons each year. A Program schedule is developed for each of the five elementary schools locations where instruction is provided. Teacher guides and supplemental water education materials are provided to each teacher to assist them in continuing the water conservation education after the initial classroom instruction.

A second important element of the Program; coordinated by the consultant, are the school assemblies. At each school, the musical group Zun-Zun performs a forty minute musical skit promoting water conservation practices. The assemblies are very popular with the principals, teachers, and students. The assemblies have been so well received that staff is supporting the Water Awareness Committee of Monterey County, Inc. in expanding the groups performances to schools through-out Monterey County.

Compensation for the requested services outlined in the attached Scope of Services shall be paid at an hourly rate of \$60.00 per hour, not to exceed \$12,000. The completion date of the proposed Professional Services Agreement will be June 30, 2013. The District's Draft 2012-2013 budget includes \$12,000 to support this expenditure.

Prior Committee or Board Action: The Board and Water Conservation Committee have approved/recommended similar contracts with Mr. Allen over the past eleven years. The Water Conservation Commission will consider this item on June 7, 2012.

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

Financial Impact: Yes No

Funding Source/Recap: The amount of \$12,000, to support Water Conservation Education Program consultation services is proposed in the Draft FY 2012/2013 Budget.

Material Included for Information/Consideration: Resolution No. 2012-34, and, Detail Scope of Services.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-34 to approve a Professional Services Agreement with Mr. Ron Allen to provide consultant services for the Water Conservation Education Program.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-34
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with Mr. Ron Allen
to Provide Consultant Services for the Water Conservation Education Program

RESOLVED by the Board of Directors (“Board”), of the Marina Coast Water District (“District”), at the regular meeting duly called and held on June 12, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Mr. Ron Allen has agreed to perform the proposed scope of work to continue providing consulting services for the District’s Water Conservation Education Program; and,

WHEREAS, Mr. Allen shall provide personal and professional insurance required by the District; and,

WHEREAS, the District Draft 2012/2013 Budget contains \$12,000 to support this program.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve a Professional Services Agreement with Mr. Ron Allen for consulting services to continue the Water Conservation Education Program; and authorizes the General Manager and/or the Deputy General Manger to sign contract documents and take all necessary actions and execute all documents necessary or appropriate to give effect to this resolution, and the total cost for this effort which shall not exceed \$12,000.

PASSED AND ADOPTED on June 12, 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. 2012-34 adopted June 12, 2012.

Jim Heitzman, Secretary

SCOPE OF SERVICES

Consultant Services for the Water Conservation Education Program

The Consultant will conduct these tasks associated with the Water Conservation Education Program (Program) of the Marina Coast Water District (MCWD). These tasks are designed to further the District's efforts to execute Best Management Practices number 2.1 (Public Outreach) and number 2.2 (School Education). This work shall include the following tasks:

Task A: Coordinate the Integration of the Program into MPUSD and the Individual School Curriculum

Subtasks:

1. Coordinate the Program with the Monterey Peninsula Unified School District (MPUSD) Administrators and be responsible to work with the District Administrators concerning the Program as is necessary. This will include reviewing, with all parties involved, the MOU between the MCWD and the MPUSD every year to make sure it is current and appropriate for implementation the following school year.
2. Work with the office staff at each school to evaluate student enrollment by grade level for that year. Based on this, determine the maximum time allocation of the Water Science Teacher for each site, to stay within the given budget for the year.
3. Work with the office staff and Principals at each school to ensure that the correct procedures are in place for tracking the work hours of the Water Science Teacher. This is to ensure the teacher's hours are within the amount budgeted for each site, for each of the three rotations throughout the year, and that all reports are submitted promptly.
4. Work to ensure that all financial transactions between the MPUSD and the MCWD are implemented in a timely manner, as established in the MOU.
5. Be a resource for school Teachers and Administrators regarding the implementation of the Water Conservation Education Program.
6. As needed, work with MCWD staff and the Water Science Teacher to acquire the necessary water conservation classroom materials needed for the execution of the program.
7. As assigned, address additional, unexpected items or issues which arise to make sure the Program runs smoothly and progresses towards the Districts goals

Task B: Review and Develop the Program Curriculum and Instruction

Subtasks:

1. Facilitate the development and implementation of the curriculum to ensure it is meeting the goals of the MCWD and that it is in compliance with the instructional objectives of the MPUSD educational curriculum.
2. As needed, meet with MCWD staff to develop and define the elements of the Water Education Program. The primary contact at MCWD will be the Water Conservation Specialist, Paul Lord.
3. Observe, evaluate, and assist in the development of classroom activities conducted by the Water Science Teacher.
4. As needed, coordinate and schedule water awareness assemblies at the elementary schools; conducted by outside vendors, to promote water awareness and conservation.
5. Communicate current program activities and progress to the Water Conservation Specialist on a regular basis throughout the school year.
6. Work with the school Administrators, school Teachers, and the Water Science Teacher to evaluate the program's effectiveness. Share the suggested recommendations with MCWD staff to make possible improvements to the program the following year.
7. Provide assistance to MCWD staff that will enable staff to carry out the program objectives on a year-to-year basis.

Task C: Promote the Water Conservation Education Program

Subtasks:

1. Meet with school district Board members, Administrators, and staff at each school to promote the program and provide program orientation and coordination regarding the implementation of the Water Conservation Education classes. This is particularly important at the beginning of each school year, and as new staff and administrators are assigned to the elementary schools within the MCWD service area.

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: June 12, 2012

Submitted By: Kelly Cadiente
Reviewed By: Carl Niizawa

Presented By: Kelly Cadiente

Agenda Title: Adopt Resolution No. 2012-35 to Approve Professional Services Agreement with Monterey Bay Technologies to Provide Information Technology Support Services to the District for FY 2012-2013

Detailed Description: Staff is requesting the Board of Directors adopt Resolution No. 2012-35 to approve a Professional Services Agreement (PSA) with Monterey Bay Technologies (MBT) to provide Information Technology (IT) support services to the District for FY 2012-2013. On December 13, 2011, the Board awarded MBT a contract with the District to provide IT support through June 30, 2012.

Since December 2011, MBT completed an assessment of the District's technology and assisted staff in updating the District's IT Plan. In April 2012, MBT installed a new server which consolidated two of the District's outdated servers and is currently in the process of replacing the District's application server. In addition, MBT has been very responsive to the District's IT issues and needs. Staff therefore recommends continuance with MBT to provide IT support services to the District.

The monthly retainer for FY 2012-2013 will be \$3,200.00 per month based on 40 hours per month at \$80.00 per hour which is the existing rate under the current contract. Additional monthly hours will be billed at \$95.00 per hour.

Environmental Review Compliance: None.

Prior Committee or Board Action: On December 13, 2011, the Board adopted Resolution No. 2011-89 awarding a contract to MBT to provide IT services to the District; on June 25, 2012, the Budget & Personnel Committee received an update on the District's IT service provider and recommended that MBT be contracted to provide IT support services to the District for FY 2012-2013.

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: Funded through FY 2012/2013 Operating Budget of the Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2012-35.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-35 to approve a PSA with MBT to provide IT support services to the District.

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

Resolution No _____ Motion By _____ Board Action Seconded By _____
Ayes _____ Abstained _____
Noes _____ Absent _____
Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-35
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with Monterey Bay Technologies
to Provide Information Technology Support Services to the District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on December 13, 2011, the Board awarded Monterey Bay Technologies (MBT) a contract with the District to provide Information Technology (IT) support through June 30, 2012; and,

WHEREAS, since December 2011, MBT completed an assessment of the District’s technology, assisted staff in updating the District’s IT Plan, installed a new server which consolidated two of the District’s outdated servers and has been very responsive to the District’s IT issues and needs; and,

WHEREAS, the Budget & Personnel Committee received an update on the District’s IT service provider and recommended that MBT be contracted to provide IT support services to the District for FY 2012-2013.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-35, to approve a professional services agreement with Monterey Bay Technologies to provide information technology support services to the District.

PASSED AND ADOPTED on June 12, 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. 2012-35 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: June 12, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-36 to Approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to the Phase 1 of the East Garrison Lift Station Improvements Project

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for professional engineering services related to rehabilitating and modifying a wastewater lift station that will serve the East Garrison Development for an amount not-to-exceed \$38,640.

As a water and wastewater service provider, the District is obligated to timely meet the new service needs of the community. With housing construction started in East Garrison, it is appropriate for the district to ready its infrastructure in this area for the new connections, expected in nine months. One such infrastructure is the East Garrison Lift Station built by Fort Ord Reuse Authority (FORA) in 1999.

The Fort Ord Reuse Authority undertook the initial modification to the East Garrison sanitary sewer system in 1999 because of potential uses of that portion of the former military base by Monterey County or Monterey Peninsula College and because of available grant resources from the federal government. The facility has been idle since it was constructed and has since become inconsistent with the intended size of development of the East Garrison area. In 2007, the District undertook a design for the expanded lift station that reflected the East Garrison Subdivision Sewer Master Plan prepared by the developer and approved by Monterey County. The design for the lift station called for an expansion of the facility that would account for the ultimate build-out of the whole East Garrison area (termed East Garrison I and II). In 2008, the developer ceased construction and the property was foreclosed upon. The new developer, Union Community Partners, has since re-scaled the development (in terms of development pace) which has rendered the 2007 lift station design too substantial.

The current strategy for this lift station facility is one that more closely paces the current plan for development. The first step in the expansion plan is to provide just the lift station modifications needed to serve the first occupied portion of the East Garrison Development, specifically East Garrison I Phase 1. Further expansion to this lift station will be necessary to accommodate the ultimate build out of the East Garrison I and II.

This proposed Professional Services Agreement with Schaaf & Wheeler provides the needed scoping and engineering design work to take this described first step in the expansion of the East Garrison Lift Station Improvement Project. This Agreement includes the following specific scope items: 1) Design 2) Bid Support 3) Construction Support 4) Associated Project Management, Meetings, & Coordination.

Schaaf & Wheeler is familiar with the East Garrison Lift Station as it was the engineer for the 2007 expanded facility. This familiarity with the facility and the District's system will provide efficiencies with regards to needed evaluation and recommendations.

At the May Board of Directors meeting, a question came up as to why the East Garrison Lift Station Project was being paid for by MCWD rather than the East Garrison developer. The District has been responsible for this piece of sewer infrastructure since accepting the ownership, operation, and maintenance of the facility in 2001 (Resolution No. 2001-05 on January 24, 2001). As such, the East Garrison Lift Station became an existing facility and needed expansions or modifications to the facility were included in MCWD's Master Planning efforts and within the annual CIP programming. Capital Improvement Projects are paid for by MCWD but the dollar cost of the projects (including, specifically, the East Garrison Lift Station project) are included within the computation of capacity charges such that MCWD is reimbursed for the CIP expenditure over time as connections are made to the infrastructure systems. However, the question raises a valid concern about the criteria used to have a CIP included in the capacity charge computation as compared to projects that are not. Staff will continue studying the issue and views the upcoming Rate Study as an opportunity to develop and recommend to the Board a clarification regarding this policy.

Environmental Review Compliance: Not required (existing facility).

Prior Committee or Board Action: None

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: CIP No. OS-150 will be funded from the Fort Ord Sewer Capital Reserves.

Material Included for Information/Consideration: Resolution No. 2012-36.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-36 that authorizes the General Manager and/or Deputy General Manager/District Engineer to approve a Professional Services Agreement with Schaaf & Wheeler Consulting Engineers for engineering services related to Phase I of the East Garrison Lift Station Improvement Project in the amount of \$38,640 (which includes a 15% contingency).

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012 - 36
Resolution of the Board of Directors
Marina Coast Water District
Approve a Professional Services Agreement with
Schaaf & Wheeler Consulting Civil Engineers for Engineering Services
Related to Phase I of the East Garrison Lift Station Improvement Project
for a Not-To-Exceed Amount of \$38,640

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Schaaf & Wheeler has comprehensive knowledge of MCWD’s water and sewer infrastructure systems and has consistently provided beneficial engineering services to the District in the past; and,

WHEREAS, Schaaf & Wheeler is uniquely familiar and knowledgeable regarding the existing East Garrison Lift Station as they previously designed modifications and expansion to the facility; and,

WHEREAS, Schaaf & Wheeler has been found to be qualified in performing engineering services related to wastewater lift station design.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby Authorize the General Manager and/or Deputy General Manager/District Engineer to approve a Professional Services Agreement with Schaaf & Wheeler Consulting Engineers for engineering services related to the planning of wastewater lift station modifications to serve the East Garrison Development known as Phase I of the East Garrison Lift Station Improvement Project; and, to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution, for a total dollar amount not-to-exceed \$38,640.

PASSED AND ADOPTED on June 12, 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. 2012-36 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F

Meeting Date: June 12, 2012

Submitted By: James Derbin

Presented By: James Derbin

Reviewed By: Carl Niizawa

Agenda Title: Approve a District Membership with the Alliance for Water Efficiency

Detailed Description: The Board of Directors is requested to approve a District membership with the Alliance for Water Efficiency.

Over the years, the District has held or holds active District level memberships with several professional organizations. These include the American Water Works Association (AWWA), California Urban Water Conservation Council, Association of California Water Agencies (ACWA), California Special Districts Association (CSDA), Water Education Foundation, California Rural Water Works Association, and CalDesal.

Staff recently requested to join the Alliance for Water Efficiency (Alliance), at a District level membership for staff to have access to training and reference materials to support the Conservation, Engineering, and Operations and Maintenance Departments.

The District currently has no procedure/policy in place regarding District-level memberships. The question of whether approval of such memberships should be done at the Board level or if such approval be done at the staff level was taken up at the June Executive Committee Meeting. The Committee recommended that approval should be made at the Board level.

A list of Alliance members and the membership application with the Alliance Guiding Principles is attached. The application includes a request for District concurrence with its Guiding Principles and agreement for the Alliance to link to the District Website.

Prior Committee or Board Action: None

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

Financial Impact: X Yes No

Funding Source/Recap: Alliance for Water Efficiency annual membership fee is \$200 and will come from the Conservation Membership budget line item in the Marina/Ord water cost centers, and approved in the FY 2011/2012 budget.

Material Included for Information/Consideration: Alliance for Water Efficiency Guiding Principles, Application, and list of member agencies.

Staff Recommendation: Approve a District Membership with the Alliance for Water Efficiency.

Action Required: _____Resolution ___X___Motion _____Review

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-G

Meeting Date: June 12, 2012

Submitted By: Kelly Cadiente
Reviewed By: Jim Heitzman

Presented By: Kelly Cadiente

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

Detailed Description: The Board of Directors is requested to approve the attached May 2012 check register for expenditures totaling \$3,523,950.78.

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: May 2012 Summary Check Register.

Staff Recommendation: The Board of Directors approve the May 2012 expenditures totaling \$3,523,950.78.

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

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-H

Meeting Date: June 12, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of May 8, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of May 8, 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 May 8, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the May 8, 2012 regular Board meeting.

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

Board Action

___ Resolution No ___ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: June 12, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-37 to Approve the Central Marina Portion of the Budget for FY 2012-2013

Detailed Description: The Board is requested to adopt Resolution No. 2012-37 to approve the Central Marina portion of the Budget for FY 2012-2013.

Each year, the District follows a budget development process that results in the MCWD Board approval of the annual budget by June 30. On March 13, 2012, the draft budget and budget schedule was presented to the MCWD Board at its regular board meeting. On March 29, 2012, the MCWD Board met at its budget workshop and discussed the budget in detail. On May 8, 2012, the Board received a revised draft budget. Staff has refined the Draft 2012-2013 District Budget and has made the following change from the Draft Budget dated May 8, 2012:

1. Marina Water and Marina Sewer Cost Centers increased \$17,000 each in Administration based on notification from the County Elections Office for the estimated cost of the 2012 election.
2. Marina Water Cost Center increased \$86,000 in Engineering due to the Annexation of CEMEX property.
3. CIP No. MW-0200 (Wharf Hydrant Replacement) budget reduced \$3,000 from \$86,000 to \$83,000

The Draft FY 2012-2013 Budget includes operating and capital budgets in support of the District's two service areas and six cost centers (Marina and Ord Community). District expenses that are not dedicated to a specific cost center are apportioned to the cost centers according to a pre-determined formula (based on expenses). The allocation rate for fiscal year 2012/2013 has changed based on the FY 2010-2011 audited expense figures.

The draft budget includes a 5.0% rate increase for Marina and Ord cost centers. A proposition 218 process was conducted in 2011 to implement the rate increases.

This Draft Budget includes several other key assumptions, which are contained in the Budget Summary Note.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board received the Draft FY 2012-2013 Budget and Budget Schedule on March 13, 2012; The Board held a Budget Workshop on March, 29, 2012; The Board received a revised Draft FY 2012-2013 Budget on May 8, 2012.

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

Financial Impact: Yes No

Funding Source/Recap: None

Materials Included for Information/Consideration: FY 2012–2013 Budget Schedule; Revised Draft FY 2012-2013 Budget Document dated June 12, 2012 (provided separately).

Staff Recommendation: The Board of Directors adopts Resolution No. 2012-37 to approve the Central Marina portion of the Budget for FY 2012-2013.

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

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

June 12, 2012

Resolution No. 2012 - 37
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Central Marina Portion of the Budget for FY 2012-2013

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, staff prepared and presented the draft FY 2012-2013 Budget that includes projected revenues, expenditures and capital improvement projects for six cost centers for the Marina and Ord Community Water, New Water and Wastewater systems, including the area within the jurisdiction of the FORA and the area remaining within the jurisdiction of the U.S. Army; and,

WHEREAS, the District Board reviewed the proposed FY 2012-2013 Budget on March 13, 2012, March 29, 2012 and May 8, 2012; and,

WHEREAS, the District will approve the Ord Community water, new water and wastewater systems budget on June 12, 2012 by separate resolution, Resolution Nos. 2012-38 and 2012-39; and,

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

WHEREAS, rates, fees, charges and capacity charges for Central Marina service area are being adopted by the Board in Ordinance 54; and,

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

WHEREAS, the Board finds, based on projected funding mechanisms and requirements, that it is in the District’s interest to waive the requirements of Section 6.08.070 of the District’s Code for FY 2012-2013.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the FY 2012-2013 Budget for Central Marina.
2. The requirements of Section 6.08.070 of the MCWD Code are waived for FY 2012-2013.

PASSED AND ADOPTED on June 12, 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. 2012-37 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: June 12, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution Nos. 2012-38 (Ord Community Compensation Plan), 2012-39 (Capital Elements of Ord Community Plan), to Adopt the Ord Community Portion of the Budget for FY 2012-2013

Detailed Description: The Board is requested to adopt the District FY 2012-2013 budgets, rates, fees and charges for the Ord Community Area. This includes Resolution No. 2012-38, the Ord Community Budget but excludes the capacity charges and capital surcharges and Resolution No. 2012-39 which includes the Capital Elements of the Ord Community Budget.

The Fort Ord Reuse Authority (FORA) Board is also required to approve the District's Ord Community annual budget. On March 15, 2012, the draft Ord Community budget was distributed and discussed with the FORA Water/Wastewater Oversight Committee (WWOC). On April 18, 2012 and May 16, 2012, the draft Ord Community budget was again distributed and discussed with the FORA WWOC. On May 30, 2012 the draft Ord budget presentation was discussed at the Joint FORA Administrative/WWOC committee meeting and was recommended that the Ord Community budget be presented to FORA Board for adoption. On June 8, 2012, the draft Ord Community budget was presented to FORA Board for approval.

Staff recommends adopting Resolution Nos. 2012-38 and 2012-39 to adopt the Ord Community water and wastewater budgets and rates for FY 2012-2013.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board received the Draft FY 2012-2013 Budget and Budget Schedule on March 13, 2012; The Board held a Budget Workshop on March, 29, 2012; The Board received a revised Draft FY 2012-2013 Budget on May 8, 2012.

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

Financial Impact: X Yes No

Funding Source/Recap: All Accounts

Material Included for Information/Consideration: Resolution Nos. 2012-38, 2012-39; and FY 2012-2013 Draft Budget Document (provided separately).

Staff Recommendation: Adopt Resolution Nos. 2012-38 (Ord Community Compensation Plan), 2012-39 (Capital Elements of Ord Community Plan).

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

Board Action

Resolution No Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-38
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Ord Community Portion of the Budget and
the Ord Community Compensation Plan for FY 2012-2013
(Not including Capacity Charges and Capital Surcharges)

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, FORA is authorized by the FORA Act, particularly Government Code 67679(a)(1), to arrange for the provision of water, recycled water and wastewater services to the Ord Community; and,

WHEREAS, the District and FORA, entered into a “Water/Wastewater Facilities Agreement” (“the Agreement”) on March 13, 1998, and have subsequently duly amended the Agreement; and,

WHEREAS, the Agreement provides a procedure for establishing budgets and compensation plans to provide for sufficient revenues to pay the direct and indirect, short-term and long-term costs, including capital costs, to furnish the water and wastewater facilities; and,

WHEREAS, the Agreement, as amended, provides that FORA and the District will each adopt the annual Budget and Compensation Plan by resolution; and,

WHEREAS, on June 8, 2012, FORA Board of Directors adopted the FY 2012-2013 budget by resolution; and,

WHEREAS, the proposed Budget and Compensation Plan for FY 2012-2013 provides for funds necessary to meet operating expenses, including employee wages and fringe benefits, purchasing or leasing supplies, equipment and materials, meeting financial reserve needs and requirements and capital expenses for sound operation and provision of the water and wastewater facilities and to enable the District to provide continued water, new water and sewer services within the existing service areas on the former Fort Ord. The rates, fees and charges adopted by FORA apply only to the area within FORA’s jurisdictional boundaries; and,

WHEREAS, the Water/Wastewater Oversight Committee of FORA and the District’s full Board have reviewed the proposed Budget and Compensation Plan; and,

WHEREAS, pursuant to the Agreement, FORA and the District have adopted and implemented and acted in reliance on budgets and compensation plans for prior fiscal years; and,

WHEREAS, pursuant to the Agreement, FORA and the District have cooperated in the conveyance to the District of easements, facilities and ancillary rights for the water and wastewater systems on the area of the former Fort Ord within FORA's jurisdiction; and,

WHEREAS, the District has provided water and wastewater services on the former Fort Ord by contract since 1997, and currently provides water and wastewater services to the area of the former Fort Ord within FORA's jurisdiction under the authority of the Agreement, and provides such services to the portion of the former Fort Ord still under the Army's jurisdiction by contract with the Army; and,

WHEREAS, FORA and the District have agreed that water conservation is a high priority, and have implemented a water conservation program in the Ord Community service area that includes public education, various incentives to use low-flow fixtures, and water-conserving landscaping. The rates, fees and charges adopted by this resolution are intended to support the water conservation program and encourage water conservation, pursuant to sections 375 and 375.5 of the California Water Code. This conservation program and these rates, fees and charges are in the public interest, serve a public purpose, and will promote the health, welfare, and safety of the Ord Community, and will enhance the economy and quality of life of the Monterey Bay community; and,

WHEREAS, monthly service fees or charges are imposed as a condition of service to customers, and monthly water quantity and sewer rates are imposed on the basis of the amount of water used or consumed by the customer. The rates, fees and charges are not imposed upon real property or upon persons as an incident of real property ownership; and,

WHEREAS, estimated revenues from the rates, fees and charges will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed; and,

WHEREAS, the rates, fees and charges have not been calculated nor developed on the basis of any parcel map, including any assessor's parcel map; and,

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

WHEREAS, the rates, fees and charges for Ord Community service area has changed from prior fiscal year; and,

WHEREAS, the rates, fees and charges are adopted under the authority of Government Code Section 67679(a)(1), Water Code Sections 30000 and following and Government Code Sections 54340 and following; and,

WHEREAS, after public meetings and based upon staff's recommendations, the District Board has determined that the Budget and Compensation Plan, including the rates, fees and charges therein, should be adopted as set forth on Exhibit A to this Resolution; and,

WHEREAS, Government Code Section 54999.3 requires that before imposing certain capital facilities fees on certain educational and state entities, any public agency providing public utility service must negotiate with the entities receiving the service; and,

WHEREAS, capacity charges and capital surcharges for FY 2012-2013 are not included in this Resolution and will be adopted by separate Resolution; and,

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

WHEREAS, the District's Board finds that, based on projected funding mechanisms and requirements, it is in the district's interest to waive the requirements of Section 6.08.070 of the District Code for FY 2012-2013; and,

WHEREAS, the District is acting to provide continued water, new water and sewer service within existing service areas on the Ord Community, and that such action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the FY 2012-2013 Budget and Compensation Plan for water and wastewater services to the Ord Community.
2. The District is authorized to charge and collect rates for provision of water and wastewater services within the boundaries of the Fort Ord Reuse Authority in accordance with the rates, fees and charges set forth in Exhibit A. The District is further authorized to use the same rates, fees and charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.
3. The rates, fees and charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed.
4. The requirements of Section 6.08.070 of the District Code are waived for FY 2012-2013.

PASSED AND ADOPTED on June 12, 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. 2012-38 adopted June 12, 2012.

Jim Heitzman, Secretary

June 12, 2012

Resolution No. 2012-39
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Capacity Charge Element of the Budget
and the Ord Community Compensation Plan for FY 2012-2013

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Marina Coast Water District (“District”) staff prepared and presented the draft FY 2012-2013 Budget which includes projected revenues, expenditures and capital improvement projects for the Ord Community Water, Recycled Water and Wastewater systems, including the area within the jurisdiction of FORA and the area remaining within the jurisdiction of the U.S. Army; and,

WHEREAS, FORA is authorized by the FORA Act, particularly Government Code 67679(a)(1), to arrange for the provision of water and wastewater services to the Ord Community; and,

WHEREAS, the District and FORA, entered into a “Water/Wastewater Facilities Agreement” (“the Agreement”) on March 13, 1998, and have subsequently duly amended the Agreement; and,

WHEREAS, the Agreement provides a procedure for establishing budgets and compensation plans to provide for sufficient revenues to pay the direct and indirect, short-term and long-term costs, including capital costs, to furnish the water and wastewater facilities; and,

WHEREAS, the Agreement, as amended, provides that FORA and the District will each adopt the annual Budget and Compensation Plan by resolution; and,

WHEREAS, the proposed Budget and Compensation Plan for 2012-2013 provides for funds necessary to meet operating and capital expenses for sound operation and provision of the water, recycled water and wastewater facilities and to enable the District to provide continued water, recycled water and sewer services within the existing service areas on the former Fort Ord. The rates, fees and charges adopted by FORA apply only to the area within FORA’s jurisdictional boundaries; and,

WHEREAS, a financing study prepared by Citigroup Global Markets Inc. in 2005 for the District recommended the adoption of capacity charges as an element of financing capital facilities for water and wastewater services to the Ord Community; and,

WHEREAS, the Water/Wastewater Oversight Committee of FORA and the District full Board have reviewed the proposed Budget and Compensation Plan; and,

WHEREAS, pursuant to the Agreement, FORA and the District have adopted and implemented and acted in reliance on budgets and compensation plans for prior fiscal years; and,

WHEREAS, pursuant to the Agreement, FORA and the District have cooperated in the conveyance to the District of easements, facilities and ancillary rights for the water, recycled water and wastewater systems on the area of the former Fort Ord within FORA's jurisdiction; and,

WHEREAS, the District has provided water and wastewater services on the former Fort Ord by contract since 1997, and currently provides water and wastewater services to the area of the former Fort Ord within FORA's jurisdiction under the authority of the Agreement, and provides such services to the portion of the former Fort Ord still under the Army's jurisdiction by contract with the Army; and,

WHEREAS, capacity charges are imposed as a condition of service to customers. The charges are not imposed upon real property or upon persons as an incident of real property ownership; and,

WHEREAS, estimated revenues from the capacity charges will not exceed the estimated reasonable costs of providing the facilities and services for which the charges are imposed; and,

WHEREAS, the capacity charges have not been calculated nor developed on the basis of any parcel map, including any assessor's parcel map; and,

WHEREAS, the amount of the increase in capacity charges exceeds the percentage increase in the Implicit Price Deflator for State and Local Government Purchases, as determined by the Department of Finance. As a result, the District cannot charge the increased capacity fee to any school district, county office of education, community college district, state agency, or the University of California before first negotiating the increases with those entities in accordance with District Code section 6.16.020 and Government Code section 54999.3. Although these sections also apply to California State University at Monterey Bay, the District has complied with its obligation to negotiate with it and can charge the increased amounts to CSUMB as a result of and as limited by a Settlement Agreement and Mutual Release dated June 1, 2006, by which the District and California State University made an agreement regarding the amount of all future capacity charges. Accordingly, the District can charge the increased capacity charges as limited by the Settlement Agreement and Mutual Release immediately to CSUMB. The increased capacity charges to any other school district, state agency, county office of education, community college district or the University of California will be effective only when negotiations are concluded with those entities; and,

WHEREAS, after a public meeting and based upon staff's recommendations, the Board has determined that the capital elements of the Budget and Compensation Plan, including the capacity charges therein, should be adopted as set forth on Exhibit A to this Resolution; and,

WHEREAS, the capacity charges set forth on Exhibit A to this Resolution have not changed from those approved in the FY 2011-2012 Budget and Compensation Plan; and,

WHEREAS, Government Code Section 54999.3 requires that before imposing certain capital facilities fees on certain educational and state entities, any public agency providing public utility service must negotiate with the entities receiving the service; and,

WHEREAS, FORA is the lead agency for the adoption of rates, fees and charges for the area of the Ord Community under FORA's jurisdiction, and that in adopting rates and charges for that area, the District is acting as a responsible agency and relying on FORA's compliance with the requirements of the California Environmental Quality Act ("CEQA"); that the District has previously adopted rates, fees and charges for its jurisdictional service area; and that, in approving rates, fees and charges for the area of Ord Community within the jurisdiction of the U.S. Army, the District is acting to provide continued water and sewer service within existing service areas on the Ord Community, and that such action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the capital elements of the FY 2012-2013 Budget for water, recycled water and wastewater services to the Ord Community.
2. The capital elements of the compensation plan for the area of Ord Community within FORA's jurisdiction, including capacity charges, set forth on Exhibit A to this Resolution are hereby approved and adopted. The District is authorized to charge and collect capacity charges for provision of water and wastewater services within the boundaries of the Fort Ord Reuse Authority in accordance with the schedule set forth in Exhibit A. The District is further authorized to use the same charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.
3. The charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the charges are imposed.
4. The District will comply with the requirements of Government Code section 54999.3 before imposing a capital facilities fee (as defined in Government Code section 54999.1) on any school district, county office of education, community college district, the California State University, the University of California or state agency.

PASSED AND ADOPTED on June 12, 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. 2012-39 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: June 12, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-40 to Approve a Request for Proposals for a Five-Year Financial Plan and Rate Study

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2012-40 to approve a Request for Proposals (RFP's) for a five-year financial plan and rate study.

On February 14, 2007, the Board adopted Resolution No. 2007-17 to approve a professional services agreement with Bartle Wells Associates to prepare a five-year water, wastewater, and recycled water financial plan and rate study. The Board received the plan in May 2008 and approved the plan to be implemented beginning FY 2008-2009. FY 2012-2013 is the final year of plan, therefore, the District will need to conduct a new rate study in order to set rates and budgets for the subsequent five years.

The scope of services in the RFP will include:

- Review current rates and fees associated with water, wastewater and recycled water services and propose rates and fees that will ensure recovery of actual costs associated with the services provided.
- Review District code and other appropriate laws, as necessary.
- Review current charges including capacity charges and propose charges that will ensure recovery of actual costs associated with services provided.
- Identify new and proposed expenses including but not limited to water, wastewater and recycled water and propose rates and charges that will ensure recovery of actual costs.
- Review current debt service and five year capital improvement projects, and propose financing action plan for current status, as well as increases in future debt service from financing of capital improvement projects.
- Provide a comparison of current and proposed water and wastewater rates and capacity charges against surrounding public agency water and wastewater purveyors.
- Provide a rate model which the District can use for forecasting and planning.

The tentative schedule for the RFP process is as follows:

- June 12, 2012 – Board approves RFP for independent audit services
- July 1, 2012 – Distribute RFP's
- July 20, 2012 – Proposals due
- July 27, 2012 – Budget & Personnel Committee review proposals
- August 14, 2012 – Board selects firm and awards contract

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

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

Financial Impact: Yes No

Funding Source/Recap: Funded through FY 2012/2013 Operating Budget of the Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2012-40; and, Draft RFP for five-year financial plan and rate study.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2012-40 to approve a RFP for five-year financial plan and rate study.

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

		Board Action	
Resolution No _____	Motion By _____		Seconded By _____
Ayes _____		Abstained _____	
Noes _____		Absent _____	
Reagendized _____	Date _____		No Action Taken _____

June 12, 2012

Resolution No. 2012-40
Resolution of the Board of Directors
Marina Coast Water District
Approving a Request for Proposals
For a Five-Year Financial Plan and Rate Study

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on February 14, 2007, the Board adopted Resolution No. 2007-17 to approve a professional services agreement with Bartle Wells Associates to prepare a five-year water, wastewater, and recycled water financial plan and rate study; and,

WHEREAS, the Board received the plan in May 2008 and approved the plan to be implemented beginning FY 2008-2009; and,

WHEREAS, FY 2012-2013 is the final year of plan, therefore, the District will need to conduct a new rate study in order to set rates and budgets for the subsequent five years.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-40 to approve a request for proposals for a five-year financial plan and rate study.

PASSED AND ADOPTED on June 12, 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. 2012-40 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: June 12, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Variance Request Regarding Metering for the University Village Apartments Development and if the Variance Request is Approved Adopt Resolution No. 2012-41

Detailed Description: The Board of Directors is requested to consider and specify the disposition of a Variance Request submitted by South County Housing Corporation (South County) for their University Village Apartments development project. South County is a California non-profit public benefit corporation constructing an affordable housing element of the Dunes at Monterey Bay. Their project is located at the intersection of 9th Street and 2nd Avenue in Marina and proposes a total of ten structures (a community center and nine apartment buildings) with a total of 108 apartment units.

South County is requesting a variance to MCWD Water Code *Chapter 3.36.030.W-Metering. 2-New Construction. a.* that states “Newly constructed multifamily dwelling units, including condominiums, and detached dwelling units will be metered individually as of the effective date of the ordinance codified in this chapter.”

South County is asking permission for MCWD “master meters” for each building. South County intends to install a single central hot water boiler in each building to deliver domestic hot water and heating. This system will include a recirculation system as required by MCWD Water Code. South County claims that strict application of the Water Code (i.e. one unit – one meter) under District Standards would require substantial additional piping, thereby precluding the central boiler feature. Their complete Variance Request Form is attached.

A central hot water system for higher density multiple residential structures is problematic with the requirement for individual meters and the District Standards. Strict compliance would require two meters for each unit – one for hot water and one for the cold water. Also, District standards call for water meter installation in the utility easement or property line outside the building. Individual metering for the water from the central hot water system would require the hot water piping for each individual unit to be routed outside, through the unit hot water meter, and then back into the building to the designated apartment.

It is noteworthy, that another low income high density development in East Garrison recently started construction using a design which met District requirements using individual hot water heaters in each unit.

South County has offered a substitute in lieu of District water meters for each unit. They are willing to install South County owned and operated sub-meters for the hot and cold water piping into each apartment. They are willing to maintain, monitor, bill, and collect water billing from

each apartment unit. Implementing the sub-metering concept is proposed in order to meet the intent of the water conservation principles of the “one unit-one meter” concept that provides a cost incentive for water conservation (because all customers pay for what they use). South County proposes to pay the MCWD water bills generated by the District’s master meter for each building.

While the South County proposal meets the water conservation intent of the individual meter requirement, there are other reasons why individual meters for each apartment unit is beneficial to the District. One reason is the possibility that apartment building owner may want to renovate the structures into condominiums or some other use with divided ownership; this would be prohibited without the installation of individual meters that would involve re-plumbing the structures. Another reason is the control individual meters create for providing water service to individual units. A master meter creates the possibility that the apartment building owner default in payment to the District could threaten water service to its tenants.

To overcome concerns, South County proposes to enter into an Agreement with MCWD. In the past, other local jurisdictions have employed this method for allowing the “master meter” concept for developments and the MCWD Water Code (*Chapters 3.08.020 Special contracts and 3.08.030 Special information*) includes the general ability to enter into a contract to provide service when circumstances and conditions dictate. Staff consulted with the applicant and agreed that executing such an Agreement within 60-days of the adoption of the Resolution (assuming approval of the Variance Request) would provide sufficient time to execute an Agreement.

The Agreement would be recorded with Monterey County and should contain specific provisions that, at a minimum, include:

- The District will own and operate a single meter for each structure requiring water service and will bill South County for the water passing through each of the meters. The single “master meter” will be located and constructed per MCWD standards. The District’s responsibility for the development’s water system will end at the immediate downstream side of the “master meters.”
- South County will sub-meter the hot and cold water pipelines that serve each individual apartment unit in each of the structures. These sub-meters will be owned and operated by South County and will be maintained and calibrated by them through procedures consistent with those established by Monterey County Office of the Agricultural Commissioner - Weights and Measures.
- South County will charge individual units’ occupants for actual water used, based on their pro rata share of the MCWD water bill associated with each structure.
- South County will submit an annual letter report to MCWD tabulating the monthly water use by building and apartment unit, demonstrating that occupants were billed for actual water use and that no additional costs were placed on the customers. The annual letter report will also demonstrate that the sub-meters were adequately maintained over the course of the year.
- South County and MCWD will cause this Agreement to be recorded with Monterey County. This Agreement will include covenants that run with the land. The covenants will prevent the property from being converted to some other divided ownership land-use unless the subsequent owners recognize that the structures’ water supply facilities will be required to comply with all MCWD Water Code provisions in effect at that time. Additionally, the Agreement will require that the subsequent owners hold MCWD harmless from any liability associated with their meeting these provisions or their transactions.

The Board of Directors may approve variances from the requirements of the MCWD Water Code only if the Board makes three affirmative findings as follows:

1. The strict application of the code would result in unfair or unequal treatment, undue hardship or an emergency condition exists which requires that the variance be granted; and,
2. Granting the variance will not cause a significant adverse affect on the water supply or on service to other persons served by the District; and
3. The variance is in the best interests of the District.

With the information and propositions provided, staff does not recommend approving the Variance Request. The staff does not find undue hardship or unfair/unequal treatment based on the information submitted because the argument appears to rely on the unstated but evident fact that the construction will cost more than if the Water Code requirements were met; this is not compelling evidence for undue hardship. Additionally, the applicant fails to observe that the alternative to a central hot water system – that of using individual unit hot water heaters – is reasonably feasible. A Variance allowed on the basis of cost only will not be in the best interest of the District because allowing this Request will engender other projects demanding equal treatment in order to lower their project costs.

However, it is seen that the MCWD Water Code does make an otherwise reasonable piece of equipment (i.e. central hot water boilers) untenable and potentially is preventing a much-in-demand service from developing within MCWD's jurisdiction.

If the MCWD Board agrees with the staff recommendation, no further action beyond denying the Variance Request is needed. This can be done by making and passing a motion with a majority vote of the Board denying the Variance Request; a Resolution for denial is not required. If the Board wants to approve the Variance Request, staff recommends conditioning the approval with the above-described Agreement within the recommended timeline and then approving the included Resolution with the findings specified by the motion of the Board. The three affirmative findings in the Resolution could be made as follows:

- Finding 1 may be made because the MCWD Water Code creates an undue hardship by preventing the use of central hot water boilers which will prevent the establishment of a service to the community in the form of an affordable housing project.
- Finding 2 may be made because an Agreement will be executed that requires sub-metering of each unit which meets the intent of the water conservation elements of the Water Code requirements. The Agreement further requires South County to charge individual units' occupants for actual water used, based on their pro rata share of the MCWD water bill associated with each structure.
- Finding 3 may be made because an Agreement will be executed that protects future customers and minimizes MCWD liability by placing recorded covenants on the property that run with the land and because it is in the best interest of MCWD to establish a service in the form of an affordable housing project within the community.

District staff is aware of one other development that would like to employ a central hot water boiler and has received another Variance Request making very similar arguments as South County. Staff also notes that an Agreement of the nature described above can be crafted as a template and then employed with future Variance Requests that seek to use central hot water boilers in the project.

Environmental Review Compliance: None required.

Prior Committee or Board Action: This Variance Request is technically a stand-alone request so no prior Board action has taken place; however, South County did make a similar request in 2007 so in the interest of transparency and for the ability to obtain a historical perspective, the results of the 2007 Variance Request are noted here. On June 27, 2007, the Board considered a Variance Request from this applicant and rendered a split decision with one Director absent. A Director requested that the item be brought back to the Board for reconsideration with a full Board. The item was returned on October 10, 2007 but the applicant was not present and the item was not acted upon and was not carried forward.

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 ___X___No

Funding Source/Recap: Not applicable.

Material Included for Information/Consideration: Resolution No. 2012-41.

Staff Recommendation: The Board of Directors deny the Variance Request or adopt Resolution No. 2012-41 granting a variance from MCWD Water Code *Chapter 3.36.030.W. Metering.*

Action Required: ___X___ Resolution (Acceptance) ___X___ Motion (Denial)
(Roll call vote is required.)

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012-41
Resolution of the Board of Directors
Marina Coast Water District
Approving a Variance Request Regarding
Metering for the University Village Apartments Development

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, South County Housing Corporation is a California non-profit public benefit corporation constructing an affordable housing element of the Dunes at Monterey Bay located at the intersection of 9th Street and 2nd Avenue in Marina, CA and proposes a total of ten structures (a community center and nine apartment buildings) with a total of 108 apartment units; and,

WHEREAS, South County Housing Corporation has requested a variance to MCWD Water Code *Chapter 3.36.030.W.2.a*, requiring that all new multifamily dwelling units be individually metered, so that they may install a single central hot water boiler in each building; and,

WHEREAS, South County Housing Corporation claims that strict application of the MCWD Water Code would preclude the installation of central hot water heaters in the project, which would then increase overall construction costs; and,

WHEREAS, South County Housing Corporation proposes to install one District-owned “master meter” per building and private sub-meters on the hot and cold water pipes serving each apartment unit and will pass through the cost of water to their tenants on a pro-rata basis; and,

WHEREAS, South County Housing Corporation proposes to execute within 60-days of the adoption of this Resolution an Agreement that will include, among other topics recorded in the Agenda Transmittal, recording a covenant that runs with the land that prevents future divided ownership land-use unless the subsequent owners recognize that the structures’ water supply facilities will be required to comply with all MCWD Water Code provisions in effect at that time and the subsequent owners hold MCWD harmless from any liability associated with their meeting these provisions or their transactions.

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

A. The strict application of the code in this case would result in unfair or unequal treatment, undue hardship or an emergency condition exists because _____

_____ ; and

B. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because _____

_____; and,

C. The variance is in the best interests of the District because _____

BE IT FURTHER RESOLVED that the Board of Directors authorizes a variance be granted to South County Housing Corporation from the requirements of MCWD Water Code *Chapter 3.36.030.W.2.a*, for their project at the intersection of 9th Street and 2nd Avenue in Marina, CA, subject to the condition that they execute an Agreement with MCWD within 60-days of the adoption of this Resolution with at least, but not limited to, the provisions described in the Agenda Transmittal (Attachment A) and subject to acceptance of the Agreement form and content by District Counsel, and that the General Manager and/or the Deputy General Manager/District Engineer is hereby authorized to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on June 12, 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. 2012-41 adopted June 12, 2012.

Jim Heitzman, Secretary

The Agreement would be recorded with Monterey County and should contain specific provisions that, at a minimum, include:

- The District will own and operate a single meter for each structure requiring water service and will bill South County for the water passing through each of the meters. The single “master meter” will be located and constructed per MCWD standards. The District’s responsibility for the development’s water system will end at the immediate downstream side of the “master meters.”
- South County will sub-meter the hot and cold water pipelines that serve each individual apartment unit in each of the structures. These sub-meters will be owned and operated by South County and will be maintained and calibrated by them through procedures consistent with those established by Monterey County Office of the Agricultural Commissioner - Weights and Measures.
- South County will charge individual units’ occupants for actual water used, based on their pro rata share of the MCWD water bill associated with each structure.
- South County will submit an annual letter report to MCWD tabulating the monthly water use by building and apartment unit, demonstrating that occupants were billed for actual water use and that no additional costs were placed on the customers. The annual letter report will also demonstrate that the sub-meters were adequately maintained over the course of the year.
- South County and MCWD will cause this Agreement to be recorded with Monterey County. This Agreement will include covenants that run with the land. The covenants will prevent the property from being converted to some other divided ownership land-use unless the subsequent owners recognize that the structures’ water supply facilities will be required to comply with all MCWD Water Code provisions in effect at that time. Additionally, the Agreement will require that the subsequent owners hold MCWD harmless from any liability associated with their meeting these provisions or their transactions.

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: June 12, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution 2012-42 to Initiate CEQA Studies and LAFCO Application for the Annexation of CEMEX Property into the Marina Coast Water District

Detailed Description: The Board of Directors is requested to authorize initiating CEQA studies and application preparation for the annexation of the CEMEX property (formerly known as RMC Lonestar property) into the District boundaries.

Seawater intrusion has affected groundwater wells in the North Monterey County coastal area, including the CEMEX property, creating the need to import water. In March 1996, an agreement between the Monterey County Water Resource Agency (MCWRA), the City of Marina, and the District provided a solution for this water supply problem for the CEMEX and Armstrong Ranch properties. The agreement provides for CEMEX to be eligible to receive water from the Salinas Valley water basin in joining the MCWRA Zone 2 and 2A benefit assessment zone. The agreement would be effective upon the CEMEX property annexation into the District.

Annexation of the CEMEX property into the District will require approval of the Local Agency Formation Commission of Monterey County (LAFCO). The LAFCO application must be accompanied by an approved or certified CEQA document.

Environmental Review Compliance: This action initiates the environmental review for the future CEMEX annexation into the District.

Prior Committee or Board Action: Approval of "Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands" March 1996 between Marina Coast Water District, Monterey County Water Resources Agency and the City of Marina.

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

Financial Impact: ___X___ Yes _____ No

Funding Source/Recap: Funding for this effort will come from the FY 2012/2013 Engineering Department budget for Engineering Consultants. The FY 2012/2013 budget is scheduled to be approved at the June 12, 2012 Board meeting.

Material Included for Information/Consideration: Resolution No. 2012-42.

Staff Recommendation: The Board of Directors is requested to Initiate CEQA Studies for the Annexation of the Ord Community into the Marina Coast Water District.

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

Board Action

Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

June 12, 2012

Resolution No. 2012-42
Resolution of the Board of Directors
Marina Coast Water District
Initiating CEQA Studies for the Annexation of the
CEMEX Property into the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, seawater intrusion into the groundwater has impacted the CEMEX (formerly RMC Lonestar) property water supply; and,

WHEREAS, an agreement between Monterey County Water Resources, the City of Marina, and the District in March 1996, entitled the “Annexation Agreement and Groundwater Mitigation Framework For Marina Area Lands”, called for District annexation of the CEMEX property to enable the inclusion of the CEMEX property into the Monterey County benefit assessment Zones 2 and 2A and associated access to the Salinas Valley water supply; and,

WHEREAS, a Negative Declaration may be required under the California Environmental Quality Act (CEQA) for the annexation action.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the initial studies under the California Environmental Quality Act and LAFCO application preparation required for submittal of a LAFCO application for annexation of the CEMEX property.

PASSED AND ADOPTED on June 12, 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. 2012-42 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-F

Meeting Date: June 12, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution 2012-43 to Authorize a Professional Services Agreement with Denise Duffy & Associates for Environmental Services Related to the CEQA Studies and LAFCO Application for the Annexation of CEMEX Property into the Marina Coast Water District

Detailed Description: The Board of Directors is requested to authorize a Professional Services Agreement with Denise Duffy & Associates for Environmental Services Related to the CEQA Studies and LAFCO Application for the Annexation of CEMEX Property initiating CEQA studies and application preparation for the annexation of the CEMEX property (formerly known as RMC Lonestar property) into the District boundaries.

Denise Duffy & Associates has proposed a scope for completion of the CEQA process and preparation of a draft LAFCO application. The work assumes that the CEQA process would include preparation of a draft initial study/negative declaration document, response to comments, final initial study/negative declaration, the LAFCO application, and other project support services. The estimated fee for their services, including a 10% contingency, is \$68,000.

Denise Duffy & Associates has extensive knowledge of the District, having provided CEQA services for the Districts' Capital Improvement Projects and Master Plans, Armstrong and Ord Community Annexations, the Regional Urban Water Augmentation Program, and the District annexation of the Marina Station specific plan area.

Environmental Review Compliance: This action facilitates the environmental review for the future CEMEX Annexation.

Prior Committee or Related Board Action: Resolution No. 2012-43 to Initiate CEQA Studies and LAFCO Application for the Annexation of CEMEX Property into the Marina Coast Water District June 12, 2012.

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: Funding for this effort will come from the FY 2012/2013 Engineering Department budget for Engineering Consultants. The FY 2012/2013 budget is scheduled to be approved at the June 12, 2012, Board meeting.

Material Included for Information/Consideration: Resolution No. 2012-43.

Staff Recommendation: The Board of Directors is requested to Authorize the General Manager and/or Deputy General Manager/District Engineer to execute a Professional Services Agreement with Denise Duffy & Associates for environmental services for the CEMEX annexation, the total dollar amount not-to-exceed \$68,000.

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

Board Action

Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

June 12, 2012

Resolution No. 2012-43
Resolution of the Board of Directors
Marina Coast Water District

Authorize a Professional Services Agreement with Denise Duffy & Associates
for Environmental Services Related to the CEQA Studies and
LAFCO Application for the Annexation of CEMEX Property
into the Marina Coast Water District
For a Not-to-exceed amount of \$68,000

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, an agreement between Monterey County Water Resources, the City of Marina, and the District in March 1996, entitled the “Annexation Agreement and Groundwater Mitigation Framework For Marina Area Lands”, called for District annexation of the CEMEX property to enable the inclusion of the CEMEX property into the Monterey County benefit assessment Zones 2 and 2A and associated access to the Salinas Valley water supply; and,

WHEREAS, a Negative Declaration may be required under the California Environmental Quality Act (CEQA) for the annexation action; and,

WHEREAS, Denise Duffy & Associates has proposed a scope for completion of the environmental and planning services for the CEMEX annexation and staff has found their proposal reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to execute a Professional Services Agreement with Denise Duffy & Associates for environmental services for the annexation, the total dollar amount not-to-exceed \$68,000.

PASSED AND ADOPTED on June 12, 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. 2012-43 adopted June 12, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-G

Meeting Date: June 12, 2012

Prepared By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-44 to Approve a Professional Services Agreement for Wastewater Engineering Services with Wood Rogers for Design of the Reservation Road Siphon Remediation Project

Detailed Description: The Board of Directors is requested to authorize a Professional Services Agreement (PSA) for Wastewater Engineering Services with Wood Rogers for design of the Reservation Road Siphon Remediation Project. The basis for the design is based on analysis done by Wood Rodgers, a summary of which is contained in this report.

The District has a reverse siphon which begins at the District Beach Office near the old wastewater treatment plant, runs through the State Beach Parking Lot, down Reservation Road, up the slope in-between the Highway 1 Northbound off-ramp and the Motel 6 (near Cardoza Ave.) and discharges into the manhole at the top of Seaside Court. This siphon is fed by Lift Station #2 (Dunes Ave.).

District's Operations staff observed that the siphon appears to be having operational issues; namely, the operation of the pumps from Lift Station #2 had to be adjusted from their normal operation start/stop frequency and duration to avoid surcharging a manhole at the beginning of the siphon. This surcharging was thought to be a symptom of a restriction or partial blockage of the siphon's flow resulting in a decreased capacity. It also has been a concern of the Operations staff that there appears to be no way to effectively maintain the siphon. As a result of these two issues, District staff recommended, and the Board approved, a professional services contract with Wood Rodgers to perform an analysis of the siphon and to offer recommendations.

Wood Rodgers, assisted by District staff, performed a field review and pump test to assess the performance and condition of the system (L.S. #2 and siphon). Based on the field review, pump test and flow test; the maximum conveyance capacity of the siphon in good condition is 650 gallons per minute (gpm), the actual capacity of siphon is approximately 500 gpm and the pumping capacity of Lift Station #2 is approximately 708 gpm with one pump and 900 gpm with both pumps running.

Conclusions: The current condition of the siphon pipeline appears to be restricting capacity below the maximum capacity and regardless of performance; the siphon is undersized for the lift station feeding it.

Wood Rodgers, in discussion with District staff, offered several approaches to either improve maintenance and continue operating the siphon or replace the siphon altogether. The first approach discussed was to pig the siphon pipeline. District staff, prior to hiring Wood Rodgers, had made inquiries to Green Line, Tap Master, Don Chapin, Monterey Peninsula Engineers,

Sanco and Ed Waggoner to discuss the possibility of pigging the siphon to try to improve capacity and continue operating the siphon. Pigging is taking a foam, plastic, or steel “bullet” and sending it through the sewer pipes under pressure in order to scour and clean the pipeline. Not one of the companies or persons contacted thought it was a good idea to try to pig the siphon due to the lack of redundancy, the number of bends, and the 12” to 8” reducer within the pipeline. The nature of the siphon pipeline also does not lend itself to have an adequate launching or receiving station for pigging. Additionally, it was unknown whether or not the already accumulated grit in the siphon pipeline would build up in front of the pig and cause blockage.

Replacement or modification of the siphon with a higher capacity more maintainable pipe was considered. This would include either replacing the entire siphon pipe or replacing a portion of the pipe which would modify the siphon to allow greater capacity. In addition to this work, maintenance features such as pig ports could be added to improve the District’s ability to maintain the performance of the siphon. This alternative would allow the District to provide better maintenance for the siphon. The District would still have a 2,500 ft. siphon with no redundancy in the event of blockage or a line break and system improvements would be necessary if/when the Armstrong Ranch Development commences.

Review of the 2005 Sanitary Sewer Master Plan identified a new lift station east of Highway 1 at Gloria Jean Tate Park maintaining the current discharge at Seaside Court. This lift station was planned as an upgrade to this portion of the system in order to accommodate the Armstrong Ranch flows. This alternative would require either a smaller design initially with upgrades once the Armstrong Ranch Development commences or a design which would be oversized in anticipation of the Armstrong Ranch Development. The costs associated with each design would be significant compared to any of the alternatives. Wood Rodgers analysis points out a need to continue operating Lift Station #2 to accommodate flows from Dunes Drive or finding another solution to conveying wastewater from the west side of Highway 1 to the new lift station.

Construction of a new force main from Lift Station #2 to Seaside Court could replace the siphon while not requiring construction of a completely new lift station. This would include abandoning the siphon and replacing it with a force main from Lift Station #2, down Dunes Drive and Reservation Road, directly to the Seaside Court discharge point. This would also eliminate the force main currently conveying wastewater from Lift Station #2 to the old wastewater treatment plant and greatly reduce the potential for spills in the nearby vernal pond. This solution would include an alternate route for the wastewater conveyance from the MCWD District Office and the State Parks buildings. System improvements would be necessary if/when the Armstrong Ranch Development commences.

District staff has reviewed all of the various alternatives discussed in the Technical Memorandum and after internal discussions with Engineering and Operations, District staff has determined that the best solution for the Reservation Road Siphon performance issues is to construct a new force main from Lift Station #2 to Seaside Court and construct an alternate route for the District’s Beach Office and the State Parks Facilities sewer conveyance.

If the Board of Directors agrees with staff’s recommendation to move forward with constructing a new force main, staff asks for the Board to consider awarding a professional services contract for design of the project.

Wood Rodgers was one of four previously qualified water and wastewater consultants selected to provide proposals for the Reservation Road Siphon Remediation Project. After review of the proposals Wood Rodgers was selected to perform both the technical analysis and design for the Reservation Road Siphon Remediation Project. This scope of work was separated in order for staff to evaluate the problem and determine the solution prior to contracting the design work. Staff recommends an award of a professional services contract to Wood Rodgers for design of the Reservation Road Siphon Remediation Project. The engineering design services will be performed on a time and material basis with a not-to-exceed amount of \$120,000.

Environmental Review Compliance: The project scope represents a Statutory Exemption per California Public Resource Code Division 13 (CEQA), Section 21080.21 and CEQA Guidelines Section 15282(k). This exemption applies to any project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.

Prior Committee or Board Action: Resolution No. 2011-93 the Board approved a professional services contract with Wood Rodgers on December 13, 2011.

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: Yes No

Funding Source/Recap: Funding for this CIP MS-0206 Reservation Road Siphon Maintenance will be from the Marina Sewer Reserves.

Material Included for Information/Consideration: Resolution No. 2012-44; and, Plan view of the Reservation Road Sewer Siphon.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2012-44 to approve a Professional Services Agreement for Wastewater Engineering Services with Wood Rogers, Inc. for the Design of the Reservation Road Siphon Remediation Project performed per Wood Rogers rate sheet Not-to-Exceed amount \$120,000.

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

June 12, 2012

Resolution No. 2012 - 44
Resolution of the Board of Directors
Marina Coast Water District

Approving a Professional Services Agreement for Wastewater Engineering Services with
Wood Rogers for Design of the Reservation Road Siphon Remediation Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District desires to resolve the current Reservation Road siphon operational issues which will enable the District to provide more efficient and reliable service to its customers; and,

WHEREAS, MCWD staff conducted the professional selection process and determined Wood Rogers to be the most qualified, local firm to provide Wastewater Engineering Services for the Reservation Road Siphon Remediation Project; and,

WHEREAS, an analysis of the Reservation Road siphon was performed and it was determined that due to system performance and operational issues it is in the best interest of the District to replace the siphon with a more reliable, consistent, and efficient conveyance method;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-44 to approve a Professional Services Agreement for Wastewater Engineering Services with Wood Rogers for the Design of the Reservation Road Siphon Remediation Project. The engineering services will be performed on a time and materials basis, not-to-exceed \$120,000.

PASSED AND ADOPTED on June 12, 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

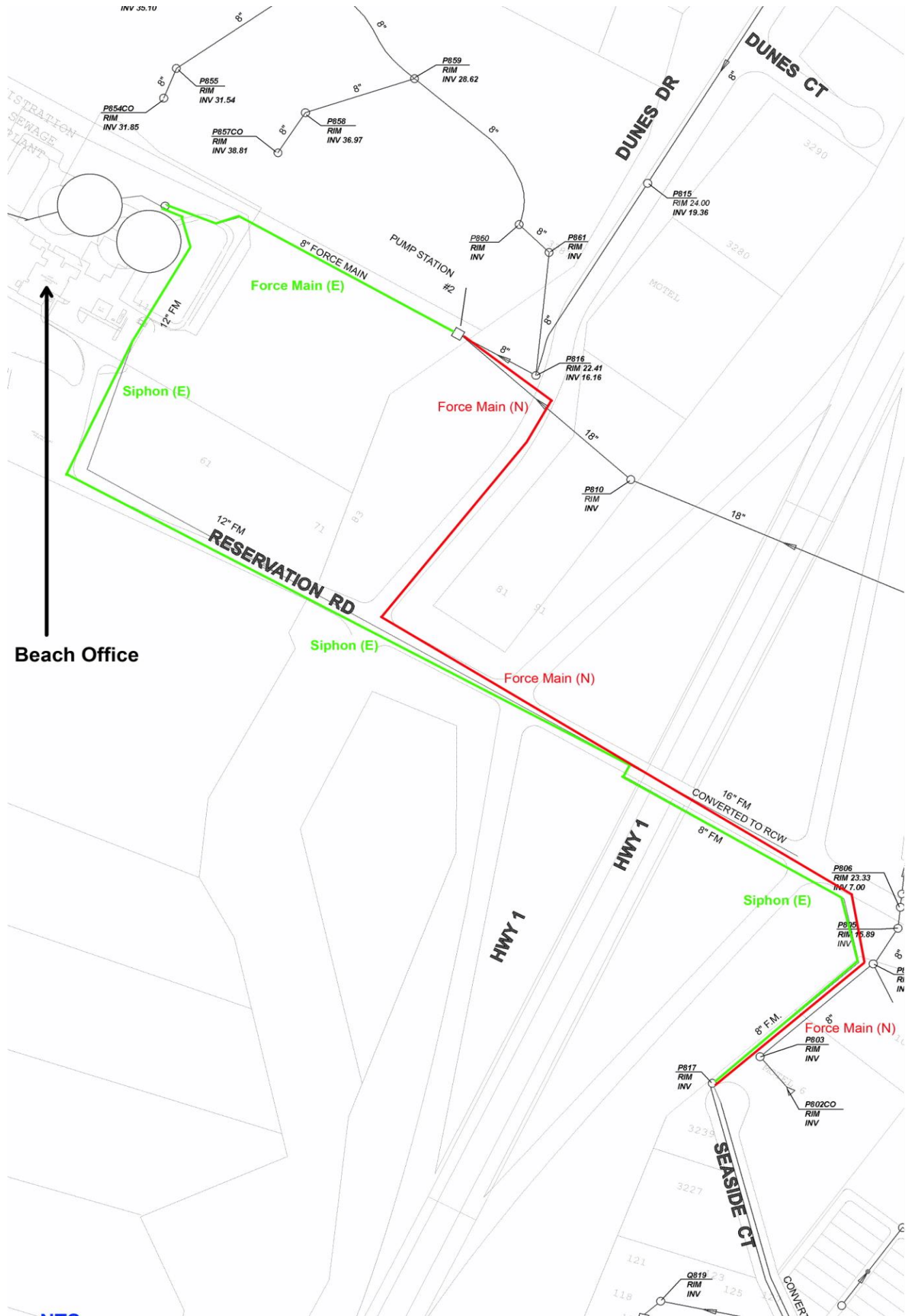
ATTEST:

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. 2012-44 adopted June 12, 2012.

Jim Heitzman, Secretary



Beach Office



Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-H

Meeting Date: June 12, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-45 to Amend the MCWD Board Procedures Manual Regarding US Army and CSUMB Positions on the Water Conservation Commission

Detailed Description: The Board of Directors is requested to approve amending the MCWD Board Procedures Manual specifying the disposition of the US Army and CSUMB positions on the Water Conservation Commission (WCC). The Board directed staff at the March 13, 2012 Board Meeting to generate an item for Board action eliminating the US Army and CSUMB positions on the Commission.

The WCC discussed this topic at their meeting held May 3, 2012. The Water Conservation Commissioners expressed the desire to maintain both positions but focus on filling the positions with people from the broad educational community. They indicated that such eligibility for a Commissioner from the educational community include students, faculty, and school staff members, as long as they reside within MCWD's service area.

MCWD staff met with CSUMB representatives in May and discussed this matter. At that time, CSUMB expressed tentative desire to maintain some representation on the Commission but were undecided as to what level within their CSUMB community they would like to maintain that representation.

The US Army provided clear communication of their position on this matter in their January 30, 2012 e-mail to MCWD staff, expressly stating that "it does not seem necessary to keep us as standing members of the Commission."

There are several alternative courses of action the MCWD Board of Directors might choose. Among those are:

- Option 1) Eliminate the CSUMB and Army positions entirely from the WCC; reducing the number of Commissioners to seven (from nine).
- Option 2) Eliminate just the requirement that the positions be filled with CSUMB and Army representatives but make the positions available to any member of the public residing within MCWD's service area; leaving the total number of Commissioners at nine.

- Option 3) Eliminate just the requirement that the positions be filled with CSUMB and Army representatives but make the positions available to a member of the educational community or some other characteristic specified by the Board; thus, leaving the total number of Commissioners at nine.
- Option 4) Eliminate the Army position but maintain the CSUMB position and allow CSUMB to fill the position with whoever they choose from their CSUMB community; reducing the total number of Commissioners to eight.
- Option 5) Other option as decided by the Board of Directors.

Whatever the Board chooses, the direction will be entered into the Resolution and the Board Procedures Manual. Included with this transmittal is an excerpt from the MCWD Board Procedures Manual regarding the Water Conservation Commission.

As currently constituted, the roster of WCC positions is:

Board of Directors Member (1):	Jan Shriner, Dan Burns (alternate)
City of Marina Council Member (1):	Jim Ford
Public Members (5):	Dan Amedeo Ruth Krotzer Harold Krotzer Carroll Meuse Tom Jennings
CSUMB Member (1)	Vacant
Army Member (1):	Vacant

Environmental Review Compliance: None required.

Prior Committee or Board Action: None

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 ___X___ No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2012-45; Excerpt from the MCWD Board Procedures Manual.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-45 to modify the positions on the Water Conservation Commission by amending the MCWD Board Procedures Manual.

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

Board Action

_____ Resolution No _____	Motion By _____	Seconded By _____
Ayes _____	Abstained _____	
Noes _____	Absent _____	
Reagendized _____	Date _____	No Action Taken _____

June 12, 2012

Resolution No. 2012-45
Resolution of the Board of Directors
Marina Coast Water District
Amending the MCWD Board Procedures Manual
Regarding US Army and CSUMB Positions
on the Water Conservation Commission

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on June 12, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District Board of Directors directed staff to eliminate the US Army and CSUMB Commissioner positions from the Water Conservation Commission at the March 13, 2012 Board Meeting; and,

WHEREAS, the District staff consulted and met with interested parties to form alternatives for action on the topic; and,

WHEREAS, the District Board selected Option ____) _____; and,

WHEREAS, the MCWD Board Procedures Manual will be amended consistent with this Resolution and the specified changes will be reflected in a modification to the attached excerpt from the Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby select Option __) and approve the specified amendment to the Board Procedures Manual and the Water Conservation Commission regarding the US Army and CSUMB representative positions.

PASSED AND ADOPTED on June 12, 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. 2012-45 adopted June 12, 2012.

Jim Heitzman, Secretary

Excerpt from the current Marina Coast Water District
Board Procedures Manual

(Adopted September 13, 2011)

(1). Water Conservation Commission: The Board will select a Director and an alternate Director to serve on the Water Conservation Commission. There shall be one (1) voting position on the Commission for a member of the City Council of the City of Marina, one (1) representative from the US Army, and one (1) member from CSUMB. The Board will appoint five (5) members of the public from within the area served by the District, for terms of two years. The members of the Water Conservation Commission shall have the duties and responsibilities to:

(a) review ordinances and policies and recommend changes to the Board in matters of water usage by the customers of the District;

(b) review and make recommendations to the Board concerning refinements/adjustments to the water conservation program, including community education;

(c) review and make recommendations to the Board on customer appeals to the District's Water Shortage Contingency Plan, Conservation Ordinance, and conservation provisions of the District Code;

(d) review and make recommendations to the Board on equipment and technologies that promote water conservation;

(e) make recommendations to the Board for actions to inform the public about the District's actions and activities; and,

(f) work with the District staff to produce and distribute a periodic newsletter to the public served by the District.