



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

DAN BURNS
President

HOWARD GUSTAFSON
Vice President

KENNETH K. NISHI
JAN SHRINER
WILLIAM Y. LEE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, December 11, 2012, 6:45 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. **Declare the Election of Directors to the Marina Coast Water District**
 - A. Consider Adoption of Resolution No. 2012-xx to Declare the Election of Directors to the Marina Coast Water District Board

Action: The Board will consider adopting Resolution No. 2012-xx declaring the election of Directors to the Marina Coast Water District Board.
4. **Administer Oath of Office**

Action: The Oath of Office will be administered to Thomas P. Moore and Peter Le who were elected on November 6, 2012 to serve as Directors to the Marina Coast Water District Board.

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, December 6, 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 January 8, 2012.

5. Election of Board President and Vice-President

Action: The Board will elect two Directors to serve as President and Vice-President of the Board until December 2013.

6. 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)

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
Two Cases

- 1) Claims of MCWRA and Monterey County against MCWD
- 2) Claims of California–American Water Company against MCWD

D. Pursuant to Government Code Section 54956.9 (c)

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

E. Pursuant to Government Code Section 54957

Public Employee Performance Evaluation
Title: General Manager

7:00 p.m. Reconvene Open Session

7. 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.*

8. Pledge of Allegiance

9. 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.*

10. 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-xx to Authorize the General Manager to Execute a Memorandum of Understanding between Monterey Regional Water Pollution Control Agency and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group
- B. Approve the Proposed Regular Board Meeting Dates and Times for 2013
- C. Receive the Quarterly Financial Statements for April 1, 2012 to June 30, 2012
- D. Approve the Expenditures for the Month of October 2012
- E. Approve the Expenditures for the Month of November 2012
- F. Approve the Draft Minutes of the Regular Board Meeting of November 13, 2012
- G. Approve the Draft Minutes of the Special Board Meeting of November 20, 2012

11. 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 Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2012

Action: The Board of Directors is requested to consider accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2012.

- B. Consider Adoption of Resolution No. 2012-xx to Authorize the General Manager to Sign a City of Marina Application Affidavit Allowing the Covenant Orthodox Presbyterian Church to Apply for a Zoning Clearance from the City of Marina for Imjin Office Park

Action: The Board of Directors is requested to authorize the General Manager to sign a City of Marina application affidavit allowing the Covenant Orthodox Presbyterian Church to apply for a zoning clearance from the City of Marina for Imjin Office Park.

- C. Consider Adoption of Resolution No. 2012-xx to Amend the Water Conservation Commission Procedures Manual to Clarify Commissioner "Vacancies"

Action: The Board of Directors is requested to amend the Water Conservation Commission Procedures Manual to clarify Commissioner "vacancies".

- D. Consider the Re-Appointment of Ruth Krotzer as a Public Member of the Water Conservation Commission

Action: The Board of Directors is requested to consider re-appointment of Ruth Krotzer as a public member of the Water Conservation Commission.

- E. Consider Adoption of Resolution No. 2012-xx to Amend the Professional Services Agreement with Harris & Associates for On-Call Inspection Services for Developments within the Dunes on Monterey Bay

Action: The Board of Directors is requested to amend the Professional Services Agreement with Harris & Associates for on-call inspection services for developments within the Dunes on Monterey Bay.

- F. Consider Adoption of Resolution No. 2012-xx to Accept the Greater Monterey County Integrated Regional Water Management Plan

Action: The Board of Directors is requested to accept the Greater Monterey County Integrated Regional Water Management Plan.

12. Staff Reports

- A. Receive 3rd Quarter 2012 Ord Community Water Consumption and Sewer Flow Report

13. 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

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| 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 | |

14. Board Member Requests for Future Agenda Items

15. Director's Comments

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

Regular Meeting:

*Tuesday, January 8, 2013, 6:45 p.m.,
11 Reservation Road, Marina*