



# 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

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HOWARD GUSTAFSON  
WILLIAM Y. LEE  
PETER LE

## Agenda

### Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California

Tuesday, February 26, 2013, 6:00 p.m. PST

(Please note the earlier start time)

*This meeting has been noticed according to the Brown Act rules. In March, the Board of Directors will begin meeting regularly on the first and third Monday of each month. The meetings normally begin at 6:45 p.m. and will be held at the City of Marina Council Chambers at 211 Hillcrest Avenue, 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. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session 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.*

#### 4. 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, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case No. H038550

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, February 21, 2013 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 March 18, 2013.

2) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, Monterey County Superior Court Case No. M120053 (Complaint for Declaratory Relief)

3) State Water Resources Control Board's Proposed Revocation of Monterey County Water Resources Agency Water Right Permit 11043 authorizing the diversion of up to 168,538 acre-feet per year from the Salinas River

- 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 54957  
Conference with Legal Counsel  
Public Employee Performance Evaluation  
Title: General Manager

## **7:00 p.m. Reconvene Open Session**

**5. 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.*

## **6. Pledge of Allegiance**

**7. 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.*

**8. 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. 2013-17 to Appoint the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as Deputy Secretaries
  
- B. Consider Authorizing the Distribution of a Guest Editorial or Article Promoting World Water Day 2013
  
- C. Consider Ordering Business Cards for Directors

D. Approve the Expenditures for the Month of January 2013

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

A. Consider Adoption of Resolution No. 2013-18 to Approve a Variance Request Regarding Metering for The Promontory Development Project

*Action: The Board of Directors will consider approving a variance request regarding metering for the Promontory Development Project.*

B. Consider Directing the Acting General Manager to Waive Deposit Cost and Set/Remove Fees for the Temporary Fire-Hydrant Connection Needed for the Mud Run

*Action: The Board of Directors will consider waiving the deposit cost and set/remove fees for the temporary fire-hydrant connection needed for the Mud Run.*

C. Consider Adoption of Resolution No. 2013-19 to Approve Adjustments to Deputy General Manager/District Engineer's Pay for Working Out-of-Classification as Acting General Manager

*Action: The Board of Directors will consider approving an adjustment to the Deputy General Manager/District Engineer's pay for working out-of-classification as Acting General Manager.*

D. Consider Adoption of Resolution No. 2013-20 to Approve the Board Meeting Schedule and Venue for 2013

*Action: The Board of Directors will consider approving the Board meeting schedule and venue for 2013.*

## **10. Staff Report**

A. FORA Water and Wastewater Oversight Committee (package from the Feb 20, 2013 meeting)

**11. 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. WWOC Report                            |
| 3. Executive Committee           | 9. JPIA Liaison                           |
| 4. Community Outreach            | 10. Special Districts Association Liaison |
| 5. MRWPCA Board Member           | 11. CalDesal                              |
| 6. LAFCO Liaison                 |                                           |

**12. Correspondence**

**13. Board Member Requests for Future Agenda Items**

- A. Board Member Requests
- B. Notice Date for Public Participation Workshop – March 12, 2013
- C. Notice Date for Strategic Planning Workshop – April 13, 2013

**14. Director's Comments**

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

*Regular Meeting:* **Monday, March 18, 2013, 6:45 p.m.,  
211 Hillcrest Avenue, Marina**

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: February 26, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-17 to Appoint the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as Deputy Secretaries
- B) Consider Authorizing the Distribution of a Guest Editorial or Article Promoting World Water Day 2013
- C) Consider Ordering Business Cards for Directors
- D) Approve the Expenditures for the Month of January 2013

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.)

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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: 8-A

Meeting Date: February 26, 2013

Submitted By: Roger Masuda

Presented By: Roger Masuda

Agenda Title: Adopt Resolution No. 2013-17 to Appoint the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as Deputy Secretaries

Detailed Description: The Board of Directors will consider appointing the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as Deputy Secretaries.

The General Manager is the Secretary to the Board and while he is out of the office, the Board of Directors should consider appointing the Deputy General Manager/District Engineer as Deputy Secretary in his absence. As a support position, the Board of Directors should also consider appointing the Executive Assistant/Clerk to the Board as a Deputy Secretary.

Environmental Review Compliance: None.

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  No

Funding Source/Recap: N/A.

Material Included for Information/Consideration: Resolution No. 2013-17.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-17 to appoint the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as Deputy Secretaries.

Action Required:  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

February 26, 2013

Resolution No. 2013-17  
Resolution of the Board of Directors  
Marina Coast Water District  
Appoint the Deputy General Manager/District Engineer  
and the Executive Assistant/Clerk to the Board as Deputy Secretaries

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 26, 2013, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the General Manager is the Secretary to the Board; and;

WHEREAS, during his absence, the Deputy General Manager/District Engineer should be appointed as a Deputy Secretary; and,

WHEREAS, the Executive Assistant/Clerk to the Board should be appointed as a Deputy Secretary.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby appoint the Deputy General Manager/District Engineer and the Executive Assistant/Clerk to the Board as a Deputy Secretaries.

PASSED AND ADOPTED on February 26, 2013, 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

\_\_\_\_\_  
Brian Lee, Deputy 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. 2013-17 adopted February 26, 2013.

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Brian Lee, Deputy Secretary



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: February 26, 2013

Prepared By: Paul Lord

Presented By: James Derbin

Agenda Title: Consider Authorizing the Distribution of a Guest Editorial or Article Promoting World Water Day 2013

Detailed Description: At the February 7, 2013 Water Conservation Commission meeting, the Commission recommended that the Board of Directors consider the approval of a guest editorial/article announcing World Water Day 2013.

International World Water Day is held annually as a means of focusing attention on the importance of freshwater and advocating for the sustainable management of freshwater resources. This year, World Water Day will be observed on March 22<sup>nd</sup>.

To bring attention to this annual event and to promote water conservation throughout the local communities, Water Conservation Commissioner Dan Amadeo and Marina Coast Water District Director Jan Shriner agreed to work together, and with staff's assistance, wrote the attached draft guest editorial/article. Upon approval from the MCWD Board of Directors, the guest editorial/article will be sent to local newspaper outlets, by Commissioner Amadeo and/or Director Shriner, for publication as either a guest editorial or as an article (depending on how the particular newspaper wishes to view the material) during the month of March 2013.

Environmental Review Compliance: None.

Prior Committee or Board Action: During the February 7, 2013 Water Conservation Commission meeting, the Commissioners recommended that the Board of Directors consider approval of a guest editorial/article announcing World Water Day 2013.

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.*

Financial Impact:  Yes  No

Funding Source/Recap: None

Material Included for Information/Consideration: Draft guest editorial/article promoting World Water Day 2013.

Staff Recommendation: The Board of Directors consider approval of a guest editorial/article promoting World Water Day 2013.

Action Required:  Resolution  Motion  Review

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Board Action

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

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

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

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

## DRAFT ARTICLE

Volunteers from the Water Conservation Commission of the Marina Coast Water District (MCWD) would like to request your cooperation in supporting local efforts in water conservation. You can do this by recognizing and celebrating World Water Day and its focus - Water Cooperation - on March 22, 2013.

Thinking globally and acting locally, we wanted to find a free method for the whole community to act locally by celebrating World Water Day on March 22, 2013. There are free banners, posters, and information regarding this annual event at [www.unwater.org](http://www.unwater.org). This letter/article is a local action taken by volunteers who have renewed efforts of cooperation by taking on this writing project together. We hope you will join us in the spirit and celebration of improved water cooperation.

At the individual level the stakes are the greatest because it is actual people and businesses that end up paying for the water consumed and the infrastructure it takes to bring that water to the tap. Water is finite and can be expensive. But there are things each of us can do to assure availability of this resource. When we realize that more than 10% of all the water going to residences is often lost to leaks, wasted, or not consumed for its intended use, you can see the importance of water conservation as part of the solution to our local water problems. We can easily stop over irrigating our landscapes, stop water leaks, stop waiting for water to become hot before we shower or shave, and not let the water run when brushing our teeth. There are many more ways to reduce the use of our limited water supply.

Our local water agencies, especially MCWD, will provide us with help, including free water use surveys, free low-flow showerheads and faucet aerators, high-efficiency toilet and clothes washer rebates, hot water recirculation pump rebates, and incentives for the installation of water-saving irrigation controllers.

We hope you will join us in the spirit and celebration of World Water Day, every day, by practicing water conservation. Help us protect our rights to water, and help ensure that our water remains clean, accessible, and sufficient.

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: February 26, 2013

Submitted By: Paula Riso

Presented By: Brian Lee

Agenda Title: Consider Ordering Business Cards for Directors

Detailed Description: The Board of Directors is requested consider ordering business cards for Directors.

At the February 12, 2013 Board meeting, Vice President Shriner requested that the Board discuss ordering business cards for Directors to use when out in public. It has been a policy of the District to use local businesses whenever possible, and the District currently uses Integrity Printing on Reservation Road in Marina for their printing needs. Integrity Printing prints the District Letterhead and business cards for District staff. Staff has been very pleased with their reliability and prompt response on orders. Should the Board decide to order business cards, the cost is approximately \$40 for 500 business cards per person.

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      No

Funding Source/Recap: Expenditures are allocated to the printing line item for each cost center.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider if they want to order business cards for Directors use.

Action Required:      Resolution      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: 8-D

Meeting Date: February 26, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Approve the Expenditures for the Month of January 2013

Detailed Description: The Board of Directors is requested to approve the attached January 2013 check register for expenditures totaling \$562,986.90.

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: January 2013 Summary Check Register.

Staff Recommendation: The Board of Directors approve the January 2013 expenditures totaling \$562,986.90.

Action Required:     \_\_\_Resolution   \_\_\_X\_\_\_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\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: February 26, 2013

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-18 to Approve a Variance Request Regarding Metering for The Promontory Development Project

Detailed Description: The Board of Directors is requested to consider and specify the disposition of a Variance Request submitted by AMCAL (developer, Applicant) for their development project called The Promontory. AMCAL is a for-profit developer working with CSUMB in a public-private partnership capacity. Their project is located approximately along the southern edge of the 8<sup>th</sup> Street Cut-Off between Imjin Road and 5<sup>th</sup> Avenue. The Promontory project proposes three multi-story structures to serve as student housing dormitories consisting of approximately 175-units containing roughly 590-beds.

The Applicant is requesting a variance to MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* that states “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually ....” The Applicant’s specific request is that a variance be granted that allows the project to provide potable water through a single service connection for each building rather than individually metering the approximately 175 proposed dwelling units. The Applicant’s complete Variance Request Form is attached.

The arguments made by the Applicant to allow the Variance may be described as:

1. The housing project appears to be inextricably linked to the CSUMB campus as a dormitory land-use. The project is not only adjacent to CSUMB campus property, the current zoning (based on City of Marina findings) is “public facility - dormitory.” In addition, the development of the parcel will include a perpetual deed restriction imposed by the Fort Ord Reuse Authority (FORA) that prohibits the facility from ever being used for anything other than dormitory housing. Finally, the project proposes a central hot-water system design that uses and extends the existing CSUMB “Central Plant” infrastructure that is located near-by and that provides heating for the entire campus. The Central Plant will provide the heating ability, for both water and the space, for the entire project premises.
2. By allowing the proposed effective and efficient method of water heating to occur, the project will be able to readily comply with the Water Code section for hot water recirculation within each proposed structure. Water Code section 3.36.030. *S. New Construction. 1. c.* specifically states that “In all new construction..... A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater.”
3. As a condition for granting the variance, the Applicant will implement monitoring practices that promote and enforce water conservation.

4. The Promontory project is consistent with the Fort Ord Base Resue Plan and has the unanimous support of the City of Marina's Council.

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 recommends approving the variance request. The Applicant is proposing to sub-meter the water use such that the conservation intent of the requirement may be met. Staff also cannot perceive any feasible future events that would yield a different land-use such that the dormitory structures could be modified or converted into a multi-family use; therefore, a set of potential future customers needing individual service from MCWD is an unlikely outcome. A significant fact that supports this conclusion is that the dormitory buildings literally will be connected to the CSUMB heating infrastructure thus making it very unlikely that a future private entity would be allowed to convert the facility to some other use. Finally, while not specifically addressed as a topic within the MCWD "Green Policy," granting this variance and allowing the central heating of this dormitory facility from a close and existing energy efficient source certainly is within the spirit of that Policy. Staff also recommends including the conditions enumerated above within the Resolution granting the variance and that those conditions be implemented through the project review and installation processes conducted between MCWD and AMCAL. If the Board agrees with the staff recommendations, the three affirmative findings in the Resolution may be made as follows:

- Finding 1 may be made because the strict application of the MCWD Water Code in this case creates an undue hardship on future (and current) CSUMB students (the Applicant's customers) who would face higher-than-needed rental rates and utility bills due to the failure to take advantage of CSUMB's central heating system.
- Finding 2 may be made because granting the variance will not cause a significant adverse affect on the water supply or on service to other persons served by the District since project will be consistent with the FORA Base Reuse Plan and CSUMB's Master Plan, will be within the City of Marina's water allocation from FORA, and no additional water service or use beyond that planned by the community is proposed.
- Finding 3 may be made because the variance is in the best interest of the District since it is appropriate that CSUMB student housing be located contiguous to the campus and conditions will be placed on the project based on this Variance Request that allow the project to meet all intended purposes of the MCWD Water Code.

If the MCWD Board disagrees with the staff recommendation, no further action is needed beyond making a motion to deny the Variance Request and then passing the motion with a majority vote of the Board; a Resolution for denying the Variance Request is not required.

Environmental Review Compliance: None required for this action.

Prior Committee or Board Action: None; however, typically, this Variance Request is similar to two previous Variance Requests from the recent past. In the interest of transparency and for the ability to obtain a historical perspective, the results of the previous Variance Requests are noted here. On June 12, 2012 the Board considered a Variance Request from the “new construction” University Village Apartments development project requesting relief from this very same metering requirement. District staff recommended against granting the variance, the Board agreed with the staff recommendation, and the variance was denied. Similarly, on July 9, 2012, the Board considered a Variance Request from the developer of a “conversion” project at 420 Reservation Road requesting relief from this same “one unit – one meter” requirement. Here too, staff recommended against granting the variance, the Board agreed with the staff recommendation, and the variance was denied. The reason that staff is able to recommend this Variance Request, as opposed to the two previous Requests, is in the differences in nature between the three projects. University Villages, while a low-income housing project today, could be quite easily converted to market-rate condominiums or apartments at some moment in the future (albeit in the somewhat distant future) such that a set of customers could come into being that might require individual services from MCWD. This is not the case in this Promontory project situation. Similarly, the project at 420 Reservation Road did not consider the potential for future customers needing individual service in their application. There are additional rationales provided in the Agenda Transmittals associated with both of the past denials. In summary though, the projects are different and those differences have yielded the current recommendation.

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

The District will probably receive slightly more in revenue if this variance is granted because more of the water used by the residents will be charged to the meter-owner at the highest-cost tier within the water-consumption variable rate structure. Balancing, somewhat, that cost for consumption at the higher variable rate is the fact that three (3) six-inch meters (the probable size of the meters if the variance is granted) is approximately \$400 per month less in the fixed-cost portion of the water bill as compared to the fixed-cost for the 175 smaller diameter meters.

Funding Source/Recap: Not applicable.

Material Included for Information/Consideration: Resolution No. 2013-18; Applicant’s Variance Request Form and the General Manager’s required administrative response letter.

Staff Recommendation: The Board of Directors grant the Variance Request by adopting Resolution No. 2013-18.

Action Required:  Resolution (Acceptance)  Motion (Denial)  
(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 \_\_\_\_\_

February 26, 2013

Resolution No. 2013 - 18  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a Variance Request Regarding  
Metering for The Promontory Development Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 26, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, AMCAL is proposing to construct The Promontory dormitory student housing project adjacent to the CSUMB campus; and,

WHEREAS, The Promontory project is located approximately along the southern edge of the 8<sup>th</sup> Street Cut-Off between Imjin Road and 5<sup>th</sup> Avenue and proposes three multi-story structures to serve as student housing dormitories consisting of approximately 175-units; and,

WHEREAS, AMCAL is requesting a variance to MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* that states “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually ....”; and,

WHEREAS, AMCAL’s specific request is that a variance be granted allowing the project to provide potable water through a single service connection for each structure rather than individually metering the approximately 175 proposed dwelling units; and,

WHEREAS, AMCAL is proposing to use existing CSUMB heating infrastructure to heat both the water and the space within the structures; and,

WHEREAS, AMCAL will place the following conditions on the project in order to receive this Variance Request:

- A hot water recirculation system shall be installed within each proposed structure that complies with Water Code section 3.36.030. *S. New Construction. 1. c.* that “In all new construction..... A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater”; and,
- Monitoring practices that promote and enforce water conservation shall be implemented; and,

WHEREAS, District staff’s recommendation is that the Variance Request be granted by the MCWD Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby find that:

A. The strict application of the code in this case creates an undue hardship on future (and current) CSUMB students (AMCAL’s customers) who would face higher-than-needed

rental rates and utility bills due to the failure to take advantage of CSUMB's central heating system.; and

B. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because this project will be consistent with the FORA Base Reuse Plan and CSUMB's Master Plan, will be within the City of Marina's water allocation from FORA, and no additional water service or use beyond that planned by the community is proposed; and,

C. The variance is in the best interests of the District because it is appropriate that CSUMB student housing be located contiguous to the campus and conditions will be placed on the project based on this Variance Request that allow the project to meet all intended purposes of the MCWD Water Code.

BE IT FURTHER RESOLVED that the Board of Directors authorizes a variance be granted to AMCAL from the requirements of the MCWD Water Code section listed above, with the understanding that the conditions specified above will be implemented through the project review and installation processes conducted between MCWD and AMCAL, and that the General Manager and/or the Deputy General Manager/District Engineer shall take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on February 26, 2013 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

\_\_\_\_\_  
Brian Lee, Deputy 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. 2013-18 adopted February 26, 2013.

\_\_\_\_\_  
Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: February 26, 2013

Prepared By: Brian True

Presented By: Brian Lee

Agenda Title: Consider Directing the Acting General Manager to Waive Deposit Cost and Set/Remove Fees for the Temporary Fire-Hydrant Connection Needed for the Mud Run

Detailed Description: District staff received on February 20, 2013 a written request to waive deposit cost and set/remove fees for the temporary fire-hydrant connection needed to supply the water in order to make the “mud” for an annual charity event called the Mud Run. At the February 12, 2013 MCWD Board Meeting, Mr. Wally Kastner verbally made the request and was guided to submit a written request so the Board may take an action from an agendized item.

Mr. Kastner’s written request, submitted to staff by e-mail transmission, is attached for the Board’s consideration. Financial impacts to MCWD for taking this action are described below.

During the February 12 Board Meeting, Mr. Kastner said that the event organizers would pay for the water consumed. The estimated cost of the water would be in the \$65-to-\$90 range depending on consumption as measured through the fire-hydrant meter employed to make the temporary connection.

Staff has no recommendation to the Board on this matter; however, staff will faithfully carry out the actions directed by the Board through a duly approved motion.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board guided Mr. Kastner to make a written request at the February 12, 2013 MCWD Board Meeting

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.*

Financial Impact:  Yes  No

Authorizing the Acting General Manager to take this action will decrease MCWD revenue by \$140 (the set/remove fee being waived) and will cost approximately \$150 in labor expense to process the temporary connection application and to set and remove the fire-hydrant meter. These impacts assume that the meter is returned appropriately and the water consumed is paid for such that MCWD incurs no other expense.

Funding Source/Recap: If authorized, the resources to achieve the results of this action would be taken from regular monthly operating revenues.

Material Included for Information/Consideration: E-mail correspondence from Mr. Wally Kastner dated February 20, 2013.

Staff Recommendation: Consider directing the Acting General Manager to waive deposit cost and set/remove fees for the temporary fire-hydrant connection needed for the Mud Run.

Action Required: \_\_\_\_\_Resolution   X  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 \_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: February 26, 2013

Submitted By: Jean Premutati  
Reviewed By: Roger Masuda

Presented By: Jean Premutati

Agenda Title: Consider Adoption of Resolution No. 2013-19 to Approve Adjustments to Deputy General Manager/District Engineer's Pay for Working Out-of-Classification as Acting General Manager

Detailed Description: On February 8, 2013, the District was notified that the General Manager would be taking an extended leave. On February 11, 2013, the newly hired Deputy General Manager/District Engineer began his employment and was acting as the General Manager in his absence per the duties of his job description.

While the Deputy General Manager/District Engineer is an Unrepresented employee, his terms and conditions of employment are the same as those contained in the Memorandum of Understanding (MOU) of the Teamsters Local 890 Management and Confidential Unit. In the MOU, Article 18, "Working Out of Classification" notes that employees "*assigned through a personnel action form to perform the primary and essential duties of a higher paid vacant position, that employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). The assignment must be for over twenty (20) days in a calendar year. Such additional compensation will normally begin on the twenty first (21<sup>st</sup>) working day after assignment to the higher position or earlier, subject to the discretion of the General Manager.*"

In this case, there is no range for the District General Manager as that classification is a fixed salary; however the Board can still choose to set the out-of-class amount at 5% or more. In addition, the Board can waive the 20-day waiting period as this has been the practice when an absence or vacancy was known to be more than thirty (30) days.

Environmental Review Compliance: None.

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:       X   Yes            No

Funding Source/Recap: All four cost centers – Wages and Benefits.

Material Included for Information/Consideration: Resolution No. 2013-19; Article 18 of the Teamsters MOU; and Policy No. 5.3 Working Out of Classification of the Employee Handbook.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2013-19 to approve an adjustment to Deputy General Manager/District Engineer's pay for working out-of-classification as Acting General Manager.

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 \_\_\_ \_\_\_

February 26, 2013

Resolution No. 2013-19  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving an Adjustment to the Deputy General Manager/District Engineer's Pay  
for Working Out-of-Classification as Acting General Manager

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on February 26, 2013, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on February 8, 2013, the District was notified that the General Manager would be taking an extended leave. On February 11, 2013, the newly hired Deputy General Manager/District Engineer began his employment and was acting as the General Manager in his absence per the duties of the Deputy General Manager/District Engineer job description; and,

WHEREAS, the Deputy General Manager/District Engineer is an Unrepresented employee, whose terms and conditions of employment are the same as those contained in the Memorandum of Understanding (MOU) of the Teamsters Local 890 Management and Confidential Unit; and,

WHEREAS, Article 18 of the Teamsters MOU states that employees "*assigned through a personnel action form to perform the primary and essential duties of a higher paid vacant position, that employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). The assignment must be for over twenty (20) days in a calendar year. Such additional compensation will normally begin on the twenty first (21<sup>st</sup>) working day after assignment to the higher position or earlier, subject to the discretion of the General Manager*".

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the following:

- A. Adjusting the Deputy General Manager/District Engineer's salary by a \_\_\_% increase so long as he is working out-of-classification as Acting General Manager.
- B. Waiving the 20-day waiting period so that the increase shall take effect February 11, 2013.

PASSED AND ADOPTED on February 26, 2013, 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 \_\_\_\_\_



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Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-19 adopted February 26, 2013.

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: February 26, 2013

Submitted By: Paula Riso

Presented By: Paula Riso

Agenda Title: Consider Adoption of Resolution No. 2013-20 to Approve the Board Meeting Schedule and Venue for 2013

Detailed Description: The Board is requested to adopt Resolution No. 2013-20 to approve a Board meeting schedule and venue for 2013.

Currently the Board meetings are held on the second Tuesday of each month in the District's Board Room, 11 Reservation Road, Marina. At the January 8<sup>th</sup> Board meeting it was approved to move to two Board meetings per month and at the February 12<sup>th</sup> Board meeting, it was approved to change the Board meeting day from Tuesday to Monday and to consider changing the meeting location to Marina City Council Chambers.

The Marina City Council considered the District's request at their February 20<sup>th</sup> meeting and approved the District's use of Council Chambers for their Board meetings on the first and third Monday of each month. There is no charge for Council Chambers, but there is a charge for AMP to film and televise the District meetings. The cost for AMP is \$75 per hour of the meeting length plus 1 hour for set-up and to load the media. As an example, if the meeting lasts 3 hours, AMP would charge for 4 hours and the cost would be \$300. The cost of holding the Board meetings at Council Chambers and having AMP film could cost approximately \$600 per month or \$7,200 per year.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 8, 2013, the Board approved to move to two Board meetings per month and at the February 12<sup>th</sup> Board meeting, it was approved to change the Board meeting day from Tuesday to Monday and to consider changing the meeting location to Marina City Council Chambers.

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:  Yes  No Depending on the length of the meeting.

Funding Source/Recap: To be funded through District Reserves because it is unbudgeted for FY 2012-2013.

Material Included for Information/Consideration: Resolution No. 2013-20; and Board meeting schedule for 2013.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2013-20 approving a Board meeting schedule and venue for 2013.

Action Required:     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\_\_\_\_\_

February 26, 2013

Resolution No. 2013-20  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a Board Meeting Schedule and Venue for 2013

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 26, 2013, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on January 8, 2013, the Board of Directors approved holding two Board meetings per month; and,

WHEREAS, on February 12, 2013, the Board of Directors approved moving the meeting day to the first and third Monday of the month at 6:45 pm; and,

WHEREAS, on February 20, 2013, the Marina City Council approved the use of their Council Chambers for District Board meetings; and,

WHEREAS, the cost for AMP to film the meetings is \$75 per hour of the meeting length plus 1 hour for set-up and to load the media; and,

WHEREAS, the agenda posted for each regular meeting in accordance with the Brown Act may specify a start time other than the regular time specified above upon approval of either the Board President or Vice President.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the following:

- A. The Board meetings will be held on the first and third Monday of each month at 6:45 pm at the City of Marina Council Chambers, 211 Reservation Road, Marina; and,
- B. Hiring AMP to film the meetings for \$75 per hour of the meeting length plus 1 hour for set-up and to load the media.

PASSED AND ADOPTED on February 26, 2013, 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 \_\_\_\_\_

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Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-19 adopted February 26, 2013.

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Staff Report

Agenda Item: 10-A

Meeting Date: February 26, 2013

Prepared By: Andy Sterbenz, Kelly Cadiente, and Patrick Breen

Reviewed By: Brian Lee

Subject: FORA Water and Wastewater Oversight Committee Report

Summary: The 1998 Joint Water and Wastewater Facilities Agreement between the Marina Coast Water District and the Fort Ord Reuse Authority requires the District to make Quarterly Reports to the Water and Wastewater Oversight Committee (WWOC) for its operations. This report covers the first and second quarters, FY 2012-13, July 1, 2012 – December 31, 2012. The topics covered in the attached report are:

1. Water Consumption Data
2. Meter Installation Update
3. Significant Operations and Maintenance Activities
4. Status of Required Permits
5. Water Conservation Activities
6. Capital Improvement Program Update
7. Quarterly Estimated Financials
8. Customer Service Feedback

The WWOC is made up of staff representatives of the FORA jurisdictions, typically the City Manager, City Engineer/Public Works Director, or a representative of the planning department. The report materials are presented informally, allowing questions and answers during the course of the meeting.

The materials presented at the February 20, 2013, WWOC Meeting are attached for your review.