



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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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, July 10, 2012, 6:00 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, July 5, 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 August 14, 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 Section 54957
Public Employee Employment
Title: In-House Legal Counsel
- E. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association
- F. 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. 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. Receive Compensation and Classification Study Update and Accept List of Recommended Comparator Agencies
- B. Approve the Expenditures for the Month of June 2012
- C. Approve the Draft Minutes of the Regular Board Meeting of May 8, 2012
- D. Approve the Draft Minutes of the Regular Board Meeting of June 12, 2012

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

- A. Consider Adoption of Resolution 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.

- B. Consider Adoption of Resolution No. 2012-46 to Approve the District Procurement Policy

Action: The Board of Directors will consider approving a Procurement Policy for the District.

- C. Consider Adoption of Resolution No. 2012-47 to Approve FY 2012-2013 Blanket Purchase Orders over \$25,000

Action: The Board of Directors will consider approving blanket purchase orders for FY 2012-2013 for over \$25,000.

- D. Consider Adoption of Resolution No. 2012-48 to Approve a 3-Year Contract for Annual Audit Services to the District

Action: The Board of Directors will consider approving a 3-year contract for annual audit services to the District.

- E. Consider Variance Request Regarding Metering for the Conversion from Motel Units to Apartment Units at 420 Reservation Road

Action: The Board of Directors will consider a variance request made by Mike Tate for metering at 420 Reservation Road.

- F. Consider Adoption of Resolution No. 2012-49 to Approve a Professional Services Agreement with Denise Duffy and Associates for Environmental Scoping Services for the Regional Urban Water Augmentation Program Water Supply Alternatives

Action: The Board of Directors will consider approving a Professional Services Agreement with Denise Duffy and Associates for Environmental Scoping Services for the Regional Urban Water Augmentation Program Water Supply Alternatives.

- G. Consider Providing Direction to the Board President on Nomination to the LAFCO Independent Special District Alternate Seat

Action: The Independent Special District alternate seat at LAFCO is up for election. The Board of Directors is requested to provide direction to the Board President on nomination to the LAFCO seat. The deadline for returning the ballot is August 15, 2012.

9. 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 |

10. Director's Comments

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

*Regular Meeting: Tuesday, August 14, 2012, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7

Meeting Date: July 10, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Receive Compensation and Classification Study Update and Accept List of Recommended Comparator Agencies
- B) Approve the Expenditures for the Month of June 2012
- C) Approve the Draft Minutes of the Regular Board Meeting of May 8, 2012
- D) Approve the Draft Minutes of the Regular Board Meeting of June 12, 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: 7-A

Meeting Date: July 10, 2012

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Subject: Compensation and Classification Study Update and Accept List of Recommended Comparator Agencies

Detailed Description: At a Special Board meeting held April 18, 2012, the Board voted to retain the professional services of Koff and Associates to conduct a total compensation and classification study for the District.

The study began on May 3, 2012, with Project Manager Georg Krammer conducting a presentation which detailed the process for all employees. Each employee was provided Position Description Questionnaires (PDQ's) requesting in-depth information regarding job duties, knowledge, skills and abilities for their respective positions. Completion of the PDQ's is the first step in the process to ensure appropriate classifications and updated job descriptions. Currently, the consultant is drafting modifications to job descriptions and classifications as they deem necessary.

Moving to the next phase of the study, the Project Manager has developed a list of recommended comparator agencies (see attached). In considering the selected agencies for salary comparison purposes, the following factors were considered:

Organizational type and structure – normally districts/agencies of a similar size and who provide similar services to that of MCWD are recommended as comparators. When it comes to the more technical types of classes, such as those specializing in accounting, operations, and/or maintenance, the size of the organization is not as critical as these classes perform fairly similar work.

Similarity of population, District staff and operational and capital improvement budgets – these elements provide guidelines in relation to resources required (staffing and funding) and available for the provision of District services.

Scope of services provided – organizations providing the same services are ideal for comparators and most comparator agencies recommended provide similar services to MCWD.

Labor market – in the reality that is today's labor market, many districts are in competition for the same pool of qualified employees. No longer do individuals necessarily live in the community they serve.

Compensation philosophy – many agencies pay to the median, some pay to the average, others pay to a higher percentile.

The list of comparator agencies was reviewed by senior staff, the Marina Coast Water District Employees Association, and the Teamsters Local 890 for the total compensation portion of the study. The Budget and Personnel Committee, on June 22, 2012, moved to forward the list of agencies to the full Board.

Environmental Review Compliance: None.

Prior Committee or Board Action: On June 22, 2012, the Budget and Personnel Committee moved to forward the list of comparator agencies to the full Board for acceptance.

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

Financial Impact: _____Yes __X__No

Funding Source/Recap: N/A

Material Included for Information/Consideration: List of Comparator Agencies.

Staff Recommendation: The Board of Directors accept the Koff and Associates list of comparator agencies.

Action Required: _____Resolution __X__Motion _____Review

Board Action

Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-B

Meeting Date: July 10, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Jim Heitzman

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

Detailed Description: The Board of Directors is requested to approve the attached June 2012 check register for expenditures totaling \$937,824.23.

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: June 2012 Summary Check Register.

Staff Recommendation: The Board of Directors approve the June 2012 expenditures totaling \$937,824.23.

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

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-C

Meeting Date: July 10, 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: At the June 12, 2012 Board meeting Director Nishi asked for some clarification to the minutes and that they be brought back for consideration in July.

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: 7-D

Meeting Date: July 10, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of June 12, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of June 12, 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 June 12, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the June 12, 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: 8-A

Meeting Date: July 10, 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 slated for presentation to FORA Board for approval but was tabled to FORA's next regular Board meeting. The Ord Community budget will be presented to the FORA Board on July 13, 2012 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_____

July 10, 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 July 10, 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, 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 July 10, 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 July 10, 2012.

Jim Heitzman, Secretary

July 10, 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 July 10, 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 July 10, 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 July 10, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: July 10, 2012

Prepared By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-46 to Approve the District Procurement Policy

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2012-46 to approve the District Procurement Policy (Policy). The District currently has policies in place that address specific types of procurement such as the Consultant Procurement Policy and the Vehicle Purchase/Replacement Policy. A need has been identified for a comprehensive procurement policy.

This Policy applies to all procurement actions of the District, regardless of the type of procurement or the source of funds. However, nothing in this Policy shall prevent MCWD from complying with the terms and conditions of any funding grant, contract, gift or bequest that is otherwise consistent with the law.

The Budget and Personnel Committee has reviewed and updated the Policy where appropriate and recommends approval by the Board.

Environmental Review Compliance: None required.

Prior Committee or Board Action: March 26, 2003, Board adopted Resolution No. 2003-16 to approve the Consultant Procurement Policy and Procedures; October 14, 2008, Board adopted Resolution No. 2008-43 to approve Vehicle Purchase/Replacement Policy; June 22, 2012 Budget & Personnel Committee reviewed the Proposed District Procurement Policy for recommendation for Board approval at the July 10, 2012 Board meeting.

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

Financial Impact: ___ Yes ___ X No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2012-46; Proposed District Procurement Policy

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-46 to approve a District Procurement Policy.

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 _____

July 10, 2012

Resolution No. 2012-46
Resolution of the Board of Directors
Marina Coast Water District
Approving a District Procurement Policy

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 10, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District currently has policies in place that address specific types of procurement; and,

WHEREAS, a need has been identified for a comprehensive procurement policy; and,

WHEREAS, the Budget and Personnel Committee has reviewed and updated the Policy and recommends approval by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-46 to approve the District Procurement Policy (Attachment A).

PASSED AND ADOPTED on July 10, 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. 2012-46 adopted July 10, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: July 10, 2012

Prepared By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-47 to Approve FY 2012-2013 Blanket Purchase Orders over \$25,000

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2012-47 to approve FY 2012-2013 Blanket Purchase Orders over \$25,000. According to the District's Procurement Policy (Policy), blanket purchase orders may be used to purchase regularly-used goods or services from the same vendor on an "as needed" basis over a period of one year or less, when numerous shipments are required for standard materials and supplies, or when a volume commitment will provide favorable pricing to the District.

The attached list of blanket orders details justification for each order, in compliance with the Policy.

Environmental Review Compliance: None required.

Prior Committee or Board Action: June 12, 2012, Board adopted Resolution No. 2012-37 to approve the Central Marina portion of the budget for FY 2012-2013; July 10, 2012, Board adopted Resolution Nos. 2012-38 and 39 to approve the Ord Community portion of the budget for FY 2012-2013; June 22, 2012 Budget & Personnel Committee reviewed the Proposed District Procurement Policy for recommendation for Board approval at the July 10, 2012 Board meeting; July 10, 2012 Board adopted Resolution No. 2012-46 to approve the District Procurement Policy.

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 District approved FY 2012-2013 Budget for both Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2012-47; and, Listing of FY 2012-2013 Blanket Purchase Orders over \$25,000.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-47 to approve FY2012-2013 Blanket Purchase Orders over \$25,000.

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

Board Action

Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

July 10, 2012

Resolution No. 2012-47
Resolution of the Board of Directors
Marina Coast Water District
Approving FY 2012-2013 Blanket Purchase Orders over \$25,000

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 10, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, for the District has a comprehensive Procurement Policy (Policy); and,

WHEREAS, the Policy includes the use of blanket purchase orders to purchase regularly-used goods or services from the same vendor on an “as needed” basis over a period of one year or less, when numerous shipments are required for standard materials and supplies, or when a volume commitment will provide favorable pricing to the District; and,

.WHEREAS, the Policy requires the Board of Directors to approve purchase greater than or equal to \$25,000 has a comprehensive Procurement Policy (Policy); and,

WHEREAS, the attached list of blanket orders details justification for each order in compliance with the Policy.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-47 to approve FY 2012-2013 Blanket Purchase Orders over \$25,000.

PASSED AND ADOPTED on July 10, 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. 2012-47 adopted July 10, 2012.

Jim Heitzman, Secretary

**MARINA COAST WATER DISTRICT
FY 2012-2013 BLANKET PURCHASE ORDERS GREATER THAN \$25,000**

Vendor	Purchase Order Amount	Justification
Corix Water Products	\$100,000	Groeniger was bought by Ferguson in 2012 and the key management team of Groeniger started their own company, Corix locally in Salinas. Corix will deliver parts in an emergency at any hour and have opened their shop on occasion during weekends, evenings and holidays to meet District emergency repair needs. Most underground utility valves, fittings, pipe, repair clamps, hydrant meter boxes are purchased from Corix. Historically, MCWD had expenditures in the range of \$70-\$140K/year with Groeniger.
Quinn Company	\$30,000	This is MCWD's emergency generator service provider for preventative and reactive maintenance. Typically MCWD spends in the range of \$20-\$30K annually. District attempted the use of an independent service provider in the past but found Quinn to be much more reliable and considers them to be sole source for the type of service provided.
Voyager Fleet System, Inc.	\$38,000	This is the fleet fuel account. MCWD receives the same pricing and rebates as the State of California fleet fuel network. This system has worked well and is accepted at the majority of gas stations. Historically, MCWD spends \$35-\$38K on fuel annually.
HD Supply Waterworks	\$140,000	This is the sole source for Master Meter AMR water meters. Historically MCWD has spent in the range of \$170-\$185K on meters annually. This includes ARM change-outs and general development and metering projects.
Shape, Inc.	\$90,000	This is the sole source for Flygt wastewater pumps. MCWD typically spends \$12-\$17K per year on rebuilding repairing Lift Station pumps. In addition, O&M has several pump replacements planned for the upcoming FY at approximately \$75K.

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: July 10, 2012

Submitted By: Kelly Cadiente
Reviewed By: Carl Niizawa

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution No. 2012-48 to Approve a 3-Year Contract for Annual Audit Services to the District

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2012-48 to approve a 3-year contract to provide annual audit services to the District.

California Government Code Section 26909 requires the County Auditor to either make or contract with a certified public accountant or public accountant to perform an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided, unless an audit by a certified public accountant has been arranged by the District.

Previously, the Board adopted Resolution No. 2012-27 approving a Request for Proposals (RFP) for independent audit services to the District. Staff issued the RFP with a proposal due date of June 4, 2012. Seven (7) proposals were received and evaluated by the Budget and Personnel Committee. The proposals were evaluated based on the following criteria:

- Experience, qualifications and recommendations
- Economics and value
- Proximity of proposer
- Quality of proposal

The Budget & Personnel Committee recommends that the Board approve a professional services agreement with Charles Z. Fedak & Company CPAs to provide annual audit services to the District for a not-to-exceed amount of \$24,000 for fiscal year 2011/2012, \$24,480 for fiscal year 2012/2013, and \$24,960 for fiscal year 2013/2014.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On June 22, 2012, the Budget & Personnel Committee recommended that the Board approve a professional services agreement with Charles Z. Fedak & Company CPAs to provide annual audit services to the District for a not-to-exceed amount of \$24,000 for fiscal year 2011/2012, \$24,480 for fiscal year 2012/2013, and \$24,960 for fiscal year 2013/2014.

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

Financial Impact: X Yes No

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

Material Included for Information/Consideration: Resolution No. 2012-48; and, Summary of Proposals. Audit Proposals are provided separately.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-48 to approve a contract to provide annual audit 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 _____	

July 10, 2012

Resolution No. 2012-48
Resolution of the Board of Directors
Marina Coast Water District
Approving a 3-Year Contract to Provide Annual Audit Services to the District
for FY 2011/2012 Through FY 2013/2014

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 10, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the California Government Code Section 26909 requires the County Auditor to either make or contract with a certified public accountant or public accountant to perform an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided, unless an audit by a certified public accountant has been arranged by the District; and,

WHEREAS, previously the Board adopted Resolution No. 2012-27 to approve a Request for Proposals (RFP) for independent audit services to the District; and,

WHEREAS, staff issued a RFP with a proposal due date of June 4, 2012 and received seven (7) proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-48, to approve a contract with _____ for a not-to-exceed amount of _____ to provide annual audit services to the District, and authorizes the General Manager and/or the Director of Administrative Services to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on July 10, 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. 2012-48 adopted July 10, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: July 10, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Variance Request Regarding Metering for the Conversion from Motel Units to Apartment Units at 420 Reservation Road

Detailed Description: The Board of Directors is requested to consider and specify the disposition of a Variance Request submitted by Mr. Mike Tate (Applicant) for a conversion from motel units to apartment units at 420 Reservation Road (currently the Marina Lodge), Marina, CA.

The project proposes to convert 18 motel rooms into nine (9) one-bedroom apartment units and demolish the existing pool. The parcel will keep, with modifications, the majority of the existing units; the total number of units proposed on the parcel is 47. The Applicant reports that his intent is to provide the new apartment units as affordable, below-market housing units, offered only to families with low incomes.

The Applicant is requesting a variance to MCWD Water Code *Chapter 3.36.030.W-Metering. 3-Conversion of Existing Structures. b.* that specifically requires the individual metering upon conversion of “Motel/hotel units converted into multifamily units, time-share units or condominiums.”

The Applicant is asking permission to maintain the existing “master meter” that currently serves the parcel. The Applicant’s complete Variance Request Form is attached. The arguments made by the Applicant to allow the Variance may be described as:

1. The cost of meeting all requirement of the MCWD Water Code would increase their cost by approximately 40% (the Applicant reports an increase in the \$165,000-to-\$180,000 range) thereby making the project financially untenable and generating the hardship.
2. The project as proposed would result in decreased amount of water use, which is a benefit to the community.
3. The project as proposed would increase the number of housing units available to low-income members of the community, which benefits the overall community as well.
4. The Applicant offers to meet the intent of the MCWD Water Code requirement of one unit – one meter by sub-metering the newly modified units and by entering into a recordable Agreement with MCWD that would run with the land; the Agreement would overcome the negative of MCWD facing future problems if a new parcel owner were to attempt to change the land use.
5. The Applicant is willing to maintain, monitor, bill, and collect water billing from each apartment unit and will enter into a binding Agreement that will protect future customers and MCWD. The Applicant will continue to pay the MCWD water bills generated by the District’s master meter serving the parcel

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 concur that undue hardship or unfair/unequal treatment exist based on the information submitted, because the Water Code section in question specifically requires the conversion of motel units to apartment units to individually meter. Since there does not appear to be any unique elements within this project for converting motel units to apartments, there is no undue hardship because everyone converting motel units to apartment units would be expected to expend similar costs to meet the MCWD Water Code.

Staff notes that, while installation of the sub-meters and Agreement by the applicant will help mitigate some negatives of allowing the Variance, the best protection MCWD can provide to future customers is to make sure that structures constructed or converted within its jurisdiction are plumbed to provide the ability to individually serve a prospective customer as circumstance dictate (in particular, the circumstance where a structure owner fails to pay the water bill for their residents). In this case, the sub-meters will not be located according to District standards and the parcel will not be fully plumbed to allow for a prospective customer to obtain service from MCWD without facing substantial additional costs.

Finally, it is seen that a Variance allowed on the basis of cost alone will not be in the best interest of the District because allowing this Request will encourage other projects demanding variances from the District Code in order to lower their project costs. Uniformity of infrastructure for providing service will suffer with such changes and individual agreements with properties will complicate operations and maintenance.

If the 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 requirements to sub-meter the units and to enter into a recordable Agreement within 30-days of the adoption of the Resolution approving the Variance Request.

Environmental Review Compliance: None required.

Prior Committee or Board Action: No previous action has been taken.

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: Applicant's Variance Request Form.

Staff Recommendation: The Board of Directors deny the Variance Request regarding the Applicants request for a variance from MCWD Water Code *Chapter 3.36.030.W. Metering.3.b.*

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_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F

Meeting Date: July 10, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-49 to Approve a Professional Services Agreement with Denise Duffy and Associates for Environmental Scoping Services for the Regional Urban Water Augmentation Program Water Supply Alternatives

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Denise Duffy and Associates for Environmental Scoping Services for RUWAP Water Supply Alternatives for a not-to-exceed amount of \$27,417.

Denise Duffy and Associates has been the District's environmental consultant for the District's Water Augmentation Program and subsequent Regional Project for the last several years. Denise Duffy and Associates is uniquely qualified to conduct an analysis of the environmental documents required for the District to proceed with implementation of the Regional Water project to fulfill the District's water supply obligations to the Fort Ord Reuse Authority.

This Professional Services Agreement is needed for environmental scoping support to assess the existing documentation that the District can rely upon, to determine what additional documentation may be required, and to identify the processes and timelines required to complete the needed environmental documents. Once the scoping task is complete, the District will be able to move forward with the environmental documentation and associated planning processes in order to implement an incremental water supply that meets the District's needs.

The products to be delivered through this agreement are:

- Identification of which existing documents can be utilized consistent with CEQA;
- Identification of the scope, budget, and schedule for completing CEQA documentation; and,
- Identification of any special studies or other considerations necessary to support the CEQA documentation preparation.

Denise Duffy and Associates' estimate for this work is \$24,925. Staff recommends a 10% contract contingency for a not-to-exceed total amount of \$27,417, to be billed on a time and material basis.

Environmental Review Compliance: None required.

Prior Committee or Board Action: N/A

July 10, 2012

Resolution No. 2012-49
Resolution of the Board of Directors
Marina Coast Water District

Approving a Professional Services Agreement with Denise Duffy and Associates
for Environmental Scoping Services for RUWAP Water Supply Alternatives

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 10, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District has needs for Environmental Scoping Services for RUWAP Water Supply Alternatives; and,

WHEREAS, Denise Duffy and Associates provides cost-effective services with a strong knowledge of MCWD’s water plans and projects.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager/District Engineer to execute a Professional Services Agreement with Denise Duffy and Associates for Environmental Scoping Services for RUWAP Water Supply Alternatives to be undertaken on a time and material basis for a not-to-exceed amount of \$27,417, and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on July 10, 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. 2012-49 adopted July 10, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-G

Meeting Date: July 10, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Providing Direction to the Board President on Nomination to the LAFCO Independent Special District Alternate Seat

Detailed Description: The Board of Directors is requested to discuss the election of one alternate Special District Representative to the Local Agency Formation Commission of Monterey County (LAFCO) and provide direction to the Board President which candidate to vote for.

On June 8, 2012, LAFCO sent an election ballot asking for Members of the Independent Special District Selection Committee to vote for one candidate to fill the Alternate Member seat for a four-year term before August 15, 2012. Mr. Stephen Snodgrass was elected to the Regular Member seat and sworn into his new position on June 25, 2012.

There are four candidates for the Alternate Member seat: Mr. David T. Bates, Cypress Fire Protection District; Mr. Leslie Joel Hill, Greenfield Public Recreation District; Mr. Carl M. Miller, Monterey Peninsula Airport District; and Mr. Warren E. Poitras, Jr, Monterey County Regional Fire Protection District.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: Yes No

Funding Source/Recap: None.

Material Included for Information/Consideration: LAFCO letter dated June 8, 2012 and Election Ballot with criteria and candidate statements.

Staff Recommendation: The Board of Directors to provide direction to the Board President on which candidate to vote for the Special District Alternate Member seat to LAFCO.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____