



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, September 11, 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 Friday, September 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 October 9, 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 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case – MCWD Claims against Monterey County and MCWRA
- C. Pursuant to Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C)
Conference with Legal Counsel – Anticipated Litigation
Potential Litigation
One Case – Claims of MCWRA and Monterey County against MCWD
- D. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, District Counsel)
Property: Water Rights
Negotiating Parties: Clark Colony Water Company and MCWD
Under Negotiations: Price and Terms
- E. Pursuant to Government Code Section 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case
- F. Pursuant to Government Code Section 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case
- G. Pursuant to Government Code 54957.6
Conference with Labor Negotiator
Agency Negotiator (General Manager)
Employee Organization: Marina Coast Water District Employees Association
- H. 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. Adopt Resolution No. 2012-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program

B. Adopt Resolution No. 2012-54 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the East Garrison Development

C. Approve the Expenditures for the Month of August 2012

D. Approve the Draft Minutes of the Regular Board Meeting of July 10, 2012

E. Approve the Draft Minutes of the Regular Board Meeting of August 14, 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 Variance Request Regarding Relief from New Water and Sewer Connection Fees and Charges at 2847 3rd Avenue

Action: The Board of Directors will consider a variance for the new Veteran's Employment & Training service building.

B. Consider Adoption of Resolution No. 2012-55 to Approve a Professional Services Agreement to Provide a Five-Year Financial Plan and Rate Study to the District

Action: The Board of Directors will consider awarding a contract for a five-year financial plan and rate study.

- C. Consider Adoption of Resolution No. 2012-56 to Approve a Professional Services Agreement with Denise Duffy and Associates for On-Call Environmental Services

Action: The Board of Directors will consider approving a Professional Services Agreement with Denise Duffy and Associates for on-call environmental services.

- D. Consider Adoption of Resolution No. 2012-57 to Approve a Professional Services Agreement with Denise Duffy and Associates for Environmental and Permitting Services for the Marina Coast Water District Regional Desalination Project under the Regional Urban Water Augmentation Project

Action: The Board of Directors will consider approving a Professional Services Agreement with Denise Duffy and Associates for Environmental and Permitting Services for the Marina Coast Water District Regional Desalination Project under the Regional Urban Water Augmentation Project.

- E. Consider Adoption of Resolution No. 2012-58 Directing the General Manager to Prepare and Issue a Request for Qualifications to Design/Build Entities for the Engineering Design, Construction, and Start-up of the MCWD Regional Project Desalination Plant

Action: The Board of Directors will consider directing the General Manager to prepare and issue a Request for Qualifications for engineering, design, construction, and start-up of the MCWD Regional Project Desalination Plant from design-build entities.

- F. Discuss the East Garrison Lift Station and Provide Direction to Staff

Action: The Board of Directors will discuss the East Garrison Lift Station and provide direction to staff.

- G. Consider Adoption of Resolution No. 2012-59 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison, LLC and Accept Ownership of the Property for the East Garrison Lift Station

Action: The Board of Directors will consider accepting the infrastructure improvements installed under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison, LLC and accept ownership of the property for the East Garrison Lift Station.

- H. Consider Providing Direction to Staff Regarding a District Policy for Transfer of Capacity Charge Credits

Action: The Board of Directors will consider providing direction to staff regarding a transfer of capacity charge credits to the Stilwell Kidney Development.

- I. Consider Placing the District's 11 Reservation Road Office Up For Lease

Action: The Board of Directors will consider placing the District's 11 Reservation Road office up for lease.

- J. Consider Adoption of Resolution No. 2012-60 to Revise the District's Expense Reimbursement and Travel Policy

Action: The Board of Directors will consider updating the District's Expense and Travel Policy.

- K. Discuss Board Member Use of Digital Tablets and Provide Direction to Staff

Action: The Board of Directors will discuss the use of digital tablets and provide direction to staff.

- L. Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Board of Directors Region 3, Seat A

Action: The California Special Districts Association Board of Directors Region 3, Seat A seat is vacant and they are looking for nominations to fill the seat. The seat's term concludes on December 31, 2012.

9. Staff Reports

- A. Receive a Report on SB 90/State Mandated Cost Reimbursement and the Brown Act
- B. Receive 1st and 2nd Quarter 2012 Ord Community Water Consumption and Sewer Flow Report

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 | |

11. Correspondence

12. Director's Comments

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

*Regular Meeting: Tuesday, October 9, 2012, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7

Meeting Date: September 11, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2012-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program
- B) Adopt Resolution No. 2012-54 Amend the Professional Services Agreement with Harris & Associates for Inspection Services foer the East Garrison Development
- C) Approve the Expenditures for the Month of August 2012
- D) Approve the Draft Minutes of the Regular Board Meeting of July 10, 2012
- E) Approve the Draft Minutes of the Regular Board Meeting of August 14, 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: September 14, 2012

Submitted By: James Derbin

Presented By: James Derbin

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-53 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program

Detailed Description: The Board of Directors shall consider adopting resolution No. 2012-53 approving a Memorandum of Understanding (MOU) between the Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program.

The Monterey Peninsula Unified School District and MCWD have worked together for more than eleven years to bring water conservation education to students in the District. This agreement strengthens this relationship between the two partners and provides the means to integrate water conservation instruction into the curriculum at each elementary school in the MCWD service area for the 2012-2013 School Year.

This MOU formalizes the planning and execution of the water conservation education program for the coming year. The instructor will develop and schedule instruction for over 65 classes to more than 1,500 students, teachers and staff. The water conservation instruction provided meets the state academic curriculum standards.

At no time shall the reimbursements exceed \$21,000. Wage and benefit reimbursements for classroom instruction inside the Ord service area are not to exceed those expenditures paid out during the previous year's Memorandum of Understanding until the proposed 2012-13 Ord Community Water and Wastewater budget is approved.

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: X Yes No

Funding Source/Recap: This item is funded through the approved FY 2012/13 Conservation Budget of the Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2012-53; and, Draft MOU between MCWD and Monterey Peninsula Unified School District.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2012-53 approving an MOU between the Marina Coast Water District and the Monterey Peninsula Unified School 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 _____

September 11, 2012

Resolution No. 2012 - 53
Resolution of the Board of Directors
Marina Coast Water District
Approving a Memorandum of Understanding
Between Marina Coast Water District and the Monterey Peninsula Unified School District
Regarding In-School Water Conservation Education Program

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

WHEREAS, MCWD has developed a Memorandum of Understanding (MOU) with the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program that will facilitate the teaching of water conservation education; and,

WHEREAS, the MOU is an agreement to formalize planning and execution of the In-School Water Conservation Education Program; and,

WHEREAS, water conservation is within the District’s Mission and the funding for this MOU is included in the District’s budget for FY 2012/2013 under Conservation Education with a not to exceed amount of \$21,000; and,

WHEREAS, wage and benefit reimbursements for classroom instruction inside the Ord service area are not to exceed those expenditures paid out during the previous year’s Memorandum of Understanding until the proposed 2012-13 Ord Community Water and Wastewater budget is approved; and,

WHEREAS, at no time shall the reimbursements associated with this Memorandum of Understanding exceed \$21,000.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the proposed Memorandum of Understanding regarding the In-School Water Conservation Education Program.

BE IT FURTHER RESOLVED, that the Board of Directors does hereby authorize the General Manager or the Deputy General Manager/District Engineer to sign the MOU.

PASSED AND ADOPTED on September 11, 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. 2012-53 adopted September 11, 2012.

Jim Heitzman, Secretary

MEMORANDUM OF UNDERSTANDING

Between

MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

And

MARINA COAST WATER DISTRICT

This agreement is between the Monterey Peninsula Unified School District (MPUSD) and the Marina Coast Water District (MCWD) for the 2012-2013 school year.

The terms and conditions set forth in this document shall constitute the entire agreement between MPUSD and MCWD and may not be amended except by a written document signed by both parties.

The parties agree to the following:


1. MCWD agrees to fully fund a part time science teacher position (not to exceed a total of \$21,000, and paid at a rate of \$30.08 per hour plus statutory benefits) for the 2012-2013 school year.
2. This teacher will teach the water science and water conservation awareness program in all the elementary schools within the MCWD service area during the 2012-2013 school year.
3. MPUSD will send a monthly invoice of the science teacher's monthly salary and benefit costs for reimbursement to the MCWD, Attn. Paul Lord, 11 Reservation Rd., Marina, 93933.
(Email: plord@mcwd.org, Tel: 883-5905, FAX: 384-0197)
The final invoice is to be processed prior to July 1, 2013.
4. The MCWD shall submit a check within 30 days of invoice receipt made payable to the Monterey Peninsula Unified School District and sent to: Attn. Christine Reyes, P.O. Box 1031, Monterey, CA 93942-1031.
5. The payment will be deposited in an account dedicated for this purpose only.
6. The position shall be filled through MPUSD's established hiring process and shall be an employee of MPUSD and shall be entitled to the same rights, privileges and applicable benefits as other MPUSD employees.

The term of this MOU is for 2012-2013 school year only.

MARINA COAST WATER DISTRICT

Carl Niizawa
Deputy General Manager
11 Reservation Road
Marina, CA 93933

MONTEREY PENINSULA UNIFIED SCHOOL
DISTRICT



Dan Albert
Associate Superintendent, Business Services
P.O. Box 1031
Monterey, CA 93942-1031

6/18/2012

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-B

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2012-54 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the East Garrison Development

Detailed Description: The Board of Directors is requested to authorize an amendment to the Professional Services Agreement (PSA) with Harris & Associates to provide continuing inspection services for the East Garrison Development. The amendment is for a not-to-exceed amount of \$31,900 and to be reimbursed by the Developer (Union Community Partners East Garrison LLC).

In January 2012, the Board of Directors adopted Resolution No. 2012-02 which authorized an amendment with Harris & Associates for \$39,005 for East Garrison Development inspection services. This amendment provides for the completion of the current development phase and for future phases which the developer may proceed with this year.

The Developer and MCWD both plan for the water, sewer, and recycled water infrastructure to be owned and operated by MCWD, and the parties entered into an Infrastructure Agreement (Resolution No. 2011-67 adopted on September 13, 2011) to achieve that objective. The Developer and MCWD staff are in agreement that contract inspection labor is warranted due to the expected increase in needed inspection. This contract amendment is for Harris & Associates to conduct the inspection work needed to complete the ownership transfer of upcoming development work.

Specific scope elements that Harris & Associates is proposing to undertake with this amendment include: inspection and observation of sanitary sewer system testing for pipeline leakage, pipeline deflection, and manhole leakage; inspection of any new sanitary sewer infrastructure installed or repaired; inspection and observation of potable and recycled water systems testing for pipeline leakage; inspection of any new water system infrastructure installed or repaired; inspection and observation of the potable water system disinfection and sampling procedures; and preparing a final report compiling the inspection results and providing a recommendation regarding the suitability of the infrastructure for ownership by MCWD.

Harris & Associates has an existing contract with MCWD for inspection services. The Board adopted Resolution No. 2010-22 on April 13, 2010 that authorized a Professional Services Agreement (PSA) with Harris & Associates to provide construction management support with inspection services as needed. The agreement was amended in January 2012 when the Board adopted Resolution No. 2012-02 to provide inspection services specifically for the East Garrison Development. This proposed amendment will further implement the intent of this existing contract and amendment.

Harris & Associates has provided fine service for MCWD and with jurisdictions in the region. They maintain an office within the City of Marina with assigned project personnel present locally.

MCWD staff has reviewed their scope of work and fee estimate and find that the scope is reasonable; their charge rates are comparable to other engineering firms providing services to MCWD; and are competitive based on general industry-wide standards.

This proposed PSA amendment ultimately will be paid for by the Developer through the existing well-established large development accounting procedure. Prior to paying Harris & Associates for any work under this amendment, the Developer will be required to have the entire contract amendment amount paid to MCWD and held in the East Garrison development account. The contract amendment is on a time and expense basis.

Environmental Review Compliance: Not Applicable; this action amending a Professional Services Agreement is not a "project" under the California Environmental Quality Act (CEQA).

Prior Committee or Board Action: The Board of Directors adopted Resolution No. 2010-22 on April 13, 2010 authorizing a Professional Services Agreement with Harris & Associates for engineering services related to inspection practices, inspection training, and on-call inspections. The Board of Directors adopted Resolution No. 2011-67 on September 13, 2011 approving the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement between MCWD and Union Community Partners East Garrison for Phase I and Phase II of the East Garrison Development in Monterey County, CA. The Board of Directors adopted Resolution No. 2012-02 January 10, 2012 to provide inspection services for the East Garrison Development.

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

Financial Impact: Yes No

Funding Source/Recap: There is no financial impact to the MCWD from this action; the Developer will be required to resource the entire amendment amount with their payment to MCWD in advance of any payment under this PSA amendment to Harris & Associates.

Material Included for Information/Consideration: Resolution No. 2012-54.

Staff Recommendation: The Board adopt Resolution No. 2012-54 amending the Professional Services Agreement with Harris & Associates to provide inspection services for the East Garrison Development.

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 _____

September 11, 2012

Resolution No. 2012 – 54
Resolution of the Board of Directors
Marina Coast Water District
Amending the Professional Services Agreement with
Harris & Associates for Inspection Services for the
East Garrison Development

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

WHEREAS, Union Community Partners East Garrison (“Developer”) has coordinated with the District on their East Garrison Development, consisting of the new construction and related infrastructure on the Former Fort Ord lands within Monterey County, CA; and,

WHEREAS, the District and the Developer are working cooperatively regarding proposed water, recycled water and sewer system improvements and the District and the Developer have entered into a Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement; and,

WHEREAS, the District and the Developer agree that outside assistance for inspection labor is warranted to achieve the objective of transferring ownership of infrastructure to the District and that the Developer will pay for the inspection services; and,

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to execute an amendment to the Professional Services Agreement with Harris & Associates for inspection services for the East Garrison Development and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution, the total dollar amount not-to-exceed \$31,900.

PASSED AND ADOPTED on September 11, 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. 2012-54 Adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-C

Meeting Date: September 11, 2012

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Jim Heitzman

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

Detailed Description: The Board of Directors is requested to approve the attached August 2012 check register for expenditures totaling \$1,238,893.15.

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: August 2012 Summary Check Register.

Staff Recommendation: The Board of Directors approve the August 2012 expenditures totaling \$1,238,893.15.

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: September 11, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

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

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

On August 14, 2012, Director Nishi asked staff to check if the minutes correctly reflected the Closed Session item 3-D and asked that DRV be changed to DRB on page 12 of the minutes. He asked that the minutes be brought back for consideration in September.

Staff reviewed the Closed Session items that were listed on the agenda for July 10, 2012 and the two items that were added to the Closed Session the evening of the meeting. Following review of these items, it was determined that the minutes correctly reflected what was originally posted and later added to the agenda. Page 12 of the minutes was amended to reflect DRB as requested.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On August 14, 2012 the Board of Directors reviewed the draft minutes and requested further review and a change to the minutes.

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 July 10, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 10, 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-E

Meeting Date: September 11, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of August 14, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of August 14, 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 August 14, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 14, 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: September 11, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Variance Request Regarding Relief from New Water and Sewer Connection Fees and Charges at 2847 3rd Avenue

Detailed Description: The Board of Directors is requested to consider a Variance Request submitted by Veterans Employment & Training Services (VETS), care of Mr. John Garske of Vocational Rehabilitation Specialists, Inc. (Applicant), for a Veterans Thrift Store Employment Program at 2847 3rd Avenue, Marina, CA.

The project proposes to renovate two existing buildings, donated by the Veterans Transition Center, into a thrift store which will be used to employ homeless veterans in the area. Only one of the buildings is to receive water and sewer service. These buildings do not currently and have not previously received water or sewer service from the District.

The variance request form asks for relief from the requirements of MCWD Water Code Section 2.08.020 which is the Administration Section on Variances and Appeals. As described in Part B and Part C of the variance request it is evident that the intent was to request a variance from the requirements of MCWD Water Code Chapters 3.08.060A.1.b which states, "*All applicants for service shall be required to make the following payments with their application: For service to structures completed after May 5, 1967, the service connection charges set by the district plus the district capacity charge and bond retirement charge.*"

The Applicant is asking that all fees and/or costs of connecting the property to the District's systems be waived. The Applicant's complete variance request form is attached. The arguments made by the Applicant to allow the variance are as follows:

1. The undue hardship is the unemployment of our homeless veterans.
2. The emergency condition is the unemployment of our homeless veterans. The Veterans Thrift Store Employment Program which was designed to employ homeless veterans cannot move forward without water. Vocational Rehabilitation Specialists Inc. (VRSI) a Homeless Veterans Reintegration Program [and employment] organization and the Monterey County Veterans Transition Center have well over 100 homeless veterans who want and are capable of work. Demographically our region of central California is the second largest population of homeless veterans in the entire USA. Through this employment program we will employ and train homeless veterans.
3. Unemployment in general is widely known to be a significant issue in the U.S., and even more so with our veteran population; but, it is an "emergency condition" with our homeless veterans.
4. The variance is in the best interest of the District, the City of Marina, Monterey County, and the United States of America. Employing homeless veterans is in the best interest of us all.

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.

Based upon the information 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 statements that this is an “undue hardship,” or an “emergency condition” is not evidence enough that these conditions in fact do exist. The basis for the variance should clearly show how the statements relate to connecting to and receiving service from the District.

The statement of employing homeless veterans as being in the best interest of the District does not take into account any financial burden borne by the rate payers as a result of granting this variance.

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.

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 No

Funding Source/Recap: If the variance request is granted, the District will not receive monies from this project for staff costs and future capital improvement projects.

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 Chapters 3.08.060A.1.b, 5.24.070, 6.08.090, 6.12.020, and 6.16.010.

Action Required: Resolution (Acceptance) 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-B

Meeting Date: September 11, 2012

Submitted By: Kelly Cadiente
Reviewed By: Carl Niizawa

Presented By: Kelly Cadiente

Agenda Title: Adopt Resolution No. 2012-55 to Approve a Professional Services Agreement to Provide a Five-Year Financial Plan and Rate Study to the District

Detailed Description: Staff is requesting the Board select a consultant from the proposals received and adopt Resolution No. 2012-55 to approve a contract with the selected consultant to provide a five-year financial plan and rate study to the District. Previously, the Board adopted Resolution No. 2012-40 to approve a Request for Proposals (RFP) for a five-year water, wastewater, and recycled water financial plan and rate study.

Staff issued the RFP with a proposal due date of July 20, 2012. Eight proposals were received and evaluated by staff. The proposals were evaluated based on the following criteria:

- Experience, qualifications and approach to the project
- Economics and value including cost and District staff time required to complete the project
- Locale of proposer
- Quality of proposal

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

Material Included for Information/Consideration: Resolution No. 2012-55; and, Evaluation Matrix. Proposals provided to the Directors separately.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-55 to approve a professional services agreement with Municipal Financial Services to provide a five-year financial plan and rate study to the District to commence once the 2012/2013 Ord Community Budget has been approved.

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 _____

September 11, 2012

Resolution No. 2012-55
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement to Provide a
Five-year Financial Plan and Rate Study 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 September 11, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, previously the Board adopted Resolution No. 2012-40 to approve obtaining a five-year water, wastewater, and recycled water financial plan and rate study; and,

WHEREAS, staff issued a Request for Proposals (RFP) with a proposal due date of July 20, 2012 and received and reviewed eight proposals; and,

WHEREAS, the Directors have reviewed the proposals with staff input and analysis and find _____ to be the best concern to provide the financial plan and rate study to the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Director of Administrative Services to execute a Professional Services Agreement with _____ for a not to exceed amount of \$_____ to provide a five-year financial plan and rate study to the District to commence once the FY 2012/2013 Ord Community Budget has been approved.

PASSED AND ADOPTED on September 11, 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. 2012-55 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-56 to Approve a Professional Services Agreement with Denise Duffy and Associates for On-Call Environmental Services

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Denise Duffy and Associates for On-Call Environmental Services for a not-to-exceed amount of \$75,000 for a contract period ending June 30, 2013.

The District, in maintaining and improving the operational performance of its water and wastewater systems, have occasion to need biological and environmental advice and/or services. The District does not have environmental planners or biologists on staff qualified to provide these environmental services internally to the District.

Denise Duffy and Associates has been the District's environmental consultant for many years and is currently working on the District's Water Augmentation Program and other small projects. Denise Duffy and Associates is uniquely qualified to provide on-call environmental services because of their detailed knowledge of District systems, standards and our surrounding environment as well as their expertise in coastal biological communities and CEQA and NEPA compliance. Denise Duffy and Associates is a local firm and maintains a good, working relationship with local regulatory agencies.

This Professional Services Agreement (PSA) is for environmental support as needed through fiscal year end June 30, 2013 on a time and material basis for a not-to-exceed amount of \$75,000. The on-call consultant will be asked to undertake tasks within this proposed PSA under the following guidelines:

- for small tasks when it would not be cost effective to undertake the standard RFP process for engaging engineering services; and,
- for tasks that in-house staff is unable to perform

The previous on-call services contract with Denise Duffy and Associates was for a three (3) year period which recently expired in July, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board adopted Resolution No. 2009-29 on May 12, 2009 approving a Professional Services Agreement for General Environmental Services with Denise Duffy and Associates.

September 11, 2012

Resolution No. 2012 - 56
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with
Denise Duffy and Associates for On-Call Environmental Services

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

WHEREAS, the District currently has no environmental planner or biologist staff to provide biological and environmental services to support the District Operations and small engineering projects; and,

WHEREAS, Denise Duffy and Associates currently provides biological and environmental planning for the District and has comprehensive knowledge of the District systems and standards; and,

WHEREAS, on May 12, 2009, the District Board adopted Resolution No. 2009-29 approving a Professional Services Agreement for General Environmental Services with Denise Duffy and Associates and the District has continued need for biological and environmental planning services; and,

WHEREAS, Denise Duffy and Associates is uniquely qualified to provide biological and environmental planning services for District activities and Denise Duffy and Associates rate schedule is comparable to that of other firms that provide environmental services.

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 On-Call Environmental Services through June 30, 2013 on a time-and-material basis for a not to exceed amount of \$75,000; 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 September 11, 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. 2012-56 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa

Presented By: Carl Niizawa

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-57 to Approve a Professional Services Agreement with Denise Duffy and Associates, Inc. for Environmental Services for the Marina Coast Water District Regional Desalination Project under the Regional Urban Water Augmentation Project

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Denise Duffy and Associates, Inc. (DD&A) for Environmental Services for the Marina Coast Water District Regional Desalination Project under the Regional Urban Water Augmentation Project (RUWAP) for \$71,500.

DD&A has been the District's environmental consultant for the District's RUWAP and subsequent Regional Recycled and Desalination Projects for the last several years. DD&A is uniquely qualified to provide services required for the District to proceed with implementation of the Regional Desalination Project to fulfill the District's water supply obligations to the Ord Community and Central Marina service areas.

On July 10th, the Board approved a Professional Services Contract with Denise Duffy (DD&A) for project definition and 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. The work products completed under this July contract helped define the project to a level needed to develop a strategy and approach for the environmental services, and ultimately, a scope of work and schedule to move forward with the District's project. Based upon review of available environmental documentation, the work conducted by DD&A found that the previously prepared administrative draft Armstrong Ranch Annexation EIR, the Coastal Water Project EIR, and/or the Regional Urban Water Augmentation Project EIR can be used as the key source documents to prepare the Marina Coast Water District Regional Desalination Project under RUWAP Environmental Impact Report to a level that is required by CEQA.

The first step in moving forward with the project is the initiation of the Environmental Impact Report. This would include a Notice of Preparation, and preparation of key sections of the Administrative Draft EIR. The cost of this work is estimated to be \$65,000. With a 10% contingency this work can be accomplished by DD&A on a fixed fee basis of \$71,500

Staff believes that this will initiate the required CEQA documentation in order for the Board to ultimately take action to implement an incremental water supply that meets the District's needs. The action at this meeting will not commit the District to implement any particular project. DD&A's estimate for this work is \$65,000, with a 10% contingency totaling \$71,500. Staff recommends a contract total amount of \$71,500, to be billed on a fixed fee basis.

It is estimated that completion of a public review EIR will cost an additional \$50-75K, depending on findings from the initial work.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board approved a Professional Services Agreement with Denise Duffy and Associates for environmental scoping services for RUWAP water supply alternatives on July 10, 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: This Professional Services Agreement will be resourced from District Reserves.

Material Included for Information/Consideration: Resolution No. 2012-57.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-57 to approve a Professional Services Agreement with Denise Duffy and Associates, Inc. for Environmental Services for the Marina Coast Water District Regional Project under RUWAP for a not-to-exceed amount of \$71,500.

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 _____

September 11, 2012

Resolution No. 2012-57
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with
Denise Duffy and Associates for
Environmental Services for the Marina Coast Water District Regional Desalination Project
Under the Regional Urban Water Augmentation Project
for a not-to-exceed amount of \$71,500

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

WHEREAS, Denise Duffy and Associates provides cost-effective services with strong relevant qualifications and knowledge of the District’s water plans and projects; and,

WHEREAS, on July 10, 2012, the Board of Directors approved a Professional Services Agreement with Denise Duffy and Associates for Environmental Services for the Regional Urban Water Augmentation Project Water Supply Alternatives; and,

WHEREAS, as result of the work conducted, a project understanding and scope of work has been defined for initiation of the Environmental Impact Report needed for moving forward with the Marina Coast Water District Regional Desalination Project under the Regional Urban Water Augmentation Project.

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 Services for the Marina Coast Water District Regional Desalination Project under Regional Urban Water Augmentation Project to be undertaken on a fixed fee basis for a total of \$71,500, 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 September 11, 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. 2012-57 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: September 11, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-58 Directing the General Manager to Prepare and Issue a Request for Qualifications to Design/Build Entities for the Engineering Design, Construction, and Start-up of the MCWD Regional Project Desalination Plant

Background: The District has been endeavoring to plan and build water supply capability to best serve present and future water demands within the Central Marina and Ord service areas. There is a compelling need to move rapidly on one of the most promising alternatives, a 3,000 acre-foot/year desalination plant to serve growing demands in the future in the Fort Ord area and in Del Rey Oaks, Seaside, and Marina (The MCWD Regional Project). The MCWD Regional Project is proposed to be located on District property at Armstrong Ranch adjacent to the MRWMD and MRWPCA treatment plant.

Environmental analyses and planning have been performed on this project or similar projects at this site over the past several years. Recently the Board of Directors approved a contract for Denise Duffy & Associates, Inc. to pull all the environmental work together, and evaluate its ability to address the MCWD Regional Project size and location of wells. The environmental analysis proposes some additional work and permitting that will be required in order to move ahead and implement the MCWD Regional Project and all associated facilities to allow the plant to operate and serve the District's Service Areas.

The Request for Qualifications (RFQ) is designed to solicit a qualified and experienced Design/Build entity to carry on remaining technical planning work potentially leading to project implementation and additionally, subject to environmental review and project approval, to design and build and start-up of the MCWD Regional Project Desalination Plant. The selected Design/Build entity shall be comprised of a qualified and experienced firm or team of firms holding required licensing to perform environmental and permitting assistance, engineering, design construction and start-up responsibilities anticipated for the MCWD Regional Project. The RFQ and subsequent Request for Proposal process shall be a qualifications-based short-listing and selection process. The qualifications-based Design/Build selection process provides the District with maximum flexibility, control and involvement, and speed in the development and potential implementation of the desalination plant and associated facilities.

The RFQ to be prepared and published by the General Manager shall require potential Design/Build entities to describe their qualifications, experience and capabilities for the MCWD Regional Project in terms of:

- Experience in completing all environmental work, permitting analyses, permitting applications and permitting acquisition
- Capabilities and experience in providing project engineering design and all associated details needed to build the MCWD Regional Project desalination plant and associated

facilities, including detailed construction drawings, testing protocols, and operating strategies

- Potential to provide bridge financing to finance the initial project development
- Ability to perform financial analyses evaluating alternative project long-term financing and repayment
- Experience in providing public information and outreach activities concerning the project and construction activities
- Capabilities to develop a post-construction operation and maintenance strategy
- Approach to provide cost projections, economic evaluations for the MCWD Regional Project and any alternative build-out strategies
- Ability to meet minimum bonding and insurance required for the project
- Description of the Design/Build entity's team structure and demonstration of successful experience working together

Environmental Review Compliance: None required.

Prior Committee or Related Board Action: Resolution No. 2012-49 approving a Professional Services Agreement with Denise Duffy and Associates for environmental scoping services for RUWAP water supply alternatives July 10, 2012. Resolution No. 2012-57 approving a Professional Services Agreement with Denise Duffy and Associates for Environmental Services for the Marina Coast Water District Regional Project Under the Regional Urban Water Augmentation Project September 11, 2012.

Board Goals: *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 the RFQ efforts will come from District Reserves.

Material Included for Information/Consideration: Resolution No. 2012-58

Staff Recommendation: The Board of Directors is requested to consider Adoption of Resolution No. 2012-58 directing the General Manager to prepare and issue a Request for Qualifications to Design/Build Entities for the Engineering Design, Construction, and Start-up of the MCWD Regional Project Desalination Plant.

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 _____

September 11, 2012

Resolution No. 2012-58
Resolution of the Board of Directors
Marina Coast Water District

Directing the General Manager to Prepare and Issue a Request for Qualifications to Design/Build Entities for the Engineering Design, Construction, and Start-up of the MCWD Regional Project Desalination Plant

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

WHEREAS, the District has the responsibility for planning and building water supply capability to best serve present and future water demands within the its service area and the Fort Ord service area; and,

WHEREAS, the Directors have approved a Professional Services Agreement with Denise Duffy and Associates for Environmental Services for the Marina Coast Water District Regional Project under the Regional Urban Water Augmentation Project; and,

WHEREAS, a qualifications-based Design/Build selection process provides the District with maximum flexibility, control and involvement, and speed in the development and potential implementation of the desalination plant and associated facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby direct the General Manager to Prepare and Issue a Request for Qualifications to Design/Build Entities for the Engineering Design, Construction, and Start-up of the MCWD Regional Project Desalination Plant.

PASSED AND ADOPTED on September 11, 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. 2012-58 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Discuss the East Garrison Lift Station and Provide Direction to Staff

Detailed Description: The Board of Directors is requested to discuss issues related to rehabilitation and connection of a wastewater lift station that will serve the East Garrison Development area.

In June 2012, staff brought an item requesting authorization of a professional services contract for scoping the needed work for connection of the facility – the East Garrison Lift Station Improvements Project (MCWD CIP #OS-0150) which the Board did not approve.

The developer of the East Garrison Project, Union Community Partners, has indicated the decision by the Board for not going forward in connection of the current lift station is not consistent with the October 2007 reimbursement agreement between the District and Union Community Partners, District approved CIP budgets, and written assurance by staff that the existing lift station will be in service within the needed time. Union Community Partners contends that there is overlap with their payment of capacity fees and a requirement for them to bear the cost of needed improvements to the facility. The letter detailing their claim is attached.

In 2001 the District received the Water and Wastewater Systems of the former Fort Ord from the Ft. Ord Reuse Authority (FORA) which was deeded from the Army. The East Garrison wastewater infrastructure was a part of the Public Benefit Conveyance to FORA transferred to the District. Prior to the transfer, FORA undertook the initial modification to the East Garrison sanitary sewer system in 1999 (to take advantage of available grant resources from the federal government) and constructed the current East Garrison Lift Station. The facility FORA built was designed and constructed based upon projected wastewater flows from the planned (Base Reuse Plan) East Garrison area developments. The facility was never put into use and has been idle since it was constructed.

Between 1999 and 2007 the planned development for East Garrison area came into focus. In 2007 an East Garrison Subdivision Sewer Master Plan was prepared by the developer (at that time) within MCWD standards and approved by Monterey County. In that same year the District undertook a design effort for the lift station that reflected the East Garrison Sewer Master Plan design for the lift station that called for an expansion of the facility to account for the ultimate build-out of the entire East Garrison area (termed East Garrison I and II including a future campground complex, and Fire Station).

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 amount and pace) which has rendered the 2007/2008 lift station design too

substantial. In 2011 the new developer mobilized in East Garrison and is currently in construction of low income housing.

The District has indicated through a letter date July1, 2011 that the District will “provide occupants of any portion of the East Garrison development with an operational sanitary lift station facility within the anticipated needed time.” The District’s letter was in response to a letter from Union Community Partners letter dated January 21, 2011 to inform the District of their anticipated occupancy date of April 2012 (they have since updated their anticipated occupancy to April 2013).

In both May and June of this year the Board has questioned why the East Garrison Lift Station Project was being paid for through the District’s CIP rather than the East Garrison developer paying for the improvements. Current staff has proceeded based on the understanding that the District has been responsible for this sewer infrastructure since; accepting the ownership, operation, and maintenance of the facility in 2001 (Resolution 2001-05 on January 24, 2001); accounting for this project in the District’s “Ord Community Wastewater System Master Plan” completed in 2005; and it’s consideration in the District’s “Five-year Water & Wastewater Financial Plan and Rate Study” completed in May 2008; and that it has been included in the District’s CIP since then.

District CIP Projects are funded (in part) through capacity fee collection. The estimated cost of the projects (including the East Garrison Lift Station project) are included within the computation of capacity charges considered in the District’s “Five-year Water & Wastewater Financial Plan and Rate Study” completed in May 2008. The collection of the capacity fees are intended such that MCWD is reimbursed for the CIP expenditures over time as connections are made to the infrastructure systems.

The District’s “In-Tract Water and Wastewater Collection System Infrastructure Policy” calls for the Subdivision Sewer Master Plan to be approved by the District with “components as required by the District”. In 2007 when the East Garrison Sewer Master Plan was approved the lift station was not a “component required by the District”.

When staff approached the East Garrison Developer with concerns regarding the responsibility for the provision of a lift station they indicated that they would not be resistant to constructing the lift station improvements but felt as though there should be a reimbursement agreement. The Developer feels as though they would be double billed for a facility they are required to fund and then to also have to pay the capacity fees when the building permits are obtained. Staff discussed other options that the Developer was not interested in pursuing as they believe the District is requesting financing for a facility that in theory the District has been collecting fees to build since the rate study accounted for the facility. The discussions have been collaborative and the Developer remains open to constructing the facility, but would want a reimbursement agreement that will not tie up the Developer’s funding for an indeterminate amount of time.

The existing FORA constructed Lift Station which can serve up to 735 dwelling units. Staff has investigated the condition of the existing facility and has budgeted an estimated amount for FY 2012/2013 CIP to accomplish bringing the lift station into service. This first step will provide only the modifications necessary to serve the first occupied portion of the East Garrison Development, specifically East Garrison Phase I (further expansion of this lift station will be

necessary to accommodate the ultimate build out of the East Garrison Phases II and III). Staff has included in the CIP budget \$217,000 for FY 2012/2013 to accomplish bringing the station into service. A significant portion of this expense will be consistent and beneficial to the ultimate build out of the lift station.

It is difficult to determine the construction budget for the initial connection and refurbishment of the facility at this point because assessment and investigation of existing sewer lines in Reservation Road, the electrical panel, and pumps need to be verified as in good working order and are ready to accept the anticipated flow. The \$217,000 budgeted amount represents 25% (\$54k) soft costs and 75% (\$163k) construction costs. It is not believed the entire amount will be necessary but budgeted to assure its completion.

Below is a table which details the number of East Garrison units to be constructed, the capacity fees, and an estimate of when they will be built.

<u>East Garrison Development</u>				
	Units	Wastewater Capacity Fee	Water Capacity Fee	Year(s)
Phase I	440	\$1,738,000	\$2,398,000	2012-2015
Phase II	569	\$2,247,550	\$3,101,050	2013-2018
Phase III	391	\$1,544,450	\$2,130,950	2017- 2022?
Total	1400	\$5,530,000	\$7,630,000	2012-2022?
* The current pumps will accommodate 735 units.				
** The developer indicates the 735th unit may be constructed as soon as 2017.				

Environmental Review Compliance: None 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: Subject to Board Approval of the FY 2012/2013 Budget CIP No. OS-150 in the FY 2012/13 Budget and will be funded from the Fort Ord Sewer Capital Reserves.

Material Included for Information/Consideration: August 28, 2012 letter and attachments from Union Community Partners.

Staff Recommendation: The Board of Directors discuss the East Garrison Lift Station situation and provide direction to Staff that either; Authorizes the General Manager and/or Deputy General Manager/District Engineer to take all actions and execute all documents as may be necessary or appropriate to bring the East Garrison Lift Station into operation by April 2013; or other direction the Board deems appropriate.

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: September 11, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-59 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison, LLC and Accept Ownership of the Property for the East Garrison Lift Station

Detailed Description: The Board of Directors is requested to accept from UCP East Garrison, LLC (UCP EGP) the on-site improvements they have installed on behalf of MCWD. EGP is constructing the East Garrison Development in the Monterey County portion of the Ord Community. The District entered into a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement (Infrastructure Agreement) with UCP EG by adopting Resolution No. 2011-67 on September 13, 2011.

The on-site improvements made by UCP EG for which acceptance of ownership is requested are described in Table 1 below. A depiction of the infrastructure may be found in association with the attached Bill of Sale document.

Table 1:

<u>Quantity</u>	<u>Item Description</u>	<u>Value</u>
18,705-LF	Sanitary Sewer Pipelines: 8-inch, 10-inch, 15-inch diameters; PVC, SDR-35; includes 1,200-LF of pipeline greater than 15-feet deep	\$861,730
102-EA	Manholes	\$310,000
415-EA	Sewer Service Laterals: 4-inch, 6-inch, and 8-inch diameters; PVC	\$460,100
	Sewer Subtotal	\$1,631,830
20,505-LF	Potable Water Pipelines: 8-inch and 12-inch diameters; C900 PVC, Class 150 and 200; includes all appurtenances	\$1,130,180
591-LF	Potable Water Pipelines: 16-inch and 20-inch diameters; Ductile Iron Pipe, Class 250; includes all appurtenances	\$54,990
28-EA	Fire Services: 6-inch and 8-inch diameters; PVC and DIP	\$84,300
36-EA	Fire Hydrants: residential and commercial varieties	\$131,000
298-EA	Potable Water Service Laterals: 1-inch, 2-inch, and 4-inch diameters, includes manifolds; PVC	\$401,400
	Water Subtotal	\$1,801,870

6,580-LF	Recycled Water Pipelines: 4-inch, 8-inch, 12-inch diameters; C900 PVC, Class 150 and 200; includes all appurtenances	\$332,380
2-EA	Backflow Prevention Devices: 8-inch diameter; reduced pressure principle variety	\$32,000
20-EA	Irrigation Service Laterals: 2-inch and 4-inch diameters; PVC	\$22,000
	Recycled Subtotal	\$386,380
	Total Value	\$3,820,080

Under the terms of the Infrastructure Agreement, MCWD requires the following items prior to final acceptance:

- Final inspection and walk-through by MCWD to verify completion of all punch-list items
- Completed easements for all pipelines outside of public rights-of-way or easements
- Conveyance of the property to MCWD by means of a bill-of-sale
- Submission of As-Built drawings for the work
- Submission of a One-Year Warranty Bond

The developer and MCWD completed the punch-list walk-through on July 30, 2012 and associated corrective work on August 31, 2012. The rights-of-way appropriate for this transfer-of-ownership transaction were recorded in the East Garrison Phase 1 Final Map, Tract 1489, recorded in Monterey County on June 28, 2007; all currently proposed MCWD assets are located within the public right-of-way or public utility easements. As-built drawings for the improvements described above were received and accepted as of August 31, 2012. A Bill of Sale and a One-Year Warranty Bond (for 20% of the infrastructure value enumerated above) are processed and awaiting this Board action; the draft Bill of Sale consistent with the values described above is attached. In accord with the Infrastructure Agreement, this list fulfills the District's requirements regarding review of infrastructure as a condition of its acceptance.

In addition to accepting ownership of the infrastructure for the East Garrison development, UCP EG has requested that MCWD take ownership of the parcel of land previously recorded on their Final Map on which the sanitary sewer lift station serving all the East Garrison parcels will be located. The lift station facility itself currently exists in a non-operational state and is already owned by MCWD. A signed (by UCP EG) Grant Deed is attached and awaits the Boards direction by this action for the General Manager/Deputy General Manager to execute the Grant Deed on behalf of MCWD.

Environmental Review Compliance: None required.

Prior Committee or Board Action: Board Resolution No. 2011-67 on September 13, 2011, approved the Infrastructure Agreement for the East Garrison development.

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: There is no direct cost to MCWD in these transactions; however, a near-term future increase in operational and maintenance costs may be reasonably anticipated within the Ord Water and Ord Sewer cost centers as well as in increase in the Recycled Water cost center in the more distant future.

Material Included for Information/Consideration: Resolution No. 2012-59; draft Bill of Sale; Grant Deed executed by UCP EG.

Staff Recommendation: The Board adopt Resolution No. 2012-59 accepting the infrastructure improvements installed under the Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and UCP East Garrison, LLC and accept ownership of the property for the East Garrison Lift Station.

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

September 11, 2012

Resolution No. 2012-59
Resolution of the Board of Directors
Marina Coast Water District
Accepting the Infrastructure Improvements
Installed Under a Construction and Transfer of
Water, Sewer, and Recycled Water Infrastructure Agreement
Between Marina Coast Water District and UCP East Garrison, LLC and
Accept Ownership of the Property for the East Garrison Lift Station

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

WHEREAS, UCP East Garrison, LLC, a Delaware limited liability corporation (“Developer”), has constructed water, sewer and recycled water infrastructure for Phase 1 of their East Garrison I Development in Monterey County; and,

WHEREAS, the Developer entered into a Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement with the District on September 13, 2011; and,

WHEREAS, construction of the water, sewer and recycled water infrastructure is now complete for Phase I of the East Garrison I development and the Developer has satisfied all of the close-out conditions required in the Infrastructure Agreement for Phase 1; and,

WHEREAS, the Developer requests that MCWD take ownership of the parcel of land for the MCWD-owned sanitary sewer lift station that will serve the overall East Garrison development and has prepared and executed a Grant Deed to that effect that awaits MCWD execution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby accept the transfer of the Water, Sewer, and Recycled Water Infrastructure within Phase 1 of the East Garrison I development and directs the General Manager and/or Deputy General Manager/District Engineer to take all actions and execute all documents, including specifically the Grant Deed for the parcel of land for the sanitary sewer lift station, as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on September 11, 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. 2012-59 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-H

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Providing Direction to Staff Regarding a District Policy for Transfer of Capacity Charge Credits

Detailed Description: The Board of Directors is requested to provide direction to staff regarding District policy regarding transfer of capacity charges from one area to another. Clark Pinnacle, the Army developer of base housing on the former Ft Ord, has requested to transfer credit of capacity charges from the Lower Stilwell Park to the Stilwell Kidney Development with the demolition of current housing at Lower Stilwell Park.

Capacity charges are used to pay for expansion of the District's water and sewer infrastructure to ensure adequate capacity for current and future use in relation to the demands placed on the systems by an increase in use. Typical expansions include upgrading current infrastructure and/or building new infrastructure to meet the demands placed on the District's systems from development.

Capacity charges are generally assessed against every development that is built within the Marina Coast Water District (MCWD) service area. Current developments (residential/commercial/ institutional) fall into one of three categories:

1. A new development that is built on an empty parcel which has never been served or billed by MCWD
2. A redevelopment that is built on a parcel which has or had existing buildings never served or billed by MCWD
3. A redevelopment that is built on a parcel which has or had existing buildings served or billed by MCWD

A parcel or building is considered to have a certain amount of capacity if the structures are currently connected to or had previously been connected to the District's system.

If a project owner expands the use of his/her facility such that the District must be able to supply greater amount water or convey larger quantities of wastewater, the project owner must pay for the increase in capacity. Likewise, a new structure on a parcel never having been served by the District would pay costs for the District to supply the necessary capacity to that structure.

Clark Pinnacle has requested transfer capacity "credit" from one parcel they own to another parcel they own. They plan to demolish the existing homes which have a certain amount of capacity already paid for and build new homes on a different parcel. The request is to transfer

the “credit” from the demolished homes to the new homes. The concept proposed is that no new capacity is created thus negating any capacity charges normally due for building new homes.

The allowance of “credit” transfer is not currently addressed within the District Water Code. The mechanism for this to occur would require an ordinance change. Staff requests direction on whether to create the policy for credit transfer through such an ordinance change.

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 No

Funding Source/Recap: This individual occurrence could reduce the amount of monies received by the District for expansion of the District’s water and sewer infrastructure to the cost of \$316,000 for the forty (40 EDUs) homes built.

Materials Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors provide direction regarding implementation of policy for the to transfer credit of capacity charges, and thus allow such transfer from the Lower Stilwell Park to the Stilwell Kidney Development.

Action Required: Resolution 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-I

Meeting Date: September 11, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Placing the District's 11 Reservation Road Office Up For Lease

Detailed Description: At the August Board Meeting a member of the Board of Directors requested an agenda item to discuss leasing the District's Office located at 11 Reservation Road.

In 2007 the Board passed Resolution No. 2007-86 which designated the property as surplus to the needs of the District and authorized the disposal of the property for valuable consideration.

Prior to relocating the current District staff and activities, an alternate location should be identified, modifications (if necessary) of the alternate space would need to be designed, permitted, and constructed, and a relocation plan will need to be developed to minimize the impact to District activities and customers.

Conditions at the Beach Office property may need to be assessed to address the potential uses and/or any alterations which may be necessary to reorient the property to allow for occupants other than the District.

Environmental Review Compliance: None required.

Prior Committee or Board Action: Resolution No. 2007-86 designated 11 Reservation Road as surplus to the needs of the District and authorized the disposal of the property for valuable consideration.

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: None required.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider placing the District's Office located at 11 Reservation Road up for lease and (if necessary) provide direction to Staff.

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-J

Meeting Date: September 11, 2012

Prepared By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-60 to Revise the District Expense Reimbursement and Travel Policy

Detailed Description: The District's expense reimbursement and travel policy was developed in June 2006 and contains information regarding District-related training, travel and expense reimbursements. Subsequent to this policy, the employee handbook was adopted in April 2010 which contains additional guidelines and procedures when traveling on District business.

All training, travel and expense reimbursement requests go through an approval process and are submitted to the Management Services Administrator who is responsible for making any necessary training or travel arrangements and authorizing related expenses. Upon completion of any travel, employees must submit an expense form to the Management Services Administrator with original receipts in order to receive reimbursement. Unauthorized expenses are not reimbursed.

Staff has recently reviewed the policy and found that references to position titles should be revised and the travel advance section deleted as this is no longer a District practice. In addition, sections of the policy are no longer applicable to the current process for travel arrangements.

A request was made from a Director to include the following provisions in the revised policy:

- Eliminate all out-of-state travel until the Board approves a District budget with no transfers from reserves or new funding source to be obtained for any of the revenue budgets or cost centers
- Exceptions to the Expense Reimbursement and Travel policy require written notification, review and approval in a regularly scheduled Board meeting at least 30 days prior to travel

Financial Impact: ___Yes X No

Material Included for Information/Consideration: Resolution No. 2012-60; and, Revised District Expense Reimbursement and Travel Policy.

Staff Recommendation: The Board of Directors consider adoption of the revised District Expense Reimbursement and Travel Policy.

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 _____

September 11, 2012

Resolution No. 2012-60
Resolution of the Board of Directors
Marina Coast Water District
Adopt the Revised District Expense Reimbursement and Travel Policy

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

WHEREAS, the District’s expense reimbursement and travel policy was developed in June 2006 and contains information regarding District-related training, travel and expense reimbursements; and,

WHEREAS, subsequent to this policy, the employee handbook was adopted in April 2010 which contains additional guidelines and procedures when traveling on District business; and,

WHEREAS, all training, travel and expense reimbursement requests go through an approval process and unauthorized expenses are not reimbursed; and,

WHEREAS, staff has recently reviewed the policy and found that references to position titles should be revised and the travel advance section deleted as this is no longer a District practice. In addition, sections of the policy are no longer applicable to the current process for travel arrangements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt the revised expense reimbursement and travel policy.

PASSED AND ADOPTED on September 11, 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. 2012-60 adopted September 11, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-K

Meeting Date: September 11, 2012

Prepared By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Receive Information on Digital Tablets for Board Member Use and Provide Direction to Staff on Purchasing the Tablets

Detailed Description: A request was made to provide the committee information on digital tablets for Board member use in an effort to cut down on large amounts of paper received by the Board in the various agenda packets on a monthly basis and to further comply with the District's Green Sustainable Practice Policy, Practice #2 – *“Reduce waste, recycle and reduce consumption of resources.”*

Monterey Bay Technologies (MBT) obtained pricing options on behalf of the District for a few different models of digital tablets in the following table:

Device	16GB	32GB
Ipad 2	529.99	629.99
The New Apple Ipad	629.99	729.99
Motorola Xyboard 10.1	629.99	729.99
Samsung Galaxy Tab 10.1	529.99	629.99

These prices are based on 16GB and 32GB tablets. MBT recommends adding approximately \$100 to each price for accessories. In addition, there would be a \$34.99 monthly data package charge per tablet through Verizon, the District's wireless telephone service provider. Depending on which model the District chose to utilize, the one-time purchase would be approximately \$3,400.00 - \$4,500.00 and the additional monthly wireless charges would be approximately \$200.00. Monthly wireless charges would be partially offset by the savings the District would realize from reduced photo copy costs of approximately \$1,800 per year.

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: FY 2012/2013 Budget line item Computers/Data Processing and savings resulting from less photo copy costs.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board provide direction to staff on purchasing digital tablets for Board member use.

Action Required: Resolution 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-L

Meeting Date: September 11, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Board of Directors Region 3, Seat A

Detailed Description: The Board of Directors is requested to discuss the recommendation of one person for nomination to the California Special Districts Association (CSDA) Board of Directors Region 3, Seat A.

On August 14, 2012, CSDA sent a call for nominations for a Region 3, Seat A Director for the remainder of the 2010-2012 term. The term will conclude on December 31, 2012.

Any regular member Independent Special District is eligible to nominate one person, a board member or managerial employee for election to the CSDA Board of Directors. The deadline for receiving nominations is September 14, 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 No

Funding Source/Recap: None.

Material Included for Information/Consideration: CSDA letter dated August 14, 2012 and Board of Director Nomination form.

Staff Recommendation: The Board of Directors to provide direction to the Board President on a recommendation for nomination to the CSDA Board of Directors Region 3, Seat A.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Staff Report

Agenda Item: 9-A

Meeting Date: September 11, 2012

Prepared By: Terra Chaffee

Reviewed By: Carl Niizawa

Subject: Receive a Report on SB 90/State Mandated Cost Reimbursement and the Brown Act

Summary: The reimbursable provisions of the Brown Act, California's open meetings law, were suspended by the Legislature in this year's budget. When a reimbursable mandate is suspended, local governments are no longer eligible for reimbursement, nor statutorily obligated to adhere to the mandate. In spite of this, special districts are rightly upholding all requirements of the Brown Act.

Despite the fact the California Legislature has suspended the provisions of the Ralph M. Brown Act, all California special districts are still able to file for SB 90/State Mandated Cost reimbursement for the preparation of regular meeting agendas for the two most recently completed fiscal years (FY 2010-2011 and FY 2011-2012). Districts are able to claim their eligible costs for the Open Meetings Act/Brown Act Reform program for FY 2011-2012 in February 2013. Additionally, if a special district did not file its FY 2010-2011 claim (originally due in February 2012), it is still able to submit those costs with a 10 percent late penalty by February 2013.

The effect of the FY 2012-2013 Budget suspension of the Brown Act will be realized in February 2014, when the Open Meetings Act/Brown Act Reform claim will not be an eligible program for the FY 2012-2013 annual claims deadline.

The District has not submitted claims for SB 90/State Mandated Cost reimbursement in the past.

Marina Coast Water District
Staff Report

Agenda Item: 9-B

Meeting Date: September 11, 2012

Prepared By: Kelly Cadiente, and Paul Lord

Reviewed By: Carl Niizawa

Subject: 1st and 2nd Quarter 2012 Ord Community Water Consumption and Sewer Flow Reports

Summary: The Board of Directors is requested to receive the 1st and 2nd Quarter 2012 Ord Community Water Consumption and Sewer Flow Reports. Quarterly water consumption reports have been submitted to the Board since 2006. The quarterly consumption reports contain the Ord Community water consumption data organized by land-use jurisdiction.

This staff report also includes tracking information on Ord Community sewer flows and available sewer capacity. Ord Community sanitary sewer flow for the 1st quarter of 2012 was 81.27-million-gallons which yield an average daily sewer flow of 0.89-million-gallons-per-day (MGD). 2nd quarter flow was 80.25-million-gallons which yield an average daily sewer flow of 0.88 MGD. The Ord Community's sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

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

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

- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.
- "Army Facilities & Businesses - Ord" captures all uses not listed in the other Army categories.

1st Quarter 2012

- The rainfall total for the quarter (January, February, March), was 4.36 inches. This rainfall amount is significantly lower than the historical quarterly average rainfall of 9.49 inches.
- The measured reference evapotranspiration rate for this period was 7.14 inches, higher than the historical quarterly average figure of 6.11 inches.
- The category Seaside Highlands Soper Field - Ord has been eliminated. The water consumption figures for Soper Field are now included in the category entitled Seaside Highlands – Ord to more accurately track the water usage of the complete Seaside Highlands development against the allocation of 168.5 Acre-Feet of water (125.4 AF potable water + 43.1 AF potable water until reclaimed water becomes available).

2nd Quarter 2012

- The rainfall total for the quarter (April, May, June), was 2.77 inches. This rainfall amount is significantly higher than the historical quarterly average rainfall of 1.66 inches.
- The measured reference evapotranspiration rate for this period was 14.54 inches, higher than the historical quarterly average figure of 13.63 inches.