



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: 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, November 4, 2013, **6:30 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 31, 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 November 18, 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)

- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: District Owned Armstrong Ranch Property
Negotiating Parties: Orradre and MCWD
Under Negotiation: Price and Terms

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. Presentation

- A. Receive a Presentation from Brent Ives, BHI Consulting, on the District's Draft Five-Year Strategic Plan and Provide Direction

9. 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. 2013-60 to Authorize the General Manager to Execute a Memorandum of Understanding between Monterey Regional Water Pollution Control Agency and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group

- B. Approve the Draft Minutes of the Regular Board Meeting of October 7, 2013

10. 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. 2013-59 to Approve an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project

Action: The Board of Directors will consider approving an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project.

- B. Consider Second Reading of Ordinance No. 56 Approving New District Rates, Fees & Charges for Marina Water and Wastewater

Action: The Board of Directors is asked to consider a second reading of Ordinance No. 56 approving new District rates, fees and charges for Marina water and wastewater. The Board of Directors will be asked to consider adopting Ordinance No. 56 on November 18, 2013 following a Prop. 218 process and public hearing.

- C. Provide Direction to MCWD's Interim General Manager Regarding an Access Agreement with Stanford University to Allow Crossing MCWD Property for Research Purposes

Action: The Board of Directors will consider providing direction regarding an access agreement with Stanford University to allow crossing MCWD property for research purposes.

- D. Consider Appointing Ad Hoc Committees of the District

Action: The Board of Directors will consider appointing Ad Hoc Communities to deal with RUWAP and Ag Land Trust issues as well as revising the Project and Planning, Operations and Maintenance Committee, and the Annexation Committee. Other Ad Hoc Committees may be considered.

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

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

- F. Hold Hearing and Consider Action on the Appeal of Personnel Disciplinary Action

Action: The Board of Directors will hold a hearing and consider whether to take action on the appeal of personnel disciplinary action under the Memorandums of Understanding between the District and the MCWD Employee Association.

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

- Correspondence Received by Board or General Manager

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 |

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, November 18, 2013, 6:30 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: November 4, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Receive a Presentation from Brent Ives, BHI Consulting, on the District's Draft Five-Year Strategic Plan and Provide Direction

Detailed Description: The Board of Directors is requested to receive a presentation from Brent Ives, BHI Consulting, on the District's draft five-year Strategic Plan and provide direction for a final draft.

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 Five-Year District Strategic Plan.

Staff Recommendation: The Board of Directors receive the presentation and provide direction for the final draft.

Action Required: ___Resolution ___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

Meeting Date: November 4, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-60 to Authorize the General Manager to Execute a Memorandum of Understanding between Monterey Regional Water Pollution Control Agency and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group
- B) Approve the Draft Minutes of the Regular Board Meeting of October 7, 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: 9-A

Meeting Date: November 4, 2013

Submitted By: James Derbin

Presented By: James Derbin

Reviewed By: Brian C. Lee

Agenda Title: Adopt Resolution No. 2013-60 to Authorize the General Manager to Execute a Memorandum of Understanding between Monterey Regional Water Pollution Control Agency and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group

Detailed Description: The Board of Directors is requested to authorize the General Manager to execute a Memorandum of Understanding (MOU) between Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District (MCWD) for MCWD's cost share for conducting of a public education program for the Southern Monterey Bay Dischargers Group. MCWD's proportional share of the cost is \$1,755.

The MCWD operation and maintenance of the wastewater collection system is regulated under State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ. Under this order, wastewater agencies in the state are required to have a Sanitary Sewer Management Plan (SSMP). One of the required elements of an SSMP is that each agency implement a public education outreach program about proper disposal of grease and fats.

This required outreach activity is cost-effectively done on a shared basis by a collective/regional group. One such group is the Southern Monterey Dischargers Group, which is composed of most of the wastewater agencies tributary to the MRWPCA plus California American Water, Pebble Beach Community Service District, and Carmel Area Wastewater District. MRWPCA initiated and funded a limited outreach program in FY 2003-2004 to assist member agencies in first year of compliance under a previous permit, California Regional Water Quality Control Board Waste Discharge Order No. R3-2002-0078. The regional group, including MCWD, has funded the program since FY 2004-2005.

In 2008, Regional Board Order R3-2002-0078 was rescinded and replaced with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (State Board Order No. 2006-003-DWQ). As the Statewide permit is virtually identical to that of the rescinded permit, the joint outreach program was continued.

Each participating agency has contributed a shared cost based on population of the communities served. MCWD has participated in the Southern Monterey Bay Dischargers Group outreach activities every year since FY 2004-2005. Staff recommends that MCWD continue their support of the Public Education Program for the Southern Monterey Bay Dischargers Group.

November 4, 2013

Resolution No. 2013 - 60
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manager to Execute a Memorandum of Understanding between Monterey Regional Water Pollution Control Agency and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 4, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, District operations and maintenance of the wastewater collection system is regulated under State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ; and,

WHEREAS, State Water Resources Control Board Statewide General Discharge Requirements Order No. 2006-0003-DWQ requires Marina Coast Water District to maintain a Sewer System Management Plan; and,

WHEREAS, an required element of the Marina Coast Water District Sewer System Management Plan is a public outreach campaign that promotes proper disposal of grease and fats; and,

WHEREAS, the District has participated in this cooperative Southern Monterey Bay Dischargers Group outreach program since FY 2004/2005; and,

WHEREAS, this State required outreach activity can be most cost-effectively done on a cost-shared basis with the Southern Monterey Bay Dischargers Group members; and,

WHEREAS, the District’s shared cost of this outreach program is \$1,755 for the FY 2013/2014; and,

WHEREAS, staff recommends continuing support of this collective outreach effort.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby Authorize the General Manager to execute a Memorandum of Understanding between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency for the District’s cost share of Conduction a Public Education Program for the Southern Monterey Bay Dischargers Group for a total dollar amount of \$1,755.

PASSED AND ADOPTED on November 4, 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. 2013-60 adopted November 4, 2013.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: November 4, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of October 7, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of October 7, 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 October 7, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the October 7, 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: 10-A

Meeting Date: November 4, 2013

Submitted By: Peter Spiro

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-59 to Approve an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project

Detailed Description: The Board of Directors is requested to approve a Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement (hereafter referred to as the Infrastructure Agreement) between MCWD and AMCAL Monterey Bay, LLC for the Promontory.

The Promontory is a student housing development of (3) four-story, purpose-built U-Shaped buildings that would house 174 one-, two-, three-, and four-bedroom dormitory units, of a total of 579 beds. Each building is surrounding a central courtyard and one of the buildings contains a leasing office, a community center with associated amenities. The project will also include outdoor activity venues such as a spa, barbeque areas, a basketball court, outdoor seating areas with fire pits, etc. Operation of the student dormitory would be managed by the California State University, Monterey Bay Residential Life department for use by enrolled students.

The Project is located within the former Fort Ord Army Base. The site was granted to the City of Marina by Fort Ord Reuse Authority for redevelopment purposes. AMCAL has been working closely with appropriate land use jurisdictions to plan this development. AMCAL has also reached an Affiliation Agreement with CSUMB to market and manage the property as well as an agreement to connect to the University's hot water and electrical infrastructure. The anticipated date of opening is around August 2015 for the 2015-16 school year. The project's anticipated water demand is estimated at 33.3 ac-ft, of which approximately 3.8 ac-ft will be used for landscape irrigation. The Project has received the necessary allocations from the City of Marina.

The infrastructure that will be dedicated to the District includes approximately 1,700 L.F. of potable water mains and appurtenances, 3,500 L.F. of sanitary sewer gravity and forcemain lines. The District will also receive a complete Sanitary Sewer Lift Station, including an ingress-egress easement for access and maintenance purposes

The enclosed draft Infrastructure Agreement is based on MCWD Board of Directors approved template dated June 17, 2013 with minor clarifications requested by the applicant and reviewed by the District Engineer.

Environmental Review Compliance: On May 21, 2013, Marina City Council adopted a Mitigated Negative Declaration of the Environmental Impact Report for this project.

Prior Committee or Board Action: On February 26, 2013, The Board of Directors adopted Resolution No. 2013-18 approving a variance request that waived the individual units metering requirement for this project. On October 21, 2013, the Board tabled this item.

Board Goals/Objectives: – *Objectives Goal No. 2 – To meet 100% of current and future customers’ needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: Yes No

Funding Source/Recap: An increase in Operation and Maintenance expenditures, an increase in monthly revenues and a \$1.32 million addition to MCWD assets.

Material Included for Information/Consideration: Resolution No. 2013-59; and, Infrastructure Agreement with Exhibits.

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2013-59.

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 _____

November 4, 2013

Resolution No. 2013-59
Resolution of the Board of Directors
Marina Coast Water District
Approving a Construction and Transfer of
Water, Sewer and Recycled Water Infrastructure Agreement between
the Marina Coast Water District and AMCAL Monterey Bay, LLC
for the Construction and Transfer of Water, Sewer and Recycled Water Improvements at The
Promontory, a CSUMB housing project in Marina, CA

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a meeting duly called and held on October 21, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District and AMCAL Monterey Bay, LLC are coordinating the design and the construction of the Promontory Project, located generally east of 6th Avenue, South of 8th and Imjin Road; and,

WHEREAS, The City of Marina City Council adopted Resolution No. 2013-86 allocating 33.29 ac-ft of water to the subject development, such allocation is deemed to be sufficient; and,

WHEREAS, the Board of Director has adopted the standard Infrastructure and Transfer Agreement pursuant to Resolution No. 2013-18; and,

WHEREAS, the Developer has agreed on complying with the District adopted agreement; and,

WHEREAS, all applicable Government Codes and Regulations will be followed throughout the various stages of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the Interim General Manager/District Engineer to sign the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and AMCAL Monterey Bay, LLC for the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB housing project, and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED November 4, 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. 2013-59 adopted November 4, 2013.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: November 4, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Brian C. Lee

Agenda Title: Consider Second Reading of Ordinance No. 56 to Adopt New District Rates, Fees and Charges for Marina Water and Wastewater for the Central Marina Service Area

Detailed Description: The Board is requested to conduct the second reading of Ordinance No. 56 as the next step to approving new water and wastewater rates, fees and charges for the Central Marina service area. Under the ordinance process for codifying rates fees and charges for Central Marina, the District is required to conduct first and second readings of the proposed ordinance, publish a summary of the ordinance in the local newspaper and set a public hearing date on the proposed change in rates, fees and charges.

On August 26, 2013, the Board approved the Five-Year Water and Wastewater Financial Plan and Rate Study. The approved Rate Study called for rate increases for FYs 2013/2014, 2014/2015, 2015/2016, 2016/2017 and 2017/2018 of the Central Marina and Ord Community service areas. The Board also approved a Prop 218 notification of proposed rate increases (mailed September 6, 2013) and set the public hearing date for Monday, October 21, 2013. On September 16, 2013, the Board approved a second Prop 218 notification of proposed rate increases for Central Marina only (mailed October 4, 2013) and changed Central Marina's Prop 218 public hearing date for Monday, November 18, 2013.

Prior Committee or Board Action: On August 26, 2013, the Board adopted Resolution No. 2013-53 approving the 2013 Five-Year Water and Wastewater Financial Plan and Rate Study. The Board also approved setting a public hearing date for capacity charges for Monday, October 21, 2013. On September 16, 2013, the Board approved a Prop 218 notification of proposed rate increases for Central Marina (mailed October 4, 2013) and set the Prop 218 public hearing date for Monday, November 18, 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: Ordinance No. 56.

Staff Recommendation: Conduct second reading of Ordinance No. 56 approving new water and wastewater rates, fees and charges for the Central Marina service area.

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: 10-C

Meeting Date: November 4, 2013

Submitted By: Brian True

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Provide Direction to MCWD's Interim General Manager Regarding an Access Agreement with Stanford University to Allow Crossing MCWD Property for Research Purposes

Detailed Description: The Board is requested to provide direction to MCWD's Interim General Manager regarding a proposed Access Agreement (attached) between Stanford University and MCWD that would allow Stanford researchers to cross MCWD's property to conduct scientific research.

The research involves the use of Electrical Resistivity Tomography (ERT) to map subsurface layers. The slides from an earlier effort, of much shorter length, is included to help explain what ERT is and is capable of in terms of discerning subsurface features (and even water qualities). This current effort will allow Stanford to acquire data along the entire coast of Monterey Bay, from Aptos to Sand City. Stanford University staff reports that they have permissions in-place from the groups that have jurisdiction over the majority of the beach (Monterey and Santa Cruz divisions of State Parks, Salinas River National Wildlife Refuge, Monterey Peninsula Regional Parks).

The research is proposed to take place over approximately two consecutive weeks in November 2013 (exact dates to be determined). During this data acquisition window, there would be about 5-people and 3-all-terrain-vehicles moving along the beach covering approximately 4-km of beach each day. As a result, the researchers anticipate being on MCWD property for less than a day; most likely for 4-to-6-hours. All the work on MCWD property will take place on the beach above the mean high tide line and, because they will be accessing the beach from the adjacent stretch of beach, no access to the actual MCWD office facilities at 11 Reservation Road is anticipated. The actual data acquisition includes inserting 12-to-24-inch stakes into the ground; the stakes are connected by cables that send electrical current into the ground. This has no permanent impact on the beach; all equipment is removed from the beach each night and no structures will be left in place.

Based on the information provided by Stanford University staff and the fact that the Access Agreement provides for the sharing of the results with MCWD, staff recommends that the Board pass a motion directing the Interim General Manager to execute the proposed Access Agreement.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan Goal No. 2 – To meet 100% of current and future customers’ needs and make timely improvements and increase the infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: _____Yes No

Funding Source/Recap: None

Material Included for Information/Consideration: Proposed Access Agreement; slides from a previous ERT effort.

Staff Recommendation: Direct the Interim General Manager to execute the proposed Access Agreement.

Action Required: _____Resolution 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: 10-D

Meeting Date: November 4, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Appointing Ad Hoc Committees of the Board

Detailed Description: This item was requested by Director Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: ___ Yes ___ **X** ___ No

Funding Source/Recap: None

Material Included for Information/Consideration: None.

Staff Recommendation: This is a Board requested item.

Action Required: ___ Resolution ___ 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: 10-E

Meeting Date: November 4, 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 Procedures Manual

Detailed Description: The Board Procedures 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 Procedures 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. On October 21, 2013, the Board asked this item to be returned on November 4, 2013.

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: Resolution No. 2013-57; Director Le's 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: ___ **X** ___ 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 _____

November 4, 2013

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

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on November 4, 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 BPM 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 November 4, 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 November 4, 2013.

Brian C. Lee, Deputy Secretary