



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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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  
Thursday, December 6, 2012, 4:30 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. **Pledge of Allegiance**
4. **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.*
5. **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. Approve the Draft Minutes of the Special Board Meeting of October 26, 2012

*Action: The Board of Directors is requested to approve the draft minutes of October 26, 2012.*

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 Tuesday, December 4, 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.

- B. Approve the Draft Minutes of the Special Board Meeting of November 20, 2012

*Action: The Board of Directors is requested to approve the draft minutes of November 20, 2012.*

- C. Consider Motion for Reconsideration of the Adoption of Resolution No. 2012-88 (Requiring a Super-Majority Vote, 4-1, for Any Annexation or it Goes to Vote of the 1961 Original MCWD Customers) and to Reconsider Adoption if the Motion Passes

*Action: The Board will consider whether to make a motion to reconsider the adoption of Resolution No. 2012-88 requiring a super-majority vote, 4-1, for any annexation or it goes to a vote of the public, and to reconsider adoption if the motion passes.*

- D. Consider Appointing Kenneth Nishi as the Liaison for the Recycled Water Rights Meetings between the Marina Coast Water District, Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency

*Action: The Board will consider appointing Kenneth Nishi as the District's liaison in recycled water rights meetings with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.*

- E. Consider Adoption of Resolution No. 2012-89 to Approve a Professional Services Agreement with the Marina Water Alliance for a Feasibility Study for the RUWAP Desalination Plant

*Action: The Board will consider approving a Professional Services Agreement with Marina Water Alliance for the planning and feasibility study of the RUWAP Desalination Plant..*

**6. Director's Comments**

- 7. 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: 5-A

Meeting Date: December 6, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of October 26, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of October 26, 2012. At the November 13, 2012 Board meeting, Directors Shriner and Nishi abstained from voting on the draft minutes as they were not present at the October 26<sup>th</sup> meeting. With President Burns absent from the November 13, 2012 Board meeting, there was not a majority to approve the minutes.

The minutes are being presented for approval now because when the new Board members take seat on December 11, 2012, there will not be a quorum of those present at the October 26<sup>th</sup> meeting to vote on the minutes.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board reviewed the minutes at the November 13, 2012 Board meeting.

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

Financial Impact:     \_\_\_ Yes     \_\_\_ X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of October 26, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the October 26, 2012 special Board meeting.

Action Required:     \_\_\_ Resolution     \_\_\_ X Motion     \_\_\_ Review

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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: 5-B

Meeting Date: December 6, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of November 20, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of November 20, 2012.

The minutes are being presented for approval now because when the new Board members take seat on December 11, 2012, there will not be a quorum of those present at the November 20<sup>th</sup> meeting to vote on the minutes as Director Shriner was absent from that Board meeting.

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 November 20, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the November 20, 2012 special Board meeting.

Action Required:     \_\_\_ Resolution     \_\_\_ X Motion     \_\_\_ Review

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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: 5-C

Meeting Date: December 6, 2012

Prepared By: Roger Masuda

Presented By: Roger Masuda

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-88 Establishing a District Annexation Policy and Rule

Detailed Description: Vice President Gustafson is requesting the Board of Directors to adopt Resolution No. 2012-88, which would establish an annexation policy and rule requiring either of the following two actions in order for the District to petition for or consent to an annexation of territory to the District: (a) the affirmative vote of at least four directors; or (b) a majority of the voters voting in favor of the proposed annexation. Only those registered voters residing within the jurisdictional boundaries of the City of Marina, as those jurisdictional boundaries existed as of 1975, shall be eligible to vote on the proposed annexation. The resolution would further require the affirmative vote of at least four directors to amend or repeal the resolution.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan 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.*

Financial Impact:     \_\_\_\_\_Yes     \_\_\_\_\_X\_\_\_\_\_No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2012-88.

Staff Recommendation: The Board consider adopting Resolution No. 2012-88 establishing a District Annexation Policy and Rule.

Action Required:     \_\_\_X\_\_\_Resolution     \_\_\_\_\_Motion     \_\_\_\_\_Review  
(Roll call vote is required.)

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Board Action

\_\_\_\_ Resolution No \_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

November 30, 2012

Resolution No. 2012 - 88  
Resolution of the Board of Directors  
Marina Coast Water District  
Adopting District Annexation Policy and Rule

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on November 30, 2012, at the business office of the District, 11 Reservation Road, Marina, California, as follows:

WHEREAS, the Board of Directors of the Marina Coast Water District is authorized to adopt District policies and rules; and,

WHEREAS, it is in the best interests of the District adopt the policy and rule set forth below regarding the annexation of additional territories to the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-88 and the following annexation policy and rule:

1. Any action by the Board of Directors authorizing the submission of an application for any change of organization or reorganization involving the annexation of additional territory to the District pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, brought on behalf of or in the name of the District shall require either:

(a) the affirmative vote of at least four directors; or

(b) a majority of the voters voting in favor of the proposed annexation. Only those registered voters residing within the jurisdictional boundaries of the City of Marina, as those jurisdictional boundaries existed as of 1975, shall be eligible to vote on the proposed annexation.

2. The approval requirements of Section 1 above shall also apply in order for the District to provide its consent to a proposal for any change of organization or reorganization involving the annexation of additional territory to the District where the proposal was not initiated by the District.

3. Any amendment or repeal of this resolution shall require the affirmative vote of at least four directors.

PASSED AND ADOPTED on November 30, 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. 2012-88 adopted November 30, 2012.

\_\_\_\_\_  
Jim Heitzman, Secretary



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 5-D

Meeting Date: December 6, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Appointing Kenneth Nishi as the Liaison for the Recycled Water Rights Meetings between the Marina Coast Water District, Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency

Detailed Description: The Board of Directors is requested to appoint Kenneth Nishi as the District liaison for the meetings with Monterey Regional Water Pollution Control Agency (MRWPCA) and the Monterey County Water Resources Agency (MCWRA) regarding recycled water rights.

The District, MRWPCA and the MCWRA have been meeting over the last couple of months discussing recycled water rights. Director Nishi has been attending those meetings and has the most knowledge of the discussions that transpired between the three groups.

It is in the best interest of the District to continue to have Kenneth Nishi attending the meetings on its behalf.

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: None.

Staff Recommendation: The Board of Directors consider appointing Kenneth Nishi as the District liaison for the meetings with Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency regarding recycled water rights.

Action Required:     \_\_\_\_\_Resolution       X  Motion     \_\_\_\_\_Review

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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: 5-E

Meeting Date: December 6, 2012

Submitted By: Andrew Sterbenz

Presented By: Andrew Sterbenz

Agenda Title: Consider Adoption of Resolution 2012-89 to Approve a Professional Services Agreement with the Marina Water Alliance for a Feasibility Study of the RUWAP Desalination Plant

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with the Marina Water Alliance for a Planning and Feasibility Study of the RUWAP Desalination Plant.

On November 20, 2012, the Board directed staff to enter into contract negotiations with the Marina Water Alliance team of HDR Engineering, Filanc Construction and Acconia Agua for design and construction of the Marina Desalination Plant. This contract will be for the initial analysis of the existing data and preparation of a conceptual project plan, financing plan, schedule and list of required technical and CEQA studies. This project is a hybrid of the MCWD-only desalination facility considered under the Regional Urban Water Augmentation Project (RUWAP) and the Regional Desalination Project jointly considered with California American Water and Monterey County Water Resources Agency.

The Marina Water Alliance will be working cooperatively with the District's environmental consultant during this phase of the work to identify any additional CEQA studies required to assess this hybrid project. The District will determine during this phase whether this project can be certified as an amendment to the RUWAP EIR or if it requires a project-specific EIR.

The Marina Water Alliance fee estimate for this planning and feasibility study is \$178,000. Staff is requesting a total authorization of \$196,000, which includes a 10% contingency allowance.

Environmental Review Compliance: The proposed RUWAP Desalination Plant is a hybrid of two separate desalination projects separately considered under CEQA. One purpose of the study is to identify those portions of the previous CEQA analysis which are still valid, what new analysis is required and establish a schedule for completion of the CEQA for this project.

Prior Committee or Board Action: On October 27, 2004, the District Board of Directors certified the Environmental Impact Report for the Regional Urban Water Augmentation Project. At the Joint MCWD-FORA Board meeting on June 10, 2005, the two Boards directed staff to initiate scoping of the Hybrid Alternative of the Water Augmentation Project. On January 20, 2010, the Board approved the Outfall Agreement with the Monterey Regional Water Pollution Control Agency. On November 20, 2012, the Board directed staff to enter into contract negotiations with the Marina Water Alliance for design and construction of the Marina Desalination Plant.

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:    \_\_\_X\_\_\_ Yes    \_\_\_\_\_ No

Funding Source/Recap: Funding for this work will come from the Ord Community water cost center reserves.

Material Included for Information/Consideration: Resolution No. 2012-89.

Staff Recommendation: Consider adoption of Resolution No. 2012-89 to approve a Professional Services Agreement with the Marina Water Alliance for a Feasibility Study of the RUWAP Desalination Plant.

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

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Board Action

\_\_\_\_\_ Resolution No \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

December 06, 2012

Resolution No. 2012-89  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a Professional Services Agreement with the Marina Water Alliance  
for a Feasibility Study of the RUWAP Desalination Plant

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on December 06, 2012, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District is pursuing a desalination project to develop additional water supply for the Ord Community; and,

WHEREAS, the Marina Water Alliance was selected as the best qualified design-build entity in a competitive selection process; and,

WHEREAS, the current project is a hybrid of two previously studied desalination projects; and,

WHEREAS, preparation of a feasibility study and conceptual design is required in order to identify any remaining project-specific CEQA studies and actions.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to execute a Professional Services Agreement with the Marina Water Alliance for a Feasibility Study of the RUWAP Desalination Plant for a not-to-exceed amount of \$196,000 including a 10% contingency, 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 December 6, 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:

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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. 2012-89 adopted December 6, 2012.

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Jim Heitzman, Secretary