



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

DAN BURNS
President

HOWARD GUSTAFSON
Vice President

KENNETH K. NISHI
JAN SHRINER
WILLIAM Y. LEE

Agenda Special Board Meeting Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, November 20, 2012, 5:45 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the second Tuesday of each month. The meetings normally begin at 6:45 p.m. at the District offices at 11 Reservation Road, Marina, California.

Mission: Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.

Vision: The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.

1. Call to Order

2. Roll Call

3. Closed Session

A. Pursuant to Government Code 54957.6

Conference with Labor Negotiator

Agency Negotiator (General Manager)

Employee Organization: Marina Coast Water District Employees Association

B. Pursuant to Government Code 54957.6

Conference with Labor Negotiator

Agency Negotiator (General Manager)

Employee Organization: Teamsters Local 890

Reconvene Open Session

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, at least 24 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, November 16, 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 December 11, 2012.

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. 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 Motion for Reconsideration of the Adoption of Resolution No. 2012-80, (Consideration and Approval of Extension of General Manager Employment Contract) and to Reconsider Adoption if the Motion Passes

The Board will consider whether to make a motion to reconsider the adoption of Resolution No. 2012-80 to extend the General Manager's current employment contract, and to reconsider adoption if the motion passes.

- B. Consider Motion for Reconsideration of the Adoption of Ordinance No. 55 (an Ordinance Adding Chapters 6.08.090.E and 6.12.040.D to the District Code on Transfer of Water and Sewer Capacity Credit) and to Reconsider Adoption if the Motion Passes

Action: The Board of Directors will consider whether to make a motion to reconsider the adoption of Ordinance No. 55 regarding the transfer of paid water and sewer capacity charges, and to reconsider adoption if the motion passes.

- C. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-77 (Authorizing the General Manager to Take Any and All Actions Necessary to Provide a Conditional Commitment to the General Services Administration to Construct an Imjin Office Park Building to House the Bureau of Land Management Regional Office) and to Reconsider Adoption if the Motion Passes

Action: The Board of Directors will consider whether to make a motion to reconsider the adoption of Resolution No. 2012-77 authorizing the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park building to house the Bureau of Land Management Regional Office, and to reconsider adoption if the motion passes.

- D. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-78 (Approving the Water Supply Assessment for the Monterey Downs Specific Plan) and to Reconsider Adoption if the Motion Passes

Action: The Board of Directors will consider whether to make a motion to reconsider the adoption of Resolution No. 2012-78 approving the Water Supply Assessment for the Monterey Downs Specific Plan, and to reconsider adoption if the motion passes.

- E. Consider Adoption of Resolution No. 2012-81 to Amend the Professional Services Agreement with RMC Water and Environment for On-Call Engineering Services

Action: The Board of Directors will consider amending the Professional Services Agreement with RMC Water and Environment for on-call engineering services.

- F. Receive a Report on the RUWAP Desalination Project Design-Build Request for Qualifications and Provide Direction to Staff

Action: The Board of Directors will receive a report on the RUWAP Desalination Project Design-Build Request for Qualifications and provide direction to staff.

8. Director's Comments

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

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

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: November 20, 2012

Submitted By: Director Nishi

Agenda Title: Consider Adoption of Resolution No. 2012-80 to Consider and Approve the Extension of the General Manager Employment Contract

Detailed Description: On November 13, 2012, in open session, following closed session discussion, the Board of Directors adopted Resolution No. 2012-80 extending the General Manager's employment contract. Director Nishi, as a prevailing voting member, has asked that this item be brought back for reconsideration.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors adopted Resolution No. 2012-80 on November 13, 2012.

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

Financial Impact: _____Yes _____No

Funding Source/Recap: None required.

Material Included for Information/Consideration: Resolution No. 2012-80.

Staff Recommendation: None.

Action Required: _____X_____Resolution _____Motion _____Review
(Roll call vote is required.)

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

November 13, 2012

Resolution No. 2012 - 80
Resolution of the Board of Directors
Marina Coast Water District
Approving Extension of General Manager's Employment Contract

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on November 13, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the current Employment Contract for General Manager James Heitzman was entered into effective May 10, 2011, and expires effective May 31, 2013; and,

WHEREAS, the General Manager has requested and the Directors agree that it is in the best interests of the District to extend the General Manager's Employment Contract.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve that the General Manager's Employment Contract be amended by substituting the following for the entire Subsection 5.1A:

This contract will expire as of May 31, 2014. It will automatically renew for an additional twelve (12) months at its expiration unless on or before November 30 of each year immediately preceding a May 31 renewal date, the District has provided the General Manager with written notice of non-renewal.

Except for the above amendment, all of the other provisions of the General Manager's Employment Agreement shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED that the Board of Directors of the Marina Coast Water District does hereby approve the Amendment to General Manager's Employment Contract in the form attached to this Resolution and authorizes and directs the District's Vice President to sign the amendment on behalf of the District.

PASSED AND ADOPTED on November 13, 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 _____

Howard Gustafson, Vice 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. 2012-80 adopted November 13, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-B

Meeting Date: November 20, 2012

Submitted By: Director Nishi

Agenda Title: Consider Adoption of Ordinance No. 55, an Ordinance Adding Chapters 6.08.090.E and 6.12.040.D to the District Code on Transfer of Water and Sewer Capacity Credit

Detailed Description: The Board of Directors adopted Ordinance No. 55 adding Chapters 6.08.090 (E) and 6.12.040 (D) to the District Code which address the topic of transferring water and sewer capacity credit on November 13, 2012. Director Nishi, as a prevailing voting member, has asked that this item be brought back for reconsideration.

On September 11, 2012, the Board heard Agenda Item 8-H which asked the Board to consider providing direction to staff regarding a District policy for transfer of capacity charge credits. As a result of the direction given, staff drafted Ordinance No. 55 and brought it to the October 26, 2012 Budget and Personnel Committee for review. That committee has recommended bring the ordinance to the Board for consideration.

Ordinance No. 55 addresses water, recycled water and sewer capacity credit, the determination of what parcels of land have credit, and how that credit can be transferred.

The capacity credit is tied to the parcel of land which has or had a service connection on record with the District. The typical capacity credit for a residential service connection is one (1) EDU unless the District has records showing a greater amount. Commercial service connections are determined by Appendix C for water and on the basis of "fixture units" for sewer.

This water and sewer capacity credit is restricted to the parcel of land with the existing service connection and cannot be transferred from one parcel of land to another except in the following instances:

1. An agreement between a party and the District exists and was in effect prior to the effective date of the passing of this ordinance.
2. A single owner of adjacent or contiguous parcels with one or more EDUs, can transfer capacity credit throughout those parcels only and must indicate the specific capacity credit to the parcel at the time of modified service.
3. If one parcel with one or more EDUs is subdivided into smaller parcels, the capacity credit shall be allocated to one parcel or divided between parcels in conjunction with the Land Use Jurisdiction through the subdivision process.

Environmental Review Compliance: None required.

Prior Committee or Board Action: September 11, 2012 the Board provided direction on Agenda Item 8-H for implementation of a District policy on transfer of capacity credits; October 26, 2012 the Budget and Personnel Committee reviewed and recommended submission to the Board for consideration of approval of Ordinance No. 55. The Board of Directors adopted Ordinance No. 55 on November 13, 2012.

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

Financial Impact: Yes No

Funding Source/Recap: The financial impact is unknown at this time as it will vary with the number of parcels which have capacity credit who then transfer it to other parcels.

Material Included for Information/Consideration: Ordinance No. 55.

Staff Recommendation: The Board of Directors adopt Ordinance No. 55 Adding Chapters 6.08.090.E and 6.12.040.D to the District Code on Transfer of Water and Sewer Capacity Credit.

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_____

MARINA COAST WATER DISTRICT

ORDINANCE NO. 55
AN ORDINANCE ADDING SECTIONS 6.08.090 (E) AND 6.12.040 (D)
OF THE DISTRICT CODE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This ordinance is enacted pursuant to Sections 30000 and following of the California Water Code.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District Law with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board.
- B. The Board has requested that transfer of water, recycled water, and sewer capacity credit be specifically addressed within the District's Code.
- C. An addition to the District's Code which defines the transferability of water, recycled water and sewer capacity credit will not require or induce any physical changes to the environment.
- D. Based upon the above findings, the District's legal counsel advises, and the Board finds, that this ordinance is not a "project" for the purposes of the California Environmental Quality Act ("CEQA"), pursuant to Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines codified at 14 CCR §15378 and that actions taken pursuant to this ordinance are statutorily exempt from CEQA according to Title 14 California Code of Regulations 15269.
- E. The District has duly mailed notice of the meeting to consider adoption of this ordinance to any person or entity requesting such notice in writing. Any such written requests are on file with the District.

Section 3. Purpose Of Ordinance. The purpose of this ordinance is to amend the District Code by adding District Code Sections 6.08.090 (E) and 6.12.040 (D).

Section 4. Water and Sewer Fees and Charges. Sections 6.08.090 (E) and 6.12.040 (D) of the District Code are hereby adopted to read as follows:

6.08.090 Capacity charges for new or modified potable and recycled water service connections.

E. A parcel of land that has/had a water service connection to the District's potable and/or recycled water system, on record with the District, is considered to have capacity credit. A residential water service connection shall be deemed to have one (1) EDU of water capacity unless the District has records which show a greater amount. Capacity for a commercial water service connection is determined by Appendix C. All capacity credit is restricted to the parcel of land with the existing water service connection and cannot be transferred from one parcel to another unless an agreement with the District was in effect prior to 13th day of December, 2012 the effective date of this ordinance or as follows:

1. A single owner of parcels which touch along a parcel line or at a point with one or more EDUs, can transfer capacity credit throughout those parcels only, and must indicate the specific capacity credit to the parcel at the time of modified service.
2. If one parcel with one or more EDUs is subdivided into smaller parcels, the capacity credit shall be allocated to one parcel or divided between parcels in conjunction with the Land Use Jurisdiction through the subdivision process. However, no less than one EDU may be allocated to any one parcel.

6.12.040 Capacity charge for new and modified sewer service connection

D. A parcel of land that has/had a sewer service connection to the District's sewer collection system, on record with the District, is considered to have capacity credit. A residential sewer service connection shall be deemed to have one (1) EDU of sewer capacity unless the District has records which show a greater amount. Capacity for a commercial sewer service connection is determined on the basis of existing "fixture units." All capacity credit is restricted to the parcel of land with the existing sewer service connection and cannot be transferred from one parcel to another unless an agreement with the District was in effect prior to 13th day of November, 2012 the effective date of this ordinance or as follows:

1. A single owner of parcels which touch along a parcel line or at a point with one or more EDUs, can transfer capacity credit throughout those parcels only, and must indicate the specific capacity credit to the parcel at the time of modified service.
2. If one parcel with one or more EDUs is subdivided into smaller parcels, the capacity credit shall be allocated to one parcel or divided between parcels in conjunction with the Land Use Jurisdiction through the subdivision process. However, no less than one EDU may be allocated to any one parcel.

Section 5. Effective Date. Section 6.08.090(E) of the District Code shall be in full force and effect thirty (30) days from and after the date of adoption. Section 6.12.040(D) of the District Code shall be in full force and effect immediately upon adoption in accordance with section 31105(a) of the Water Code.

Section 6. Publication and Posting. Within 10 days after adoption, the district shall publish once in full in a newspaper of general circulation, printed, published and circulated in the district.

Section 7. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 9. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the District Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director Nishi, seconded by Director Lee; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____
Nays: _____
Absent: _____
Abstained: _____

By _____
Howard Gustafson, Vice President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at a special meeting on November 13, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-C

Meeting Date: November 20, 2012

Submitted By: Director Nishi

Agenda Title: Consider Adoption of Resolution No. 2012-77 to Authorize the General Manager to Take Any and All Actions Necessary to Provide a Conditional Commitment to the General Services Administration to Construct an Imjin Office Park Building to House the Bureau of Land Management Regional Office

Detailed Description: The Board of Directors adopted Resolution No. 2012-77 authorizing the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park Building to house the Bureau of Land Management Regional Office on November 13, 2012. Director Nishi, as a prevailing voting member, has asked that this item be brought back for reconsideration.

The Bureau of Land Management (BLM) is seeking property within the City of Marina to house its regional office. The District owns a building lot within the Imjin Office Park development that was purchased from the Association of Bay Area Governments (AMBAG) that staff has submitted for BLM consideration. In order to continue to be considered the District needs to conditionally commit to funding the construction of the building as a part of the proposal process.

Since the BLM is a Federal entity, the General Services Administration (GSA) is administering the procurement of the new space. Staff responded to the GSA's Request for Lease Proposal and submitted the District's parcel and proposed building at a lease rate that recoups all of the District's costs to acquire the property and construct the building within the proposed 15 year term of the lease (20 Year Lease, 15 Firm).

In order for the District's property to continue to be considered, the GSA requires an Offeror to provide satisfactory evidence of at least a conditional commitment of funds in an amount necessary to prepare the Space. The conditional commitment is required to be signed by an authorized financial official and needs to state: the amount of loan required, term in years, annual percentage rate, and the length of loan commitment.

Based on the cost of the District's other building within the Imjin Office Park (currently occupied by FORA), Staff estimates the cost of constructing the proposed building at \$3.2 million (excluding the property acquisition costs of \$404,000 which have already been expended). The District will need to finance or fund the estimated \$3.2 million in construction cost in order to provide a building to house the BLM.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors adopted Resolution No. 2012-77 on November 13, 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: ___X___ Yes _____ No

Funding Source/Recap: None required.

Material Included for Information/Consideration: Resolution No. 2012-77.

Staff Recommendation: The Board Authorize the General Manager to take any and all actions necessary to provide a Conditional Commitment to the General Services Administration to Construct an Imjin Office Park Building to house the Bureau of Land Management Regional Office.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 13, 2012

Resolution No. 2012 - 77
Resolution of the Board of Directors
Marina Coast Water District

Authorize the General Manager to Take Any and All Actions Necessary to
Provide a Conditional Commitment to the General Services Administration to Construct an Imjin
Office Park Building to House the Bureau of Land Management Regional Office

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 13, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District owns a building lot within the Imjin Office Park; and,

WHEREAS, the Bureau of Land Management (BLM) through the General Services Administration (GSA) is seeking to house their Regional Offices within the City of Marina; and,

WHEREAS, District Staff has submitted the Imjin Office Park building lot and proposed building to GSA for consideration; and,

WHEREAS, the GSA procurement process requires any Offeror is required to provide a conditional commitment to fund construction of proposed space to be considered.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to take any and all actions necessary to provide a Conditional Commitment to the General Services Administration to Construct an Imjin Office Park Building to house the Bureau of Land Management Regional Office

PASSED AND ADOPTED on November 13, 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 _____

Howard Gustafson, Vice 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. 2012-77 adopted November 13, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-D

Meeting Date: November 20, 2012

Submitted By: Director Nishi

Agenda Title: Consider Adoption of Resolution 2012-78 to Approve the Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan

Detailed Description: The Board of Directors approved the *Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan* (Attached as Exhibit A) on November 13, 2012. Director Nishi, as a prevailing voting member, has asked that this item be brought back for reconsideration.

At the request of the City of Seaside, the District prepared a Water Supply Assessment (WSA) and Written Verification of Supply (WVS) for the proposed Monterey Downs Specific Plan. The specific plan includes three adjacent projects: the Monterey Downs master-planned community, which includes a horse park and an equestrian training facility; the California Central Coast Veterans Cemetery; and the City of Seaside Corporation Yard. The project is located on land in both the City of Seaside and unincorporated Monterey County. The Specific Plan proposes annexing the entire project area into the City of Seaside. The WSA was prepared in accordance with Senate Bills 610 and 221 which modified portions of the California Water Code and Government Code to assure that certain proposed developments are provided with a reliable water supply. These (code) modifications require detailed information regarding water availability be provided, in this case, to City of Seaside and County of Monterey decision-makers prior to approval of the specified development. The law intends that WSA/WV's will serve as evidentiary basis for approval action by the City. The WSA will be circulated with the Monterey Downs Specific Plan Draft Environmental Impact Report.

District staff and its consultant Schaaf & Wheeler worked with the Developer and the City officials to develop this WSA. The WSA concludes that the total water demand for the project will be 852.5 acre-feet per year (AFY). The project is located in the City of Seaside and unincorporated Monterey County. These jurisdictions have 382.2 acre-feet of currently-available groundwater supply in Zones 2/2A as allocated by Monterey County Water Resources Agency, which may be sub-allocated to the Monterey Downs Specific Plan. The remainder of the Project will require the development of additional water supplies to serve the Ord Community, as approved under the Regional Urban Water Augmentation Project.

Environmental Review Compliance: This item is a required portion of the City's CEQA EIR for the Monterey Downs Specific Plan.

Prior Committee or Board Action: On April 10, 2012, the Board approved Resolution No. 2012-18 to Approve a Professional Services Agreement with Schaaf & Wheeler to prepare this Water Supply Assessment. The Board of Directors approved Resolution No. 2012-78 on November 13, 2012.

Board Goals/Objectives: *Strategic Plan: Goal No. 1: To manage and sustain the District's groundwater and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards. Goal No. 2: To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: _____ Yes ___X___ No

Funding Source/Recap: N/A.

Material Included for Information/Consideration: Resolution No. 2012-78; and, Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan (Exhibit A).

Staff Recommendation: Consider adoption of Resolution No. 2012-78 to approve the Water Supply Assessment and Written Verification of Supply for the Monterey Downs Specific Plan.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 13, 2012

Resolution No. 2012-78
Resolution of the Board of Directors
Marina Coast Water District
Approving the Water Supply Assessment and Written
Verification of Supply for the Monterey Downs Specific Plan

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 13, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the City of Seaside is the lead agency for preparation of the Monterey Downs Specific Plan, a project that is located in the City of Seaside and in unincorporated Monterey County; and,

WHEREAS, the City of Seaside is required to produce a water supply assessment (Water Code section 10910 et. seq.) and written verification of supply (Government Code section 66473.7 (b)(1)) as part of the approval process for the Monterey Downs Specific Plan; and,

WHEREAS, the City of Seaside requested that the District, as the public water supplier for the area of development, analyze the available supplies and produce the required assessment and written verification of supply; and,

WHEREAS, the District completed the requested water supply assessment which concluded, pursuant to Section 10910 of the California Water Code, that the District’s water supplies are currently not sufficient to meet the full water demand of 852.5 acre-feet per year associated with the proposed Monterey Downs Specific Plan in addition to other existing and previously approved development demands expected by the District in the Ord Community as described in the District’s Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and, pursuant to Section 66473.7 of the California Government Code, the District’s water supplies are currently sufficient to meet up to 382.2 acre-feet per year of the proposed water demands of the Development, in addition to other planned demands expected by the District in the Ord Community Service Area as described in the District’s Urban Water Management Plan during normal, single-dry and multiple dry years within a twenty-year projection; and,

WHEREAS, the District has planned the Regional Urban Water Augmentation Project to develop additional water supply for the Ord Community, and has certified a CEQA Environmental Impact Report for the Project, which is sufficient for the remainder of the Monterey Downs Specific Plan; and,

WHEREAS, the Water Supply Assessment is confirmation of the availability of a reliable water supply for an initial phase of the project, based on the “Agreement between the United States of America and Monterey County Water Resources Agency Concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency” dated September 21, 1993; and,

WHEREAS, the Monterey Downs Specific Plan area is within the District's Ord Community service area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Water Supply Assessment and Written Verification of Supply for the proposed Monterey Downs Specific Plan.

PASSED AND ADOPTED on November 13, 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 _____

Howard Gustafson, Vice 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. 2012-78 adopted November 13, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-E

Meeting Date: November 20, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-81 to Amend the Professional Services Agreement with RMC Water and Environment for On-Call Engineering Services

Detailed Description: The Board of Directors is requested to approve an amendment to the Professional Services Agreement (PSA) with RMC Water and Environment for On-Call Engineering Services for a not-to-exceed amount of \$100,000 for a contract period ending June 30, 2013.

RMC Water and Environment has been the District's consultant on the District's Regional Urban Water Augmentation Program and subsequent Regional Project for the last several years. RMC is uniquely qualified to provide on-call engineering services because of their detailed knowledge of the District and their expertise in the water and wastewater fields. Given these qualities, RMC will be able to perform assigned engineering tasks related to MCWD in an efficient manner.

On May 8, 2012, the Board of Directors approved this PSA for engineering 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. This Resolution will amend the PSA by \$25,000 for additional engineering support as needed through fiscal year end June 30, 2013 on a time and material basis for a not-to-exceed amount of \$100,000. The on-call consultant will be asked to undertake tasks within this proposed PSA according to the following guidelines:

- For small tasks that would not be cost effective to complete through the standard RFP process for engaging consultants; and,
- For tasks that in-house staff does not have the resources or is unable to perform; and,
- When there is an urgent need for engineering work requiring a certain type of expertise.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On May 8, 2012, the Board of Directors approved a PSA with RMC Water and Environment for a not-to-exceed amount of \$75,000 for a contract period ending June 30, 2013.

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: This PSA will be funded by the Engineering Department's budget (the line-item termed "Engineering Consultants") and/or District Reserves if the task is related to a Capital Improvement Project.

Material Included for Information/Consideration: Resolution No. 2012-81.

Staff Recommendation: The Board of Directors adopt Resolution No. 2012-81 to amend the Professional Services Agreement with RMC Water and Environment for On-Call Engineering Services for a not-to-exceed amount of \$100,000 for the contract period ending June 30, 2013.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 20, 2012

Resolution No. 2012-81
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with
RMC Water and Environment for On-Call Engineering Services

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on November 20, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District has a need for on-call engineering services for urgent and small tasks which would not be efficiently accomplished through a request for proposals process; and,

WHEREAS, RMC Water and Environment provides cost-effective services with a strong knowledge of MCWD’s water plans and projects.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager/District Engineer to amend the Professional Services Agreement with RMC Water and Environment for On-Call Engineering Services on a time and material basis for a not-to-exceed amount of \$100,000 with a contract period ending June 30, 2013, 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 November 20, 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. 2012-81 adopted November 20, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-F

Meeting Date: November 20, 2012

Prepared By: Andrew Sterbenz
Reviewed By: Jim Heitzman

Prepared By: Andrew Sterbenz

Subject: Receive a Report on the RUWAP Desalination Project Design-Build Request for Qualifications and Provide Direction to Staff

On September 27, 2012, the District Staff issued a Request for Qualifications for Design/Build Services for the Desalination Project portion of the Regional Urban Water Augmentation Project. The District is looking for firms or teams of firms which can design, build, operate and potentially finance this facility.

Soliciting Statements of Qualification (SOQs) allows the District to identify a short list of qualified teams, which may then be invited to submit detailed proposals for design, construction and operation of the desalination facility. The deadline for submission of statements of qualifications was 5:00 PM on November 7, 2012. Staff is in the process of reviewing the SOQs and will verbally report at the meeting the qualified firms for consideration.

The District may take one of several actions:

- Identify the best qualified firm based upon the Statements of Qualifications received and enter into negotiations for a design-build contract
- Identify a list of 3 to 4 highly qualified firms of the based upon the Statements of Qualifications received, conduct interviews with each firm to identify the best qualified firm, and enter into negotiations for a design-build contract
- Identify a list of 3 to 4 highly qualified firms of the based upon the Statements of Qualifications received, solicit proposals from each firm to identify the best qualified firm, and enter into negotiations for a design-build contract
- Defer further action on this project

Environmental Review Compliance: None required at this time. The final project will require action to update the previous CEQA EIR with project-specific details.

Prior Committee or Board Action: Resolution No. 2005-27 on 05/25/05, Approving the Plan for the MCWD Regional Urban Water Augmentation Project and File a Notice of Determination for the Project; Resolution No. 2006-47 on 06/14/06, Approving a Professional Services Agreement with RMC Water & Environment for Preliminary Design of the Desalination Portion of the Regional Urban Water Augmentation Project; Resolution No. 2006-91 10/25/06 Certifying a CEQA Addendum for the District's Regional Urban Water Augmentation Project and Authorizing Filing a Notice of Determination; Resolution No. 2007-18 on 02/14/07, Adopting Addendum No. 2 to the Certified Environmental Impact Report for the Regional Urban Water Augmentation Project; Resolution No. 2010-08 on 01/20/10, Approving the Outfall Agreement with the Monterey Regional Water Pollution Control Agency; Resolution No. 2010-18 on

03/16/10, Approving the Acquisition of 224-acres (+/-) of Armstrong Ranch Land and Appurtenant Easements.

Board Goals: *Strategic Plan: Goal No. 1: To manage and sustain the District's groundwater and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards. 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: The Desalination Component of the Regional Urban Water Augmentation Project (RUWAP) is capital project GW-0157 in the District CIP Budget. The Fort Ord Reuse Authority will be contributing \$45M to the RUWAP (which contains desalination and recycled water).

Material Included for Information/Consideration: None.

Staff Recommendation: The Board consider the information presented and give guidance to staff about follow-on actions with respect to this project.

Action Required: Resolution Motion Review

Board Action

Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken