



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

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 15, 2013, 6:00 p.m. PST

(Please Note the 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, April 10, 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 May 6, 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. 2013-27 in Recognition and Appreciation to the Volunteer Videographers Public Service by Filming the District Board Meetings for the Last 5 Years
- B. Adopt Resolution No. 2013-28 to Revise Policy Nos. 5.12-Gift and Gratuity Acceptance, and 8.5-Certification Incentive Bonus of the Employee Handbook
- C. Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System
- D. Approve the Compilation of Action Minutes for Board Meetings
- E. Approve the Expenditures for the Month of March 2013
- F. Approve the Draft Minutes of the Regular Board Meeting of April 1, 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. 2013-29 to Approve a Contract with Pun & McGeady, LLP to Provide Annual Audit Services to the District

Action: The Board of Directors will consider approving a 2-year contract with Pun & McGeady to provide annual audit services to the District.

- B. Consider Adoption of Resolution No. 2013-30 to Authorize the General Manager to Execute a Professional Services Agreement with the Paul Davis Partnership for Architectural Services for District Owned Property at 940 Second Ave, Marina CA

Action: The Board of Directors will consider authorizing the General Manager to sign a Professional Service Agreement with the Paul Davis Partnership for Architectural services for the Imjin Office Park Building 'E' to house the Bureau of Land Management.

10. Staff Report

- A. 1st Quarter 2013 Ord Community Water Consumption and Sewer Flow Reports – *the entire report is also available on the District website, www.mcwd.org*

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 four 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. Board Member Requests for Future Agenda Items

A. Board Member Requests

13. Director's Comments

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

Regular Meeting:

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

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: April 15, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-27 in Recognition and Appreciation to the Volunteer Videographers Public Service by Filming the District Board Meetings for the Last 5 Years
- B) Adopt Resolution No. 2013-28 to Revise Policy Nos. 5.12 - Gift and Gratuity Acceptance, and 8.5 - Certification Incentive Bonus of the Employee Handbook
- C) Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System
- D) Approve the Compilation of Action Minutes for Board Meetings
- E) Approve the Expenditures for the Month of March 2013
- F) Approve the Draft Minutes of the Regular Board Meeting of April 1, 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.)

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 15, 2013

Submitted By: Jean Premutati
Reviewed By: Brian Lee

Presented By: Jean Premutati

Agenda Title: Adopt Resolution No. 2013-27 in Recognition and Appreciation to the Volunteer Videographers Public Service by Filming the District Board Meetings for the Last 5 Years

Detailed Description: The Board of Directors is requested to consider adopting a resolution recognizing the videographers for five (5) years of volunteer filming of the Marina Coast Water District meetings.

Over the past 5 years, many volunteers have given their time and efforts in order to videotape the District's Board meetings so that the ratepayers of Marina and the Ord Community could view the public processes of their local water district.

The videographer's dedication and commitment to this public service is recognized by the Board of Directors of Marina Coast Water District. The Board would like to thank the following individuals:

Vienna Merritt-Moore,
Jan Shriner,
Gillian Burnett,
Hebard Olsen,
Richard Joe Newhouse,
Peter Diatta,
Landwatch,
Green Party of Monterey County

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 1 – To manage and sustain the District's ground water and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2013-27.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-27 to recognize the volunteer videographers for 5 years of volunteer service filming the Marina Coast Water District meetings.

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

Board Action

Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

April 15, 2013

Resolution No. 2013 - 27
Resolution of the Board of Directors
Marina Coast Water District
Recognition and Appreciation to the Volunteer Videographers Public Service
by Filming the District Board Meetings for the Last 5 Years

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 15, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the videographers have given their time and efforts to filming the District’s Board meetings for five years; and,

WHEREAS, the Board of Directors would like to recognize and appreciate the videographers for their dedication and commitment to serving the ratepayers of Marina and the Ord Community by volunteering to film the meetings of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and commends the following individuals for outstanding and dedicated service:

- Vienna Merritt-Moore,
- Jan Shriner,
- Gillian Burnett,
- Hebard Olsen,
- Richard Joe Newhouse,
- Peter Diatta,
- Landwatch,
- Green Party of Monterey County

PASSED AND ADOPTED on April 15, 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. 2013-27 adopted April 15, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: April 15, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian Lee

Agenda Title: Adopt Resolution No. 2013-28 to Revise Policy Nos. 5.12 - Gift and Gratuity Acceptance, and 8.5 - Certification Incentive Bonus of the Employee Handbook

Detailed Description: The Board is requested to consider adoption of Resolution No. 2013-28 to Revise Policy Nos. 5.12 - Gift and Gratuity Acceptance, and 8.5 - Certification Incentive Bonus of the Employee Handbook

Policy No. 5.12 Gift and Gratuity Acceptance

At the April 1, 2013 regular meeting, the Board approved the District Fraud Policy. Included in the policy is a reference to the Gift or Gratuity Acceptance Policy No. 5.12 in the Employee Handbook. The current policy does not contain a specific dollar amount for those designated employees listed in Exhibit A of the Conflict of Interest Code. It was discussed and agreed with legal counsel that staff would revise the policy to be consistent with the District's Conflict of Interest Code.

The District's Conflict of Interest Code, amended in April 2012, established a limit of twenty-five (\$25) dollars or more. While the California Fair Political Practices Commission (FPPC) limits gifts of fifty (\$50) dollars or more in a calendar year from a single source to be reported on the FPPC Form 700, the District Gift and Gratuity Acceptance Policy is more appropriate for employees rather than elected officials such as the Board of Directors. Exhibit A of the Conflict of Interest Code is not inclusive of all employees of the District; therefore, staff recommends using the limit in the Conflict of Interest Code.

Policy No. 8.5 Certification Incentive Bonus

Past practice at the District has been to pay for employee memberships in professional organizations or associations that provide employees with certifications required for their current positions. Because the Certification Incentive Bonus Policy No. 8.5 only references payment of certifications and licenses, staff recommends revision of the policy to include language regarding membership fees.

Environmental Review Compliance: None.

Prior Committee or Board Action: At a regular meeting on April 10, 2010, the Board of Directors adopted the employee handbook. The Board has since approved revisions on September 14, 2010 and March 13, 2012.

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. 2013-28; and Revised Policy Nos. 5.12 and 8.5 of the Employee Handbook.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-28 to Update and Revise the Marina Coast Water District Employee Handbook.

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

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

April 15, 2013

Resolution No. 2013-28
Resolution of the Board of Directors
Marina Coast Water District
Revise Policy Nos. 5.12 and 8.5 of the Employee Handbook

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 15, 2013, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, staff is committed to revising the employee handbook as employment laws and programs change and to maintain legal compliance; and,

WHEREAS, included in the District Fraud Policy is a reference to the Gift or Gratuity Acceptance Policy No. 5.12 in the Employee Handbook which lacks a specific dollar amount for designated employees listed in Exhibit A of the Conflict of Interest Code; and,

WHEREAS, the District’s Conflict of Interest Code, amended in April 2012, established a limit of twenty-five (\$25) dollars or more; and,

WHEREAS, while the California Fair Political Practices Commission (FPPC) limits gifts of fifty (\$50) dollars or more in a calendar year from a single source to be reported on the FPPC Form 700, the District Gift or Gratuity Acceptance Policy is more appropriate for employees rather than elected officials such as the Board of Directors; and,

WHEREAS, Exhibit A of the District’s Conflict of Interest Code, is not inclusive of all employees of the District and, staff recommends using the limit in the Conflict of Interest Code; and,

WHEREAS, Employee Handbook Policy No 8.5 states that certifications, exams and licensing are paid by the District; and,

WHEREAS, the professional organizations and associations that provide these certifications require membership fees. The past practice has been to pay these fees and the revised policy now includes this information.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2013-28 to update and revise Policy Nos. 5.12 and 8.5 of the employee handbook.

PASSED AND ADOPTED on April 15, 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. 2013-28 adopted April 15, 2013.

Brian Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: April 15, 2013

Submitted By: Thomas Barkhurst
Reviewed By: Brian Lee

Presented By: Thomas Barkhurst

Agenda Title: Approval the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System

Detailed Description: The Safe Drinking Water Act requires water utilities to provide accurate and timely information to consumers about the quality of their drinking water. The US Environmental Protection Agency and the California Department of Public Health (CDPH) adopted regulations known as a Consumer Confidence Report (CCR), to be distributed to water utility customers by July 1st each year. Since 1989, the District has provided CCR's (formerly called annual water quality report) to District customers.

The 2012 CCR summarizes the results of detected contaminants in District's supply wells and distribution systems conducted in calendar year 2012, or for some constituents, the most recent sampling year. The District's water system did not have any violation in 2012 and is in compliance with State and Federal drinking water regulations.

New for the 2012 CCR are the following:

- Gross Alpha and Uranium presence in the Primary Drink Water Standards of the Groundwater Supply Wells Water Quality Table and the addition of two new source wells (34 and Watkins Gate) in the Water Supply and Treatment section.

A list of contaminants tested for but not detected will be posted in the District's website at www.mcwd.org/2012ccr-ND.html

The 2012 CCR will be mailed together with each customer's water bill starting in May 2012. A separate mailing will be conducted for residents in the Ord military housing. Copies will be distributed to Alliance Residential, businesses, apartment managers, and school administrators for further distribution to customers who do not receive a water bill directly from the District. Staff will coordinate with the US Army-BRAC and CSUMB's News and Public Information Officer to establish the website links for access by the military and university communities. The CCR will be available at the District's website at www.mcwd.org

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.*

Prior Committee or Board Action: None.

Financial Impact: X Yes No

Funding Source Recap: Printing Expense - Laboratory Budget (\$5,000), Marina Water Fund (\$1,850 – 37%) and Ord Water Fund (\$3,150 – 63%).

Material Included for Information/Consideration: Draft 2012 Consumer Confidence Report.

Staff Recommendation: The Board of Directors approve the MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System.

Action Requested: _____ Resolution X Motion _____ Review

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: April 15, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Compilation of Action Minutes for Board Meetings

Detailed Description: The Board of Directors is requested to approve the compilation of action minutes for Board meetings.

Although Section 34 of the Board Procedures Manual states that the meeting minutes shall only be action minutes, long ago it had been requested to have more information included in the minutes such as questions and comments by Directors and public members. As a result, the Executive Assistant has been putting together minutes that include action taken and detailed comments made by Board and public members. In March 2013, the meeting venue moved to the Marina Council Chambers and the meetings are televised with DVD copies given to the District. The DVD's are available for anyone wishing to see and hear detailed comments made at Board meetings. It has been requested to return to action only minutes and leave out most of the dialogue.

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 approve the compilation of action minutes for Board meetings.

Action Required: ___ Resolution ___ **X** ___ Motion ___ Review

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-E

Meeting Date: April 15, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

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

Detailed Description: The Board of Directors is requested to approve the attached March 2013 check register for expenditures totaling \$873,673.11.

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: March 2013 Summary Check Register.

Staff Recommendation: The Board of Directors approve the March 2013 expenditures totaling \$873,673.11.

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

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-F

Meeting Date: April 15, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of April 1, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of April 1, 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 April 1, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the April 1, 2013 regular Board meeting.

Action Required: ___Resolution __X__Motion ___Review

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 15, 2013

Submitted By: Kelly Cadiente
Reviewed By: Brian Lee

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution No. 2013-29 to Approve a Contract with Pun & McGeady, LLP to Provide Annual Audit Services to the District

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2013-29 to approve a 2-year contract with Pun & McGeady, LLP (P&M) to provide annual audit services to the District for a not to exceed amount of \$24,000 per year. The audit period covers fiscal years 2012/2013 through 2013/2014.

Previously, the Board adopted Resolution No. 2012-27 approving a Request for Proposals (RFP) for independent audit services to the District. Staff issued the RFP with a proposal due date of June 4, 2012. Seven (7) proposals were received and evaluated by the Budget and Personnel Committee. On July 10, 2013, the Board adopted Resolution No. 2012-48 awarding a 3-year contract with P&M for a not to exceed amount of \$12,150. The contract with P&M is an annual contract renewable every year during the 3-year period.

At the conclusion of the audit for FY 2011/2012, P&M conducted an evaluation which revealed that the audit took over three times the amount of hours (377 hours) than what was estimated in their proposal (125 hours). P&M is therefore opting not to renew the audit contract with the District at the current amount and proposes to renew at a fixed rate of \$24,000 per year for the remaining 2-years of the original 3-year contract award. The \$24,000 equates to 247 hours at P&M's originally proposed average rate of \$97 per hour which was at the lower end of the average hourly rates of the proposals submitted in 2012. Out of pocket costs would still be absorbed by P&M.

Staff believes that 247 hours is a realistic estimate of the amount of time necessary to provide audit services to the District and recommends that the Board approve a professional services agreement with Pun & McGeady to provide annual audit services to the District for FY's 2012/2013 & 2013/2014 at a fixed rate of \$24,000 per year.

Environmental Review Compliance: None.

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: X Yes No

Funding Source/Recap: Funded through FY 2013/2014 Marina Water (\$7,440 – 31%), Marina Sewer (\$1,680 – 7%), Ord Water (\$12,240 – 51%), and Ord Sewer (\$2,640 – 11%) and FY 2014/2015 Operating Budgets of the Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2013-29; Contract Renewal letter from P&M to the District; Evaluation Matrix of the Proposals submitted in 2012.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-29 to approve a 2-year contract with P&M to provide annual audit services to the District for a not to exceed amount of \$24,000 per year.

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

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

April 15, 2013

Resolution No. 2012-29
Resolution of the Board of Directors
Marina Coast Water District
Approving a 2-Year Contract with Pun & McGeady, LLP
to Provide Annual Audit Services to the District for FY 2012/2013 Through FY 2013/2014

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 15, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on July 10, 2013, the Board adopted Resolution No. 2012-48 awarding a 3-year contract with P&M for a not to exceed amount of \$12,150 per year, renewable at the end of each year; and,

WHEREAS, at the conclusion of the audit for FY 2011/2012, Pun & McGeady, LLP conducted an evaluation of the District’s audit which revealed that the audit took over three times the amount of hours than what was estimated in their proposal and is opting not to renew the audit contract with the District at the current amount; and,

WHEREAS, Pun & McGeady, LLP instead proposes to contract with the District for audit services at a fixed rate of \$24,000 per year for the remaining 2-years of the original 3-year contract award which equates to 247 hours per year at an average rate of \$97 per hour; and,

WHEREAS, 247 hours has been determined to be a realistic amount of time to perform the annual audit of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2013-29, to approve a 2-year contract with Pun & McGeady, LLP for a not to exceed amount of \$24,000 per year to provide annual audit services to the District, and authorizes the General Manager and/or the Director of Administrative Services 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 15, 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. 2013-29 adopted April 15, 2013.

Brian Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: April 15, 2013

Prepared By: Patrick Breen

Presented By: Brian Lee

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-30 Authorizing the General Manager to Execute a Professional Services Agreement with the Paul Davis Partnership for Architectural Services for District Owned Property at 940 Second Ave, Marina CA

Detailed Description: The Board of Directors is requested to consider authorizing the General Manager to execute a professional services agreement with the Paul Davis Partnership (PDP) for architectural services for District owned property at the Imjin Office Park, 940 Second Ave, Marina CA to house the Bureau of Land Management (BLM) Regional Offices.

The Imjin Office Park is located at the northeast corner of Imjin Parkway and 2nd Avenue in Marina, CA. The Office Park consists of four office buildings, a conference building, parking space and landscaping. The Office Park 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.

At the April 1, 2013 regular meeting, the Board authorized the execution of a long term lease with the General Services Administration for the Bureau of Land Management under a similar lease-back arrangement. At the same meeting the Board authorized the use of \$600,000 of District reserves to fund soft costs for the project.

Staff has received a proposal from the Paul Davis Partnership for architectural services to construct the building. Those services include Schematic Design, Planning, Design Development, Construction Documents, Permitting, Bidding Administration, Construction Administration, LEED Documentation, and Project Close Out/Turnover. Staff has reviewed the scope and finds it to be consistent with professional architectural services necessary to complete an office building of this type.

The Paul Davis Partnership has been the Architect of Record for the entire Imjin Office Park. They have designed and guided the permitting and construction of the site work, the Carpenters Building, the FORA building as well as managing the permitting with the City of Marina.

Based on staff experiences with the Paul Davis Partnership during the development of the site and construction of the FORA Office building; staff has found that the Paul Davis Partnership work is of good quality and is completed in a timely and professional manner. Staff believes that the Paul Davis Partnership is the only architectural firm that is reasonably available to

quickly execute these architectural services to comply with schedule detailed in the lease between the District and General Services Administration.

The proposal from the Paul Davis Partnership is for the design, permitting, and architectural construction services for a time and material not to exceed amount of \$230,644.

Staff has reviewed this estimate and found it to be within industry norms.

Total estimated cost of the architectural work, including a 10% allowance for contingency, is \$253,709.

CEQA Status: 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 approved Resolution No. 2012-77 to authorize the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park Building to House the Bureau of Land Management Regional Office. On April 1, 2013, the Board approved 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. On April 1, 2013, the Board approved Resolution No. 2013-26 to approve 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.

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: District Reserves (\$253,709): Marina Water Fund (\$71,039 – 28%), Marina Sewer Fund (\$20,297 – 8%), Ord Water Fund (\$126,854 – 50%) and Ord Sewer Fund (\$35,519 – 14%).

Material Included for Information/Consideration: Resolution No. 2013-30; Professional Services Agreement with Paul Davis Partnership, Inc; and Scope of Work.

Staff Recommendation: The Board of Directors authorize the General Manager to execute a Professional Services Agreement with the Paul Davis Partnership for architectural services for District owned property at 940 Second Ave, Marina CA to House the Bureau of Land Management Regional Offices.

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

April 15, 2013

Resolution No. 2012 - 30
Resolution of the Board of Directors
Marina Coast Water District

Authorize the General Manager to Execute a Professional Services Agreement with the Paul Davis Partnership for Architectural Services for District Owned Property at 940 Second Ave, Marina CA to House 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 15, 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, the Board of Directors authorized the 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; and,

WHEREAS, architectural services will be necessary to design and construct the building for the BLM; and,

WHEREAS, the Paul Davis Partership has been and continues to be the architect for the Imjin Office Park; and,

WHEREAS, staff has received a proposal from the Paul Davis Partnership for architectural services related to the design of the building and found the scope and price to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to execute a Professional Services Agreement with the Paul Davis Partnership for architectural services for District owned property at 940 Second Ave, Marina CA to House the Bureau of Land Management Regional Offices.

PASSED AND ADOPTED on April 15, 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. 2013-30 adopted April 15, 2013.

Brian Lee, Deputy Secretary

Marina Coast Water District
Staff Report

Agenda Item: 10-A

Meeting Date: April 15, 2013

Prepared By: Kelly Cadiente and Paul Lord

Reviewed By: Brian Lee

Subject: 1st Quarter 2013 Ord Community Water Consumption and Sewer Flow Reports

Summary: The Board of Directors is requested to receive the 1st Quarter 2013 Ord Community Water Consumption and Sewer Flow Report. Quarterly water consumption reports have been submitted to the Board since 2006. The quarterly consumption report contains the Ord Community water consumption data organized by land-use jurisdiction.

This staff report also includes tracking information on Ord Community sewer flows and available sewer capacity. Ord Community sanitary sewer flow for the 1st quarter of 2013 was 83.72-million-gallons which yield an average daily sewer flow of 0.93-million-gallons-per-day (MGD). The Ord Community's sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

The District maintains sewage conveyance capacity within the Ord Community equivalent to 3.3-MGD. The 3.3-MGD capacity managed by the District is further divided into 1.1-MGD for use by the US Army and 2.2-MGD for use by others in the Ord Community.

Below are informational annotations for the data included in the reports:

- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.
- "Army Facilities & Businesses - Ord" captures all uses not listed in the other Army categories.
- "Seaside Golf Course – Ord" consumption down due to meter not reading correctly. The meter register has since been replaced.
- The rainfall total for the quarter (January, February, March), was 1.81 inches. This amount of rainfall is significantly lower than the historical quarterly average rainfall of 9.49 inches.
- The measured reference evapotranspiration rate for this period was 6.62 inches, higher than the historical quarterly average figure of 6.11 inches.