

REVISED 3-28-2013 10:15 AM



# 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

**211 Hillcrest Avenue**, Marina, California

Monday, April 1, 2013, 6:00 p.m. PST

**(Please Note the New Location and Earlier Start Time)**

*This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. The meetings normally begin at 6:45 p.m. and are 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 four 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 Wednesday, March 27, 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 April 15, 2013.

2) 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

3) 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)

4) 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 four 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 four minutes.*

- A. Adopt Resolution No. 2013-22 to Approve the District Fraud Policy

B. Approve the Revised Draft Minutes of the Special Board Workshop of February 23, 2013

C. Approve the Draft Minutes of the Regular Board Meeting of March 18, 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 four minutes.*

A. Consider Adoption of Resolution No. 2013-26 to Fund the Construction of Building E at 940 Imjin Office Parkway within the Imjin Office Park Through Approval of a Loan from Rabobank, N.A. for \$2,500,000 and the Use of \$600,000 of District Reserves

*Action: The Board of Directors will consider whether to fund the construction of Building E at 940 Imjin Office Parkway through approval of a loan from Rabobank, N.A. for \$2,500,000 and the use of \$600,000 of District Reserves.*

B. Consider Adoption of Resolution No. 2013-23 to Authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

*Action: The Board of Directors will consider authorizing the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices.*

**10. Informational Items** *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.*

A. General Manager's Report

B. Counsel's Report

C. Committee and Board Liaison Reports

1. Water Conservation Commission
2. Joint City-District Committee
3. Executive Committee
4. Community Outreach
5. MRWPCA Board Member
6. LAFCO Liaison

7. FORA
8. WWOC Report
9. JPIA Liaison
10. Special Districts Association Liaison
11. CalDesal

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

A. Board Member Requests

B. Notice Date for Strategic Planning Workshop – April 13, 2013

**12. Director's Comments**

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

*Regular Meeting:*

*Monday, April 15, 2013, 6:45 p.m.,  
**211 Hillcrest Avenue, Marina***

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: April 1, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-22 to Approve the District Fraud Policy
- B) Approve the Revised Draft Minutes of the Special Board Workshop of February 23, 2013
- C) Approve the Draft Minutes of the Regular Board Meeting of March 18, 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: April 1, 2013

Prepared By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian Lee

Agenda Title: Adopt Resolution No. 2013-22 to Approve the District Fraud Policy

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2013-22 to approve the Draft District Fraud Policy (Policy). During the District's audit of the FY 2010/2011 financial statements, the auditors recommended that the District adopt a fraud policy. The District currently addresses fraudulent behavior or actions in the District's Employee Handbook Policy Nos. 3.4, Conflicts of Interest, 5.12 Gift or Gratuity Acceptance, and 19.2 Anti-Fraud. The auditors recommended a separate policy specifically addressing fraud.

The original draft policy was presented to the Budget and Personnel Committee at the October 26, 2012 meeting for review and discussion. The Committee requested verification that the Policy was consistent with the Board Procedures Manual and recommended that it go before the Board for approval. At the November 13, 2012 Board meeting there were concerns raised regarding investigative responsibilities, due process and privacy issues. Staff developed a new draft and presented it at the March 18, 2013 regular meeting. After some discussion, it was agreed that staff would bring the draft policy back with revisions to the April 1, 2013 consent calendar.

Environmental Review Compliance: None required.

Prior Committee or Board Action: October 26, 2012 Budget & Personnel Committee reviewed the Draft District Fraud Policy for recommendation for Board approval at the November 13, 2012 Board meeting. The Board reviewed the Draft Fraud Policy at the November 13, 2012 Board meeting and asked for further revisions. The Board reviewed a new draft at the March 18, 2013 meeting and asked that it be brought back on consent for April 1, 2013.

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: N/A

Material Included for Information/Consideration: Resolution No. 2013-22; and, Draft District Fraud Policy.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-22 to approve the District Fraud Policy.

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

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Resolution No \_\_\_\_\_    Motion By \_\_\_\_\_    Board Action    Seconded By \_\_\_\_\_  
Ayes \_\_\_\_\_    Abstained \_\_\_\_\_  
Noes \_\_\_\_\_    Absent \_\_\_\_\_  
Reagendized \_\_\_\_\_    Date \_\_\_\_\_    No Action Taken \_\_\_\_\_

April 1, 2013

Resolution No. 2013-22  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving the District Fraud Policy

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 1, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, during the District’s audit of the FY 2010/2011 financial statements, the auditors recommended that the District adopt a fraud policy; and,

WHEREAS, the District is committed to the proper use of public funds, safeguarding of public assets entrusted to it, and conducting its business by adhering to the highest ethical standards and complying with all applicable laws and regulations; and,

WHEREAS, the District has developed a policy that sets specific guidelines regarding fraud prevention and actions to follow for the investigation of suspected fraud and other similar irregularities; and,

WHEREAS, after review and discussion by the Board at the March 18, 2013 meeting, it was agreed that staff should revise the policy further and bring it back for consent to the April 1, 2013 meeting; and,

WHEREAS, staff has revised and updated the policy and is submitting a second draft for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the District Fraud Policy.

PASSED AND ADOPTED on April 1, 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:

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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. 2013-22 adopted April 1, 2013

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: April 1, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Revised Draft Minutes of the Special Board Workshop of February 23, 2013

Detailed Description: The Board of Directors is requested to approve the attached revised draft minutes of February 23, 2013.

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: Revised draft minutes of February 23, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the February 23, 2013 special Board workshop.

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: 8-C

Meeting Date: April 1, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of March 18, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of March 18, 2013.

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 March 18, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the March 18, 2013 regular 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: 9-A

Meeting Date: April 1, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-26 to Fund the Construction of Building E at 940 Imjin Office Parkway Within the Imjin Office Park Through Approval of a Loan from Rabobank, N.A. for \$2,500,000 and the Use of \$600,000 of District Reserves

Detailed Description: The Board is requested to consider funding the construction of Building E at 940 Imjin Office Parkway within the Imjin Office Park through approval of a loan from Rabobank, N.A. in the amount of \$2,500,000 and the use of \$600,000 of District Reserves.

On August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park. On December 11, 2009, the District successfully closed escrow and obtained ownership to the AMBAG portion of the Imjin Office Park Property through the use of District Reserves.

The District's initial intent for the property was to consolidate the administrative, engineering, and operational staffs at a centralized location. However, the Bureau of Land Management (BLM) is seeking property in Marina to house their regional offices which presents the District the opportunity to recoup the cost of constructing Building E through leasing the building to BLM. Therefore, on November 13, 2012, the Board 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.

Staff has researched possible funding options for construction of Building E. Because the building will not be used for District purposes, tax-exempt financing through the California Special District's Association (CSDA) or a Bond issue is not allowed. Other options include obtaining financing through a bank loan and/or using District Reserves. In order to maintain reserve balances for future needs, staff recommends funding soft costs of construction with District Reserves and funding the actual construction costs of Building E with a loan from the District's Bank Rabobank, N.A.

The credit facility would be secured by a First Deed of Trust on the land and the 8,981 square foot office building, and assignment of rents from real property and improvements at 940 Imjin Office Parkway. The loan would be structured such that the first twelve (12) months would be interest-only and upon completion would be a ten (10) year term amortized over 25 years. The interest rate during construction is adjustable based on Prime Rate + 0.25% or 30-day LIBOR + 3.25% with no floor. In addition, there is a one-time loan fee of 0.50% as well as other fees such as appraisal costs, legal fees, etc. At building completion, the interest rate is based on 10-year

LIBOR SWAP index + 2.5% amortized over 25 years. Based on the March 26, 2013 10-year LIBOR SWAP index, annual debt service on the loan would be approximately \$163,000 with a pay-off amount of approximately \$1.8 million at the end of year ten.

Staff has estimated annual lease revenue of \$252,000, \$89,000 more than the estimated annual debt service which would be set aside to pay down the \$1.8 million in year ten. Depending on whether the actual lease term is fifteen (15) or (20) years, the total lease revenue would cover the total cost of the project including the acquisition and soft costs initially funded through District Reserves.

The District's bond counsel, Jones Hall, A Professional Law Corporation, will be reviewing the legal documentation for the loan to ensure that all of the requirements under the District's 2006 Certificates of Participation and 2010 Bonds are complied with, including that none of the provisions of the new loan documents violate any of the covenants and other provisions in the prior financing documents. Based on its best estimate of the amount of time, work and liability that will be involved, Jones Hall is willing to perform the legal services for a flat fee of \$3,000.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park; on November 13, 2012, the Board 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.

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      No

Funding Source/Recap: Upfront costs to be funded through General Reserves of Marina and Ord water and wastewater cost centers; debt service of the loan would be funded through lease revenue.

Material Included for Information/Consideration: Resolution No. 2013-26; Rabobank, N.A. letter of interest dated March 26, 2013; and, Projection of Total Project Costs versus Rental Income.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2013-26 to Fund the Construction of Building E at 940 Imjin Office parkway Within the Imjin Office Park Through Approval of a Loan from Rabobank, N.A. for \$2,500,000 and the Use of \$600,000 of District Reserves.



April 1, 2013

Resolution No. 2013 - 26  
Resolution of the Board of Directors  
Marina Coast Water District

Approving the Funding of the Construction of Building E at 940 Imjin Office Parkway within the Imjin Office Park Through Approval of a Loan from Rabobank, N.A. for \$2,500,000 and the Use of \$600,000 of District Reserves

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 1, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park; and,

WHEREAS, the Board of Directors finds that the property was purchased to be used as the centralized location for District administrative, engineering, and operational staffs. However, the property is not currently being used. The property will be needed for District use when the District’s existing administrative offices will need to be relocated due to continuing beach erosion or due to other causes so the Board finds that it is in the best interests of the District to retain and lease out the property at this time; and,

WHEREAS, the Bureau of Land Management (BLM) is seeking property in Marina to house their regional offices which presents the District the opportunity to recoup the cost of constructing Building E through leasing the building to BLM; and,

WHEREAS, Rabobank, N.A. has proposed a loan program to fund the construction and site improvements of the project; and,

WHEREAS, the terms and conditions of the loan program provide for a structure such that the first twelve (12) months would be interest-only and upon completion would be a ten (10) year term amortized over 25 years; and,

WHEREAS, the soft costs of the project will be funded through the use of District Reserves.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District adopt Resolution No. 2013-26, authorizing an agreement with Rabobank, N.A. to provide a loan to fund construction of office Building E and site improvements within the Imjin Office Park Project, the use of District Reserves to fund the soft costs of the project, and authorizes the General Manager and/or the Deputy General Manager/District Engineer to sign contract documents 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 April 1, 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. 2013-26 adopted April 1, 2013.

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



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: April 1, 2013

Submitted By: Patrick Breen

Presented By: Brian Lee

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-23 to Authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

Detailed Description: The Board of Directors is requested to consider authorizing the Acting General Manager to execute a lease with the General Services Administration (US Federal Government) for a Spec-built District building at 940 Second Avenue in Marina within the Imjin Office Park.

The Imjin Office Park project is located at the northeast corner of Imjin Parkway and 2<sup>nd</sup> Avenue in Marina, CA. The project consists of four office buildings, a conference building, parking space and landscaping. The Project originally consisted of four partners (FORA, AMBAG, the Carpenters Union and the Central Coast Builder's Exchange).

In 2009, MCWD purchased the FORA lot and constructed Building C (the current FORA Office) under a lease-back agreement. Also in 2009 the District purchased the AMBAG owned lot. The District is currently proposing to the General Services Administration to construct Building "E" for the Bureau of Land Management under a similar lease-back arrangement.

The Bureau of Land Management (BLM) is seeking property within the City of Marina to house its regional office. 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 20 year term of the lease (20 Year Lease, 15 Firm).

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: The FORA Board approved a Mitigated Negative Declaration under CEQA for the Imjin Office Park project on November 18, 2005.

Prior Board Actions: On November 13, 2012, the Board authorized 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 March 18, 2013, the Board discussed this item and asked that it be brought back for more discussion.

Board Goals/Objectives: *Strategic Plan, Goal No. 4 – To manage the District’s finances in the most effective and fiscally responsible manner.*

Financial Impact:    \_\_\_X\_\_\_ Yes    \_\_\_\_\_ No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2013-23.

Staff Recommendation: The Board Authorize the Acting General Manager to execute a long term lease with the General Services Administration (GSA) for District owned property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional offices.

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 \_\_\_\_\_

April 1, 2013

Resolution No. 2013 - 23  
Resolution of the Board of Directors  
Marina Coast Water District

Authorizing the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 1, 2013 at 211 Hillcrest Avenue, 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, staff has found the lease terms to be beneficial to the District and will result in an long term revenue source from District owned property at 940 Second Ave, Marina; and,

WHEREAS, the GSA procurement process requires any Offeror to execute a lease document in order to be awarded the lease.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration (GSA) for District Owned Property at 940 Second Ave, Marina, for the Bureau of Land Management Regional Offices.

PASSED AND ADOPTED on April 1, 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:

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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. 2013-23 adopted April 1, 2013.

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Brian Lee, Deputy Secretary