



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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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, October 7, 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 Thursday, October 3, 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 October 21, 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)

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. Approve the Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013

B. Approve the Draft Minutes of the Regular Board Meeting of September 3, 2013

C. Approve the Draft Minutes of the Regular Board Meeting of September 16, 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. 2013-55 to Amend the Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors

Action: The Board of Directors will consider amending the policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors.

B. Consider Adoption of Resolution No. 2013-58 to Approve the Revised General Manager Job Description

Action: The Board of Directors will consider approving the second draft of the revised General Manager's job description.

- C. Receive District's Procedure for Tracking Proposition 218 Protest Letters, Provide Direction and Input to Staff in Preparation of Formalizing the Procedure into a District Policy; and, Consider Authorizing the Board President to Appoint up to Two Non-District Employee Observers to Review the District Staff's Work in Verifying and Counting Protests

Action: The Board of Directors will review the system for tracking Proposition 218 protests letters received by the District, provide direction to staff, and consider appointing up to two non-District employee observers for the protest verification process.

- D. Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Policy Manual

Action: The Board of Directors will discuss and consider amending Section 16 of the Board Procedures Manual.

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

- Correspondence Received by Board or General Manager
- Prop. 218 Process Progress Report

B. Counsel's Report

C. Committee and Board Liaison Reports

- | | |
|----------------------------------|-----------------------------------|
| 1. Water Conservation Commission | 6. LAFCO Liaison |
| 2. Joint City-District Committee | 7. FORA |
| 3. Executive Committee | 8. WWOC Report |
| 4. Community Outreach | 9. JPIA Liaison |
| 5. MRWPCA Board Member Liaison | 10. Special Districts Association |

11. Board Member Requests for Future Agenda Items

A. Board Member Requests

12. Director's Comments

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

*Regular Meeting: Monday, October 21, 2013, 6:45 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: October 7, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013
- B) Approve the Revised Draft Minutes of the Regular Board Meeting of September 3, 2013
- C) Approve the Draft Minutes of the Regular Board Meeting of September 16, 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: October 7, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013

Detailed Description: The Board of Directors is requested to approve the revised attached draft minutes of August 26, 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 August 26, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the August 26, 2013 adjourned 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: 8-B

Meeting Date: October 7, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Revised Draft Minutes of the Regular Board Meeting of September 3, 2013

Detailed Description: The Board of Directors is requested to approve the attached revised draft minutes of September 3, 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 September 3, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the September 3, 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: 8-C

Meeting Date: October 7, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of September 16, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of September 16, 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 September 16, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the September 16, 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: October 7, 2013

Submitted By: Jean Premutati
Reviewed By: Brian Lee

Presented By: Jean Premutati

Agenda Title: Consider Adoption of Resolution No. 2013-55 to Amend the Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors

Description: The Board is requested to approve the amended Policy for recruitment and selection of positions reporting directly to the Board of Directors.

At the August 19, 2013 regular meeting, the Board reviewed and discussed the current recruitment policy and directed staff to make revisions to include, at the Board's discretion, the use of an ad-hoc committee for candidate selection or an external recruitment firm. In addition, qualified internal candidates may be considered concurrently with external applicants. At the September 3, 2013 regular meeting the Board requested more changes and the second draft is included for approval.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the August 19, 2013 regular meeting, staff was directed to revise the policy for recruitment and selection of positions reporting directly to the Board of Directors. At the September 3, 2013 regular meeting, the Board directed staff to make additional changes.

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 No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2013-55; and, second draft policy for recruitment and selection of positions reporting directly to the Board of Directors

Staff Recommendation: The Board adopt Resolution No. 2013-55 to approve the second draft of the recruitment policy for positions reporting to the Board of Directors.

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 _____

October 7, 2013

Resolution No. 2013-55
Resolution of the Board of Directors
Marina Coast Water District
Amending the Policy for Recruitment and Selection of Positions
Reporting Directly to the Board of Directors

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 7, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District currently has a policy in place for the method(s) and procedure(s) of recruiting positions reporting directly to the Board of Directors. The current policy includes utilizing the services of an external recruiting firm; and,

WHEREAS, at the August 19, 2013 regular Board meeting, the Board directed staff to revise the Policy No. 2012-11 to include the use of ad-hoc committees and inclusion of internal and external candidates concurrently; and,

WHEREAS, at the September 3, 2013 regular Board meeting, the Board directed staff to make additional changes and the second draft is submitted for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby amend the policy for recruitment and selection of any position(s) that report directly to the Board of Directors.

PASSED AND AMENDED on October 7, 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 C. Lee, 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. 2013-55 adopted October 7, 2013.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: October 7, 2013

Submitted By: Jean Premutati
Reviewed By: Brian Lee

Presented By: Jean Premutati

Agenda Title: Consider Adoption of Resolution No. 2013-58 to Approve the Revised General Manager Job Description

Detailed Description: The Board of Directors is requested to approve the second draft of the revised General Manager position description.

At the August 19, 2013 regular meeting, the Board directed staff to provide a revised job description for the General Manager position. The Board reviewed the first draft of the position description at the September 3, 2013 meeting and requested additional revisions. Those changes have been incorporated into the second draft.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the August 19, 2013 regular meeting, staff was directed to provide the Board with a first draft. At the September 3, 2013 Board meeting the first draft was reviewed.

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 No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2013-58; and, second draft General Manager job description.

Staff Recommendation: The Board of Directors consider approving the revised General Manager job description.

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 _____

October 7, 2013

Resolution No. 2013-58
Resolution of the Board of Directors
Marina Coast Water District
Approving the Revised General Manager Job Description

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 7, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District presently has a job description for a General Manager classification. The position description is not current or consistent with all other job descriptions in the District; and,

WHEREAS, at the August 19, 2013 regular Board meeting, staff provided the job description to the Board for review; and,

WHEREAS, at the September 3, 2013 regular Board meeting, the Board directed staff to make additional changes and submit a second draft for review and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve Resolution No. 2013-58 approving the revised General Manager job description.

PASSED AND AMENDED on October 7, 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 C. Lee, 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. 2013-58 adopted October 7, 2013.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: October 7, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Brian C. Lee

Agenda Title: Receive District's Procedure for Tracking Proposition 218 Protest Letters, Provide Direction and Input to Staff in Preparation of Formalizing the Procedure into a District Policy, and Consider Authorizing the Board President to Appoint up to Two Non-District Employee Observers to Review the District Staff's Work in Verifying and Counting Protests

Detailed Description: The Board is requested to: (1) receive the District's procedure for tracking Prop 218 protest letters; (2) provide direction and input to District staff in preparation of formalizing the procedure into a District policy; and, (3) consider authorizing the Board President to appoint up to two non-District employee observers to review the District staff's work in verifying and counting protests.

On September 16, 2013 the Board requested staff to provide the District's current procedure for tracking Prop 218 protest letters to the Board at its next regular meeting. The current procedures are included in this agenda packet for the Board's review.

Once the Board provides direction on the procedure, staff will prepare a policy based on the Board's input and will bring it back to the Board for approval.

Environmental Review Compliance: None required.

Prior Committee or Board Action: September 16, 2013, the Board requested to review the current procedures used by staff to track Prop 218 protest letters.

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: District's current procedures for tracking Prop 218 protest letters.

Staff Recommendation: The Board of Directors is requested to: (1) receive the District's procedure for tracking Prop 218 protest letters; (2) provide direction and input to District staff in preparation of formalizing the procedure into a District policy; and, (3) consider authorizing the Board President to appoint up to two non-District employee observers to review the District staff's work in verifying and counting protests

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-D

Meeting Date: October 7, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Policy Manual

Detailed Description: The Board Policy Manual is not clear on how direction is provided to consultants answering directly to the Board (e.g. attorneys, auditors). Section 16 is clear regarding directing employees and consultants subordinate to the General Manager.

Staff is requesting that the Board consider amending the Board Policy Manual for clarification.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors last amended the Board Procedures Manual in November 2012. On September 16, 2013, the Board reviewed and made suggested changes to Section 16 of the Board Procedures Manual.

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 No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2013-57; Section 16 of the Board Procedures Manual; proposed revision to Section 16 of the Board Procedures Manual.

Staff Recommendation: The Board of Directors consider amending Section 16 of the Board Procedures Manual.

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 _____

October 7, 2013

Resolution No. 2013-57
Resolution of the Board of Directors
Marina Coast Water District to
Amend Section 16 of the Board Policy Manual

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 7, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the original Board Procedures Manual (BPM) was adopted on April 24, 2002 and was last revised on November 13, 2012; and,

WHEREAS, the BPM is a resource for directors, staff and the public that defines the roles, responsibilities and procedures of the Board; and,

WHEREAS, the Board Policy Manual is not clear on how direction is provided to consultants answering directly to the Board (e.g. attorneys, auditors), however, Section 16 is clear regarding directing employees and consultants subordinate to the General Manager. The suggested revisions to the BPM have been reviewed by legal counsel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the suggested revisions and updates to the Board Procedures Manual and directs staff to finalize the revisions.

PASSED AND ADOPTED October 7, 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 C. 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. 2013-57 adopted October 7, 2013.

Brian C. Lee, Deputy Secretary